

CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Tuesday, February 21st, 2023 @ 7:30pm

The public is invited to attend these meetings in person

Attend by phone **City Council**: 1-844-992-4726 Meeting Access Code: 2486 190 8595

Attend by phone **Personnel and Finance 7:15 PM** Committee: 1-844-992-4726 Meeting
Access Code: 2481 973 3040

Attend by phone **Safety and Public Works 6:45 PM** Committee: 1-844-992-4726 Meeting Access
Code: 2491 493 2487

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and
Amazon FireTV

1. Call To Order

2. Roll Call

____ K. Terry ____ T. Stenglein ____ G. Johnson ____ J. Czeczok ____ M.
O'Day

____ K. Stunek ____ 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:

JAN 2023 PREPAIDS REGISTER.pdf
022123 COUNCIL AP INV REGISTER.pdf

B. **Approval Of Minutes**

Documents:

2023-02-06 CC Draft.pdf

C. **Approval Of Licenses**

Contractor Licenses

Documents:

20230221 Contractor Licenses.pdf

D. Department Activity Reports

Documents:

2023-01 Monthly Report.pdf
Council Dept Report IT.pdf
CDD Report.pdf

E. Minnesota Lawful Gambling Application- Submitted By Brainerd Area Hockey Association 502 Jackson St For An Event To Be Held On March 4, 2023

6. Council Committee Reports

A. Personnel And Finance Committee 7:15 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2481 973 3040

Documents:

02-21 PF Agenda.pdf

1. Accept The Resignation Of Community Service Officer Masen Barton And Request To Hire

Documents:

PF-Resignation CSO.pdf

2. Ratify The Hiring Of Warming House Attendant Owen Carlson And Direction On Future Hiring Ratifications For Temporary Employees

Documents:

PF-Seasonal Hirings.pdf

3. Accept Retirement Of Police Chief Mike Bestul

Documents:

PF- Retirement of Police Chief .pdf

4. Approve Revised Employee Policy Manual Health Insurance Exhibit With 2023 Changes

Documents:

PF-Council_BPU Commission Health Insurance .pdf

B. Safety And Public Works Committee 6:45 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2491 493 2487

Documents:

02-21 SPW Agenda.pdf

1. Event/ Street Closure Application- St. Patrick's Day Parade And Celebration

Documents:

SPW - St Patricks Day Parade.pdf

2. Adopt Resolution Removing On-Street Parking On Oak Street

Documents:

SPW - Harrison SRTS No Parking.pdf

3. Approve Grant Application For Laura Jane Musser Environmental Initiative Grant For Jaycees Park Trail

Documents:

SPW - Laura Jane Musser Grant.pdf

4. Approve Grant Application For MnDNR Outdoor Recreation Grant For Lum Park Beach Restroom Building

Documents:

SPW - Outdoor Rec Grant.pdf

5. Approve Proposal From Bolton & Menk For Engineering Services For The Buffalo Hills Gully Remediation Project

Documents:

SPW - Engineering Gully Project.pdf

6. Discuss Street Lighting Policy

Documents:

SPW - Street Lighting Policy.pdf

7. Approve Budget For 2023 Landscaping In Downtown Special Services District

Documents:

SPW - DTSS Landscaping Budget.pdf

8. Direction On Active Code Enforcement Cases

Documents:

SPW - Code Enforcement.pdf

7. Unfinished Business

- A. **Public Hearing And Adopt Resolution For Municipal Consent And Layout Approval For TH 210/Washington Street Reconstruction Project**

Documents:

MA -TH 210 Municipal Consent.pdf

- B. **Committee Resignations**

Marlee Larson- HRA Board

- C. **Committee Recommendations - Recommended By Mayor Badeaux**

Kevin Yeager- HRA (expires 2027)

Allie Verchota- HRA (expires 2024)

- D. **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 – 2 terms (Expire 2026) 2 terms (Expire 2025)

Rental Dwelling License Board of Appeals – 5 terms (Expire 2024)

TAC-- 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)

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

Parking Commission-- 1 term (Expire 2026)

Planning Commission-- 1 term (Expire 2025)

E. Final Reading- Proposed Ordinance 1543 - Amending Section 900.08 Of The City Code- Harboring Of Chickens And Ducks

Documents:

MA - Final Reading ORD 1543 .pdf

F. Final Reading - Proposed Ordinance 1544- Amending Section 2014.05 Of The City Code- Use Of Outdoor Power Equipment

Documents:

MA - Final Reading ORD 1544.pdf

G. Final Reading - Proposed Ordinance 1545 - Amending Section 1315 Of The City Code - Parking Restrictions During Snow Emergencies

Documents:

MA - Final Reading ORD 1545 .pdf

8. New Business

A. Consider Conditional Use Permit For Mini Storage Units At 15770 Dellwood Drive

Documents:

MA - CUP Mini Storage.pdf

B. Consider Final Plat For Creekside Community Development

Documents:

MA - Final Plat Creekside Dev.pdf

C. First Reading - Proposed Ordinance 1547 - Amending Section 320 Of The City Code - Administrative Citations

Documents:

MA - First Reading ORD 1547.pdf

D. First Reading - Proposed Ordinance 1548 - Rezoning Parcel

Documents:

MA -First Reading ORD 1548.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 Joint Workshop Of City Council And Park Board On February 27th, 2023 At 6:00 P.m.**

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

MISSION

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

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User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 01/01/2023 - 01/31/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 1/8

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 2969 - ARTSPACE BRAINERD LIMITED PARTNERSH:							
1/27/2023							
75740	ARTSPACE BRAINERD LIMITED PARTNERSH	01/24/2023	01/27/2023	2,001.07	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23 pziemer						01/27/2023
	277-6517-46602 REPAYMENT - LOAN			2,001.07			
	Total for vendor 2969 - ARTSPACE BRAINERD LIMITED PARTNERSH:			2,001.07	0.00		
Vendor 1343 - CHARTER COMMUNICATIONS:							
0008065123022							
75559	CHARTER COMMUNICATIONS	12/30/2022	01/11/2023	46.80	0.00	Paid	Y
	12/30/22-1/29/23 PD BUSINESS TV pziemer						01/11/2023
	225-2120-43380 UTILITIES			46.80			
0280094011223							
75690	CHARTER COMMUNICATIONS	01/12/2023	01/20/2023	84.98	0.00	Paid	Y
	CHARTER SPECTRUM REDUNDANT INTERNET lpziemer						01/20/2023
	101-1800-43321 TELEPHONE			84.98			
	Total for vendor 1343 - CHARTER COMMUNICATIONS:			131.78	0.00		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:							
21148120							
75655	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	646.95	0.00	Paid	Y
	1/12-2/11 AIRPORT PHONE SERVICE pziemer						01/20/2023
	260-9020-43321 TELEPHONE			646.95			
21155038							
75656	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	14.21	0.00	Paid	Y
	1/12-2/11 PARKS INTERNET/PHONE pziemer						01/20/2023
	230-5200-43321 TELEPHONE			14.21			
21148378/IT							
75680	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	1,550.46	0.00	Paid	Y
	CTC IT PHONE/INTERNET 1/12/23-2/11/23 pziemer						01/20/2023
	101-1800-43321 TELEPHONE			1,550.46			
21148378/ADM							
75681	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	0.13	0.00	Paid	Y
	1/12/23-2/11/23 ADM PHONES pziemer						01/20/2023
	101-1400-43321 TELEPHONE			0.13			
21148378/COM DEV							
75682	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	4.96	0.00	Paid	Y
	1/12/23-2/11/23 COM DEV PHONES pziemer						01/20/2023
	101-2400-43321 TELEPHONE			4.96			
21148378/CITY HALL							
75683	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	54.02	0.00	Paid	Y
	1/12/23-2/11/23 CITY HALL PHONES/INT pziemer						01/20/2023

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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
	101-1940-43321	TELEPHONE		54.02			
21148378/TRANSIT							
75684	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	(0.22)	0.00	Paid	Y
	1/12/23-2/11/23 TRANSIT PHONES	pziemer					01/20/2023
	203-9000-43321	TELEPHONE		(0.22)			
21148378/PD							
75685	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	117.84	0.00	Paid	Y
	1/12/23-2/11/23 POLICE DEPT PHONES/INT	pziemer					01/20/2023
	225-2120-43321	TELEPHONE		99.09			
	225-2120-43309	COMPUTER TECHNICAL SUPPORT		18.75			
21148378/FD							
75686	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	68.75	0.00	Paid	Y
	1/12/23-2/11/23 FIRE DEPT PHONE/INT	pziemer					01/20/2023
	225-2220-43321	TELEPHONE		68.75			
21148378/STREETS							
75687	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	49.63	0.00	Paid	Y
	1/12/23-2/11/23 STREETS PHONE/INTERNET	pziemer					01/20/2023
	235-3100-43321	TELEPHONE		49.63			
21148378/AIRPORT							
75688	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	215.97	0.00	Paid	Y
	1/12/23-2/11/23 AIRPORT SPECIAL CIRC	pziemer					01/20/2023
	260-9020-43321	TELEPHONE		215.97			
21148378/PARKS							
75689	CONSOLIDATED TELEPHONE CO	01/12/2023	01/20/2023	49.51	0.00	Paid	Y
	1/12/23-2/11/23 PARKS PHONE/INTERNET	pziemer					01/20/2023
	230-5200-43321	TELEPHONE		49.51			
	Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:			2,772.21	0.00		
Vendor 2970 - DLP INVESTMENTS, LLC:							
1/27/2023							
75743	DLP INVESTMENTS, LLC	01/24/2023	01/27/2023	2,240.42	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23	pziemer					01/27/2023
	274-6505-46602	REPAYMENT - LOAN		2,240.42			
	Total for vendor 2970 - DLP INVESTMENTS, LLC:			2,240.42	0.00		
Vendor 1859 - ENTERPRISE FM TRUST:							
FBN4648342							
75662	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	1,068.82	0.00	Paid	Y
	JAN 2023 ENG VEHICLE LEASE	pziemer					01/20/2023
	101-1700-43331	LEASE PAYMENTS		1,068.82			

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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
FBN4648342/CD							
75663	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	357.61	0.00	Paid	Y
	JAN 2023 COM DEV VEHICLE LEASE	pziemer					01/20/2023
	101-2400-43331	LEASE EXPENSE		357.61			
FBN4648342/PD							
75664	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	9,058.70	0.00	Paid	Y
	JAN 2023 POLICE DEPT VEHICLE LEASE	pziemer					01/20/2023
	225-2120-43331	LEASED PAYMENTS		9,058.70			
FBN4648342/FD							
75665	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	1,473.58	0.00	Paid	Y
	JAN 23 FIRE DEPT VEHICLE LEASE	pziemer					01/20/2023
	225-2220-43331	LEASED PAYMENTS		1,473.58			
FBN4648342/PARKS							
75666	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	2,377.52	0.00	Paid	Y
	JAN 23 PARKS VEHICLE LEASES	pziemer					01/20/2023
	230-5200-43331	LEASE PAYMENTS		2,377.52			
FBN4648342/STREETS							
75667	ENTERPRISE FM TRUST	01/05/2023	01/20/2023	3,226.60	0.00	Paid	Y
	JAN 23 STREET DEPT VEHICLE LEASES	pziemer					01/20/2023
	235-3100-43331	LEASE PAYMENTS		2,600.59			
	237-3190-43331	LEASE PAYMENTS		626.01			
	Total for vendor 1859 - ENTERPRISE FM TRUST:			17,562.83	0.00		
Vendor 3107 - LUNCH BOX PROPERTIES LLC:							
1/27/2023							
75742	LUNCH BOX PROPERTIES LLC	01/24/2023	01/27/2023	975.92	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23	pziemer					01/27/2023
	281-6514-46602	REPAYMENT - LOAN		975.92			
	Total for vendor 3107 - LUNCH BOX PROPERTIES LLC:			975.92	0.00		
Vendor 2972 - PENTEX MANAGEMENT:							
1/27/2023							
75744	PENTEX MANAGEMENT	01/24/2023	01/27/2023	1,309.34	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23	pziemer					01/27/2023
	283-6506-46602	REPAYMENT-LOAN		1,309.34			
	Total for vendor 2972 - PENTEX MANAGEMENT:			1,309.34	0.00		
Vendor 3576 - SUSO 2 BRAINERD LP:							
1/27/2023							
75741	SUSO 2 BRAINERD LP	01/24/2023	01/27/2023	93,942.31	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23	pziemer					01/27/2023
	293-6512-46602	REPAYMENT - LOAN		93,942.31			

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Total for vendor 3576 - SUSO 2 BRAINERD LP:				93,942.31	0.00		
Vendor 1600 - TIMBERLAND TOWNHOMES OF BRD LP:							
1/27/2023							
75745	TIMBERLAND TOWNHOMES OF BRD LP	01/24/2023	01/27/2023	5,475.22	0.00	Paid	Y
	REMITTANCE OF TIF PAYMENT DUE 2/1/23 pziemer						01/27/2023
	292-6503-46602	REPAYMENT - LOAN		5,475.22			
Total for vendor 1600 - TIMBERLAND TOWNHOMES OF BRD LP:				5,475.22	0.00		
Vendor 2659 - U.S. BANK CORP - ACH:							
2190605							
75737	U.S. BANK CORP - ACH	01/24/2023	01/30/2023	470,257.50	0.00	Paid	Y
	MN GO BONDS 2021A	pziemer					01/30/2023
	305-7610-46601	PRINCIPAL PYMTS		125,000.00			
	305-7610-46611	INTEREST PAYMENTS		35,672.50			
	101-0000-14100	DUE FROM COMPONENT UNIT		309,585.00			
2190635							
75738	U.S. BANK CORP - ACH	01/24/2023	01/30/2023	334,200.00	0.00	Paid	Y
	MN GO BONDS 2020A	pziemer					01/30/2023
	307-7600-46601	PRINCIPAL PYMTS		120,000.00			
	307-7600-46611	INTEREST PAYMENTS		12,200.00			
	303-7200-46601	PRINCIPAL PYMTS		75,000.00			
	303-7200-46611	INTEREST PAYMENTS		11,900.00			
	310-7850-46601	PRINCIPAL PYMTS		105,000.00			
	310-7850-46611	INTEREST PAYMENTS		10,100.00			
2190808							
75739	U.S. BANK CORP - ACH	01/24/2023	01/30/2023	1,396,767.50	0.00	Paid	Y
	MN GO BONDS 2013A, 2015A, 2015C, 2015pziemer						01/30/2023
	317-7960-46601	PRINCIPAL PYMTS		85,000.00			
	317-7960-46611	INTEREST PAYMENTS		2,550.00			
	315-7940-46601	PRINCIPAL PYMTS		75,000.00			
	315-7940-46611	INTEREST PAYMENTS		3,200.00			
	101-0000-14100	DUE FROM COMPONENT UNIT		182,381.25			
	237-0000-23185	REVENUE NOTES PAYABLE		45,000.00			
	237-3190-46611	INTEREST PAYMENTS		675.00			
	238-0000-23185	REVENUE NOTES PAYABLE		80,000.00			
	238-3160-46611	INTEREST PAYMENTS		1,200.00			
	320-7100-46601	PRINCIPAL PYMTS		25,000.00			
	320-7100-46611	INTEREST PAYMENTS		1,150.00			
	321-7810-46601	PRINCIPAL PYMTS		85,000.00			
	321-7810-46611	INTEREST PAYMENTS		871.25			
	316-7950-46601	PRINCIPAL PYMTS		80,000.00			
	316-7950-46611	INTEREST PAYMENTS		640.00			
	237-0000-23185	REVENUE NOTES PAYABLE		60,000.00			
	237-3190-46611	INTEREST PAYMENTS		6,550.00			

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EXP CHECK RUN DATES 01/01/2023 - 01/31/2023

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BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	237-0000-23185	REVENUE NOTES PAYABLE		71,400.00			
	237-3190-46611	INTEREST PAYMENTS		1,785.00			
	302-7700-46601	PRINCIPAL PYMTS		75,000.00			
	302-7700-46611	INTEREST PAYMENTS		8,900.00			
	310-7850-46601	PRINCIPAL PYMTS		138,600.00			
	310-7850-46611	INTEREST PAYMENTS		3,465.00			
	101-0000-14100	DUE FROM COMPONENT UNIT		363,400.00			
Total for vendor 2659 - U.S. BANK CORP - ACH:				2,201,225.00	0.00		
# of Invoices:	28	# Due:	0	Totals:	2,327,636.32	0.00	
# of Credit Memos:	1	# Due:	0	Totals:	(0.22)	0.00	
Net of Invoices and Credit Memos:				2,327,636.10	0.00		

