

CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, October 3rd 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: 2482 010 6958

Attend by phone: **Personnel and Finance Committee 7:00 PM**: 1-844-992-4726 Meeting
Access Code: 2486 421 0621

Attend by phone **Safety and Public Works Committee 7:00 PM**: 1-844-992-4726 Meeting
Access Code: 2496 473 2395

Meeting is also televised on CTC Cable channel 8 and streamed live on
YouTube: www.youtube.com/CityOfBrainerdMN

1. Call To Order

2. Roll Call

____ K. Stunek ____ G. Johnson ____ W. Bieser ____ T. Stenglein

____ T. Erickson ____ M. O'Day ____ 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:

AUG 22 CITY PREPAIDS.pdf
100322 COUNCIL AP INV REGISTER.pdf

B. **Approval Of Minutes**

Documents:

2022-09-19 CC Draft.pdf

C. **Approval Of Licenses**

Contractor Licenses-

Documents:

20221003 Contractor Licenses.pdf

D. Department Activity Reports

Documents:

FD Report.pdf

CC - HR Directors Report October 2022 Mtg.pdf

PW Report.pdf

CA Report Agenda.pdf

E. Ratify The Hiring Of Tanner Josephson For Water Plant Relief Operator Position Effective November 1st, 2022, At Step 2

Documents:

CC - Ratify the Hiring of BPU Water Plant Relief Operator Tanner Josephson.pdf

F. Minnesota Lawful Gambling Premises Permit Application- Adopt Resolution To Allow Lawful Gambling By The Brainerd Snodeos At Jack's House Bowl, 300 Hwy 25, Brainerd MN

Documents:

RES xx_22 -Snodeos at Jacks House .pdf

6. Council Committee Reports

A. Personnel And Finance Committee 7:00PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2486 421 0621

Documents:

10-03 PF Agenda.pdf

1. Approve Change Order For Public Safety Cold Storage Building

Documents:

PF - Public Safety Cold Storage Building.pdf

2. Authorize Internal Job Posting For Transit Coordinator Position

Documents:

PF - Internal Job Posting for the Transit Coordinator Position.pdf

3. Clarification Of Step Placement For Chad Lardy's Street Maintenance III Promotion

Documents:

PF - Lardy Promotion Clarification.pdf

4. Adopt Resolution Authorizing The Execution Of Towards Zero Deaths (TZD) Grant Contract

Documents:

PF- Res- TZD Grant.pdf

5. Approve North Risk Partners As 2023 Health Insurance Broker

Documents:

PF - 2023 Health Insurance Broker Agreement.pdf

6. Consider Updating Financial Management Policies - Fund Balance

Documents:

PF - Fund Balance Policy.pdf

B. Safety And Public Works Committee 7:00 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2496 473 2395

Documents:

10-03 SPW Agenda.pdf

1. Approve Event/Street Closure Application - Shriner's Turkey Run

Documents:

SPW - Event Application - Shriners Turkey Run.pdf

2. Approve MnDNR Cooperative Agreement

Documents:

SPW - Approve Cooperative Agreement with MnDNR for Lum Park Boat Access.pdf

3. Approve NP Center Trail Project Final Settlement And Release

Agreement

Documents:

SPW - NP Center Trail Project Final Settlement .pdf

4. Approve Change Order 1 - Imp 19-02 - CLST Extension West Segment Project

Documents:

SPW -Change Order Imp 19-02 - CLST.pdf

5. Discussion On North 3rd Street Sidewalk

Documents:

SPW - Discussion on N. 3rd Street Sidewalk.pdf

6. Approve Downtown Snow Removal Bids

Documents:

SPW - Approve Downtown Snow Removal Bids.pdf

7. Direction On Active Code Enforcement Cases

Documents:

SPW -Active Code Enforcement.pdf

7. Unfinished Business

- A. **Adopt Ordinance 1536 An Ordinance Amending Chapters 1 & 2 Brainerd City Charter**

Documents:

MA - Charter Ordinance Chap 1 and 2 Agenda Request.pdf

- B. **Adopt Ordinance 1537 An Ordinance Amending Chapter 3 Brainerd City Charter**

Documents:

MA - Charter Ordinance PIF Agenda Request.pdf

- C. **Adopt Ordinance 1538 An Ordinance Amending Chapter 5 Brainerd City Charter**

Documents:

MA - Charter Ordinance Streets Agenda Request.pdf

D. Set Workshop For Discussion Of The Use Of Coronavirus State And Local Fiscal Recovery Funds (SLFRF)-Part Of American Rescue Plan Act (ARPA) Of 2021

Documents:

MA - ARPA Workshop.pdf

E. Appoint Library Liaison

F. Call For Applicants - Informational

(Application Information at www.ci.brainerd.mn.us/boards/)

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

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

Rental Dwelling License Board of Appeals – 2 terms (Expire 2022)

Library Board-- 1 term (Expire 2023)

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

Economic Development Authority (EDA) – 1 term (Expire 2028) 1 term (Expire 2026)

8. New Business

A. Consider Interim Use Permit For Outdoor Storage As A Principal Use At 1911 Thiesse Drive

Documents:

MA - IUP 1911 Thiesse Dr.pdf

B. Consider Interim Use Permit For Outdoor Storage As A Principal Use At 1918 Thiesse Drive

Documents:

MA - IUP 1918 Thiesse Dr.pdf

C. Consider Variance From Setback Standards For Guard Shack At 1911 Thiesse Drive

Documents:

MA - Variance 1911 Thiesse Dr.pdf

D. Consider Variance From Setback Standards For ADA Wheelchair Lift At 804 Oak Street

Documents:

MA - Variance 804 Oak St.pdf

E. Consider Variance For Boundary Line Adjustment At 3231 Oak Street

Documents:

MA - Variance 3231 Oak St.pdf

F. Consider Variance From Setback Standards For Duplex Construction At 515 South 9th Street

Documents:

MA - Variance 515 S 9th St.pdf

G. Consider Variance From Setback Standards And Height Standards For Garage Construction At 324 Woodland Hills Lane

Documents:

MA - Variance 324 Woodland Hills Ln.pdf

H. Discussion On Rules Of Decorum

Documents:

MA - Rules of Decorum.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 To Closed Session Pursuant To MN Statute 13D.03 To Discuss Labor Negotiation Strategy.

14. Adjourn To Closed Session Pursuant To MN Statute 13D.05 Subd. 3B For Attorney-Client Privilege To Discuss City Of Brainerd V. Carlson Pending Litigation

MISSION

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

09/22/2022 11:09 AM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 08/01/2022 - 08/31/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
JUL 22/FIRE DEPT							
72969	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	2,162.34	0.00	Paid	Y
	6/24/22-7/24/22 FIRE DEPT UTILITIES pziemer						08/19/2022
	225-2220-43381 BPU UTILITIES			1,563.98			
	225-2220-43381 BPU UTILITIES			598.36			
JUL 22/POLICE DEPT							
72970	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	3,279.68	0.00	Paid	Y
	6/24/22-7/24/22 POLICE DEPT UTILITIES pziemer						08/19/2022
	225-2120-43381 BPU UTILITIES			3,279.68			
JUL 22/LIBRARY							
72971	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	1,947.35	0.00	Paid	Y
	6/24/22-7/24/22 LIBRARY UTILITIES pziemer						08/19/2022
	211-5500-43381 BPU UTILITIES			1,947.35			
JUL 22/CITY							
72972	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	2,354.18	0.00	Paid	Y
	6/24/22-7/24/22 CITY UTILITIES pziemer						08/19/2022
	101-1940-43381 BPU UTILITIES			1,922.70			
	101-1940-43381 BPU UTILITIES			214.83			
	101-9200-43381 BPU UTILITIES			24.61			
	101-9200-43381 BPU UTILITIES			58.32			
	236-3180-43381 BPU UTILITIES			36.00			
	401-1003-43380 UTILITIES			97.72			
JUL 22/STREETS							
72973	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	23,759.81	0.00	Paid	Y
	6/24/22-7/24/22 STREET DEPT UTILITIES pziemer						08/19/2022
	235-3100-43381 BPU UTILITIES			23,759.81			
JUL 22/PARKS							
72974	BRAINERD PUBLIC UTILITIES	08/01/2022	08/19/2022	14,807.79	0.00	Paid	Y
	6/24/22-7/24/22 PARKS DEPT UTILITIES pziemer						08/19/2022
	230-5200-43381 BPU UTILITIES			14,067.77			
	230-5280-43380 UTILITIES			570.28			
	230-5280-43380 UTILITIES			48.23			
	230-5280-43380 UTILITIES			121.51			
28938587							
72946	CANON FINANCIAL SERVICE	08/01/2022	08/19/2022	77.97	0.00	Paid	Y
	8/1/22-8/31/22 LIBRARY COPIER pziemer						08/19/2022
	211-5505-43430 MISC - COPY MACHINE PYMTS			77.97			
0008065080822							
72978	CHARTER COMMUNICATIONS	08/08/2022	08/19/2022	46.80	0.00	Paid	Y
	8/8/22-9/7/22 PD BUSINESS TV pziemer						08/19/2022
	225-2120-43380 UTILITIES			46.80			
0280094081222							
72998	CHARTER COMMUNICATIONS	08/12/2022	08/19/2022	84.98	0.00	Paid	Y
	SPECTRUM REDUNDANT INTERNET 8/12/22- pziemer						08/19/2022

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	101-1800-43321 TELEPHONE			84.98			
21082384 72935	CONSOLIDATED TELEPHONE CO 8/12-9/11 AIRPORT PHONE/INTERNET 260-9020-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	646.27 646.27	0.00	Paid	Y 08/19/2022
21090087 72936	CONSOLIDATED TELEPHONE CO 8/12-9/11 CAMPGROUND WIFI 230-5280-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	208.15 208.15	0.00	Paid	Y 08/19/2022
21082637/IT 72937	CONSOLIDATED TELEPHONE CO IT PHONES/INTERNET 8/12-9/11/22 101-1800-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	1,110.69 1,110.69	0.00	Paid	Y 08/19/2022
21082637/ADMIN 72938	CONSOLIDATED TELEPHONE CO 8/12-9/11 ADMIN PHONES 101-1400-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	2.64 2.64	0.00	Paid	Y 08/19/2022
21082637/ENG 72939	CONSOLIDATED TELEPHONE CO 8/12-9/11 ENG PHONES 101-1700-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	0.42 0.42	0.00	Paid	Y 08/19/2022
21082637/COM DEV 72940	CONSOLIDATED TELEPHONE CO 8/12-9/11 COM DEV/CITY HALL 101-2400-43321 TELEPHONE 101-1940-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	64.36 10.30 54.06	0.00	Paid	Y 08/19/2022
21082637/TRANSIT 72941	CONSOLIDATED TELEPHONE CO 8/12-9/11 TRANSIT PHONES 203-9000-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	6.35 6.35	0.00	Paid	Y 08/19/2022
21082637/POLICE 72942	CONSOLIDATED TELEPHONE CO 8/12-9/11 POLICE PHONES/INTERNET 225-2120-43321 TELEPHONE 225-2120-43309 COMPUTER TECHNICAL SUPPORT	08/12/2022 pziemer	08/19/2022	143.44 124.69 18.75	0.00	Paid	Y 08/19/2022
21082637/FIRE DEPT 72943	CONSOLIDATED TELEPHONE CO 8/12-9/11 FIRE DEPT PHONE/INTERNET 225-2220-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	68.75 68.75	0.00	Paid	Y 08/19/2022
21082637/STREETS 72944	CONSOLIDATED TELEPHONE CO 8/12 - 9/11 STREET DEPT PHONES/INTERNET 235-3100-43321 TELEPHONE	08/12/2022 pziemer	08/19/2022	49.52 49.52	0.00	Paid	Y 08/19/2022

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21082637/PARKS							
72945	CONSOLIDATED TELEPHONE CO	08/12/2022	08/19/2022	49.53	0.00	Paid	Y
	8/12-9/11 PARKS PHONE/INTERNET	pziemer					08/19/2022
	230-5200-43321 TELEPHONE			49.53			
55435							
72959	ST. LOUIS MRO INC.	08/01/2022	08/19/2022	24.50	0.00	Paid	Y
	FD - POC PRE-EMPTY TESTING	pziemer					08/19/2022
	225-2220-43300 PROFESSIONAL SERVICES			24.50			
27X01389							
72947	WASTE PARTNERS INC	08/01/2022	08/19/2022	91.80	0.00	Paid	Y
	JUL 22 LIBRARY WASTE REMOVAL	pziemer					08/19/2022
	211-5500-43380 UTILITIES			91.80			
# of Invoices:	22	# Due:	0	Totals:	50,987.32	0.00	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:				50,987.32	0.00		

--- TOTALS BY GL DISTRIBUTION ---

101-1400-43321	TELEPHONE	2.64
101-1700-43321	TELEPHONE	0.42
101-1800-43321	TELEPHONE	1,195.67
101-1940-43321	TELEPHONE	54.06
101-1940-43381	BPU UTILITIES	2,137.53
101-2400-43321	TELEPHONE	10.30
101-9200-43381	BPU UTILITIES	82.93
203-9000-43321	TELEPHONE	6.35
211-5500-43380	UTILITIES	91.80
211-5500-43381	BPU UTILITIES	1,947.35
211-5505-43430	MISC - COPY MACHINE PYMTS	77.97
225-2120-43309	COMPUTER TECHNICAL SUPPORT	18.75
225-2120-43321	TELEPHONE	124.69
225-2120-43380	UTILITIES	46.80
225-2120-43381	BPU UTILITIES	3,279.68
225-2220-43300	PROFESSIONAL SERVICES	24.50
225-2220-43321	TELEPHONE	68.75
225-2220-43381	BPU UTILITIES	2,162.34
230-5200-43321	TELEPHONE	49.53
230-5200-43381	BPU UTILITIES	14,067.77
230-5280-43321	TELEPHONE	208.15
230-5280-43380	UTILITIES	740.02
235-3100-43321	TELEPHONE	49.52
235-3100-43381	BPU UTILITIES	23,759.81
236-3180-43381	BPU UTILITIES	36.00
260-9020-43321	TELEPHONE	646.27
401-1003-43380	UTILITIES	97.72

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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						
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			3,483.55	0.00		
	203 - TRANSIT FUND			6.35	0.00		
	211 - LIBRARY FUND			2,117.12	0.00		
	225 - PUBLIC SAFETY FUND			5,725.51	0.00		
	230 - PARK & RECREATION FUND			15,065.47	0.00		
	235 - STREET & SEWER FUND			23,809.33	0.00		
	236 - PARKING LOT FUND			36.00	0.00		
	260 - AIRPORT FUND			646.27	0.00		
	401 - CONSTRUCTION FUND			97.72	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	1003 - 10:03 DWNTWN MAIN CNTRACT			97.72	0.00		
	1400 - ADMINISTRATION			2.64	0.00		
	1700 - ENGINEERING			0.42	0.00		
	1800 - IT/GIS			1,195.67	0.00		
	1940 - CITY HALL			2,191.59	0.00		
	2120 - POLICE DEPARTMENT			3,469.92	0.00		
	2220 - FIRE DEPARTMENT			2,255.59	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			10.30	0.00		
	3100 - S & S MAINTENANCE			23,809.33	0.00		
	3180 - PARKING LOTS EXPENSE			36.00	0.00		
	5200 - PARK MAIN/ADMINISTRATION			14,117.30	0.00		
	5280 - CAMPGROUND			948.17	0.00		
	5500 - LIBRARY-BUDGETED			2,039.15	0.00		
	5505 - TAXABLE FEES			77.97	0.00		
	9000 - TRANSIT FUND			6.35	0.00		
	9020 - AIRPORT M & O			646.27	0.00		
	9200 - CITY-WIDE			82.93	0.00		

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
309253 73761	ACE HARDWARE SEWER TRUCK HAND SANITIZER 237-3190-42220	09/15/2022 pziemer	10/05/2022	3.59 3.59	3.59	Open	N 10/05/2022
309280 73776	ACE HARDWARE BLACK AND GREY SPRAY PAINT 235-3100-42220	09/16/2022 pziemer	10/05/2022	25.16 25.16	25.16	Open	N 10/05/2022
309273 73777	ACE HARDWARE FASTENERS RE-SUPPLY 235-3100-42220	09/16/2022 pziemer	10/05/2022	2.12 2.12	2.12	Open	N 10/05/2022
309311 73781	ACE HARDWARE FASTENERS 225-2120-42220	09/19/2022 pziemer	10/05/2022	5.10 5.10	5.10	Open	N 10/05/2022
309245 73803	ACE HARDWARE ROPE, GREAT STUFF, SHOP 230-5200-42220	09/15/2022 pziemer	10/05/2022	24.28 24.28	24.28	Open	N 10/05/2022
309270 73804	ACE HARDWARE KILZ PRIMER - COLLEGE DR BRIDGE 230-5200-42220	09/16/2022 pziemer	10/05/2022	23.48 23.48	23.48	Open	N 10/05/2022
309238 73817	ACE HARDWARE WIRE CUP BRUSH & FLAP DISC 225-2220-42210	09/15/2022 pziemer	10/05/2022	33.28 33.28	33.28	Open	N 10/05/2022
309432 73820	ACE HARDWARE VAC TRUCK PIPE FITTING 237-3190-42220	09/23/2022 pziemer	10/05/2022	6.29 6.29	6.29	Open	N 10/05/2022
309431 73821	ACE HARDWARE VAC TRUCK PIPE FITTINGS AND HOSE BIB 237-3190-42220	09/23/2022 pziemer	10/05/2022	26.96 26.96	26.96	Open	N 10/05/2022
309479 73843	ACE HARDWARE METAL POLISH 225-2220-42210	09/26/2022 pziemer	10/05/2022	5.39 5.39	5.39	Open	N 10/05/2022

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
309446 73844	ACE HARDWARE LIGHT BULB 225-2220-42210	09/23/2022 pziemer OPERATING SUPPLIES	10/05/2022	21.56 21.56	21.56	Open	N 10/05/2022
6574225680733 73763	ADVANCE AUTO PARTS TRACTOR 110 MOWER BELTS 235-3100-42220	09/13/2022 pziemer REPAIR & MAINT	10/05/2022	142.52 142.52	142.52	Open	N 10/05/2022
93317 73906	ALLEGRA HANDOUT - GETTING STARTED 211-5503-43430	09/13/2022 pziemer MISC - USE OF HOLDEN TRUST	10/05/2022	283.55 283.55	283.55	Open	N 10/05/2022
111903 73870	AMERICAN STEEL SUPPLY INC SHOP - SKID STEER HOOKS CUT OFF WHEEL 230-5200-42220	09/21/2022 pziemer REPAIR & MAINT	10/05/2022	26.81 26.81	26.81	Open	N 10/05/2022
08761662 73836	AMERICAN WELDING-GAS INC CYLINDER 235-3100-42220	09/01/2022 pziemer REPAIR & MAINT	10/05/2022	80.80 80.80	80.80	Open	N 10/05/2022
08803201 73945	AMERICAN WELDING-GAS INC BAND SAW BLADE 235-3100-42220	09/28/2022 pziemer REPAIR & MAINT	10/05/2022	86.97 86.97	86.97	Open	N 10/05/2022
2530052202 73775	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	09/15/2022 pziemer MISCELLANEOUS	10/05/2022	113.53 113.53	113.53	Open	N 10/05/2022
2530054750 73839	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	09/22/2022 pziemer MISCELLANEOUS	10/05/2022	81.70 81.70	81.70	Open	N 10/05/2022
30689 73799	ARROW MANAGEMENT 924 7TH AVE NE - MOWING ABATEMENT 101-2400-43405	09/21/2022 pziemer NUISANCES	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022
30690 73800	ARROW MANAGEMENT 408 2ND AVE NE - MOWING ABATEMENT 101-2400-43405	09/21/2022 pziemer NUISANCES	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022

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30691 73801	ARROW MANAGEMENT 1201 NORWOOD ST - MOWING ABATEMENT 101-2400-43405	09/21/2022 pziemer	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022
30692 73802	ARROW MANAGEMENT 1306 OAK ST - MOWING ABATEMENT 101-2400-43405	09/21/2022 pziemer	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022
INV-00150-A 73758	ASL INTERPRETING SERVICES INC INTERPRETING SERVICES 225-2120-43300	09/20/2022 pziemer	10/05/2022	52.25 52.25	52.25	Open	N 10/05/2022
P55129705 73782	BATTERIES PLUS 24 - AAA BATTERIES 225-2120-42210	09/19/2022 pziemer	10/05/2022	11.99 11.99	11.99	Open	N 10/05/2022
OCT 2022 73909	BRAINERD LAKES AREA DEV C OCT 22 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	09/28/2022 pziemer	10/05/2022	2,916.67 2,916.67	2,916.67	Open	N 10/05/2022
SEPT 22 COBRA 73788	BRAINERD PUBLIC UTILITIES REMIT SEPT 2022 COBRA 101-0000-22800	09/20/2022 pziemer	10/05/2022	76.20 76.20	76.20	Open	N 10/05/2022
AUG 22/LIBRARY 73806	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 LIBRARY UTILITIES 211-5500-43381	09/01/2022 pziemer	10/05/2022	2,194.31 2,194.31	2,194.31	Open	N 10/05/2022
AUG 22/FIRE DEPT 73807	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 FIRE DEPT UTILITIES 225-2220-43381 225-2220-43381	09/01/2022 pziemer	10/05/2022	2,135.81 1,484.48 651.33	2,135.81	Open	N 10/05/2022
AUG 22/CITY 73808	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 CITY UTILITIES 101-1940-43381 101-1940-43381 101-9200-43381 101-9200-43381 236-3180-43381 401-1003-43380	09/01/2022 pziemer	10/05/2022	2,473.69 1,880.32 375.24 24.61 59.91 36.00 97.61	2,473.69	Open	N 10/05/2022

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AUG 22/POLICE DEPT 73809	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 POLICE UTILITIES 225-2120-43381	09/01/2022 pziemer	10/05/2022	3,935.81 3,935.81	3,935.81	Open	N 10/05/2022
AUG 22/PARKS 73810	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 PARKS UTILITIES 230-5200-43381 230-5280-43380 230-5280-43380 230-5280-43380	09/01/2022 pziemer BPU UTILITIES UTILITIES UTILITIES UTILITIES	10/05/2022	13,227.74 12,473.20 569.49 49.12 135.93	13,227.74	Open	N 10/05/2022
AUG 22/STREETS 73811	BRAINERD PUBLIC UTILITIES 7/24/22-8/24/22 STREET DEPT UTILITIES 235-3100-43381	09/01/2022 pziemer	10/05/2022	23,808.53 23,808.53	23,808.53	Open	N 10/05/2022
15658770-00 73871	BROCK WHITE CO LLC DOUBLE NET STRAW WHITE 235-3100-42220	09/09/2022 pziemer	10/05/2022	45.22 45.22	45.22	Open	N 10/05/2022
29257603 73822	CANON FINANCIAL SERVICE 10/1/22-10/31/22 FD COPIER LEASE 225-2220-43331	09/22/2022 pziemer	10/05/2022	80.69 80.69	80.69	Open	N 10/05/2022
CP61945 73779	CDW GOVERNMENT, INC TONER - BLACK - STREETS 235-3100-42200	09/07/2022 pziemer	10/05/2022	198.33 198.33	198.33	Open	N 10/05/2022
55164 73172	CITIES DIGITAL LASERFICHE ANNUAL SUPPORT & UPDATES 101-1800-43309 101-0000-14100	08/10/2022 pziemer	10/05/2022	4,283.00 3,952.48 330.52	4,283.00	Open	N 10/05/2022
01308641 73841	CITY OF BRAINERD PD COLD STORAGE PERMIT 400-9050-45500-22:40	09/26/2022 pziemer	10/05/2022	85.00 85.00	85.00	Open	N 10/05/2022
TRX 120 - PD 73783	CUB FOODS - BRAINERD TRAINING SUPPLIES - STOP THE BLEEDING 225-2120-43330	09/14/2022 pziemer	10/05/2022	41.69 41.69	41.69	Open	N 10/05/2022
OCT 2022 73907	DESTINATION DOWNTOWN BRAINERD COALITION OCT 22 ECONOMIC DEVELOPMENT CONSULTING	09/28/2022 pziemer	10/05/2022	1,945.83	1,945.83	Open	N 10/05/2022

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	295-6510-43300	PROFESSIONAL SERVICES		1,945.83			
33544 73774	DIGITAL INK DESIGN & GRAPHICS GRAPHICS FOR PARKS VEHICLE 230-5200-42220	09/09/2022 pziemer REPAIR & MAINT	10/05/2022	275.50 275.50	275.50	Open	N 10/05/2022
13019 73780	DORHOLT TILE & HOME CTR CITY HALL BACK STAIRWELL TREAD REPAIR 101-1940-42220	09/12/2022 pziemer REPAIR & MAINT	10/05/2022	2,024.00 2,024.00	2,024.00	Open	N 10/05/2022
R101297 73795	EAST SIDE OIL COMPANY QTY 1.5 SFIL 227-3230-43428	09/15/2022 pziemer USED OIL RECYCLING EXPENSE	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022
4085 73787	ELEVATED SURFACE CLEANING CITY HALL WINDOW WASHING 101-1940-42220	09/19/2022 pziemer REPAIR & MAINT	10/05/2022	2,400.00 2,400.00	2,400.00	Open	N 10/05/2022
67611/CITYHALL 73846	ENVIROTECH OCT 22 CITY HALL JANITORIAL 101-1940-43300	09/27/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	1,890.71 1,890.71	1,890.71	Open	N 10/05/2022
67611/FIREDEPT 73847	ENVIROTECH OCT 22 FIRE DEPT JANITORIAL 225-2220-43300	09/27/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	254.95 254.95	254.95	Open	N 10/05/2022
67611/POLICEDEPT 73848	ENVIROTECH OCT 22 POLICE DEPT JANITORIAL 225-2120-43300	09/27/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	1,344.39 1,344.39	1,344.39	Open	N 10/05/2022
67611/STRTS 73849	ENVIROTECH OCT 22 STREET DEPT JANITORIAL 235-3100-43300	09/27/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	254.95 254.95	254.95	Open	N 10/05/2022
66828/CITY HALL 73946	ENVIROTECH JUNE 22 CITY HALL JANITORIAL 101-1940-43300	09/01/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	1,826.77 1,826.77	1,826.77	Open	N 10/05/2022
66828/FIRE DEPT 73947	ENVIROTECH JUNE 22 FIRE DEPT JANITORIAL 225-2220-43300	09/01/2022 pziemer PROFESSIONAL SERVICES	10/05/2022	246.33 246.33	246.33	Open	N 10/05/2022

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66828/POLICE DEPT 73948	ENVIROTECH JUNE 22 POLICE DEPT JANITORIAL 225-2120-43300	09/01/2022 pziemer	10/05/2022	1,298.93 1,298.93	1,298.93	Open	N 10/05/2022
66828/STREET DEPT 73949	ENVIROTECH JUNE 22 STREET DEPT JANITORIAL 235-3100-43300	09/01/2022 pziemer	10/05/2022	246.33 246.33	246.33	Open	N 10/05/2022
MNBAX256679 73823	FASTENAL COMPANY 14X10 TIMBER SCREW 400-9050-45530	09/14/2022 pziemer	10/05/2022	250.00 250.00	250.00	Open	N 10/05/2022
98871-1 73824	FORUM COMMUNICATIONS COMPANY NOH: LIBRARY BOARD MEMBER REMOVAL 211-5500-43430	09/06/2022 pziemer	10/05/2022	16.88 16.88	16.88	Open	N 10/05/2022
98822-1 73825	FORUM COMMUNICATIONS COMPANY ORD: 1536,1537,1536 AMEND CITY CHARTER 101-9200-43350	09/06/2022 pziemer	10/05/2022	22.96 22.96	22.96	Open	N 10/05/2022
100653-1 73826	FORUM COMMUNICATIONS COMPANY NOH: INTERIM USE VCV DIGITAL 101-2400-43350	09/10/2022 pziemer	10/05/2022	51.87 51.87	51.87	Open	N 10/05/2022
100635-1 73827	FORUM COMMUNICATIONS COMPANY NOH: INTERIM USE VCV DIGITAL 101-2400-43350	09/09/2022 pziemer	10/05/2022	51.87 51.87	51.87	Open	N 10/05/2022
100660-1 73828	FORUM COMMUNICATIONS COMPANY NOH: VARIANCE REQ - VCV DIGITAL SETBACK 101-2400-43350	09/09/2022 pziemer	10/05/2022	50.63 50.63	50.63	Open	N 10/05/2022
100628-1 73829	FORUM COMMUNICATIONS COMPANY NOH: VARIANCE REQ- LIBERTY GROUP 101-2400-43350	09/09/2022 pziemer	10/05/2022	68.75 68.75	68.75	Open	N 10/05/2022
100615-1 73830	FORUM COMMUNICATIONS COMPANY NOH: VARIANCE REQ - STANGLER 101-2400-43350	09/09/2022 pziemer	10/05/2022	51.87 51.87	51.87	Open	N 10/05/2022

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100605-1 73831	FORUM COMMUNICATIONS COMPANY NOH: VARIANCE REQ - ISD 181 101-2400-43350	09/09/2022 pziemer	10/05/2022	60.31 60.31	60.31	Open	N 10/05/2022
100649-1 73832	FORUM COMMUNICATIONS COMPANY NOH: VARIANCE REQ - HOWARD 101-2400-43350	09/09/2022 pziemer	10/05/2022	65.15 65.15	65.15	Open	N 10/05/2022
41496 73837	INDEPENDENT TESTING TECHNOLOGIES IMP 19-02 TESTING 401-1902-43300	09/15/2022 pziemer	10/05/2022	1,980.00 1,980.00	1,980.00	Open	N 10/05/2022
41495 73838	INDEPENDENT TESTING TECHNOLOGIES IMP 21-10 TESTING 401-9030-43300-21:10	09/15/2022 pziemer	10/05/2022	335.00 335.00	335.00	Open	N 10/05/2022
#BRD 2022-3 73815	ISD #181 BRAINERD PUBLIC SCHOOLS 3RD QTR 2022 PARKS & RECREATION PROG 230-5200-43300	09/22/2022 pziemer	10/05/2022	3,250.00 3,250.00	3,250.00	Open	N 10/05/2022
9/15/22 73940	KITCHIGAMI REGIONAL LIBRARY - CC 8/13/22-9/13/22 REMIT LIBRARY CC CHAF 211-0000-20800	09/15/2022 pziemer	10/05/2022	237.40 237.40	237.40	Open	N 10/05/2022
976061 73765	KNIFE RIVER CLASS 5 - CREDIT INVOICE 235-3125-42220	09/01/2022 pziemer	10/05/2022	(895.19) (895.19)	(895.19)	Open	N 10/05/2022
976059 73766	KNIFE RIVER CLASS 5 - REFUND BILLING ERROR 235-3125-42220	09/01/2022 pziemer	10/05/2022	(1,036.53) (1,036.53)	(1,036.53)	Open	N 10/05/2022
970668 73767	KNIFE RIVER CLASS 5 - ORIGINAL INVOICE 235-3125-42220	09/01/2022 pziemer	10/05/2022	1,036.53 1,036.53	1,036.53	Open	N 10/05/2022
970937 73768	KNIFE RIVER CLASS 5 - ORIGINAL INVOICE 235-3125-42220	09/01/2022 pziemer	10/05/2022	933.30 933.30	933.30	Open	N 10/05/2022

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976063 73769	KNIFE RIVER CLASS 5 - CREDIT 235-3125-42220	09/01/2022 pziemer	10/05/2022	(933.30) (933.30)	(933.30)	Open	N 10/05/2022
970675 73770	KNIFE RIVER CLASS 5 - ORIGINAL INVOICE 235-3125-42220	09/01/2022 pziemer	10/05/2022	895.19 895.19	895.19	Open	N 10/05/2022
976060 73771	KNIFE RIVER TRACTION SAND 235-3125-42220	09/01/2022 pziemer	10/05/2022	921.36 921.36	921.36	Open	N 10/05/2022
976064 73772	KNIFE RIVER TRACTION SAND 235-3125-42220	09/01/2022 pziemer	10/05/2022	829.60 829.60	829.60	Open	N 10/05/2022
976062 73773	KNIFE RIVER TRACTION SAND 235-3125-42220	09/01/2022 pziemer	10/05/2022	795.72 795.72	795.72	Open	N 10/05/2022
036704 73764	L & M STEEL FLAT STOCK STEEL FOR BRAINERD HISTORICAL 235-3100-42220	09/15/2022 pziemer	10/05/2022	12.90 12.90	12.90	Open	N 10/05/2022
036746 73790	L & M STEEL SNOW BLOWER WHEEL MOUNTING STEEL 235-3125-42220	09/20/2022 pziemer	10/05/2022	52.80 52.80	52.80	Open	N 10/05/2022
036750 73798	L & M STEEL MISC. SHOP STEEL 235-3100-42220	09/21/2022 pziemer	10/05/2022	32.64 32.64	32.64	Open	N 10/05/2022
036785 73876	L & M STEEL SNOWBLOWER WHEEL STEEL REINFORCEMENT 235-3125-42220	09/26/2022 pziemer	10/05/2022	8.34 8.34	8.34	Open	N 10/05/2022
20220927 #520 73872	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43300	09/27/2022 pziemer	10/05/2022	42.92 42.92	42.92	Open	N 10/05/2022

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20220913 #520 73873	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43300	09/13/2022 pziemer	10/05/2022	42.92 42.92	42.92	Open	N 10/05/2022
20220927 #522 73874	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS 101-1940-43410	09/27/2022 pziemer	10/05/2022	44.08 44.08	44.08	Open	N 10/05/2022
20220913 #522 73875	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS 101-1940-43410	09/13/2022 pziemer	10/05/2022	44.08 44.08	44.08	Open	N 10/05/2022
SEPTEMBER 2022 73813	LAKES AREA WILDLIFE CONTROL SEPT 22 ANIMAL CONTROL CONTRACT 225-2700-43300	09/22/2022 pziemer	10/05/2022	2,987.00 2,987.00	2,987.00	Open	N 10/05/2022
BFG21-0025 73885	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	6,000.00 6,000.00	6,000.00	Open	N 10/05/2022
BFG22-0008 73886	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	6,000.00 6,000.00	6,000.00	Open	N 10/05/2022
BFG22-0011 73887	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	6,000.00 6,000.00	6,000.00	Open	N 10/05/2022
BFG22-0017 73888	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	1,000.00 1,000.00	1,000.00	Open	N 10/05/2022
BFG22-0018 73889	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	1,000.00 1,000.00	1,000.00	Open	N 10/05/2022
BFG21-0018-1 73890	LEVEL CONTRACTING LLC BD Bond Refund 101-0000-20600	09/28/2022 pziemer	10/05/2022	3,000.00 3,000.00	3,000.00	Open	N 10/05/2022

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218316363492522 73840	LIND MASONRY AND CONSTRUCTION PD COLD STORAGE CONCRETE 400-9050-45500-22:40	09/25/2022 pziemer	10/05/2022	37,400.00 37,400.00	37,400.00	Open	N 10/05/2022
INV10371084 73814	MARCO CONFIGURE REDUNDANT INTERNET 101-1800-43300	09/19/2022 pziemer	10/05/2022	970.00 970.00	970.00	Open	N 10/05/2022
INV10388610 73911	MARCO MICROSOFT 365 8/16/22-9/15/22 101-1800-43309	09/23/2022 pziemer	10/05/2022	2,312.00 2,312.00	2,312.00	Open	N 10/05/2022
9/28/22 73941	MCCULLOUGH, JULIE PARKING FOR JM/MH DAY 1 OF CONFERENCE 225-2120-43330	09/28/2022 pziemer	10/05/2022	10.00 10.00	10.00	Open	N 10/05/2022
82800 73791	MENARDS VAC TRUCK RECHARGEABLE FLASHLIGHT 237-3190-42220	09/19/2022 pziemer	10/05/2022	44.99 44.99	44.99	Open	N 10/05/2022
280246 73805	MILLS MOTORS INC SQD 436 BRAKE KIT 225-2120-42221	09/22/2022 pziemer	10/05/2022	395.00 395.00	395.00	Open	N 10/05/2022
CM280246 73958	MILLS MOTORS INC CREDIT - SQD 436 BRAKE KIT RETURNED 225-2120-42221	09/28/2022 pziemer	10/05/2022	(395.00) (395.00)	(395.00)	Open	N 10/05/2022
P00015744 73797	MN DEPT OF TRANSPORTATION COLLEGE/QUINCE TRAFFIC SIGNAL REPAIRS 235-3100-42220	09/20/2022 pziemer	10/05/2022	334.90 334.90	334.90	Open	N 10/05/2022
1411001086 73784	MOTOROLA EVIDENCE LIBRARY STORAGE 224-2150-42210	09/17/2022 pziemer	10/05/2022	476.22 476.22	476.22	Open	N 10/05/2022
544264 73818	NAPA AUTO PARTS MIST & SHINE DETAILER, TIRE SHINE 225-2220-42210	09/20/2022 pziemer	10/05/2022	26.40 26.40	26.40	Open	N 10/05/2022

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PAY REQ 4 -STRTS							
73796	NOR-SON, INC. ST & SWR BLDG REMODEL 400-2001-45530	09/14/2022 pziemer	10/05/2022	17,237.75	17,237.75	Open	N 10/05/2022
		PYMTS TO CONTRACTORS		17,237.75			
50810 73816	NORTHLAND FIRE PROTECTION POLICE DEPT ANNUAL FIRE ALARM INSPECT 225-2120-43300	09/16/2022 pziemer	10/05/2022	1,015.00	1,015.00	Open	N 10/05/2022
		PROFESSIONAL SERVICES		1,015.00			
1117080-0 73793	OFFICE SHOP PEN REFILLS 230-5200-42200	09/19/2022 pziemer	10/05/2022	5.56	5.56	Open	N 10/05/2022
		OFFICE SUPPLIES		5.56			
1117080-1 73794	OFFICE SHOP PEN REFILLS 230-5200-42200	09/20/2022 pziemer	10/05/2022	27.80	27.80	Open	N 10/05/2022
		OFFICE SUPPLIES		27.80			
1117447-0 73904	OFFICE SHOP NOTES, PAPER CLIPS, MARKER, PENS - Cl 101-1940-42200	09/27/2022 pziemer	10/05/2022	34.76	34.76	Open	N 10/05/2022
		OFFICE SUPPLIES		34.76			
1117447-1 73905	OFFICE SHOP HIGHLIGHTERS - CITY HALL 101-1940-42200	09/28/2022 pziemer	10/05/2022	7.68	7.68	Open	N 10/05/2022
		OFFICE SUPPLIES		7.68			
9/23/22 73942	PERSONIUS, JAY SWAT TRAINING REIMBURSEMENTS 225-2220-43330	09/23/2022 pziemer	10/05/2022	163.10	163.10	Open	N 10/05/2022
		PROFESSIONAL DEVELOPMENT		163.10			
82814 73789	PIKE PLUMBING AND HEATING SPLASH PAD - ANNUAL BACKFLOW TESTING 230-5200-42220	09/14/2022 pziemer	10/05/2022	110.00	110.00	Open	N 10/05/2022
		REPAIR & MAINT		110.00			
3105734159 73850	PITNEY BOWES INC POSTAGE MACHINE 7/30/22-10/29/22 101-1940-43331	09/25/2022 pziemer	10/05/2022	398.82	398.82	Open	N 10/05/2022
		LEASE PAYMENTS		398.82			
465619 73253	RAILROAD MANAGEMENT COMPANY LIC#306913 12/1/22-11/30/23 238-3160-43430	08/23/2022 pziemer	10/05/2022	313.34	313.34	Open	N 10/05/2022
		MISCELLANEOUS		313.34			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
52 73762	SADUSKY RENOVATIONS INSPECTION SERVICES 9/1/22-9/2/22 101-2400-43300	09/15/2022 pziemer	10/05/2022	8,432.51 8,432.51	8,432.51	Open	N 10/05/2022
SEPTEMBER 2022							
73812	SEVERSON PORTER LAW SEPT 22 PROSECUTION AGREEMENT 225-2127-43310	09/22/2022 pziemer	10/05/2022	16,517.09 16,517.09	16,517.09	Open	N 10/05/2022
433352 73757	SHORT ELLIOTT HENDRICKSON IMP 20-07 BRD MN I&I SEWER STUDY 401-9030-43300-20:07	09/19/2022 pziemer	10/05/2022	5,177.88 5,177.88	5,177.88	Open	N 10/05/2022
428558-ADJ 73778	SHORT ELLIOTT HENDRICKSON IMP 20:07 - CORRECTION 401-9030-43300-20:07	09/01/2022 pziemer	10/05/2022	360.00 360.00	360.00	Open	N 10/05/2022
433055 73792	SHORT ELLIOTT HENDRICKSON IMP 19-02 NP CENTER/CUYUNA TRAIL 401-1902-43300	09/18/2022 pziemer	10/05/2022	27,495.31 27,495.31	27,495.31	Open	N 10/05/2022
55990 73845	ST. LOUIS MRO INC. BACKGROUND CHECKS - PD N. KARSNIA 225-2120-43300 101-9200-43300	09/01/2022 pziemer	10/05/2022	29.50 24.50 5.00	29.50	Open	N 10/05/2022
I1589753 73759	STREICHERS PROF EQUIP 727 - UNIFORM BELT 225-2120-41113	09/14/2022 pziemer	10/05/2022	74.99 74.99	74.99	Open	N 10/05/2022
CM293840 73943	STREICHERS PROF EQUIP CREDIT - 727 BELT 225-2120-41113	09/23/2022 pziemer	10/05/2022	(74.99) (74.99)	(74.99)	Open	N 10/05/2022
OCT 2022 73910	SWANSON HASKAMP CONSULTING OCT 22 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	09/28/2022 pziemer	10/05/2022	2,658.33 2,658.33	2,658.33	Open	N 10/05/2022
AUGUST 2022 73833	VISIT BRAINERD AUG 22 LODGING TAX REMIT 101-9200-43340	09/23/2022 pziemer	10/05/2022	5,993.55 5,993.55	5,993.55	Open	N 10/05/2022

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OCT 2022 73908	VISIT BRAINERD OCT 22 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	09/28/2022 pziemer	10/05/2022	2,937.50 2,937.50	2,937.50	Open	N 10/05/2022
2209-606907 73834	W W THOMPSON CONCRETE SPEEDCRETE FOR HISTORIC SIGN 235-3100-42220	09/23/2022 pziemer	10/05/2022	213.00 213.00	213.00	Open	N 10/05/2022
2209-606927 73835	W W THOMPSON CONCRETE SPEEDCRETE FOR HISTORIC SIGN 235-3100-42220	09/23/2022 pziemer	10/05/2022	106.50 106.50	106.50	Open	N 10/05/2022
046675 73785	WEST BRAINERD AUTO SERVICE SQD 432 - TOW 225-2120-42221	09/15/2022 pziemer	10/05/2022	20.00 20.00	20.00	Open	N 10/05/2022
046676 73786	WEST BRAINERD AUTO SERVICE TOW DUI CASE: 22012417 224-2150-42210	09/16/2022 pziemer	10/05/2022	40.00 40.00	40.00	Open	N 10/05/2022
044204 73842	WEST BRAINERD AUTO SERVICE TOW RE DUI CASE 22012853 224-2150-42210	09/25/2022 pziemer	10/05/2022	40.00 40.00	40.00	Open	N 10/05/2022
SI000231771 73819	ZIEGLER, INC TRUCK 108 DIAGNOSIS AND REPAIR 235-3100-42220	09/22/2022 pziemer	10/05/2022	330.14 330.14	330.14	Open	N 10/05/2022
PCard: 2257 U.S. BANK Card Holder: CITY HALL							
9/2/22 73854	AMAZON AMAZON AWS AUGUST 2022 101-1800-43309	09/02/2022 pziemer	10/05/2022	206.05 206.05	206.05	Open	N 10/05/2022
9/21/22 73856	AMAZON TRIPOD - STREET DEPT 237-3190-42220	09/21/2022 pziemer	10/05/2022	396.98 396.98	396.98	Open	N 10/05/2022
9/21/22 - 2 73865	AMAZON SAFETY HARNESS 237-3190-42220	09/21/2022 pziemer	10/05/2022	392.63 392.63	392.63	Open	N 10/05/2022

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: CITY HALL							
9/19/22 73866	AMAZON HEAVY DUTY CLUMP GRUBBER 230-5200-42220	09/19/2022 pziemer	10/05/2022	99.88 99.88	99.88	Open	N 10/05/2022
8/31/22 73867	AMERICAN PLANNING ASSOCIA APA MN 22 REGISTRATION - J. KRAMVIK 101-2400-43330	09/01/2022 pziemer	10/05/2022	333.55 333.55	333.55	Open	N 10/05/2022
9/23/22 73855	APWA-MN CHAPTER CONF. REGISTRATION - J. DEHN 101-1700-43330	09/23/2022 pziemer	10/05/2022	363.27 363.27	363.27	Open	N 10/05/2022
8/25/22 73859	BAUDVILLE 2022 WELLNESS AWARDS 278-6515-43430	09/01/2022 pziemer	10/05/2022	140.92 140.92	140.92	Open	N 10/05/2022
9/6/22 73857	BCA - MNJIS SECTION 2022 BCA CJIU CONF - L. TURKOWSKI 101-1800-43330	09/06/2022 pziemer	10/05/2022	275.00 275.00	275.00	Open	N 10/05/2022
9/01/22 73852	DELL MARKETING LP DELL SUPPORT - SEND LAPTOP IN FOR REIP 101-1800-42220	09/01/2022 pziemer	10/05/2022	59.00 59.00	59.00	Open	N 10/05/2022
9/23/22 73868	HOLIDAY INN APA CONF. STAY - J. KRAMVIK 101-2400-43330	09/23/2022 pziemer	10/05/2022	158.99 158.99	158.99	Open	N 10/05/2022
8/25/22 73851	JIMMY JOHN'S #989 AUG 2022 LNL - LUNCH 278-6515-43430	09/01/2022 pziemer	10/05/2022	911.21 911.21	911.21	Open	N 10/05/2022
9/18/22 73853	ZOOM VIDEO COMMUNICATIONS ZOOM 9/18/22-10/17/22 101-1800-43309	09/18/2022 pziemer	10/05/2022	29.98 29.98	29.98	Open	N 10/05/2022
Total PCard: 2257 U.S. BANK Card Holder: CITY HALL				3,367.46	3,367.46		

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PCard: 2257 U.S. BANK Card Holder: FIRE							
9/19/22 - 2 73880	AMAZON QTY 2 ANTIFREEZE 225-2220-42210	09/19/2022 pziemer	10/05/2022	28.00	28.00	Open	N 10/05/2022
	OPERATING SUPPLIES			28.00			
9/20/22 73881	AMAZON LAMINATOR MACHINE 225-2220-42200	09/20/2022 pziemer	10/05/2022	51.99	51.99	Open	N 10/05/2022
	OFFICE SUPPLIES			51.99			
9/28/22 73884	FIRESTORE ONLINE INC. QTY 2 LED HELMET TACTICAL LIGHTS/PAT(pziemer 225-2220-42250	09/28/2022 pziemer	10/05/2022	359.52	359.52	Open	N 10/05/2022
	PERSONAL PROTECTIVE GEAR			359.52			
8/31/22 73882	LOCK N LUBE ORIGINAL GREASE BUSTER 225-2220-42210	09/01/2022 pziemer	10/05/2022	77.63	77.63	Open	N 10/05/2022
	OPERATING SUPPLIES			77.63			
8/31/22 - 2 73883	LOCK N LUBE SALES TAX CREDIT FROM GREASEBUSTER P(pziemer 225-2220-42210	09/01/2022 pziemer	10/05/2022	(5.65)	(5.65)	Open	N 10/05/2022
	OPERATING SUPPLIES			(5.65)			
8/31/22 73877	MN FIRE SERVICE CERTIFICATION BOARD CREDIT COX, HOLMSTROM & KARGEL 225-2220-43330	09/01/2022 pziemer	10/05/2022	(100.00)	(100.00)	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT			(100.00)			
9/13/22 73878	MN FIRE SERVICE CERTIFICATION BOARD MFSCB BULK RECERTIFICATION BEESON KAIPziemer 225-2220-43330	09/13/2022 pziemer	10/05/2022	300.00	300.00	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT			300.00			
9/16/22 73879	MN FIRE SERVICE CERTIFICATION BOARD RECERTIFICATION CREDIT BEESON KALIS pziemer 225-2220-43330	09/16/2022 pziemer	10/05/2022	(150.00)	(150.00)	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT			(150.00)			
Total PCard: 2257 U.S. BANK Card Holder: FIRE				561.49	561.49		

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

8/26/22 73892	AMAZON SHEET PROTECTORS, SILICONE BANDS 211-5501-43430	09/01/2022 pziemer	10/05/2022	35.75 35.75	35.75	Open	N 10/05/2022
8/26/22 - 2 73893	AMAZON STAFF PLANNER CALENDAR 211-5500-42200	09/01/2022 pziemer	10/05/2022	12.29 12.29	12.29	Open	N 10/05/2022
9/6/22 73898	AMAZON CALENDAR, PLANNER FOR STAFF 211-5500-42200	09/06/2022 pziemer	10/05/2022	13.98 13.98	13.98	Open	N 10/05/2022
9/6/22 - 2 73899	AMAZON PLANNER, BOOK BIN LABELS, KIDS PRIZES 211-5501-43430	09/06/2022 pziemer	10/05/2022	50.31 50.31	50.31	Open	N 10/05/2022
8/30/22 73896	DYMAXION SCHEDULING SOFTWARE - ANNUAL RENEWAL 211-5503-43430	09/01/2022 pziemer	10/05/2022	168.00 168.00	168.00	Open	N 10/05/2022
9/4/22 73895	MAILCHIMP MONTHLY EMAIL SUBSCRIPTION 211-5503-43430	09/04/2022 pziemer	10/05/2022	34.00 34.00	34.00	Open	N 10/05/2022
8/25/22 73891	MENARDS LIGHTBULBS 211-5500-42220	09/01/2022 pziemer	10/05/2022	23.98 23.98	23.98	Open	N 10/05/2022
9/14/22 73897	PLUNKETT'S PEST CONTROL MONTHLY PEST CONTROL 211-5500-42220	09/14/2022 pziemer	10/05/2022	71.55 71.55	71.55	Open	N 10/05/2022
8/29/22 73894	STAPLES ADVANTAGE STAFF NAMETAG 211-5500-42200	09/01/2022 pziemer	10/05/2022	22.63 22.63	22.63	Open	N 10/05/2022
Total PCard: 2257 U.S. BANK Card Holder: LIBRARY				432.49	432.49		

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PCard: 2257 U.S. BANK Card Holder: PARKS							
8/25/22 73950	COSTCO CONCESSIONS - BUNS, WATER, SODA, HOT 230-5204-42210	09/01/2022 pziemer	10/05/2022	124.73	124.73	Open	N 10/05/2022
		OPERATING SUPPLIES		124.73			
8/26/22 73951	COSTCO CONCESSIONS-CHIPS ICE/SOFTBALL 230-5215-42210 230-5204-42210	09/01/2022 pziemer	10/05/2022	62.95	62.95	Open	N 10/05/2022
		OPERATING SUPPLIES		5.98			
		OPERATING SUPPLIES		56.97			
9/13/22 73952	COSTCO CONCESSIONS - BUNS 230-5204-42210	09/13/2022 pziemer	10/05/2022	14.76	14.76	Open	N 10/05/2022
		OPERATING SUPPLIES		14.76			
9/25/22 73953	COSTCO WELLNESS - BIOMETRIC SCREENINGS 278-6515-43430	09/25/2022 pziemer	10/05/2022	54.54	54.54	Open	N 10/05/2022
		MISCELLANEOUS		54.54			
Total PCard: 2257 U.S. BANK Card Holder: PARKS				256.98	256.98		

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PCard: 2257 U.S. BANK Card Holder: POLICE							
8/29/22 73915	AMAZON COMPRESSED AIR 225-2120-42220	09/01/2022 pziemer	10/05/2022	24.34 24.34	24.34	Open	N 10/05/2022
	REPAIR & MAINT						
8/29/22 - 2 73916	AMAZON EVIDENCE SHIPPING SUPPLIES/SHEET PRO 225-2120-42210	09/01/2022 pziemer	10/05/2022	30.66 15.98	30.66	Open	N 10/05/2022
	OPERATING SUPPLIES			14.68			
	225-2120-42200	OFFICE SUPPLIES					
8/29/22 - 3 73917	AMAZON EVIDENCE SHIPPING SUPPLIES 225-2120-42210	09/01/2022 pziemer	10/05/2022	35.50 35.50	35.50	Open	N 10/05/2022
	OPERATING SUPPLIES						
8/29/22 - 4 73918	AMAZON CLOROX WIPES 225-2120-42209	09/01/2022 pziemer	10/05/2022	68.47 68.47	68.47	Open	N 10/05/2022
	SAFETY EQUIPMENT SUPPLIES						
9/1/22 73921	AMAZON HALLOWEEN SAFETY EVENT SUPPLIES 225-2120-43305	09/01/2022 pziemer	10/05/2022	212.66 212.66	212.66	Open	N 10/05/2022
	CRIME PREVENTION PROGRAM						
9/21/22 - 3 73934	AMAZON LEAD REFILLS 225-2120-42200	09/21/2022 pziemer	10/05/2022	6.23 6.23	6.23	Open	N 10/05/2022
	OFFICE SUPPLIES						
9/21/22 - 4 73935	AMAZON PADFOLIO 225-2120-42200	09/21/2022 pziemer	10/05/2022	10.95 10.95	10.95	Open	N 10/05/2022
	OFFICE SUPPLIES						
9/21/22 - 5 73936	AMAZON EVIDENCE SUPPLIES 225-2120-42210	09/21/2022 pziemer	10/05/2022	31.99 31.99	31.99	Open	N 10/05/2022
	OPERATING SUPPLIES						
9/1/22 73922	BCA - MNJIS SECTION 714 - BASIC NARCOTICS INVESTIGATION 225-2120-43330	09/01/2022 pziemer	10/05/2022	375.00 375.00	375.00	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						
8/1/22 73923	BCA - MNJIS SECTION CREDIT - 707 - LEADERSHIP IN POLICE 225-2120-43330	09/01/2022 pziemer	10/05/2022	(995.00) (995.00)	(995.00)	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						

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PCard: 2257 U.S. BANK Card Holder: POLICE							
9/9/22 73929	COSTCO EMPLOYEE APPRECIATION LUNCHEON SUPPL 278-6515-43430	09/09/2022 pziemer	10/05/2022	50.07 50.07	50.07	Open	N 10/05/2022
	MISCELLANEOUS						
9/23/22 73938	COUNTRY INN & SUITES 715 - BASIC SWAT TRAINING 225-2120-43330	09/23/2022 pziemer	10/05/2022	432.48 432.48	432.48	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						
9/13/22 73944	COUNTRY INN & SUITES C. JENSEN - MNJIS BASIC TRNG 225-2120-43330	09/14/2022 pziemer	10/05/2022	154.99 154.99	154.99	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						
8/30/22 73920	DICK'S SPORTING GOODS BASKETBALL CAMP SUPPLIES 225-2120-42210	09/01/2022 pziemer	10/05/2022	173.91 173.91	173.91	Open	N 10/05/2022
	OPERATING SUPPLIES						
9/15/22 73931	DICK'S SPORTING GOODS BASKET BALL CAMP SUPPLIES 225-2120-42210	09/15/2022 pziemer	10/05/2022	534.58 534.58	534.58	Open	N 10/05/2022
	OPERATING SUPPLIES						
8/26/22 73913	FLEET FARM LAUNDRY DETERGENT 225-2120-42220	09/01/2022 pziemer	10/05/2022	22.99 22.99	22.99	Open	N 10/05/2022
	REPAIR & MAINT						
9/7/22 73927	MN STATE COLLEGES & UNIVERSITIES CREDIT - 705 HUMAN FACTOR/PPCT/THREAT 225-2120-43330	09/08/2022 pziemer	10/05/2022	(250.00) (250.00)	(250.00)	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						
8/26/22 73914	MRTC CRP CARD 225-2120-43330	09/01/2022 pziemer	10/05/2022	7.50 7.50	7.50	Open	N 10/05/2022
	PROFESSIONAL DEVELOPMENT						
8/29/22 73919	STREICHERS PROF EQUIP 719 - UNIFORM PANTS 225-2120-41113	09/01/2022 pziemer	10/05/2022	139.98 139.98	139.98	Open	N 10/05/2022
	UNIFORM ALLOWANCE						
9/1/22 73926	TRANSUNION RISK INVESTIGATIONS & PARKING TKT COLLECT 225-2120-42210	09/01/2022 pziemer	10/05/2022	75.00 75.00	75.00	Open	N 10/05/2022
	OPERATING SUPPLIES						