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	855,366.25
101-1400-43321	TELEPHONE	0.13
101-1700-43331	LEASE PAYMENTS	1,068.82
101-1800-43321	TELEPHONE	1,635.44
101-1940-43321	TELEPHONE	54.02
101-2400-43321	TELEPHONE	4.96
101-2400-43331	LEASE EXPENSE	357.61
203-9000-43321	TELEPHONE	(0.22)
225-2120-43309	COMPUTER TECHNICAL SUPPORT	18.75
225-2120-43321	TELEPHONE	99.09
225-2120-43331	LEASED PAYMENTS	9,058.70
225-2120-43380	UTILITIES	46.80
225-2220-43321	TELEPHONE	68.75
225-2220-43331	LEASED PAYMENTS	1,473.58
230-5200-43321	TELEPHONE	63.72
230-5200-43331	LEASE PAYMENTS	2,377.52
235-3100-43321	TELEPHONE	49.63
235-3100-43331	LEASE PAYMENTS	2,600.59
237-0000-23185	REVENUE NOTES PAYABLE	176,400.00
237-3190-43331	LEASE PAYMENTS	626.01
237-3190-46611	INTEREST PAYMENTS	9,010.00
238-0000-23185	REVENUE NOTES PAYABLE	80,000.00
238-3160-46611	INTEREST PAYMENTS	1,200.00
260-9020-43321	TELEPHONE	862.92
274-6505-46602	REPAYMENT - LOAN	2,240.42
277-6517-46602	REPAYMENT - LOAN	2,001.07
281-6514-46602	REPAYMENT - LOAN	975.92
283-6506-46602	REPAYMENT-LOAN	1,309.34
292-6503-46602	REPAYMENT - LOAN	5,475.22
293-6512-46602	REPAYMENT - LOAN	93,942.31
302-7700-46601	PRINCIPAL PYMTS	75,000.00
302-7700-46611	INTEREST PAYMENTS	8,900.00
303-7200-46601	PRINCIPAL PYMTS	75,000.00
303-7200-46611	INTEREST PAYMENTS	11,900.00
305-7610-46601	PRINCIPAL PYMTS	125,000.00
305-7610-46611	INTEREST PAYMENTS	35,672.50
307-7600-46601	PRINCIPAL PYMTS	120,000.00

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	307-7600-46611	INTEREST PAYMENTS		12,200.00			
	310-7850-46601	PRINCIPAL PYMTS		243,600.00			
	310-7850-46611	INTEREST PAYMENTS		13,565.00			
	315-7940-46601	PRINCIPAL PYMTS		75,000.00			
	315-7940-46611	INTEREST PAYMENTS		3,200.00			
	316-7950-46601	PRINCIPAL PYMTS		80,000.00			
	316-7950-46611	INTEREST PAYMENTS		640.00			
	317-7960-46601	PRINCIPAL PYMTS		85,000.00			
	317-7960-46611	INTEREST PAYMENTS		2,550.00			
	320-7100-46601	PRINCIPAL PYMTS		25,000.00			
	320-7100-46611	INTEREST PAYMENTS		1,150.00			
	321-7810-46601	PRINCIPAL PYMTS		85,000.00			
	321-7810-46611	INTEREST PAYMENTS		871.25			

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--- TOTALS BY FUND ---							
	101 - GENERAL FUND			858,487.23	0.00		
	203 - TRANSIT FUND			(0.22)	0.00		
	225 - PUBLIC SAFETY FUND			10,765.67	0.00		
	230 - PARK & RECREATION FUND			2,441.24	0.00		
	235 - STREET & SEWER FUND			2,650.22	0.00		
	237 - SANITARY SEWER FUND			186,036.01	0.00		
	238 - STORM SEWER FUND			81,200.00	0.00		
	260 - AIRPORT FUND			862.92	0.00		
	274 - ROYAL TIRE TIF			2,240.42	0.00		
	277 - ARTSPACE TIF FUND			2,001.07	0.00		
	281 - JIMMY JOHN'S TIF			975.92	0.00		
	283 - TACO JOHN'S TIF FUND			1,309.34	0.00		
	292 - TIMBERLAND TWNHMS TIF			5,475.22	0.00		
	293 - BRAINERD MALL TIF FUND			93,942.31	0.00		
	302 - SINKING 302 18A GO			83,900.00	0.00		
	303 - 2020A TAX ABATEMENT BONDS			86,900.00	0.00		
	305 - 2021A DEBT SERVICE FUND			160,672.50	0.00		
	307 - 2020A GO IMPR BONDS			132,200.00	0.00		
	310 - SINKING EQUIP CERTIFICATES			257,165.00	0.00		
	315 - SINKING 315 15A GO FUND			78,200.00	0.00		
	316 - 2012A GO ISSUE			80,640.00	0.00		
	317 - SINKING 317 13A GO FUND			87,550.00	0.00		
	320 - SINKING 320 2015B GO			26,150.00	0.00		
	321 - SINKING 321 15B REV REF			85,871.25	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			1,111,766.25	0.00		
	1400 - ADMINISTRATION			0.13	0.00		
	1700 - ENGINEERING			1,068.82	0.00		
	1800 - IT/GIS			1,635.44	0.00		
	1940 - CITY HALL			54.02	0.00		
	2120 - POLICE DEPARTMENT			9,223.34	0.00		
	2220 - FIRE DEPARTMENT			1,542.33	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			362.57	0.00		
	3100 - S & S MAINTENANCE			2,650.22	0.00		
	3160 - STORM SEWER EXPENSE			1,200.00	0.00		
	3190 - SANITARY SEWER EXPENSE			9,636.01	0.00		
	5200 - PARK MAIN/ADMINISTRATION			2,441.24	0.00		
	6503 - TIMBERLAND TWNHMS TIF			5,475.22	0.00		
	6505 - ROYAL TIRE TIF			2,240.42	0.00		
	6506 - TACO JOHN'S TIF			1,309.34	0.00		
	6512 - BRAINERD MALL TIF			93,942.31	0.00		

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Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY DEPT/ACTIVITY ---							
6514	- JIMMY JOHN'S TIF			975.92	0.00		
6517	- ARTSPACE TIF FUND			2,001.07	0.00		
7100	- SINKING 156A GO			26,150.00	0.00		
7200	- SINKING 04A GO			86,900.00	0.00		
7600	- 2020A GO IMPR BONDS			132,200.00	0.00		
7610	- 2021A GO IMPR BONDS			160,672.50	0.00		
7700	- SINKING 302 GO 18A			83,900.00	0.00		
7810	- SINKING 15B EDA REFUNDING			85,871.25	0.00		
7850	- SINKING EQUIP CERTIFICATE			257,165.00	0.00		
7940	- SINKING 15A GO FUND			78,200.00	0.00		
7950	- SINKING 2012A GO			80,640.00	0.00		
7960	- SINKING 2013A GO			87,550.00	0.00		
9000	- TRANSIT FUND			(0.22)	0.00		
9020	- AIRPORT M & O			862.92	0.00		

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Vendor 0011 - ACE HARDWARE:							
312479 76038	ACE HARDWARE SHOE POLISH - DEPT 225-2120-41113	02/03/2023 pziemer	02/22/2023	5.39	5.39	Open	N 02/22/2023
	UNIFORM ALLOWANCE			5.39			
312553 76080	ACE HARDWARE ZIP TIES AND WATER HOSE 235-3125-42220	02/08/2023 pziemer	02/22/2023	80.07	80.07	Open	N 02/22/2023
	REPAIR & MAINT			80.07			
312573 76086	ACE HARDWARE GLP RESTROOM - FAUCET REPAIRS 230-5200-42220	02/08/2023 pziemer	02/22/2023	17.98	17.98	Open	N 02/22/2023
	REPAIR & MAINT			17.98			
312627 76103	ACE HARDWARE WELDING SUPPLIES 235-3100-42220	02/10/2023 pziemer	02/22/2023	55.78	55.78	Open	N 02/22/2023
	REPAIR & MAINT			55.78			
312657 76108	ACE HARDWARE WEED BURNER 235-3100-42220	02/13/2023 pziemer	02/22/2023	80.99	80.99	Open	N 02/22/2023
	REPAIR & MAINT			80.99			
312537 76117	ACE HARDWARE LUBE OIL 225-2220-42210	02/07/2023 pziemer	02/22/2023	6.29	6.29	Open	N 02/22/2023
	OPERATING SUPPLIES			6.29			
Total for vendor 0011 - ACE HARDWARE:				246.50	246.50		

Vendor 2902 - ADVANCE AUTO PARTS:

6574303781437 76036	ADVANCE AUTO PARTS TRUCK 103 AIR FILTERS 235-3125-42220	02/06/2023 pziemer	02/22/2023	114.08	114.08	Open	N 02/22/2023
	REPAIR & MAINT			114.08			
6574303881474 76037	ADVANCE AUTO PARTS GRADERS 112 & 113 LIGHT BULBS 235-3125-42220	02/07/2023 pziemer	02/22/2023	15.21	15.21	Open	N 02/22/2023
	REPAIR & MAINT			15.21			
6574303881475 76079	ADVANCE AUTO PARTS TRANSMISSION/RADIATOR REPAIRS 235-3100-42220	02/07/2023 pziemer	02/22/2023	374.30	374.30	Open	N 02/22/2023
	TRUCK 160 RADIATOR AND COOLANT LINES			374.30			

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6574304181644 76140	ADVANCE AUTO PARTS TRUCK 160 - TRANSMISSION FILTER, COOLpziemer 235-3100-42220 REPAIR & MAINT	02/10/2023	02/22/2023	179.75 179.75	179.75	Open	N 02/22/2023
6574304481674 76142	ADVANCE AUTO PARTS TRUCK 160 TRANSMISSION OIL COOLER pziemer 235-3100-42220 REPAIR & MAINT	02/13/2023	02/22/2023	300.11 300.11	300.11	Open	N 02/22/2023
6574304581705 76145	ADVANCE AUTO PARTS CREDIT TRUCK 160 TRANSMISSION OIL CO(pziemer 235-3100-42220 REPAIR & MAINT	02/14/2023	02/22/2023	(300.11) (300.11)	(300.11)	Open	N 02/22/2023
6574304581703 76146	ADVANCE AUTO PARTS TRUCK 160 TRANSMISSION OIL COOLER ANIpziemer 235-3100-42220 REPAIR & MAINT	02/14/2023	02/22/2023	138.18 138.18	138.18	Open	N 02/22/2023
Total for vendor 2902 - ADVANCE AUTO PARTS:				821.52	821.52		
Vendor 1453 - AMERICAN DOOR WORKS:							
005633 76083	AMERICAN DOOR WORKS OVERHEAD GARAGE DOOR SPRING pziemer 225-2120-42220 REPAIR & MAINT	12/29/2022	02/22/2023	690.60 690.60	690.60	Open	N 02/22/2023
Total for vendor 1453 - AMERICAN DOOR WORKS:				690.60	690.60		
Vendor 2846 - AMERICAN WELDING-GAS INC:							
09089815 76046	AMERICAN WELDING-GAS INC WELDING CYLINDER RENTAL pziemer 235-3100-42220 REPAIR & MAINT	01/31/2023	02/22/2023	82.80 82.80	82.80	Open	N 02/22/2023
Total for vendor 2846 - AMERICAN WELDING-GAS INC:				82.80	82.80		
Vendor 0039 - ARAMARK UNIFORM SERVICES:							
2530103850 76047	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS pziemer 235-3100-43430 MISCELLANEOUS	02/02/2023	02/22/2023	124.87 124.87	124.87	Open	N 02/22/2023
2530106568 76095	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS pziemer 235-3100-43430 MISCELLANEOUS	02/09/2023	02/22/2023	92.86 92.86	92.86	Open	N 02/22/2023
Total for vendor 0039 - ARAMARK UNIFORM SERVICES:				217.73	217.73		

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Vendor 3343 - ARROW MANAGEMENT:							
30956 76061	ARROW MANAGEMENT 1306 OAK STREET - TRASH/REMOVAL 12/27/22 101-2400-43405	02/04/2023 pziemer	02/22/2023	650.00 650.00	650.00	Open	N 12/31/2022
30955 76062	ARROW MANAGEMENT 426 B STREET - TRASH CLEANUP 11/28/22 101-2400-43405	02/04/2023 pziemer	02/22/2023	1,085.00 1,085.00	1,085.00	Open	N 12/31/2022
Total for vendor 3343 - ARROW MANAGEMENT:				1,735.00	1,735.00		
Vendor 0049 - AUTO VALUE - WEST:							
17333614 76034	AUTO VALUE - WEST TRUCK 108 HYDRAULIC SPILL CLEANUP 235-3125-42220	02/07/2023 pziemer	02/22/2023	179.90 179.90	179.90	Open	N 02/22/2023
17333615 76035	AUTO VALUE - WEST TRUCK 108 HYDRAULIC SPILL CLEANUP 235-3125-42220	02/07/2023 pziemer	02/22/2023	118.93 118.93	118.93	Open	N 02/22/2023
17333913 76141	AUTO VALUE - WEST PUSH PINS PLIERS 235-3100-42240	02/13/2023 pziemer	02/22/2023	19.99 19.99	19.99	Open	N 02/22/2023
Total for vendor 0049 - AUTO VALUE - WEST:				318.82	318.82		
Vendor 3265 - BARATTO BROTHERS CONSTRUCTION:							
PAY REQ 2 - KIWANIS							
76087	BARATTO BROTHERS CONSTRUCTION KIWANIS PARK IMPROVEMENTS THRU 1/31/23 400-9050-45530	01/31/2023 pziemer	02/22/2023	47,739.35 47,739.35	47,739.35	Open	N 02/22/2023
Total for vendor 3265 - BARATTO BROTHERS CONSTRUCTION:				47,739.35	47,739.35		
Vendor 4022 - BERGMAN, JENNIFER:							
2/3/23 76114	BERGMAN, JENNIFER MILEAGE REIM - EHLERS CONFERENCE 101-1400-43330	02/03/2023 pziemer	02/22/2023	157.20 157.20	157.20	Open	N 02/22/2023
2/9/23 76115	BERGMAN, JENNIFER REIMB. MILEAGE - MPFLRA TRAINING 101-1400-43300	02/09/2023 pziemer	02/22/2023	154.58 154.58	154.58	Open	N 02/22/2023

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Total for vendor 4022 - BERGMAN, JENNIFER:				311.78	311.78		
Vendor 3966 - BLUE SKY TRANSIT:							
12023							
76031	BLUE SKY TRANSIT	01/31/2023	02/22/2023	105,817.04	105,817.04	Open	N
	JAN 2023 THIRD PARTY SERVICES	pziemer					02/22/2023
	203-9000-42212	MOTOR FUELS		2,909.01			
	203-9000-43401	VEHICLE REPAIRS		11,659.71			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY		91,248.32			
Total for vendor 3966 - BLUE SKY TRANSIT:				105,817.04	105,817.04		
Vendor 0077 - BRAINERD HYDRAULICS/AIR:							
26531							
76077	BRAINERD HYDRAULICS/AIR	12/28/2022	02/22/2023	755.00	755.00	Open	N
	SKIDSTEER REPAIR	pziemer					12/31/2022
	230-5200-42220	REPAIR & MAINT		755.00			
Total for vendor 0077 - BRAINERD HYDRAULICS/AIR:				755.00	755.00		
Vendor 0081 - BRAINERD MEDICAL SUPPLY:							
58036							
76039	BRAINERD MEDICAL SUPPLY	02/01/2023	02/22/2023	19.83	19.83	Open	N
	FIRST AID & SAFETY SUPPLIES	pziemer					02/22/2023
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		19.83			
60,242							
76111	BRAINERD MEDICAL SUPPLY	02/10/2023	02/22/2023	13.99	13.99	Open	N
	FIRST AID AND SAFETY SUPPLIES	pziemer					02/22/2023
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		13.99			
Total for vendor 0081 - BRAINERD MEDICAL SUPPLY:				33.82	33.82		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
2/14/23							
76138	BRAINERD PUBLIC UTILITIES	02/14/2023	02/22/2023	121,128.80	121,128.80	Open	N
	REMIT LOST THRU 2/14/23	pziemer					02/22/2023
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		121,128.80			
JAN 23/LIB							
76183	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	1,400.64	1,400.64	Open	N
	12/24/22-1/24/23 LIBRARY UTILITIES	pziemer					02/22/2023
	211-5500-43381	BPU UTILITIES		1,400.64			
JAN 2023/POLICE							
76184	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	4,727.46	4,727.46	Open	N
	12/24/22-1/24/23 POLICE DEPT UTILITIES	pziemer					02/22/2023
	225-2120-43381	BPU UTILITIES		4,727.46			

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JAN 2023/FIRE							
76185	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	2,798.35	2,798.35	Open	N
	12/24/22-1/24/23 FIRE DEPT UTILITIES pziemer						02/22/2023
	225-2220-43381 BPU UTILITIES			2,798.35			
JAN 2023/CITY							
76186	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	2,574.77	2,574.77	Open	N
	12/24/22-1/24/23 CITY UTILITIES pziemer						02/22/2023
	101-1940-43381 BPU UTILITIES			1,755.56			
	101-1940-43381 BPU UTILITIES			215.69			
	101-9200-43381 BPU UTILITIES			46.17			
	101-9200-43381 BPU UTILITIES			79.07			
	236-3180-43381 BPU UTILITIES			36.00			
	401-1003-43380 UTILITIES			442.28			
JAN 2023/STREETS							
76187	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	24,848.91	24,848.91	Open	N
	12/24/22-1/24/23 STREET DEPT UTILITIEspziemer						02/22/2023
	235-3100-43381 BPU UTILITIES			24,848.91			
JAN 2023/PARKS							
76188	BRAINERD PUBLIC UTILITIES	01/24/2023	02/22/2023	4,486.01	4,486.01	Open	N
	12/24/22-1/24/23 PARKS DEPT UTILITIEspziemer						02/22/2023
	230-5200-43381 BPU UTILITIES			4,486.01			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			161,964.94	161,964.94		
Vendor 4186 - BURRITOS CALIFORNIA:							
58964							
76100	BURRITOS CALIFORNIA	01/30/2023	02/22/2023	578.75	578.75	Open	N
	JAN 2023 LUNCH AND LEARN pziemer						02/22/2023
	278-6515-43430 MISCELLANEOUS			578.75			
	Total for vendor 4186 - BURRITOS CALIFORNIA:			578.75	578.75		
Vendor 1333 - CHAMBERLAIN OIL COMPANY:							
425172-00							
76089	CHAMBERLAIN OIL COMPANY	02/08/2023	02/22/2023	483.37	483.37	Open	N
	DIESEL EXHAUST FLUID GREASE pziemer						02/22/2023
	235-3125-42220 REPAIR & MAINT			483.37			
	Total for vendor 1333 - CHAMBERLAIN OIL COMPANY:			483.37	483.37		
Vendor 0122 - COMMUNITY ACTION:							
FEB 2023							
76028	COMMUNITY ACTION	02/07/2023	02/22/2023	7,819.75	7,819.75	Open	N
	REMIT FEB 2023 LEVY PAYMENT pziemer						02/22/2023
	101-9200-43460 REMIT COMMUNITY ACTION LEVY			7,819.75			
	Total for vendor 0122 - COMMUNITY ACTION:			7,819.75	7,819.75		

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Vendor 4187 - CROSSLAKE VETERINARY HOSPITAL:							
140377 76174	CROSSLAKE VETERINARY HOSPITAL ON CALL VET - ANIMAL CONTROL -6TH ST 225-2700-43430	12/30/2022 pziemer	02/22/2023	400.00	400.00	Open	N 12/31/2022
	MISCELLANEOUS			400.00			
	Total for vendor 4187 - CROSSLAKE VETERINARY HOSPITAL:			400.00	400.00		
Vendor 0491 - CUYUNA RANGE FIRE CHIEFS ASSN:							
2023 DUES 76143	CUYUNA RANGE FIRE CHIEFS ASSN 2023 CUYUNA RANGE FIRE CHIEFS AND FF 225-2220-43433	02/13/2023 pziemer	02/22/2023	300.00	300.00	Open	N 02/22/2023
	DUES & SUBSCRIPTIONS			300.00			
	Total for vendor 0491 - CUYUNA RANGE FIRE CHIEFS ASSN:			300.00	300.00		
Vendor 0136 - CWC ATTORNEY:							
ICR 22011324 76063	CWC ATTORNEY ICR 22011324 223-0000-22800	02/06/2023 pziemer	02/22/2023	187.60	187.60	Open	N 02/22/2023
	OTHER LIABILITIES			187.60			
ICR 22003477 76065	CWC ATTORNEY ICR 22003477 223-0000-22800	02/06/2023 pziemer	02/22/2023	1,261.40	1,261.40	Open	N 02/22/2023
	OTHER LIABILITIES			1,261.40			
ICR 21001730 76068	CWC ATTORNEY ICR 21001730 223-0000-22800	02/06/2023 pziemer	02/22/2023	124.00	124.00	Open	N 02/22/2023
	OTHER LIABILITIES			124.00			
ICR 20005848 76070	CWC ATTORNEY ICR 20005848 223-0000-22800	02/06/2023 pziemer	02/22/2023	312.80	312.80	Open	N 02/22/2023
	OTHER LIABILITIES			312.80			
ICR 22007433 76082	CWC ATTORNEY ICR 22007443 223-0000-22800	02/06/2023 pziemer	02/22/2023	81.00	81.00	Open	N 02/22/2023
	OTHER LIABILITIES			81.00			
	Total for vendor 0136 - CWC ATTORNEY:			1,966.80	1,966.80		
Vendor 0132 - CWC HIGHWAY DEPT:							
5812 76096	CWC HIGHWAY DEPT JAN 2023 TRANSIT FUEL 203-9000-42212	02/01/2023 pziemer	02/22/2023	6,003.33	6,003.33	Open	N 02/22/2023
	MOTOR FUELS			5,457.58			

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	203-9000-42212	MOTOR FUELS		545.75			
	Total for vendor 0132 - CWC HIGHWAY DEPT:			6,003.33	6,003.33		
Vendor 0135 - CWC TREASURER:							
5758/CH 76092	CWC TREASURER FEB 23 CITY HALL SHARED SERVICES 101-9200-43300	02/01/2023 pziemer	02/22/2023	7,975.00	7,975.00	Open	N 02/22/2023
		PROFESSIONAL SERVICES		7,975.00			
5758/LIB 76093	CWC TREASURER FEB 23 LIBRARY SHARED SERVICES 211-5500-43300	02/01/2023 pziemer	02/22/2023	675.00	675.00	Open	N 02/22/2023
		PROFESSIONAL SERVICES		675.00			
	Total for vendor 0135 - CWC TREASURER:			8,650.00	8,650.00		
Vendor 3438 - DAHLHEIMER BEVERAGE:							
1832531 76049	DAHLHEIMER BEVERAGE JANITORIAL SUPPLIES 211-5500-42220	02/02/2023 pziemer	02/22/2023	121.95	121.95	Open	N 02/22/2023
		REPAIR & MAINT		121.95			
1840736 76173	DAHLHEIMER BEVERAGE TRASHBAGS - MISC SUPPLIES 230-5200-42220	02/13/2023 pziemer	02/22/2023	48.00	48.00	Open	N 02/22/2023
		REPAIR & MAINT		48.00			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			169.95	169.95		
Vendor 3582 - DESETH, DARRIN:							
1/19/23 76101	DESETH, DARRIN MILEAGE/MEAL REIMBURSEMENT - TRAINING 101-2400-43330	01/19/2023 pziemer	02/22/2023	184.58	184.58	Open	N 02/22/2023
		PROFESSIONAL DEVELOPMENT		184.58			
1/26/23 76102	DESETH, DARRIN MILEAGE REIMBURSEMENT - TRAINING 101-2400-43330	01/26/2023 pziemer	02/22/2023	154.58	154.58	Open	N 02/22/2023
		PROFESSIONAL DEVELOPMENT		154.58			
	Total for vendor 3582 - DESETH, DARRIN:			339.16	339.16		
Vendor 0162 - DIAMOND VOGEL PAINT:							
813164131 76177	DIAMOND VOGEL PAINT WHITE PAINT 235-3170-42220	12/01/2022 pziemer	02/22/2023	2,695.20	2,695.20	Open	N 02/22/2023
		WHITE TRAFFIC PAINT		2,695.20			
	Total for vendor 0162 - DIAMOND VOGEL PAINT:			2,695.20	2,695.20		

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Vendor 1856 - EMERGENCY AUTOMOTIVE TECHNOLOGIES, :							
DL021523-24							
76189	EMERGENCY AUTOMOTIVE TECHNOLOGIES,	02/15/2023	02/22/2023	201.01	201.01	Open	N
	E23 DOCKING STATION/CASE FOR TABLET pziemer						02/22/2023
	404-9055-45500 BUILDING CAPITAL			201.01			
	Total for vendor 1856 - EMERGENCY AUTOMOTIVE TECHNOLOGIES, :			201.01	201.01		
Vendor 1859 - ENTERPRISE FM TRUST:							
FBN4665952/CD							
76148	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	357.61	357.61	Open	N
	FEB 2023 COM DEV VEHICLE LEASES pziemer						02/22/2023
	101-2400-43331 LEASE EXPENSE			357.61			
FBN4665952/PD							
76149	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	9,058.70	9,058.70	Open	N
	FEB 2023 POLICE DEPT VEHICLE LEASES pziemer						02/22/2023
	225-2120-43331 LEASED PAYMENTS			9,058.70			
FBN4665952/FD							
76150	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	1,483.18	1,483.18	Open	N
	FEB 2023 FIRE DEPT VEHICLE LEASES pziemer						02/22/2023
	225-2220-43331 LEASED PAYMENTS			1,483.18			
FBN4665952/PKS							
76151	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	2,377.52	2,377.52	Open	N
	FEB 23 PARKS VEHICLE LEASES pziemer						02/22/2023
	230-5200-43331 LEASE PAYMENTS			2,377.52			
FBN4665952/STRTS							
76152	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	3,226.60	3,226.60	Open	N
	FEB 23 STREET DEPT VEHICLE LEASES pziemer						02/22/2023
	235-3100-43331 LEASE PAYMENTS			2,600.59			
	237-3190-43331 LEASE PAYMENTS			626.01			
FBN4665952/ENG							
76155	ENTERPRISE FM TRUST	02/04/2023	02/22/2023	1,068.82	1,068.82	Open	N
	FEB 2023 ENG. VEHICLE LEASES pziemer						02/22/2023
	101-1700-43331 LEASE PAYMENTS			1,068.82			
	Total for vendor 1859 - ENTERPRISE FM TRUST:			17,572.43	17,572.43		
Vendor 3574 - ESO SOLUTIONS, INC.:							
ESO-102714							
76123	ESO SOLUTIONS, INC.	02/03/2023	02/22/2023	3,609.87	3,609.87	Open	N
	ESO SOFTWARE 3/5/23-3/4/2024 pziemer						02/22/2023
	225-0000-15510 PREPAID OTHER			601.65			
	225-2220-43309 COMPUTER TECHNICAL SUPPORT			3,008.22			
	Total for vendor 3574 - ESO SOLUTIONS, INC.:			3,609.87	3,609.87		

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Vendor 1815 - F.I.R.E. CROSSLAKE:							
5985 76118	F.I.R.E. CROSSLAKE EMS TRAINING 2/6/23 225-2220-43330	02/06/2023 pziemer	02/22/2023	600.00 600.00	600.00	Open	N 02/22/2023
	PROFESSIONAL DEVELOPMENT			600.00			
6008 76119	F.I.R.E. CROSSLAKE NFPA INSTRUCTOR CLASS 1 225-2220-43330	02/09/2023 pziemer	02/22/2023	450.00 450.00	450.00	Open	N 02/22/2023
	PROFESSIONAL DEVELOPMENT			450.00			
6022 76175	F.I.R.E. CROSSLAKE NFPA 1041 INSTRUCTOR CLASS 225-2220-43330	02/14/2023 pziemer	02/22/2023	450.00 450.00	450.00	Open	N 02/22/2023
	PROFESSIONAL DEVELOPMENT			450.00			
	Total for vendor 1815 - F.I.R.E. CROSSLAKE:			1,500.00	1,500.00		
Vendor 3480 - FALLS FLAG SOURCE:							
25100 76085	FALLS FLAG SOURCE QTY 5 DOWNTOWN FLAGS 101-1940-42220	02/08/2023 pziemer	02/22/2023	325.00 325.00	325.00	Open	N 02/22/2023
	REPAIR & MAINT			325.00			
	Total for vendor 3480 - FALLS FLAG SOURCE:			325.00	325.00		
Vendor 4154 - FLAHERTY & HOOD, P.A.:							
18940 76105	FLAHERTY & HOOD, P.A. WAGE COMP STUDY/2023 PAY EQUITY REPOF 101-9200-43300	02/11/2023 pziemer	02/22/2023	2,983.75 930.00	2,983.75	Open	N 02/22/2023
	2023 PAY EQUITY REPORT			930.00			
	101-9200-43300 WAGE COMP STUDY			2,053.75			
	Total for vendor 4154 - FLAHERTY & HOOD, P.A.:			2,983.75	2,983.75		
Vendor 0071 - FORUM COMMUNICATIONS COMPANY:							
MP3161230123 76074	FORUM COMMUNICATIONS COMPANY PD JOB POSTING - ONLINE 225-2120-43350	01/31/2023 pziemer	02/22/2023	550.00 550.00	550.00	Open	N 02/22/2023
	PRINTING/LEGAL PUBLICATION			550.00			
192803-1 76159	FORUM COMMUNICATIONS COMPANY ORD 1545 - SNOW REMOVAL - PARKING	02/08/2023 pziemer	02/22/2023	47.13	47.13	Open	N 02/22/2023
191121-1 76160	FORUM COMMUNICATIONS COMPANY ORD 1543 - CHICKENS/DUCKS	02/08/2023 pziemer	02/22/2023	40.07	40.07	Open	N 02/22/2023

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	101-2400-43350	PRINTING/LEGAL PUBLICATION		40.07			
191085-1 76161	FORUM COMMUNICATIONS COMPANY ORD 1544 - SNOW REMOVAL NOISE 101-2400-43350	02/08/2023 pziemer	02/22/2023	42.42	42.42	Open	N 02/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION		42.42			
187406-1 76162	FORUM COMMUNICATIONS COMPANY ORD 1545 - OUTDOOR LIGHTING 101-2400-43350	02/07/2023 pziemer	02/22/2023	45.84	45.84	Open	N 02/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION		45.84			
184038-1 76163	FORUM COMMUNICATIONS COMPANY NOH: COND. USE - CENTRAL LAKES STORAG 101-2400-43350	02/07/2023 pziemer	02/22/2023	60.32	60.32	Open	N 02/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION		60.32			
0071 76164	FORUM COMMUNICATIONS COMPANY NOH: REZONE 41160504 101-2400-43350	02/07/2023 pziemer	02/22/2023	79.63	79.63	Open	N 02/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION		79.63			
	Total for vendor 0071 - FORUM COMMUNICATIONS COMPANY:			865.41	865.41		

Vendor 3213 - GRAINGER:

9600894613 76120	GRAINGER PIKE POLE 404-9055-45500	02/08/2023 pziemer	02/22/2023	299.66	299.66	Open	N 02/22/2023
		BUILDING CAPITAL		299.66			
	Total for vendor 3213 - GRAINGER:			299.66	299.66		

Vendor 3411 - GROUP HEALTH INC. - WORKSITE:

W852097 76178	GROUP HEALTH INC. - WORKSITE 2022 EAP MEMBERS 101-1400-41131 203-9000-41131 101-1800-41131 401-9030-41131 225-2220-41131 225-2120-41131 260-9020-41131 101-0000-14100 101-0000-14100	02/15/2023 pziemer	02/22/2023	435.60	435.60	Open	N 02/22/2023
		HEALTH INSURANCE		26.40			
		HEALTH INSURANCE		13.20			
		HEALTH INSURANCE		13.20			
		HEALTH INSURANCE		13.20			
		HEALTH INSURANCE		13.20			
		HEALTH INSURANCE		145.20			
		HEALTH INSURANCE		26.40			
		DUE FROM COMPONENT UNIT		145.20			
		DUE FROM COMPONENT UNIT		39.60			
	Total for vendor 3411 - GROUP HEALTH INC. - WORKSITE:			435.60	435.60		

Vendor 1496 - HALLMARK EMBLEMS INC:

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200521 76090	HALLMARK EMBLEMS INC BPD UNIFORM PATCHES 225-2120-41113 UNIFORM ALLOWANCE	12/02/2022 pziemer	02/22/2023	744.50 744.50	744.50	Open	N 02/22/2023
Total for vendor 1496 - HALLMARK EMBLEMS INC:				744.50	744.50		