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8/25/22 73912	USPS POSTAGE 225-2120-43322	09/01/2022 pziemer	10/05/2022	4.50 4.50	4.50	Open	N 10/05/2022
9/6/22 73924	USPS POSTAGE 225-2120-43322	09/06/2022 pziemer	10/05/2022	14.50 14.50	14.50	Open	N 10/05/2022
9/7/22 73925	USPS 200 POSTAGE STAMPS 225-2120-43322	09/07/2022 pziemer	10/05/2022	120.00 120.00	120.00	Open	N 10/05/2022
9/8/22 73928	USPS POSTAGE 225-2120-43322	09/08/2022 pziemer	10/05/2022	4.50 4.50	4.50	Open	N 10/05/2022
9/9/22 73930	USPS POSTAGE 225-2120-43322	09/09/2022 pziemer	10/05/2022	11.65 11.65	11.65	Open	N 10/05/2022
9/15/22 73932	USPS POSTAGE 225-2120-43322	09/15/2022 pziemer	10/05/2022	4.60 4.60	4.60	Open	N 10/05/2022
9/20/22 73933	USPS POSTAGE 225-2120-43322	09/20/2022 pziemer	10/05/2022	5.10 5.10	5.10	Open	N 10/05/2022
9/21/22 73937	USPS POSTAGE 225-2120-43322	09/21/2022 pziemer	10/05/2022	9.25 9.25	9.25	Open	N 10/05/2022
9/23/22 73939	WALMART COMMUNITY/GECRB SHOE POLISH 225-2120-41113	09/23/2022 pziemer	10/05/2022	7.56 7.56	7.56	Open	N 10/05/2022
Total PCard: 2257 U.S. BANK Card Holder: POLICE				1,323.96	1,323.96		

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

9/14/22 73863	CASH WISE EMPLOYEE APPRECIATION - BEVERAGES 278-6515-43430	09/14/2022 pziemer	10/05/2022	28.05	28.05	Open	N 10/05/2022
	MISCELLANEOUS			28.05			
9/13/22 73861	CUB FOODS - BRAINERD EMPLOYEE APPRECIATION - FOOD 278-6515-43430	09/13/2022 pziemer	10/05/2022	1,201.90	1,201.90	Open	N 10/05/2022
	MISCELLANEOUS			1,201.90			
9/7/22 73862	CUB FOODS - BRAINERD EMPLOYEE APPRECIATION -INGREDIENTS 278-6515-43430	09/07/2022 pziemer	10/05/2022	72.93	72.93	Open	N 10/05/2022
	MISCELLANEOUS			72.93			
8/31/22 73858	HIRSHFIELD'S DECORATING STREET PAINT 235-3170-42210	09/01/2022 pziemer	10/05/2022	1,187.91	1,187.91	Open	N 10/05/2022
	OPERATING SUPPLIES			1,187.91			
9/14/22 73860	HOLIDAY STATIONSTORE BEVERAGES - EMPLOYEE APPREC. 278-6515-43430	09/14/2022 pziemer	10/05/2022	46.71	46.71	Open	N 10/05/2022
	MISCELLANEOUS			46.71			
8/25/22 73869	ICKLER TRACTOR 110 MOWER BEARING 235-3100-42220	09/01/2022 pziemer	10/05/2022	45.47	45.47	Open	N 10/05/2022
	REPAIR & MAINT			45.47			
9/7/22 73864	THE SMOKESTACK BBQ SUPPLY EMPLOYEE APPRECIATION - SEASONINGS/S 278-6515-43430	09/07/2022 pziemer	10/05/2022	85.84	85.84	Open	N 10/05/2022
	MISCELLANEOUS			85.84			

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

# of Invoices:	185	# Due:	185	Totals:	250,937.24	250,937.24
# of Credit Memos:	10	# Due:	10	Totals:	(4,835.66)	(4,835.66)
Net of Invoices and Credit Memos:					246,101.58	246,101.58

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	330.52
101-0000-20600	BFG21-0025	23,000.00
101-0000-22800	OTHER LIABILITIES	76.20
101-1700-43330	PROFESSIONAL DEVELOPMENT	363.27
101-1800-42220	REPAIR & MAINT	59.00
101-1800-43300	PROFESSIONAL SERVICES	970.00

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 10/03/2022 - 10/03/2022

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						
	101-1800-43309	COMPUTER SUPPORT		6,500.51			
	101-1800-43330	PROFESSIONAL DEVELOPMENT		275.00			
	101-1940-42200	OFFICE SUPPLIES		42.44			
	101-1940-42220	REPAIR & MAINT		4,424.00			
	101-1940-43300	PROFESSIONAL SERVICES		3,717.48			
	101-1940-43331	LEASE PAYMENTS		398.82			
	101-1940-43381	BPU UTILITIES		2,255.56			
	101-1940-43410	RENTAL EXPENSE		88.16			
	101-2400-43300	PROFESSIONAL SERVICES		8,432.51			
	101-2400-43330	PROFESSIONAL DEVELOPMENT		492.54			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		400.45			
	101-2400-43405	NUISANCES		300.00			
	101-9200-43300	PROFESSIONAL SERVICES		5.00			
	101-9200-43340	LODGING TAX REMIT/PR		5,993.55			
	101-9200-43350	LEGAL PUBLICATIONS		22.96			
	101-9200-43381	BPU UTILITIES		84.52			
	211-0000-20800	DUE TO OTHER GOVT UNITS		237.40			
	211-5500-42200	OFFICE SUPPLIES		48.90			
	211-5500-42220	REPAIR & MAINT		95.53			
	211-5500-43381	BPU UTILITIES		2,194.31			
	211-5500-43430	MISCELLANEOUS		16.88			
	211-5501-43430	MISC - SPECIFIED DONATION USE		86.06			
	211-5503-43430	MISC - USE OF HOLDEN TRUST		485.55			
	224-2150-42210	OPERATING SUPPLIES		556.22			
	225-2120-41113	UNIFORM ALLOWANCE		147.54			
	225-2120-42200	OFFICE SUPPLIES		31.86			
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		68.47			
	225-2120-42210	OPERATING SUPPLIES		878.95			
	225-2120-42220	REPAIR & MAINT		52.43			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		20.00			
	225-2120-43300	PROFESSIONAL SERVICES		3,820.91			
	225-2120-43305	CRIME PREVENTION PROGRAM		212.66			
	225-2120-43322	POSTAGE		174.10			
	225-2120-43330	PROFESSIONAL DEVELOPMENT		(223.34)			
	225-2120-43381	BPU UTILITIES		3,935.81			
	225-2127-43310	MISDEMEANOR PROSECUTOR		16,517.09			
	225-2220-42200	OFFICE SUPPLIES		51.99			
	225-2220-42210	OPERATING SUPPLIES		186.61			
	225-2220-42250	PERSONAL PROTECTIVE GEAR		359.52			
	225-2220-43300	PROFESSIONAL SERVICES		501.28			
	225-2220-43330	PROFESSIONAL DEVELOPMENT		213.10			
	225-2220-43331	LEASED PAYMENTS		80.69			
	225-2220-43381	BPU UTILITIES		2,135.81			
	225-2700-43300	PROFESSIONAL SERVICES		2,987.00			
	227-3230-43428	USED OIL RECYCLING EXPENSE		75.00			
	230-5200-42200	OFFICE SUPPLIES		33.36			
	230-5200-42220	REPAIR & MAINT		559.95			
	230-5200-43300	PROFESSIONAL SERVICES		3,250.00			
	230-5200-43381	BPU UTILITIES		12,473.20			
	230-5204-42210	OPERATING SUPPLIES		196.46			
	230-5215-42210	OPERATING SUPPLIES		5.98			
	230-5280-43380	UTILITIES		754.54			
	235-3100-42200	OFFICE SUPPLIES		198.33			
	235-3100-42220	REPAIR & MAINT		1,458.34			
	235-3100-43300	PROFESSIONAL SERVICES		501.28			
	235-3100-43381	BPU UTILITIES		23,808.53			
	235-3100-43430	MISCELLANEOUS		195.23			

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DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 10/03/2022 - 10/03/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 23/25

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	235-3125-42220	REPAIR & MAINT		2,607.82			
	235-3170-42210	OPERATING SUPPLIES		1,187.91			
	236-3180-43381	BPU UTILITIES		36.00			
	237-3190-42220	REPAIR & MAINT		871.44			
	238-3160-43430	MISCELLANEOUS		313.34			
	278-6515-43430	MISCELLANEOUS		2,592.17			
	295-6510-43300	PROFESSIONAL SERVICES		10,458.33			
	400-2001-45530	PYMTS TO CONTRACTORS		17,237.75			
	400-9050-45500-22:40	CAPITAL OUTLAY		37,485.00			
	400-9050-45530	CAPITAL - OTHER		250.00			
	401-1003-43380	UTILITIES		97.61			
	401-1902-43300	PROFESSIONAL SERVICES		29,475.31			
	401-9030-43300-20:07	PROFESSIONAL SERVICES		5,537.88			
	401-9030-43300-21:10	PROFESSIONAL SERVICES		335.00			

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 10/03/2022 - 10/03/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 24/25

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			58,232.49	58,232.49		
	211 - LIBRARY FUND			3,164.63	3,164.63		
	224 - DUI FORFEITURE			556.22	556.22		
	225 - PUBLIC SAFETY FUND			32,152.48	32,152.48		
	227 - RECYCLING FUND			75.00	75.00		
	230 - PARK & RECREATION FUND			17,273.49	17,273.49		
	235 - STREET & SEWER FUND			29,957.44	29,957.44		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			871.44	871.44		
	238 - STORM SEWER FUND			313.34	313.34		
	278 - HEALTHY EMPLOYE INITIATIVE			2,592.17	2,592.17		
	295 - EDA FUND			10,458.33	10,458.33		
	400 - CAPITAL PROJECTS FUND			54,972.75	54,972.75		
	401 - CONSTRUCTION FUND			35,445.80	35,445.80		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			23,644.12	23,644.12		
	1003 - 10:03 DWNTWN MAIN CNTRACT			97.61	97.61		
	1700 - ENGINEERING			363.27	363.27		
	1800 - IT/GIS			7,804.51	7,804.51		
	1902 - 19:02 CLST CONNECTION			29,475.31	29,475.31		
	1940 - CITY HALL			10,926.46	10,926.46		
	2001 - STREET REMODEL/ADDITION			17,237.75	17,237.75		
	2120 - POLICE DEPARTMENT			9,119.39	9,119.39		
	2127 - MISDEMEANOR PROSECUTOR			16,517.09	16,517.09		
	2150 - DUI FORFEITURE			556.22	556.22		
	2220 - FIRE DEPARTMENT			3,529.00	3,529.00		
	2400 - COMMUNITY DEVL/INSPECTION			9,625.50	9,625.50		
	2700 - ANIMAL CONTROL			2,987.00	2,987.00		
	3100 - S & S MAINTENANCE			26,161.71	26,161.71		
	3125 - SNOW REMOVAL			2,607.82	2,607.82		
	3160 - STORM SEWER EXPENSE			313.34	313.34		
	3170 - TRAFFIC CONTROL			1,187.91	1,187.91		
	3180 - PARKING LOTS EXPENSE			36.00	36.00		
	3190 - SANITARY SEWER EXPENSE			871.44	871.44		
	3230 - RECYCLING EXPENSE			75.00	75.00		
	5200 - PARK MAIN/ADMINISTRATION			16,316.51	16,316.51		
	5204 - CONCESSIONS			196.46	196.46		
	5215 - ADULT SOFTBALL			5.98	5.98		
	5280 - CAMPGROUND			754.54	754.54		
	5500 - LIBRARY-BUDGETED			2,355.62	2,355.62		
	5501 - SPECIFIED DONATION USE			86.06	86.06		

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DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD
EXP CHECK RUN DATES 10/03/2022 - 10/03/2022
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						
--- TOTALS BY DEPT/ACTIVITY ---							
	5503 - HOLDEN TRUST DONATION USE			485.55	485.55		
	6510 - ECONOMIC DEVELOPMENT AUTH			10,458.33	10,458.33		
	6515 - HEALTHY EMPLOYEE INITIATIVE			2,592.17	2,592.17		
	9030 - CONSTRUCTION PROJ-MISC			5,872.88	5,872.88		
	9050 - CAPITAL PROJECTS-MISC			37,735.00	37,735.00		
	9200 - CITY-WIDE			6,106.03	6,106.03		

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: Johnson, Bieser, Stenglein, Erickson, O'Day, and Bevans. Mayor Badeaux was noted as present. Member Stunek was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA MOVING EXISTING ITEM 7A AFTER THE CONSENT CALENDAR.

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

- A. Approval of Bills**
- B. Approval of Minutes of the Regular City Council Meeting held on September 6th, 2022**
- C. Approval of Licenses**
- D. Department Activity Report**
- E. Temporary On Sale Liquor License Application- Submitted by Crossing Arts Alliance for an Event to be held October 7th, 2022, at 711 Laurel Street, Brainerd, MN 56401**
- F. Temporary On Sale Liquor License Application- Submitted by Brainerd Jaycees for an Event to be held September 24th, 2022, Downtown Brainerd 6th Street and Front Street, Brainerd MN 56401**
- G. Minnesota Lawful Gambling Application for Exempt Permit- Submitted by Brainerd Amateur Hockey Association for an Event to be held on February 20, 2023, at 612 Station, 612 Front Street, Brainerd, MN 56401**

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

Consider Conditional Use Permit for Residential Recovery Facility at 2501 Greenwood Street

Community Development Director Kramvik stated that at the previous meeting this matter was voted on but there was no motion.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO APPROVE A CONDITIONAL USE PERMIT TO OPERATE A RESIDENTIAL ADDICTION RECOVERY FACILITY WITH OUTPATIENT SERVICES AT 2501 GREENWOOD ST. WITH THE CONDITION THAT ANY FUTURE DEVELOPMENT OF PARKING LOTS CONFORM TO THE RESIDENTIAL LIGHTING AND SCREENING STANDARDS.

Council Committee Reports

Personnel and Finance Committee

Approval of Ancillary 2023 Benefits

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE 2023 ANCILLARY BENEFITS AS PRESENTED INCLUDING SWITCHING TO CIGNA AS OUR DENTAL INSURANCE PROVIDER WITH AN ENHANCED \$1,250 ANNUAL MAXIMUM POLICY.

Approval of 2023 Health Insurance Renewal and Adopt Resolution Accepting New Bylaws

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT THE 3% HEALTH INSURANCE RENEWAL RATE FOR 2023 FROM SOURCEWELL/ THE BETTER HEALTH COLLECTIVE WITH THE INCREASED DEDUCTIBLES AS NOTED; FURTHER, TO AUTHORIZE STAFF TO NEGOTIATE A MOA WITH THE AFFECTED UNIONS TO OFFER AND ESTABLISH CONTRIBUTION RATES FOR NEW SMART PLAN #7 WITH A \$5,580 SINGLE DEDUCTIBLE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT A RESOLUTION APPROVING THE UPDATED MEMBERSHIP AGREEMENT AND BYLAWS OF THE BETTER HEALTH COLLECTIVE.

RESOLUTION 31:22

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

Authorize Staff to Begin Hiring Process for Public Works Department Administrative Specialist

Committee Chair Johnson stated that this position is to replace the Parks Administrative Specialist position when Ms. Finch retires.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE REVISED ADMINISTRATIVE SPECIALIST - GLOBAL JOB DESCRIPTION FOR THE PUBLIC WORKS DEPARTMENT AS PRESENTED; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THE ADMINISTRATIVE SPECIALIST - PUBLIC WORKS POSITION.

Authorization to Purchase Lease Accounting Software

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO EXPLORE AND BUDGET FOR THE POTENTIAL PURCHASE OF SOFTWARE TO ASSIST IN THE IMPLEMENTATION AND ONGOING NEEDS AND REPORTING REQUIREMENTS OF GASB 87 - ACCOUNTING FOR LEASES.

Consider Shared Services Agreement with the EDA

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO PRESENT THE DRAFT SHARED SERVICES

AGREEMENT TO THE EDA AT THEIR OCTOBER 6TH MEETING AND, IF AGREED TO BY THE EDA, ENTER INTO THE AGREEMENT.

Discussion of 2023 HRA Levy Request

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE HRA LEVY AT \$155,981 (.0185%) OF THE PREVIOUS YEARS ESTIMATED MARKED VALUE- THE MAXIMUM LEVY ALLOWED BY STATE STATUTE.

Safety and Public Works

Approve Event/ Street Closure Application- Skate Co Grand Opening

Committee Chair O'Day stated that there will be three events downtown for everyone to enjoy on September 24th.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITION THE APPLICANT REQUEST TRAFFIC CONTROL AS SOON AS POSSIBLE, ANY SIGNS ARE REMOVED AFTER EVENT CONCLUSION, AND AN INSURANCE CERTIFICATE IS SUBMITTED TO THE CITY PER THE PERMIT REQUIREMENTS BEFORE THE EVENT.

Approval of Hy-Tec Sign on Historic Water Tower

Committee Chair O'Day stated that the banner will be 4'x30' that will hang during the construction. It will hang on the east side of the tower.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE INSTALLATION OF THE HY-TEC SIGN DURING CONSTRUCTION WITH REMOVAL AFTER WORK HAS BEEN COMPLETED.

Approve CWC Customer Fuel Sales Agreement

Committee Chair O'Day stated that the agreement is a three-year agreement that includes 10% fee for administrative costs. It is still a better rate than market gas prices.

Member Johnson stated that he will be voting in favor of the motion, he thinks that the City should apply similar administrative costs to our partners to protect taxpayers.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE CROW WING COUNTY FUEL SALES AGREEMENT.

Approve Change Order 1- Improvement 20-07- Rotary Park Sewer Lining Project

Committee Chair O'Day stated that the contractor identified a segment of sewer that required additional significant material removal above and beyond the project scope.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE CHANGE ORDER #1 FOR A TOTAL AMOUNT OF \$20,400.00.

Review Classification of Non-Conservation Tax Forfeit Parcels

Committee Chair O'Day stated that the property can be held in conservation by the City if the City deems there is future public purpose for the parcel such as streets, trails, parks, etc. Staff does not see any future public purpose for the parcel listed, and the parcel would be better served sold to a private entity.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO CONCUR WITH THE NON-CONSERVATION STATUS OF PARCEL 41040624 SO THAT IT MAY BE PLACED ON THE COUNTY TAX FORFEIT LAND SALE.

Direction on Active Code Enforcement Cases

Committee Chair O'Day gave an overview of the properties, four of the properties were repeat reviews.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO FOLLOW STAFF RECOMMENDATIONS FOR EACH OF THE PROPERTIES.

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

Unfinished Business

Public Hearing for the Removal of Library Board Member

The Chair opened the public hearing at 7:47 p.m.

No one came forward

The Chair closed the public hearing at 7:48 p.m.

Member Johnson stated that he would be voting no due to the member not being able to have his case heard, he does not feel it right when it comes to our volunteer boards.

Member O'Day asked staff if anyone had gotten in contact with the member.

City Administrator Bergman stated that the Library Board and their Staff had tried several times in the last year to contact the member without reply.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO REMOVE THE LIBRARY BOARD MEMBER.

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

Adopt Resolution Setting the 2023 Preliminary Levy for the City of Brainerd and the Brainerd HRA and Set Budget Public Hearing

Finance Director Hillman gave an overview of the changes made to the budget since the budget workshop and possible ways to pay for the lawsuit.

Member Johnson stated that for the preliminary levy he is comfortable with 9.54% (\$6,852,566). However, he believes that more can be done to reduce the levy before the final levy in December.

Member O'Day stated that he would be voting no because he would be more comfortable around 8%. He does not believe the budget has been cut enough.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON TO ADOPT RESOLUTION SETTING THE PRELIMINARY LEVY FOR THE CITY OF BRAINERD AT \$6,852,566 AND THE LEVY FOR THE BRAINERD HRA AT \$155,981.

RESOLUTION 32:22

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO SET THE BUDGET PUBLIC HEARING FOR DECEMBER 12TH AT 7:30 P.M.

Final Reading- Proposed Ordinance 1536- Ordinance Amending Chapters 1 and 2 Brainerd City Charter

City Administrator Bergman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1536 AN ORDINANCE AMENDING CHAPTERS 1 AND 2 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND BIESER TO ADOPT PROPOSED ORDINANCE NO. 1536, AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1536

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

Final Reading- Proposed Ordinance 1537- Ordinance Amending Chapter 3 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1537 AN ORDINANCE AMENDING CHAPTER 3 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT PROPOSED ORDINANCE NO. 1537, AN ORDINANCE AMENDING CHAPTER 3 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1537

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

Final Reading- Proposed Ordinance 1538- Ordinance Amending Chapter 5 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1538 AN ORDINANCE AMENDING CHAPTER 5 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY TO ADOPT PROPOSED ORDINANCE NO. 1538, AN ORDINANCE AMENDING CHAPTERS 5 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1538

Upon roll call, Council Members Johnson, Bieser, Stenglein, Erickson, O'Day, 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/)

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)

New Business

Adopt Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment- 2022 Nuisance Abatement and Downtown Special Services District

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION IN WHICH DECLARES THE COST TO BE ASSESSED, ORDERS THE PREPARATION OF THE PROPOSED ASSESSMENT, AND SETS A PUBLIC HEARING ON THE PROPOSED ASSESSMENT FOR OCTOBER 17, 2022, AT 7:30 PM.

RESOLUTION 33:22

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

Public Forum

The Chair opened public forum at 8:07 p.m.

No one came forward.

The Chair closed public forum at 8:08 p.m.

Staff Reports

Community Development Director Kramvik stated that the Touch a Truck is taking place on September 24th downtown. He encouraged everyone to come out with their families to explore the City vehicles.

Human Resources Director Schubert thanked the Council again for allowing the City offices to close for the Employee Appreciation Event. The event was a success, and the food was delicious.

City Administrator Bergman thanked the Council as well for allowing the offices to close and for attending the Employee Appreciation Event. Finally the EDA subcommittee is reviewing the applications for the DEED Mainstreet Revitalization Grant, there was an overwhelming response to the application. The full EDA will review the applications on October 6th.

Mayor Report

Mayor Badeaux stated that the Touch a Truck event and the Flapjack Festival are both taking place this weekend.

Council Member Reports

Council Member Erickson stated that the Planning Commission is meeting on September 21st and the Northland Arboretum Board of Directors meets on September 22nd.

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(c)(3) to Discuss NP Center Trail Project Final Settlement and Release Agreement

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05 SUBD. 3(C)(3) TO DISCUSS NP CENTER TRAIL PROJECT FINAL SETTLEMENT AND RELEASE AGREEMENT.

The Chair adjourned to closed session at 8:10 p.m.

The Chair reconvened the session at 8:24 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:25 p.m.

Jennifer Bergman
City Administrator

AIRTECH HEATING & COOLING OF B

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
18092 STATE HIGHWAY	Plumbing Contractor	Active	PC745761	12/31/2023	2022-0037	12/31/2022

BODELL LANDSCAPE & EXCAVATIO

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
2481 WILDERNESS DR S	Excavator	Active			2022-0021	12/31/2022

Total Licensees2

Population: All Records
Licensee.Status = Active AND
Licensee.DateRegistered Between 9/16/2022 12:00:00 AM AND 9/29/2022 12:00:00 AM



Brainerd Fire Department Monthly Report September 2022

ACTIVITIES AND PUBLIC EDUCATION



In September we provided fire safety messages to Harrison School, Garrison School, Discovery Woods, Lowell Kindergarten, and a family day care. It is great to get out in the community and show the kids our equipment and share our fire safety message.



We once again honored the fallen heroes of 9/11 with a Memorial Stair Climb. It was great to come together as a public safety community to honor those that made the ultimate sacrifice on that day.



Firefighters participated in several community events, including The Bataan Death March, Downtown Brainerd Touch-a-Truck, and the Ace Hardware Community event.





Brainerd Fire Department Monthly Report

September 2022

TRAINING

We had a good month of training which included Fireground Operations, Hose Movement, Pumping, and Apparatus Placement. We also toured the Crow Wing County Jail to familiarize ourselves with the facility and develop and pre-plan in case on a fire incident there. Chief Holmes also attended AHIMT training in Sauk Rapids that focused on damage assessment, weather, and equipment updates.

INSPECTIONS

Construction Inspection	2
Fire Alarm	32
Fire Pump	3
Hood Suppression	19
Knox Box	1
Safety Inspection	1
Special Suppression	2
Sprinkler System	43

Join us as we celebrate the
150th Anniversary of
Brainerd Fire Department

Fire Prevention Open House

Thursday, October 13
5 to 7 pm
23 Laurel Street, Brainerd



**Fire
won't wait.
Plan your
escape.**

firepreventionweek.org
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Brainerd Fire Department Monthly Report September 2022

Brainerd Fire had the busiest third quarter in the history of the department and our 2nd busiest September on record.

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	Coverage Area Total Incidents (Includes City of Brainerd)
Fire	5
Rescue & Emergency Medical Service	8
Hazardous Condition	4
Service Calls	6
Good Intent Call	13
Alarm Activation	20
Severe Weather	0
TOTAL	56

Type of NFIRS Incident (National Fire Incident Reporting System)	City of Brainerd Total Incidents
Fire	4
Rescue & Emergency Medical Service	6
Hazardous Condition	2
Service Calls	2
Good Intent Call	7
Alarm Activation	10
Severe Weather	0
TOTAL	31





HR DIRECTOR REPORT

In this report:

- NeoGov
- Employee Policy Manual
- Union Negotiations
- Wellness Committee
- Personnel
- Special Notes

NeoGov

We have met with our Implementation consultant and went over the option to have new employees information automatically inputted to our payroll system. At this time IT is reviewing the benefits/need for this option.

Employee Policy Manual

On August 1st the City Council approved the revised Employee Policy Manual (EPM). All employees were asked to sign the updated EPM Acknowledgement Form. The timeframe noted is 10 days after receipt of the updated manual. We currently have 11 BPU employees that have not submitted their signed Acknowledgement Form. We have met with them to discuss their concerns.

Union Negotiations

We have three union contracts that are expiring on December 31, 2022. We have met with the IUOE Street and Parks Department Unions three times and twice with the IBEW Administrative Support Union. Staff continues to prepare and present updates to the Council requesting guidance how to proceed with negotiations. More negotiation sessions are scheduled for later this month.

Wellness Committee

Update on events/projects:

* Our 2022 Employee Appreciation Event took place on September 14th from 11:30 am to 1:00 pm at Lum Park with a lunch and awards. Thank you to all that attended! Special thanks to Commissioner O'Day who helped select this year's Innovation and Exceptional Service Award recipients.

-
- Biometric Screening Event was held September 28th with 30 employees participating.
- City Hall Water Bottle Filler Station was installed on September 6th and have already saved over 300 water bottles!
- Our Annual Flu Shot clinic is being organized.

Personnel

New Hires/Promotions for City/BPU/HRA:

Chad Lardy - Maint III/Sewer Lead(10/15)
Taylor Lokhorst - Street Maintenance I (10/3)

Farewell to:

Gary Thompson - Street Maint III/Sewer Lead(10/15)
Numerous Temporary/Seasonal Employees

Current Job Opportunities:

Full-time

Administrative Specialist-Public Works Dept. -
Application deadline is October 4th.
Park Maintenance - scheduling interviews.

Part-time:

Community Service Officer - scheduling interviews.

A conditional job offer was given to Tanner Josephson for the Water Plant Relief Operator position and he has completed most of the pre-employment hiring process. The final component is ratification of his hiring which will be included on the 9/27/22 BPU Commission agenda and then on the 10/3/22 City Council Consent Calendar. Tanner plans to start on November 1st.

There are currently seven City/BPU/HRA employees with Family & Medical Leave Act (FMLA) issues resulting in intermittent leave when needed. There is one employee absent at this time due to a work-related injury.

Special Notes

2023 is just around the corner and our 2023 Open Enrollment process is being organized. Benefit presentations will be held on October 24th with both an in-person and virtual meeting option. The sessions will also be recorded in case an employee would like to review/discuss the presentation/benefits at home.

Employees will have until November 7th to elect their 2023 benefits. Council/Commission 2023 health insurance election forms will be distributed in the near future.

Our 2021-2022 performance review period ended on August 31, 2022. Employees are completing their final performance review form for supervisor review. To comply with our revised Employee Policy Manual, City Administrator Bergman recently emailed BPU Commissioners for their input regarding the BPU Department Heads. Forms will also be provided to other City-appointed boards for a Department Head is the primary staff liaison for their input as well.

Staff attended a Region 5 Human Resources Networking meeting on September 29th at Sourcewell.



CITY ENGINEER/PUBLIC WORKS DIRECTOR REPORT SEPTEMBER 6, 2022 CITY COUNCIL MEETING

Recreation Report

Fall Adult Sports

Monday Adult Kickball: 10 teams
Tuesday Lower Men's Softball: 9 teams
Wednesday Upper Men's Softball: 6 teams
Thursday Coed Softball: 9 teams

Leagues kicked off in mid-August and are expected to wrap up in late September to early October.

YMCA Report

YMCA provided their report for summer activities in 2022. Overall, they reported an increase of 132 participants throughout the programming over 2021 (39%).

Special Events

The Last Dance of Summer occurred on August 27th. Due to several different variables (weather, long in duration, other special events occurring that day) it was not attended as heavily as anticipated. We learned a lot being it was our first time running a large-scale event and fitting several activities within one day. Total attendees including spectators was only about 200 people. Good news is several equipment purchases will be reused in the future for other special events. We will re-group and re-think this event for 2023.

The Great Pumpkin Festival is scheduled for October 15th from 1 p.m. to 4 p.m. Event will be held at Gregory Park as done previously. Some of the activities included will be pumpkin rolling races, sack races, three-legged races, wheelbarrow races, bouncy ball (hippity hoppity) races, pumpkin chalk coloring, gourd checkers and more. New this year is pumpkin judging from the pumpkin growing competition. We thank Baxter Wal-Mart and the Boys-N-Berries Farms for their donations to the event and continued support!

Parks Maintenance Report

Master Planning

The Park Board is scheduled to meet on September 6th to continue Parks Master Planning. It is anticipated that the Park Board will identify several priority projects at this planning session. Staff will prepare estimates of the projects and would intend to present those projects and estimates to the City Council in October for possible use of ARPA funds.

Mississippi Landing Trailhead Park Project

The contractor is continuing progress on construction including curb & gutter for East River Road, concrete slabs and foundations for the amphitheater, river outlook, and learning center. Retaining wall blocks for the tiered seating have been placed and continued prep of the area for topsoil and seeding. The next month is expected to see completion of the street construction and erection of building structures. The contractor has indicated that they continue to progress towards the contracted fall completion. Some turf establishment is not expected to be fully vegetated until the following spring in 2023.

Jaycees Park Improvements

The new playground has been put together and the existing swing set relocated to its new home. Parks staff has put together the new borders and Streets has been assisting with the project moving the new wood chips into place. Yet to occur is placement of the ice rink.

Kiwanis Park Improvements

The contractor is expecting to begin work after Labor Day with much of the work expected to be complete by late September. New doors are expected to have a 15 week lead time and installation may be delayed until December.

Maintenance Tasks Completed Month Prior

- Fixed basketball station for temporary use
- Constructing border timbers for JCP playground
- Spraying for bees at miscellaneous parks
- Mowed & trimmed N. 10th retaining pond fence line
- Finished border on new JCP playground
- Weeded planter and removed overgrowth on N. 6th
- Landscaping border at JCP
- Fixed timing issue at splash pad
- Put memorial brick in at splash pad
- Placed a mutt mitt container and sign at Triangle Park
- Cut and removed hazard branch at O'Brien Park
- Removed shrubs from N. 6th sidewalk
- Cut out large tree that took out pier on river at Kiwanis. Got it back floating level. Preparing & planning its removal from the river. DNR instructed not to help but to give advice
- Prepped for Ski Loons
- Prepped for Smiles on Sippi
- Removed graffiti from coll. Bridge
- Trimmed trees
- Removed some stumps
- Repaired Toro mower
- Repaired x-mark
- Getting estimates on field lights
- Planted memorial bush
- Hauled more fill to playground
- Cut rebar for border at JCP
- Got aggriylme for softball fields
- Getting evidence & estimates for police on vandalism cases
- Prepared Equinox for trade-in
- Ordered door stickers for vehicles
- Fixed broken board on pier at Lum Park
- Planted memorial tree, changed plaque and location due to vandalism
- Fixed vandalized kiosk at Lum Park
- Sprayed weeds in parking lot shop
- Watering trees

Streets Maintenance Report

Winter Season Prep

Street staff have been hauling sand for its salt/sand mixing for this winter.

Police Department Impound Lot

Street staff assisted with filling and rough grading of the lot in preparation for gravel base and paving operations.

Street & Parks Building Addition

Building and roof construction is generally completed. The approach aprons into the doors are expected soon. Followed shortly with electrical and mechanical installations. Garage door installation is still dependent on material delivery but is expected for early November. It is anticipated that the building will be ready for occupancy by the end of the year.

Maintenance Tasks Completed Month Prior

Many of the routine maintenance items were deferred from the storm damages seen earlier in the summer. Staff continues to progress with tasks as able to wrap up everything in preparation for winter prep and operations.

- Provided assistance during Primary Election
- Installed storm sewer culvert on Sugarberry
- Mowing in south Brainerd
- Repaired bearings in mower
- Grading on alleys
- Assisted with grading and wood chip placement at JCP
- Completed painting with available white paint (just received additional white paint to address school-area crosswalks)
- Patching on Oakridge Road
- Trimmed hanging branches from concern/report
- Assisted with tree removal for leaning trees nearby Lum Park entrance
- Continued sanitary sewer jetting
- Mowing and street sweeping to continue until completed
- Brushing and additional tree cleanup to take place this fall

Engineering Report

Improvement 19-02 – CLST Project

DeChantel is continuing to construct Laurel and SE 12th Streets. Most of the curb has been placed on these three blocks. Much of the retaining walls have been installed and trail segment graded. Staff would anticipate the project will continue to completion this fall. Staff is coordinating with Mr. Higgins on punch list items remaining on the NP Center segment of the project. Knife River is planning to begin some of this work after September 12th.

Improvement 22-07 – MLT Park Trailhead Project

Progress continues to move ahead on the Mississippi Landing Trailhead project. Curb for East River Road has been placed and preparations for paving continue. The contractor has recently completed much of the retaining wall work for the tiered seating along with the stairs in the amphitheater area. Precast concrete beams and columns are expected for mid-September which will have to be placed by crane. The contractor is continuing to progress in other areas to the extent possible. The restroom building is planned to begin foundation and block placement after Labor Day. CBI anticipates that the work will be complete by the contract end date this fall, however some of the turf establishment may not grow until spring 2023.

Improvement 22-04 – Large Patching Project

Anderson Brothers should be completing the remaining large patches before the Labor Day weekend.

Improvement 21-15 – Buffalo Hills Gully Erosion Project

Crow Wing Soil & Water assisted the City with submission of the MN BWSR Clean Water Fund grant application. Staff is optimistic that the grant request will be awarded and construction may take place in 2023.

MS4 Permit/SWPPP Update

Staff recently met with HR Green to discuss status with the updated SWPPP documents for the City's recent MS4 permit reissuance. HR Green is still coordinating with the City of Baxter staff to complete their remaining portions of the shared work. Once complete, staff would present the final proposed SWPPP document to Council.

TH 371B/S. 6th Street Reconstruction Project

The fence has been installed and retaining wall has been painted on the east side of S. 6th Street. MnDOT will be continuing to topsoiling and finishing the area behind the retaining wall. Much of the gravel base has been placed on 371B and grading occurring on Greenwood Street. Signal poles may soon be removed temporarily to allow for utility conduits to be installed. Stop signs will be installed until new poles and signals can be installed. Currently, the poles are expected to arrive in November.

TH 210/Washington Street Reconstruction Project

MnDOT and SEH held two public open house sessions on August 31st. One for businesses along the corridor and one for the general public. They received several comments regarding different features of the corridor layout as presented. They indicated that the virtual open house is still open until September 12th and would like to continue collecting feedback from the public until that time. Their intention would be to recap with the City's PMT groups to report on the comments collected and steps moving forward. MnDOT is continuing their aim of obtaining Municipal Consent this fall to move into design in 2023.

Transit Report

New Staffing

Andy Stone recently retired with his last day on August 22nd after many years of great service to the Transit program. Crystal Gauthier has been appointed as the acting Transit Coordinator. She has been excited for the opportunity and continues to make progress understanding her current role better moving forward.

RouteMatch Update

The last Public Works update in May referred to the recent acquisition of RouteMatch by Uber. Since that time (July 6th), Uber has sold RouteMatch to Modaxo's TripSpark transit business. The software continues to run smoothly and help desk response times have been prompt and courteous.

Tablet Replacement

New tablets that were ordered earlier in 2022 have arrived. The bus tablets are used for driver routing. Age was an issue with the tablets but also RouteMatch software has gone through a couple changes with recent ownership changes.

MnDOT Operating Agreement

During the budget process, staff provided a total of operating expenses which is approximately \$195,000 greater than what was awarded through MnDOT. A collection of factors led to this difference including:

- MnDOT increasing the award only 2% over 2021
- Increased costs of change to new 3rd Party Contractor, Blue Sky
- Increased costs due to higher inflation including fuels and maintenance

Staff is continuing to review current expenditures verses projected for 2022 to determine actions and/or changes, if any, to propose in 2022, as well as 2023 moving forward.

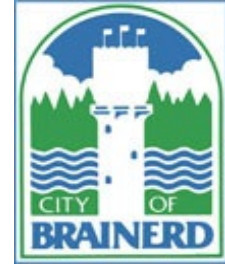
New Crow Wing County Fuel Agreement

In the past, Transit has purchased fuel through Crow Wing County using their bulk discounts. They are proposing a 3-year agreement that includes a new 10% overhead fee to cover administrative costs, maintenance to the fuel system, and testing compliance fees. The Transportation Advisory Committee took this agreement under discussion in August and staff will be discussing the agreement with CWC further.

Other Activities

- Memorandum of Understanding with St. Francis Catholic School sent to school administration.
- Presented Transit program information to CLC OSP students.
- Coordination with 3rd Party Contractor on their hiring of new dispatching staff.
- Continued transit marketing and increasing social media presence.

MEMO



TO: Mayor and City Council

FROM: City Administrator, Jennifer Bergman

DATE: September 29, 2022

RE: City Administrator Report

DEED Main Street Revitalization Program

The Minnesota Department of Employment and Economic Development (DEED) is overseeing the Main Street Revitalization Program approved by the Minnesota Legislature in 2021. The Initiative Foundation (IF) was awarded \$4.5 million for Main Street Revitalization efforts throughout the region. The Initiative Foundation (IF) allocated \$765,600 to Brainerd to be used in the River to Rail Corridor and asked the Brainerd Economic Development Authority (EDA) to make recommendations on funding requests in Brainerd to the Initiative Foundation for final approval. BLAEDC administered the grant on behalf of the IF.

We received 44 applications for \$3.1 million totaling over \$25 million worth of projects. The EDA Chair appointed a 5-member subcommittee to review, score and rank applications. Those members were: Bruce Buxton, Mary Devine-Johnson, Mayor Dave Badeaux, Kevin Yeager and Gabe Johnson.

The EDA Board will consider the recommendations at their October 6th meeting and will forward their recommendations to the IF for funding.

BPU Commission Meeting

I attended the BPU Commission meeting on September 27th (see attached agenda). The Commission considered the City's request of an interfund loan for the lawsuit settlement. There is a consensus among the Commissioners to consider an interfund loan of up to \$1 million and asked that the City bring back a formal request when the terms of the settlement agreement have been finalized. The Commission also discussed reviving the Waste Water Treatment Board which will be comprised of 2 Brainerd Council members, 2 Baxter Council members and 1 BPU Commissioner.

Performance Evaluations

I have scheduled performance evaluations with all department heads and will be completing my framework and evaluation for the Council to be conducted in November.



BRAINERD PUBLIC UTILITIES

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Business Office: 218.829.8726 ■ **Repair Service:** 218.829.2193

www.bpu.org

BRAINERD PUBLIC UTILITIES

AGENDA FOR REGULAR MONTHLY OF SEPTEMBER 27, 2022

9:00 AM, COMMISSION ROOM, BPU SERVICE CENTER, 8027 HIGHLAND SCENIC ROAD

1. Call to Order
2. Roll Call – Angland ____, Johnson ____, Matten ____, Wussow ____, O'Day ____
3. Pledge of Allegiance
4. Consent Agenda
 - A. Approval of minutes for regular monthly meeting of August 30, 2022
 - B. Approval of the current month's bills
 - C. Approval of agenda

Recommended Action: Roll call motion to approve consent agenda items A, B, and C.

5. Public Forum – Time allocated for customers to bring matters not on the agenda to the attention of the Commission – Time limits may be imposed.
6. Commission Committee Reports
 - A. Human Resource
 - B. Finance
7. Unfinished Business
 - A.
8. New Business
 - A. Approve pay request No. 10 received from Magney Construction for \$349,039.55 for water tank storage project.
 - B. Recommend to City Council the hiring of Tanner Josephson as a Water Plant Relief Operator effective November 1, 2022, at Step 2 (\$30.60 per hour).
 - C. \$1 million loan to City and related terms.
9. Reports
 - A. City Administrator
 - B. City Council Liaison
 - C. Finance Director
 - D. Superintendent
 - E. Commission Members – Future Agenda Items
10. Adjourn to closed session pursuant to M.S. Section 13D.05, Subd. 3(c)3 to consider or develop offers or counteroffers for the purchase of Amjet property located at the hydroelectric plant.
11. Adjourn: Motion _____, Second - _____.



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Ratify the Hiring of BPU Water Plant Relief Operator Tanner Josephson

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert & Scott Magnuson	Department: Human Resources/BPU
Presenter (Name & Title): Kris Schubert, HR Director	Estimated Time Needed: 2 minutes
Summary of Issue: We received 14 applications for the BPU Water Plant Relief Operator position and conducted 4 interviews. BPU has chosen to hire Tanner Josephson for the BPU Water Plant Relief Operator position. Tanner will start on Tuesday November 1, 2022, at Step 2 (\$30.60 per hour) of the 2022 Water Plant Relief Operator IBEW Wage Grid.	
Alternatives, Options, Effects on Others/Comments: The BPU Commission, at its September 27, 2022, meeting, recommended to ratify hiring Tanner Josephson. With that action, this item is being placed on the consent calendar for Council approval.	
Recommended Action/Motion: n/a - consent calendar item	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This position was included in the 2022 budget.	

R E S O L U T I O N
NO. Xx:22

**RESOLUTION APPROVING MINNESOTA LAWFUL
GAMBLING PREMISE PERMIT**

WHEREAS, the Brainerd Snodeos has applied for State of Minnesota Gambling Control Board Premises Permit Application for lawful gambling to be conducted at Jack's House Bowl, 300 Hwy 25, Brainerd, MN 56401.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brainerd that the premise permit as requested by the Baxter Snowmobile Club is hereby approved.

Adopted this 3rd day of October, 2022

KELLY BEVANS
President of the Council

Approved this 4th day of October, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

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

October 3, 2022

7:00 PM

2nd Floor Conference Room WebEx Teleconference

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

Access Code: 2486 421 0621

1. Approve Change Order Public Safety Cold Storage Building
2. Authorize Internal Job Posting for Transit Coordinator Position
3. Clarification of Step Placement for Chad Lardy's Street Maintenance III Promotion
4. Adopt Resolution Authorizing the Execution of Towards Zero Deaths (TZD) Grant Contract
5. Approve North Risk Partners as 2023 Health Insurance Broker
6. Consider Updating Financial Management Policies- Fund Balance



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve Change Order for Public Safety Cold Storage Building

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Public Works
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Attached is a quote to change one exterior wall of the planned PD Cold Storage Building to replace steel panels with Nichiah panels.	
Alternatives, Options, Effects on Others/Comments: On February 22, 2022, Council awarded the project to Lind Construction in the amount of \$171,050. Total budgeted amount for the project was \$205,000. \$3,500 has also been paid to date for engineering and design. In the building permit review, it was determined that, to meet current zoning requirements for this location, the street-facing wall must be sided no more than 50% with steel panels. This was not included in the original drawings. Lind has provided a quote of \$13,846 to replace 50% of the south wall with Nichiah panels. It has been indicated that the panels are only a 10-day lead time so the change should not significantly delay the project completion.	
Recommended Action/Motion: Staff recommends approval of the quote for the Nichiah panels as presented.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 13,846 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> If approved, there will be \$16,604 remaining in the budget for this project.	

Lind Masonry And Construction
2523 River Glen Lane SW
Pillager Mn 56473
Ph#218-232-8743

QUOTE

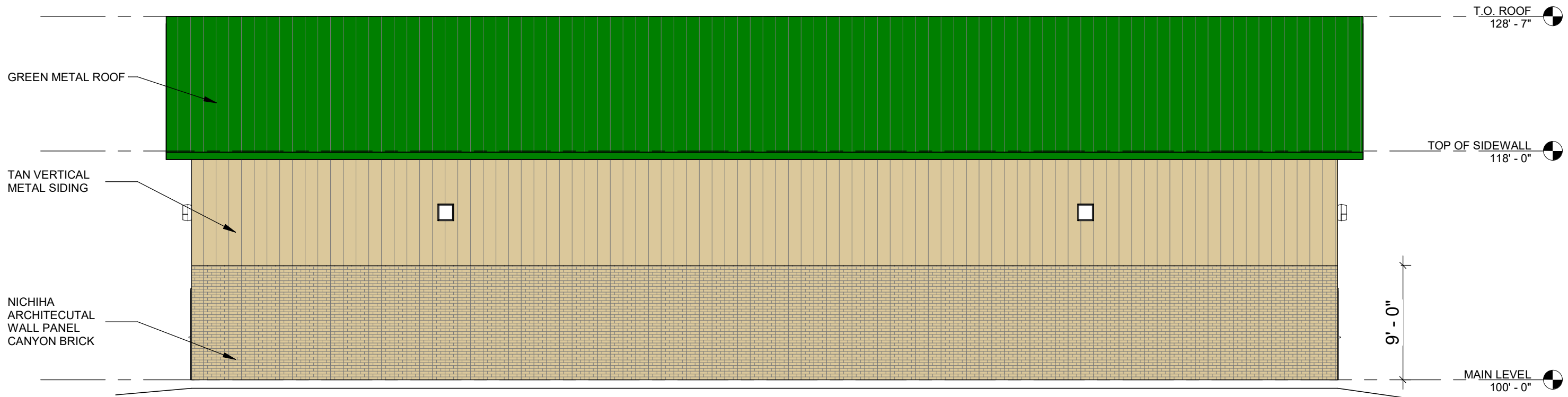
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Nate Thiesse City of Brainerd
These Drive
Brainerd Mn

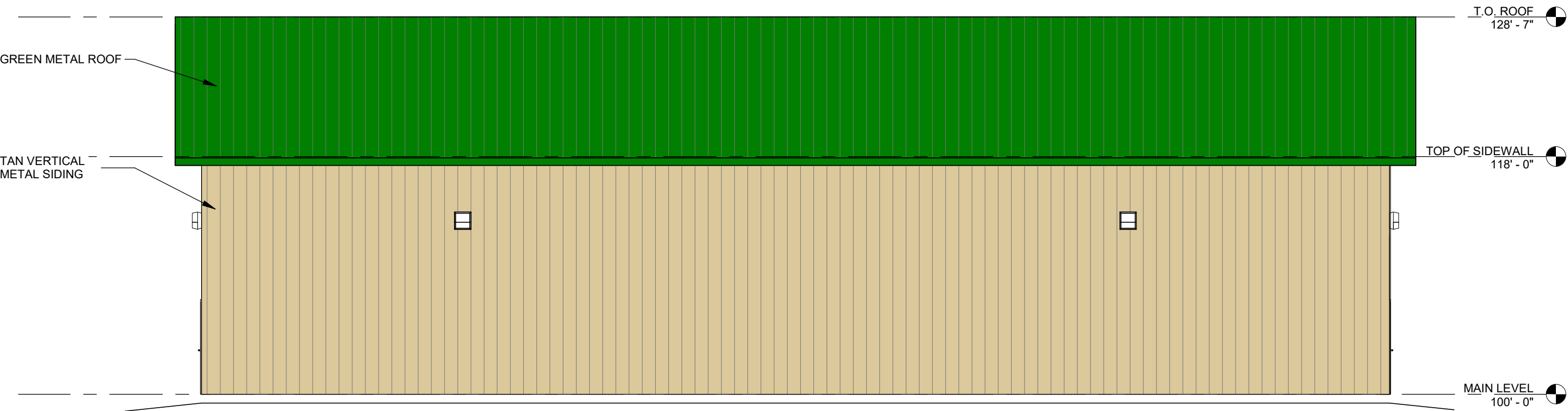
Quote # 218316363492522

Quote Date 09/25/2022

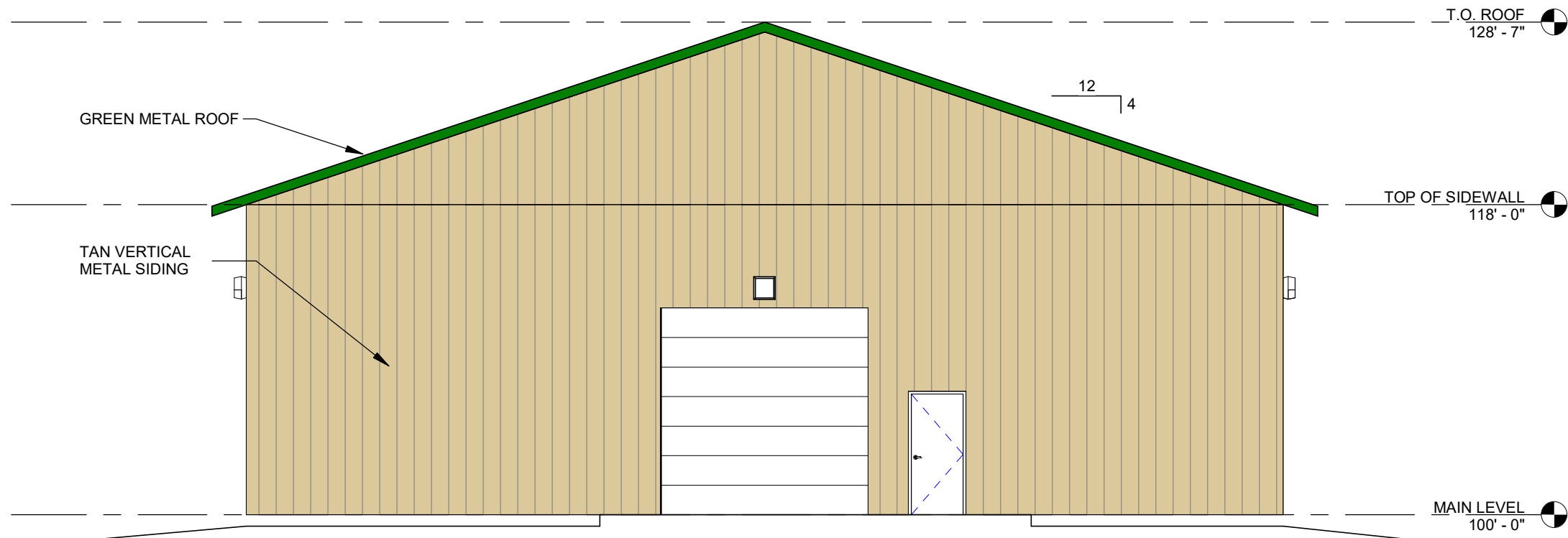
Item	Description	Unit Price	Quantity	Amount
	9x90 feet of Nichiah panels Canyon Stone per city requirements.			
	Materials includes panels hardware and sheeting the wall	11897.00	1.00	11,897.00
	Labor	3670.00	1.00	3,670.00
	Credit for tin and tin labor	-1721.00	1.00	-1,721.00
<u>NOTES:</u> Thanks.				
		Subtotal	13,846.00	
		Total	13,846.00	
		Amount Paid	0.00	
		Quote	\$13,846.00	



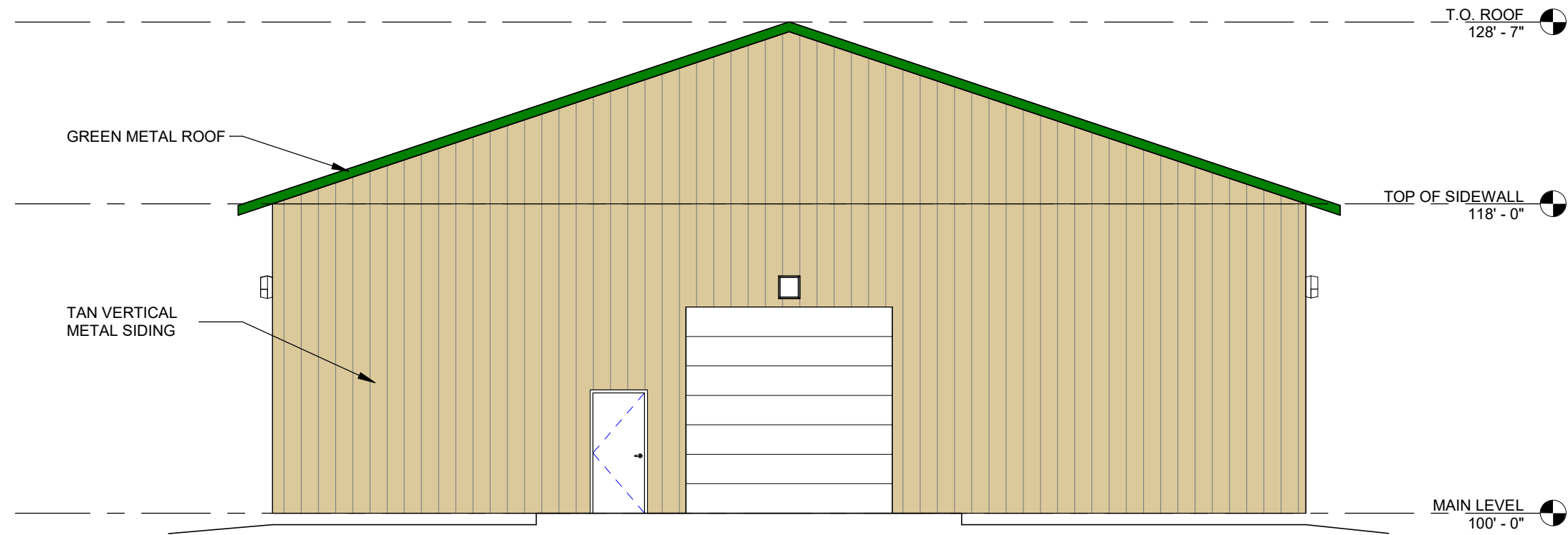
1 SOUTH ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE:	<Date>	AS NOTED
SCALE:		
DRAWN BY:	Author	
CHECKED BY:	Checker	
JOB NUMBER:	2022-10233	



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Authorize Staff to Conduct Internal Posting for Transit Coordinator Position

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert & Jesse Dehn	Department: Human Resources & Public Works
Presenter (Name & Title): Kris Schubert, HR Director	Estimated Time Needed: 2 minutes
Summary of Issue: City Engineer/Public Works Director Jesse Dehn has now had an opportunity to observe the Transit Department after former Transit Coordinator Andy Stone's retirement. Staff recommends to approve the minor adjustment to the Transit Coordinator job description and to authorize Staff to conduct an internal only job posting process for the Transit Coordinator position.	
Alternatives, Options, Effects on Others/Comments: Former Transit Coordinator Andy Stone retired on August 22, 2022. A Memorandum of Agreement was negotiated with the IBEW Administrative Support Union to designate Transit Operations Specialist Crystal Gauthier as the Acting Transit Coordinator after Andy's retirement. Staff feels that Crystal is doing a good job in that role. Since our Employee Policy Manual requires that all positions be posted for a minimum of three calendar days, staff is requesting authority to proceed with an internal job posting process for the Transit Coordinator position.	
Recommended Action/Motion: Motion to approved the updated Transit Coordinator job description and authorize Staff to conduct the job posting process for only internal candidates for the Transit Coordinator position.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Transit Coordinator

Department: Engineering/Transit

FLSA Status: Exempt

General Definition of Work

Performs responsible work for the development, direction, supervision, operation and coordination of the Brainerd/Crow Wing Public Transit System ensuring that the program complies with all laws, rules and regulations and that system goals and objectives are met. Coordinates with City and County personnel to execute the goals and objectives of the annual management plan. Responsible for budget negotiation and securing local and state funding required for the operation of the program; and performs related duties as required or apparent.

Work is performed under the general and administrative direction of the City Engineer. Exercises general and technical supervision over assigned city staff and the third-party contractor and its applicable employees.

Qualification Requirements

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

Essential Functions

- Coordinate and supervise all activities for an FTA Section 5311 public transit agency.
- Responsible for the day to day operations of the City/County transit system in accordance with operating policies.
- Evaluates and monitors service and schedules for the transit system and recommends adjustments to service design and fares to provide effective and efficient services. Prepares and presents long and short-term goals and objectives of the transit system.
- Responsible for representing the transit system and all transit system activities in accordance with adopted policy.
- Prepares policies and training materials for transit operation.
- Actively markets and promotes the transit operation. Creates necessary publications.
- Serve as liaison between the City and County Transportation Advisory Committees (TAC), third-party contractor; MnDOT, city councils and county board.
- Performs qualitative and quantitative data analysis for evaluation of programs and budget.
- Prepares, solicits, and negotiates an RFP for third-party contractor.
- Prepares and administers the state public transit contract and budget.
- Manages, enforces and ensures compliance with local, state and federal regulations for the third-party contractor, contractor's employees and clients such as drug and alcohol testing, Civil Rights, American with Disabilities Act, etc.
- Responsible for successfully dealing directly with customers either by telephone, electronically or face to face and responds promptly to customer inquiries. Handles and resolves customer complaints. Directs unresolved issues to the designated resource for resolution.
- Reports any accidents, incidents and/or injuries to the proper authorities providing copies to the City Transportation Committee and the County Transit Committee. Effectively follow up with insurance claims and ensure and coordinate repairs with outside vendors.
- Prepares annual grant applications, budget and service design. Presents budget to the City Transportation Committee and the County Transit Committee, Brainerd City Council and Crow Wing County Board of Commissioners for approval.

Transit Coordinator

Page 2

Essential Functions (Cont.)

- Responsible for scheduling TAC meetings, development of agendas, presentation and completion of follow up minutes.
- Responsible for collecting, tracking and submitting annual and monthly reports to required agencies.
- Performs accounts receivable and payable functions including cash accountability to ensure optimal financial record keeping.
- Uses RouteMatch Software to dispatch, schedule, and route trips based upon the needs to the customer. Verifies daily activity related to trips, fares, and miles and reconciles to driver logs and fare box receipts to ensure accuracy.
- Tracks and ensures that transit vehicle maintenance is performed by the third party contractor in compliance with the preventative and corrective maintenance policy and other regulations.
- Develops specifications for transit vehicles, solicits bids and obtains authorization to procure and purchase from City Council.
- Conducts business in a professional, courteous manner with all contacts including but not limited to customers, co-workers, third party contractor, the public, and other agencies working with the transit system.
- Attendance at required training.
- Performs other duties when assigned or when necessary.

Knowledge, Skills and Abilities

- Considerable knowledge of federal and state laws, regulations, and procedures pertaining to public transportation.
- Considerable knowledge of transit system practices and procedures and government processes and services.
- Considerable knowledge of financial recordkeeping procedures, departmental budget preparation and administration.
- Considerable skill with Microsoft applications and department-required software/hardware packages, i.e. RouteMatch;
- Ability to learn and adapt to new technologies including dispatching software and driver communication tools.
- Outstanding communication and interpersonal skills, both orally and in writing, and be able to work with clients to answer questions and provide service in a professional manner. Must be able to deal with complaints, difficult situations, and angry individuals.
- Ability to effectively gather and present information as well as respond to questions and resolve complaints from the general public, all departments, government officials, and public agencies in a courteous manner; and preserving confidentiality of client information as required by law.
- Basic knowledge of vehicle mechanics, utilization and preventive maintenance programs.
- Strong leadership skills including problem solving and decision making.

Education, Experience & Special Requirements

- BA/BS or equivalent and three years' experience in a management position. Other combinations of experience and education that meet the minimum requirements may be substituted and evaluated.
- Possession of a valid Minnesota Driver's License with driving privileges or the ability to obtain one prior to employment.
- Successful completion of pre-employment physical, drug screen and background check.
- Experience in managing or coordinating a transit system program is desired.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires speaking or hearing, frequently requires sitting, using hands to finger, handle or feel and reaching with hands and arms and occasionally requires standing, walking, stooping, kneeling, crouching or crawling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus and depth perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires working near moving mechanical parts and exposure to fumes or airborne particles; work is generally in a moderately noisy location (e.g. business office, light traffic).

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

Last Revised: September 23, 2022



Transit Coordinator

Department: Engineering/Transit

FLSA Status: Exempt

General Definition of Work

Performs responsible work for the development, direction, supervision, operation and coordination of the Brainerd/Crow Wing Public Transit System ensuring that the program complies with all laws, rules and regulations and that system goals and objectives are met. Coordinates with City and County personnel to execute the goals and objectives of the annual management plan. Responsible for budget negotiation and securing local and state funding required for the operation of the program; and performs related duties as required or apparent.

Work is performed under the general and administrative direction of the City Engineer. Exercises general and technical supervision over assigned city staff and the third-party contractor and its applicable employees.

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

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- Responsible for the day to day operations of the City/County transit system in accordance with operating policies.
- Evaluates and monitors service and schedules for the transit system and recommends adjustments to service design and fares to provide effective and efficient services. Prepares and presents long and short-term goals and objectives of the transit system.
- Responsible for representing the transit system and all transit system activities in accordance with adopted policy.
- Prepares policies and training materials for transit operation.
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- Serve as liaison between the City and County Transportation Advisory Committees (TAC), third-party contractor; MnDOT, city councils and county board.
- Performs qualitative and quantitative data analysis for evaluation of programs and budget.
- Prepares, solicits, and negotiates an RFP for third-party contractor.
- Prepares and administers the state public transit contract and budget.
- Manages, enforces and ensures compliance with local, state and federal regulations for the third-party contractor, contractor's employees and clients such as drug and alcohol testing, Civil Rights, American with Disabilities Act, etc.
- Responsible for successfully dealing directly with customers either by telephone, electronically or face to face and responds promptly to customer inquiries. Handles and resolves customer complaints. Directs unresolved issues to the designated resource for resolution.
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Transit Coordinator

Page 2

Essential Functions (Cont.)

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- Develops specifications for transit vehicles, solicits bids and obtains authorization to procure and purchase from City Council.
- Conducts business in a professional, courteous manner with all contacts including but not limited to customers, co-workers, third party contractor, the public, and other agencies working with the transit system.
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Knowledge, Skills and Abilities

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- Considerable knowledge of transit system practices and procedures and government processes and services.
- Considerable knowledge of financial recordkeeping procedures, departmental budget preparation and administration.
- Considerable skill with Microsoft applications and department-required software/hardware packages, i.e. RouteMatch;
- Ability to learn and adapt to new technologies including dispatching software and driver communication tools.
- Outstanding communication and interpersonal skills, both orally and in writing, and be able to work with clients to answer questions and provide service in a professional manner. Must be able to deal with complaints, difficult situations, and angry individuals.
- Ability to effectively gather and present information as well as respond to questions and resolve complaints from the general public, all departments, government officials, and public agencies in a courteous manner; and preserving confidentiality of client information as required by law.
- Basic knowledge of vehicle mechanics, utilization and preventive maintenance programs.
- Strong leadership skills including problem solving and decision making.

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- BA/BS or equivalent and three years' experience in a management position. Other combinations of experience and education that meet the minimum requirements may be substituted and evaluated.
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- Experience in managing or coordinating a transit system program is desired.

Physical Requirements

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

Last Revised: March 10, 2022 September 23, 2022



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Lardy Promotion Step Clarification

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert, Jessie Dehn & Jennifer Bergman	Department: HR, Public Works & Admin
Presenter (Name & Title): Kris Schubert, HR Director	Estimated Time Needed: 2 minutes
Summary of Issue: On August 1, 2022, the City Council approved the promotion of Chad Lardy from Street Maintenance I to Street Maintenance III/Sewer Lead after accepting the retirement of our current Maintenance III/Sewer Lead Gary Thompson. Council approved the initial Step 3 placement for the promotion with advancement to Step 4 when he received his Class B MPCA Sewer Collector license. Since that time, we learned that Mr. Lardy is not eligible to test for the MPCA Class B Collector's License and Chad has asked for clarification on his initial step placement. Since the City is required by state law to have an employee with a Class C MPCA Sewer Collector's License and Chad is the only employee that will hold said license after Mr. Thompson's retirement, Staff recommends to approve Chad's step placement at the Step 4 Street Maintenance III wage grid. Please note that a MPCA Class B Sewer Collector's license is required for cities with a population between 15,000 - 50,000; therefore, it would be helpful to obtain the higher Class B license level, but it is not currently required.	
Alternatives, Options, Effects on Others/Comments: Mr. Lardy agreed to this promotion believing he would be receiving Step 4. Right before he was going to test for Class B, it was discovered that he was not eligible for the Class B licensure since he did not possess the Class C license for at least one year. This was contrary to what his supervisor had told him when the wage was negotiated. Chad expressed several reasons for the Step 4 placement including taking the initiative to obtain the Class C license as needed by the City before Mr. Thompson's retirement; he worked as a pipelayer for 12+ years with 10 of those years as a supervisor overseeing crews between 40 - 60 employees (supervisor experience is helpful for the Sewer Lead position); he has worked exclusively with Mr. Thompson for the past two years to learn our sewer collection system; and he has been the primary operator of our Vactor and sewer camera and has the most experience with it.	
Recommended Action/Motion: Motion to clarify the initial step placement for Chad Lardy's promotion on October 16, 2022, to Street Maintenance III/Sewer Lead will be at Step 4 (\$30.38 per hour).	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ additional \$1.32 per hour <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The Street Maintenance III position is included in the 2022 budget.	



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Office of Traffic Safety TZD Grant Contract Resolution

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Chief Mike Bestul	Department: Police
Presenter (Name & Title): Deputy Chief John Davis	Estimated Time Needed: 2 minutes
Summary of Issue: The 2023 fiscal year grant cycle for the Office of Traffic Safety Towards Zero Death (TZD) Traffic Safety Enforcement Grant will begin October 1, 2022. We are the fiscal host for this federal traffic safety enforcement funding administered by the Minnesota Department of Public Safety (DPS). The contract application with DPS for this funding requires a resolution authorizing the police department the authority to enter into the agreement and execute the grant.	
Alternatives, Options, Effects on Others/Comments: The 2022/2023 grant contract agreement amount is \$51,350.00, and of that amount \$2,950.00 is designated for dispatch/administrative costs associated with administering the grant. In addition, the grantee is entitled up to \$900.00 in a matching equipment purchase for preliminary breath test (PBT) replacements.	
Recommended Action/Motion: Adopt the attached resolution authorizing the Police Chief authority to execute the 2023 FY TZD grant.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

R E S O L U T I O N

NO: _____

**RESOLUTION AUTHORIZING EXECUTION OF
THE TZD ENFORCEMENT GRANT CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Brainerd Police Department is hereby authorized to enter into a cooperative agreement with the State of Minnesota Department of Public Safety, for traffic safety enforcement projects as specified in the Grant Contract during the period from October 1, 2022, through September 30, 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

BE IT FURTHER RESOLVED, that Police Chief Mike Bestul of the Police Department of the City of Brainerd is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Brainerd Police Department and to be the fiscal agent and administer the grant.

Adopted this 3rd day of October, 2022.

KELLY BEVANS
President of the Council

Approved this 4th day of October, 2022.

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: 2023 Health Insurance Broker Agreement and Fee

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Human Resources
Presenter (Name & Title): Kris Schubert, HR Director	Estimated Time Needed: 2 minutes
Summary of Issue: Attached is the 2023 Service Agreement between the City of Brainerd and North Risk Partners for North Risk Partners to be our 2023 health insurance broker for The Better Health Collective (formerly Sourcewell) health insurance for the City, BPU and HRA. Please note this agreement is effective October 1, 2022 (same effective date as last year) as the broker will be assisting us with our 2023 Open Enrollment Process; further, North Risk Partners has offered to split the invoice so \$12,500 would be payable this fall and \$12,500 would be payable next summer. Please note the broker fee is split between the City, BPU and HRA based on the number of their employees enrolled in the Better Health Collective health plan. The City's share of the 2023 broker's fee will be approximately \$13,000.	
Alternatives, Options, Effects on Others/Comments: North Risk Partners has been our Health Insurance Broker since October 2020. Since that time, we have learned how beneficial a fully-engaged broker can be for our renewal process as well as presenting and negotiating benefits for us. North Risk Partners was able to negotiate a reduction for our 2022 premium renewal from 6.5% to 3.7% and also a reduction for our 2023 renewal from 4.4% to 3%. It is estimated that the City's share of the 2023 employer's premium contribution will be reduced by approximately \$12,000.	
Recommended Action/Motion: Authorize retaining North Risk Partners as health insurance broker for 2023 for The Better Health Collective (formerly Sourcewell) in the amount of \$25,000; further, to approve the attached 2023 Service Agreement between the City of Brainerd and North Risk Partners.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 25,000 Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	



NORTH RISK
PARTNERS®

Service Agreement

Large Group Employee Benefits

City of Brainerd/BPU/HRA

Effective Date: October 1, 2022 – September 30, 2023

Herein are services included in our package based on the current commission schedule. Extended services for additional fees are also listed. This document serves as a prompt for service discussions. Once finalized and signed, the document will serve as a formal agreement of services to be delivered by North Risk Partners.

Service Description	Frequency
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Ongoing Account Management

- | | |
|---|----------|
| <ul style="list-style-type: none"> ▪ Provide contact information and an outline of roles for all account management team members and arrange introduction. ▪ Perform day-to-day service and act as a resource for City of Brainerd on all benefit topics. ▪ Advocate on behalf of City of Brainerd and its employees regarding any benefit issues, questions, enrollment, claims and ongoing education. ▪ Act as a liaison between City of Brainerd and all insurance providers and administrators. ▪ Provide ongoing support of the benefits administration platform and all tools and resources – only if client is using EASE platform ▪ Provide claims data as requested on the health plan as well as tracking high claim utilization. Risk advisor analysis and interpretation of the data where appropriate. ▪ As requested, develop ad hoc charts and materials used for educating and illustrating. ▪ Identify client service timeline, implement annual milestones, and execute strategy. | Annually |
|---|----------|

Enrollment Strategy & Employee Education

- | | |
|--|----------|
| <ul style="list-style-type: none"> ▪ Evaluate communication strategies and determine best-fit approach in the short and long term to enhance employee understanding of benefit offerings. This may include but is not limited to: <ul style="list-style-type: none"> • Open enrollment flyers, posters, payroll stuffers • On-site and Virtual Open Enrollment & education meetings • Use of enrollment platform • Personalized enrollment guides - Bilingual communication options as needed • Ongoing communication and education on wellness/lifestyle resources, cost comparison tools, telemedicine, insurance carrier's value adds, etc. ▪ Determine new hire ongoing benefits enrollment options and eligibility. ▪ Implement enrollment approach and provide ongoing support. | Annually |
|--|----------|

Service Description	Frequency
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Mid-Year Review

- | | |
|--|--|
| <ul style="list-style-type: none"> Analyze vendor, carrier and product performance. Determine based on client needs which plans to take to market for the upcoming renewal. | Annually 5th to 6th month following renewal date |
| <ul style="list-style-type: none"> Perform claims analysis and benchmark comparisons. | |
| <ul style="list-style-type: none"> Discuss upcoming renewal and open enrollment timeline goals. | As needed based on group discussion |
| <ul style="list-style-type: none"> Discuss renewal estimates based on year-to-date claims information for budget projections of future costs. | |
| <ul style="list-style-type: none"> Review funding options and alternatives where appropriate. | |
| <ul style="list-style-type: none"> Present any new industry best practices, new products or services, compliance and legislative developments for consideration during the upcoming renewal (both). | <i>Not applicable 1st yr. or part of pool</i> |

Pre-Renewal Strategy

- | | |
|--|----------|
| <ul style="list-style-type: none"> Pre-renewal discussion with City of Brainerd to confirm market specifications (phone or in person if needed) | |
| <ul style="list-style-type: none"> Prepare market specifications for health insurance coverage and solicit alternative product/financial proposals from all competitive markets and programs available, for plans determined in the mid-year meeting. | |
| <ul style="list-style-type: none"> Request renewals 90-180 days prior to policy anniversary from health insurance carriers. | Annually |
| <ul style="list-style-type: none"> Review renewals for accuracy, justification and consistency with historical data. | |
| <ul style="list-style-type: none"> Meet with carrier representatives including sales/service, underwriting, claims, etc. to negotiate on City of Brainerd's behalf the most competitive renewals possible. | |
| <ul style="list-style-type: none"> Evaluate qualifying proposals in detail comparing costs, plan designs, administration expenses, network coverage, access and discounts. | |

Renewal Delivery and Process

- Prepare and present a comprehensive and concise Renewal Executive Summary to City of Brainerd's insurance committee.
- Analyze claims experience for the health plan's renewal period.
- Make recommendations regarding any plan changes or carrier finalists based on in-depth analysis.

Service Description	Frequency
▪ Inventory current services for the health insurance plan offered thru City of Brainerd and negotiate with finalists for needed services. ▪ Provide detailed follow-up regarding any questions or timelines discussed and move forward with open enrollment strategy. ▪ Assist City of Brainerd with implementation of recommended programs, plan changes and any vendor/carrier changes.	Annually

Training Center

Our unique solution assists companies in achieving employee training goals. Compared to traditional classroom-based instruction, online training reduces training costs, training time, improves trainee comprehension rates, and provides for consistent, enterprise-wide training content delivery. There are over 200 training courses in the areas of:

Available as part of the core services

- Employee Safety (Back Safety, First Aid, Bloodborne Pathogens, etc.)
- Human Resources (Diversity, Customer Service Skills, Employee Coaching, etc.)
- Wellness (Weight Management, Fitness for Everyone, Healthy Habits, etc.)

Continued on Page 5

- Environmental (Hazardous Waste, Lead Safety, Chemical Handling, Spills, etc.)

Safety & Loss Control Hotline – Mike Holmquist / Integrated Loss Control

- Health & Safety programs: Processes review, regulatory and OSHA compliance, emergency action plans, DOT fleet-specific safety & compliance, develop early return to work programs, lower claims/loss experience
- Large-scope projects offered at a discounted fee

Available as part of the core services

Wellness Consulting

North Risk Partners is a passionate proponent of the positive short and long-term impact of behavioral change. We have partnered with a variety of resources that are all at the leading edge of health and lifestyle promotion.

Available as part of the core services when requested

Service Description	Frequency
Conduct an evaluation of the current wellness culture and create a strategic plan to meet overall City of Brainerd goals. This will involve analyzing resources and program scope, including time frames and additional pricing (if applicable).	
HR & Labor Hotline – Mike Bourgon / Synergy HR Solutions	
- HR Support & Compliance: Employee handbook, HR audit, FLSA, FMLA, COBRA, employment and onboarding processes and forms, benefits administration practices, workplace investigation complaints, disciplinary forms & processes, hiring and termination practices - HR Bootcamp: Full-day seminar geared around education on key HR topics - Large-scope projects offered at a discounted fee	Sponsorship available as part of the core services
Compliance Support	
We have a variety of tools and resources available to assist our clients with their compliance needs. Our consultation will evaluate your current status and we will recommend options to help support your compliance needs (some options may involve additional fees).	
HR & Benefits Resources – Enrollment in MyWave Connect	
- Online HR tool that provides compliance checklists, guides and links to state and federal laws - Compliance documents, sample handbooks, timely compliance updates and newsletters - Employee benefit communication pieces - Online HR toolbox: - ACA Reporting - Custom Job Description Builder - COBRA Notices Generator - Employee Cost Calculator - Compliance Notice Builder - Federal Poster Advisor - FLMA Advisor	Available as part of the Core Services

Service Description	Frequency
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- OSHA Log
- Health Plan Compliance Calendar
- HR Self-Assessment
- Sample Job Descriptions
- Interview Question Builder
- Multi-State Law Comparison Tool
- Performance Review Builder
- Salary benchmarking
- Employee Handbook Builder
- Total Compensation Statement Builder

Seminars and Monthly Webinars presented by industry professionals in the areas of insurance, human resources, safety and wellness. Recent webinar topics:

- Understanding HSA & VEBA Advantages
- Newly Enhanced MyWave Toolbox
- Mock Fatality Investigation
- Telecommuting: The Rules, Do's and Don'ts and Sample Policy

Wrap Documents (additional fees may apply)

- Summary Plan Description, Summary of Material Modification
- All ACA Notices, Special Enrollment Rights, Appeal Procedures

Additional Required Notices

- COBRA, State Continuation, CMS, CHIPRA, SBC, Model Exchange Notice

Reporting Guidance

- Annual CMS reporting
- Annual PCORI filing and fees
- Annual Reinsurance fees and filings
- ACA Reporting including 1094 and 1095 forms
- Annual 5500 filing when required (100+ enrolled employees)

Compensation / Consulting Fee

North Risk Partners agrees to provide consulting and core brokerage services as detailed throughout this service agreement in exchange for a fee-for service model:

Fee for Service: \$25,000 annually.

(We can invoice semi-annual installments)

This agreement shall remain for in effect for one year and can be renegotiated annually.

Adam Olson

09/14/2022

North Risk Partners -
Adam M. Olson

Date

City of Brainerd

Date



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Consider Updating Financial Management Policies - Fund Balance

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Connie Hillman, Finance Director	Estimated Time Needed: 5 Minutes
Summary of Issue: The City currently has 8 financial policies, one of them being the Fund Balance Policy. The policy was last reviewed and updated in February of 2020. At that time, Section III - Spendable - Unassigned, Policy was changed so the policy was 35-50% of the Working Funds subsequent (from current) year operating expenditures. The change to look forward was recommended as the City needs to operate the first 6 months with what is has in reserves. Although this is very true, in speaking with our Financial Advisors, fund balance ranges are typically based on current year, not subsequent years.	
Alternatives, Options, Effects on Others/Comments: The other recommended change is more for clarification. The 2nd to the last paragraph of the policy, explains what happens if the City is above or below the range. The changes to the last paragraph clarifies that when the City is within the range, and revenues exceed expenditures, any funds in excess of a 1% increase from the previous year's range are to be transfered to Fund 400. This also provides clarification that if we are below the range, we can get to the minimum of 35% all in one year, since the policy now specifies the 1% increase is only when we are in the range of 35-50%.	
Recommended Action/Motion: Update the City of Brainerd Financial Management Polices - Fund Balance as presented and explained above.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



CITY OF BRAINERD

FINANCIAL MANAGEMENT POLICIES

FUND BALANCE

I. Purpose

To provide a stable financial environment for the City of Brainerd's operations that allows the City to provide quality services to its residents in a fiscally responsible manner designed to keep services and taxes as consistent as possible over time. This fund balance policy is meant to serve as the framework upon which consistent operations may be built and sustained.

II. Fund Balance Classifications

The chart below summarizes the Fund Balance Classifications

Fund Balance	Non-spendable	Not available for spending, either now or in the future, because of the form of the asset (e.g., inventories) or a permanent legal restriction (e.g., debt retirement)	
	Spendable	Restricted	Constraints on spending that are legally enforceable by outside parties.
		Committed	Constraints on spending that the government imposes upon itself by high-level formal action prior to the close of the period.
		Assigned	Resources intended for spending for a purpose set by the governing body itself or by some person or body delegated to exercise such authority in accordance with policy established by the board.
		Unassigned	Residual (general fund only)

III. Definitions & Policies

Fund Balance -

Describes the difference between assets and liabilities in the governmental funds (general fund, special revenue funds, capital project funds, debt service funds and permanent funds). This policy covers the general fund and special revenue funds unreserved fund balances.

Non-spendable

Definition -

Describes the amount of a fund balance that is associated with resources such as inventories or permanent legal restrictions such as principal of an endowment.

Policy -

At the end of each fiscal year, the City will report the portion of the fund balance that is not available for spending (defined by the State of Minnesota Office of the State Auditor and GASB).

Spendable -

Definition -

Describes the amount of a cash fund balance that is available for appropriation based on the constraints that control how specific amounts can be spent. Typically, a significant portion of a government's spendable resources can be spent only for specified purposes. The following categories (designations) define the revenue source and the force of the constraint on spending.

Policy -

Designations should be supported by actual plans approved by either the governing body, an appropriate officer, grant providers or enabling legislation.

Spendable – Restricted

Definition -

The restricted fund balance category includes the portion of the *spendable fund balance* that reflects constraints on spending because of legal restrictions stipulated by *outside parties* (e.g., ~~any~~ legal restrictions from state statutes or grant requirements placed on the use for specific purposes).

Policy -

At the end of each fiscal year, the City will maintain a Spendable-Restricted fund balance equal to the amounts required to accommodate; funds restricted by constraints outside of the City.

Spendable – Committed

Definition -

The committed fund balance classification includes the portion of the *spendable fund balance* that reflects constraints that the city has *imposed upon itself* by a *formal action* of the *city council* (for example, an ordinance or resolution passed by a city council).

Policy -

At the end of each fiscal year, the City will maintain a Spendable-Committed fund balance for long-term loan receivables such as advances to other funds. Any unrestricted fund balance at year end in any special revenue fund is deemed to be committed to the purpose of that fund and can only be removed by council action. (*As amended by Council Action on 12/19/11*).

Spendable – Assigned

Definition -

The assigned fund balance is the portion of the *spendable fund balance* that reflects funds intended to be used by the government for specific purposes assigned by more informal operational plans (e.g. capital goods replacement - the constraint on use is not imposed by external parties or by formal council action).

Policy -

In governmental funds other than the general fund (special revenue funds, capital project funds, debt service funds and permanent funds), assigned fund balance represents the amount that is not restricted or committed. The council, not through formal action and/or the City Administrator and Finance Director can designate the assigned fund balance.

Spendable – Unassigned

Definition -

This is the residual classification for the government's **General Fund** and includes all spendable amounts not contained in the other classifications and, therefore, not subject to any constraints. Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set spending plan. Although there is generally no set spending plan for the undesignated portion, there is a need to maintain a certain funding level. Undesignated fund balance is commonly used for emergency expenditures not previously considered. In addition, the resources classified as undesignated can be used to cover expenditures for revenues not yet received.

Policy -

Cash Flow

At the end of each fiscal year, the City will maintain Spendable – Unassigned portion of the fund balance for Cash Flow in a range equal to 35 – 50% of the Working Funds ~~current~~ ~~subsequent~~ year operating expenditures (as amended by Council Action 10/17/16, ~~and~~ 2/18/2020 ~~and~~ 10/3/2022). In addition to cash flow needs this accommodates emergency contingency concerns.

In the event that amounts designated for cash flow fall above or below the desired range, the City Administrator shall report such amounts to the City Council as soon as practical after the end of the fiscal year. Should the actual amount designated for Cash Flow fall below the desired range, the City shall create a plan to restore the appropriate levels. Should the actual amount designated for cash flow rise above the desired range, any excess funds will remain undesignated pending the Council's final decision concerning transfer to another fund. It is the policy of the City that such excess funds will be, by council action, to be reported in the spendable limited category of this policy.

If revenues exceed expenditures ~~in excess of budget~~ in the Working Funds for any given year, ~~when the City is within the range of 35-50%~~, all funds in excess of ~~a 1% change from the previous year's range of operating expenditures~~ should be transferred to the general Capital Fund (400) until we get to 50% of unassigned funds balance (as amended by Council Action 10/17/16 ~~and~~ 10/3/2022).

Adopted by the Brainerd City Council on this 18th day of May, 2009.

Amended by the Brainerd City Council on this 19th day of December, 2011

Amended by the Brainerd City Council on this 17th day of October, 2016

Amended by the Brainerd City Council on this 18th day of February, 2020

Amended by the Brainerd City Council on this ____ day of _____, 2022

Jennifer Bergman
City Administrator

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

October 3, 2022

7:00 PM

Council Chambers

WebEx Teleconference Call-In Information Call Toll-

Free: 1-844-992-4726

Access Code: 2496 473 2395

1. Approve Event/ Street Closure Application- Shriner's Turkey Run
2. Approve MnDNR Cooperative Agreement
3. Approve NP Center Trail Project Final Settlement and Release Agreement
4. Approve Change Order 1- Improvement 19-02-CLST Extension West Segment Project
5. Discussion on North 3rd Street
6. Approve Downtown Snow Removal Bids
7. Direction on Active Code Enforcement Cases



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve Event/Street Closure Application - Shriner's Turkey Run

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: All
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Attached to this request is an event application for the annual Shriner's Turkey Run, to be held on November 24, 2022 from 8:00 AM - 12:00 AM beginning at the fairgrounds and utilizing the streets around the fairgrounds.	
Alternatives, Options, Effects on Others/Comments: The event is a run/walk 5K event starting at the fairgrounds and utilizing County Road 45, Thiesse Drive, S. 11th Street, S. 10th Street, Wright Street, and Thiesse Road. The applicant is requesting closure of the Wright Street from S. 10th to S. 13th Streets for the event, and being that this event is on Thanksgiving morning, there is very minimal traffic or concerns. There is light amplified sound at National Guard Armory for the event, and restrooms provided at the Armory.	
Recommended Action/Motion: Staff recommends approval of the attached application under the condition the applicant request traffic control as soon as possible, any signs are removed after event conclusion, and an insurance certificate is submitted to the City per the permit requirements before the event.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



SPECIAL EVENT APPLICATION

Date of Application: 9-2-22

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

Type of event:

☐
☒

Event – City Parking Lot
Event with Street Closure

☐
☐

Event – City Park
Other _____

RECEIVED

Name of event: Shriners Turkey Run

SEP 15 2022

**CITY OF BRAINERD
ADMINISTRATION**

Organizer Information

Organizer's Name:

Andersholm Shrine Club

Organizer's Address:

Event Contact Person:

Keith Johnson

Event Contact Daytime Phone:

218-851-5095

Event Contact E-mail Address:

hid.trucker2626@gmail.com

Contact Name/Number Day of Event:

Keith Johnson / 218-851-5095

For Profit/Nonprofit Status (type):

Nonprofit

Applicant information (if different from the event organizer):

Applicant Name:

Applicant Address:

Applicant Phone:

Applicant E-mail Address:

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
11-24-22	8:00 AM	12:00 PM	1115 Wright Street National Guard Armory

☐ 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:

5K Run/Walk Start East at 1115 Wright St. / South Through
County Fair Grounds / South on 45 / West on Thiesse / North on S 11th St.
West on Thiesse Rd / North on South 10th St / East on Wright St.
Assembly & Dispersal @ 1115 Wright Street

Site Information

Electrical usage

☒ Yes☐ No

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

Microphone & Speakers will be used at the
National Guard Armory

Amplified Sound

☒ Yes☐ No

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

Refer Above

Restrooms provided

☒ Yes☐ No

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

Company contracted for restrooms: National Guard

(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:

Shinner Health Care Signs located at Army
National Guard

Trash Receptacle Disposal

☒ Yes☐ No

Company contracted for trash receptacle disposal: Army National Guard

Additional Event Information

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

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

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

Street Closure Request Information

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

East and West Wight Street From S. 10th ST. To
S. 13th ST.

Date and time for beginning of street closures: 11-24-22 @ 08:00

Date and time for reopening of streets: 11-24-22 @ 12:00

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.

Event takes place in industrial park - All effected businesses
are Closed

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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



Signature of Applicant



Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	<u>No comments</u>
City Administration	_____	<u>No comments</u>
Engineering Department	<u>9/28/22 JD</u>	<u>See conditions below</u>
Fire Department	_____	<u>No comments</u>
Fire Support/EMS	_____	<u>No comments</u>
Parks Department	_____	<u>No comments</u>
Planning Department	_____	<u>No comments</u>
Police Department	_____	<u>No comments</u>

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

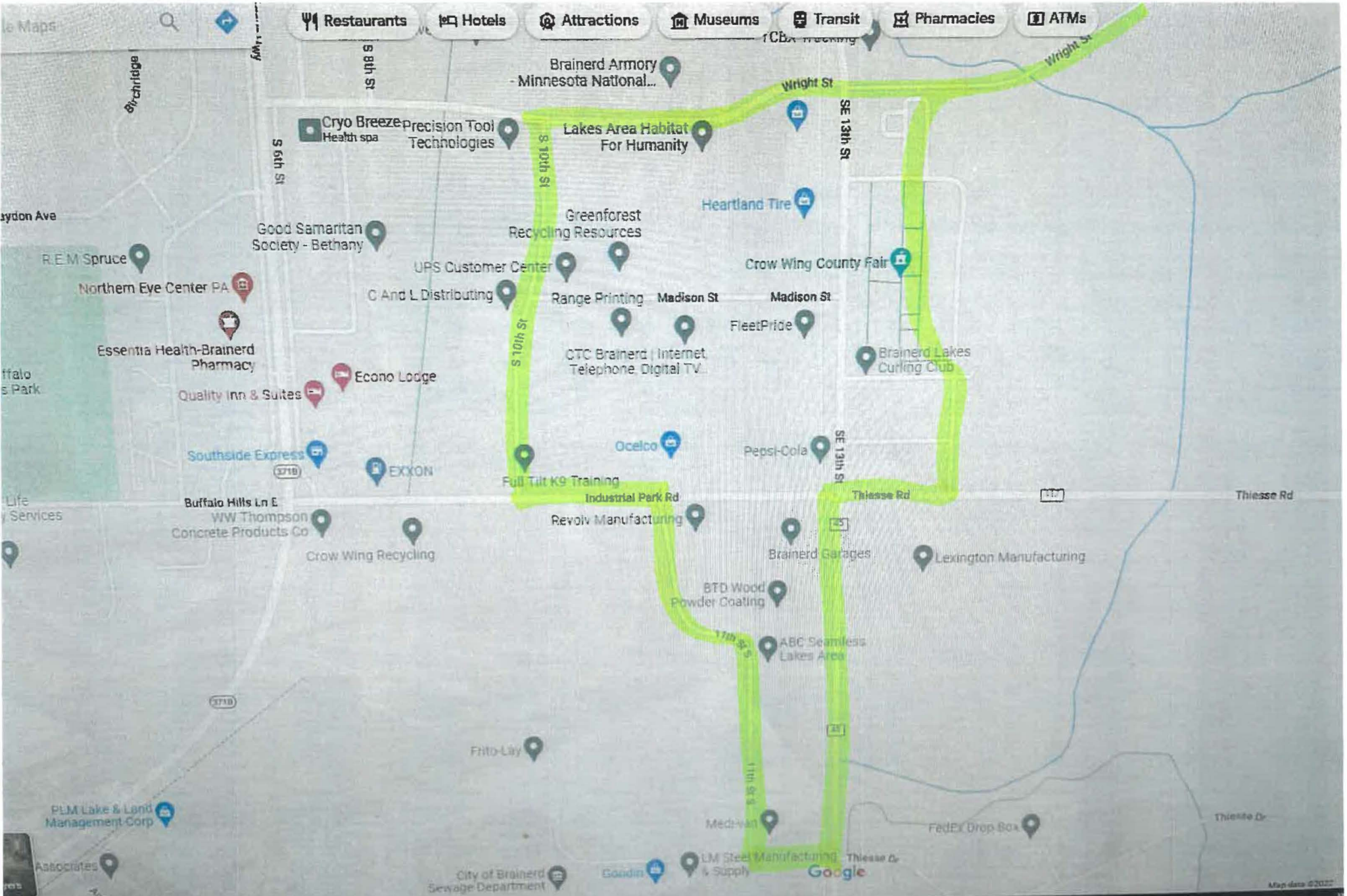
Date

Approval Conditions

Requests for traffic control should be submitted one week prior to the event. Please submit
required insurance certificate to City Hall before the event.

Certification of Street Closure Approval

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







Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve Cooperative Agreement with MnDNR for Lum Park Boat Access

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Parks and Recreation
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Attached to this request is a draft agreement with the MnDNR for replacement of the concrete planks at the Lum Park public boat access.	
Alternatives, Options, Effects on Others/Comments: Staff has been working with the DNR staff on this issue, as over the past couple of years, the concrete planks have fallen into disrepair at the park. The agreement covers the installation of new planks by DNR staff, with the City providing rock or aggregate fill for the replacement. The City is also responsible for routine maintenance and upkeep of the boat landing, which we have been in the past. We have aggregate and rock available for the installation. This agreement was approved by the Park Board at their December 14, 2021 meeting.	
Recommended Action/Motion: Staff recommends approval of the attached agreement with the State of Minnesota for the Lum Park Public Water Access replacement and direct staff to work with the DNR on the repairs in advance of the City's Lum Park Road project.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Unknown</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Staff time for aggregate materials, if needed.	



RICE LAKE LUM PARK PUBLIC WATER ACCESS
COOPERATIVE AGREEMENT
BETWEEN THE STATE OF MINNESOTA AND
CITY OF BRAINERD

This agreement, between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, hereinafter referred to as the “State”, and City of Brainerd, hereinafter referred to as the “City.”

WITNESSETH:

WHEREAS, the Commissioner of Natural Resources has the authority, duty, and responsibility under Minnesota Statutes Section 97A.141 to provide public water access on lakes and rivers, where access is inadequate; and

WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59, to enter into agreements to jointly or cooperatively exercise common power; and

WHEREAS, the State and the City have determined that Public Water Accesses (PWA) sites located in Crow Wing County are of high priority under the state public water access program; and

WHEREAS, the City owns lands described as Rice Lake Lum Park, PWA at section 20, Township 45N Range 30W, which is attached and incorporated into this agreement as **Exhibit A**; and

WHEREAS, a resolution or copy of the City Park Board meeting minutes authorizing the City to enter into this agreement is attached and incorporated into this agreement as **Exhibit B**; and

NOW, THEREFORE, in consideration of the mutual benefit to be derived by the public bodies hereto and for the benefit of the public, the parties agree as follows:

I. STATE’S DUTIES AND RESPONSIBILITIES

- a. The State will encumber funds for the facilities through the standard internal purchasing process including, but not limited to, a separate requisition request.
- b. The State shall review the proposal for the construction of the facilities. The plan shall meet ADA requirements where appropriate.
- c. The State will remove existing ramps, provide, deliver, and install the concrete planks, and connectors to be used in the Rehabilitation or repair of the boat ramp at the Facility.
- d. The State shall review and approve any alterations to the Facilities proposed by the City during the term of this Agreement.
- e. The State reserves the right to inspect the facilities at any time to ensure that the City complies with this agreement.
- f. The State will include the facilities on maps and publications consistent with other similar public water access sites.
- g. The State shall provide technical assistance for repairs to the boat ramps at the Facilities.

II. CITY’S DUTIES AND RESPONSIBILITIES

- a. The City shall obtain all permits or license that may be required for the construction or repair of the

Facilities.

- b. The City shall prepare the necessary plan, specifications, and proposal for the construction of the Facilities. The City agrees to comply with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) and all applicable regulations and guidelines.
- c. The City shall permit the State to review and approve the final plans for the Facilities as prepared by the City.
- d. The City will provide the rock and other aggregate material as called for in the plan and pay for costs associated with landfill disposal.
- e. The City shall operate and maintain the Facilities consistent with all local, state, and federal laws, regulations and rules that may apply to the management, operation, and maintenance of the facility.
- f. The City shall be responsible for all routine maintenance and upkeep of the public water access site including all on-going ramp repairs and will keep the site in reasonable and safe conditions in accordance with established practices for maintenance of similar public facilities.
- g. The City shall provide police protection and patrols for the Facilities in accordance with established police department policies for a facility of this type.
- h. The City shall not charge a fee for launching or retrieval of watercraft or for use of the boat ramp. A uniform fee that applies equally to all park users for entrance to a park is not considered a launching fee.
- i. The facility shall remain for the open water season in conjunction with the City's established hours for a facility of this type. The City may close the facility for emergencies, or for other reasons, without prior written consent of the State. The City shall notify the State within 48 hours of closing the facility for emergency reasons if the facility will remain closed longer than 48 hours.
- j. The City must follow Minnesota DNR's Operational Order 113, which requires preventing or limiting the introduction, establishment and spread of invasive species during activities on public waters and DNR-administered lands. Operational Order 113 is incorporated into this agreement by reference and can be found at http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_113.pdf. Duties listed are in Op Order 113 under Sections II and III (p. 5-8).
 - i. The City shall prevent invasive species from entering into or spreading within a project site by cleaning equipment and clothing prior to arriving at the project site.
 - ii. If equipment or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned with tools or equipment furnished by the City (such as brush/broom, compressed air or pressure washer) at the staging area.
 - iii. The City shall dispose of material and debris cleaned from equipment and clothing at an appropriate location. If the material cannot be disposed of onsite, then the material must be secured prior to transport (such as a sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.
 - iv. The City shall ensure that all equipment and clothing used for work in public waters has been adequately decontaminated for aquatic invasive species. All equipment and clothing including but not limited to waders, vehicles and boats that are exposed to any public water of the state must be thoroughly cleaned and drained of all water before transport to another location.

- k. All work completed for this contract must adhere to the following conditions until all State executive orders related to COVID 19 are rescinded or expired. Allowed activities and work performed should, to the maximum extent possible, be conducted in a manner that adheres to Minnesota Occupational Safety and Health Standards and the Minnesota Department of Health and CDC Guidelines related to COVID-19, including social distancing and hygiene. The current list of Critical Sector Exemptions is maintained by the Department of Health and can be found at <http://staysafe.mn.gov/>.

III. FUNDING

The State shall provide funding for its responsibilities under Article I through the standard internal purchasing process including, but not limited to a separate requisition in which funds will be encumbered.

The total obligation of the State for its responsibilities under Article I shall be limited to the amount of funds legislatively appropriated and administratively allocated to this project. No additional funding will be provided, unless agreed upon by all parties and an amendment to this Agreement is

IV. TERM

- a. *Effective Date:* **June 1, 2023** or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, Subdivision 2, whichever is later. The City shall not begin work under this Agreement until it is fully executed, and the City has been notified by the State's authorized representative to begin the work.
- b. *Expiration Date:* **December 31, 2027** for a period of four (4) years except as otherwise provided herein or agreed to in writing by both parties. The agreement can be extended with a written amendment as agreed upon and signed by both parties per article XI.

V. LIABILITY

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law. The City's liability shall be governed by Minnesota Statutes Sections 466.01 - 466.15, and other applicable law.

VI. AUDIT

Under Minnesota Statutes Section 16C.05, sub. 5, the books, records, documents and accounting procedures and practices of the City relevant to the agreement shall be subject to examination by the Commissioner of Natural Resources, the Legislative Auditor and the State Auditor for a minimum of six (6) years from the end of this agreement.

VII. ANTITRUST

The City hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations that arose under the antitrust laws of the United States and the antitrust laws of the State of Minnesota

VIII. FORCE MAJEURE

Neither party shall be responsible to the other or considered in default of its obligations within this Agreement to the extent that performance of any such obligations is prevented or delayed by acts of God, war, riot, disruption of government, or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party relying on this provision to excuse performance must provide the other party prompt written notice of inability to perform and take all necessary steps to bring about performance as soon as practicable.

IX. CANCELLATION

This Agreement may be cancelled by the State at any time with cause or as necessary as provided in Article II, upon thirty (30) days written notice to the City.

This Agreement may also be cancelled by the State if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the payment of services covered under this agreement. The State will notify the City by written or fax notice. The State will not be obligated to pay for services provided after the notice is given and the effective date of cancellation. However, the City shall be entitled to payment, determined on a pro-rated basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is cancelled because of a decision of the Minnesota Legislature, or other funding source, not to appropriate the necessary funds. The State shall provide the City notice of lack of funding within a reasonable time of the State's receiving that notice.

X. GOVERNMENT DATA PRACTICES

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

XI. PUBLICITY AND ELECTRONIC ACCESSIBILITY

Any publicity regarding the subject matter of this agreement must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the City individually or jointly with others, or any subcontractors, with respect to the program and services provided from this agreement.

All publicity shall be provided in an accessible format per Minnesota Statute 16E.03, sub. 9. State of Minnesota guidelines for creating accessible electronic documents can be found at the following URL: <https://mn.gov/mnit/programs/accessibility/>.

XII. COMPLETE AGREEMENT

This agreement contains all negotiations and agreements between the State and the City. No other understanding regarding this agreement, whether written or oral, may be used to bind either party. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

XIII. AUTHORIZED REPRESENTATIVES

Any notice, demand or communication under this Agreement by either party to the other shall be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, or by email to:

The State's Authorized Representative is Wade Miller, Area Supervisor, 1601 Minnesota Drive, Brainerd, MN 56401, 218-203-4447, wade.miller@state.mn.us, or successor.

The City's Authorized Representative is Paul Sandy, City Engineer, 501 Laurel Street, Brainerd, MN 56401, 218-454-3411, psandy@ci.brainerd.mn.us, or successor.

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

DEPARTMENT OF NATURAL RESOURCES

CITY OF BRAINERD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

DEPARTMENT OF ADMINISTRATION
Delegated to Materials Management Division

CITY OF BRAINERD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

(Effective Date)

STATE ENCUMBERANCE VERIFICATION

Individual certifies that funds have been encumbered as req. by Minn. Stat. 16A.15 and 16C.05.

Signed: _____

Date: _____

Contract: _____



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve NP Center Trail Project Final Settlement and Release Agreement

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Public Works
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Staff has identified several punch list items to be completed as part of the Improvement 19-02 - Cuyuna Lakes State Trail project. Mr. Higgins has requested that he be compensated for gravel used on the project in lieu of punch list item completion.	
Alternatives, Options, Effects on Others/Comments: At the onset of the project, reclaimed gravel from the existing lot was going to be given to Mr. Higgins. He allowed the City to keep the reclaimed gravel in place instead of Knife River hauling off-site gravel to the project, resulting in cost savings to the project. When discussing the final punch list items for the project, Mr. Higgins indicated that he would waive the requirement to complete the punch list items on the NP Center lot in exchange for reimbursement of \$20,000 for the reclaimed gravel used on the project. City Attorney Langel prepared the attached agreement for the final settlement and release, agreed upon by Mr. Higgins.	
Recommended Action/Motion: Staff recommends approving the Final Settlement and Release agreement as presented and issuance of \$20,000 payment to Mr. Higgins for reimbursement.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 20,000 <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> Most of these funds will be paid using funds that would have been utilized to complete the final punch list items. This will be paid through local funds.	

Cuyuna Lakes State Trail Project Final Settlement and Release

Recitals

- A. The City of Brainerd, Northern Pacific Center, LLC and Northern Pacific Center, Inc. entered into a Development Agreement dated February 27th, 2022, as amended on or about June 20th, 2022, concerning the construction of certain improvements on the Property, as defined in the Agreement.
- B. The Agreement was further modified during the course of construction by two Change Orders that were approved by the parties.
- C. The improvements required Class 5 aggregate base material. NPC, LLC provided 1,250 tons of said material for the project in lieu of the City purchasing the materials from off site. The aggregate base material is valued at \$16.00 per ton. The use of these materials has not been addressed by a Change Order.
- D. In order to close out the project and settle accounts between them, the parties desire to enter into this Settlement and Release.

Agreement

In consideration of the mutual promises set forth below, the parties hereto agree as follows:

- 1. Recitals. The Recitals set forth above are incorporated into this Settlement and Release.
- 2. Final Payment. Upon execution of this Settlement and Release, the City shall pay NPC, LLC \$20,000.00 in full and final payment for the Class 5 aggregate provided by NPC, LLC, and for any and all other possible claims NPC, LLC and NPCI may have or could assert arising out of the project contemplated by the Development Agreement, as amended. By accepting said payment, NPC, LLC and NPCI release the City, its employees and insurers from all claims, liability and demands that now exist or may hereafter exist arising out of or relating to the project.
- 3. Punch List. To the extent any party asserts that punch list items remain open, the final payment and release set forth above extinguishes those items. The City is not obligated to undertake any further work on the project.
- 4. Miscellaneous. There exists no promise or inducement except as set forth herein, and this Settlement and Release is executed without any reliance upon any statement of representation by any party or their agents. The terms of this

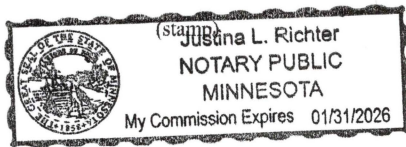
document are contractual and set forth the entire agreement reached between the parties.

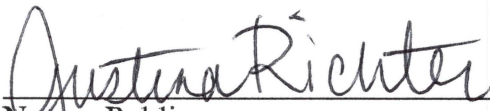
Northern Pacific Center, LLC

By: 
Michael D. Higgins, Managing Member

State of Minnesota)
) ss.
County of Crow Wing)

This instrument was acknowledged before me on the 21 day of September, 2022, by Michael D. Higgins, as Managing Member of Northern Pacific Center, LLC on behalf of said entity.




Notary Public

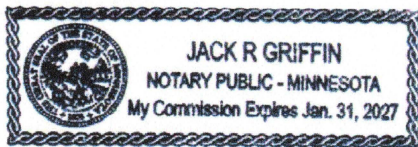
Northern Pacific Center, Inc.

By: David J. Hutton
David J. Hutton, President

State of Minnesota)
) ss.
County of Hennepin)

This instrument was acknowledged before me on the 21 day of September, 2022, by David J. Hutton, as President of Northern Pacific Center, Inc. on behalf of said entity.

(stamp)



[Signature]
Notary Public

City of Brainerd

By: _____
Dave Badeaux, Mayor

By: _____
Jennifer Bergman, City Administrator

State of Minnesota)
) ss.
County of Crow Wing)

This instrument was acknowledged before me on the ____ day of _____, 2022, by Dave Badeaux as Mayor and Jennifer Bergman as City Administrator on behalf of the City of Brainerd.

(stamp)

Notary Public



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve Change Order 1 - Imp 19-02 - CLST Extension West Segment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Public Works
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Attached to this request is Change Order 1 for Improvement 19-02 - CLST Extension West Segment project.	
Alternatives, Options, Effects on Others/Comments: The change order includes two portions of work. First, additional watermain work was coordinated with BPU regarding a damaged water line and 3 water service lines. This portion of the change order totals \$5,083.01. The second portion of the work includes a white painted line along the 12-foot wide trail segment. The two feet of trail width adjacent to the curb encounters several transition pieces for tie-ins at driveways and alleys. For trail users to better identify the "usable" width of the trail (the remaining 10 feet), a 4-inch white paint line is recommended. Cost for the white painted line is \$3,272.40.	
Recommended Action/Motion: Staff recommends approval of the attached Change Order 1 for a total amount of \$8,355.41.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 8,355.41 <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> The painted line would be included with the funding for the trail segment. The water-related items would be billed to BPU.	



Building a Better World
for All of Us®

August 9, 2022

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

Honorable Mayor and City Council
c/o Jessie Dehn, City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mayor and Members of the City Council:

Enclosed please find Change Order No. 1 for this project.

The proposed changes include the following:

1. Additional 4-inch paint stripe along the trail edge to delineate the operating width of the trail from the 2-foot clearance along the street side.
2. Contractor down time due to damaged water main (by others) uncovered during excavations.
3. Contractor time and materials to insulate a shallow water service crossing.
4. Contractor crew time for water service repairs at the request of Brainerd Public Utilities.

Further descriptions, along with the estimated total quantities and costs, are included in the enclosed Change Order for this work. Upon acceptance, please sign and return the executed copy to SEH.

Please feel free contact me if you have any questions.

Sincerely,

Casey Zins, PE
Project Engineer

mrh
Enclosures
c: Scott Hedlund, SEH

p:\ael\b\brdmn\149920\1-gen\14-corr\west segment\2022.09.27 | city change order no. 1.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

CHANGE ORDER NO. 1

OWNER	<u>City of Brainerd</u>	DATE	<u>September 26, 2022</u>
CONTRACTOR	<u>DeChantal Excavating, LLC</u>		
ENGINEER	<u>SEH</u>	SEH No.	<u>BRDMN 149920</u>
Project	<u>2022 Cuyuna Lakes State Trail Extension – West Segment, Brainerd</u>		

You are directed to make the following changes in the Contract Documents:

Description:

1. 4" Solid Line Paint:
 - a. Prior to paving the trail, the Contractor raised concerns about paving adjacent to the proposed 2-foot concrete clearance adjacent to the back of curb. Upon review with the concrete and bituminous subcontractor's, it was determined that the trail should be paved the full 12 foot width adjacent to the back of curb, and the 2-foot concrete clearance be poured at driveways and alley crossings only. In order to help trail users identify the operating width of the trail, the Engineer determined a 4-inch white paint edge stripe should be added along the 2-foot clearance zone on the street side.
2. Crew Down Time – Damaged Water Line:
 - a. During construction, the Contractor excavated around the Hydrant at the SE quadrant of 10th St & Norwood St for the proposed hydrant relocation. Upon exposing the water main, it was determined that the water main was damaged by horizontal boring performed by a private utility company during utility relocation work. BPU was on site and performed the necessary repair to the water line. The Contractor submitted crew down time associated with this water line repair – see attached.
3. Insulate Water Service Line:
 - a. During construction, BPU notified the Engineer of a shallow water service line beneath the proposed trail at 11th Street & Norwood Street that would require insulating. The Engineer ordered the Contractor to insulate this water service line prior to grading the trail. The Contractor submitted crew time and material costs associated with this work – see attached.
4. Water Service Line Repairs:
 - a. During construction, BPU notified the Engineer of two water service lines beneath the proposed trail that required repair work. BPU provided the Contractor with the necessary materials for these repairs, and the Engineer ordered the Contractor to make these repairs prior to grading the trail. The Contractor submitted crew time associated with these repairs – see attached.

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
118	4" SOLID LINE PAINT	LIN FT	\$2.02	1,620.00	\$3,272.40
119	CREW DOWN TIME - DAMAGED WATER LINE	HOUR	\$1.00	600.60	\$600.60
120	INSULATE WATER SERVICE LINE	HOUR	\$3.00	513.33	\$1,539.99
121	INSULATE WATER SERVICE LINE	LUMP SUM	\$450.92	1.00	\$450.92
122	WATER SERVICE LINE REPAIRS	HOUR	\$5.00	498.30	\$2,491.50
TOTAL					\$8,355.41

Attachments:

DeChantal Quote.

ITEM	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES	
		Substantial Completion	Ready for Final Payment
Original Contract Price:	\$630,162.28	10/14/2022	11/30/2022
Net increase (decrease) from previous Change Order No. ___ to ___:	\$0.00	-	-
Contract price prior to the Change Order:	\$630,162.28	10/14/2022	11/30/2022
Net increase (decrease) of this Change Order:	\$8,355.41	02/28/2023	06/30/2023
Contract price with all approved Change Orders:	\$638,517.69	02/28/2023	06/30/2023

In accordance with the Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

RECOMMENDED:

SEH
416 South 6th Street, Suite 200
Brainerd, MN 56401

By: 
Title: Project Engineer
Date: 09/26/2022

APPROVED:

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

By: _____
Title: _____
Date: _____

ACCEPTED:

DeChantal Excavating, LLC
PO Box 315
Brainerd, MN 56401

By: 
Title: CEO
Date: 9-27-22



**P.O. Box 315
Brainerd, MN 56401**

Quote

Date	Quote #
9/26/2022	1528

Name / Address

Brainerd
Cuyuna Lakes Trail Extension

Description	Quantity	Unit Cost	Unit	Total
* Cuyuna Lakes Trail				
* Change Order Requests				
* Downtime for Waterline Hit by Directional Drilling Company @ Hydrant Relocation Location				
1. Crew Rate	1	546.00	Hour	546.00
10% OH&P	1	54.60	LS	54.60
				600.60
* Insulate Waterline Service @ 11th & Norwood				
1. Crew Rate	3	453.00	Hour	1,359.00
2. Materials - 11 Sheets of Insulation	1	450.92	LS	450.92
10% OH&P	1	180.99	LS	180.99
				1,990.91
* BPU Services @ 1108 Norwood				
1. Crew Rate	5	453.00	Hour	2,265.00
10% OH&P	1	226.50	LS	226.50
				2,491.50
* 4" Solid White Line @ 2 foot from Back of Curb				
1. Subcontractor: Sir Lines A Lot (See Attached)	1,620	1.84	LF	2,980.80
10% OH&P	1	298.08	LS	298.08
				3,278.88
Total				\$8,361.89

Office: 218-828-4636

Cell: 218-839-1318

Fax: 218-824-1510

Email: adechantal@gmail.com



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Discussion on N. 3rd Street Sidewalk

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Public Works
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 5 Minutes
Summary of Issue: Staff is requesting direction on sidewalk replacement on North 3rd Street between Kingwood Street and Ivy Street.	
Alternatives, Options, Effects on Others/Comments: See attached memo.	
Recommended Action/Motion: Staff recommends proceeding with executing Option #4 and directing DeChantal Excavating to add the segments of sidewalk.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Approx 21,700</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> The change order would be funded through the 400 construction fund. This change order is roughly 0.5% of the overall contract cost.	