Vendor 0356 - HIRSHFIELD'S DECORATING:

09296899 76172	HIRSHFIELD'S DECORATING PARKS SHOP SUPPLIES - PAINT 230-5200-42220 REPAIR & MAINT	02/14/2023 pziemer	02/22/2023	413.88 413.88	413.88	Open	N 02/22/2023
Total for vendor 0356 - HIRSHFIELD'S DECORATING:				413.88	413.88		

Vendor 1589 - HOTSY MINNESOTA:

15353 76032	HOTSY MINNESOTA WASH BAY SOAP 235-3100-42220 REPAIR & MAINT	12/09/2022 pziemer	02/22/2023	345.00 345.00	345.00	Open	N 12/31/2022
Total for vendor 1589 - HOTSY MINNESOTA:				345.00	345.00		

Vendor 0769 - HYTEC CONSTRUCTION INC:

13330 - PAYREQ 4 76179	HYTEC CONSTRUCTION INC BRD WATER TOWER REPAIRS PAY REQ 4 400-1481-45530 PYMTS TO CONTRACTORS	12/27/2022 pziemer	02/22/2023	63,779.52 63,779.52	63,779.52	Open	N 12/31/2022
13397 -PAYREQ 5 76180	HYTEC CONSTRUCTION INC BRD WATER TOWER REPAIRS PAY REQ 5 400-1481-45530 PYMTS TO CONTRACTORS	01/31/2023 pziemer	02/22/2023	6,175.00 6,175.00	6,175.00	Open	N 02/22/2023
Total for vendor 0769 - HYTEC CONSTRUCTION INC:				69,954.52	69,954.52		

Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:

IN4086814 76041	INNOVATIVE OFFICE SOLUTIONS LLC TRASH CAN, COMMAND STRIPS, TAPE DISP 225-2120-42220 REPAIR & MAINT 225-2120-42210 OPERATING SUPPLIES	02/06/2023 pziemer	02/22/2023	93.83 71.85 21.98	93.83	Open	N 02/22/2023
Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:				93.83	93.83		

Vendor 3488 - JEFFERSON FIRE & SAFETY:

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IN148787 76121	JEFFERSON FIRE & SAFETY WILDLAND FIREFIGHTER HELMETS 225-2220-42250	01/30/2023 pziemer	02/22/2023	1,207.20 1,207.20	1,207.20	Open	N 02/22/2023
	PERSONAL PROTECTIVE GEAR			1,207.20			
IN149018 76144	JEFFERSON FIRE & SAFETY CLASS A FOAM QTY 5 225-2220-42210	02/08/2023 pziemer	02/22/2023	493.00 493.00	493.00	Open	N 02/22/2023
	OPERATING SUPPLIES			493.00			
	Total for vendor 3488 - JEFFERSON FIRE & SAFETY:			1,700.20	1,700.20		
Vendor 0082 - KELLY'S SERVICE:							
4945 76042	KELLY'S SERVICE SQD 434 - TEST BATTERY 225-2120-42221	02/02/2023 pziemer	02/22/2023	55.00 55.00	55.00	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			55.00			
	Total for vendor 0082 - KELLY'S SERVICE:			55.00	55.00		
Vendor 0313 - LAKES AREA SENIOR CENTER:							
FEB 2023 76029	LAKES AREA SENIOR CENTER REMIT FEB 23 LEVY PAYMENT 101-9200-43461	02/07/2023 pziemer	02/22/2023	7,819.75 7,819.75	7,819.75	Open	N 02/22/2023
	REMIT SENIOR CITIZEN LEVY			7,819.75			
	Total for vendor 0313 - LAKES AREA SENIOR CENTER:			7,819.75	7,819.75		
Vendor 0227 - LAKES PRINTING:							
00213831 76153	LAKES PRINTING BUSINESS CARDS - D. EDWARDS 101-2400-43350	01/26/2023 pziemer	02/22/2023	93.35 93.35	93.35	Open	N 02/22/2023
	PRINTING/LEGAL PUBLICATION			93.35			
00213892 76176	LAKES PRINTING 2022 ANNUAL REPORT 225-2220-43350	01/31/2023 pziemer	02/22/2023	168.90 168.90	168.90	Open	N 02/22/2023
	PRINTING/LEGAL PUBLICATION			168.90			
	Total for vendor 0227 - LAKES PRINTING:			262.25	262.25		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:							
7808 76052	LEAGUE MN CITIES INS TRUS LMC CA #249818 PLOW VS VEHICLE 280-9700-43470	02/02/2023 pziemer	02/22/2023	1,000.00 1,000.00	1,000.00	Open	N 02/22/2023
	UNINSURED LOSSES			1,000.00			

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10002612-2ND QTR 23							
76072	LEAGUE MN CITIES INS TRUS	02/06/2023	02/22/2023	85,262.25	85,262.25	Open	N 02/22/2023
	2ND QTR 2023 WORK COMP - CITY SHARE	pziemer					
	280-0000-41150	WORKERS COMP		70,684.00			
	101-1110-41150	WORKERS COMP		11.00			
	225-2225-41150	WORKERS COMP		14,567.25			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:			86,262.25	86,262.25		
Vendor 2141 - M&M EXPRESS SALES & SERVICE:							
428030							
76122	M&M EXPRESS SALES & SERVICE	02/06/2023	02/22/2023	51.43	51.43	Open	N 02/22/2023
	SAW CHAIN/SHARPEN	pziemer					
	225-2220-42210	OPERATING SUPPLIES		51.43			
	Total for vendor 2141 - M&M EXPRESS SALES & SERVICE:			51.43	51.43		
Vendor 0239 - MACQUEEN EQUIPMENT INC:							
P45720							
76048	MACQUEEN EQUIPMENT INC	12/01/2022	02/22/2023	(3,743.92)	(3,743.92)	Open	N 12/31/2022
	UNAPPLIED CREDIT FROM 2022	pziemer					
	235-3125-42220	REPAIR & MAINT		(3,037.00)			
	237-3190-42220	REPAIR & MAINT		(706.92)			
P47346							
76051	MACQUEEN EQUIPMENT INC	02/03/2023	02/22/2023	81.00	81.00	Open	N 02/22/2023
	VAC TRUCK SANITIZER SYSTEM BALL VALVE	pziemer					
	237-3190-42220	REPAIR & MAINT		81.00			
P47531							
76135	MACQUEEN EQUIPMENT INC	02/14/2023	02/22/2023	1,967.76	1,967.76	Open	N 02/22/2023
	VAC TRUCK AIR PURGE SYSTEM	pziemer					
	237-3190-42220	REPAIR & MAINT		1,967.76			
	Total for vendor 0239 - MACQUEEN EQUIPMENT INC:			(1,695.16)	(1,695.16)		
Vendor 1753 - MARCO:							
INV10859755							
76027	MARCO	02/06/2023	02/22/2023	7,293.00	7,293.00	Open	N 02/22/2023
	CISCO AMP SECURE ENDPOINT 1/31/23-1/31/24	pziemer					
	101-1800-43309	COMPUTER SUPPORT		6,685.25			
	101-0000-15510	PREPAID OTHER		607.75			
INV10830317							
76055	MARCO	01/30/2023	02/22/2023	4,472.87	4,472.87	Open	N 02/22/2023
	CISCO SMARTNET THRU 1/30/24	pziemer					
	101-0000-15510	PREPAID OTHER		372.74			
	101-1800-43309	COMPUTER SUPPORT		4,100.13			

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INV10889902 76182	MARCO CISCO SMARTNET - AIRPORT SWITCH 260-9020-43309	02/14/2023 pziemer	02/22/2023	810.81	810.81	Open	N 02/22/2023
	COMPUTER SUPPORT			810.81			
	Total for vendor 1753 - MARCO:			12,576.68	12,576.68		

Vendor 0243 - MARCO FINANCING:

493838353 76110	MARCO FINANCING COPIER LEASE CITY HALL 2ND FLOOR 3/1/pziemer 101-1800-43331	02/05/2023 pziemer	02/22/2023	1,224.81	1,224.81	Open	N 02/22/2023
	LEASE PAYMENTS			1,224.81			
493838007 76112	MARCO FINANCING COPIER FREIGHT SUPPLY 225-2120-43331	02/01/2023 pziemer	02/22/2023	0.36	0.36	Open	N 02/22/2023
	LEASED PAYMENTS			0.36			
	Total for vendor 0243 - MARCO FINANCING:			1,225.17	1,225.17		

Vendor 0889 - MENARDS - BAXTER:

90708 76056	MENARDS - BAXTER DUSTPAN - PARKS WARMING HOUSES 230-5220-42210	01/26/2023 pziemer	02/22/2023	29.97	29.97	Open	N 02/22/2023
	OPERATING SUPPLIES			29.97			
90980 76075	MENARDS - BAXTER BOGGAN 48" MAYOR CONTINGENCY FUND 245-1310-43430	01/31/2023 pziemer	02/22/2023	71.88	71.88	Open	N 02/22/2023
	MISCELLANEOUS			71.88			
91532 76190	MENARDS - BAXTER GGP RESTROOM REPAIRS 230-5200-42220	02/09/2023 pziemer	02/22/2023	68.35	68.35	Open	N 02/22/2023
	REPAIR & MAINT			68.35			
	Total for vendor 0889 - MENARDS - BAXTER:			170.20	170.20		

Vendor 4065 - MN CCC LOCKBOX:

2302041 76104	MN CCC LOCKBOX ACCELEBRATE TRAINING 101-1800-43330	02/10/2023 pziemer	02/22/2023	100.00	100.00	Open	N 02/22/2023
	PROFESSIONAL DEVELOPMENT			100.00			
	Total for vendor 4065 - MN CCC LOCKBOX:			100.00	100.00		

Vendor 0586 - MN STATE TREASURER:

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ICR 22011324 76064	MN STATE TREASURER ICR 22011324 223-0000-22800	02/06/2023 pziemer	02/22/2023	93.80	93.80	Open	N 02/22/2023
	OTHER LIABILITIES			93.80			
ICR 22003477 76066	MN STATE TREASURER ICR 22003477 223-0000-22800	02/06/2023 pziemer	02/22/2023	630.70	630.70	Open	N 02/22/2023
	OTHER LIABILITIES			630.70			
ICR 22007443 76067	MN STATE TREASURER ICR 22007443 223-0000-22800	02/06/2023 pziemer	02/22/2023	40.50	40.50	Open	N 02/22/2023
	OTHER LIABILITIES			40.50			
ICR 21001730 76069	MN STATE TREASURER ICR 21001730 223-0000-22800	02/06/2023 pziemer	02/22/2023	62.00	62.00	Open	N 02/22/2023
	OTHER LIABILITIES			62.00			
ICR 20005848 76071	MN STATE TREASURER ICR 20005848 223-0000-22800	02/06/2023 pziemer	02/22/2023	156.40	156.40	Open	N 02/22/2023
	OTHER LIABILITIES			156.40			
Total for vendor 0586 - MN STATE TREASURER:				983.40	983.40		

Vendor 3168 - MOTORS-N-MORE:

29658 76043	MOTORS-N-MORE SQD 430- TRANSMISSION REPLACEMENT 225-2120-42221	02/02/2023 pziemer	02/22/2023	2,326.60	2,326.60	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			2,326.60			
29694 76091	MOTORS-N-MORE SQD 435 SKID PLATE REPAIR 225-2120-42221	02/08/2023 pziemer	02/22/2023	212.00	212.00	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			212.00			
29698 76097	MOTORS-N-MORE SQD 428 - OIL CHANGE 225-2120-42221	02/10/2023 pziemer	02/22/2023	23.00	23.00	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			23.00			
29701 76113	MOTORS-N-MORE SQD 434 - BRAKE PADS 225-2120-42221	02/10/2023 pziemer	02/22/2023	177.54	177.54	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			177.54			
29702 76124	MOTORS-N-MORE SQD 431 - OIL CHANGE	02/13/2023 pziemer	02/22/2023	23.00	23.00	Open	N 02/22/2023

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	GL Distribution 225-2120-42221			23.00			
29703 76156	MOTORS-N-MORE SQD 403 - STARTER ASSEMBLY 225-2120-42221	02/13/2023 pziemer	02/22/2023	574.78	574.78	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			574.78			
29704 76181	MOTORS-N-MORE SQD 405 OIL CHANGE 225-2120-42221	02/15/2023 pziemer	02/22/2023	23.00	23.00	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			23.00			
Total for vendor 3168 - MOTORS-N-MORE:				3,359.92	3,359.92		

Vendor 0273 - NAPA AUTO PARTS:

580045 76033	NAPA AUTO PARTS TRUCK 108 HYDRAULIC HOSE FITTING 235-3125-42220	02/07/2023 pziemer	02/22/2023	155.98	155.98	Open	N 02/22/2023
	REPAIR & MAINT			155.98			
572763 76059	NAPA AUTO PARTS EZ TACH 235-3100-42220	01/09/2023 pziemer	02/22/2023	76.31	76.31	Open	N 02/22/2023
	REPAIR & MAINT			76.31			
580938 76106	NAPA AUTO PARTS IMPACT SCREW DRIVER BITS 235-3100-42220	02/10/2023 pziemer	02/22/2023	12.00	12.00	Open	N 02/22/2023
	REPAIR & MAINT			12.00			
581502 76139	NAPA AUTO PARTS HYDRAULIC HOSE FITTINGS 235-3100-42220	02/13/2023 pziemer	02/22/2023	262.73	262.73	Open	N 02/22/2023
	REPAIR & MAINT			262.73			
Total for vendor 0273 - NAPA AUTO PARTS:				507.02	507.02		

Vendor 1153 - NORTHLAND ARBORETUM:

FEB 2023 76030	NORTHLAND ARBORETUM REMIT FEB 23 LEVY PAYMENT 101-9200-43462	02/07/2023 pziemer	02/22/2023	7,819.75	7,819.75	Open	N 02/22/2023
	REMIT ARBORETUM LEVY			7,819.75			
Total for vendor 1153 - NORTHLAND ARBORETUM:				7,819.75	7,819.75		

Vendor 0284 - OFFICE SHOP:

1123397-1 76026	OFFICE SHOP BAGS/MARKERS - TRANSIT 203-9000-42200	02/06/2023 pziemer	02/22/2023	20.00	20.00	Open	N 02/22/2023
	OFFICE SUPPLIES			20.00			

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325322-0 76058	OFFICE SHOP LIBRARY CONTRACT COPIER 211-5505-43430	01/30/2023 pziemer	02/22/2023	120.48	120.48	Open	N 02/22/2023
	MISC - COPY MACHINE PYMTS			120.48			
1123397-0 76078	OFFICE SHOP TAPE, FOLDERS, BATTERY, PAPER - CH 101-1940-42200	02/03/2023 pziemer	02/22/2023	70.10	70.10	Open	N 02/22/2023
	OFFICE SUPPLIES			70.10			
	Total for vendor 0284 - OFFICE SHOP:			210.58	210.58		

Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:

1647-176603 76157	O'REILLY AUTOMOTIVE STORES INC. SQD 431 - WIPER BLADES 225-2120-42221	02/13/2023 pziemer	02/22/2023	72.97	72.97	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			72.97			
1647-176684 76158	O'REILLY AUTOMOTIVE STORES INC. SQD 442 - WIPER BLADES 225-2120-42221	02/14/2023 pziemer	02/22/2023	39.08	39.08	Open	N 02/22/2023
	SQUAD CAR REPAIR SUPPLIES			39.08			
	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:			112.05	112.05		

Vendor 2620 - PERSONNEL EVALUATION INC:

46704 76125	PERSONNEL EVALUATION INC PROFILE - POTENTIAL HIRE 225-2120-43300	01/31/2023 pziemer	02/22/2023	25.00	25.00	Open	N 02/22/2023
	PROFESSIONAL SERVICES			25.00			
	Total for vendor 2620 - PERSONNEL EVALUATION INC:			25.00	25.00		

Vendor 2487 - RAILROAD MANAGEMENT COMPANY:

474243 76094	RAILROAD MANAGEMENT COMPANY LICENSE #302637 5/16/23-5/15/24 238-3160-43430	01/27/2023 pziemer	02/22/2023	344.67	344.67	Open	N 02/22/2023
	MISCELLANEOUS			344.67			
	Total for vendor 2487 - RAILROAD MANAGEMENT COMPANY:			344.67	344.67		

Vendor 3413 - RATWIK, ROSZAK AND MALONEY:

DEC 2022 76147	RATWIK, ROSZAK AND MALONEY DEC 2022 RETAINER/SPECIAL SERVICES 101-1610-43301	01/01/2023 pziemer	02/22/2023	6,888.42	6,888.42	Open	N 12/31/2022
	CITY ATTORNEY			4,783.17			
	DUE FROM COMPONENT UNIT			147.25			
	CITY ATTORNEY			1,464.00			

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	GL Distribution						
	401-1609-43300	PROFESSIONAL SERVICES		432.00			
	101-0000-14100	DUE FROM COMPONENT UNIT		62.00			
	Total for vendor 3413 - RATWIK, ROSZAK AND MALONEY:			6,888.42	6,888.42		

Vendor 1238 - ROCKMOUNT RESEARCH & ALLOYS:

1276418 76154	ROCKMOUNT RESEARCH & ALLOYS	02/10/2023	02/22/2023	1,375.24	1,375.24	Open	N 02/22/2023
	POLARIS MIG	pziemer					
	235-3100-42220	MIG WELDING WIRE		1,375.24			
	Total for vendor 1238 - ROCKMOUNT RESEARCH & ALLOYS:			1,375.24	1,375.24		

Vendor 4185 - SRF CONSULTING GROUP:

16359.00-1 76088	SRF CONSULTING GROUP	01/31/2023	02/22/2023	2,411.22	2,411.22	Open	N 02/22/2023
	TH210 - LUM PARK PEDESTRIAN BRIDGE	pziemer					
	229-9030-43300-23:06	PROFESSIONAL SERVICES		2,411.22			
	Total for vendor 4185 - SRF CONSULTING GROUP:			2,411.22	2,411.22		

Vendor 2589 - STAPLES ADVANTAGE:

3529947214 76126	STAPLES ADVANTAGE	02/04/2023	02/22/2023	31.38	31.38	Open	N 02/22/2023
	DOOR STOPS	pziemer					
	225-2120-42220	REPAIR & MAINT		31.38			
3529947215 76127	STAPLES ADVANTAGE	02/04/2023	02/22/2023	89.95	89.95	Open	N 02/22/2023
	ERGONOMIC MOUSE (708)	pziemer					
	225-2120-42200	OFFICE SUPPLIES		89.95			
	Total for vendor 2589 - STAPLES ADVANTAGE:			121.33	121.33		

Vendor 0322 - STREICHERS PROF EQUIP:

I1615485 76098	STREICHERS PROF EQUIP	02/06/2023	02/22/2023	2,109.60	2,109.60	Open	N 02/22/2023
	TRAINING AMMO	pziemer					
	225-2120-43330	PROFESSIONAL DEVELOPMENT		2,109.60			
I1615567 76099	STREICHERS PROF EQUIP	02/06/2023	02/22/2023	97.97	97.97	Open	N 02/22/2023
	715 - UNIFORM GLOVES AND POUCH	pziemer					
	225-2120-41113	UNIFORM ALLOWANCE		97.97			
	Total for vendor 0322 - STREICHERS PROF EQUIP:			2,207.57	2,207.57		

Vendor 4182 - TAPCO:

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I746061 76060	TAPCO RRFB SIGNAGE BY HOSPITAL (RECTANGULAR) 401-9030-45530-21:12	01/26/2023 pziemer	02/22/2023	8,143.80 8,143.80	8,143.80	Open	N 02/22/2023
	CAPITAL-PYMTS TO CONTRACTS			8,143.80			
	Total for vendor 4182 - TAPCO:			8,143.80	8,143.80		
Vendor 3686 - UHL COMPANY INC:							
71062 76165	UHL COMPANY INC 2/11/23-2/10/24 ANNUAL ALARM MONITOR 101-1940-42220	02/15/2023 pziemer	02/22/2023	360.00 360.00	360.00	Open	N 02/22/2023
	REPAIR & MAINT			360.00			
	Total for vendor 3686 - UHL COMPANY INC:			360.00	360.00		
Vendor 1612 - US BANK:							
6800147 76057	US BANK 2015A MN GO BONDS 237-3190-43300 238-3160-43300	01/25/2023 pziemer	02/22/2023	500.00 200.00 300.00	500.00	Open	N 02/22/2023
	PROFESSIONAL SERVICES			200.00			
	PROFESSIONAL SERVICES			300.00			
	Total for vendor 1612 - US BANK:			500.00	500.00		
Vendor 0344 - WASTE PARTNERS INC:							
31X96243 76050	WASTE PARTNERS INC JAN 23 LIBRARY WASTE REMOVAL 211-5500-43380	01/31/2023 pziemer	02/22/2023	91.80 91.80	91.80	Open	N 02/22/2023
	UTILITIES			91.80			
	Total for vendor 0344 - WASTE PARTNERS INC:			91.80	91.80		
Vendor 4183 - WAUSAU EQUIPMENT COMPANY LLC:							
8386662 76076	WAUSAU EQUIPMENT COMPANY LLC 168 - PUMP COIL KIT 235-3125-42220	02/08/2023 pziemer	02/22/2023	3,196.75 3,196.75	3,196.75	Open	N 02/22/2023
	BLOWER HYDRAULIC COILS			3,196.75			
	Total for vendor 4183 - WAUSAU EQUIPMENT COMPANY LLC:			3,196.75	3,196.75		
Vendor 3199 - WEX BANK:							
86729026/COM DEV 76166	WEX BANK JAN 2023 COM DEV FUEL 101-2400-42212	01/31/2023 pziemer	02/22/2023	138.66 138.66	138.66	Open	N 02/22/2023
	MOTOR FUELS			138.66			

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86729026/FD 76167	WEX BANK JAN 2023 FIRE DEPT FUEL 225-2220-42212	01/31/2023 pziemer	02/22/2023	1,307.29 1,307.29	1,307.29	Open	N 02/22/2023
	MOTOR FUELS			1,307.29			
86729026/PARKS 76168	WEX BANK JAN 2023 PARKS DEPT FUEL 230-5200-42212	01/31/2023 pziemer	02/22/2023	1,524.63 1,524.63	1,524.63	Open	N 02/22/2023
	MOTOR FUELS			1,524.63			
86729026/PD 76169*	WEX BANK JAN 2023 POLICE DEPT FUEL 225-2120-42212 225-2120-42212	01/31/2023 pziemer	02/22/2023	4,907.43 4,983.81 (76.38)	4,907.43	Open	N 02/22/2023
	MOTOR FUELS			4,983.81			
	MOTOR FUELS			(76.38)			
86729026/STRTS 76170	WEX BANK JAN 2023 STREET DEPT FUEL 235-3125-42212	01/31/2023 pziemer	02/22/2023	15,757.49 15,757.49	15,757.49	Open	N 02/22/2023
	MOTOR FUELS			15,757.49			
86729026/ADMIN 76171	WEX BANK JAN 2023 WEX EDGE REBATE 101-0000-36299	01/31/2023 pziemer	02/22/2023	(30.69) (30.69)	(30.69)	Open	N 02/22/2023
	MISCELLANEOUS REVENUE			(30.69)			
	Total for vendor 3199 - WEX BANK:			23,604.81	23,604.81		
Vendor 3899 - WEX HEALTH INC:							
0001683164-IN 76044	WEX HEALTH INC JAN 2023 COBRA 101-9200-43300	01/31/2023 pziemer	02/22/2023	43.30 43.30	43.30	Open	N 02/22/2023
	PROFESSIONAL SERVICES			43.30			
	Total for vendor 3899 - WEX HEALTH INC:			43.30	43.30		
Vendor 1159 - WINNERS TROPHY:							
12523 76109	WINNERS TROPHY 2023 - ADDITIONAL DOG TAGS 101-1400-42210	02/09/2023 pziemer	02/22/2023	165.00 165.00	165.00	Open	N 02/22/2023
	OPERATING SUPPLIES			165.00			
	Total for vendor 1159 - WINNERS TROPHY:			165.00	165.00		
Vendor 1712 - WSB & ASSOCIATES:							
R-020548-000-7 76081	WSB & ASSOCIATES HARRISON SRTS DEC 2022 401-9030-41101-22:06	01/31/2023 pziemer	02/22/2023	12,657.25 12,657.25	12,657.25	Open	N 02/22/2023
	CONSTRUCTION MISC			12,657.25			

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Total for vendor 1712 - WSB & ASSOCIATES:

12,657.25

12,657.25

Vendor 0354 - ZIEGLER, INC:

CM000115699

76053

ZIEGLER, INC

12/13/2022

02/22/2023

(138.69)

(138.69)

Open

N

CREDIT - LOADER 114 HEADLIGHT ASSEMBly

12/31/2022

235-3125-42220

REPAIR & MAINT

(138.69)

SI000289230

76054

ZIEGLER, INC

02/06/2023

02/22/2023

5,604.35

5,604.35

Open

N

GRADER 113 FAULTY SOLENOID REPLACEMENT

02/22/2023

235-3125-42220

REPAIR & MAINT

5,604.35

SI000291852

76107

ZIEGLER, INC

02/13/2023

02/22/2023

2,247.51

2,247.51

Open

N

GRADER 112 WATER PUMP

02/22/2023

235-3125-42220

REPAIR & MAINT

2,247.51

SI000292507

76136

ZIEGLER, INC

02/14/2023

02/22/2023

1,558.13

1,558.13

Open

N

LOADER 114 HYDRAULIC BLOCK REPAIR

02/22/2023

235-3125-42220

REPAIR & MAINT

1,558.13

Total for vendor 0354 - ZIEGLER, INC:

9,271.30

9,271.30

of Invoices: 148 # Due: 148

Totals:

646,627.03

646,627.03

of Credit Memos: 4 # Due: 4

Totals:

(4,213.41)

(4,213.41)

Net of Invoices and Credit Memos:

642,413.62

642,413.62

* 1 Net Invoices have Credits Totalling:

(76.38)

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	394.05
101-0000-15510	PREPAID OTHER	980.49
101-0000-36299	MISCELLANEOUS REVENUE	(30.69)
101-1110-41150	WORKERS COMP	11.00
101-1400-41131	HEALTH INSURANCE	26.40
101-1400-42210	OPERATING SUPPLIES	165.00
101-1400-43300	PROFESSIONAL SERVICES	154.58
101-1400-43330	PROFESSIONAL DEVELOPMENT	157.20
101-1610-43301	CITY ATTORNEY	6,247.17
101-1700-43331	LEASE PAYMENTS	1,068.82
101-1800-41131	HEALTH INSURANCE	13.20
101-1800-43309	COMPUTER SUPPORT	10,785.38
101-1800-43330	PROFESSIONAL DEVELOPMENT	100.00
101-1800-43331	LEASE PAYMENTS	1,224.81
101-1940-42200	OFFICE SUPPLIES	70.10
101-1940-42220	REPAIR & MAINT	685.00
101-1940-43381	BPU UTILITIES	1,971.25
101-2400-42212	MOTOR FUELS	138.66
101-2400-43330	PROFESSIONAL DEVELOPMENT	339.16

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	GL Distribution						
	101-2400-43331	LEASE EXPENSE		357.61			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		361.63			
	101-2400-43405	NUISANCES		1,735.00			
	101-9200-43300	PROFESSIONAL SERVICES		11,002.05			
	101-9200-43381	BPU UTILITIES		125.24			
	101-9200-43460	REMIT COMMUNITY ACTION LEVY		7,819.75			
	101-9200-43461	REMIT SENIOR CITIZEN LEVY		7,819.75			
	101-9200-43462	REMIT ARBORETUM LEVY		7,819.75			
	203-9000-41131	HEALTH INSURANCE		13.20			
	203-9000-42200	OFFICE SUPPLIES		20.00			
	203-9000-42212	MOTOR FUELS		8,912.34			
	203-9000-43401	VEHICLE REPAIRS		11,659.71			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY		91,248.32			
	211-5500-42220	REPAIR & MAINT		121.95			
	211-5500-43300	PROFESSIONAL SERVICES		675.00			
	211-5500-43380	UTILITIES		91.80			
	211-5500-43381	BPU UTILITIES		1,400.64			
	211-5505-43430	MISC - COPY MACHINE PYMTS		120.48			
	223-0000-22800	OTHER LIABILITIES		2,950.20			
	225-0000-15510	PREPAID OTHER		601.65			
	225-2120-41113	UNIFORM ALLOWANCE		847.86			
	225-2120-41131	HEALTH INSURANCE		145.20			
	225-2120-42200	OFFICE SUPPLIES		89.95			
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		33.82			
	225-2120-42210	OPERATING SUPPLIES		21.98			
	225-2120-42212	MOTOR FUELS		4,907.43			
	225-2120-42220	REPAIR & MAINT		793.83			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		3,526.97			
	225-2120-43300	PROFESSIONAL SERVICES		25.00			
	225-2120-43330	PROFESSIONAL DEVELOPMENT		2,109.60			
	225-2120-43331	LEASED PAYMENTS		9,059.06			
	225-2120-43350	PRINTING/LEGAL PUBLICATION		550.00			
	225-2120-43381	BPU UTILITIES		4,727.46			
	225-2220-41131	HEALTH INSURANCE		13.20			
	225-2220-42210	OPERATING SUPPLIES		550.72			
	225-2220-42212	MOTOR FUELS		1,307.29			
	225-2220-42250	PERSONAL PROTECTIVE GEAR		1,207.20			
	225-2220-43309	COMPUTER TECHNICAL SUPPORT		3,008.22			
	225-2220-43330	PROFESSIONAL DEVELOPMENT		1,500.00			
	225-2220-43331	LEASED PAYMENTS		1,483.18			
	225-2220-43350	PRINTING/LEGAL PUBLICATION		168.90			
	225-2220-43381	BPU UTILITIES		2,798.35			
	225-2220-43433	DUES & SUBSCRIPTIONS		300.00			
	225-2225-41150	WORKERS COMP		14,567.25			
	225-2700-43430	MISCELLANEOUS		400.00			
	229-9030-43300-23:06	PROFESSIONAL SERVICES		2,411.22			
	230-5200-42212	MOTOR FUELS		1,524.63			
	230-5200-42220	REPAIR & MAINT		1,303.21			
	230-5200-43331	LEASE PAYMENTS		2,377.52			
	230-5200-43381	BPU UTILITIES		4,486.01			
	230-5220-42210	OPERATING SUPPLIES		29.97			
	235-3100-42220	REPAIR & MAINT		2,983.08			
	235-3100-42240	SMALL TOOLS		19.99			
	235-3100-43331	LEASE PAYMENTS		2,600.59			
	235-3100-43381	BPU UTILITIES		24,848.91			
	235-3100-43430	MISCELLANEOUS		217.73			
	235-3125-42212	MOTOR FUELS		15,757.49			

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	235-3125-42220	REPAIR & MAINT		10,578.59			
	235-3170-42220	WHITE TRAFFIC PAINT		2,695.20			
	236-3180-43381	BPU UTILITIES		36.00			
	237-3190-42220	REPAIR & MAINT		1,341.84			
	237-3190-43300	PROFESSIONAL SERVICES		200.00			
	237-3190-43331	LEASE PAYMENTS		626.01			
	238-3160-43300	PROFESSIONAL SERVICES		300.00			
	238-3160-43430	MISCELLANEOUS		344.67			
	245-1310-43430	MISCELLANEOUS		71.88			
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		121,128.80			
	260-9020-41131	HEALTH INSURANCE		26.40			
	260-9020-43309	COMPUTER SUPPORT		810.81			
	278-6515-43430	MISCELLANEOUS		578.75			
	280-0000-41150	WORKERS COMP		70,684.00			
	280-9700-43470	UNINSURED LOSSES		1,000.00			
	400-1481-45530	PYMTS TO CONTRACTORS		69,954.52			
	400-9050-45530	CAPITAL - OTHER		47,739.35			
	401-1003-43380	UTILITIES		442.28			
	401-1609-43300	PROFESSIONAL SERVICES		432.00			
	401-9030-41101-22:06	CONSTRUCTION MISC		12,657.25			
	401-9030-41131	HEALTH INSURANCE		13.20			
	401-9030-45530-21:12	CAPITAL-PYMTS TO CONTRACTS		8,143.80			
	404-9055-45500	BUILDING CAPITAL		500.67			

02/16/2023 12:16 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 02/21/2023 - 02/21/2023