MEMO

TO: SAFETY & PUBLIC WORKS COMMITTEE

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: OCTOBER 3, 2022

SUBJECT: NORTH 3RD STREET SIDEWALK

On May 16, 2022, City Council awarded Improvement 21-12 - North Brainerd Reconstruction project to DeChantal Excavating and was originally intended for construction during the summer of 2022. Due to supply chain issues regarding watermain materials, the project was delayed until 2023.

Currently, the plans include varying segments of sidewalk along North 3rd Street between Washington Street (TH 210) and the hospital. On the west side of North 3rd Street, there is sidewalk either planned to be replaced or left in place on the entire corridor. The east side of North 3rd Street has sections of the corridor that do not have sidewalk currently and none planned as part of the project.

On the east side of North 3rd Street, there is currently sidewalk north of the alley between Washington Street and Kingwood Street. This block of sidewalk will be either replaced or left in place north of the alley and new sidewalk placed on south of the alley through the project. Between Kingwood Street and Juniper Street, there is no sidewalk currently and the project does not include construction of new sidewalk. Between Juniper Street and Ivy Street, there is sidewalk only north of the 418 N. 3rd Street driveway. This sidewalk is currently planned to be removed as part of the project and not re-installed. Between Ivy Street and Holly Street, there is sidewalk currently and will be replaced or left in place as part of the project.

In August, the property owner at 422 N. 3rd Street requested that the plans be adjusted so that the existing sidewalk adjacent to their property is not removed as part of the project. If this segment of sidewalk is not removed, the project would have some additional cost savings from quantity reduction of roughly \$500 but additional costs to replace additional segments for ADA accessibility would likely offset much of those savings. Generally, segments of sidewalk that do not have connection to adjacent sidewalks or streets are either removed or extended. Sidewalks with “dead ends”, such as this situation, can create confusion for pedestrians expecting a connection or difficulty for those with accessibility needs to navigate the area without an appropriate connection.

Jessie Dehn, P.E.
City Engineer/Public Works Director
City of Brainerd, MN

Staff is requesting direction on how to address the sidewalk on the east side of North 3rd Street between Kingwood Street and Ivy Street. There are several options to consider. Below is a listing of options, pros and cons of each, as well as an approximate financial effect on the project.

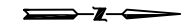
Option #1: Leave plans unchanged, remove sidewalk on north half of block between Juniper and Ivy.	
Pros	Cons
No additional cost required	422 property loses sidewalk requested to leave
Eliminate “dead end” sidewalk issues	Less walkable area within the corridor
Approximate Financial Impact: None	

Option #2: Adjust plans to leave existing sidewalk on north half of block between Juniper and Ivy, to the extent feasible.	
Pros	Cons
Satisfies 422 property owner request	“Dead end” sidewalk issue remains
Additional off-street walkable space	
Approximate Financial Impact: None	

Option #3: Adjust plans to leave existing sidewalk on north half of block and install new sidewalk on south half of block between Juniper and Ivy.	
Pros	Cons
Satisfies 422 property owner request	Additional cost investment
Additional off-street walkable space	Loss of tree(s) and shrubs
Connection made to adjacent walks on Juniper	Sidewalk gap between Kingwood and Juniper remains
	Adjacent property owners may not want sidewalk
Approximate Financial Impact: Additional \$7,700	

Option #4: Adjust plans to leave existing sidewalk on north half of block and install new sidewalk on south half of block between Juniper and Ivy and between Kingwood and Juniper.	
Pros	Cons
Satisfies 422 property owner request	Higher additional cost investment
Additional off-street walkable space	Loss of trees, shrubs, and landscaping
Full connections to all adjacent walks and to Washington Street	Adjacent property owners may not want sidewalk
Approximate Financial Impact: Additional \$21,700	

3RD ST. (STA. 10+00.00 TO 18+00.00)



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SCALE IN FEET

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BEGIN IMP. NO. 21-12
STA. 10+00.00

6" CONCRETE WALK

BP: 10+00.00
10+00

80.00' R/W

WASHINGTON ST.
(STA. 10+00.00)

6" CONCRETE WALK

KINGWOOD ST.
(STA. 13+79.36)

JUNIPER ST.
(STA. 17+61.77)

GENERAL CONSTRUCTION NOTES

1. THE LOCATION OF THE UNDERGROUND UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL DETERMINE THE ACTUAL LOCATION BEFORE STARTING WORK.
2. CONSTRUCTION LIMITS ARE WITHIN THE R.O.W. AND EASEMENTS SHOWN.
3. IF NEEDED STREET/ROAD SIGNS TO BE REMOVED AND REPLACED BY THE CITY OF BRAINERD STREET DEPT. CITY STREET DEPT. TO INSTALL NEW STREET SIGNS.
4. IF NEEDED BRAINERD PUBLIC UTILITIES TO REMOVE AND REPLACE STREET LIGHT POLES. CONTRACTOR TO COORDINATE WITH B.P.U. TO ALLOW TIME FOR REMOVAL AND REPLACEMENT.
5. ALL SANITARY AND STORM SEWER MANHOLES SHALL HAVE NEW FRAMES, CASTINGS & EXTERNAL CASTING SEALS.

REMOVAL / CONSTRUCTION NOTES

- 1 SAW CUT BITUMINOUS MAINLINE PAVEMENT & REMOVE BITUMINOUS.
- 2 SAW CUT BITUMINOUS DRIVEWAY PAVEMENT & REMOVE BITUMINOUS
- 3 SAW CUT CONCRETE DRIVEWAY PAVEMENT & REMOVE CONCRETE.
- 4 SAW CUT CONCRETE SIDEWALK & REMOVE CONCRETE.
- 5 REMOVE CONCRETE STEPS.
- 6 REMOVE CONCRETE CURB & GUTTER.
- 7 REMOVE CONCRETE VALLEY GUTTER.
- 8 SALVAGE AND REINSTALL MAILBOX.
- 9 SALVAGE AND REINSTALL FENCE.
- 10 SALVAGE AND REINSTALL RAILING.
- 11 REMOVE STONE PAVERS.
- 12 REMOVE SHRUB.
- 13 REMOVE TREE (CLEAR AND GRUB).
- 14 REMOVE STUMP.
- 15 REMOVE EXISTING AND INSTALL NEW LANDSCAPE ROCK.
- 16 REMOVE EXISTING AND INSTALL NEW WOOD MULCH.
- 17 REMOVE EXISTING AND INSTALL NEW LANDSCAPE EDGER.
- 18 TRIM TREE.
- 19 SALVAGE AND REINSTALL BOULDERS.
- 20 SALVAGE AND REINSTALL STONE PAVERS.
- 21 INSTALL GEOTEXTILE FABRIC FOR LANDSCAPING..
- 22 INSTALL DECIDUOUS TREE 2" B & B.
- 23 INSTALL CONIFEROUS TREE 8' HT. B & B.
- 24 INSTALL DECIDUOUS SHRUB 4' B & B.
- 25 TRANSPLANT SHRUB.
- 26 INSTALL B618 CURB AND GUTTER.
- 27 INSTALL B624 CURB AND GUTTER.
- 28 INSTALL V6 CURB AND GUTTER.
- 29 INSTALL STONE PAVERS.
- 30 INSTALL 4.00" CONCRETE SIDEWALK.
- 31 INSTALL 6.00" CONCRETE SIDEWALK & TRUNCATED DOMES (RED).
- 32 INSTALL 4.00" COLORED CONCRETE SIDEWALK.
- 33 INSTALL 6.00" COLORED CONCRETE SIDEWALK.
- 34 INSTALL 7.00" CONCRETE DRIVEWAY.
- 35 INSTALL CONCRETE STAIRWAY.
- 36 REMOVE GRAVEL, RE-GRADE & REPLACE WITH 4.00" CLASS 5 AGGREGATE BASE.
- 37 INSTALL 2.00" BITUMINOUS AND 4.00" CLASS 5 AGGREGATE BASE.
- 38 REMOVE SANITARY CASTING, INSTALL NEW A-7 CASTING AND SEAL.
- 39 REMOVE STORM CATCHBASIN CASTING, INSTALL NEW B-3 CASTING.
- 40 REMOVE 7.00" CONCRETE PAVEMENT.

REV. #

DATE



CITY OF BRAINERD

ENGINEERING DEPARTMENT
501 LAUREL STREET
BRAINERD, MN 56401

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the state of Minnesota.

Paul Sandy Date 04/01/22
Paul Sandy, P.E. License No. 53635

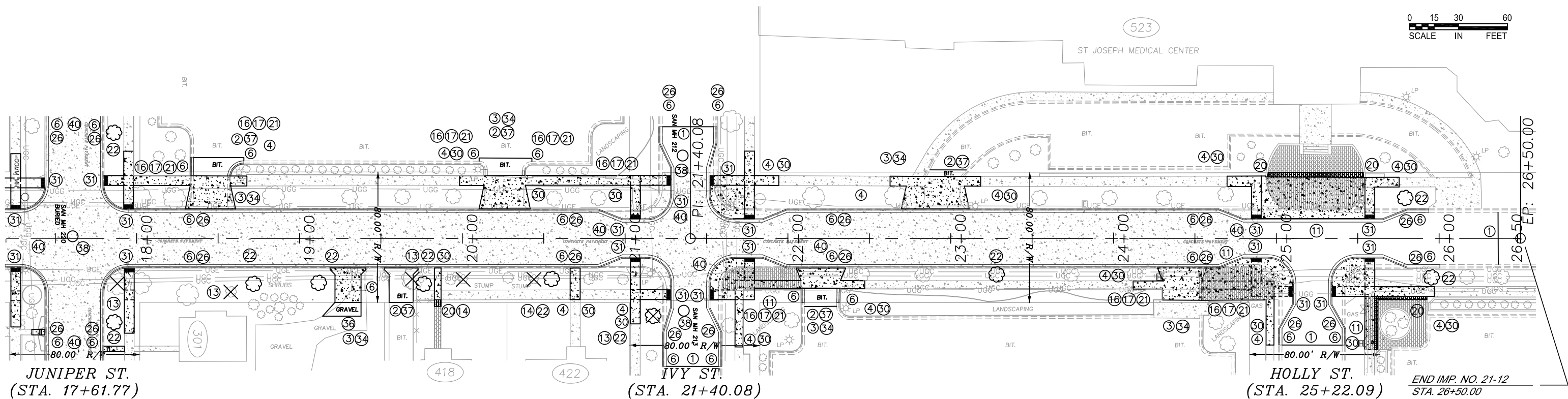
NORTH BRAINERD RECONSTRUCTION

IMPROVEMENT NO. 21-12

PLAN & REMOVAL

SHEET 43 OF 78

3RD ST. (STA. 18+00.00 TO 26+50.00)



GENERAL CONSTRUCTION NOTES

1. THE LOCATION OF THE UNDERGROUND UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL DETERMINE THE ACTUAL LOCATION BEFORE STARTING WORK.
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REMOVAL / CONSTRUCTION NOTES

- 1 SAW CUT BITUMINOUS MAINLINE PAVEMENT & REMOVE BITUMINOUS.
- 2 SAW CUT BITUMINOUS DRIVEWAY PAVEMENT & REMOVE BITUMINOUS
- 3 SAW CUT CONCRETE DRIVEWAY PAVEMENT & REMOVE CONCRETE.
- 4 SAW CUT CONCRETE SIDEWALK & REMOVE CONCRETE.
- 5 REMOVE CONCRETE STEPS.
- 6 REMOVE CONCRETE CURB & GUTTER.
- 7 REMOVE CONCRETE VALLEY GUTTER.
- 8 SALVAGE AND REINSTALL MAILBOX.
- 9 SALVAGE AND REINSTALL FENCE.
- 10 SALVAGE AND REINSTALL RAILING.
- 11 REMOVE STONE PAVERS.
- 12 REMOVE SHRUB.
- 13 REMOVE TREE (CLEAR AND GRUB).
- 14 REMOVE STUMP.
- 15 REMOVE EXISTING AND INSTALL NEW LANDSCAPE ROCK.
- 16 REMOVE EXISTING AND INSTALL NEW WOOD MULCH.
- 17 REMOVE EXISTING AND INSTALL NEW LANDSCAPE EDGER.
- 18 TRIM TREE.
- 19 SALVAGE AND REINSTALL BOULDERS.
- 20 SALVAGE AND REINSTALL STONE PAVERS.
- 21 INSTALL GEOTEXTILE FABRIC FOR LANDSCAPING..
- 22 INSTALL DECIDUOUS TREE 2" B & B.
- 23 INSTALL CONIFEROUS TREE 8' HT. B & B.
- 24 INSTALL DECIDUOUS SHRUB 4' B & B.
- 25 TRANSPLANT SHRUB.
- 26 INSTALL B618 CURB AND GUTTER.
- 27 INSTALL B624 CURB AND GUTTER.
- 28 INSTALL V6 CURB AND GUTTER.
- 29 INSTALL STONE PAVERS.
- 30 INSTALL 4.00" CONCRETE SIDEWALK.
- 31 INSTALL 6.00" CONCRETE SIDEWALK & TRUNCATED DOMES (RED).
- 32 INSTALL 4.00" COLORED CONCRETE SIDEWALK.
- 33 INSTALL 6.00" COLORED CONCRETE SIDEWALK.
- 34 INSTALL 7.00" CONCRETE DRIVEWAY.
- 35 INSTALL CONCRETE STAIRWAY.
- 36 REMOVE GRAVEL, RE-GRADE & REPLACE WITH 4.00" CLASS 5 AGGREGATE BASE.
- 37 INSTALL 2.00" BITUMINOUS AND 4.00" CLASS 5 AGGREGATE BASE.
- 38 REMOVE SANITARY CASTING, INSTALL NEW A-7 CASTING AND SEAL.
- 39 REMOVE STORM CATCHBASIN CASTING, INSTALL NEW B-3 CASTING.
- 40 REMOVE 7.00" CONCRETE PAVEMENT.

REV. #

DATE



CITY OF BRAINERD

ENGINEERING DEPARTMENT
501 LAUREL STREET
BRAINERD, MN 56401

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the state of Minnesota.

Paul Sandy Date 04/01/22
Paul Sandy, P.E. License No. 53635

NORTH BRAINERD RECONSTRUCTION

IMPROVEMENT NO. 21-12

PLAN & REMOVAL

SHEET 44 OF 78



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Approve Downtown Snow Removal Bids

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/PW Director Dehn	Department: Public Works
Presenter (Name & Title): City Engineer/PW Director Dehn	Estimated Time Needed: 2 Minutes
Summary of Issue: Attached to this request is the bid that was received for the 2022-2023 downtown snow removal services.	
Alternatives, Options, Effects on Others/Comments: Competitive bids were directly solicited to 5 contractors. One contractor submitted a bid. Tom's Backhoe Service has been providing this service to the downtown for many years. The costs associated with the bid are \$6,184.57 and \$1,433.01 for the first 4 inches of snow on streets/alleys/parking lots and sidewalks respectively. Each additional inch after the first 4 inches is \$1,734.72 and \$301.69 respectively. This represents a 10% increase over last years submitted bid. Previous years have been consistently increased by 5% each year.	
Recommended Action/Motion: Staff recommends approval of the bid from Tom's Backhoe Service for the 2022-2023 downtown snow removal services in the downtown district.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ <u>Unknown</u> Is this budgeted? ☐ Yes ☐ No None at this time <u>Please Explain:</u>	

City of Brainerd

2022-2023 Downtown Snow Removal

Form of Proposal



Description	Unit	Unit Price
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	6,184.57
STREETS, ALLEYS, PARKING LOTS (EACH ADDT'L INCH)	INCH	1,734.72
SIDEWALKS (4" BASE)	LUMP SUM	1,433.01
SIDEWALKS (EACH ADDT'L INCH)	INCH	301.69

This proposal dated this 26th day of September, 2022

Signed: Kathy Thompson

Title: CFD

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

SPECIFICATIONS FOR SNOW REMOVAL IN CENTRAL BUSINESS DISTRICT

Description of Work

The intent of this solicitation is to provide snow removal services in the core area of Downtown Brainerd following snow accumulations of 4 inches or more in accordance with the specifications herein described.

Term of Contract

The term of this services agreement shall begin when accepted by the City Council and continue through the end of the plowing season estimated to be mid-March. The City reserves the right to remove the snow with city forces in late winter/early spring when weather conditions are favorable for a quick snow melt.

Description of Snow Removal Area (as shown on attached maps and listed).

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

Sidewalks: All sidewalks abutting streets listed above

Alleys: All alleys between Front and Maple from South 6th to South 8th Streets.

Parking lots: Parking lots are listed as follows and shown on the attached maps unless noted otherwise:

1. BN parking lot located between S 6th and S 8th North of Front Street.
2. Front Street parking lot located at the corner of Front and S 7th Street
3. Laurel Street parking lot located on Laurel Street between S 6th Street and S 7th Street
4. Alley parking lots located adjacent to the East-West alley from S 6th Street to S 8th Street between Maple and Laurel Streets.

Posting of Streets

Upon declaration of a snow emergency, or when directed by the Engineer, the Contractor shall post all affected streets for "No Parking." The "2-Hour Parking" signs on the streets shall be "flipped" to expose the red snow removal message. Alleys are already signed for "No Parking." Parking restriction signs have been removed from the north side of Front Street between South 6th Street and South 8th Street, as a result, the Contractor shall post no fewer than 6 portable No Parking signs along the north side of

the street Two additional portable "No Parking" signs shall be posted by the contractor on each side of each block. Additional "No Parking" signs will be furnished by the City.

The contractor may commence snow removal operations at his discretion; however, vehicles will not be towed prior to 3:00 a.m. as posted.

Upon completion of the snow removal, the contractor shall remove the portable "No Parking" signs and return the "flip" snow removal signs to their original position which reads 2-hour parking.

Snow Removal in Parking Lots

Parking will not be restricted in the parking lots during snow removal operations on the streets and sidewalks. The Contractor shall remove snow **from parking spaces in the parking lots** as permitted **during the afternoon/evening prior to the street and sidewalk snow removal to provide a place for downtown residents to park.** Upon completion of the snow removal from the streets, **and if necessary,** the Contractor shall post the parking lots for "No Parking" and complete the snow removal from the parking lots by 8:00 A.M. the following day.

Ticketing and Towing

The City of Brainerd will arrange for the ticketing and towing of vehicles. Ticketing and towing will only occur when a snow emergency is declared in time to give adequate notice to potential violators. Towing operations will commence at 3:00 a.m.

Progress of Work

Snow removal operations shall begin upon all snow accumulations of 4" or more and when directed by the Engineer. Snow shall be sufficiently removed to provide pedestrian traffic, parking and driveable lanes by 8:00 A.M. on all weekdays and Saturday mornings. Snow accumulations which end on a weekend shall be completely removed by 8:00 A.M., Monday, or, as in all other cases, within 24 hours of the snowfall ending.

Traffic Control

The Contractor shall be responsible for traffic control during the snow removal operation.

Equipment

Snow removal on sidewalks, alleys and parking lots may occur by any appropriate mechanical means. Mechanical equipment used to clear snow from sidewalks shall be equipped with a polyurethane cutting edge. Snow removal on the streets, however, shall

be finished with a motor grader capable of cutting off ice and compacted snow.

Protection of Improvements

The Contractor shall perform all snow removal in a manner which protects all improvements, both public and private and shall be solely responsible for any damage to said improvements which occurs as a result of the snow removal operation.

Hold Harmless Clause

The Contractor shall assume all liability and save the City harmless and indemnify the City from every claim, action, cause of action, liability, damages, expense of payment by reason of any injury to person or persons, including death suffered through any act or omission of the Contractor or any subcontractor or anyone directly or indirectly employed by either of them in the prosecution of the work or any portion thereof included in this contract.

Disposal of Snow

Disposal of snow shall be solely the Contractor's responsibility. In previous years there was adequate space in the BN Lot to temporarily stockpile snow. This is no longer the case. Snow in the BN Lot shall be removed within the same timeframes as other parking lots.

Method of Payment

Payment for snow removal shall be at the unit prices bid on the proposal form. Sidewalk snow removal shall be bid separately from street, alleys and parking lots. Payment shall be for a base 4" snowfall, plus the bid amount for each additional inch.

Method of Measurement

Measurement shall be the snowfall depth as measured and recorded by the Department of Natural Resources, **the National Oceanic and Atmospheric Administration, some other competent weather authority**, or as mutually agreed to by the Contractor and the Engineer.



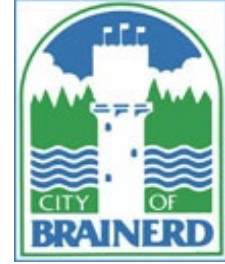
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Direction on Active Code Enforcement Cases

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik, CCD	Estimated Time Needed: 5 minutes
Summary of Issue: With the adoption of Ordinance No. 1524, the revised Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to 3 administration citations for non-compliance. Once 3 citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violation. Staff is bringing three properties before the Committee for review. Staff is looking for direction from the Council as how to proceed with the cases.	
Alternatives, Options, Effects on Others/Comments: Attached are case files for 408 2nd Ave NE, 1218 Quince St and 710 9th St N. Per Section 320, action that could be taken against these properties include: - Continued administrative citations in an amount determined by the City Council - Abatement of the offense (depending on the type of offense) - Legal action (at the recommendation of the City Attorney depending on the type of offense) - Cease corrective action	
Recommended Action/Motion: See attached memo.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: October 3, 2022

RE: Recommendations for Active Code Enforcement Cases

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

- **408 2nd Ave NE – Damaged Roof – Ongoing since 2021**
 - Received one (1) Notice of Violation Letter and fifteen (15) Citations for repeat offense for Damaged Roof
 - First Citation 6/17/21 – Last Citation 9/16/22
 - \$900 in open citations
 - \$600 will be assessed to the property

Staff recommends sending a 10-day order to correct letter and issuing a \$300.00 citation every 30 days until November 1st.

- **1218 Quince St**
 - Received one (1) Notice of Violation Letter and three (3) Citations for Fence Repair
 - First Citation 8/24/22 – Last Citation 9/26/22
 - \$600 in open citations

Staff recommends sending a 20-day order to correct letter for repair of the fence or proof that a contract has been signed for repair and begin working with the City Attorney for abatement of the fence.

- **710 9th St N**
 - Received one (1) Notice of Violation Letter and three (3) Citations for Grass/Weeds
 - First Citation 9/7/22 – Last Citation 9/29/22
 - \$600 in open citations

Staff recommends abatement of the long grass immediately.



July 26, 2022

VEITH, STEVEN H
9797 LEGIONVILLE RD
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 408 2ND AVE NE
Real Estate Code: 41191616

Violation: Damage Roof
IPMC 304.7, 304.1.1(8)

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

The following conditions shall be determined unsafe and shall be repaired or replaced to comply with the International Building Code: Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue, or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 08/25/2022

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN22-0315

Date of Violation: 09/16/2022

Parcel ID: 41191616

Violator(s): VEITH, STEVEN H
9797 LEGIONVILLE RD
BRainerd, MN 56401-

Location/Address of Violation: **408 2ND AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 304.7,304.1.1(8)	Damage Roof	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 09/26/2022

**For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.
An additional citation will be issued if the violation is not corrected by the re-inspection date.
Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.
Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed
against the property of the owner charged with the violation.**

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Darrin Deseth, Building Official

Date: 09/16/2022

Representative's Signature:

(served via first class mail)





07/25/2022 09:28

July 25, 2022

BJORKE, MARSHA LYNN & CHRISTOPHER L
1218 QUINCE ST
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 1218 QUINCE ST
Real Estate Code: 41250644

Violation: Fence Repair

IPMC: 302.7

Description: Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 08/24/2022

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN22-0309

Date of Violation: 09/16/2022

Parcel ID: 41250644

Violator(s): BJORKE, MARSHA LYNN & CHRISTOPHER L
1218 QUINCE ST
BRainerd, MN 56401

Location/Address of Violation: **1218 QUINCE ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.7	Fence Repair	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 09/26/2022

**For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.
An additional citation will be issued if the violation is not corrected by the re-inspection date.
Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.
Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed
against the property of the owner charged with the violation.**

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Darrin Deseth, Building Official

Date: 09/16/2022

Representative's Signature:

(served via first class mail)



August 30, 2022

LOSOS, DARREN
710 9TH ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 710 9TH ST N
Real Estate Code: 41241595

Violation: Grass & Weeds
IPMC302.4

Description: Premises and exterior property shall be maintained free from weeds and plant growth in excess of 6". Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing therein, and the costs of such removal shall be paid by the owner or agent responsible for the property.

This is the only notice you will receive this growing season. Additional violations this growing season will result in an administrative citation and possible abatement.

Corrective action is required; five (5) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 09/04/2022

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN22-0388

Date of Violation: 09/29/2022

Parcel ID: 41241595

Violator(s): LOSOS, DARREN
710 9TH ST
BRainerd, MN 56401

Location/Address of Violation: **710 9TH ST N**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.4	Grass & Weeds	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 10/09/2022

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.

An additional citation will be issued if the violation is not corrected by the re-inspection date.

**Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.
Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed
against the property of the owner charged with the violation.**

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Darrin Deseth, Building Official

Date: 09/29/2022

Representative's Signature:

(served via first class mail)



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Adopt Ordinance 1536

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman, City Administrator	Department: Administration
Presenter (Name & Title): Jennifer Bergman, City Administrator	Estimated Time Needed: 5 Minutes
Summary of Issue: On the June 20th City Council meeting, the Council held a public hearing and the final reading of Ordinance 1532, an ordinance amending the City Charter (see attached). Ordinances to amend the City Charter must be a unanimous vote; the ordinance failed on a 4-3 vote. The discussion at the Council was that there were too many changes to the Charter in one ordinance. The Charter Commission discussed the ordinance at their July meeting and recommended that the Council consider three separate ordinances. Ordinance 1536 amends two sections of the Charter: 1) Chapter One, Section 2 removing the written description of the Wards and replacing it with "The City shall be divided into four wards in accordance with state law;" and, 2) Chapter Two, Section 14 by changing the elections of President and Vice President to the first meeting in January as opposed to the first meeting of the City Council after the regular City election.	
Alternatives, Options, Effects on Others/Comments: The Council held the first reading on September 6, 2022 and the final reading on September 19th; however, in order to amend the City Charter, all members of the council need to be present and vote in favor of the amendment for it to be approved. There were only six members at the last Council meeting; therefore, the Council must vote on this again.	
Recommended Action/Motion: Adopt Proposed Ordinance No. 1536, an ordinance amending Chapters 1 and 2 of the Brainerd City Charter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
No. 1536

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 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.~~

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.

SECTION THREE: 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: October 3, 2022

Title of Item: Adopt Ordinance 1537

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman, Finance Director	Department: Administration
Presenter (Name & Title): Connie Hillman, Finance Director	Estimated Time Needed: 5 Minutes
Summary of Issue: On the June 20th City Council meeting, the Council held a public hearing and the final reading of Ordinance 1532, an ordinance amending the City Charter (see attached). Ordinances to amend the City Charter must be a unanimous vote; the ordinance failed on a 4-3 vote. The discussion at the Council was that there were too many changes to the Charter in one ordinance. The Charter Commission discussed the ordinance at their July meeting and recommended that the Council consider three separate ordinances. Ordinance 1537 amends the language in the Permanent Improvement Fund. The recommended change is to eliminate references to Subdivision 11 Section 46 and Section 49 as this was renumbered. The rest of the section outlines certificates and the issuing of debt. The funds levied for permanent improvement fund are transfers to the construction fund (401) and used to maintain streets and alleys. The City issues debt under the sections of state statute that apply, such as 429 bonds. The amendment does keep the requirement to levy taxes in amount not to exceed 9% of the City's previous year's total levy to be used specifically for streets.	
Alternatives, Options, Effects on Others/Comments: The Council held the first reading on September 6, 2022 and the final reading on September 19th; however, in order to amend the City Charter, all members of the council need to be present and vote in favor of the amendment for it to be approved. There were only six members at the last Council meeting; therefore, the Council must vote on this again.	
Recommended Action/Motion: Adopt Proposed Ordinance No. 1537, an ordinance amending Chapter 3 of the Brainerd City Charter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
No. 1537

AN ORDINANCE AMENDING THE CITY CHARTER

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: 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-paying 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 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: September 6, 2022

Title of Item: Adopt Ordinance 1538

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman, City Administrator	Department: Administration
Presenter (Name & Title): Connie Hillman, Finance Director	Estimated Time Needed: 5 Minutes
Summary of Issue: On the June 20th City Council meeting, the Council held public hearing and the final reading of Ordinance 1532, an ordinance amending the City Charter (see attached). Ordinances to amend the City Charter must be a unanimous vote; the ordinance failed on a 4-3 vote. The discussion at the Council was that there were too many changes to the Charter in one ordinance. The Charter Commission discussed the ordinance at their July meeting and recommended that the Council consider three separate ordinances. Ordinance 1538 would eliminate Chapter Five - Streets - in its entirety and add the following language to Chapter 2: "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." During the review of the Charter, former City Engineer Paul Sandy reviewed the Streets Chapter and recommended eliminating the majority of the chapter as it is covered in state statute.	
Alternatives, Options, Effects on Others/Comments: The Council held the first reading on September 6, 2022 and the final reading on September 19th; however, in order to amend the City Charter, all members of the council need to be present and vote in favor of the amendment for it to be approved. There were only six members at the last Council meeting; therefore, the Council must vote on this again.	
Recommended Action/Motion: Adopt Proposed Ordinance No. 1538, an ordinance amending Chapter 5 of the Brainerd City Charter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
No. 1538

AN ORDINANCE AMENDING THE CITY CHARTER

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

CHAPTER TWO

OFFICERS AND ELECTIONS

~~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 TWO: 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 THREE: 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: October 3, 2022

Title of Item: Workshop for Discussion on the use of SLFRF- Part of ARPA

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Connie Hillman, Finance Director	Estimated Time Needed: 5 Minutes
Summary of Issue: Staff is requesting for Council to have a workshop on Tuesday, October 11, 2022 at 6:00 pm to discuss the uses of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF)- funds that are part of the American Rescue Plan Act (ARPA) of 2021.	
Alternatives, Options, Effects on Others/Comments: The reason the meeting is recommended for Tuesday is because Monday the 10th is a federal holiday. The City received \$1,468,097.57 in SLFRF. The funds need to be obligated by December 31, 2024 and expended by December 31, 2026. The City elected to use the entire award under the standard allowance available under the revenue loss provision of the SLFRF. This allows the City the most flexible use of the funds and would streamline the reporting and compliance requirements, allowing the funds to be used for general government services or anything allowed under the ARPA provisions.	
Recommended Action/Motion: Set a council workshop for Tuesday, October 11, 2022 at 6:00 pm to to discuss the uses of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF)- funds that are part of the American Rescue Plan Act (ARPA) of 2021. Also, it is recommended for the Council to adjourn the October 3, 2022 council meeting to this workshop.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



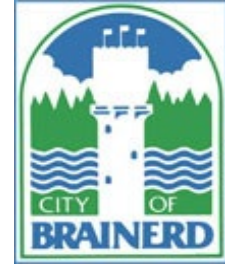
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: IUP For Outdoor Storage As A Principal Use At 1911 Thiesse Drive

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1911 Thiesse Dr.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the interim use permit request for outdoor storage as a principal use at 1911 Thiesse Dr. at their regular meeting on September 21st. Planning Commission made a motion to recommend approval of the interim use permit for outdoor storage as a principal use to operate a crypto mining facility with the conditions that the permit is contingent upon final sale of the property to VCV Digital and the permit would be voided if operation discontinue as a crypto mining facility. Upon roll call vote, the chair declared a tie vote, in which the motion fails.	
Recommended Action/Motion: See Memo	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: October 3, 2022

RE: Consideration of Interim Use Permit for Outdoor Storage as a Principal Use

Summary of Proposed Use

1918 & 1911 Thiesse Drive are located in a GI (General Industrial) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of outdoor storage as a primary use as an interim use in the GI District as long as it meets the criteria outlined in Section 515-3-28.C regulating outdoor storage. The applicant proposes operating a crypto mining facility with containers to house the data mining machines along with cooling towers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the crypto mining operation. Crypto mining would be an allowed use in the General Industrial Zoning District if the operation were to occur in a primary structure. VCV is required to obtain an Interim Use Permit for outdoor storage as a principal use due to multiple containers/ structures proposed on site without a primary structure. A main component of the outdoor storage regulation is that all exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. The proposed screening and design meet the requirements in the allowed uses section for outdoor storage as a principal use. In addition to meeting the requirements for outdoor storage, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. The granting of an Interim Use Permit must meet the criteria in the granting of Conditional Use Permits.

Commissioners Comments

Comments not in support of the Interim Use Permit

Concern that the proposed use would not be reusable for something else and would that be an issue for redevelopment of the site. Should a reclamation bond be required to ensure the site can be reconditioned and reused if this interim use is no longer viable?

This is an enterprise that has a lot of volatility with not a long track record and a concern that Brainerd will use a fully developed site and burn it on something that may not work out and leave Brainerd with a mess.

Compromises future energy needs and sustainability.

16 employees for 50 megawatts of power are not a great use for the amount of energy required.

The proposed use is not supported by the Comprehensive Plan (Economic Development Goal 3 Number 2) Attract new businesses best suited for the community's assets, increasing local employment options and building the city's tax base.

The proposed use is not supported by the Comprehensive Plan (Facilities and Infrastructure Goal 3 Number 4 & 5) Ensure adequate water/power supply to meet the long-term needs of the community. Steer city development to energy and resource conservation by promoting renewable energy sources, protecting our water supply, and leveraging the hydroelectric dam.

Brainerd's problem is having great jobs for people who live in Brainerd not just great jobs that doesn't help our tax base.

Comments in support of the Interim Use Permit

Is it the city's role to question the business plan/ risk of a private enterprise?

By not allowing something like this, it will have an impact on the tax base.

The storage containers would be fairly easy to remove, but would like to think about a reclamation bond that would expire after 5 years.

These lots have sat empty in the industrial park, and this would put them to some use.

BPU has surplus energy to use and BPU has vetted this energy request and has looked at this and feel they have the energy to sell. If energy is an asset that the City of Brainerd uniquely has and there's a business that would like to come in and use it, I fully support it. The applicant proposes a use for a bare lot that is sitting there doing nothing, with no other proposal in front of us.

Repair on a site like this, the pods would be removed, and the concrete would be scaped out and sent to crowd recycling so there would not be a need for a reclamation bond as a condition.

Planning Commission Vote

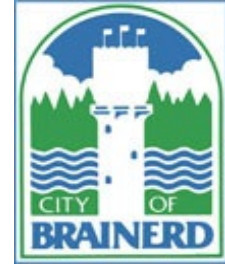
The Planning Commission considered the interim use permit request for outdoor storage as a principal use at 1918 & 1911 Thiesse Dr. at their regular meeting on September 21st. Planning Commission made a motion to recommend approval of the interim use permit for outdoor storage as a principal use to operate a crypto mining facility with the conditions that the permit is contingent upon final sale of the property to VCV Digital and the permit would be voided if operation discontinues as a crypto mining facility. Upon roll call vote, the chair declared a tie vote, in which the motion fails.

Staff Recommendation

Staff recommends approval of the Interim Use Permit for outdoor storage as a principal use for a crypto mining facility with the following conditions:

1. The interim use permit is contingent upon final sale of the industrial park property to VCV and is voided upon operations discontinuing as a crypto mining facility.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Interim Use Permit – 1911 Thiesse Dr.

Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1911 Thiesse Dr.

Property Area: 1.7 Acres

Adjacent Uses: North: Undeveloped Wetland
East: Undeveloped Wetland & Agricultural
South: Proposed Crypto Mining Facility
West: Industrial/ Vacant Undeveloped

Adjacent Zoning: North: Crow Wing County – Commercial/ Heavy Industrial District
East: Crow Wing County – Commercial/ Heavy Industrial District
South: GI (General Industrial) District
West: GI (General Industrial) District

Findings of Fact

1. 1911 Thiesse Drive is located in a GI (General Industrial) District. Zoning Ordinance [Section 515-3 \(Allowed Uses\) Appendix A: Table of Uses](#) permits the operation of outdoor storage as a primary use as an interim use in the GI District as long as it meets the criteria outlined in [Section 515-3-28.C](#) regulating outdoor storage. The applicant proposes operating a crypto mining facility with 24 containers to house the data mining machines along with 24 cooling towers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the crypto mining operation. The site would also have a guard shack and a construction trailer.
2. (Outdoor Storage) Non-Residential Zoning Districts.
 - a. All exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. All outdoor storage shall follow the standards as established [Section 515-4-10. G.](#) for screening of Parking Lots.
 - i. *The applicant is proposing an 8-foot-tall chain link fence with privacy slats and barb wire around the property. The privacy slats will be installed on the south and west side of the fence to screen the outdoor storage from the road. The remainder of the property is screened from outdoor storage with natural vegetation and will not be seen from*

adjacent properties. [Section 515-4-11.F.4](#) states that Non-residential fences up to eight and one half (8 ½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open. The proposed fence must be fully screened and therefore must be setback 40 feet from the front property line as regulated by [Section 515-2-16.C](#) General Industrial Zoning District Dimensional Standards.

- ii. Section 515-4-10.G Parking Lot Screening requires that one (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street. The applicant has proposed to install a row of shrubs on the south side of the fence to meet this ordinance.*
 - b. Screening shall be required except for the following:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.*
 - ii. Materials and equipment currently being used for landscaping or construction on the premises (within a period of one (1) year).*
 - 1. This property is not exempted from screening requirements.*
 - c. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 - i. The applicant has proposed 7 parking spaces for this facility and a large driveway circling the outdoor storage facility property.*
 - d. The storage area is fenced and secured.
 - i. This site will be fully fenced by and 8-foot-tall chain link fence with barbwire.*
 - e. The storage area is paved or surfaced to control dust and erosion.
 - i. The driveway and parking area will be paved with asphalt.*
 - f. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
 - i. This facility has a large driveway where all unloading will occur.*
 - g. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
 - i. This will be part of the building review process. The cooling towers will help reduce noise levels produced by the crypto mining machines.*
3. [Section 515-5-3.C.a](#) states that an Interim Use shall comply with the following standards:
 - a. Meets the standards of a Conditional Use Permit set forth in [Section \[515-5-2\]](#) of this Ordinance.
4. [Criteria for Granting Conditional Use Permits](#). In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
 - a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
 - i. The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity,*

requires isolation from residential and commercial uses. The proposed property is surrounded by industrial/ undeveloped land. Crypto mining with data storage containers and cooling towers is considered outdoor storage as a principal use with is allowed as an interim use in the GI District.

- b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. Special standards for outdoor storage have been reviewed in section 2 of this document.*
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - i. The proposed use will not be dangerous, injurious, or noxious to adjacent properties or persons.*
- d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. The proposed crypto mining facility will be fully screened from the road with a chain link fence with privacy slats. The fence will have a row of shrubs planted along the roadside of the fence.*
- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. Chain link fences with barb wire are consistent with other GI District zoned properties including FedEx which is in the same industrial park.*
- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - 1. The proposed crypto mining facility is the last property in the industrial park and will have no effect on any residential neighborhoods. All surrounding property is zoned for Industrial Uses.*
- g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - 1. Goal 1 of Chapter 5 of the Comprehensive plan which states, "Support infill and redevelopment throughout Brainerd as a strategic component of growth."*
 - a. Policy 1 under Goal 1 states, "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists"*

- 5. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

As of this writing, one party has contacted the Community Development Department about the Interim Use Permit application and did not have any concerns.

Staff Recommendations

Staff recommends approval of the Interim Use Permit for outdoor storage as a principal use for a crypto mining facility with the following conditions:

1. The interim use permit is contingent upon final sale of the industrial park property to VCV and is voided upon operations discontinuing as a crypto mining facility.

Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218/828-2309/Fax 218-828-2316 www.ci.brainerd.mn.us



INTERIM USE PERMIT

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

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

Property Address for this *Interim Use Permit*: 1911 Thiesse Dr, Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow cryptocurrency mining

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

Legal Description (attach, if lengthy): Lot 1 Block 2 Addition Brainerd Industrial Park
First Addition, Crow Wing County, Minnesota

Property Owner: VCV Digital Infrastructure Minnesota, LLC

Address: 1540 Broadway, Suite 1010, New York

NY

10036

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

917-558-3563

(Business)

jerry.tang@vcvdigital.com

(E-mail)

Applicant:(if different than Property Owner).

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner)

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

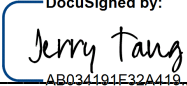
(Fax)

(E-mail)

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

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

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

Signed by:  AB034191E32A419
(Property Owner) Date: 9/7/2022

Jerry Tang
(Property Owner-Please print Name)

(Applicant-If different than owner) Date:

(Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the “Criteria for Review of Interim Use Permits” are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the “Criteria”, referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con’t)

Interim Use Permit

Site Plan Checklist

Interim Use Permit Site Plan Attachments. Provide a narrative addressed to the City of Brainerd describing the following:

- ☒ Responses to criteria for review of Interim Use Permits on Page 2.
- ☒ Approximate number of employees.
- ☒ Type of clientele.
- ☒ Hours of operation.
- ☐ Number of customer seats, if food service related.
- ☒ Handling of deliveries.

The applicant shall provide a Site Plan, which includes the information described below, as set forth in the Zoning Ordinance.

- ☐ Site Plan drawn to scale on a sheet not less than 11"x17".

NOTE: With approval by City Staff at a Pre-Application Meeting prior to submitting the Site Plan, it may be possible to exclude some of the following items from the Site Plan. Please place a check mark in the box in front of each item that is included as part of the application materials submitted for approval.

- ☒ Name(s) and address (es) of the applicant(s).
- ☒ Name(s) and address (es) of the owner(s) of record of the property.
- ☒ Name and address of the person or firm preparing the site plan.
- ☒ Property address (es).
- ☒ Date of Preparation.
- ☒ North Arrow.
- ☒ Scale: The scale shall not be less than 1"=10', and no greater than 1"=60'.
- ☐ Legal Description.
- ☒ Boundary Survey.
- ☒ Size and location of all existing and proposed buildings, additions, structures and uses, including:
 - ☒ Setback distance to property lines;
 - ☒ Exact exterior dimensions of each building;
 - ☒ Location of entrances;
 - ☐ Number of dwelling units; and,
 - ☐ Square footage of each type of use.
- ☒ Zoning designation of the property.
- ☒ Proposed use of the property in sufficient detail to determine code compliance.
- ☐ Existing and proposed location and size of sanitary sewer mains and service lines.
- ☐ Existing and proposed location and size of water mains, service lines and hydrants, and/or water well.
- ☐ Existing and proposed location and size of electrical service (electrical riser diagram) and the location of high-pressure gas lines, high tension transmission lines, cable TV, and telephone lines.
- ☐ Existing and proposed location and size of storm drainage facilities on the property and adjacent to the property.
- ☒ Location and dimensions of all existing paved surfaces and of all abutting streets.

(con't)

- ☒ Existing and proposed location and dimensions of parking areas, individual parking spaces and drive aisles, driveways, curb cuts, easements, and rights-of-way, loading areas, dividers, curbs, islands, and other parking and drive improvements. Also include the number of proposed parking spaces and parking lot construction materials (City Code Section 515-22-1).
- ☐ Location of existing and proposed outdoor trash and dumpster areas and methods for screening such areas (City Code Section 515-20-1).
- ☐ Location and type of all existing and proposed signs (City Code Section 515-37-1).
- ☐ Evidence that the proposed work or activity will comply with the Outdoor Lighting requirements, set forth in Section 515-18-1 of the Zoning Ordinance. Specifically, the application shall include:
 - ☐ Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
 - ☐ A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested;
 - ☐ Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions.
- ☐ Location of water bodies, watercourses, and flood-prone areas with delineated channel encroachment lines, wetland boundary lines, 100-year flood plain boundary line, and floodway boundary line (City Code Sections 515-76-1; 515-77-1; 515-78-1).
- ☐ Location of natural features such as: existing trees or hills, wetlands.
- ☒ A landscape plan (City Code Section 515-20-1) showing:
 - ☒ The location of plants.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☒ Areas to be seeded or sodded.
 - ☐ Location, dimensions, topography or any berming.
- ☐ Location and type of underground sprinkler system.
- ☐ A plant that includes:
 - ☐ The plant species;
 - ☐ The quantity of each type of plant; and,
 - ☐ The size of each plant at the time of planting.
- ☒ The location of fences and walls (City Code Section 515-19-0).
- ☒ Two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed 1"=8'.
- ☒ Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.
- ☐ A note to be placed on all *Site Plans* to read as follows: "All construction materials, dumpsters, detached trailers, or similar items are prohibited on public streets or within the public right-of-way."

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #1
Interim Use Permit – 1911 Thiesse Drive

September 6, 2022

Community Development Department
City Hall
501 Laurel Street
Brainerd, MN 56401
218-828-2309

City of Brainerd, MN:

VCV Digital Infrastructure Minnesota, LLC, requests that the City of Brainerd, MN grant an Interim Use Permit to allow for cryptocurrency mining at 1911 Thiesse Drive, Brainerd, MN 56401 for an indefinite period of time. This site (VCV Site #1) has been designed to accommodate 24 crypto mining containers and associated cooling towers. The site layout includes chain link fencing around the entire site with privacy slats installed on the south and west sides. A parking lot is located adjacent to the guard shack and will be lined with shrubbery to meet landscaping requirements. An office for the site will be located across Thiesse Drive on VCV Site #2 where all communication and networking equipment will be housed.

A guard shack, located next to the entrance/exit gate, will be installed inside the front yard setback to prevent unauthorized access to the site. A variance application has been submitted to locate the guard shack in the front yard setback. VCV expects to employ approximately 16 people between the two sites. The sites will be operated 24 hours a day, seven days a week. All deliveries to the site will be scheduled in advance and will be required to check in at the guard shack before proceeding into the site. The expected clientele will be advanced technological individuals and investors.

The crypto mining containers will be served by an overhead 34.5 kV sub-transmission line entering the site from the north with taps to the west as shown on the Site Layout. VCV Digital is working with Brainerd Power Utility (BPU) to design this overhead service which will likely be installed and maintained by BPU on behalf of VCV. Each set of two mining containers/cooling towers will be served from a 3,000 kVA pad mounted power transformer. A total of twelve (12) 3,000 kVA pad mounted transformers will be located on the site as shown on the drawings. The total expected load for the site is approximately 32 MW.

Each mining container will house approximately 210 mining computers. These computers generate a lot of heat when in operation. To control the temperature of the computers, a wet/dry cooling tower is installed for each container as shown on the site drawing. A connection to the BPU water system provides the make-up water to the cooling towers to replace the water lost in evaporation. At low ambient temperatures the cooling towers are drained to prevent freezing. A connection the BPU sewer is planned for this manual draining process. BPU has existing water and sewer mains available along Thiesse Drive. Connection to the BPU system and a specific layout of water and sewer inside the site to be determined with the final design.

The engineers and their contact information are as listed below. The office and guard shack design are by others.

Electrical Design
Utility Technology, Engineers-Consultants
775 Spartan Blvd, Suite 207
Spartanburg, SC 29301
Heather Sudduth
864-579-1577

Civil Structural Design
Summey Engineering Associates
150 S Fayetteville St
Asheboro, NC 27203
Mack Summey
336-328-0902

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #1
Interim Use Permit – 1911 Thiesse Drive

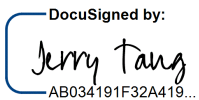
September 6, 2022

hsudduth@utilitytec.com

mack@summeyengineering.com

Please let us know if you have any questions or need additional information.

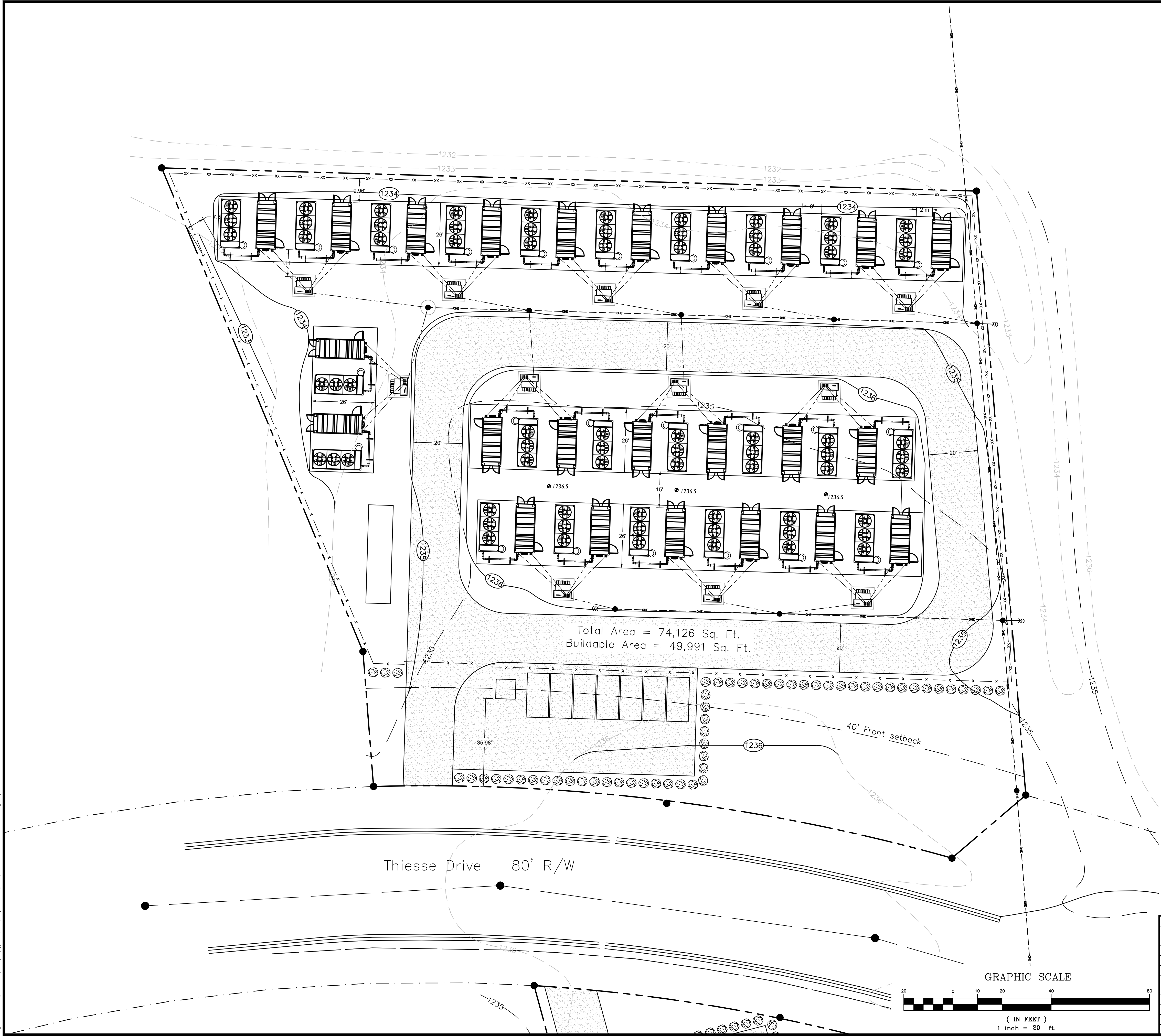
Sincerely,

DocuSigned by:

AB034191F32A419...

Jerry Tang
VCV Digital Infrastructure Minnesota, LLC
917-558-3563

Attached Documentation:

- C1H BIP Crypto Site 1 Layout Rev D.pdf
- 2022-08-18 E-7921 VCV DIGITAL_C3H.pdf
- 2022.08.23_PRELIM Foundation – S2H (E-7921).pdf
- Certificate of Survey 08-17-2022.pdf
- AntSpace HK3.pdf
- Guard Shack.pdf



LEGEND:

- 34.5 KV OH LINES
- 2.5 MVA TRANSFORMER
- PROPERTY LINES
- 8' PRIVACY FENCE
- 8' CHAIN LINK FENCE W/ BARBED WIRE
- UG ELECTRICAL LINES
- ACCESS ROADS
- DOWN GUY
- SHRUBS
- SPOT ELEVATIONS

MAPPING LEGEND

- SANITARY SEWER MANHOLE
- HYDRANT
- SEWER CLEANOUT
- BURIED GAS LINE
- SANITARY SEWER PIPE
- WATER LINE
- CONTOUR (MAJOR)
- CONTOUR (MINOR)
- CONCRETE
- BITUMINOUS

TOTAL AREA = 74126.53 Sq. Ft. = 1.702 ACRES
EXISTING IMPERVIOUS AREA = 0 Sq. Ft.
PROPOSED IMPERVIOUS AREA = 38339.61 Sq. Ft. = 0.880 ACRES =
51.70% IMPERVIOUS AREA

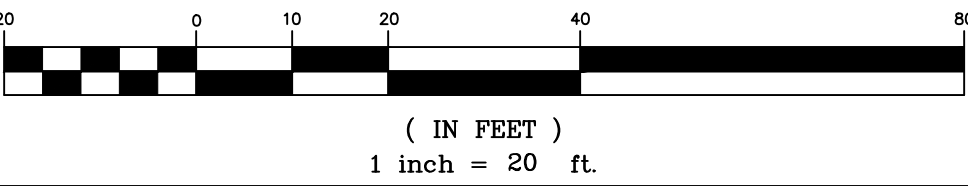
NOTE:
THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY.
NOT INTENDED AS FINAL DESIGN.



Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
P.O. Box 968
Asheboro, NC 27204
ph: (336) 328-0902 fx: (336) 328-0922
www.summeyengineering.com

PRELIMINARY NOT TO BE USED FOR CONSTRUCTION REVISION 08/23/22			VCV DIGITAL GROUP BRainerd, MN BRainerd INDUSTRIAL PARK CRYPTO SITE #1 LAYOUT ANTSPACE CONTAINERS		
UTEC UTILITY TECHNOLOGY ENGINEERS - CONSULTANTS, PLLC P.O. Box 2629 • Asheboro, North Carolina • 27204			DWG. NO. C3H SCALE: 1" = 20'		
A. EDA SUBMITTAL 08/23/22			DATE: 08/23/22		
NO. REVISIONS DATE			JOB NO. 220302		
			SHEET NO. 1 OF 1		

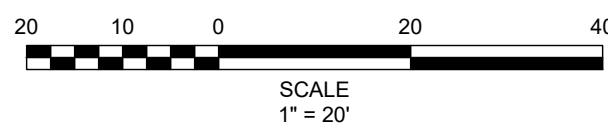
GRAPHIC SCALE





1. THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

- OH — 34.5 KV OH LINES
- 2.5 MVA TRANSFORMER
- — — PROPERTY LINES
- x — 8' PRIVACY FENCE
- xx — 8' CHAIN LINK FENCE W/ BARBED WIRE
- - - - UG ELECTRICAL LINES
- ACCESS ROADS
- >>> DOWN GUY
- SHRUBS



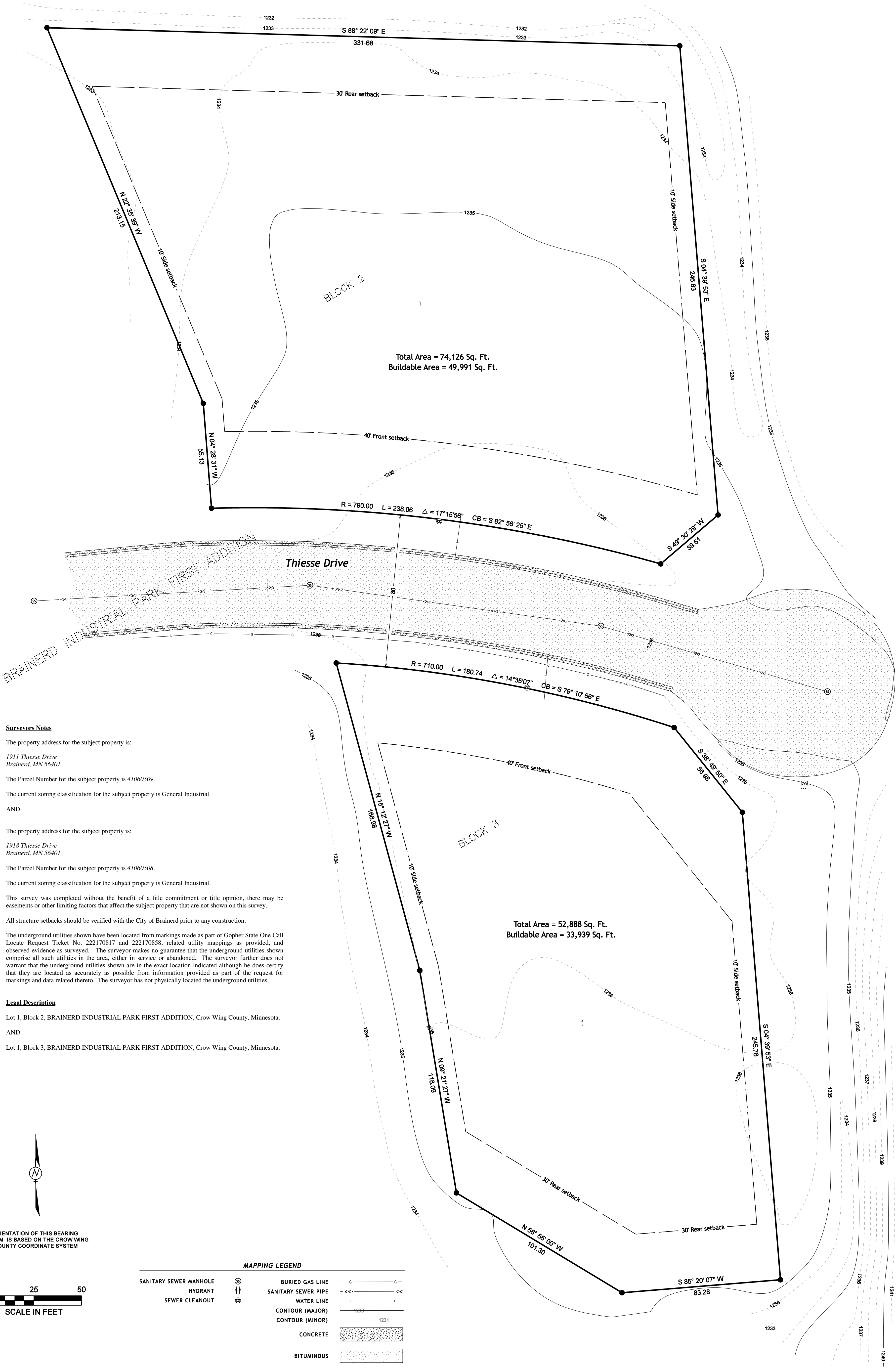
D	EDA SUBMITTAL	08/23/22	PRELIMINARY NOT TO BE USED FOR CONSTRUCTION REVISION 08/23/22		
C	TOWN COMMENTS	08/17/22			
B	ADD CONTAINERS	07/28/22			
A	CONCEPTUAL LAYOUT	07/02/22			
NO.	REVISIONS	DATE			

UTILITY TECHNOLOGY
 ENGINEERS - CONSULTANTS, PLLC
 P.O. Box 2625 • Asheboro, North Carolina • 27204

DWN. LMB	DATE: 07/15/22	DWG. NO. C1H
SCALE: 1" = 20'	JOB NO. 220302	SHEET NO. 1 OF 1



THIS PLAN IS FOR CONCEPTUAL REVIEW
ONLY. NOT INTENDED AS FINAL DESIGN.



Surveyors Notes

The property address for the subject property is:

1911 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060509.

The current zoning classification for the subject property is General Industrial.
AND

The property address for the subject property is:

1918 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060508.

The current zoning classification for the subject property is General Industrial.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

All structure setbacks should be verified with the City of Brainerd prior to any construction.

The underground utilities shown have been located from markings made as part of Gopher State One Call Locate Request Ticket No. 222170817 and 222170858, related utility mappings as provided, and observed evidence as surveyed. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information provided as part of the request for markings and data related thereto. The surveyor has not physically located the underground utilities.

Legal Description

Lot 1, Block 2, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.

AND

Lot 1, Block 3, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.



1120 Industrial Park Road
Brainerd, MN 56401
218-626-5333

13 North 11th Avenue
St. Cloud, MN 56303
320-259-1289

KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

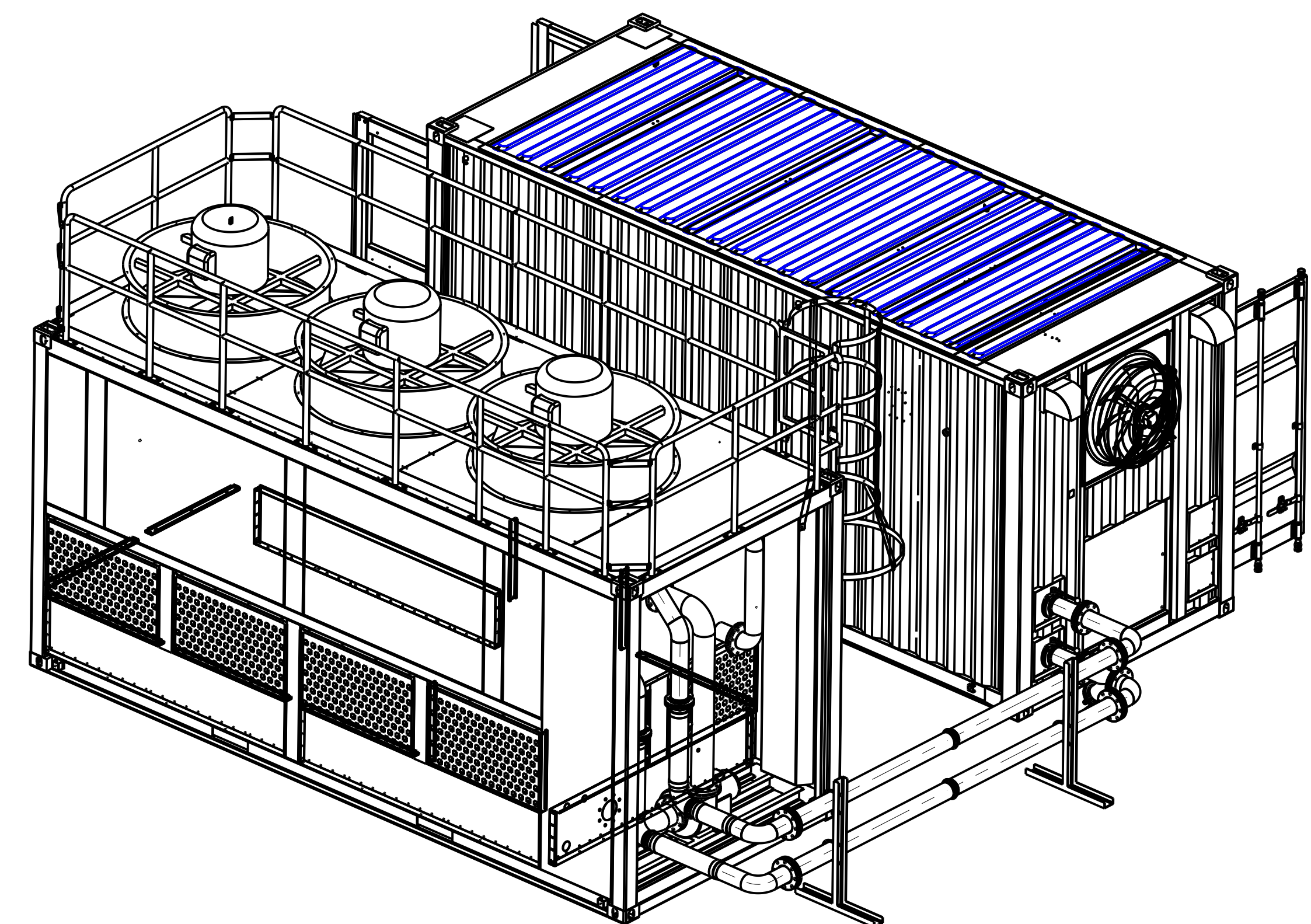
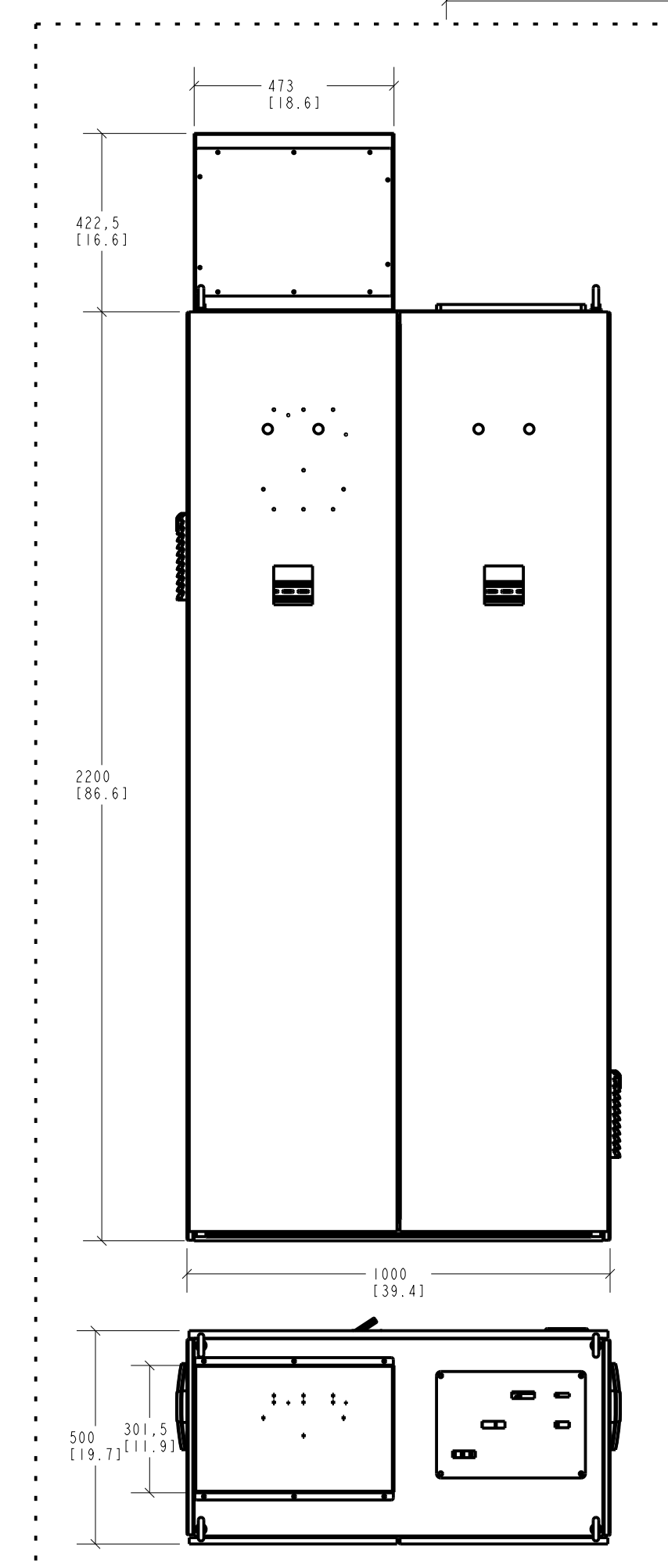
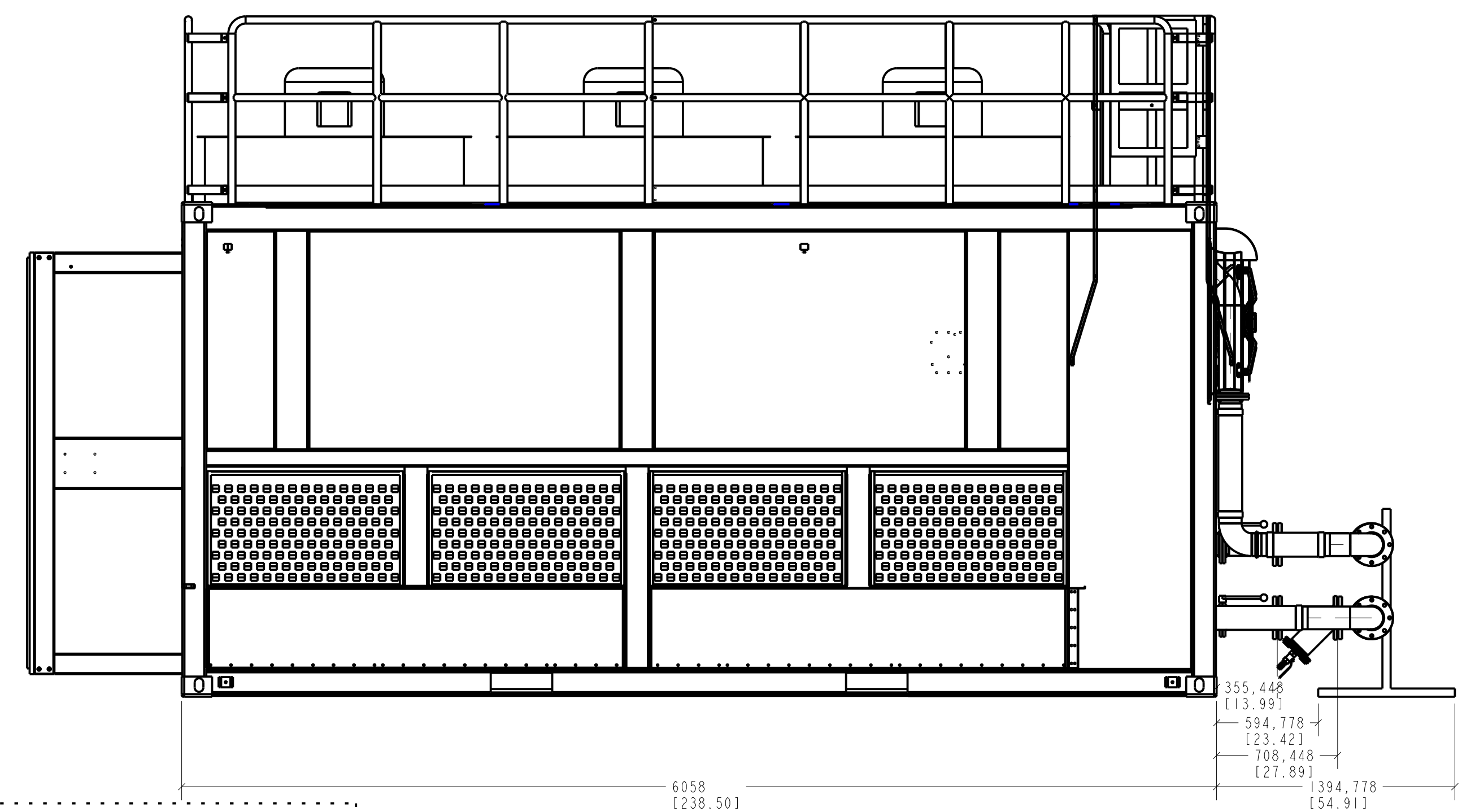
Signature: *James Kramer*
James Kramer, MN License No. 23668

08/17/2022
Date

PROJECT NO. SUMME2201

CERTIFICATE OF SURVEY
Topographic and Property Boundary Survey

Summey Engineering Associates, PLLC
Section 06, Township 44 North, Range 30 West
Crow Wing County, Minnesota



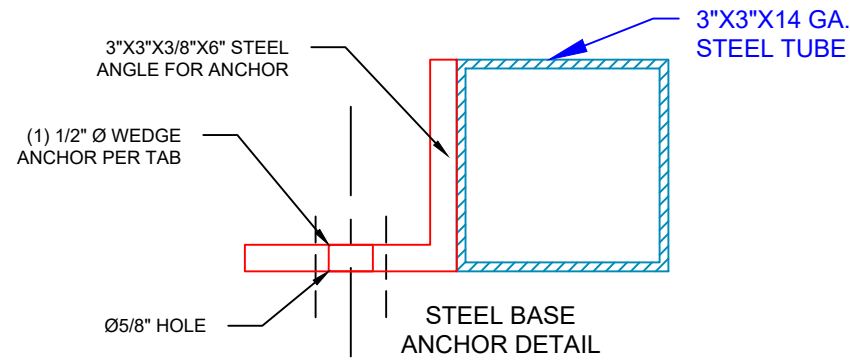
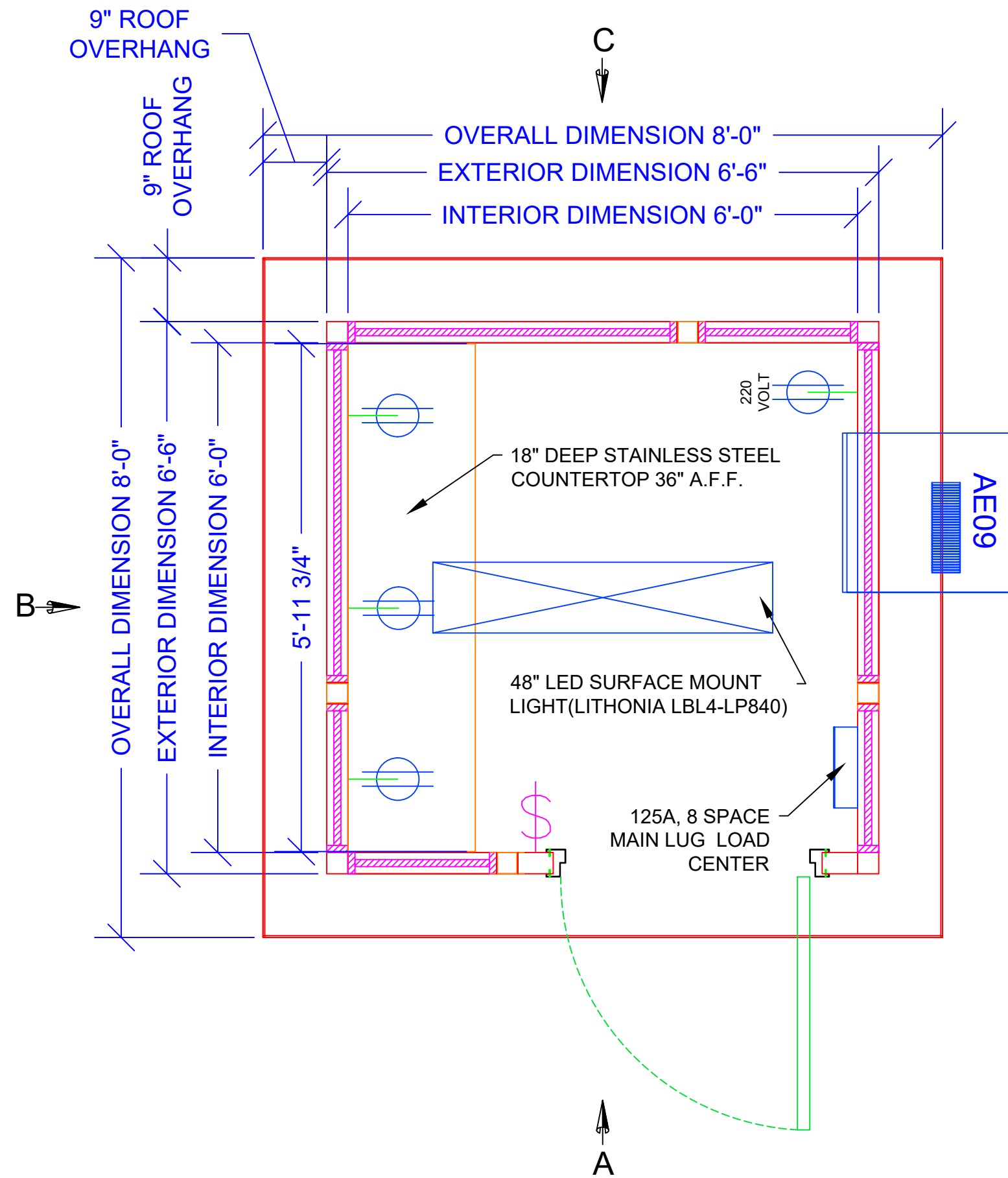
1.The upper dimension of all dimensions is in millimeters and the lower dimension is in inches.

2.Inlet and Outlet specification:DN125(5in)/304/PN16
Loose plate steel pipe flanges with lapped end(GB/T 9122-200

3.Two power distribution cabinets are arranged on the mirror surface.The dimension of single power distribution cabinet is 1000*500*2200mm(L*W*H).Each power distribution cabinet has a opposite door, and the dimension of single door is 492*2200mm(L*H).

4.The top of the power distribution cabinet contains a junction box with a dimension of 473*301.5*422.5mm(L*W*H).

						AntSpace HK3					Bitcoin Technologies, Inc.	
标记	处数	分区	更改文件号	签名	年、月、日							
设计			标准化			阶段标记			重量	比例	YLY-1000E-006	
校对			质量会签									
审核												
工艺			批准			共 张			第 张			



CUSTOMER ACKNOWLEDGEMENT OF ABOVE DETAIL:

CUSTOMER PLEASE INITIAL HERE

LEGEND	
	TELE/DATA PREP
	SWITCH
	DUPLEX RECEPTACLE
	WINDOW
	DOOR
	EXTENDED COLUMN
	COLUMN
	I BEAM (STRUCTURAL)
	COLD ROLLED MEMBER
	1-1/2"X1-1/2"X11 GA RAILING
	K-SERIES BAR JOIST

JOB NUMBER: 16798	DRAWN BY: S. VAZQUEZ	CHECKED BY: M.B.	DATE: 7.25.2022
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DEALER:	BV POWER ALPHA LLC	CUSTOMER:	BV POWER ALPHA LLC
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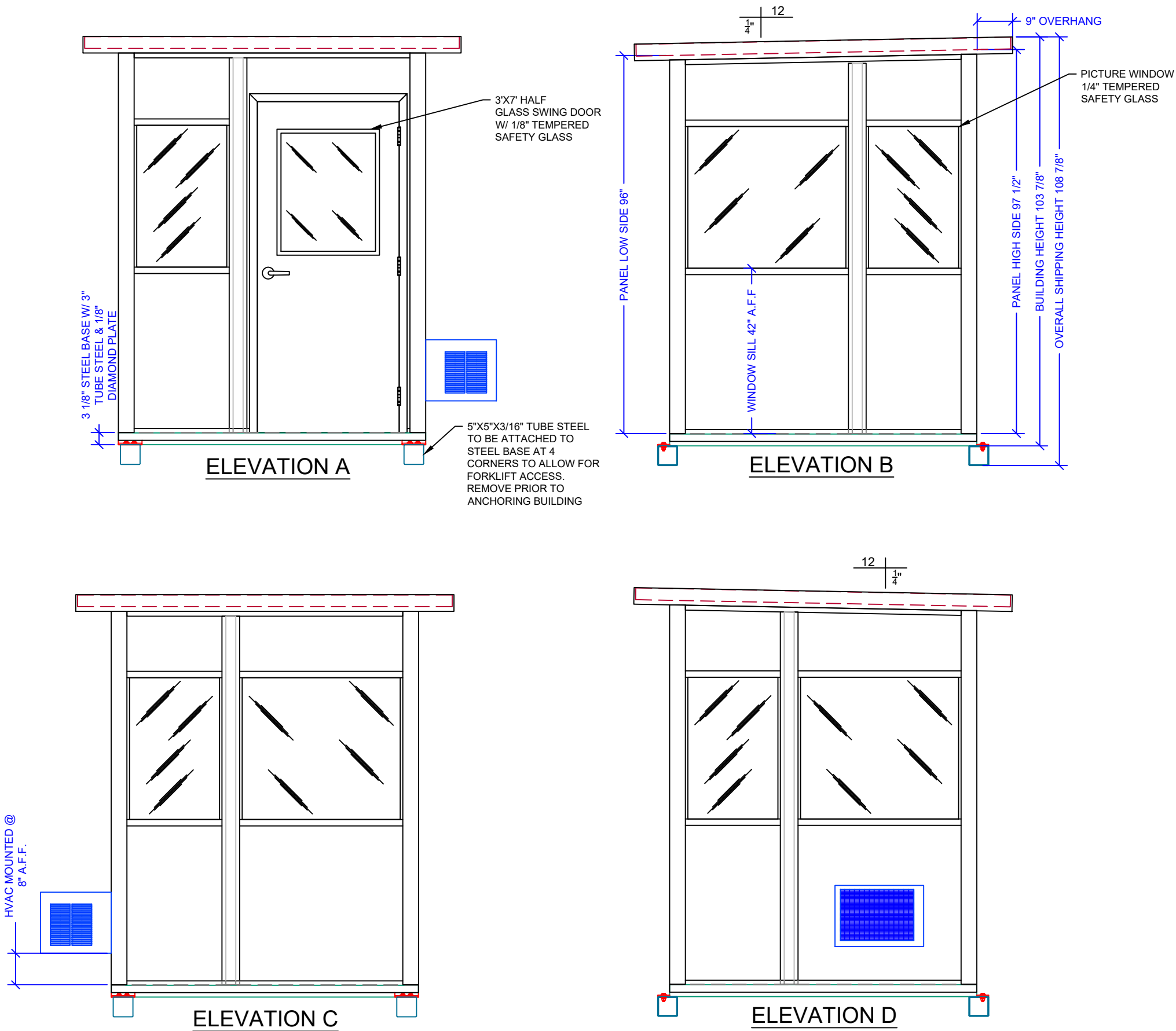
PANEL BUILT
INCORPORATED

TOLERANCES:
LENGTH ± 1/8", > 10'-0" ± 1/4"
HOLES ± 1/16"

PAGE: S-1

FLOORPLAN SURFACE MOUNTED ELECTRICAL

DRAWINGS NOT FOR CONSTRUCTION			
DRAWING APPROVAL			
QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN		☐	
REVISE & RESUBMIT		☐	
SIGN: _____			
DATE: _____			
REV #	DR. BY#	DESCRIPTION OF REV	DATE
*	*	*	*



LEGEND	
	TELE/DATA PREP
	SWITCH
	DUPLEX RECEPTACLE
	WINDOW
	DOOR
	EXTENDED COLUMN
	COLUMN
	I BEAM (STRUCTURAL)
	COLD ROLLED MEMBER
	1-1/2"x1-1/2"x11 GA RAILING
	K-SERIES BAR JOIST

JOB NUMBER: 16798	DRAWN BY: S. VAZQUEZ	CHECKED BY: M.B.	DATE: 7.25.2022
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DEALER: BV POWER ALPHA LLC	CUSTOMER: BV POWER ALPHA LLC
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PANEL BUILT
INCORPORATED

TOLERANCES: LENGTH ± 1/8", > 10'-0" ± 1/4" HOLES ± 1/16"	
PAGE: S-2	

DRAWINGS NOT FOR CONSTRUCTION			
DRAWING APPROVAL QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN ☐			
REVISE & RESUBMIT ☐			
SIGN: _____		*	*
DATE: _____		*	*
REV #	DR. BY#	DESCRIPTION OF REV	DATE



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.

Date: 9/16/2022 Time: 9:13:39 AM



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use at 1911 Thiesse Dr. The property included in this application is described as:

*LOT 1 BLOCK 2
BRAINERD INDUSTRIAL PARK FIRST ADDITION
P.I.N. 41060509
Section 6, Township 44, Range 30*

The property is zoned GI (General Industrial) District, and Zoning Ordinance *Section 515-3 (Allowed Uses) Appendix A: Table of Uses* permits outdoor storage as a principal use as an Interim Use as regulated by Section 515-3-28 of the Brainerd Zoning Ordinance. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



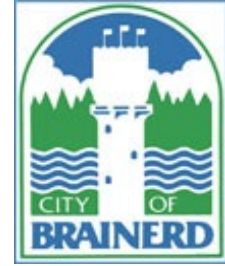
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: IUP For Outdoor Storage As A Principal Use At 1918 Thiesse Drive

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the interim use permit request for outdoor storage as a principal use at 1918 Thiesse Dr. at their regular meeting on September 21st. Planning Commission made a motion to recommend approval of the interim use permit for outdoor storage as a principal use to operate a crypto mining facility with the conditions that the permit is contingent upon final sale of the property to VCV Digital and the permit would be voided if operation discontinue as a crypto mining facility. Upon roll call vote, the chair declared a tie vote, in which the motion fails.	
Recommended Action/Motion: See Memo	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: October 3, 2022

RE: Consideration of Interim Use Permit for Outdoor Storage as a Principal Use

Summary of Proposed Use

1918 & 1911 Thiesse Drive are located in a GI (General Industrial) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of outdoor storage as a primary use as an interim use in the GI District as long as it meets the criteria outlined in Section 515-3-28.C regulating outdoor storage. The applicant proposes operating a crypto mining facility with containers to house the data mining machines along with cooling towers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the crypto mining operation. Crypto mining would be an allowed use in the General Industrial Zoning District if the operation were to occur in a primary structure. VCV is required to obtain an Interim Use Permit for outdoor storage as a principal use due to multiple containers/ structures proposed on site without a primary structure. A main component of the outdoor storage regulation is that all exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. The proposed screening and design meet the requirements in the allowed uses section for outdoor storage as a principal use. In addition to meeting the requirements for outdoor storage, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. The granting of an Interim Use Permit must meet the criteria in the granting of Conditional Use Permits.

Commissioners Comments

Comments not in support of the Interim Use Permit

Concern that the proposed use would not be reusable for something else and would that be an issue for redevelopment of the site. Should a reclamation bond be required to ensure the site can be reconditioned and reused if this interim use is no longer viable?

This is an enterprise that has a lot of volatility with not a long track record and a concern that Brainerd will use a fully developed site and burn it on something that may not work out and leave Brainerd with a mess.

Compromises future energy needs and sustainability.

16 employees for 50 megawatts of power are not a great use for the amount of energy required.

The proposed use is not supported by the Comprehensive Plan (Economic Development Goal 3 Number 2) Attract new businesses best suited for the community's assets, increasing local employment options and building the city's tax base.

The proposed use is not supported by the Comprehensive Plan (Facilities and Infrastructure Goal 3 Number 4 & 5) Ensure adequate water/power supply to meet the long-term needs of the community. Steer city development to energy and resource conservation by promoting renewable energy sources, protecting our water supply, and leveraging the hydroelectric dam.

Brainerd's problem is having great jobs for people who live in Brainerd not just great jobs that doesn't help our tax base.

Comments in support of the Interim Use Permit

Is it the city's role to question the business plan/ risk of a private enterprise?

By not allowing something like this, it will have an impact on the tax base.

The storage containers would be fairly easy to remove, but would like to think about a reclamation bond that would expire after 5 years.

These lots have sat empty in the industrial park, and this would put them to some use.

BPU has surplus energy to use and BPU has vetted this energy request and has looked at this and feel they have the energy to sell. If energy is an asset that the City of Brainerd uniquely has and there's a business that would like to come in and use it, I fully support it. The applicant proposes a use for a bare lot that is sitting there doing nothing, with no other proposal in front of us.

Repair on a site like this, the pods would be removed, and the concrete would be scaped out and sent to crowd recycling so there would not be a need for a reclamation bond as a condition.

Planning Commission Vote

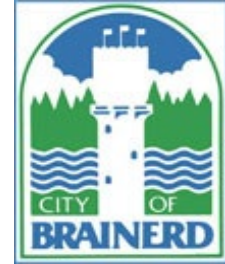
The Planning Commission considered the interim use permit request for outdoor storage as a principal use at 1918 & 1911 Thiesse Dr. at their regular meeting on September 21st. Planning Commission made a motion to recommend approval of the interim use permit for outdoor storage as a principal use to operate a crypto mining facility with the conditions that the permit is contingent upon final sale of the property to VCV Digital and the permit would be voided if operation discontinues as a crypto mining facility. Upon roll call vote, the chair declared a tie vote, in which the motion fails.

Staff Recommendation

Staff recommends approval of the Interim Use Permit for outdoor storage as a principal use for a crypto mining facility with the following conditions:

1. The interim use permit is contingent upon final sale of the industrial park property to VCV and is voided upon operations discontinuing as a crypto mining facility.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Interim Use Permit – 1918 Thiesse Dr.

Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr.

Property Area: 1.21 Acres

Adjacent Uses: North: Proposed Crypto Mining Facility
East: Undeveloped Wetland & Agricultural
South: Industrial Park Retention Area
West: Industrial/ Vacant Undeveloped

Adjacent Zoning: North: GI (General Industrial) District
East: Crow Wing County – Commercial/ Heavy Industrial District
South: GI (General Industrial) District
West: GI (General Industrial) District

Findings of Fact

1. 1918 Thiesse Drive is located in a GI (General Industrial) District. Zoning Ordinance [Section 515-3 \(Allowed Uses\) Appendix A: Table of Uses](#) permits the operation of outdoor storage as a primary use as an interim use in the GI District as long as it meets the criteria outlined in [Section 515-3-28.C](#) regulating outdoor storage. The applicant proposes operating a crypto mining facility with 12 containers to house the data mining machines along with 12 cooling towers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the crypto mining operation. The site would also have an office and guard shack.
2. (Outdoor Storage) Non-Residential Zoning Districts.
 - a. All exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. All outdoor storage shall follow the standards as established [Section 515-4-10. G.](#) for screening of Parking Lots.
 - i. *The applicant is proposing an 8-foot-tall chain link fence with privacy slats and barb wire around the property. The privacy slats will be installed on the north side of the fence to screen the outdoor storage from the road. The remainder of the property is screened from outdoor storage with natural vegetation and will not be seen from*

adjacent properties. [Section 515-4-11.F.4](#) states that Non-residential fences up to eight and one half (8 ½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open. The proposed fence must be fully screened and therefore must be setback 40 feet from the front property line as regulated by [Section 515-2-16.C](#) General Industrial Zoning District Dimensional Standards.

- ii. Section 515-4-10.G Parking Lot Screening requires that one (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street. The applicant has proposed to install a row of shrubs on the north side of the fence to meet this ordinance.*
- b. Screening shall be required except for the following:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.*
 - ii. Materials and equipment currently being used for landscaping or construction on the premises (within a period of one (1) year).
 - 1. This property is not exempted from screening requirements.**
- c. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 - i. The applicant has proposed 5 parking spaces for this facility and a large driveway circling the outdoor storage facility property.*
- d. The storage area is fenced and secured.
 - i. This site will be fully fenced by and 8-foot-tall chain link fence with barbwire.*
- e. The storage area is paved or surfaced to control dust and erosion.
 - i. The driveway and parking area will be paved with asphalt.*
- f. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
 - i. This facility has a large driveway where all unloading will occur.*
- g. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
 - i. This will be part of the building review process. The cooling towers will help reduce noise levels produced by the crypto mining machines.*
- 3. [Section 515-5-3.C.a](#) states that an Interim Use shall comply with the following standards:
 - a. Meets the standards of a Conditional Use Permit set forth in [Section \[515-5-2\]](#) of this Ordinance.
- 4. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
 - a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
 - i. The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity,*

requires isolation from residential and commercial uses. The proposed property is surrounded by industrial/ undeveloped land. Crypto mining with data storage containers and cooling towers is considered outdoor storage as a principal use with is allowed as an interim use in the GI District.

- b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. Special standards for outdoor storage have been reviewed in section 2 of this document.*
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - i. The proposed use will not be dangerous, injurious, or noxious to adjacent properties or persons.*
- d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. The proposed crypto mining facility will be fully screened from the road with a chain link fence with privacy slats. The fence will have a row of shrubs planted along the roadside of the fence.*
- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. Chain link fences with barb wire are consistent with other GI District zoned properties including FedEx which is in the same industrial park.*
- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - 1. The proposed crypto mining facility is the last property in the industrial park and will have no effect on any residential neighborhoods. All surrounding property is zoned for Industrial Uses.*
- g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - 1. Goal 1 of Chapter 5 of the Comprehensive plan which states, "Support infill and redevelopment throughout Brainerd as a strategic component of growth."*
 - a. Policy 1 under Goal 1 states, "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists"*

5. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

As of this writing, one party has contacted the Community Development Department about the Interim Use Permit application and did not have any concerns.

Staff Recommendations

Staff recommends approval of the Interim Use Permit for outdoor storage as a principal use for a crypto mining facility with the following conditions:

1. The interim use permit is contingent upon final sale of the industrial park property to VCV and is voided upon operations discontinuing as a crypto mining facility.

Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218/828-2309/Fax 218-828-2316 www.ci.brainerd.mn.us



INTERIM USE PERMIT

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

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

Property Address for this *Interim Use Permit*: 1918 Thiesse Dr, Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow cryptocurrency mining

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

Legal Description (attach, if lengthy): Lot 1 Block 3 Addition Brainerd Industrial Park
First Addition, Crow Wing County, Minnesota

Property Owner: VCV Digital Infrastructure Minnesota, LLC

Address: 1540 Broadway, Suite 1010, New York

NY

10036

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

917-558-3563

(Business)

jerry.tang@vcvdigital.com

(E-mail)

Applicant:(if different than Property Owner)

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner)

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

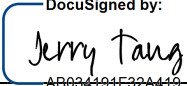
(Fax)

(E-mail)

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

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

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

Signed by:  DocuSigned by:
AB034191F32A419... Date: 9/7/2022
(Property Owner)

Jerry Tang
(Property Owner-Please print Name)

(Applicant-If different than owner) Date: _____

(Applicant - Please print name)

Interim Use Permit *Supporting Information*

The City Council may approve an Interim Use Permit if all of the “Criteria for Review of Interim Use Permits” are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the “Criteria”, referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con’t)

Interim Use Permit

Site Plan Checklist

Interim Use Permit Site Plan Attachments. Provide a narrative addressed to the City of Brainerd describing the following:

- ☒ Responses to criteria for review of Interim Use Permits on Page 2.
- ☒ Approximate number of employees.
- ☒ Type of clientele.
- ☒ Hours of operation.
- ☐ Number of customer seats, if food service related.
- ☒ Handling of deliveries.

The applicant shall provide a Site Plan, which includes the information described below, as set forth in the Zoning Ordinance.

- ☐ Site Plan drawn to scale on a sheet not less than 11"x17".

NOTE: With approval by City Staff at a Pre-Application Meeting prior to submitting the Site Plan, it may be possible to exclude some of the following items from the Site Plan. Please place a check mark in the box in front of each item that is included as part of the application materials submitted for approval.

- ☒ Name(s) and address (es) of the applicant(s).
- ☒ Name(s) and address (es) of the owner(s) of record of the property.
- ☒ Name and address of the person or firm preparing the site plan.
- ☒ Property address (es).
- ☒ Date of Preparation.
- ☒ North Arrow.
- ☒ Scale: The scale shall not be less than 1"=10', and no greater than 1"=60'.
- ☐ Legal Description.
- ☒ Boundary Survey.
- ☒ Size and location of all existing and proposed buildings, additions, structures and uses, including:
 - ☒ Setback distance to property lines;
 - ☒ Exact exterior dimensions of each building;
 - ☒ Location of entrances;
 - ☐ Number of dwelling units; and,
 - ☐ Square footage of each type of use.
- ☒ Zoning designation of the property.
- ☒ Proposed use of the property in sufficient detail to determine code compliance.
- ☐ Existing and proposed location and size of sanitary sewer mains and service lines.
- ☐ Existing and proposed location and size of water mains, service lines and hydrants, and/or water well.
- ☐ Existing and proposed location and size of electrical service (electrical riser diagram) and the location of high-pressure gas lines, high tension transmission lines, cable TV, and telephone lines.
- ☐ Existing and proposed location and size of storm drainage facilities on the property and adjacent to the property.
- ☒ Location and dimensions of all existing paved surfaces and of all abutting streets.

(con't)

- ☒ Existing and proposed location and dimensions of parking areas, individual parking spaces and drive aisles, driveways, curb cuts, easements, and rights-of-way, loading areas, dividers, curbs, islands, and other parking and drive improvements. Also include the number of proposed parking spaces and parking lot construction materials (City Code Section 515-22-1).
- ☐ Location of existing and proposed outdoor trash and dumpster areas and methods for screening such areas (City Code Section 515-20-1).
- ☐ Location and type of all existing and proposed signs (City Code Section 515-37-1).
- ☐ Evidence that the proposed work or activity will comply with the Outdoor Lighting requirements, set forth in Section 515-18-1 of the Zoning Ordinance. Specifically, the application shall include:
 - ☐ Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
 - ☐ A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested;
 - ☐ Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions.
- ☐ Location of water bodies, watercourses, and flood-prone areas with delineated channel encroachment lines, wetland boundary lines, 100-year flood plain boundary line, and floodway boundary line (City Code Sections 515-76-1; 515-77-1; 515-78-1).
- ☐ Location of natural features such as: existing trees or hills, wetlands.
- ☒ A landscape plan (City Code Section 515-20-1) showing:
 - ☒ The location of plants.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☐ Identification of any trees to be removed.
 - ☐ Protection methods for existing trees during construction.
 - ☒ Areas to be seeded or sodded.
 - ☐ Location, dimensions, topography or any berming.
- ☐ Location and type of underground sprinkler system.
- ☐ A plant that includes:
 - ☐ The plant species;
 - ☐ The quantity of each type of plant; and,
 - ☐ The size of each plant at the time of planting.
- ☒ The location of fences and walls (City Code Section 515-19-0).
- ☒ Two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed 1"=8'.
- ☒ Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.
- ☐ A note to be placed on all *Site Plans* to read as follows: "All construction materials, dumpsters, detached trailers, or similar items are prohibited on public streets or within the public right-of-way."

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #2
Interim Use Permit – 1918 Thiesse Drive

September 6, 2022

Community Development Department
City Hall
501 Laurel Street
Brainerd, MN 56401
218-828-2309

City of Brainerd, MN:

VCV Digital Infrastructure Minnesota, LLC requests that the City of Brainerd, MN grant an interim Use Permit to allow for cryptocurrency mining at 1918 Thiesse Drive, Brainerd, MN 56401 for an indefinite period of time. This site (VCV Site #2) has been designed to accommodate 12 crypto mining containers and associated cooling towers. The site layout includes chain link fencing around the entire site with privacy slats installed on the north side. A parking lot is located adjacent to the guard shack and will be lined with shrubbery to meet landscaping requirements. An office for the two sites will be located just inside the north fence and will house all communication and networking equipment.

A guard shack, located next to the entrance/exit gate, will be installed outside the fence to prevent unauthorized access to the site. VCV expects to employ approximately 16 people between the two sites. The sites will be operated 24 hours a day, seven days a week. All deliveries to the site will be scheduled in advance and will be required to check in at the guard shack before proceeding into the site. The expected clientele will be advanced technological individuals and investors.

The crypto mining containers will be served by an overhead 34.5 kV sub-transmission line entering the site from the north as shown on the Site Layout. VCV Digital is working with Brainerd Power Utility (BPU) to design this overhead service which will likely be installed and maintained by BPU on behalf of VCV. Each set of two mining containers/cooling towers will be served from a 3,000 kVA pad mounted power transformer. A total of six (6) 3,000 kVA pad mounted transformers will be located on the site as shown on the drawings. The total expected load for the site is approximately 15.5 MW.

Each mining container will house approximately 210 mining computers. These computers generate a lot of heat when in operation. To control the temperature of the computers, a wet/dry cooling tower is installed for each container as shown on the site drawing. A connection to the BPU water system provides the make-up water to the cooling towers to replace the water lost in evaporation. At low ambient temperatures the cooling towers are drained to prevent freezing. A connection to the BPU sewer is planned for this manual draining process. BPU has existing water and sewer mains available along Thiesse Drive. Connection to the BPU system and a specific layout of water and sewer inside the site to be determined with the final design.

The engineers and their contact information are as listed below. The office and guard shack design are by others.

Electrical Design
Utility Technology, Engineers-Consultants
775 Spartan Blvd, Suite 207
Spartanburg, SC 29301
Heather Sudduth
864-579-1577
hsudduth@utilitytec.com

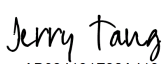
Civil Structural Design
Summey Engineering Associates
150 S Fayetteville St
Asheboro, NC 27203
Mack Summey
336-328-0902
mack@summeyengineering.com

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #2
Interim Use Permit – 1918 Thiesse Drive

September 6, 2022

Please let us know if you have any questions or need additional information.

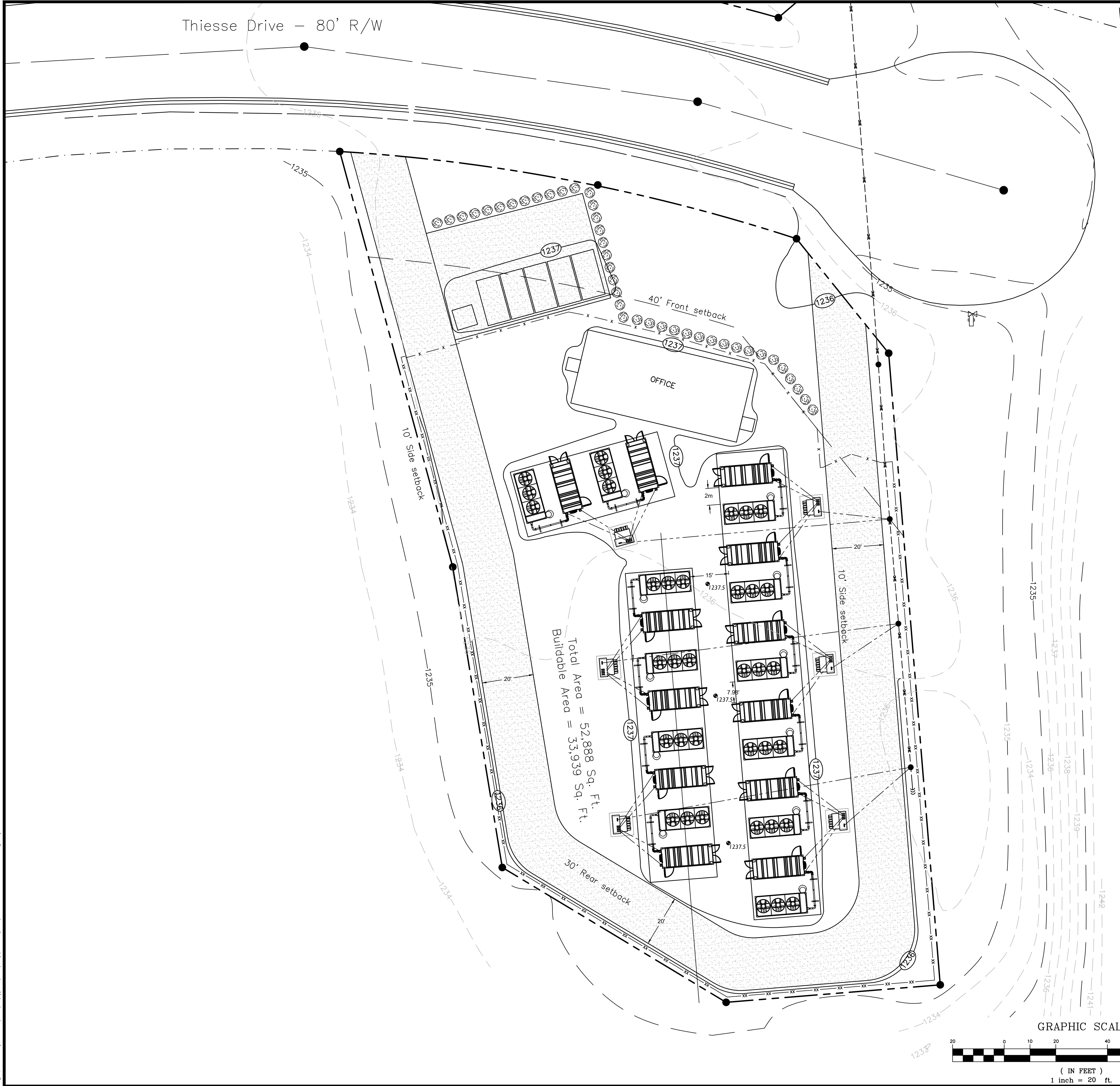
Sincerely,

DocuSigned by:

AB034191F32A419...

Jerry Tang
VCV Digital Infrastructure Minnesota, LLC
917-558-3563

Attached Documentation:

- C2H BIP Crypto Site 2 Layout Rev D.pdf
- 2022-08-18 E-7921 VCV DIGITAL_C4H.pdf
- 2022.08.23_PRELIM Foundation – S2H (E-7921).pdf
- Certificate of Survey 08-17-2022.pdf
- AntSpace HK3.pdf
- Office Elevations_1.pdf
- Office Elevations_2.pdf
- Office Floor Plan
- Guard Shack.pdf



LEGEND:

- 34.5 KV OH LINES
- 2.5 MVA TRANSFORMER
- PROPERTY LINES
- x 8' PRIVACY FENCE
- xx 8' CHAIN LINK FENCE W/ BARBED WIRE
- UG ELECTRICAL LINES
- ACCESS ROADS
- Down GUY
- SHRUBS
- SPOT ELEVATION

MAPPING LEGEND

SANITARY SEWER MANHOLE	BURIED GAS LINE
HYDRANT	SANITARY SEWER PIPE
SEWER CLEANOUT	WATER LINE
	CONTOUR (MAJOR)
	CONTOUR (MINOR)
	CONCRETE
	BITUMINOUS

TOTAL AREA = 52888.09 Sq. Ft. = 1.214 ACRES
EXISTING IMPERVIOUS AREA = 0 Sq. Ft.
PROPOSED IMPERVIOUS AREA = 27,212.97 Sq. Ft. = 0.625 ACRES
= 51.48% IMPERVIOUS AREA

NOTE:
THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY.
NOT INTENDED AS FINAL DESIGN.



Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
P.O. Box 968
Asheboro, NC 27204
ph: (336) 328-0902 fx: (336) 328-0922
www.summeyengineering.com

PRELIMINARY NOT TO BE USED FOR CONSTRUCTION REVISION 08/23/22		VCV DIGITAL GROUP BRainerd, MN BRainerd INDUSTRIAL PARK CRYPTO SITE #2 LAYOUT ANTSPACE CONTAINERS	
UTEC UTILITY TECHNOLOGY ENGINEERS - CONSULTANTS, PLLC P.O. Box 2629 • Asheboro, North Carolina • 27204			
DWN. PBC	DATE: 08/23/22	DWG. NO.	C4H
SCALE: 1" = 20'	JOB NO. 220302	SHEET NO.	1 OF 1

A	EDA SUBMITTAL	08/23/22
NO.	REVISIONS	DATE

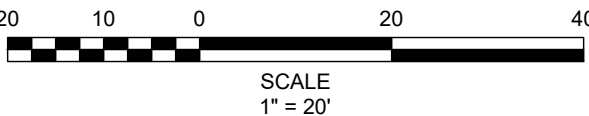


NOTE:

1. THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

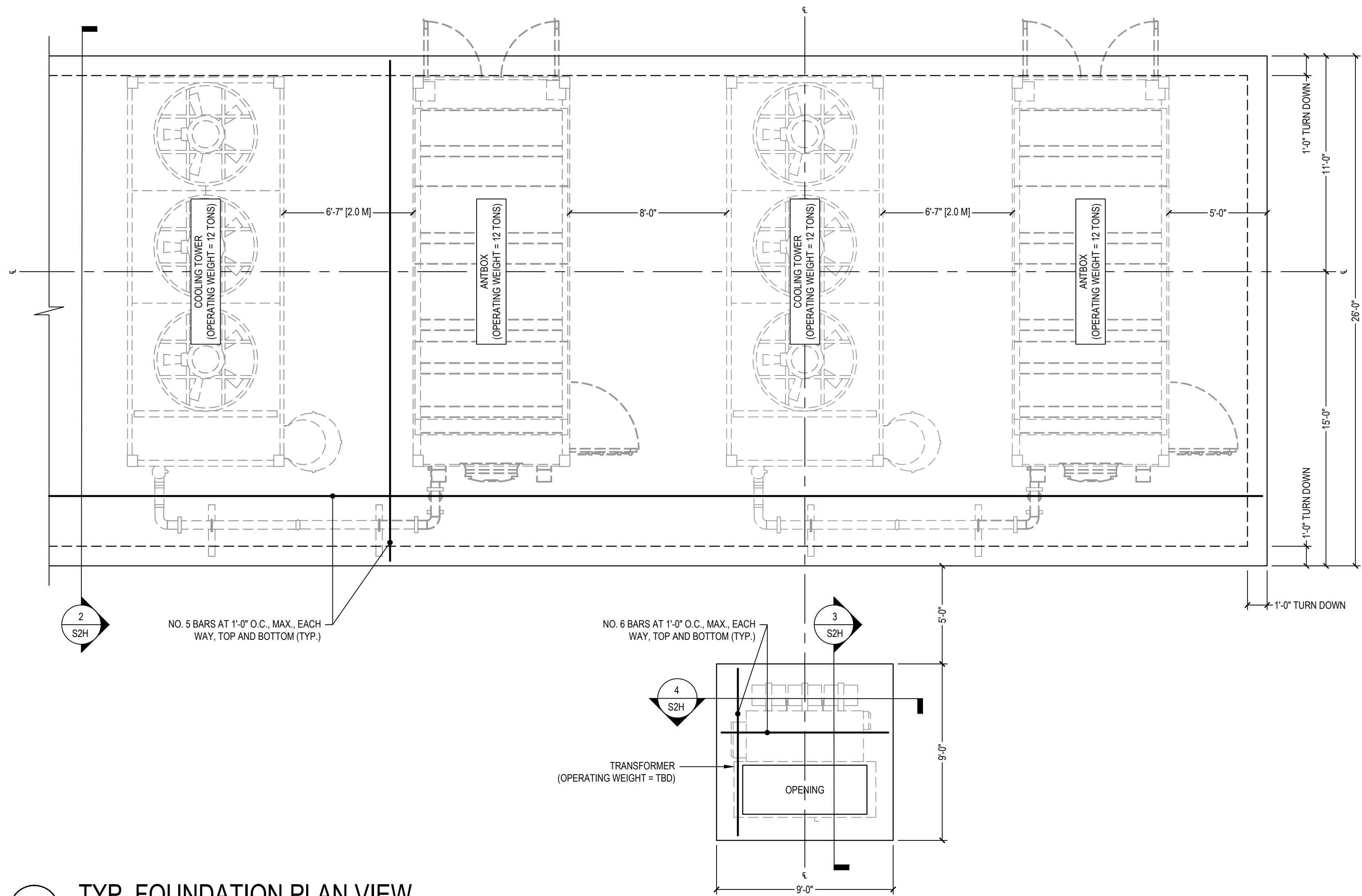
LEGEND:

- 34.5 KV OH LINES
- 2.5 MVA TRANSFORMER
- PROPERTY LINES
- x 8' PRIVACY FENCE
- xx 8' CHAIN LINK FENCE W/ BARBED WIRE
- UG ELECTRICAL LINES
- ACCESS ROADS
- DOWN GUY
- SHRUBS

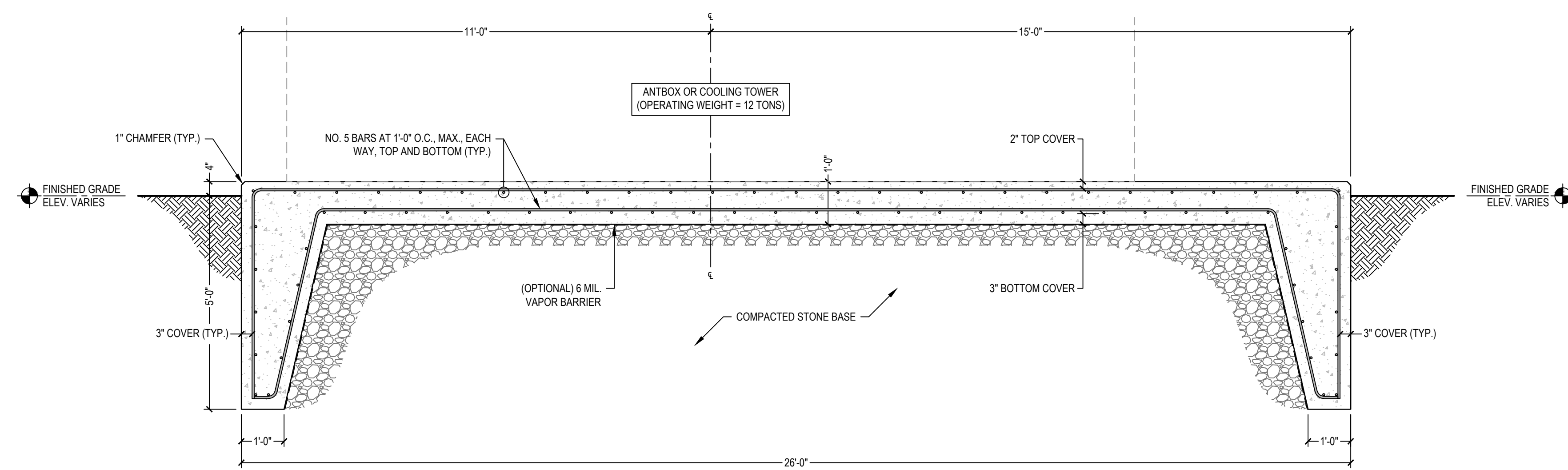


Aug 23, 2022, 4:57pm X:\BPV - VCV Digital\MN\CH\2H\BPV Crypto Site Layouts - Rev D.dwg Layout: C2H

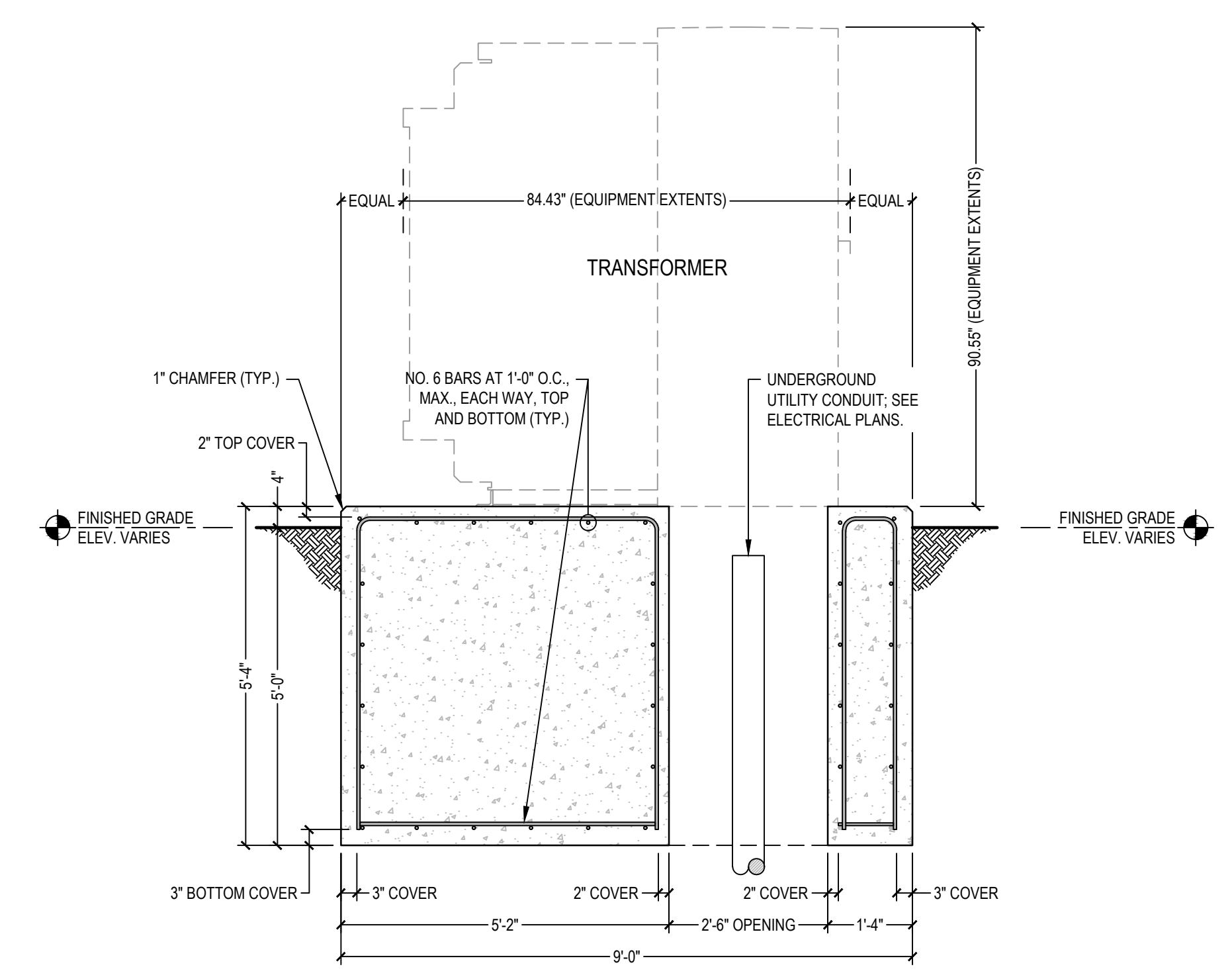
			PRELIMINARY NOT TO BE USED FOR CONSTRUCTION REVISION 08/23/22			VCV DIGITAL GROUP BRAINERD, MN BRAINERD INDUSTRIAL PARK CRYPTO SITE #2 LAYOUT ANTSPACE CONTAINERS				
						UTILITY TECHNOLOGY ENGINEERS - CONSULTANTS, PLLC P.O. Box 2629 • Asheboro, North Carolina • 27204				
						UITEC				
D	EDA SUBMITTAL	08/23/22				DWN.	LMB	DATE: 07/15/22	DWG. NO.	C2H
C	TOWN COMMENTS	08/17/22				SCALE: 1" = 20'				
B	ADD CONTAINERS	07/28/22				JOB NO. 220302				
A	CONCEPTUAL LAYOUT	07/27/22				SHEET NO.				
NO.	REVISIONS	DATE				1 OF 1				



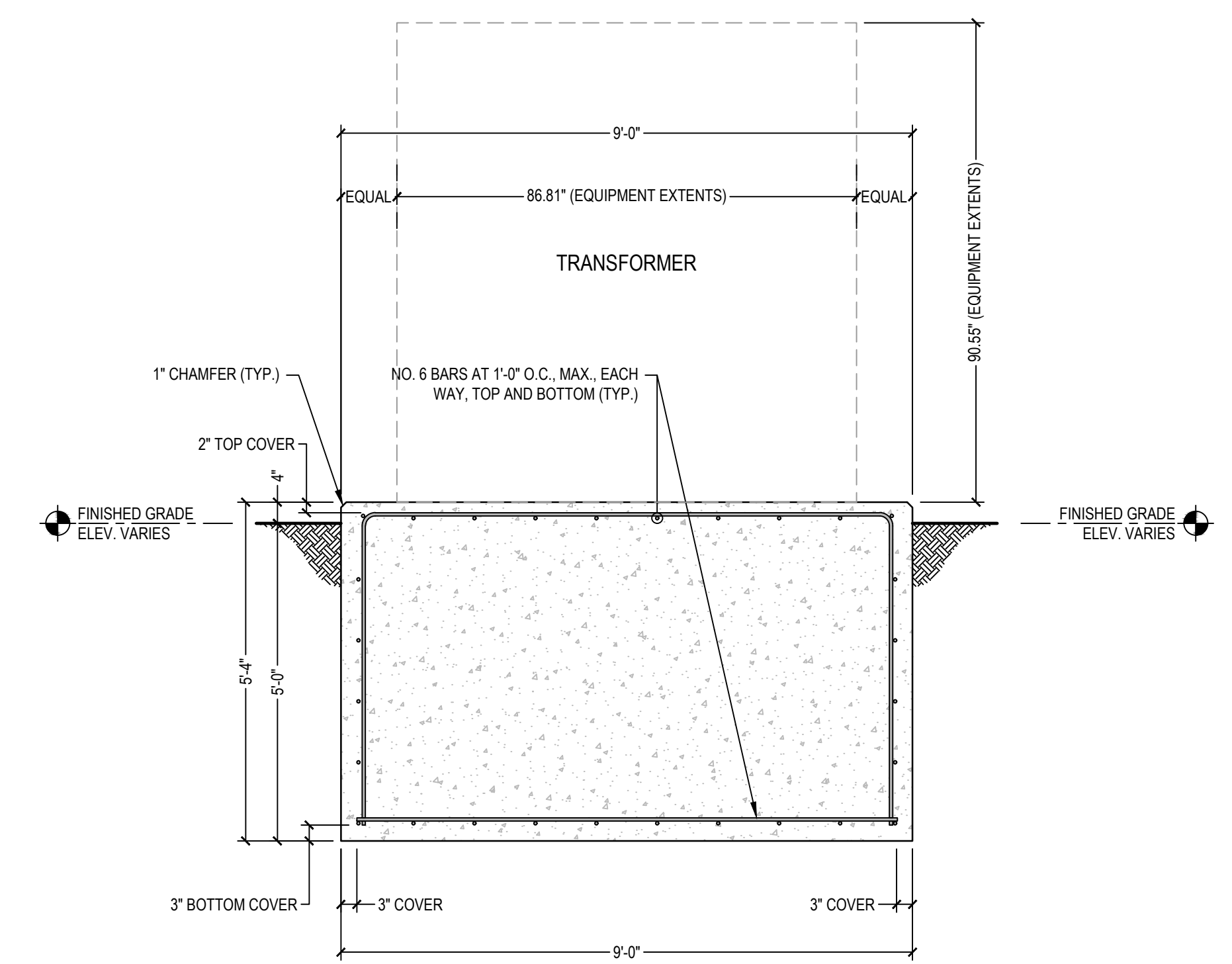
1 TYP. FOUNDATION PLAN VIEW
SCALE: 1/4" = 1'-0"



2 TYPICAL PAD SECTION VIEW
SCALE: 1/2" = 1'-0"



3 TRANSFORMER PAD CROSS-SECTIONAL (SIDE) VIEW
SCALE: 1/2" = 1'-0"



4 TYP. TRANSFORMER PAD SECTION VIEW
SCALE: 1/2" = 1'-0"

THIS PLAN IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

Aug 23, 2022 - 3:17pm P:\E-7924\UTEC - VCV Digital - Brainerd, MN 56401\DWG\Building & Structure\2022-08-22\UTEC - VCV Digital - Structural - PRELIM (E-7924).dwg Layout: S2H

Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
PO Box 968, Asheboro, NC 27204
Ph: 336-328-0902 Fax: 336-328-0922
www.summeyengineering.com

SEA

PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION

REVISION 08/23/2022

VCV DIGITAL GROUP
BRAINERD, MN
BRAINERD INDUSTRIAL PARK
CRYPTO SITE
FOUNDATION PLAN

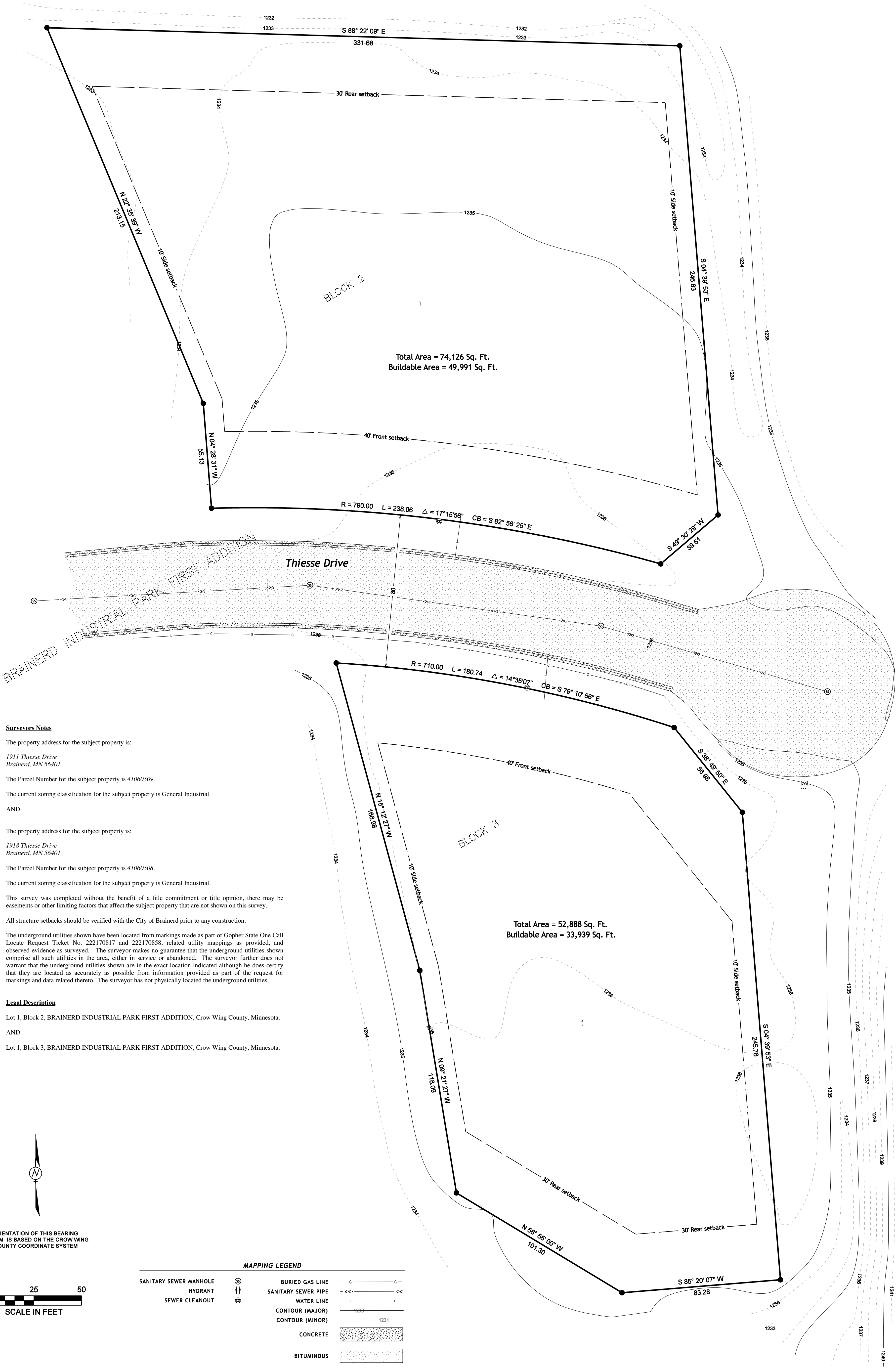
UTEC UTILITY TECHNOLOGY
ENGINEERS - CONSULTANTS
P.O. Box 2629 • Asheboro, North Carolina • 27204

A		DATE		DWG. NO.	
EDA SUBMITTAL		08/23/2022		S2H	
NO. REVISIONS		DATE		SHEET NO.	
				1 OF 1	

SEA JOB NO. E-7921

SCALE: AS NOTED

JOB NO. 220302



Surveyors Notes

The property address for the subject property is:

1911 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060509.

The current zoning classification for the subject property is General Industrial.
AND

The property address for the subject property is:

1918 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060508.

The current zoning classification for the subject property is General Industrial.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

All structure setbacks should be verified with the City of Brainerd prior to any construction.

The underground utilities shown have been located from markings made as part of Gopher State One Call Locate Request Ticket No. 222170817 and 222170858, related utility mappings as provided, and observed evidence as surveyed. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information provided as part of the request for markings and data related thereto. The surveyor has not physically located the underground utilities.

Legal Description

Lot 1, Block 2, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.

AND

Lot 1, Block 3, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.



ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CROW WING
COUNTY COORDINATE SYSTEM



SCALE IN FEET

MAPPING LEGEND

SANITARY SEWER MANHOLE	⊙	BURIED GAS LINE	— G —
HYDRANT	⊕	SANITARY SEWER PIPE	— S —
SEWER CLEANOUT	⊙	WATER LINE	— W —
		CONTOUR (MAJOR)	— 1230 —
		CONTOUR (MINOR)	— 1231 —
		CONCRETE	[Pattern]
		BITUMINOUS	[Pattern]

KLD
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD

1120 Industrial Park Road
Brainerd, MN 56401
218-828-5333
13 North 11th Avenue
St. Cloud, MN 56303
320-259-1289

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

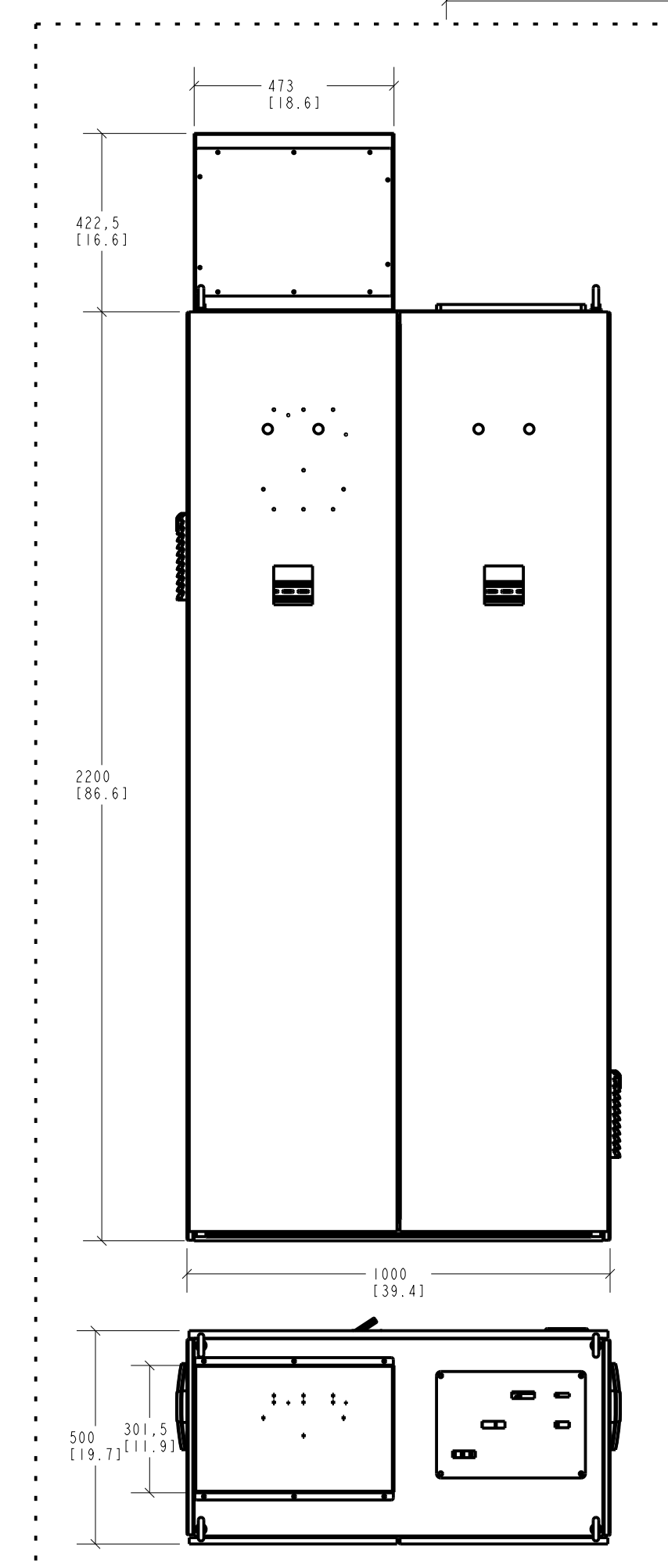
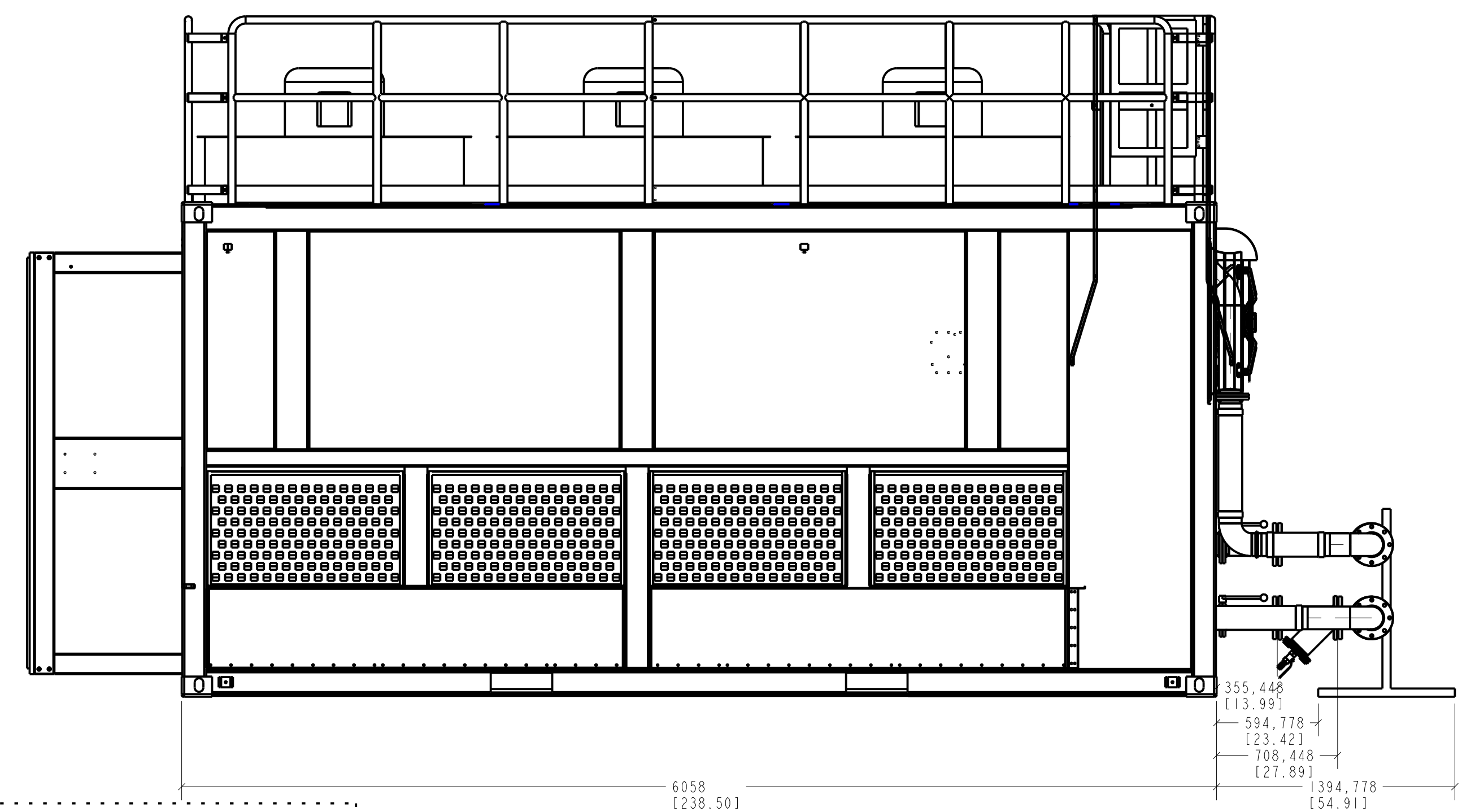
Signature: *James Kramer*
James Kramer, MN License No. 23668

08/17/2022
Date

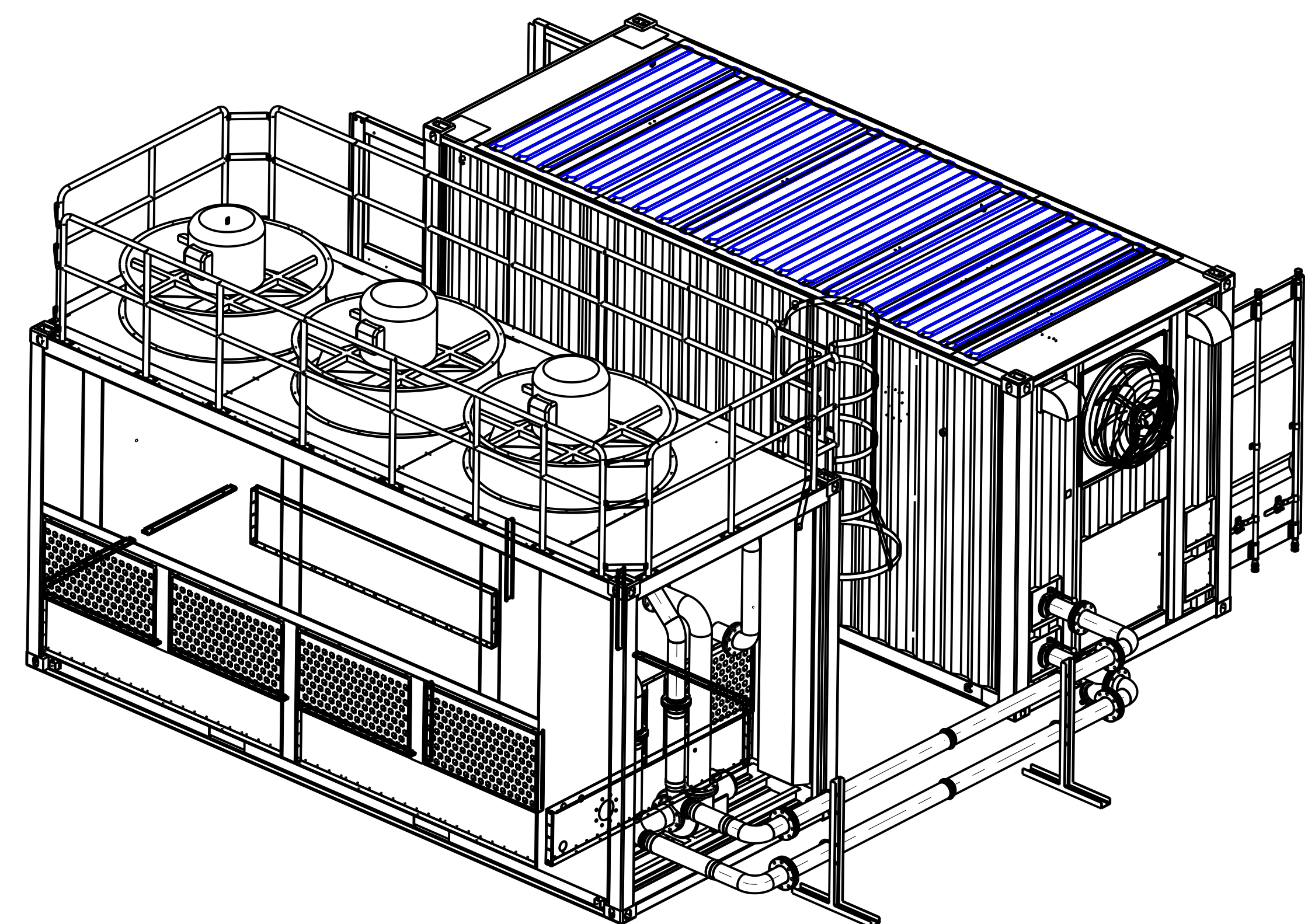
PROJECT NO. SUMME2201

CERTIFICATE OF SURVEY
Topographic and Property Boundary Survey

Summey Engineering Associates, PLLC
Section 06, Township 44 North, Range 30 West
Crow Wing County, Minnesota



1835
[72.24]

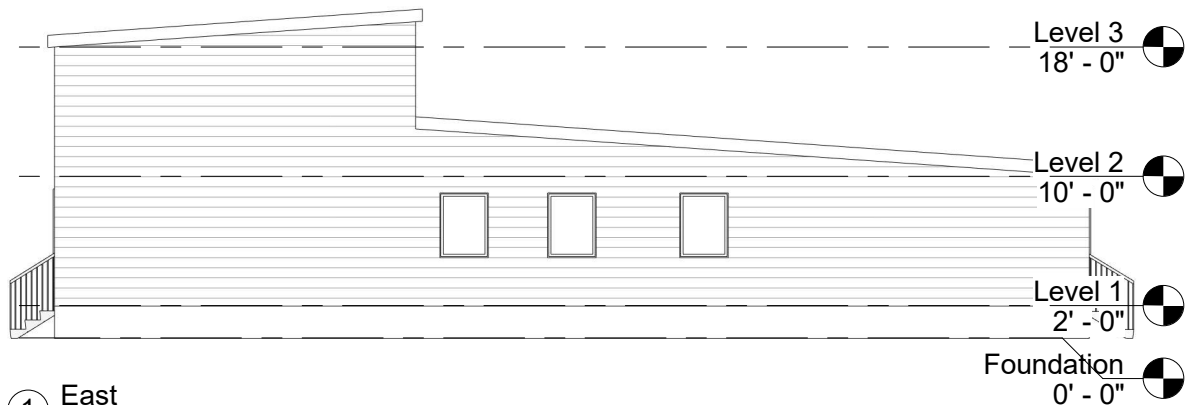


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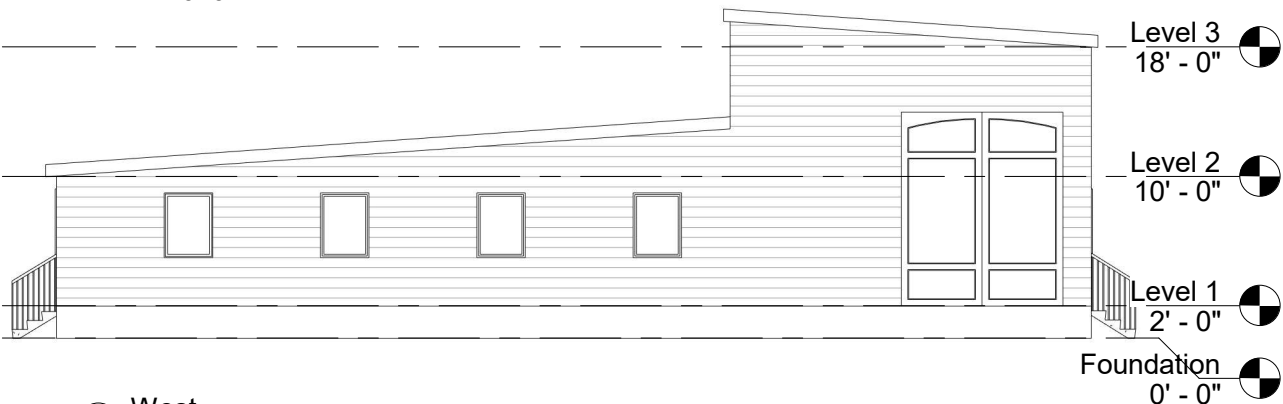
- 1.The **upper** dimension of all dimensions is in **millimeters** and the **lower** dimension is in **inches**.
- 2.Inlet and Outlet specification:DN125(5in)/304/PN16 Loose plate steel pipe flanges with lapped end(GB/T 9122-2000).
- 3.Two power distribution cabinets are arranged on the mirror surface.The dimension of single power distribution cabinet is 1000*500*2200mm(L*W*H).Each power distribution cabinet has an opposite door, and the dimension of single door is 492*2200mm(L*H).
- 4.The top of the power distribution cabinet contains a junction box with a dimension of 473*301.5*422.5mm(L*W*H).

						AntSpace HK3					Bitcoin Technologies, Inc.		
标记	处数	分区	更改文件号	签名	年、月、日								
设计			标准化			阶段标记					重量	比例	YLY-1000E-006
校对			质量会签										
审核													
工艺			批准			共 张					第 张		

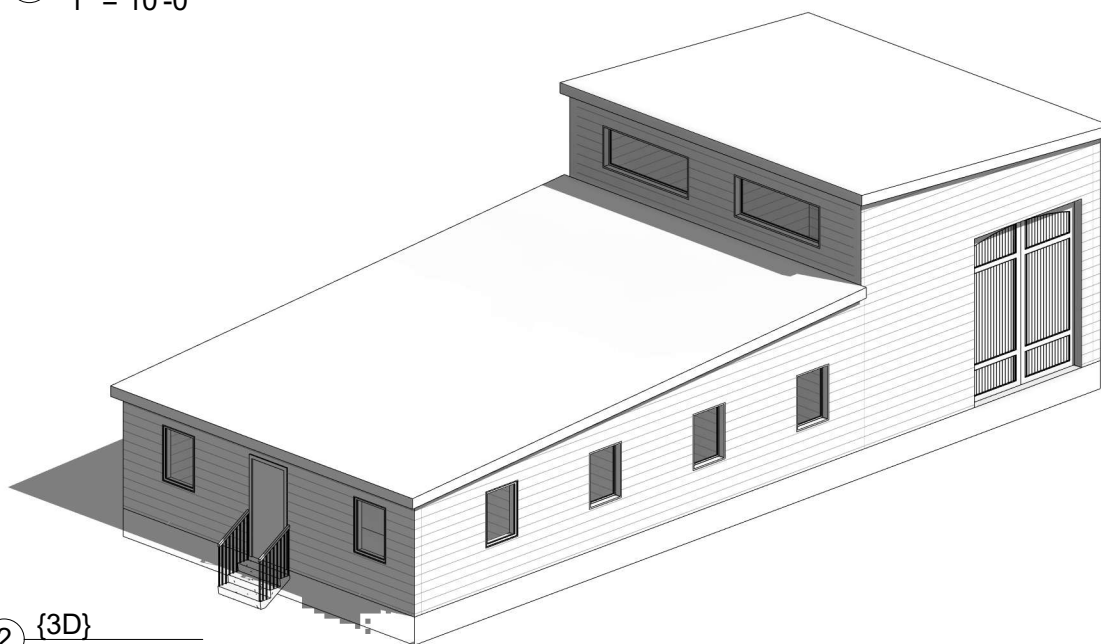
① East
1" = 10'-0"



③ West
1" = 10'-0"



② {3D}



www.autodesk.com/revit

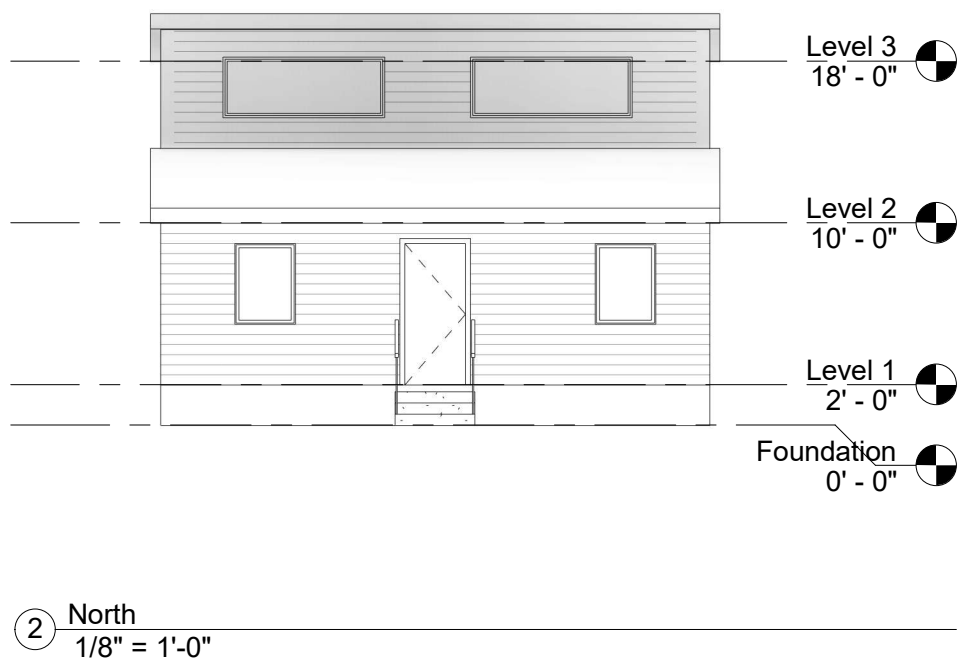
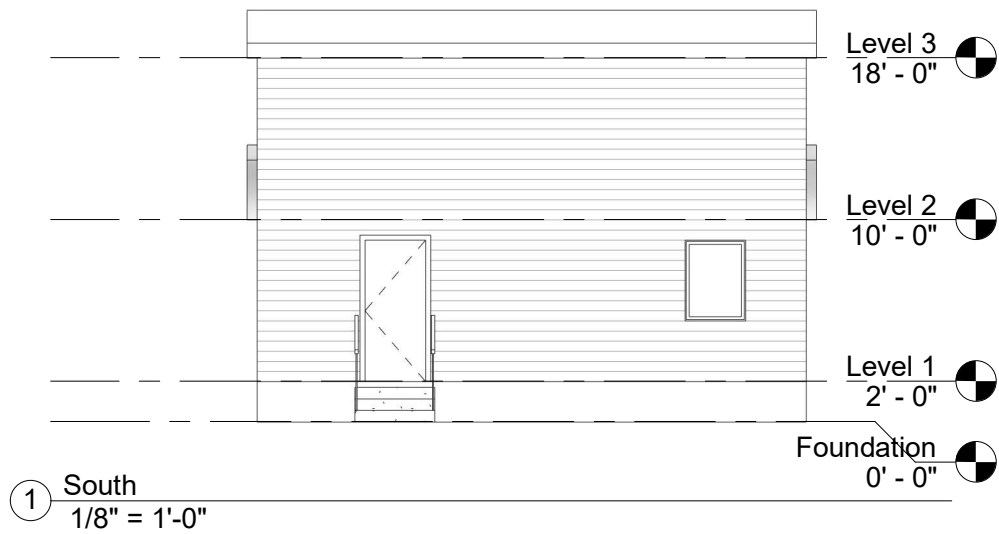
Owner

Design FLOOR PLAN

ELEVATIONS & 3D VIEW

Project number	1	A102
Date	23/8/2022	
Drawn by	Author	Scale 1" = 10'-0"
Checked by	Checker	

23/08/2022 08:34:55



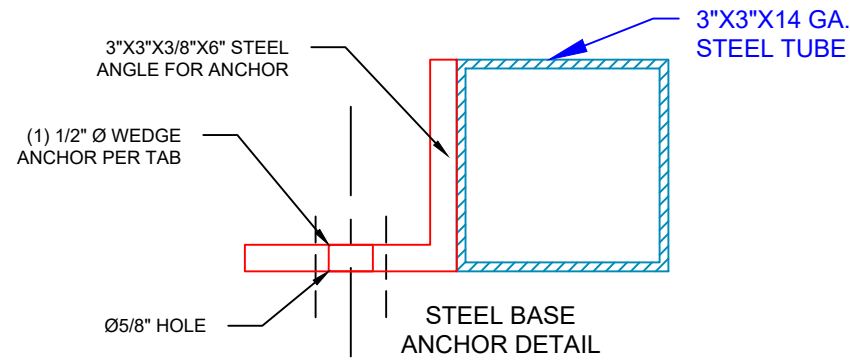
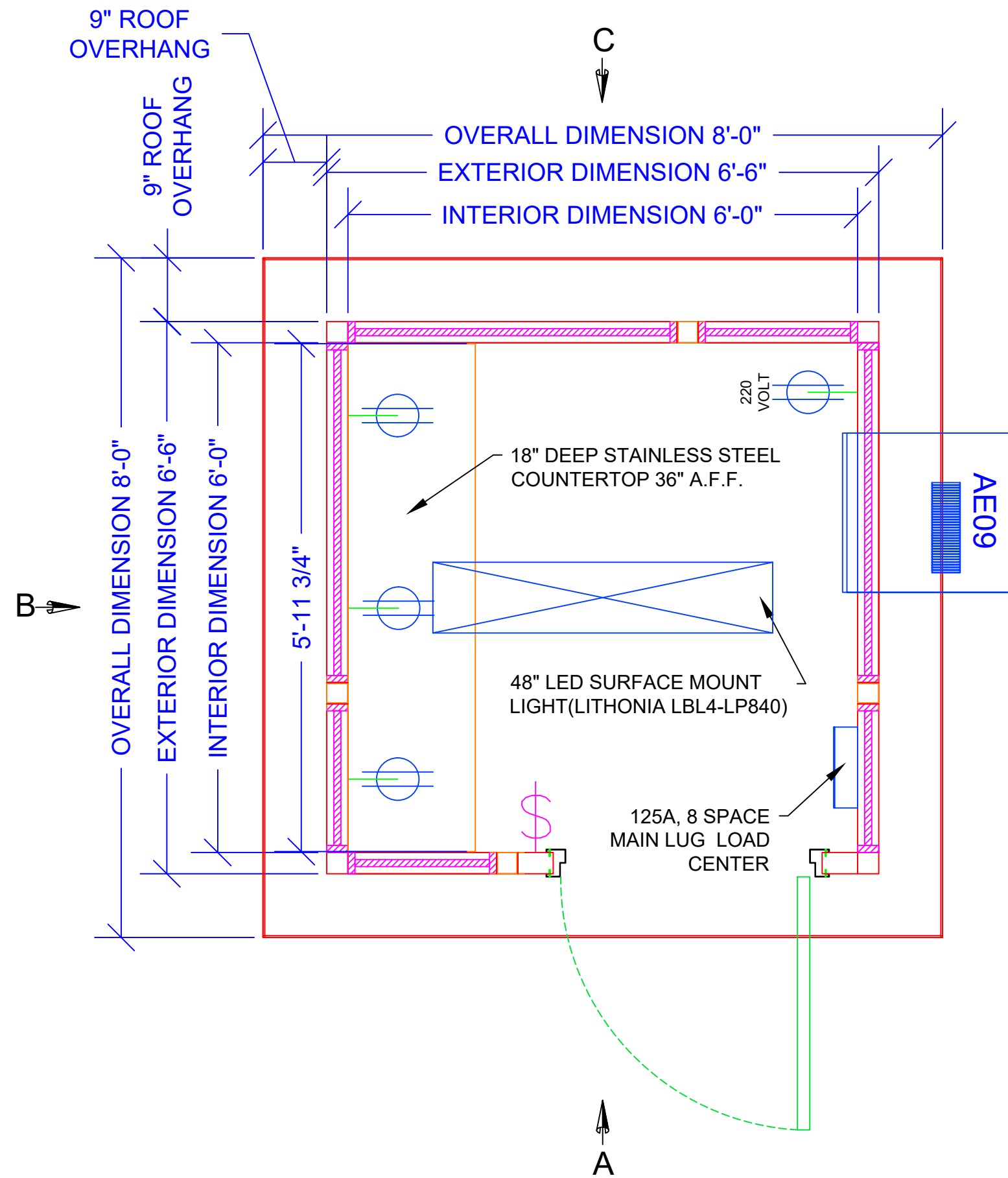
www.autodesk.com/revit

Owner

Design FLOOR PLAN

ELEVATIONS

Project number	1	A104
Date	23/8/2022	
Drawn by	Author	Scale 1/8" = 1'-0"
Checked by	Checker	



CUSTOMER ACKNOWLEDGEMENT OF ABOVE DETAIL:

CUSTOMER PLEASE INITIAL HERE

LEGEND	
	TELE/DATA PREP
	SWITCH
	DUPLEX RECEPTACLE
	WINDOW
	DOOR
	EXTENDED COLUMN
	COLUMN
	I BEAM (STRUCTURAL)
	COLD ROLLED MEMBER
	1-1/2"X1-1/2"X11 GA RAILING
	K-SERIES BAR JOIST

JOB NUMBER: 16798	DRAWN BY: S. VAZQUEZ	CHECKED BY: M.B.	DATE: 7.25.2022
-------------------	----------------------	------------------	-----------------

DEALER:	BV POWER ALPHA LLC	CUSTOMER:	BV POWER ALPHA LLC
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THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED WITHOUT EXPRESS WRITTEN PERMISSION OF PANEL-BUILT, INC. ALL INFORMATION SHOWN ON THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT SPECIFIC WRITTEN PERMISSION OF PANEL-BUILT, INC.

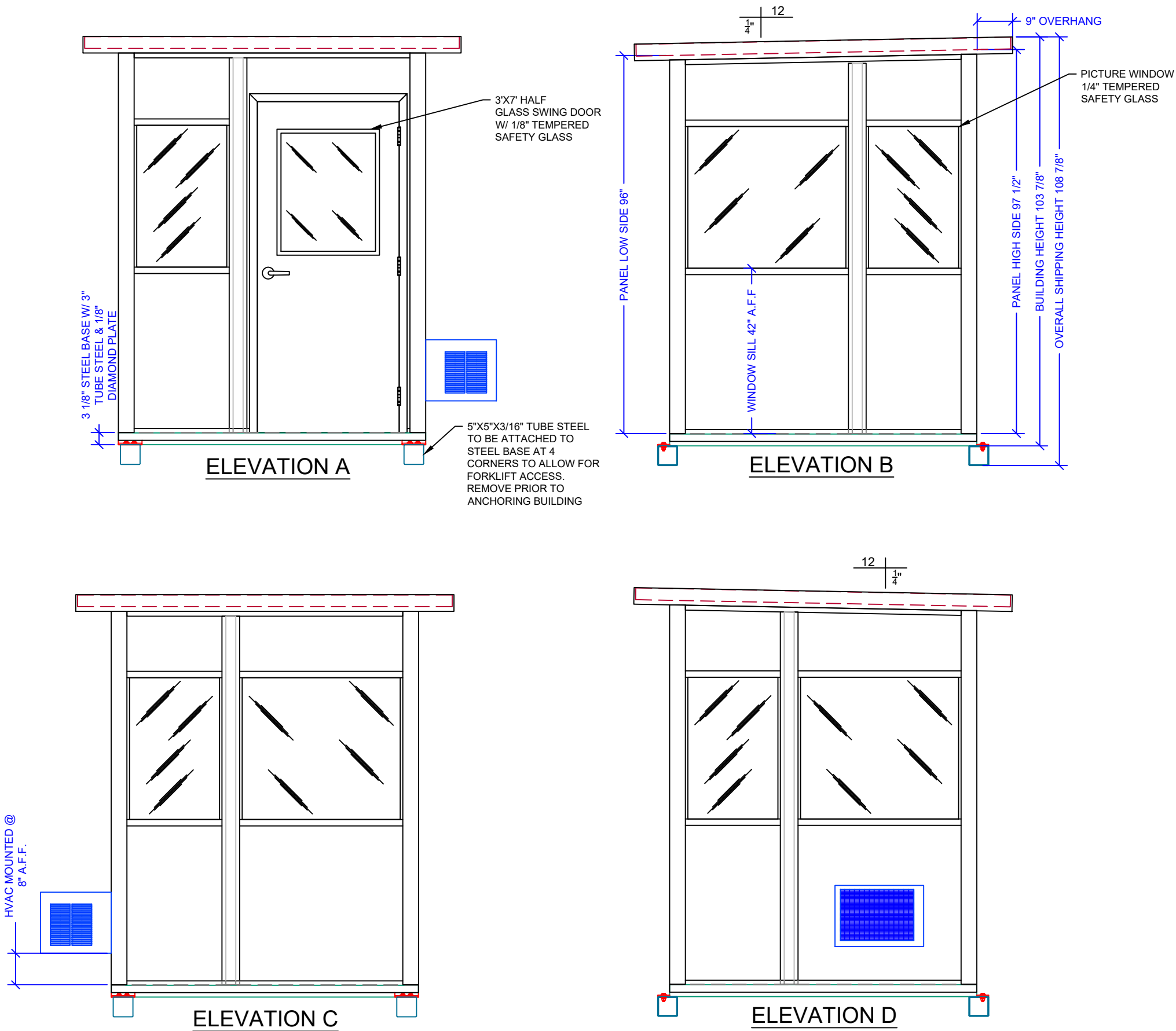
PANEL BUILT
INCORPORATED

TOLERANCES:
LENGTH ± 1/8", > 10'-0" ± 1/4"
HOLES ± 1/16"

PAGE: S-1

FLOORPLAN
SURFACE MOUNTED ELECTRICAL

DRAWINGS NOT FOR CONSTRUCTION			
DRAWING APPROVAL			
QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN		☐	
REVISE & RESUBMIT		☐	
SIGN: _____			
DATE: _____			
REV #	DR. BY#	DESCRIPTION OF REV	DATE
*	*	*	*



LEGEND	
	TELE/DATA PREP
	SWITCH
	DUPLEX RECEPTACLE
	WINDOW
	DOOR
	EXTENDED COLUMN
	COLUMN
	I BEAM (STRUCTURAL)
	COLD ROLLED MEMBER
	1-1/2"X1-1/2"X11 GA RAILING
	K-SERIES BAR JOIST

JOB NUMBER: 16798	DRAWN BY: S.VAZQUEZ	CHECKED BY: M.B.	DATE: 7.25.2022
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DEALER:	BV POWER ALPHA LLC
CUSTOMER:	BV POWER ALPHA LLC

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PANEL BUILT
INCORPORATED

DRAWINGS NOT FOR CONSTRUCTION			
DRAWING APPROVAL			
QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN ☐			
REVISE & RESUBMIT ☐			
SIGN: _____			
DATE: _____			
REV #	DR. BY#	DESCRIPTION OF REV	DATE
*	*	*	*



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.

Date: 9/16/2022 Time: 9:17:37 AM



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use at 1918 Thiesse Dr. The property included in this application is described as:

*LOT 1 BLOCK 3
BRAINERD INDUSTRIAL PARK FIRST ADDITION
P.I.N. 41060508
Section 6, Township 44, Range 30*

The property is zoned GI (General Industrial) District, and Zoning Ordinance *Section 515-3 (Allowed Uses) Appendix A: Table of Uses* permits outdoor storage as a principal use as an Interim Use as regulated by Section 515-3-28 of the Brainerd Zoning Ordinance. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



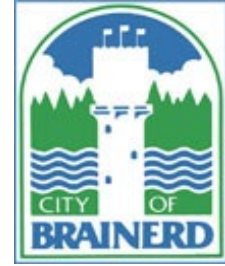
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Variance From Setback Standards For Guard Shack

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for a variance at 1911 Thiesse Dr., Brainerd, MN 56401. The applicant is proposing a reduced front yard setback from 40 feet to 36 feet for the installation of a guard shack for a crypto mining facility.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the variance request for a reduced setback for the construction of a guard shack during their regular meeting on September 21st. Planning Commission voted unanimously to recommend denying the variance request as the reduced setback was caused by the design of the property owner and not considered a practical difficulty unique to the site. The request does not meet the standards for granting a variance.	
Recommended Action/Motion: Motion to deny the variance request for a reduced front yard setback for the construction of a guard shack.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Variance from Setback Requirements – 1911 Thiesse Dr.

Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for a variance at 1911 Thiesse Dr., Brainerd, MN 56401.

The requested variance is from [Section 515-2-16.C General Industrial Zoning District Dimensional Standards](#). The applicant is proposing a reduced front yard setback from 40 feet to 36 feet for the installation of a guard shack for a crypto mining facility.

Property Area: 1.7 Acres

Adjacent Uses: North: Undeveloped Wetland
East: Undeveloped Wetland & Agricultural
South: Proposed Crypto Mining Facility
West: Industrial/ Vacant Undeveloped

Adjacent Zoning: North: Crow Wing County – Commercial/ Heavy Industrial District
East: Crow Wing County – Commercial/ Heavy Industrial District
South: GI (General Industrial) District
West: GI (General Industrial) District

Findings of Fact

1. 1911 Thiesse Dr is in the GI (General Industrial) District.
2. Section 515-2-16.C General Industrial Zoning District Dimensional Standards lists a minimum front yard setback in GI Districts to be 40 feet from the front property line. Accessory building standards must meet all principal building setbacks.
 - a. The applicant is requesting that the setback requirement be reduced by 4 feet to a setback of 36 feet from the front property line. The proposed use of the site is outdoor storage as a principal use which is an Interim Use Permit in the GI District. Outdoor storage as a principal use does not require a principal structure.
3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance

- a. The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses.
 1. *The proposed use of the site is a crypto mining facility which according to the proposed site plan would constitute outdoor storage as a principal use which is an Interim Use Permit in the GI District. Outdoor storage as a principal use does not require a principal structure. The proposed use is in harmony with the purposes and intent of the district.*
 - b. When the variances are consistent with the Comprehensive Plan
 - a. *Staff believes this variance request is supported by Goal 1 of Chapter 5 of the Comprehensive plan which states, "Support infill and redevelopment throughout Brainerd as a strategic component of growth."*
 1. *Policy 1 under Goal 1 states, "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists"*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *Outdoor storage as a principal use requires screening adjacent to road right-of-way and the developer proposes an 8-foot-high fence to screen the crypto mining facility. The 8-foot fence with limited opacity cannot be placed within the required front yard. The proposed guard shack would need to be placed in front of the gate and fence to provide security for the site.*
4. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - a. *The applicant revised the original site plan for the proposed crypto mining facility to occur behind the required front yard. The layout was designed by the applicant to maximize the space of the lot and the guard shack would need to be place outside the fence.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - a. *This property in surrounded by the General Industrial District with a second proposed crypto mining facility to the south. The guard shack placement would not alter the character of the locality.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Section 515-5-4.B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing one party contacted the Community Development Department and had questions regarding the proposed project and did not have any concerns.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-5-4.B of the Code of Ordinances.


Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL
COMMERCIAL
CONDITIONAL USE PERMIT
☐

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

REZONING
☐

(\$300.00)

☐

(\$500.00)

VARIANCE
☐

(\$250.00)

☒

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1911 Thiesse Dr, Brainerd, MN 56401
LEGAL DESCRIPTION: Lot(s): 1 Block: 2 Addition: Brainerd Industrial Park First Addition, Crow Wing County, MN
 (attach description if lengthy)

Property Owner Name: VCV Digital Infrastructure Minnesota, LLC
Street Address: 1540 Broadway, Suite 1010 **City:** New York **State:** NY **Zip Code** 10036
Phone Number: 917-558-3563 **Fax:** _____ **E-mail:** jerry.tang@vcvdigital.com
Applicant Name: (If different than Property Owner) _____

Street Address: _____ **City:** _____ **State:** _____ **Zip Code:** _____

Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Locating a guard shack inside the 40' front yard setback.
The closest edge of the guard shack will be located 36' from the front property line.
Drawings of proposed guard shack are included.

DocuSigned by:

AB034191F32A419...

Property Owner Signature

Jerry Tang

(Please print name)

9/7/2022
Date
Applicant Signature
Date

(Please print name)

(OVER)

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #1
Interim Use Permit – 1911 Thiesse Drive

September 6, 2022

Community Development Department
City Hall
501 Laurel Street
Brainerd, MN 56401
218-828-2309

City of Brainerd, MN:

VCV Digital Infrastructure Minnesota, LLC, requests that the City of Brainerd, MN grant an Interim Use Permit to allow for cryptocurrency mining at 1911 Thiesse Drive, Brainerd, MN 56401 for an indefinite period of time. This site (VCV Site #1) has been designed to accommodate 24 crypto mining containers and associated cooling towers. The site layout includes chain link fencing around the entire site with privacy slats installed on the south and west sides. A parking lot is located adjacent to the guard shack and will be lined with shrubbery to meet landscaping requirements. An office for the site will be located across Thiesse Drive on VCV Site #2 where all communication and networking equipment will be housed.

A guard shack, located next to the entrance/exit gate, will be installed inside the front yard setback to prevent unauthorized access to the site. A variance application has been submitted to locate the guard shack in the front yard setback. VCV expects to employ approximately 16 people between the two sites. The sites will be operated 24 hours a day, seven days a week. All deliveries to the site will be scheduled in advance and will be required to check in at the guard shack before proceeding into the site. The expected clientele will be advanced technological individuals and investors.

The crypto mining containers will be served by an overhead 34.5 kV sub-transmission line entering the site from the north with taps to the west as shown on the Site Layout. VCV Digital is working with Brainerd Power Utility (BPU) to design this overhead service which will likely be installed and maintained by BPU on behalf of VCV. Each set of two mining containers/cooling towers will be served from a 3,000 kVA pad mounted power transformer. A total of twelve (12) 3,000 kVA pad mounted transformers will be located on the site as shown on the drawings. The total expected load for the site is approximately 32 MW.

Each mining container will house approximately 210 mining computers. These computers generate a lot of heat when in operation. To control the temperature of the computers, a wet/dry cooling tower is installed for each container as shown on the site drawing. A connection to the BPU water system provides the make-up water to the cooling towers to replace the water lost in evaporation. At low ambient temperatures the cooling towers are drained to prevent freezing. A connection the BPU sewer is planned for this manual draining process. BPU has existing water and sewer mains available along Thiesse Drive. Connection to the BPU system and a specific layout of water and sewer inside the site to be determined with the final design.

The engineers and their contact information are as listed below. The office and guard shack design are by others.