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			61,542.36	61,542.36		
	203 - TRANSIT FUND			111,853.57	111,853.57		
	211 - LIBRARY FUND			2,409.87	2,409.87		
	223 - DRUG FORFEITURE			2,950.20	2,950.20		
	225 - PUBLIC SAFETY FUND			54,744.12	54,744.12		
	229 - PANDEMIC GRANTS			2,411.22	2,411.22		
	230 - PARK & RECREATION FUND			9,721.34	9,721.34		
	235 - STREET & SEWER FUND			59,701.58	59,701.58		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			2,167.85	2,167.85		
	238 - STORM SEWER FUND			644.67	644.67		
	245 - CONTINGENCY FUND			71.88	71.88		
	251 - LOCAL OPTION SALES TAX			121,128.80	121,128.80		
	260 - AIRPORT FUND			837.21	837.21		
	278 - HEALTHY EMPLOYEE INITIATIVE			578.75	578.75		
	280 - PACKAGE INSURANCE FUND			71,684.00	71,684.00		
	400 - CAPITAL PROJECTS FUND			117,693.87	117,693.87		
	401 - CONSTRUCTION FUND			21,688.53	21,688.53		
	404 - FIRE DEPARTMENT CAPITAL			500.67	500.67		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			75,579.70	75,579.70		
	1003 - 10:03 DWNTWN MAIN CNTRACT			442.28	442.28		
	1110 - MAYOR & COUNCIL			11.00	11.00		
	1310 - CONTINGENCY FUND			71.88	71.88		
	1400 - ADMINISTRATION			503.18	503.18		
	1481 - HISTORIC WATER TOWER REPA			69,954.52	69,954.52		
	1609 - 16:09 BUFFALO HILLS RECON			432.00	432.00		
	1610 - LEGAL-CIVIL ATTORNEY			6,247.17	6,247.17		
	1700 - ENGINEERING			1,068.82	1,068.82		
	1800 - IT/GIS			12,123.39	12,123.39		
	1940 - CITY HALL			2,726.35	2,726.35		
	2120 - POLICE DEPARTMENT			26,838.16	26,838.16		
	2220 - FIRE DEPARTMENT			12,337.06	12,337.06		
	2225 - PAID ON-CALL FIRE DEPT			14,567.25	14,567.25		
	2400 - COMMUNITY DEVL/INSPECTION			2,932.06	2,932.06		
	2700 - ANIMAL CONTROL			400.00	400.00		
	3100 - S & S MAINTENANCE			30,670.30	30,670.30		
	3125 - SNOW REMOVAL			26,336.08	26,336.08		
	3160 - STORM SEWER EXPENSE			644.67	644.67		
	3170 - TRAFFIC CONTROL			2,695.20	2,695.20		
	3180 - PARKING LOTS EXPENSE			36.00	36.00		

02/16/2023 12:16 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 02/21/2023 - 02/21/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 25/25

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY DEPT/ACTIVITY ---							
3190	- SANITARY SEWER EXPENSE			2,167.85	2,167.85		
5200	- PARK MAIN/ADMINISTRATION			9,691.37	9,691.37		
5220	- OUTDOOR RINKS			29.97	29.97		
5500	- LIBRARY-BUDGETED			2,289.39	2,289.39		
5505	- TAXABLE FEES			120.48	120.48		
6515	- HEALTHY EMPLOYE INITIATIVE			578.75	578.75		
9000	- TRANSIT FUND			111,853.57	111,853.57		
9020	- AIRPORT M & O			837.21	837.21		
9030	- CONSTRUCTION PROJ-MISC			23,225.47	23,225.47		
9050	- CAPITAL PROJECTS-MISC			47,739.35	47,739.35		
9055	- FIRE DEPARTMENT CAPITAL			500.67	500.67		
9200	- CITY-WIDE			34,586.54	34,586.54		
9360	- LOCAL OPTION SALES TAX			121,128.80	121,128.80		
9700	- PACKAGE INSURANCE			1,000.00	1,000.00		

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Terry, Stenglein, Johnson, Czczok, O'Day, Stunek, and Bevans. Mayor Badeaux was noted as present.

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

Council President Bevans stated that he was asked by My Neighbor To Love Coalition to ask the Council to approve a letter of support for funding for their organization. The item is not on the agenda, but he asked if any Council Member would like to amend the agenda to include the item. No Member came forward with a recommendation to amend the agenda.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills
- B. Approval of Minutes
 - a. Regular City Council Meeting held on January 17th, 2023
- C. Approval of Licenses
- D. Department Activity Report
- E. Adopt Resolution- Minnesota Lawful Gambling Premises Permit Application To Allow Lawful Gambling By Confidence Learning Center At Notch 8, 1551 Northern Pacific Rd, Brainerd
- F. Minnesota Lawful Gambling Application Change Of Location Brainerd Amateur Hockey Inc, Essentia Health Sports Center, 502 Jackson St, Brainerd
- G. Minnesota Lawful Gambling Application To Conduct Excluded Bingo- Submitted By St. Andrew's Church, 1108 Willow St, Brainerd For An Event To Be Held On March 18th And November 18th, 2023, At 1108 Willow St, Brainerd
- H. Minnesota Lawful Gambling Application To Conduct Excluded Bingo- Submitted By Knights Of Columbus Council 1941, 404 N 9th St, Brainerd. Bingo Events To Be Held At St. Francis Catholic Church, 404 N 9th St, Brainerd, On March 2, 9, 16, 30
- I. Accept The Retirement Of Hydro Operator David Wise Effective March 31, 2023 - Recommended By The Public Utilities Commission.
- J. Authorize Staff to Begin Hiring Process for Lineworker Vacancy- Recommended by the Public Utilities Commission
- K. Authorize Sale of Retired Fire Department Apparatus, Engine #4

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

Council Committee Reports

Personnel and Finance Committee

Approve Memorandum of Understanding (MOU) between the City of Brainerd, IBEW Local No. 31 (Public Utilities) Union, and the United Steel Workers, Local No. 9230 Unit 09 (Hydro) Union allowing IBEW Employees to Work at the Hydro Facility as Needed

Committee Chair Johnson stated that with retirements and the hydro dam being updated to be automated the IBEW workers may need to work in the facility from time to time.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOU BETWEEN THE CITY OF BRAINERD, THE USW LOCAL NO. 9230 UNIT 09 UNION, AND THE IBEW LOCAL NO. 31 UNION REPRESENTING PUBLIC UTILITY EMPLOYEES THAT ALLOWS IBEW EMPLOYEES TO ASSIST AT THE HYDRO DAM FACILITY AS NEEDED; FURTHER, TO AUTHORIZE THE SIGNATURE OF CITY ADMINISTRATOR ON SAID MOU.

Approve Memorandum of Agreement (MOA) regarding Police Records Management Technician Allyson Timmons Step Placement Adjustment

Member Czczok thanked staff for responding to his questions on the background of this item.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND THE IBEW LOCAL NO. 31 UNION REPRESENTING THE ADMINISTRATIVE SUPPORT EMPLOYEES ADJUSTING THE WAGE GRID STEP PLACEMENT FOR POLICE RECORDS MANAGEMENT TECHNICAN ALLYSON TIMMONS EFFECTIVE JANUARY 1ST, 2023; FURTHER, TO AUTHORIZE SIGNATURES OF PROPER CITY OFFICIALS.

Ratify the Hiring of James Reed for the Senior Engineering Tech/ Project Manager Position

Committee Chair Johnson stated that the position had been posted twice as an Engineering Tech position with no success. It was reposted as a Senior Engineering Tech/ Project Manager Position. There were two candidates, and they chose Mr. Reed to be hired at step 4.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF JAMES REED EFFECTIVE FEBRUARY 15, 2023; FURTHER, THAT HE BE PLACED ON STEP 4 OF THE SENIOR ENGINEERING TECH/PROJECT COORDINATOR WAGE GRID AT \$31.14 PER HOUR.

Authorize Hiring of Richard Berry as Spring 2023 Police Intern

Committee Chair Johnson stated that the police intern rate of pay is \$16 per hour and up to \$14 per hour will be reimbursed through Sourcewell.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO RATIFY THE HIRING OF RICHARD BERRY AS OUR 2023 SPRING POLICE INTERN EFFECTIVE FEBRUARY 2, 2023, AT \$16 PER HOUR.

Approve Final Payment- PD Cold Storage Facility

Committee Chair Johnson stated that this is the facility he was told never needed to be constructed, so he didn't know if it was \$10,000 under budget or \$195,000 over budget. However, it is built and is in use.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE FINAL PAYMENT TO LIND MASONRY & CONSTRUCTION IN THE AMOUNT OF \$5,100.

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

Approve Annual Review of Investment Policy

Committee Chair Johnson stated that Staff recommends no changes to the previous policy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE POLICY AS PRESENTED.

Safety and Public Works Committee

Adopt Resolution and Approve Letter of Support for RAISE Grant Application for TH 210

Committee Chair O'Day stated that this letter is in regard to Federal funds that MnDOT wants to pursue for the TH210 project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO APPROVE THE LETTER OF SUPPORT AND ADOPTION OF THE RESOLUTION SUPPORTING MNDOT'S RAISE GRANT APPLICATION.

RESOLUTION 09:23

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

Discussion on 2023-2024 Downtown Snow Removal District

Committee Chair O'Day stated that City Engineer/ Public Works Director Dehn presented an alternative to using a contractor in the downtown district for snow removal and beautification. The alternative included hiring a parks employee, potentially adding a special services district for 210 businesses in the district, and purchasing equipment. The employee would be a full-time employee that would do work downtown, during the summer as well as with the Parks Department. The employee would be utilized during all snowfalls. This item was discussion only.

Chair Bevans asked for clarification on street snow removal and questioned the 75% reduction in cost with this model.

City Engineer/ Public Works Director Dehn stated that the downtown would be treated as the rest of the streets with wind rows and would be worked into the regular snow removal routes. The model is an estimate of staff time that would be needed, it does not account for staff benefits, parking lots, the streets, or purchasing equipment.

Member O'Day stated that the estimated contribution of downtown for snow removal would be \$11,000, which would be separate from the assessment that they would have for the other special services for downtown.

Mayor Badeaux asked to clarify where this employee would be classified to, parks or public works.

Discussion on Street Lighting Policy

Committee Chair O'Day stated that the discussion was centered around whether or not to include banners and or electricity on the commercial corridors. There is time before the commercial corridor decision needs to be made. In the meantime, the committee would like to see options for planning which poles would have banners and electricity to guide how much the Council is willing to spend on the poles. Residential poles need to be purchased so that they can be included in the reconstruction this summer.

Member Bevans stated that in his opinion the only poles that would need electrical are already in place in downtown. If MnDOT would allow electricity to certain poles on TH210 he would consider purchasing the banners and electricity for some poles in this corridor.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE MOVING FORWARD WITH ORDERING RESIDENTIAL POLES AND FIXTURES.

Review Draft Ordinance Amendment for Section 320- Administrative Citations

Committee Chair O'Day stated that staff brought forward a draft ordinance to expedite how Staff can handle grass, garbage, dog feces, and snow. This draft ordinance is similar to how code enforcement of administrative citations was done previously. It will reduce the time from 30 days to 10 days for these common violations.

Member Johnson stated that he would be voting no because there is no upper limit that may be assessed to homeowners in a 12-month period for a single violation.

Committee Chair O'Day stated that the previous limit was \$2,000. In a calendar year there is a limited amount of time that staff would be citing these violations. He does not think it's necessary to place a ceiling on something that may cost the City more than \$2,000 to abate.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO APPROVE THE DRAFT ORDINANCE AS PRESENTED AND FOR STAFF TO BRING THIS DRAFT ORDINANCE AS A FIRST READING TO THE NEXT CITY COUNCIL MEETING.

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

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that 1306 Oak street hasn't maintained their sidewalks all winter or removed branches across the sidewalks. The owners also have not responded to staff.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE STAFF TO IMMEDIATELY ABATE THE PROPERTY.

Unfinished Business

Committee Resignation

Mr. Yeager postponed his resignation from the Charter Commission and Parking Commission. Rylie Weber submitted a resignation from the Parking Commission.

Mayor Badeaux thanked Rylie for her time on the Parking Commission.

MOVED AND SECONDED BY MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO ACCEPT WITH REGRET RYLIE WEBER'S RESIGNATION FROM THE PARKING COMMISSION.

Call for Applicants – Informational:

Mayor Badeaux stated that the process at which commissioners are appointed to committees is approved by the City Council and citizens can be a part of as many commissions as they choose and are appointed to.

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

Charter Commission – 4 terms (Expire 2026) 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)

HRA Board—1 term (Expire 2027)

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

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

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

Parking Commission—1 term (Expire 2026)

Planning Commission-- 1 terms (Expire 2025)

New Business

First Reading – Proposed Ordinance 1542 – Amending Section 1200 of City Code Concerning Sale and Consumption of Liquor in Public Parks

City Engineer/ Public Works Director Dehn stated that the Park Board discussed the draft ordinance at their January meeting. City Attorney Langel has clarified a few items since the Park Board meeting. He recommends that “intoxicating liquor” be changed to “alcoholic beverage” as “intoxicating liquor” is not defined in State statute. He also clarified that the “contained area” that is in the ordinance is not in a statute, it is the responsibility of the licensee to control how, where, and by whom alcohol is consumed.

Member Johnson stated that this sets forth that a club or organization could obtain a license to sell alcohol in the parks, but wanted clarification on whether softball players will be cited if they bring a case of beer to the softball fields since this is not an added use for the parks. The code should include language that disseminates between adult activities and youth activities, including the campground, and other uses of the parks.

Chair Bevans stated that having discussion prior to the first reading is a benefit to the ordinance process.

Member Terry stated that she will not support the opportunity to have alcohol at all parks. She will support discussion around the details of how to issue event licenses.

Member Czczok asked how many members of the Park Board were present and what the vote was at the meeting.

Mayor Badeaux stated that all members were present, and it passed unanimously.

Chair Bevans asked for clarification on the rules of readings of ordinances and what can and can't be changed between readings.

Attorney Langel stated there are no rules, per se. His opinion is that for non-zoning ordinances that you can modify things between readings. Ideally if you have suggested changes before the first reading that those changes be made and hold the reading based on those changes. He distinguishes zoning because by statute Planning Commissions hold the public hearing. This is an opportunity for the public to comment on the ordinance moving forward. Ordinances such as alcohol in parks are not required to have a public hearing.

Member O'Day stated that we should not discriminate upon which parks can and cannot have alcohol. There are all kinds of events that could allow alcohol in a safe way. The ordinance needs to be crafted to delineate between approved events and adult events, he cited the Fireman's picnic that he used to attend with his family. The City doesn't want ragers at our parks but there is a way to allow for safe drinking in parks.

Mayor Badeaux explained the process that the Park Board went through. He stated that there is a solution to allowing the use of alcohol at adult events.

Member Terry stated that good times can happen without the use of alcohol. Her interactions with her constituents centered around a family friendly environment without the behaviors that may occur with the use of alcohol. The parks are a large part of the budget the City should make them family friendly and healthy spaces.

Member Johnson stated that he would like to see more work done on this ordinance prior to approving a reading of the ordinance.

Member Czeczok moved to table the matter.

Chair Bevans made a point of order as there was no motion on the floor to table, he denied the motion.

Member Stenglein would like feedback from the Park Board after the feedback at the Council meeting.

Member Czeczok moved to refer this matter back to the Park Board. The motion died for lack of a second.

Chair Bevans stated that he believes this matter is now in the hands of the City Council to work on.

Kevin Yeager, 325 Bluff Ave, Park Board Member, stated that the Park Board conversation went much like the conversation of the City Council. The use of alcohol in parks came about as allowing it for events and quickly moved to other uses. He stated that alcohol is used in our parks on a daily basis all summer, which leads to the need for enforcement and crafting an ordinance. The Park Board would be happy to help with opinion on supporting specific items. Mr. Yeager stated that the Park Board wants as many people possible to enjoy our parks as long as it can be done safely and responsibly. For events, the organizer would be accountable for related problems that happen during the event.

Chair Bevans asked if anyone wanted to proceed with a first reading. No such motion was made. He asked whether this should be handled during a meeting or if there should be a workshop to meet with staff.

Member O'Day stated that there is a workshop coming up with the Park Board on February 27th at 6:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO REFER THE MATTER TO THE WORKSHOP ON FEBRUARY 27, 2023.

First Reading – Proposed Ordinance 1543 – Amending Section 900.08 of City Code Concerning the Harboring of Chickens and Ducks

Community Development Director Kramvik gave an overview of the sections being amended in the City Code with this ordinance.

Member Czeczok clarified whether neighboring consent is available to those who are new neighbors of the coops.

Community Development Director Kramvik stated that the permit is a yearly permit. Therefore, yes, the new neighbors would have input when it was renewed.

Member O'Day asked to have the neighboring property requirement removed from the ordinance.

Member Johnson suggested that the Council could remove the sentences pertaining to neighboring consent prior to the first reading.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK TO AMEND THE ORDINANCE TO REMOVE THE SENTENCES PERTAINING TO NEIGHBOR CONSENT PRIOR TO THE FIRST READING.

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

Mayor Badeaux asked what would happen if the neighbor complained without the neighboring consent required.

Community Development Director Kramvik stated that it would go through the same code enforcement process as other nuisances.

Member Johnson thanked Staff and Council for their work on this item to keep Brainerd on the front lines during the "Egg-pocalypse".

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1543, AN ORDINANCE AMENDING SECTION 900.08 OF THE CITY CODE CONCERNING THE HARBORING OF CHICKENS AND DUCKS AND DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance 1544 – Amending Section 2014.05 of City Code Concerning the Use of Outdoor Power Equipment

Community Development Director Kramvik gave an overview of the ordinance. He stated that Staff has received complaints from businesses and area schools as well as residents.

Mayor Badeaux stated that he may have been theatrical and facetious about his distaste for this ordinance. He believes we should be accommodating to reasonable requests like not using a backpack blower like Ghostbusters at 5:00 a.m.

Member Czczok pointed out that those who work overnights have always been left behind on an ordinance like this and don't have any say when snow is removed. He is in favor of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JUHNSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1544, AN ORDINANCE AMENDING SECTION 2014.05 OF THE CITY CODE TO EXEMPT POWER EQUIPMENT FOR THE PURPOSES OF SNOW REMOVAL AND DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance 1545 – Amending Section 1315.03 of City Code Concerning Parking Restrictions During Snow Emergencies

City Engineer/ Public Works Director Dehn stated that Staff was asked to review the areas where no parking on all streets is restricted on day one of snow removal for snow emergencies. This ordinance would restrict their parking similar to other areas of the City, with no parking on north-south streets on day one and no parking on east-west streets on day two. The proposed ordinance does not recommend changes to any of the other parking restrictions during snow emergencies in the rest of the City.

Member Johnson stated that he does not support this ordinance change.

Mayor Badeaux stated that he was on SPW when this decision was made. It is good City policy to try to clear all streets day one if possible.

Member O'Day stated that most snowfalls all of the streets are cleared day one. This is about where the cars park if they are restricted to no parking on day one on any surrounding street.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1545, AN ORDINANCE AMENDING SECTION 1315.03 OF THE CITY CODE: SNOW EMERGENCIES AND DISPENSE WITH THE ACTUAL READING.

Public Forum

The Chair opened the public forum at 8:46 p.m.

Cheyenne Miles, 1120 S 8th St, Owner CC's Bar, stated that she purchased the old Essers's Liquor Store in hopes to make it an event center. She wants her liquor license to cover both of her buildings. She has received no guidance on how to make this possible.

Chair Bevans instructed Ms. Miles to contact Administrator Bergman on Tuesday to get more information.

The Chair closed the public forum at 8:49 p.m.

Staff Reports

Community Development Director Kramvik stated that the next Planning Commission meeting will include an application for a rezoning, final plat for My Neighbor to Love Coalition, and an application for a conditional use permit.

City Engineer/ Public Works Director Dehn gave an update on the snow removal efforts being made by the Street Department to widen streets, knock down boulevards, and remove snow.

Mayor Report

Mayor Badeaux thanked our snow removal employees for their hard work removing snow. He has received a lot of praise for the work done around the schools. He thanked Member Johnson for bringing attention to the need. The City is working the best that they can to coordinate with the School District and thanked City Engineer Public Works Director Dehn for doing so. The St. Patrick's Day celebration and parade will be on March 11th. He would love to see a City float in the parade.

Council Member Reports

Member Czczok respectfully requested that the Chair start with someone else as he has gone first for all of the meetings he has attended.

Chair Bevans denied the request.

Member Stenglein stated that she attended her first Planning Commission meeting the Zoning Code no longer thumps when you set it on the table, which is a welcome change.

Member Terry stated that she attended the Library Board meeting, there are a lot of great events coming up for the Library so keep an eye out for those on social media. She also attended the Northland Arboretum Board. The Arb will be hosting a Happy Hour for a Cause at Baia Della on Thursday February 9th.

Member Johnson stated that the EDA and HRA have new leadership, he thanked Mr. Kevin Yeager and Rebekah Kent for their willingness to be chairs of their respective commissions.

Adjourn

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

The Chair adjourned the meeting at 8:54 p.m.

Jennifer Bergman
City Administrator

B DIRT LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
4706 WILDERNESS CT S	General Commerical	Active		12/31/2023	2023-0009	12/31/2023

HENGEL READY MIX & CONSTRUCTI

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
12883 UPPER SYLVAN R	Demolition	Active		12/31/2023	2023-0001	12/31/2023

MINNESOTA RUSCO INC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
5010 HWY 169 N	Plumbing Contractor	Active	PC749301	12/31/2023	2023-0030	12/31/2023

RED'S HEATING & COOLING LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
7152 CR 2	Mechanical	Active	66534667	02/07/2025	2023-0049	12/31/2023

Total Licensees4

Population: All Records
Licensee.DateRegistered Between 2/3/2023 12:00:00 AM AND 2/15/2023 12:00:00 AM



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BESTUL'S BOOYAH AWARD

Officer Middleton, Officer Larson, and Sergeant Reed were selected as the January Booyah winners.

On 1/2/23, Middleton, Larson, and Reed responded to a medical for a 52-year-old male in cardiac arrest. The North Ambulance manager wanted them to be recognized for a job well done. The following is from the on-scene paramedic:

We were dispatched to a seizure call and while enroute we were advised CPR in progress. Upon our arrival, we were advised Pt was shocked twice. High quality CPR was started and BVM ventilations in progress. We shocked once, inserted an airway. Pt converted, with the help of Law Enforcement, Pt was moved to ambulance and code 3 transport.

One of the officers rode in the back and maintained ventilations. Pt coded again and was converted. He came around, airway was suctioned.

I believe those officers should be recognized for a job well done. I believe their early interventions made the difference in this case. **BOOYAH!**



TRAINING & STAFF DEVELOPMENT

Homicide Investigation and Crime Scene Management Training Program

One sergeant and two investigators attended a three-day Homicide Investigation and Crime Scene Management virtual training program. Course topics included proper crime scene protocol as it relates to death investigation and homicide, standard operating procedures for suspicious death scenes, homicide victim and offender association, cold case investigation strategies, sources of crime scene contamination and prevention, victimology and immediate lead indicators, primary and secondary crime scenes, crime scene evaluation, suicide and equivocal death scene investigation, SIDS review and infant homicide scene, and many others.

Microsoft Excel Tips & Tricks

Two support staff attended a virtual business technology training session on Microsoft Excel Tips and Tricks. Through instruction and hands on exercises, attendees learned to create, copy and troubleshoot formulas, how to quickly navigate Excel worksheets and tabs, how to use a feature that automatically fills data when it senses a pattern, as well as printing tips and tricks.

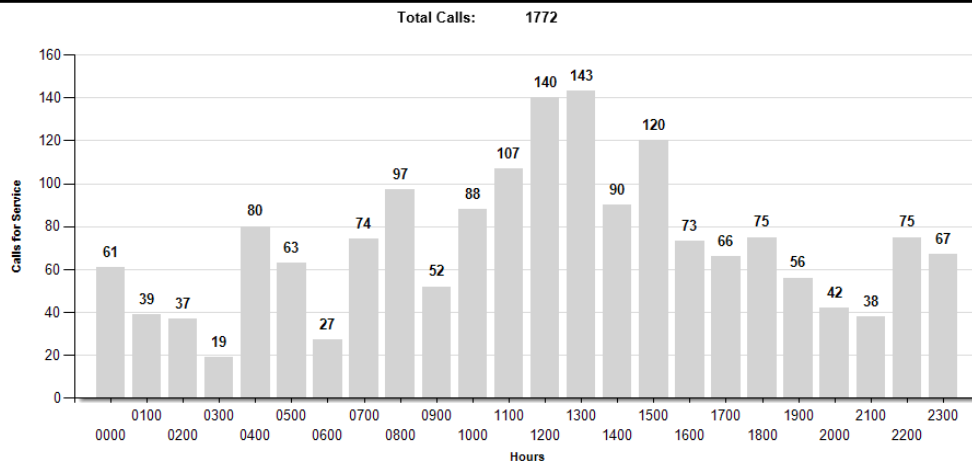
OVERALL CALLS FOR SERVICE

January	2023	2022
Number of Calls for Service	1729	1288



Calls for Service Hourly

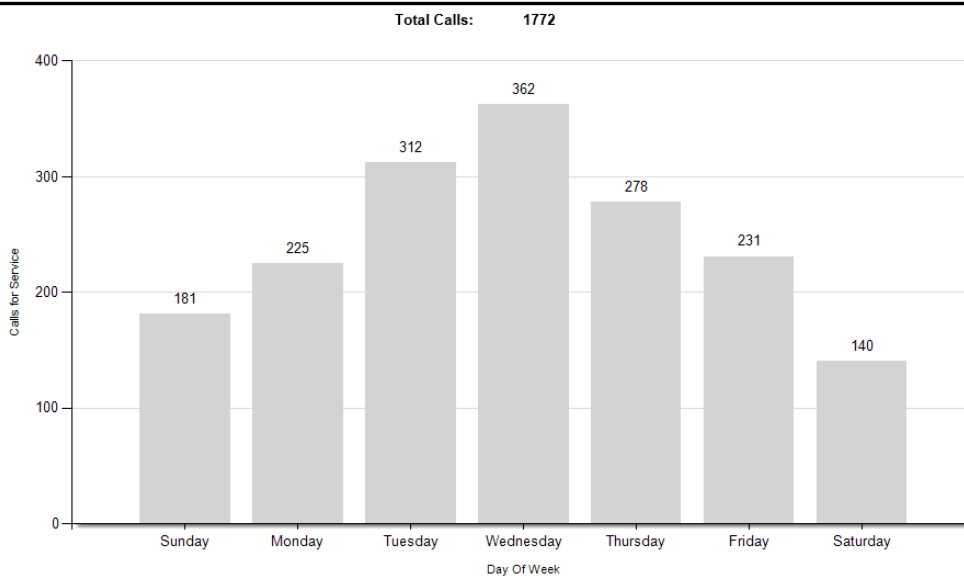
1/1/2023 to 1/31/2023



Calls for Service Day Of Week

Start Date: 1/1/2023

End Date: 1/31/2023



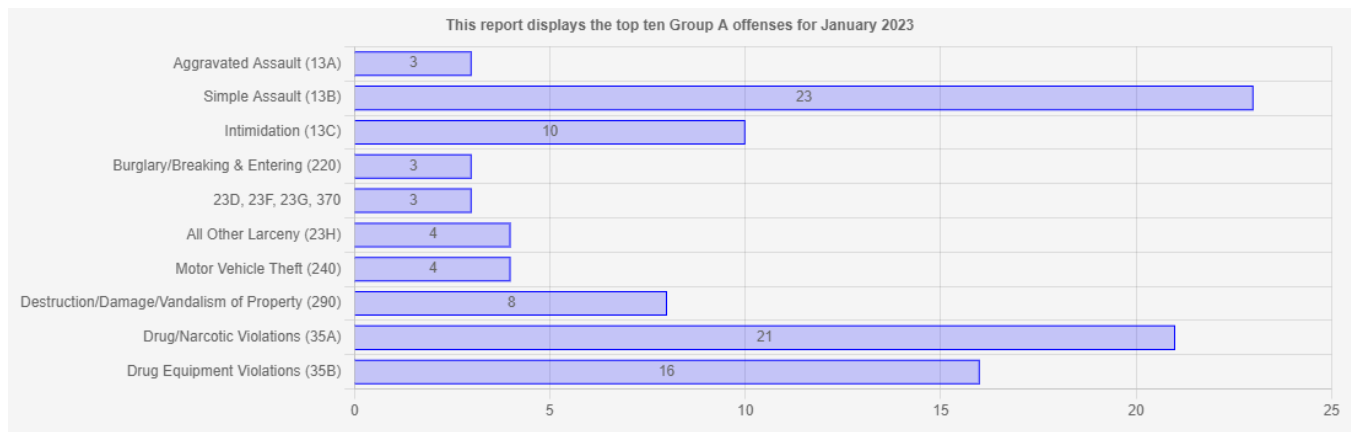
CRIME STATISTICS

Year to Date through January	2023	2022
Group A Offenses Known or Reported to Police	102	106
Group A and B Arrests	60	56

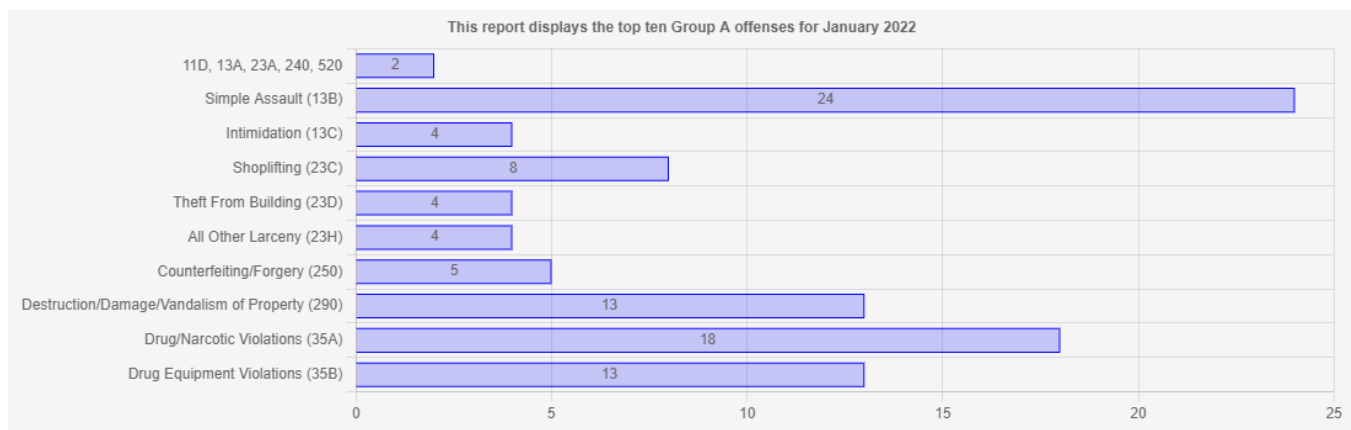
**** Note: 2023 totals do not include case files that have not yet been coded.**

TOP 10 GROUP A OFFENSES

January 2023

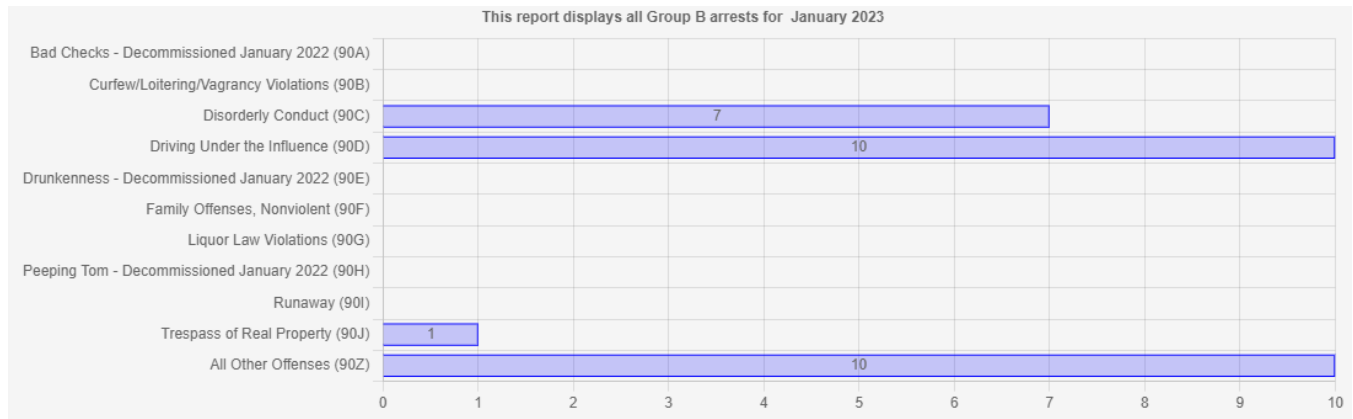


January 2022

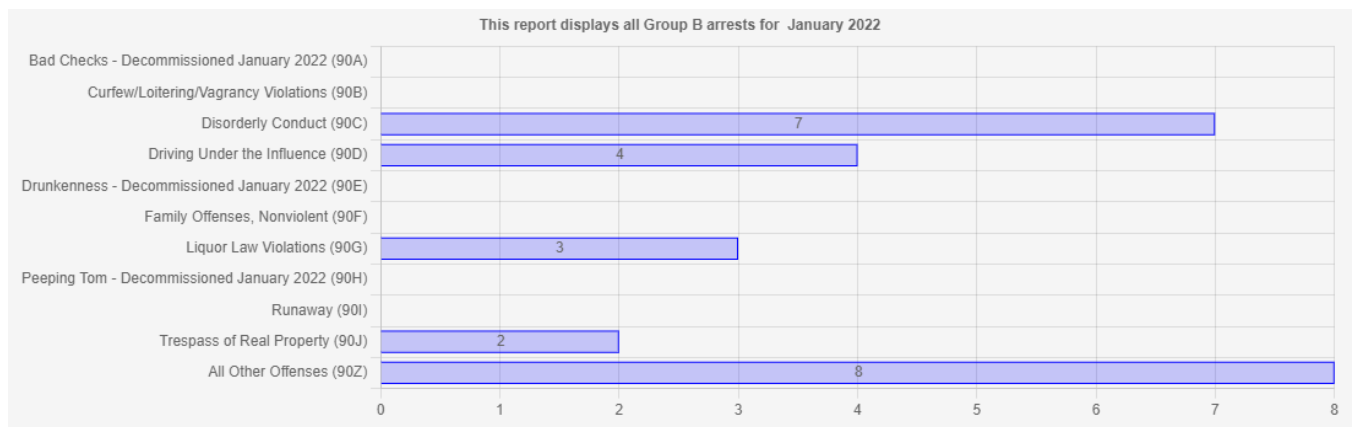


GROUP B ARREST DATA

January 2023



January 2022



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

January	2023	2022
Citations (Inc. Parking Tickets & Written Warnings)	521	190

421 parking tickets were issued in the month of January, with the following dispositions.