Electrical Design
Utility Technology, Engineers-Consultants
775 Spartan Blvd, Suite 207
Spartanburg, SC 29301
Heather Sudduth
864-579-1577

Civil Structural Design
Summey Engineering Associates
150 S Fayetteville St
Asheboro, NC 27203
Mack Summey
336-328-0902

VCV Digital Infrastructure Minnesota, LLC
Brainerd Industrial Park – Crypto Site #1
Interim Use Permit – 1911 Thiesse Drive

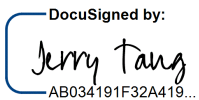
September 6, 2022

hsudduth@utilitytec.com

mack@summeyengineering.com

Please let us know if you have any questions or need additional information.

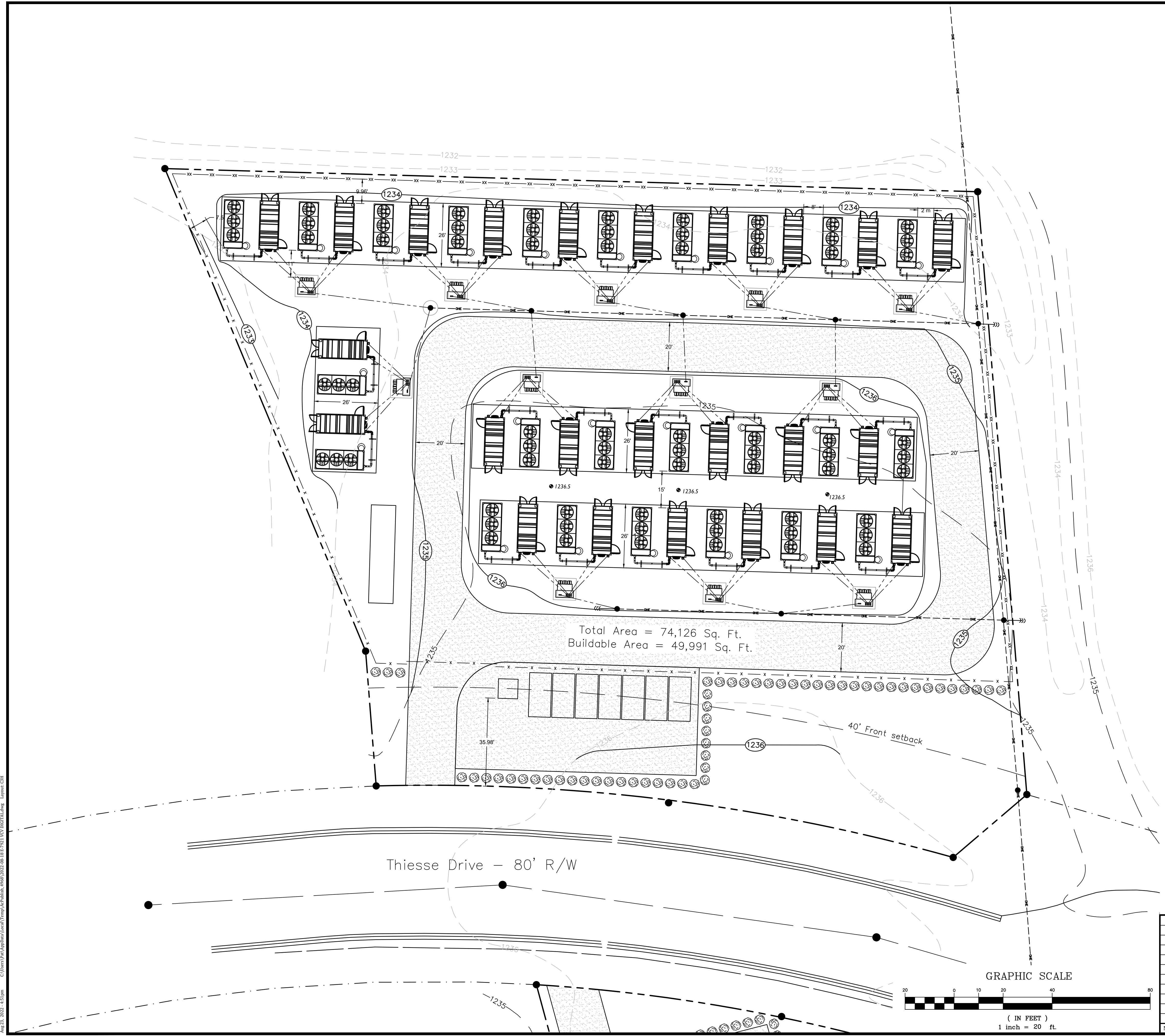
Sincerely,

DocuSigned by:

AB034191F32A419...

Jerry Tang
VCV Digital Infrastructure Minnesota, LLC
917-558-3563

Attached Documentation:

- C1H BIP Crypto Site 1 Layout Rev D.pdf
- 2022-08-18 E-7921 VCV DIGITAL_C3H.pdf
- 2022.08.23_PRELIM Foundation – S2H (E-7921).pdf
- Certificate of Survey 08-17-2022.pdf
- AntSpace HK3.pdf
- Guard Shack.pdf



- LEGEND:**
- 34.5 KV OH LINES
 - 2.5 MVA TRANSFORMER
 - PROPERTY LINES
 - 8\"/>

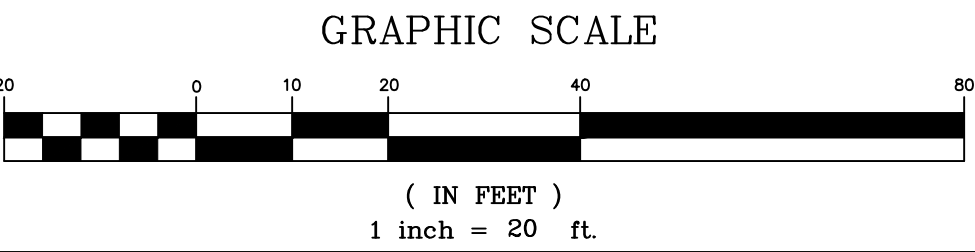
- MAPPING LEGEND**
- | | | | |
|------------------------|---|---------------------|-----------|
| SANITARY SEWER MANHOLE | ● | BURIED GAS LINE | --- |
| HYDRANT | ⦿ | SANITARY SEWER PIPE | --- |
| SEWER CLEANOUT | ● | WATER LINE | --- |
| | | CONTOUR (MAJOR) | --- |
| | | CONTOUR (MINOR) | --- |
| | | CONCRETE | [Pattern] |
| | | BITUMINOUS | [Pattern] |

TOTAL AREA = 74126.53 Sq. Ft. = 1.702 ACRES
EXISTING IMPERVIOUS AREA = 0 Sq. Ft.
PROPOSED IMPERVIOUS AREA = 38339.61 Sq. Ft. = 0.880 ACRES =
51.70% IMPERVIOUS AREA

NOTE:
THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY.
NOT INTENDED AS FINAL DESIGN.



Summey Engineering Associates, PLLC
Engineering - Consulting - Surveying
P.O. Box 968
Asheboro, NC 27204
ph: (336) 328-0902 fx: (336) 328-0922
www.summeyengineering.com

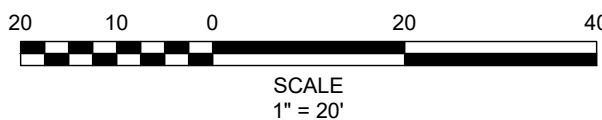


PRELIMINARY NOT TO BE USED FOR CONSTRUCTION REVISION 08/23/22			VCV DIGITAL GROUP BRainerd, MN BRainerd INDUSTRIAL PARK CRYPTO SITE #1 LAYOUT ANTSPACE CONTAINERS		
UTEC UTILITY TECHNOLOGY ENGINEERS - CONSULTANTS, PLLC P.O. Box 2629 • Asheboro, North Carolina • 27204			DWG. NO. C3H SCALE: 1" = 20'		
NO.	EDS SUBMITTAL	DATE	NO.	EDS SUBMITTAL	DATE
		08/23/22			08/23/22



1. THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

- OH — 34.5 KV OH LINES
- 2.5 MVA TRANSFORMER
- — — — — PROPERTY LINES
- X — 8' PRIVACY FENCE
- XX — 8' CHAIN LINK FENCE W/ BARBED WIRE
- - - - - UG ELECTRICAL LINES
- ACCESS ROADS
- >>> DOWN GUY
- SHRUBS



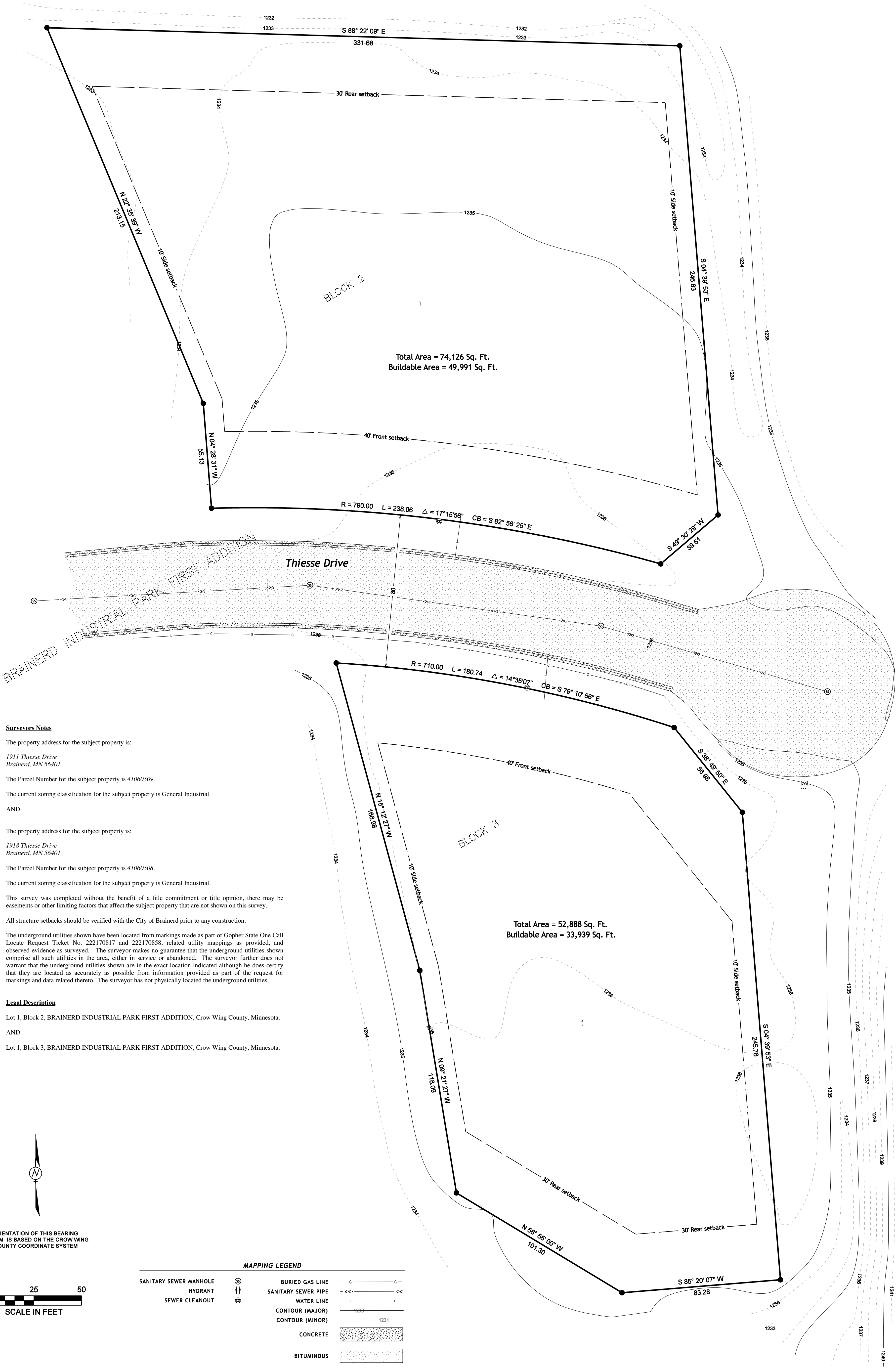
PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION

REVISION 08/23/22



UTILITY TECHNOLOGY
ENGINEERS - CONSULTANTS, PLLC
P.O. Box 2629 • Asheboro, North Carolina • 27204

DWN. LMB	DATE: 07/15/22	DWG. NO. C1H
SCALE: 1" = 20'	JOB NO. 220302	SHEET NO. 1 OF 1



Surveyors Notes

The property address for the subject property is:

1911 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060509.

The current zoning classification for the subject property is General Industrial.
AND

The property address for the subject property is:

1918 Thiesse Drive
Brainerd, MN 56401

The Parcel Number for the subject property is 41060508.

The current zoning classification for the subject property is General Industrial.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

All structure setbacks should be verified with the City of Brainerd prior to any construction.

The underground utilities shown have been located from markings made as part of Gopher State One Call Locate Request Ticket No. 222170817 and 222170858, related utility mappings as provided, and observed evidence as surveyed. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information provided as part of the request for markings and data related thereto. The surveyor has not physically located the underground utilities.

Legal Description

Lot 1, Block 2, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.

AND

Lot 1, Block 3, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.



ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CROW WING
COUNTY COORDINATE SYSTEM



SCALE IN FEET

MAPPING LEGEND

SANITARY SEWER MANHOLE	⊙	BURIED GAS LINE	— G —
HYDRANT	⊕	SANITARY SEWER PIPE	— S —
SEWER CLEANOUT	⊙	WATER LINE	— W —
		CONTOUR (MAJOR)	— 1230 —
		CONTOUR (MINOR)	— 1231 —
		CONCRETE	[Stippled pattern]
		BITUMINOUS	[Dotted pattern]



1120 Industrial Park Road
Brainerd, MN 56401
218-628-5333

13 North 11th Avenue
St. Cloud, MN 56303
320-259-1289

KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: 
James Kramer, MN License No. 23668

08/17/2022
Date

PROJECT NO. SUMME2201

CERTIFICATE OF SURVEY

Topographic and Property Boundary Survey

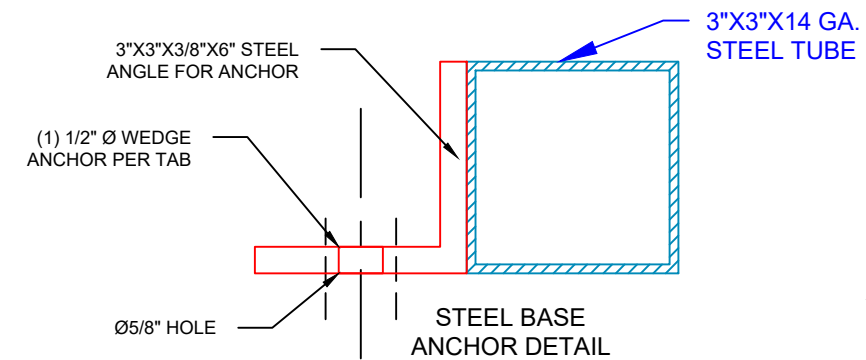
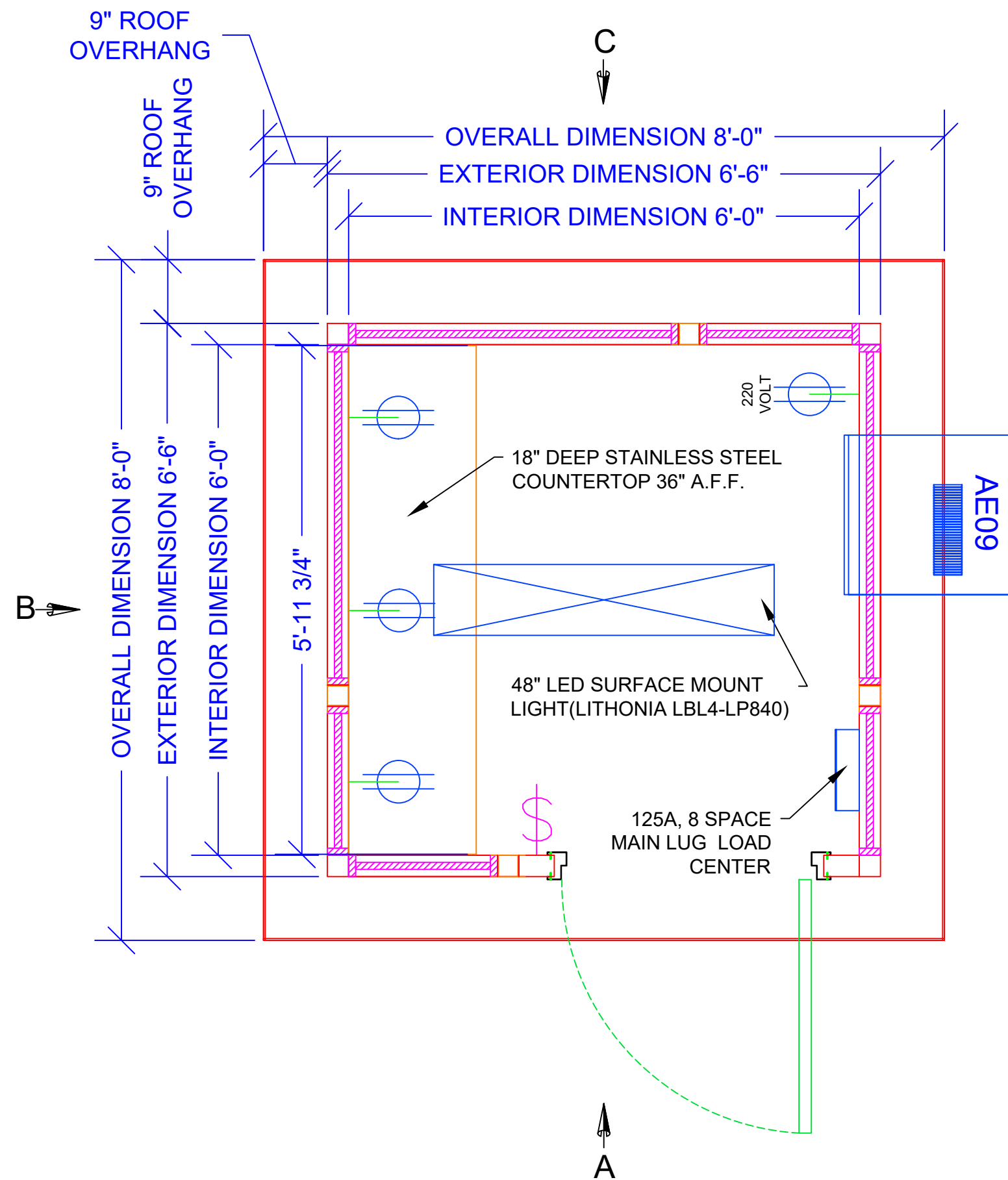
Summey Engineering Associates, PLLC
Section 06, Township 44 North, Range 30 West
Crow Wing County, Minnesota



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.

Date: 9/16/2022 Time: 9:13:39 AM





CUSTOMER ACKNOWLEDGEMENT OF ABOVE DETAIL:

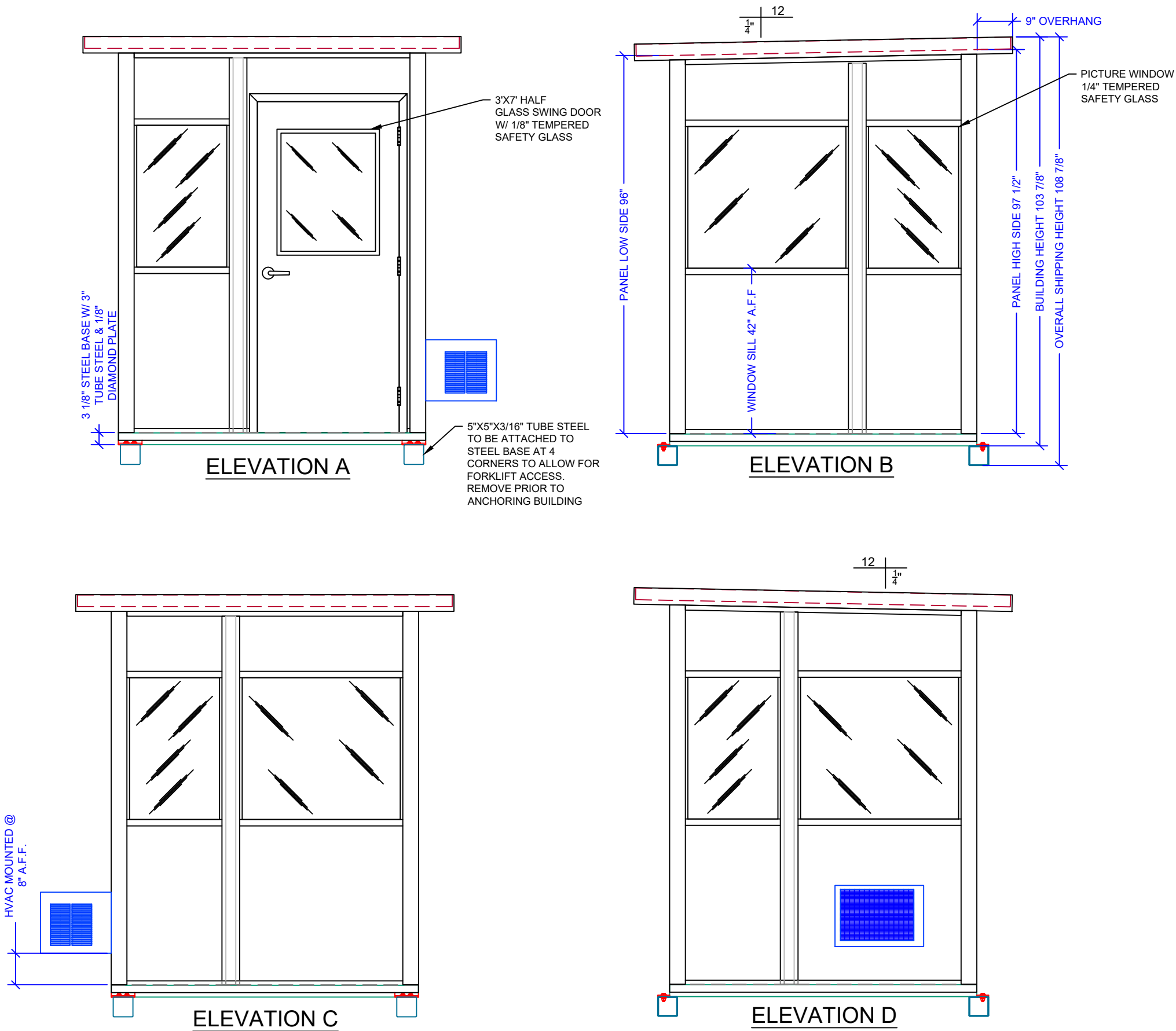
CUSTOMER PLEASE INITIAL HERE

FLOORPLAN
SURFACE MOUNTED ELECTRICAL

DRAWINGS NOT FOR CONSTRUCTION

DRAWING APPROVAL			
QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN			
REVISE & RESUBMIT			
SIGN: _____			
DATE: _____			
REV #	DR. BY#	DESCRIPTION OF REV	DATE
*	*	*	*

LEGEND					
	TELE/DATA PREP				
	SWITCH				
	DUPLEX RECEPTACLE				
	WINDOW				
	DOOR				
	EXTENDED COLUMN				
	COLUMN				
	I BEAM (STRUCTURAL)				
	COLD ROLLED MEMBER				
	1-1/2"X1-1/2"X11 GA RAILING				
	K-SERIES BAR JOIST				
JOB NUMBER: 16798		DRAWN BY: S. VAZQUEZ			
DEALER: BV POWER ALPHA LLC		CHECKED BY: M.B.			
CUSTOMER: BV POWER ALPHA LLC		DATE: 7.25.2022			
THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED WITHOUT EXPRESS WRITTEN PERMISSION OF PANEL-BUILT, INC. ALL INFORMATION SHOWN ON THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT SPECIFIC WRITTEN PERMISSION OF PANEL-BUILT, INC.					
PANEL BUILT INCORPORATED					
TOLERANCES: LENGTH ± 1/8", > 10'-0" ± 1/4" HOLES ± 1/16"					
PAGE: S-1					



LEGEND	
	TELE/DATA PREP
	SWITCH
	DUPLEX RECEPTACLE
	WINDOW
	DOOR
	EXTENDED COLUMN
	COLUMN
	I BEAM (STRUCTURAL)
	COLD ROLLED MEMBER
	1-1/2"x1-1/2"x11 GA RAILING
	K-SERIES BAR JOIST

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DEALER: BV POWER ALPHA LLC	CUSTOMER: BV POWER ALPHA LLC
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THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED WITHOUT EXPRESS WRITTEN PERMISSION OF PANEL-BUILT, INC. ALL INFORMATION SHOWN ON THIS DRAWING IS THE PROPERTY OF PANEL-BUILT, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT SPECIFIC WRITTEN PERMISSION OF PANEL-BUILT, INC.

PANEL BUILT
INCORPORATED

TOLERANCES: LENGTH ± 1/8", > 10'-0" ± 1/4" HOLES ± 1/16"	
PAGE: S-2	

DRAWINGS NOT FOR CONSTRUCTION			
DRAWING APPROVAL QUOTED LEAD-TIME DOES NOT BEGIN UNTIL SIGNED APPROVALS HAVE BEEN RECEIVED			
APPROVED (NO CHANGES) WITH COLORS CHOSEN ☐			
REVISE & RESUBMIT ☐			
SIGN: _____		*	*
DATE: _____		*	*
REV #	DR. BY#	DESCRIPTION OF REV	DATE

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for a variance at 1911 Thiesse Dr. The requested variance is from *Section 515-2-16.C General Industrial Zoning District Dimensional Standards*. The applicant is proposing a reduced front yard setback from 40 feet to 36 feet for the installation of a guard shack. The property included in this application is described as:

*LOT 1 BLOCK 2
BRAINERD INDUSTRIAL PARK FIRST ADDITION
P.I.N. 41060509
Section 6, Township 44, Range 30*

The property is zoned GI (General Industrial) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



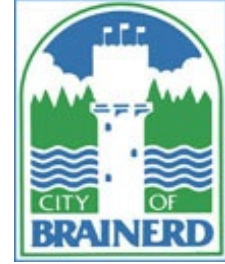
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Variance From Setback Standards For ADA Wheelchair Lift

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Mark Needham has submitted a variance request on behalf of Brainerd Public Schools at 804 Oak Street, Brainerd, MN 56401. The applicant is requesting a reduced rear yard setback from 10 feet to zero feet for the addition of an ADA enclosed wheelchair lift along Pine Street.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the variance request for a zero foot rear yard setback for the construction of an ADA wheelchair lift during their regular meeting on September 21st. Planning Commission voted unanimously to recommend approval of the variance request.	
Recommended Action/Motion: Motion to approve the variance request for a zero foot rear yard setback at 804 Oak Street to allow for the construction of an ADA enclosed wheelchair lift.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Variance from Setback Requirements – 804 Oak St.

Mark Needham has submitted a variance request on behalf of Brainerd Public Schools at 804 Oak Street, Brainerd, MN 56401.

The requested variance is from [Section 515-2-17.C PSP Zoning District Dimensional Standards](#). The applicant is requesting a reduced rear yard setback from 10 feet to zero feet for the addition of an ADA enclosed wheelchair lift along Pine Street.

Property Area: 2.08 Acres – Washington Educational Services Building

Adjacent Uses: North: Multi-family and Single Family Residential
East: Multi-family and Single Family Residential
South: Multi-family and Single Family Residential
West: Multi-family and Single Family Residential

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: TN-2 (Traditional Neighborhood 2) District
South: TN-1 (Traditional Neighborhood 1) District
West: TN-2 (Traditional Neighborhood 2) District

Findings of Fact

1. 804 Oak Street is in the (PSP) Public Semi-Public District.
2. Section 515-2-17.C PSP Zoning District Dimensional Standards lists a minimum rear yard setback in PSP Districts to be 10 feet from the rear property line.
 - a. The applicant is requesting that the setback requirement be reduced by 10 feet to a setback of zero feet from the rear property line.
3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - a. The PSP Zoning District is intended to identify lands used for community gathering spaces for purposes of education, recreation, congregation, worship, health, or similar. Lands zoned PSP contain 1.0 acres of land or provide a mix of community uses from a single facility or campus.

1. *The Washington Educational Services Building at 804 Oak Street offers educational services, serves as the offices for the school district, and provides a community gathering space. This property exceeds one acre and is in harmony with the general purposes of the ordinance.*
 - b. When the variances are consistent with the Comprehensive Plan
 - a. *Staff believes this variance request is supported by Goal 1 of Chapter 2 of the Comprehensive plan which states, "Preserve and repurpose historic assets."*
 1. *Policy 6 under Goal 1 states, "Strike a balance between preserving historic structures and building new within all land uses."*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *The rear side of the building does not currently have ADA accessibility to the first floor. The proposed structure will not extend further than the concrete steps. There are no other options on the rear side of the building for placement of the proposed structure to reduce the requested setback.*
4. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - a. *This building was built several years ago before ADA accessible building codes.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - a. *This property has been used for educational purposes since it was originally built. Public and private schools and community centers are permitted uses in the PSP District. The extension for the proposed ADA accessible lift will not extend further than the existing steps.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Section 515-5-4.B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing one party contacted the Community Development Department and had questions regarding the proposed project and did not have any concerns.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-5-4.B of the Code of Ordinances, is supported by the Comprehensive Plan, will allow for ADA accessibility on the rear side of the building, and the investment made will improve the property.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

REZONING

☐

(\$300.00)

VARIANCE

☐

(\$250.00)

COMMERCIAL

☐

(\$400.00 + \$500.00 escrow deposit)

☐

(\$500.00)

☒

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 804 Oak Street Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Brainerd Public Schools

Street Address: 804 Oak Street City: Brainerd State: MN Zip Code 56501

Phone Number: 218-454-6906 Fax: _____ E-mail: reid.thiesse@isd181.org

Applicant Name: (If different than Property Owner) Mark Needham

Street Address: 1331 Tyler Street NE Suite 101 City: Minneapolis State: MN Zip Code: 55413

Phone Number: 763-354-2670 Fax: _____ E-mail: mark.needham@ics-builds.com

Description of Request: Variance to allow the addition of an enclosure for a wheel chair lift on Pine Street in order to improve the ADA access of the building. The enclosure is 8 1/2' x 14 1/2' and 1 1/2 stories tall using matching materials that already in use by the existing building (brick).

Property Owner Signature

Reid Thiesse

8/23/22

Date

(Please print name)

Applicant Signature

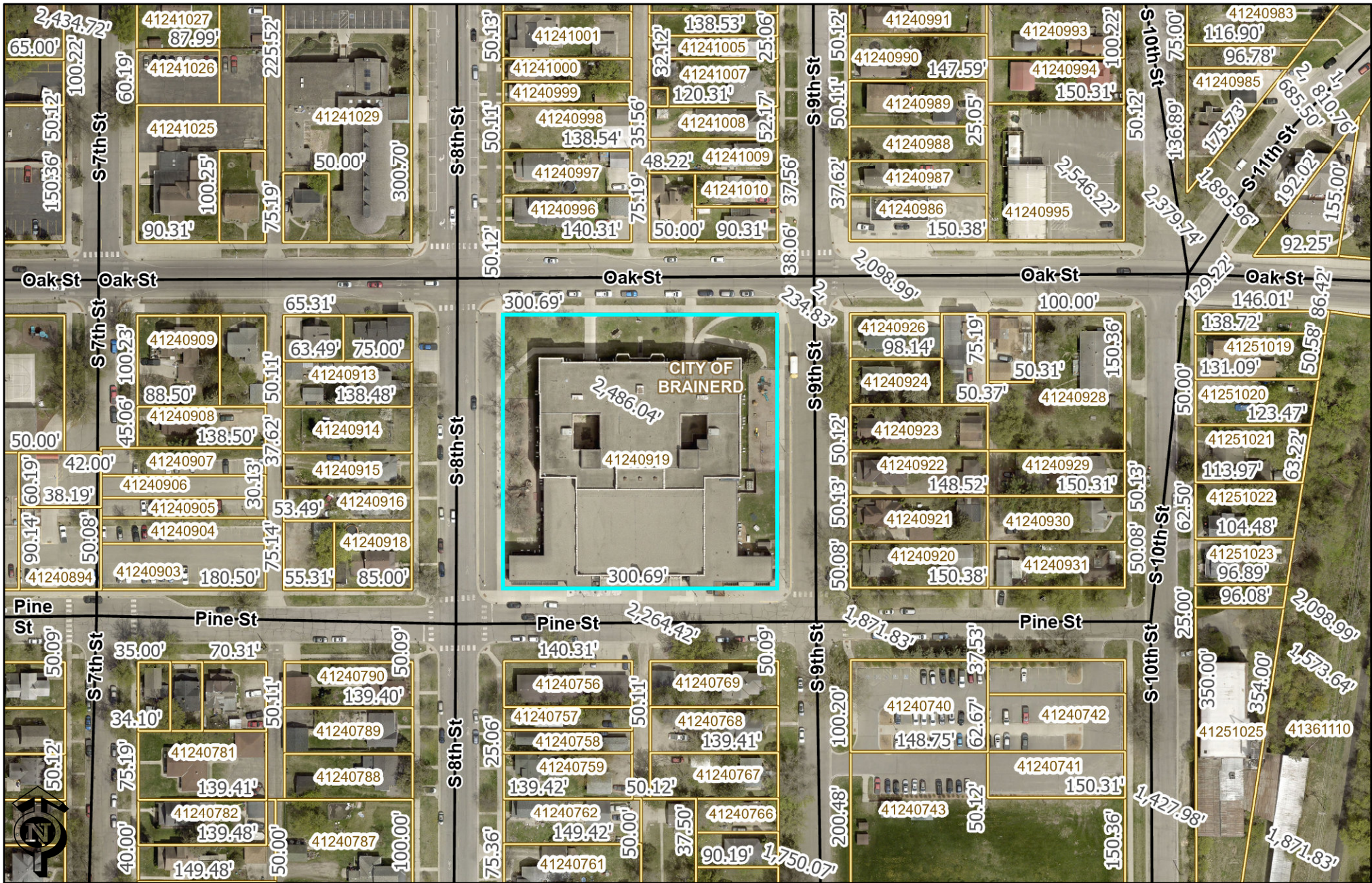
Mark Needham

(Please print name)

8/4/22

Date

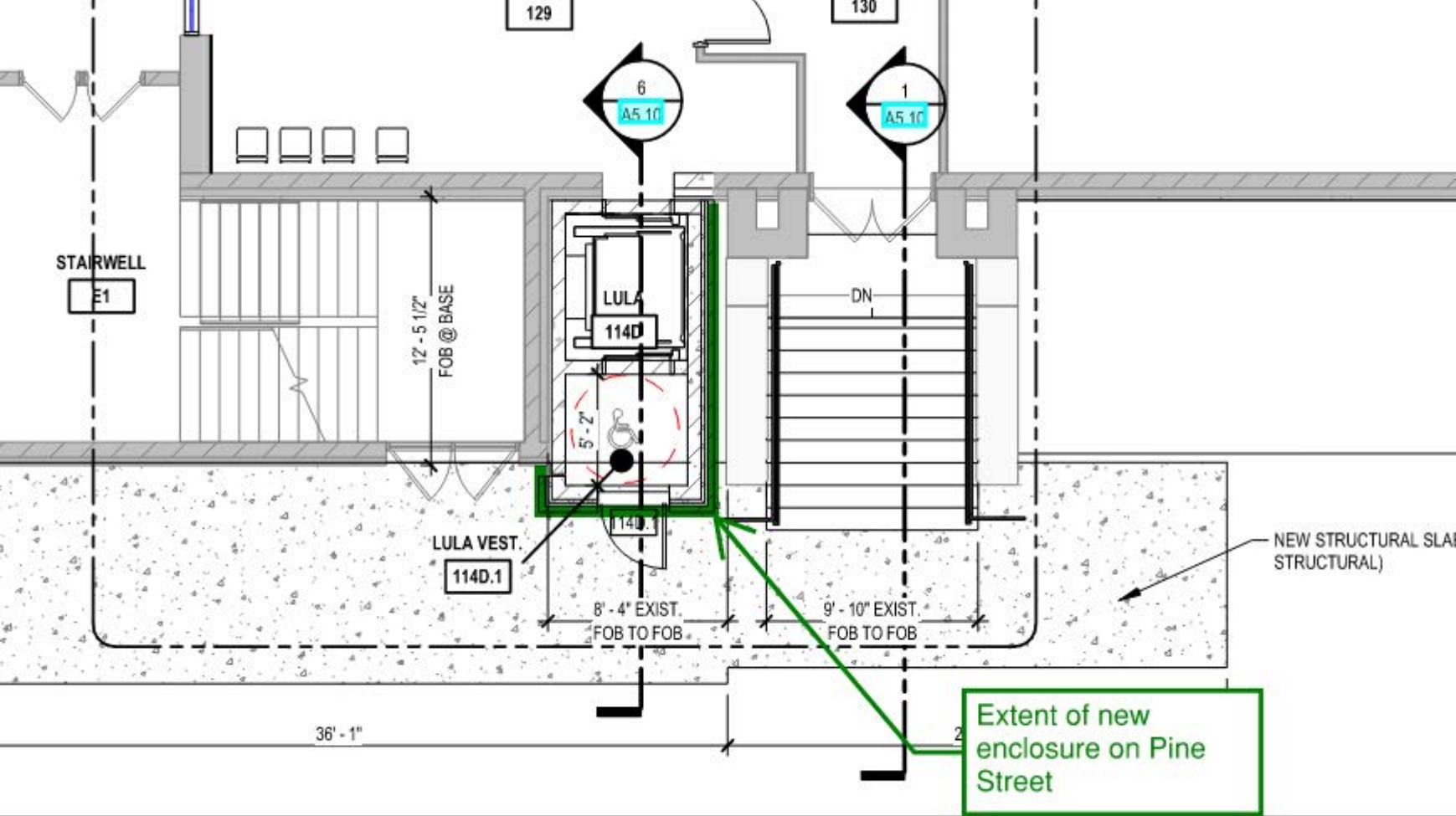
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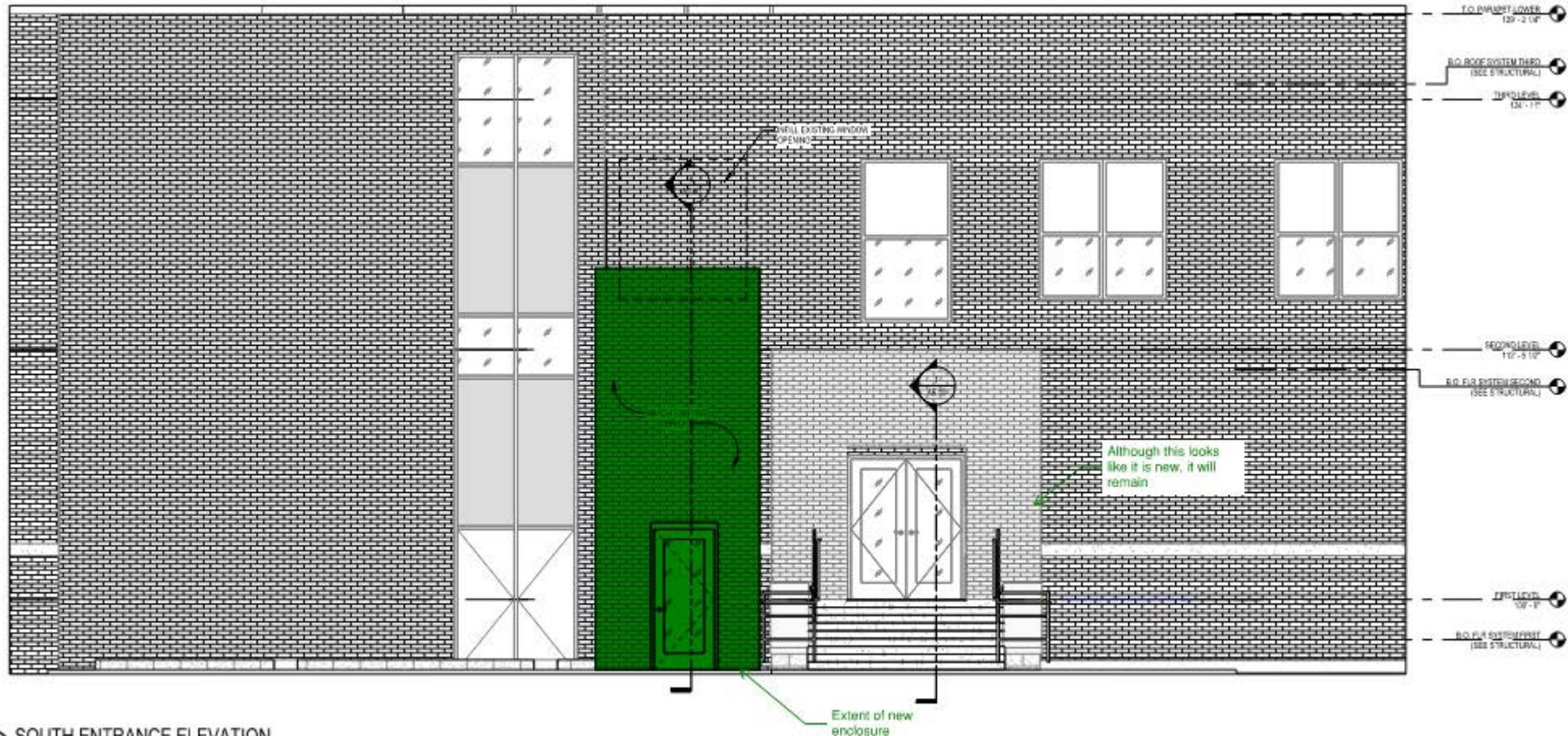


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 9/16/2022 Time: 9:12:01 AM







7 SOUTH ENTRANCE ELEVATION

1/4" = 1'-0"

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Mark Needham has submitted a variance request on behalf of Brainerd Public Schools at 804 Oak Street. The requested variance is from *Section 515-2-17.C PSP Zoning District Dimensional Standards*. The applicant is requesting a reduced rear yard setback along Pine Street for the addition of an ADA enclosed wheelchair lift that will align with the rear concrete existing steps. The required rear yard setback in the PSP District is 10 feet. The property included in this application is described as:

*ALL OF BLOCK 155 EXEMPT, & ALSO INCLUDING THE ALL OF BLOCK 155
EXEMPT, & ALSO INCLUDING THE STREET ROW LYING W OF THE S 9TH
STREET ROW. SUBJECT TO AN EASEMENT OF RECORD.
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240919
Section 24, Township 45, Range 31*

The property is zoned PSP (Public Semi-Public) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



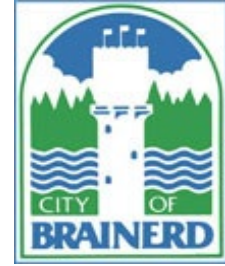
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Variance For Boundary Line Adjustment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Jordan Chouanard has submitted a variance request on behalf of Liberty Group of Brainerd at 3231 Oak Street, Brainerd, MN 56401. The applicant is requesting a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the variance request for the boundary line adjustment during their regular meeting on September 21st. Planning Commission voted unanimously to recommend approval of the variance request with the condition that Liberty Group provides documentation at closing that a secondary easement is agreed upon in the closing documents for the sale of the property.	
Recommended Action/Motion: Motion to approve the variance request for a boundary line adjustment that will remove the required lot frontage on a public street and allow access to the property through a 33-foot-wide easement with a secondary easement identified in the closing documents for the sale of the property.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission
FROM: James Kramvik, Community Development Director
DATE: September 21, 2022
RE: Variance for Boundary Line Adjustment – 3231 Oak St.

Jordan Chouanard has submitted a variance request on behalf of Liberty Group of Brainerd at 3231 Oak Street, Brainerd, MN 56401.

The requested variance is from Subdivision Ordinance [Section 500-7-4.F Lot Frontage](#). The applicant is requesting a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement.

Property Area: 5.43 Acres

Adjacent Uses: North: Vacant Parcel & Bowling Alley
East: Light Manufacturing and Offices
South: Outdoor Sales
West: Undeveloped Land

Adjacent Zoning: North: GC (General Commercial) District
East: GC (General Commercial) District
South: GC (General Commercial) District
West: CN-2 (Contemporary Neighborhood 2) District

Findings of Fact

1. 3231 Oak Street is in the (GC) General Commercial District.
2. Section 500-7-4.F of the Subdivision Ordinance states that all lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
 - a. The applicant is requesting that the property would have no lot frontage along Oak Street. Access to the property would be through a 33-foot-wide easement.
3. [500-2-4, Variances](#)
 - a. The City may grant a variance from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance.
 - a. *Liberty Group is proposing the sale of 3231 Oak St. The new property owners will continue to use the lot for boat storage and boat service.*

Both 3231 Oak Street and 3323 Oak Street use a combined driveway to access their respective properties. The sale of the flag lot would cut off access to 3231 Oak Street and remove the trucking turnaround for 3323 Oak Street. According to Subdivision Section 500-7-4.J access to lots fronting on an arterial or major collector street should have a frontage driveway or connected parking lot, with cross easements serving multiple properties or shared driveways.

- b. In granting any variance, the City shall prescribe any conditions that it deems necessary to or desirable for the public interest.
 - a. *Staff does not recommend applying any conditions to the proposed variance request.*
- c. In granting a variance, the City shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
 - a. *The proposed use will continue as a boat storage and service facility. The continued use has been compatible with other uses in the vicinity and the requested variance will not affect traffic conditions in the vicinity.*
- d. A variance shall only be granted when the City finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
 - a. *3323 Oak Street uses the west side of their property for receiving shipments and would like to potentially expand operations on that side of the building. The current lot configuration would make it difficult to receive trucking shipments to 3323 Oak Street.*
- e. Also, that the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which property is situated. Also, that the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc.
 - a. *The variance would not be detrimental to the health, safety, and welfare or injurious to other property in the territory in which property is situated. The proposed variance request will not expand the use of 3231 Oak Street.*

At the time of this writing one party contacted the Community Development Department and had questions regarding the proposed project and did not have any concerns.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 500-2-4 of the Subdivision Ordinance.



Community Development Department

City Hall -- 501 Laurel Street Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: PID 41290678 (3231 OAK)

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: LIBERTY GROUP OF BRAINERD, LLC

Street Address: _____ City: _____ State: _____ Zip Code _____

Phone Number: _____ Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) KRAMER, LEAS, DELEO, PC

Street Address: 1120 INDUSTRIAL PARK RD. City: BRAINERD State: MN Zip Code: 56401

Phone Number: 218-829-5333 Fax: _____ E-mail: KRAMER@KLPLAND.COM

Description of Request: SECTION 500-7-4: LOTS F. LOT FRONTAGE. ALREADY
NON-CONFORMING FLAG LOT, WANT TO CREATE A LOT WITH NO
FRONTAGE, BUT HAVING A 33.00-FOOT-WIDE EASEMENT TO PUBLIC ROAD.

Property Owner Signature

Date

(Please print name)

Applicant Signature

Date

JORDAN

CHOUANARD

(Please print name)

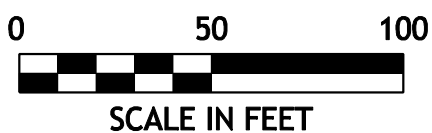
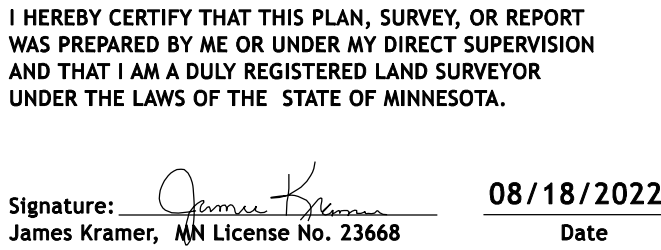
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Date: 9/16/2022 Time: 11:10:20 AM



[illegible]

Sheet No. 1 of 1

That part of the South Half of the Northwest Quarter, Section 29, Township 45, Range 30, described as follows: commencing at the point on the South line of said Northwest Quarter which is 1308.21 feet East assumed bearing, from the West Quarter corner for said Section 29, thence North 2 degrees 59 minutes West 50.07 feet to the Northernly right of way line for State Highway Number 18, the point of beginning thence East 400 feet along said highway right of way line, thence North 200 feet, thence West 100 feet thence North 70 feet, thence West 314.07 feet to the Westerly line of the Rademacher Marine Tract thence South 2 degrees 59 minutes East 270.37 feet along said Westerly line to the point of beginning.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jordan Chouanard has submitted a variance request on behalf of Liberty Group of Brainerd at 3231 Oak St. The requested variance is from Subdivision Ordinance *Section 500-7-4.F Lot Frontage*. The applicant is requesting a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement. The property included in this application is described as:

PT OF S1/2 OF NW1/4 DESC: COMM AT SD POINT ON S LINE OF NW1/4 WHICH IS 1308.21 FT E ASSM BEAR FROM W1/4 COR FOR SD SEC 29 THEN N 2D 59'W 50.07 FT TO N'LY ROW LINE FOR STATE HWY #18 THEN N 2D 59'W 270.37 FT TO POB THEN N 2D 59'W 458.36 FT THEN N 86D 59'E 453.75 FT THEN S 3D 1'E 752.66 FT TO N'LY ROW FOR STATE HWY #18 THEN W 54.8 FT ALG SD ROW LINE THEN N 200 FT THEN W 100 FT THEN N 70 FT THEN W 314.07 FT TO POB. TOG/W & SUBJ TO ESMNT.

P.I.N. 41290678

Section 29, Township 45, Range 30

The property is zoned GC (General Commercial) District. A copy of the proposed boundary line adjustment survey is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



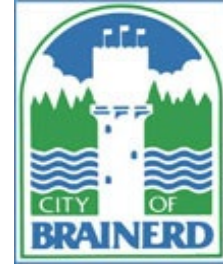
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Variance From Setback Standards For Duplex

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Eric Stangler has submitted a request on behalf of Stangler Properties, LLC (7384 Lone Oak Road, Brainerd, MN 56401) for a variance at 515 S. 9th Street, Brainerd, MN 56401. The applicant is requesting a reduced side yard setback from 5 feet to 2.5 feet along the north boundary line for the construction of a duplex.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered the variance request during their regular meeting on September 21st. Planning Commission voted unanimously to recommend approval of the variance request as the structure would be consistent with other properties in the neighborhood.	
Recommended Action/Motion: Motion to approve the variance request for a reduced side yard setback from 5 feet to 2.5 feet along the north boundary line.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Variance from Setback Requirements – 515 S 9th St.

Eric Stangler has submitted a request on behalf of Stangler Properties, LLC (7384 Lone Oak Road, Brainerd, MN 56401) for a variance at 515 S. 9th Street, Brainerd, MN 56401.

The requested variance is from [Section 515-2-9.C TN-2 Zoning District Dimensional Standards](#). The applicant is requesting a reduced side setback from 5 feet to 2.5 feet along the north boundary line for the development of a duplex.

Property Area: 5,648 SQFT
Property Width: 37.6 FT
Property Depth: 147.6 FT

Adjacent Uses: North: Multi-family and Single Family Residential
East: Multi-family and Single Family Residential
South: Multi-family and Single Family Residential
West: Multi-family and Single Family Residential

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: TN-2 (Traditional Neighborhood 2) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

Findings of Fact

1. 515 S 9th Street is in the (TN-2) Traditional Neighborhood 2 District.
2. Section 515-2-9.C TN-2 Zoning District Dimensional Standards lists a minimum side yard setback in TN-2 Districts to be 5 feet from the side property line.
 - a. *The applicant is requesting that the setback requirement be reduced by 2.5 feet to a setback of 2.5 feet from the side property line.*
3. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - a. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses. This District reinforces the existing pattern of small,

connected lots, blocks and street and supports development and redevelopment consistent with this pattern.

1. *The proposed duplex would redevelop a vacant lot and add compact residential use to the neighborhood.*
- b. When the variances are consistent with the Comprehensive Plan
 - a. *Staff believes this variance request is supported by Goal 1 of Chapter 3 of the Comprehensive plan which states, "Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences."*
 1. *Policy 5 under Goal 1 states, "Ensure an adequate supply of quality and affordable housing units for current and future residents."*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *The proposed property is less than the required width in the TN-2 District. The TN-2 District requires a 45' wide property when creating new lots. 515 S 9th Street is 37.6 FT wide.*
4. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - a. *This lot was platted before the lot was purchased by the current landowner.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - a. *The TN-2 District supports high density housing and multifamily housing. The lot will meet impervious surface and off-street parking requirements.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Section 515-5-4.B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing two parties contacted the Community Development Department and had questions regarding the proposed project. One party was opposed to the variance request as they believed the lot was too small for a duplex.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-5-4.B of the Code of Ordinances, is supported by the Comprehensive Plan.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 515 South 9th Street

LEGAL DESCRIPTION: Lot(s): 20 Block: 135 Addition: AND N. 1/2 LOT 21 BLOCK 135
(attach description if lengthy)

Property Owner Name: Stangler Properties LLC (Eric Stangler)

Street Address: 7384 Lone Oak Road City: Brainerd State: MN Zip Code 56401

Phone Number: 218-820-3309 Fax: _____ E-mail: eric.stangler@gmail.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Requesting a lot line setback variance from 5 feet to 2.5 feet on north boundry of above
described lot.

E. Stangler
Property Owner Signature

Eric Stangler
(Please print name)

E. Stangler
Applicant Signature

Eric Stangler
(Please print name)

9-7-2022
Date

9-7-2022
Date

(OVER)



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.

Date: 9/16/2022 Time: 10:57:48 AM



304 SOUTH EDWARDS STREET PIERZ, MN 56364
(OFFICE) 320-468-6442 (FAX) 320-468-2355

9-10-20

NO.	REVISION	DATE

BOB'S LUMBER & SUPPLY IS NOT AN ARCHITECTURAL OR ENGINEERING SERVICE. IN PREPARATION OF THESE PLANS, EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES. BOB'S LUMBER & SUPPLY DOES NOT GUARANTEE THE ACCURACY OF THESE PLANS. BOB'S LUMBER & SUPPLY DISCLAIMS ANY AND ALL LIABILITY FOR THE USE OF THESE PLANS. SPECIFICATIONS ARE YOUR OWN RISK. BOB'S LUMBER & SUPPLY DISCLAIMS RESPONSIBILITY FOR ANY ERRORS IN PLANS. CONTRACTORS ARE RESPONSIBLE FOR CODE COMPLIANCE AND STRUCTURAL INTEGRITY AND STABILITY OF BUILDING AND TO VERIFY ALL DIMENSIONS AND MATERIALS. BOB'S LUMBER & SUPPLY RECOMMENDS THE OWNER BEFORE CONSTRUCTION TO VERIFY THAT EVERYTHING IS CORRECT.

LOCATION

PAGE:
2/2

24" O.H. ON EAVES
12" O.H. ON GABLES

6/12

1'-0"

2'-0"

SCALE: 1/8" = 1'-0"

WINDOW SCHEDULE						
OPENING ID	PRODUCT CODE	COUNT	TYPE	R.O. SIZE	GRILLE	TEMPERED GLASS
1	TC3636	2	WINDOW	R.O. 3'-0 1/4" x 3'-0 1/4"	No	No
2	TS4848	12	SLIDING WINDOW	R.O. 4'-0 1/4" x 4'-0 1/4"	No	No
3	TC2436	2	WINDOW	R.O. 2'-0 1/4" x 3'-0 1/4"	No	No

Architectural floor plan of a two-unit residential building. The plan shows two identical units side-by-side, each with a kitchen, living area, dining area, and two bedrooms. The kitchen includes a sink, stove, and dishwasher. The living area features a fireplace and a large window. The dining area has a table and chairs. The bedrooms are furnished with beds and dressers. The plan also shows a central hallway, a bathroom, and a laundry area. Dimensions are provided for all rooms and overall building measurements. The plan is labeled "THICKENED EDGE SLAB" in several locations.

SCALE: 1/8" = 1'-0"

CONTINUOUS RIDGE VENT
ASPHALT SHINGLES
15" ROOF FELT
15/32" OSB ROOF SHEET
1/2" PLYWOOD CLIPS
ENGINEERED ROOF TRUSSES 24" o/c
HURRICANE TIE DOWN BRACKETS
AIR CHUTES @ EACH RAFTER SPACE
R-49 (MIN) INSULATION
6 MIL POLY VB
INTERIOR FINISH
1/2" 4 WATER GUARD 36" UP THE ROOF
OR NO LESS THAN 12" PAST PLATE LINE

METAL ROOF EDGE
2 x 6 SUBFASCIA
6" ALUM/STEEL FASCIA
ALUM. VENTED SOFFIT PANEL
F-MOULDING

EXTERIOR SIDING PER HOMEOWNER
HOUSEWRAP PER CODE
7/16" OSB WALL SHTG
2 x 6 WALL STUDS @ 16" O.C.
R-21 (MIN) WALL INSULATION
4 MIL POLY/VAPOR BARRIER
INTERIOR FINISH

HOUSE FOUNDATION ASSEMBLY

SCALE: 1/4" = 1'-0"



515 S. 9th Street

lot length 147.59'

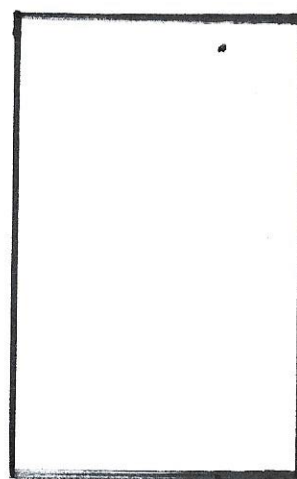
Street

2.5'

Not To Scale

10'

5'



off street

25'

parking

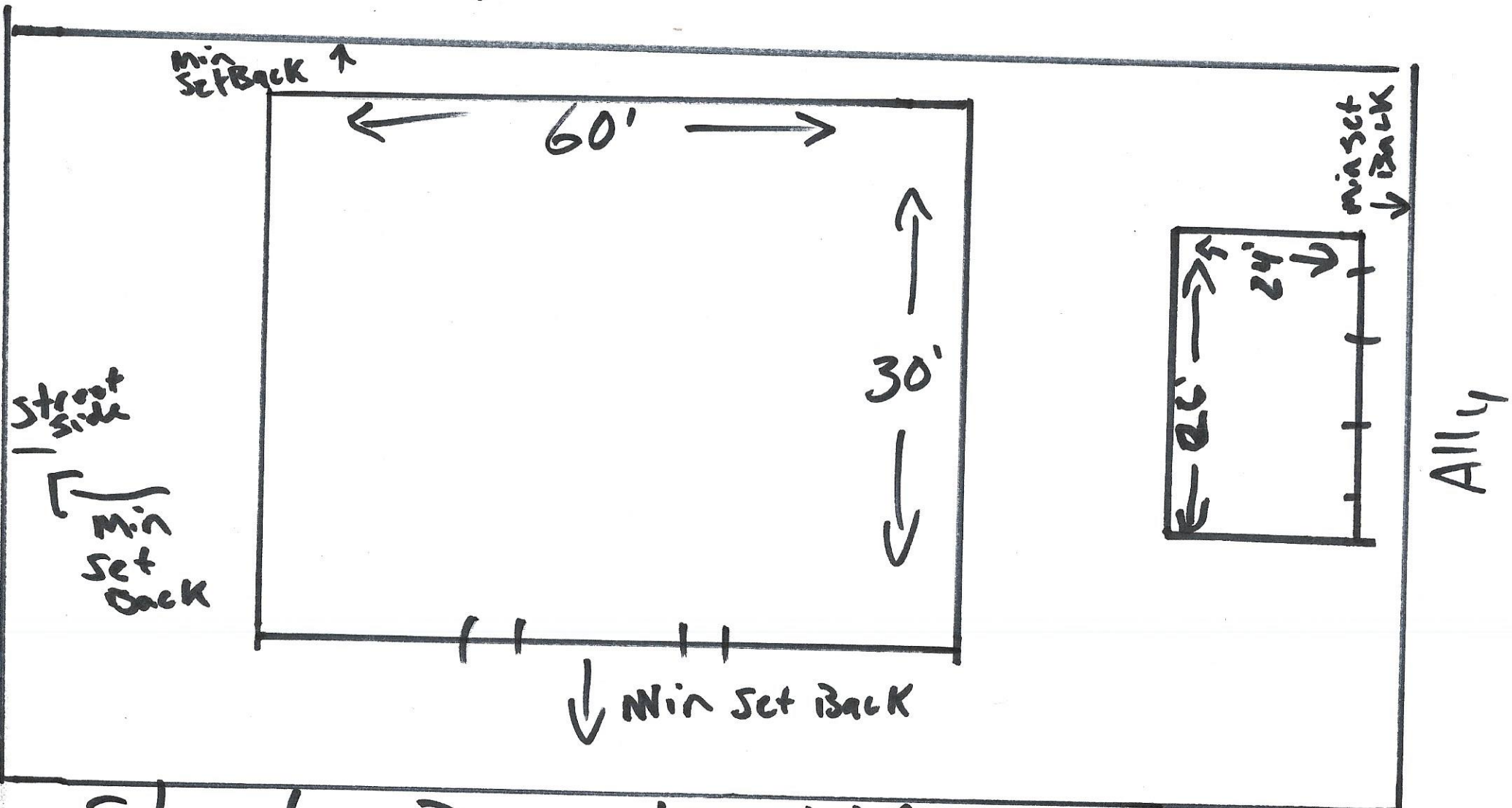
Lot width 37.56'

Ally

Stangler Properties LLC.

PID# 41240988

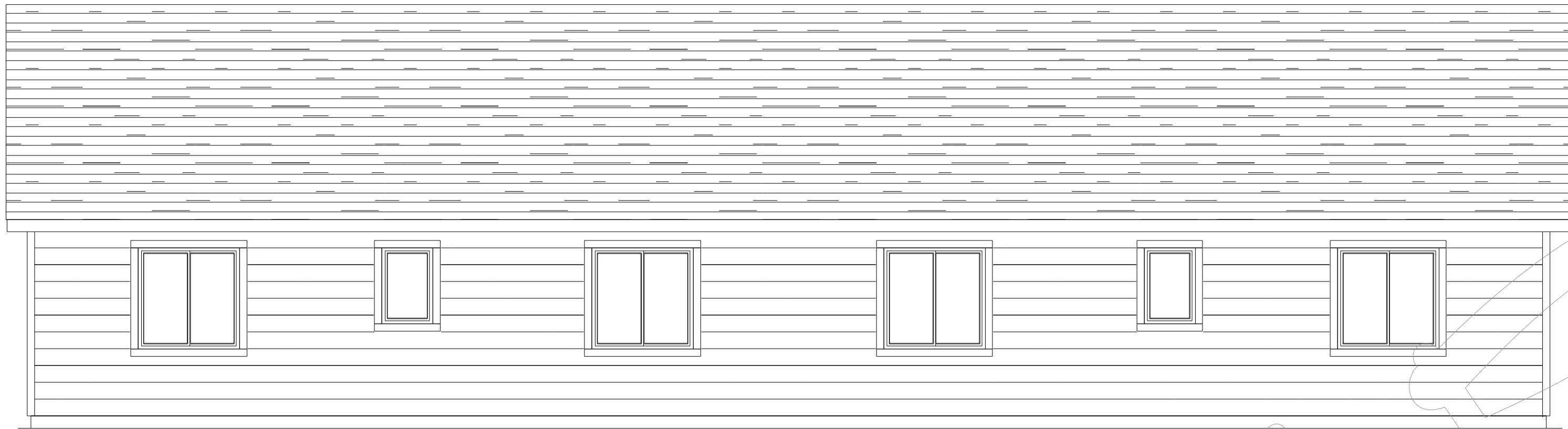
515 S 9th Street.



Stangler Properties LLC

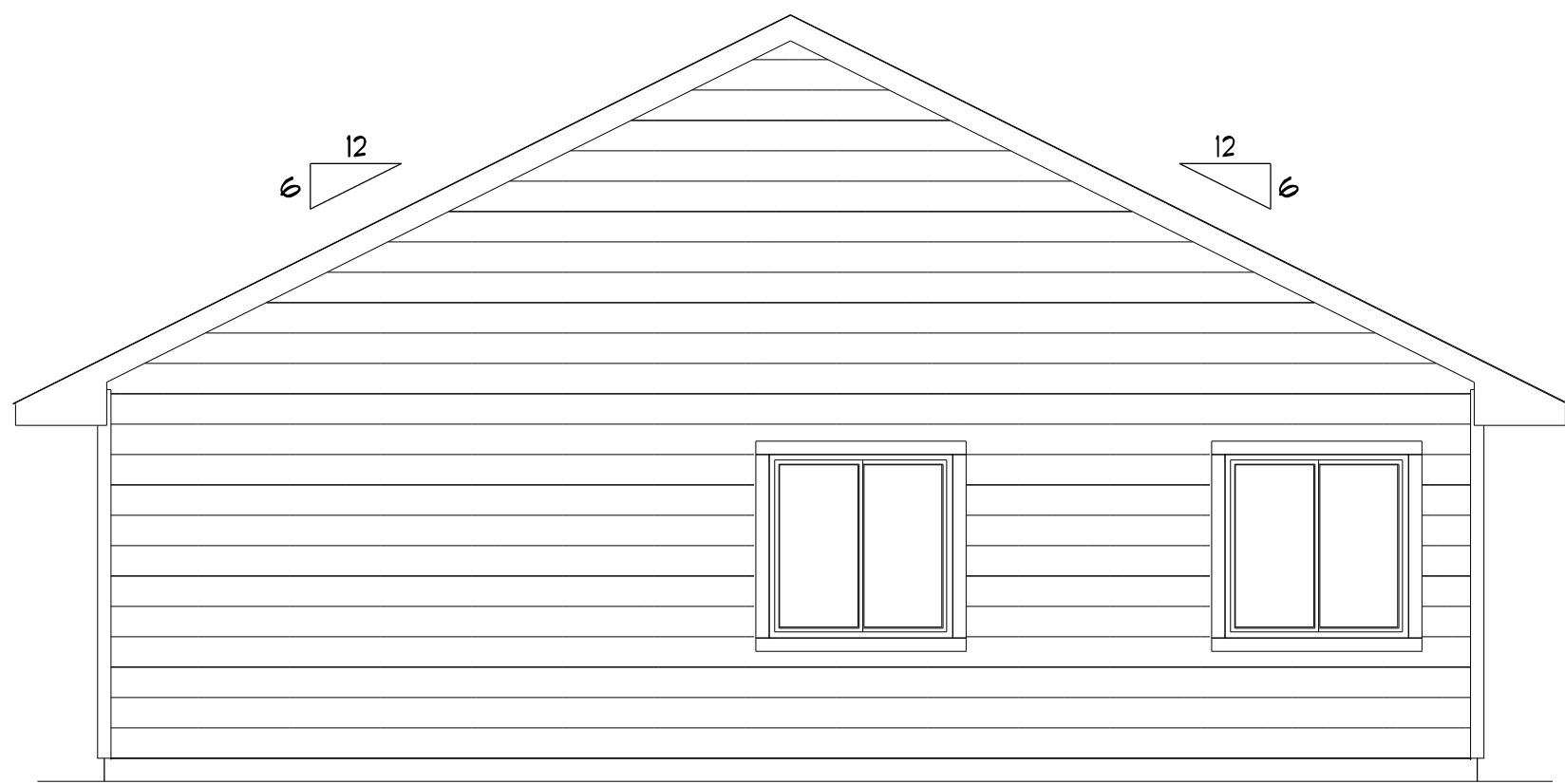
PID # 41240988

16" VERTICALS ON
ALL GABLE ENDS



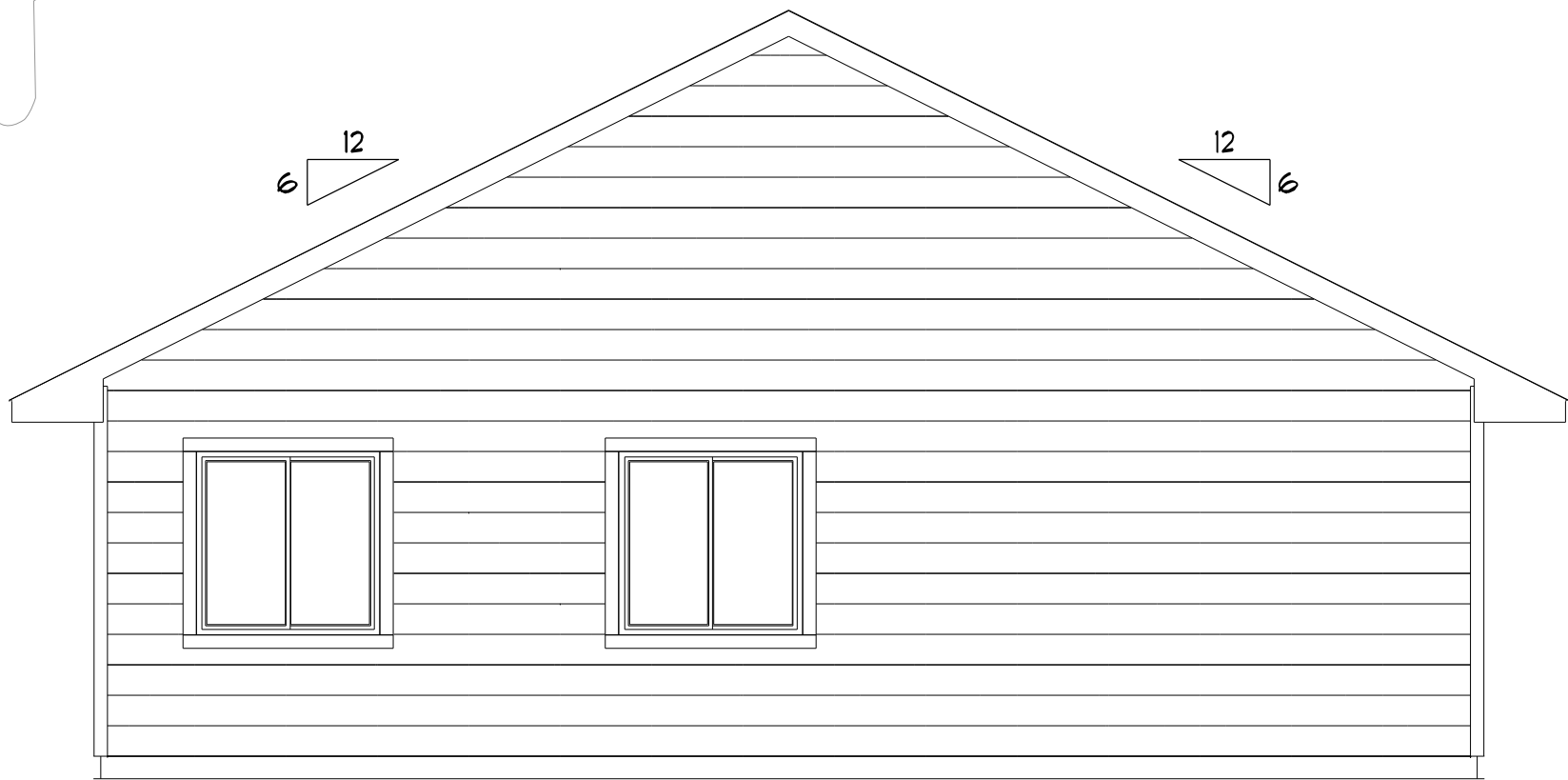
REAR ELEVATION

SCALE: 1/4" = 1'-0"



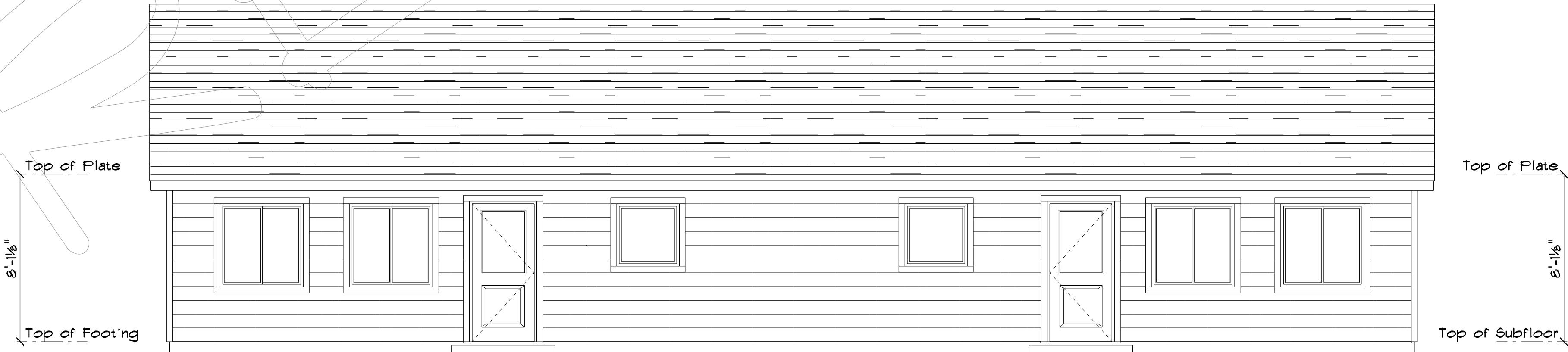
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



16" VERTICALS ON
ALL GABLE ENDS

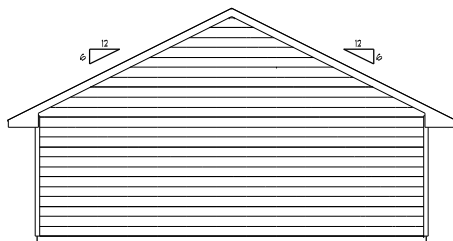
FRONT ELEVATION

SCALE: 1/4" = 1'-0"

NO.	REVISION	DATE

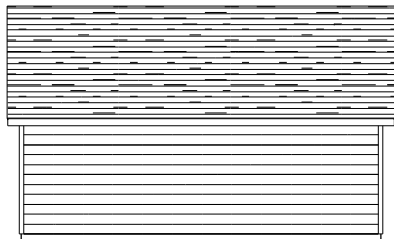
BOB'S LUMBER & SUPPLY IS NOT AN ARCHITECTURAL OR ENGINEERING FIRM. THESE PLANS ARE PROVIDED AS A SERVICE TO OUR CUSTOMERS AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. BOB'S LUMBER & SUPPLY DOES NOT WARRANT THAT PLANS PROVIDE COMPLY WITH ARCHITECTURAL STANDARDS. BOB'S LUMBER & SUPPLY DISCLAIMS RESPONSIBILITY FOR ANY ERRORS IN PLANS. CONTRACTORS ARE RESPONSIBLE FOR CODE COMPLIANCE AND OBTAINING ALL NECESSARY PERMITS. THE PLANS SHOULD BE REVIEWED BY THE OWNER BEFORE CONSTRUCTION TO VERIFY THAT EVERYTHING IS CORRECT.

16" VERTICALS ON
ALL GABLE ENDS



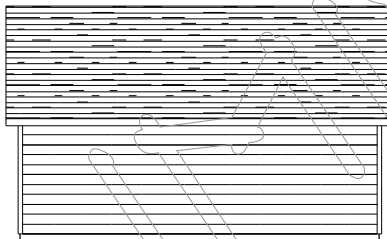
REAR ELEVATION

SCALE: 1/4" = 1'-0"



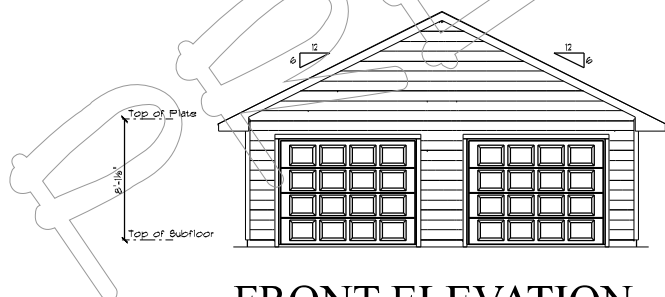
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



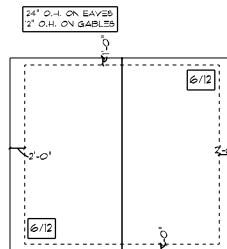
RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



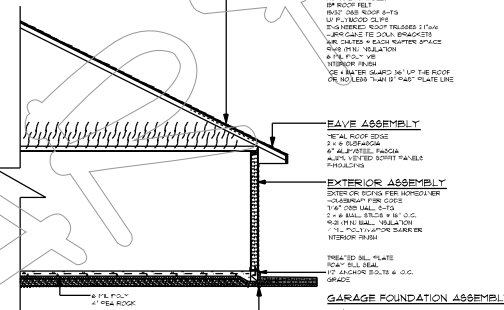
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



BIRDSEYE

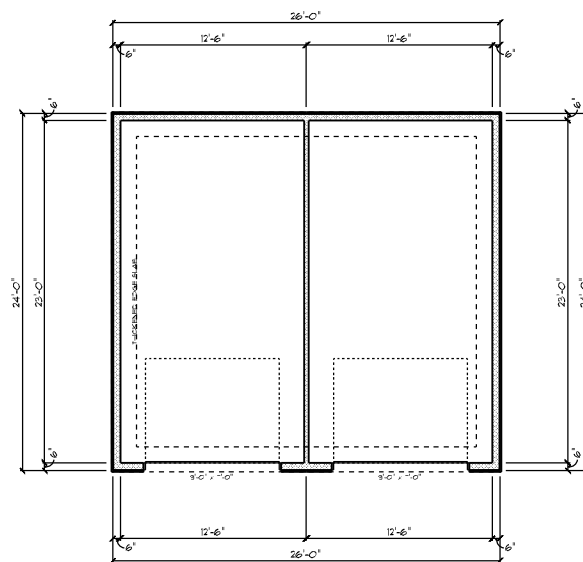
SCALE: 1/8" = 1'-0"



X SECTION

SCALE: 1/4" = 1'-0"

ALL EXTERIOR FRAMING DIMENSIONS
ARE FROM OUTSIDE OF SHEETING



REAR ELEVATION

SCALE: 1/8" = 1'-0"

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Eric Stangler has submitted a request on behalf of Stangler Properties, LLC (7384 Lone Oak Road, Brainerd, MN 56401) for a variance at 515 S. 9th St., Brainerd, MN 56401. The requested variance is from *Section 515-2-9.C TN-2 Zoning District Dimensional Standards*. The applicant is requesting a reduced side setback from 5 feet to 2.5 feet along the north boundary line for the development of a duplex.

*LOT 20 BLOCK 135 AND N. 1/2 LOT 21 BLOCK 135
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240988
Section 24, Township 45, Range 31*

The property is zoned TN-2 (Traditional Neighborhood 2) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 8th day of September 2022



James Kramvik
Community Development Director

Publication Date: September 11th 2022



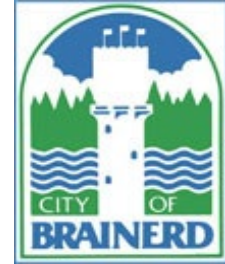
Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Variance From Setback Standards and Height Standards For Garage

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik	Estimated Time Needed: 3 minutes
Summary of Issue: Jeff Howard has submitted a request for two variances at 324 Woodland Hills Ln., Brainerd, MN 56401. The requested variances are from Section 515-2-5.C GL Zoning District Dimensional Standards. The applicant is requesting a detached garage placement in front of the principal structure and for the proposed detached garage to exceed the height of the principal structure by 3' 4.5". The proposed detached garage size is 40 feet x 40 feet with a height of 15' 7.5" at the midpoint of the roof.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission considered these variance requests during their regular meeting on September 21st. Planning Commission voted unanimously to recommend approval of both variance requests due to the topographical and wetland challenges of the property.	
Recommended Action/Motion: Motion to approve both variance requests for the detached garage placement in front of the principal structure 52' from the property line and for the proposed detached garage to exceed the height of the principal structure by 3' 4.5".	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: September 21, 2022

RE: Variance for Garage Placement and Height Requirements– 324 Woodland Hills Ln.

Jeff Howard has submitted a request for two variances at 324 Woodland Hills Ln., Brainerd, MN 56401.

The requested variances are from [Section 515-2-5.C GL Zoning District Dimensional Standards](#). The applicant is requesting a detached garage placement in front of the principal structure and for the proposed detached garage to exceed the height of the principal structure by 3' 4.5". The proposed detached garage size is 40 feet x 40 feet with a height of 15' 7.5" at the midpoint of the roof.

Property Area: 45,562 SQFT
Property Width: 159 FT
Property Depth: 198 FT (North Property Line)
288 FT (South Property Line)

Adjacent Uses: North: Single Family Residential
East: Single Family Residential
South: Undeveloped Woodland
West: Agricultural

Adjacent Zoning: North: GL (Garden Living) District
East: CN-2 (Contemporary Neighborhood 2) District
South: RL-1 (Rural Living 1) District
West: GL (Garden Living) District

Findings of Fact

1. 324 Woodland Hills Ln. is in the (GL) Garden Living District. P.I.N. (41020663 & 41020715)
 - a. *The applicant has been approved for a lot consolidation by the City of Brainerd and Crow Wing County. The two parcels will be combined after property taxes have been paid for this year. Consolidation of the lots was necessary for the proposed detached garage.*
2. Section 515-2-5.C GL Zoning District Dimensional Standards requires detached garage placement behind the principal building.

- a. *The applicant is requesting that the garage is placed 52' from the front property line which is approximately 50' in front of the primary structure.*
 3. Section 515-2-5.C GL Zoning District Dimensional Standards requires the accessory structure height not exceed the height of the principal structure.
 - a. *The applicant is requesting a 15' 7.5" height at the roof midpoint for the proposed detached garage. The proposed detached garage would exceed the height of the principal structure by 3' 4.5".*
 4. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - a. The GL Zoning District is intended for areas where Urban Services are available, and lots and parcels are served by public water, sewer, stormwater, streets, and other public infrastructure. Lands zoned Garden Living are predominantly developed with single-family detached buildings and supporting accessory uses.
 1. *The parcel currently has a single-family home with an attached garage. The size of this lot is consistent with other Garden Living District parcels and is heavily wooded. This lot is allowed up to 2,279 SQFT of accessory structure square footage. The proposed combined accessory structure square footage number of 2,176 would not exceed the maximum number.*
 - b. When the variances are consistent with the Comprehensive Plan
 - a. *Staff believes this variance request is supported by Goal 1 of Chapter 3 of the Comprehensive plan which states, "Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences."*
 1. *Policy 1 under Goal 1 states, "Complement Brainerd's entry-level and affordable housing options by encouraging other move-up and mid to upper-end, market-rate housing options."*
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. *The proposed property has significant topographical challenges if the garage were to be placed behind the primary structure. The elevation change is approximately 6' to 8' and leads to a drainage/ wetland area. The applicant states that the requested variance for an increase to the garage height would allow entry for a pickup and camper.*
 5. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - a. *This property is unique due to the rear topography of the property that slopes down approximately 6' to 8' at the location of the primary structure. A detached garage foundation would be difficult to construct on this slope. The variance request to increase garage height would be created by the landowner and is not unique to the*

site. There are many other homes in Brainerd that have a similar primary structure height.

- b. The variance, if granted, will not alter the essential character of the locality.
 - a. *The GL District allows for detached accessory structures. The proposed accessory structure would meet the front yard setback standard of 50 feet in the GL District and would be screened by woodland vegetation.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
6. Section 515-5-4.B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

At the time of this writing no party has contacted the Community Development Department regarding the proposed project.

Staff Opinion

Staff recommends approval of the variance request to place the proposed detached garage in front of the primary structure 52 feet from the front property line as staff believes the requested variance meets the requirements as outlined in Section 515-5-4.B of the Code of Ordinances, is supported by the Comprehensive Plan.

Staff has concerns that the variance request to increase the garage height is not unique to the property. The applicant is proposing the use the structure in a reasonable manner to allow entry for a camper and truck. The increase in height would not have a major impact to surrounding properties because of the vegetation on the property.



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐ (\$250.00)

☐ (\$400.00 + \$500.00 escrow deposit)

REZONING

☐ (\$300.00)

☐ (\$500.00)

VARIANCE

☐ (\$250.00)

☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 324 Woodland Hills Lane SW, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 1 Block: 2 Addition: Woodland Hills
(attach description if lengthy) 1 Tanager

Property Owner Name: Jeffrey and Lynne Howard

Street Address: 324 Woodland Hills Ln SW City: Brainerd State: MN Zip Code 56401

Phone Number: 218-839-9290 Fax: — E-mail: leeroy673@gmail.com

Applicant Name: (If different than Property Owner) Same as Owner

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: To be granted variances to build a storage building on property. Specifically:

- 40' x 40' construction (1,600 ft²)
- the building located forward of the house
- 12-foot walls to accommodate Camper/pickup

Jeff Howard

Property Owner Signature

8/10/2022

Date

Jeff Howard

(Please print name)

Jeff Howard

Applicant Signature

8/10/2022

Date

Jeff Howard

(Please print name)

(OVER)

Variances Proposed

I wish to construct a 40'x40' storage structure on my property. Every effort will be made to assure the building will conform to the City Regulations required. The structure is defined as an Accessory Building. The 2008 survey identifies the property as zoned R-1A. The 03.16.2022 code allows an accessory building sq. ft. to be 10 percent of total lot, which is 4,635 sq. ft. Proposed building is 1,600 sq. ft.

Variances Requested

- 1) The Accessory Building to be located forward (west) of the house.

Rationalization: property behind the house (east) is lowland and receives seasonal flooding making it useless for a structure. (See Photos 1 and 2; elevation map 3)

Positioning the building to the northwest of the house is practical and falls well within code setbacks:

- Front yard - 40'
- Side yard - 15'
- Side yard corner - 42'
- Rear yard - 55'

Trees screen the building to the front (west) and side (North.) (see photos 4 and 5)

- 2) Construct a 1,600 sq. ft. building
- 3) Propose that walls of construction be 12-feet high to accommodate doors to allow entry for pick up camper.

From: [Jeff Howard](#)
To: [James Kramvik](#)
Subject: Re: Variance Application
Date: Wednesday, September 7, 2022 7:10:01 PM

The measurement from the proposed auxiliary building to the front (west, Ridge Drive) of the lot is 52 feet.

The midpoint measurement of the roofline of the house/attached garage is 12 feet three inches.

I will deliver a check to your office tomorrow morning. And I will provide a site plan with setback measurements ASAP.

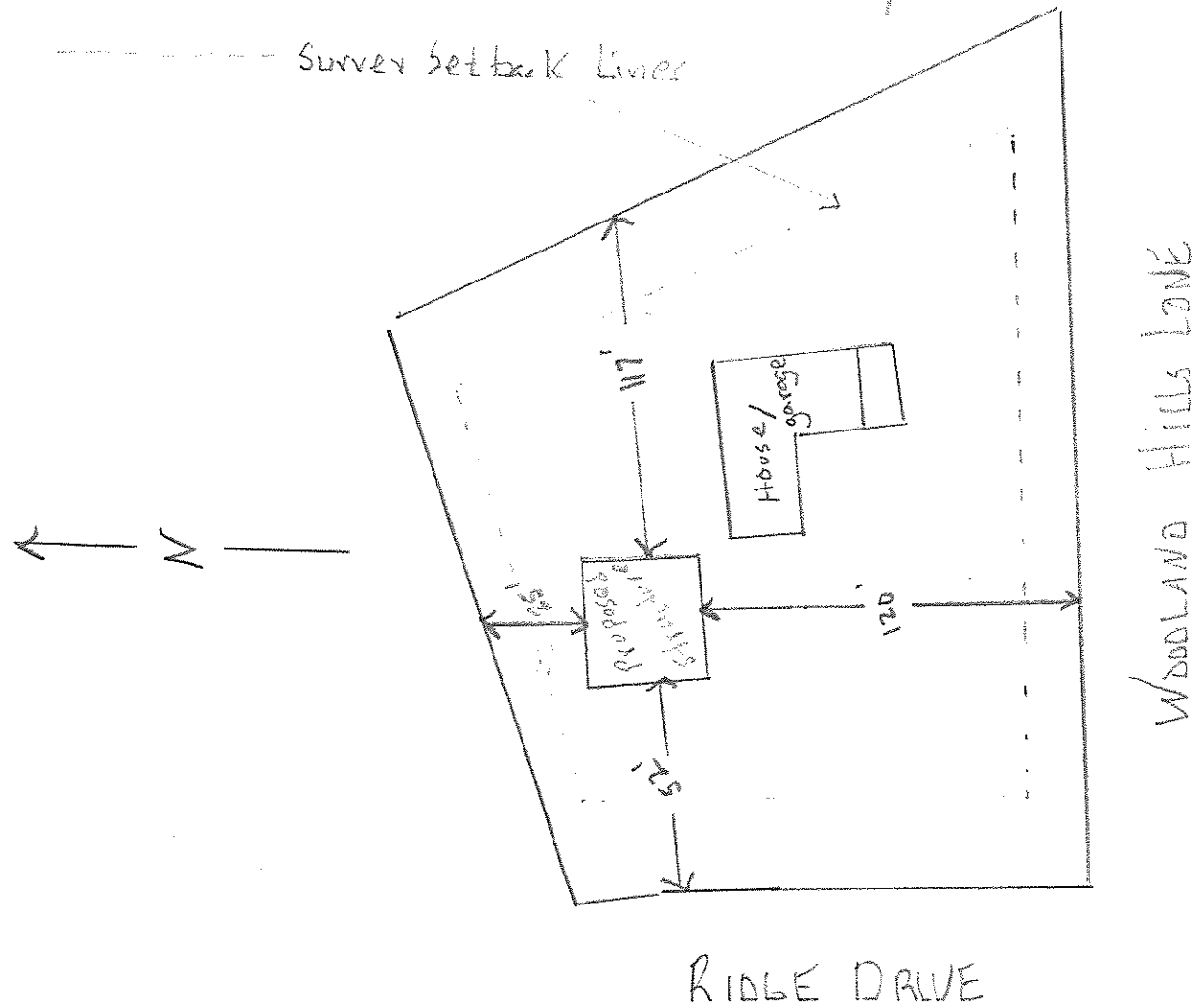
On Wed, Sep 7, 2022 at 1:19 PM James Kramvik <jkramvik@ci.brainerd.mn.us> wrote:



1 Items

	PARCEL NUMBER	APPRCL	TDTDNM	OWNIDN	OWNAME	OWADR1
X	41020715	09263001	CITY OF BRAINERD	49531	HOWARD, JEFFREY L & LYNNE	324 WOODLAND HILLS LN

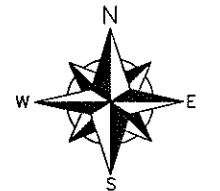
JEFF HOWARD - SITE MAP / SETBACKS



CERTIFICATE

LEGEND

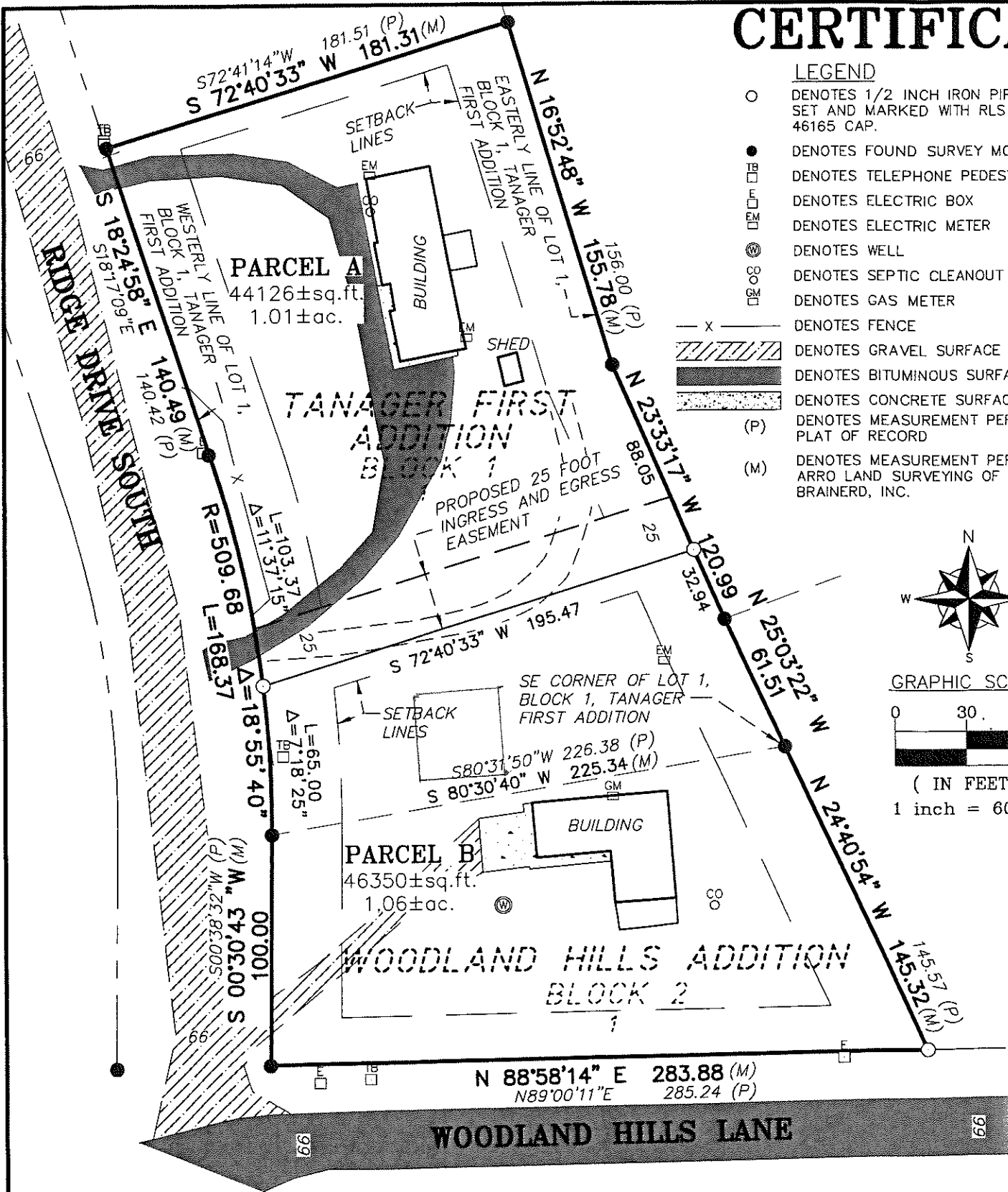
- DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 46165 CAP.
- DENOTES FOUND SURVEY MONUMENT
- DENOTES TELEPHONE PEDESTAL
- DENOTES ELECTRIC BOX
- DENOTES ELECTRIC METER
- ⊙ DENOTES WELL
- ⊙ DENOTES SEPTIC CLEANOUT
- ⊙ DENOTES GAS METER
- X — DENOTES FENCE
- ▨ DENOTES GRAVEL SURFACE
- ▩ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE
- (P) DENOTES MEASUREMENT PER PLAT OF RECORD
- (M) DENOTES MEASUREMENT PER ARRO LAND SURVEYING OF BRAINERD, INC.



GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



DRAWN BY: MTD CHECKED BY: EEL

APPROVED BY: MTD JOB NUMBER: 17-2378

NO.	DATE	BY	REVISION DESCRIPTION

CLIENT:

Jeffrey Howard
1261 Woodland Hills Ln.
Brainerd, MN 56401

BOUNDARY ADJUSTMENT

Lot 1, Block 2, WOODLAND HILLS ADDITION
Lot 1, Block 1, TANGER FIRST ADDITION
Crow Wing County

HOWARD TRACT
THE NE 1/4-NE 1/4 AND
4 SEC. 2, T. 44 N., R. 31 W.

1/4-NE1/4

NE 1/4-NE 1/4

PROPOSED

OPEN



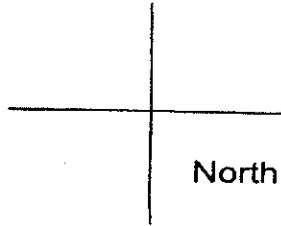
165
30,000 SQ. FT.
14,000 SQ. FT.
21,240

240
175
150
30,000 SQ. FT.
21,700 SQ. FT.
3
180
150

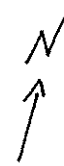
WOODLAND HILLS LANE

1366 ±

ACCESSORY BUILDING PLAN VIEW



North Arrow (Approximate)



Building Width and Length 40' x 40'

Indicate Direction of Roof Ridge with an Arrow

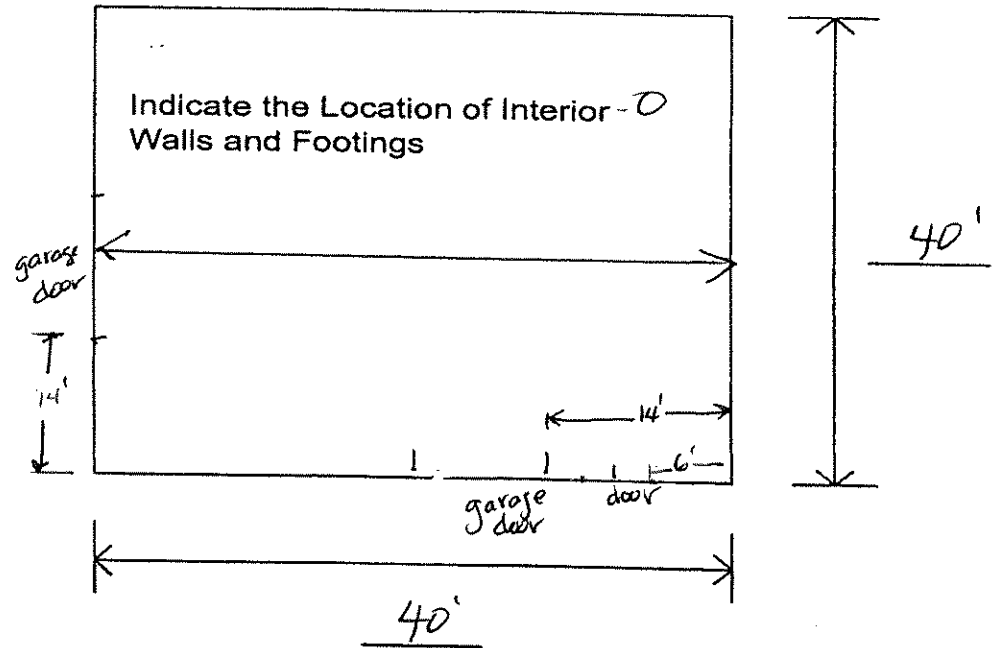
Provide Door Locations – Include Distances from Corner of Structure

Indicate Door and Window Sizes

4' x 3' window

12' x 10' garage door

Indicate Header Sizes 2 ply 1 1/8" LVL



ACCESSORY BUILDING CROSS SECTION

Circle Selections

Roofing Material: Asphalt Specify Other _____

APA Roof Sheeting: OSB or Plywood / 7/16" or 1/2"

Roofing Framing: Trusses Hand Frame

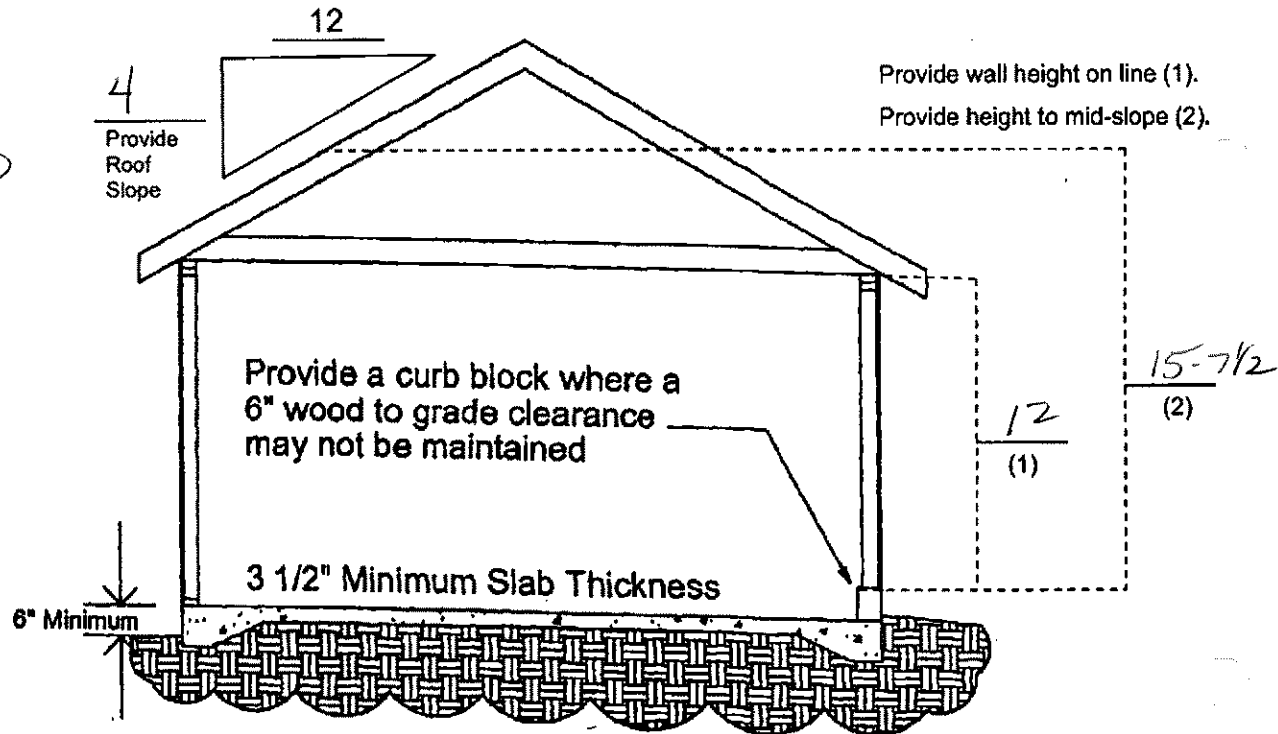
Roof Frame Spacing: 16" O.C. 24" O.C. (comment line below)

Siding Type: LP

Wall Sheathing: OSB or Plywood / 7/16" or 1/2"

Wall Framing Members and Spacing: 2 x 4 or 2 x 6
16" O.C. or 24" O.C.

Anchor Bolts – 1/2 Dia. / 6' O.C. / 7" into Concrete



Submit overhead door wind limitations meeting Minnesota wind loading of 90 mph for three seconds.

Interior Finish: Yes No Sheetrock Specify Other _____





2



4 (front)



5(side)



6

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jeff Howard has submitted a request for two variances at 324 Woodland Hills Ln., Brainerd, MN 56401. The requested variances are from *Section 515-2-5.C GL Zoning District Dimensional Standards*. The applicant is requesting a detached garage placement in front of the principal structure and for the proposed detached garage to exceed the height of the principal structure by 3' 4.5".

*LOT 1 BLOCK 2 WOODLAND HILLS ADDITION
PT OF LOT 1 BLOCK 1 LYING S'LY OF FOL DESC LINE COMM AT AN IPM AT SE
COR OF SD LOT 1 THEN N 25D 3'22"W ASSM BEAR ALG E'LY LINE OF SD LOT 1 A
DIST OF 61.51 FT TO AN IPM THEN N 23D 33'17"W ALG SD E'LY LINE 32.94 FT TO
POB OF SD LINE THEN S 72D 40'33"W 195.47 FT MOL TO W'LY LINE OF SD LOT 1
& THERE TERM SD LINE TOG/W ESMNT.
TANAGER FIRST ADDITION
P.I.N. 41020663
P.I.N. 41020715
Section 2, Township 44, Range 31*

The property is zoned GL (Garden Living) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, September 21st, 2022 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 8th day of September 2022


James Kramvik
Community Development Director

Publication Date: September 11th 2022



Brainerd City Council Agenda Request

Requested Meeting Date: October 3, 2022

Title of Item: Discussion on Rules of Decorum

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman, City Administrator	Department: Admin
Presenter (Name & Title): Council President Bevans	Estimated Time Needed: 5 Minutes
Summary of Issue: Council President Bevans asked to have a discussion on the City of Brainerd's Rules of Decorum on the October 3rd agenda. See attached.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**RULES OF PROCEDURE AND DECORUM
CITY COUNCIL AND COMMITTEE MEETINGS
BRAINERD, MINNESOTA**

**Adopted April 4, 1994
Reaffirmed and Amended December 1, 2003; November 2, 2020**

SECTION 1. PURPOSE

- Subd. 1. General. It is recognized that in order to enhance the concept of effective and democratic government, it is essential that a legislative body establish formal rules of procedure and decorum so that a true deliberative process will be observed and not disturbed.

SECTION 2. GENERAL

- Subd. 1. Law. The City Charter, Ordinances and State Statutes governing the City Council shall be followed and supplemented by these Rules of Procedure and Decorum.
- Subd. 2. General Rules. In all matters of parliamentary procedures, the Council shall be governed by the latest printed edition of the Sturgis Standard Code of Parliamentary Procedure as published from time to time except as modified by these rules.
- Subd. 3. Applicability. These Rules also apply to committees of the Council as well as City boards and commissions, whether created by Charter or City Code. The term "Council" shall be substituted with "Committee," "Commission" or "Board," and terms "President" and "Vice President" shall be substituted with "Chair" and "Vice Chair", as appropriate.

SECTION 3. PRESIDING OFFICER

- Subd. 1. Who Presides. The Council President shall preside at all meetings of the Council. In the absence of the Council President, the Council Vice-President shall preside. The presiding officer shall have the power to preserve strict order and decorum at meetings, enforce the rules of procedure and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.
- Subd. 2. Appeal of the Ruling of the Presiding Officer. Any member of the Council may appeal from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority vote.
- Subd. 3. Rights of the Presiding Officer. The presiding officer may speak on any question. The presiding officer may only make motions and second motions after stepping down as presiding officer.

SECTION 4. AGENDA

Subd. 1. Matters for Consideration. Matters for Council action shall be submitted by members of the Council and residents to the City Administrator or to city staff representatives in the case of Committee business.

Subd. 2. Preparation. An agenda of business for each regular and special meeting shall be prepared in the Office of the City Administrator or by City Staff in the case of Committees and copies thereof delivered to each Council member as far in advance of the meeting as time for preparation will permit.

Subd. 3. Order of Business at Regular Meetings. At the hour appointed for the regular meeting of the City Council, the meeting shall be called to order by the presiding officer. If a quorum is present, the City Council shall then proceed with its business in the following order as applicable:

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Approval of Agenda
- * Consent Calendar, including approval of minutes, licenses, reports, bills, fund transfers and other routine, non-controversial items needing little or no deliberation
- * Presentations (if any)
- * Council Committee Reports (Personnel & Finance; Safety & Public Works)
- * Unfinished Business - action items including public hearings, ordinance readings and various other items requiring Council action
- * New Business - action items including public hearings, ordinance readings and various other items requiring Council action
- * Public Forum
- * Staff Reports (Verbal: Any updates since the packet)
- * Mayor's Report
- * Council Member Reports
- * Adjournment

Subd. 4. Varying Order of Business. The order of business may be varied by the presiding officer.

Subd. 5. Consent Calendar. Matters for the Council of a routine or non-controversial nature which need minimal Council deliberation shall be placed on the Consent Calendar. A motion to approve the Consent Calendar shall not be debated. At the request of any individual Council member, an item shall be removed from the Consent Calendar and placed upon the regular agenda for debate immediately following the Consent Calendar. The Consent Calendar shall only be adopted by a roll call vote of those Council members present at the meeting.

- Subd. 6. Items Not on the Agenda. The Council may consider items not appearing on the agenda as normal business if an objection is not raised by the Mayor or a Council member. If an objection is raised by the Mayor or a Council member to consider an item not appearing on the agenda, a vote shall be taken by the Council to determine the appropriateness of further consideration of the matter at that time.
- Subd. 7. Public Participation. Members of the public may address the City Council during:
- A: Public Hearings.
- B: Public Forum. This portion of the meeting shall be limited to fifteen minutes and individuals shall be requested to limit their comments to four minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue may be continued under New Business at the end of the agenda.
- C: Specific issues scheduled on the agenda but in accordance with Section 6, Subd. 6, of these rules entitled, Addressing the Council.
- Subd. 8. Written Communications on All Matters. All interested parties or their authorized representatives may address the Council by written communication regarding all matters under the Council's consideration. The City Administrator shall copy these communications to the Council and forward said communications with the Council meeting packet if possible. If written communications are received after meeting packets are delivered to the Mayor and Council, such communications will be handed out at the meeting.

SECTION 5. VOTING

- Subd. 1. Procedure. The votes of the members on any ordinance or resolution pending before the Council shall be by roll call vote. The votes of the members on any motion shall be by voice vote unless the Mayor or any member of the Council requests that a roll call vote be taken. The presiding officer shall call for a roll call vote whenever a voice vote of the Council is not clear as to the disposition of the action before the Council.
- Subd. 2. Abstention. If a Council member does not vote, the abstention shall be recorded as Abstain - name.
- Subd. 3. Voting Order for Roll Call (applicable to City Council only). The City Administrator shall call for the vote in consecutive order of Wards, with Ward One voting first rotating one position every two months. The presiding officer shall always vote last.

SECTION 6. RULES OF DECORUM

- Subd. 1. Members of Council. While the meeting is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay or

interrupt the proceedings or the peace of the meeting nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

- Subd. 2. Recognition. No person or member shall address the other members without being recognized by the presiding officer.
- Subd. 3. Discussion. No member of the Council shall speak more than twice on any question, nor more than five minutes each time without consent of the Council.
- Subd. 4. Staff. Members of the City staff shall observe the same rules of order and decorum as are applicable to the City Council.
- Subd. 5. Pertinent to Matter Under Debate. Members, staff and public shall confine remarks to the matter under debate.
- Subd. 6. Addressing the Council. Each member of the public addressing the Council shall step up to a microphone provided for the use of the public after being recognized by the presiding officer and give his/her name and address in an audible tone of voice for the records, state the subject to be discussed and state who the speaker is representing if representing an organization or other persons. Unless further time is granted by a majority vote of the Council, remarks from the public shall be limited to four (4) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer. No question may be asked of a member or a member of the staff without the permission of the presiding officer.
- Subd. 7. Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.
- Subd. 8. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council.
- Subd. 9. Conduct. Any member of the Council, staff or person indulging in personalities or making impertinent, slanderous or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer, be ordered barred from further audience before the Council during that meeting.

- Subd. 10. Members of the Audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

SECTION 7. ENFORCEMENT OF DECORUM

- Subd. 1. Warning. All persons shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, said officer may order this person removed from the meeting. If this person does not leave willingly, the presiding officer may call a recess and order that the person be removed by the Sergeant-at-Arms.
- Subd. 2. Sergeant-at-Arms. The Chief of Police, or such member or members of the Police Department, shall be Sergeant-at-Arms of the Council meetings or as asked to be present at a Committee meeting. The Chief or other Police Department representative shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council.
- Subd. 3. Resisting Removal. Any person who resists removal by the Sergeant-at-Arms may be charged with violating City Ordinance.
- Subd. 4. Motions to Enforce. Any Council member may move to require the presiding officer to enforce these rules and the affirmative vote of a majority of the Council shall require the presiding officer to do so.
- Subd. 5. Adjournment. In the event that any meeting is willfully disturbed by a group or group of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned with the remaining business considered at the next regular meeting.
- Subd. 6. Special Meetings. If the matter being addressed prior to adjournment is of such a nature as to demand immediate attention, the presiding officer may adjourn the meeting to another date.

SECTION 8. CAMERAS AND RECORDING DEVICES

- Subd. 1. Use of Cameras and Recording Devices Limited. Cameras, including television and motion picture cameras, electronic sound recording devices and any other mechanical, electrical or electronic recording devices may be used in the Council Chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Council and at the discretion of the presiding officer.

SECTION 9. SEVERABILITY

- Subd. 1. General. If any section, subsection, sentence, clause, phrase or portion of these Rules of Procedure and Decorum is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CITY MEETINGS

CITIZEN PARTICIPATION GUIDELINES

The City Council is meeting as a legislative body to conduct the business of the City. Unless so ordered by the Council President, citizen participation is limited to the following times and always within the prescribed rules of conduct for public input at meetings.

A) Public Hearings. Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak.

B) Public Forum. Any member of the public may speak at this time on any item NOT on the agenda. In consideration for the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue may be continued under New Business at the end of the agenda.

Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion without permission of the presiding officer. No question may be asked of a member or a member of the staff without permission of the presiding officer.

Your participation, as prescribed by these rules, is welcomed and your cooperation is greatly appreciated.