8	Dismissed
245	Paid in Full
1	Partial Payments Received
167	No Payment Received

Revenue Recapture Receipts:

2022 Total:	\$ 5,688.23
2023 To Date:	\$ 916.22

CONDUCT ON PREMISES ACTIVITY REPORT

ICR	Date Reported	Title	Address	Summary
23000535	01/11/23	Conduct on Premises	710 Laurel St	Conduct on Premises
23000607	01/12/23	Conduct on Premises	710 Laurel St	Conduct on Premises
23000721	01/15/23	Conduct on Premises	515 2 nd Ave NE	Conduct on Premises
23000779	01/16/23	Conduct on Premises	710 ½ Laurel St	Conduct on Premises
23001546	01/27/23	Conduct on Premises	1023 SE 13 th St	Conduct on Premises

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
January	1575	344	602	391	13.12 Minutes	51





City of Brainerd
IT/GIS Department Monthly Report
January 2023

Projects

- Airport moving onto city network. Computers installed, connection between airport and city established. Started project to create a separate network segment for airport in anticipation of Dept of Homeland Security requirements – waiting on vendor to complete. Started creating airport users on city network, waiting on vendor to migrate *brainerdairport.com* domain to city Microsoft Azure tenant.
- BCA security audit – various projects still underway to comply with audit requirements – VPN changes, firewall changes, network configuration changes, logging software, etc.
- OneDrive - continued testing and preparations to move the majority of city file data from local servers to the cloud.

Software

- Recreated agenda request forms and modified packet creation process.
- CivicClerk – demo and research of CivicPlus asset management software.
- CivicRec – park reservation/registration software – continued meetings, training, customizing, and troubleshooting to work out the kinks and optimize processes.
- Laserfiche – added BPU back onto the City Laserfiche implementation, they decide not to use Incode's document management system for some accounting functions.
- Implementing a new IT asset tracking software and ticketing system.
- Rolled out first round of what will be ongoing quarterly cybersecurity training for all staff.

Hardware

- Door access control at street (public works) garage – equipment ordered, installation upon receipt.
- Park cameras – planning and ordering for 2023.
- Setting up new physical server, planning migrations of some virtual servers from dated equipment.
- City Hall generator – entering research/planning phase.

Other

- Technical support for numerous meetings – City Council, Park Board, Planning Comm, EDA, etc.
- Staff: City Council member turn over, added Assistant Planner.

Statistics

Email: sent 8,488 (274/day) – up 9.5%, received 33,318 (1,075/day) – up 8%

Cisco Secure Endpoint: 5.42M files scanned – up 2%, 706K IPs scanned – up 6%

YouTube – City of Brainerd channel 1,062 views – up 17%, 129.3 hours watched – down 2%

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: February 21, 2023

RE: Community Development Director Report

Building

The Community Development Department issued 40 building Permits with a total project valuation of \$231,752 in the month of January.

The value of all department issued permitting fees was \$4,318.24, within the River-to-Rail Corridor, six (6) permits were issued with a total project valuation of \$33,577.00 and \$791.61 waived in Permit fees

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

Code Enforcement

The Community Development Department conducted 83 code enforcement inspections in January.

*Note: With the adoption of Ordinance No. 1524 on April 4th, Community Development staff have moved to complaint driven enforcement only.

Planning & Zoning

The Community Development Department recommended a schedule to the Planning Commission to amend the current off-street parking regulations in Brainerd. The schedule is as follows:

- March 15, 2023 – Discussion on the Direction of Ordinance Changes.
- April 19, 2023 – Staff Updates Commission on Revisions.
- May 17, 2023 – Presentation of Preliminary Draft of the Off-Street Parking Ordinance Amendment.
- June 21, 2023 – Present the Final Draft of the Ordinance to the Planning Commission.
- July 19, 2023 – Present Final Ordinance and Hold a Public Hearing.

In addition to the off-street parking ordinance review schedule, Planning Commission opted to make further changes to the Brainerd Outdoor Lighting Ordinance after discussion of Proposed Ordinance 1546. The Planning Commission agreed that the 3,000K Color Temperature standard was sufficient and that the exceptions for recreational uses were acceptable. However, after further discussion of affixed luminaire angle limits at 90 degrees, Planning Commission decided further revisions were needed to clarify the language and uphold a commitment to avoid light pollution. Staff will present a revised ordinance at the next regularly scheduled Planning Commission meeting.

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

February 21, 2023

7:15 PM

2nd Floor Conference Room

WebEx Teleconference Call-In Information Call Toll-

Free: 1-844-992-4726 Access Code: 2481 973 3040

1. Accept the Resignation of Community Service Officer Masen Barton and Request to Hire
2. Ratify the Hiring of Warming House Attendant Owen Carlson and Direction on Future Hiring Ratifications for Temporary Employees
3. Accept Retirement of Police Chief Mike Bestul
4. Approve Revised Employee Policy Manual Health Insurance Exhibit with 2023 Changes



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Resignation of Community Service Officer Masen Barton and Request to Hire.

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Chief Mike Bestul

DEPARTMENT: Police

PRESENTER: Chief Mike Bestul

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE:

On February 13, 2023 Community Service Officer Masen Barton submitted his letter of resignation, effective February, 27 2023. Barton's resignation leaves the department with three Community Service Officers. Starting in May two of these Community Service Officers will be attending the law enforcement skills program causing them to be unavailable to work their regular work schedule for approximately two months.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Click to enter text

RECOMMENDED ACTION/MOTION:

Accept Community Service Officer Masen Barton's letter of resignation, effective February, 27 2023 and authorize to hire one Community Service officer to fill this now vacant position.

FINANCIAL IMPACT:

Is there a cost associated with this request: yes

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) yes

Masen Barton

2311 Hillcrest Dr Apt 1
Brainerd, MN 56401
(320) 630-3752
masenbarton225@gmail.com

13 February 2023

Mike Bestul

Chief of Police, Brainerd Police Dept
225 E River Rd
Brainerd, MN 56401

Dear Chief Bestul,

On February 13th 2023 I, Masen Barton, am resigning my duties as a Community Service Officer with the Brainerd Police Department. My last day of employment will be Monday, February 27th 2023. I am resigning due to other employment opportunities in the upcoming future. Working as a Community Service Officer for the Brainerd Police Department has taught me many new traits that I will be able to utilize to make myself a better person and was able to build good work relationships along the way. I am sincerely grateful that I was able to be a part of the Police Department and able to learn new skills and traits along the way. I want to thank you for your time and wish you the best in the future.

Sincerely,

Masen Barton

A handwritten signature in black ink, appearing to read 'Masen Barton', with a stylized flourish at the end.



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Ratify the Hiring of Warming House Attendant Owen Carlson and Direction on Future Hiring Ratifications for Temporary Employees

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert

DEPARTMENT: Human Resources

PRESENTER: Kris Schubert

ESTIMATED TIME (MIN): 1 minute

SUMMARY OF ISSUE:

Owen Carlson has been hired as a Warming House Attendant for the Parks and Rec. Division to work evenings and weekends. Owen was given a conditional job offer and successfully completed his background checks.

In the past, the Personnel and Finance Committee Chair determined if the hiring of temporary employees should be included on the Committee Agenda or the Consent Calendar. In the future and pursuant to the Council's Rules of Decorum, Staff recommends to include ratifying the hiring of temporary/seasonal employees on the Consent Calendar when the hires are budgeted, routine and non-contraversial in nature. The hiring ratification can always be removed from the Consent Calendar if any council member has a question or concern.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

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

RECOMMENDED ACTION/MOTION:

Motion to ratify the hiring of Owen Carlson as a Warming House Attendant effective January 28, 2023, at \$15.00 per hour; further, that in the future, the ratification of hiring temporary/seasonal employees that are budgeted be included on the Consent Calendar, instead of the Personnel and Finance Committee Agenda, for approval.

FINANCIAL IMPACT:

Is there a cost associated with this request: Yes

What is the total cost, with tax and shipping: unknown – depends on worked hours and weather

Is this budgeted? (Please Explain) The wages for this position was included in the 2023 budget.



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Accept the Retirement of Police Chief Mike Bestul

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jennifer Bergman & Kris Schubert

DEPARTMENT: Admin/HR

PRESENTER: Jennifer Bergman & Kris Schubert

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE:

On February 10, 2023, Police Chief Mike Bestul submitted his retirement notice. Chief Bestul's retirement will be effective June 16, 2023 with his last working day being June 2, 2023.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff met with Chief Bestul to go over hiring steps to fill his position. Staff is recommending proceeding with an internal job posting process for the Police Chief position. Our Employee Policy Manual requires that all internal positions be posted for a minimum of three working days; therefore, staff is requesting authorization to proceed with an internal job posting process for the Police Chief position.

In reviewing the current Police Chief Job Description, Staff realized that it needed to be updated due to our recent Charter change that the Mayor no longer directly oversees the Police Department and since the Civil Service Commission has been dissolved. In addition, as part of our Classification and Compensation Study, we have been reviewing the job descriptions for all Department Heads and it was discovered that we had a consistency issue for the supervisory area; therefore, we have inserted revised language that we plan to incorporate into all Department Head job descriptions as those documents are reviewed and updated.

RECOMMENDED ACTION/MOTION:

1. Accept the retirement of Police Chief Mike Bestul effective June 16, 2023, and authorize severance pay per City policy.
2. Approve the updated Police Chief job description as presented.
3. Authorize staff to conduct a hiring process for only internal candidates for the Police Chief position.

FINANCIAL IMPACT:

Is there a cost associated with this request: Yes

What is the total cost, with tax and shipping: unknown – depends on final leave balances

Is this budgeted? (Please Explain) Yes

RECEIVED

FEB 10 2023

CITY OF BRAINERD
ADMINISTRATION



www.ci.brainerd.mn.us

February 10, 2023

Jennifer Bergman
Brainerd City Administrator
501 Laurel Street
Brainerd, MN 56401

Dear Jennifer,

After 25 plus years of service to the citizens of Brainerd and the Law Enforcement community I have decided to retire from my position as Police Chief effective June 16, 2023.

I am very grateful for the opportunities the City of Brainerd has given me from being hired in 1997 as a Patrol Officer, rising through the ranks from Investigative Sergeant to Deputy Chief, and mostly notably to Police Chief of this great organization. I am honored to have worked with some of the best women and men in the profession and trust they will continue the great work we have accomplished together in serving our citizens.

I truly believe that the "Team Approach" does not have an "I" in it and that is why our approach has been so successful during my tenure as the Chief and the one that I am most proud of. As I move into the next phase of my life, I am confident that the staff at the Brainerd Police Department are well-positioned to lead the department into the future.

Sincerely,

Mike Bestul, Police Chief
Brainerd Police Department
225 East River Road
Brainerd, MN 56401



Police Chief

Department: Police

FLSA Status: Exempt

General Definition of Work

Performs complex advanced protective services and administrative work managing and directing activities of the Police department including planning, organizing, directing and supervising law enforcement, investigation and crime prevention programs and services of the City, coordinating work with City Administrator and other departments, maintaining records, preparing reports, setting policies and goals, and related work as required. Exercises general and administrative supervision over all Police Department employees either directly or through supervisory staff.

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. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Plans, programs, directs and evaluates the operation of the department.
- Develops annual budget proposal and controls budgeted expenses for the department.
- Formulates and implements department policy, procedures, rules, regulations and programs.
- Prepares and reviews operational and administrative reports for the department.
- Supervises maintenance of records and materials associated with department activities or administration.
- Makes periodic public addresses; meets with the news media for interviews.
- Coordinates and cooperates with other public safety agencies.
- Attends meetings and serves on committees, boards and agencies related to promoting crime prevention and improving public safety issues.
- Supervises all Police Department staff directly or indirectly through supervisors including training, inspecting and assigning work, developing staff schedules, coaching, and counseling; conducts performance evaluations; disciplines when needed in accordance with city policies; oversees and/or participates in the selection of employees; recommends hiring and terminating personnel to the City Administrator with final determination by the City Council.
- Under the direction and/or authority of the City Administrator, oversees all Police Department personnel policies and actions, oversees and/or participates in the selection of employees; evaluates employees and recommends salary adjustments, determines staffing and structure needs.
- Evaluates potential projects, programs, and services to determine feasibility and impact on department operations and makes recommendations to Council.
- Researches and prepares information for the City Council and attends meetings as required.
- Responds to concerns, issues, complaints, and questions from the public and employees; mediates disputes and resolves issues as appropriate.
- Performs Deputy Coroner functions at initial death scene investigations when required.
- Oversees Department training program to ensure proper training and certification of departmental personnel.
- Establishes and maintains effective community relations including speaking at various engagements and working with school officials, civic and business groups, and residents.
- Coordinates assignment of staff to special functions and projects.
- Prepares and reviews crime and accident reports and activity and analyzes data for trends throughout the City.

Police Chief

Page 2

Essential Functions (Continued)

- Manages major crime scenes and police activities; supervises internal police investigations.
- Performs all police officer duties.
- Performs related tasks as required.

Knowledge, Skills and Abilities

- Comprehensive knowledge of the laws, rules, statutes, and court decisions relating to the administration of criminal justice, law enforcement and the administration of public safety.
- Comprehensive knowledge of scientific methods of crime detection, criminal identification, arson investigation and evidence detection and collection, and radio communication.
- Comprehensive knowledge of controlling laws and ordinances.
- Thorough knowledge of the geography of the City.
- Demonstrated ability to lead and direct the activities of department personnel.
- Ability to evaluate the effectiveness of the public safety operations and to institute improvements.
- Ability to prepare and review reports.
- Resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.
- Ability to operate personal computer including some knowledge of applicable software packages.
- Ability to establish and maintain effective working relationships with other City officials, public safety agencies, associates and with the general public.
- Strong interpersonal, oral, and written communications skills.
- Leadership including problem solving and decision making.

Education, Experience and Special Requirements

- Associates/Technical degree with coursework in law enforcement, criminal justice, or related. Bachelor's degree preferred.
- Minimum of seven (7) years of police experience is required, of which at least three (3) years shall be experience as a police supervisor.
- Possession of an appropriate driver's license valid in the State of Minnesota.
- Minnesota Peace Officer License or eligibility to be licensed prior to employment.
- Maintains Minnesota POST requirements.

Physical Requirements

This work requires the regular exertion of up to 10 pounds of force, frequent exertion of up to 25 pounds of force and occasional exertion of over 100 pounds of force; work regularly requires sitting and using hands to finger, handle or feel, frequently requires speaking or hearing and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, reaching with hands and arms, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception, night vision and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to 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, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to fumes or airborne particles, exposure to toxic or caustic chemicals, exposure to outdoor weather conditions, wearing a self-contained breathing apparatus and exposure to blood borne pathogens and may be required to wear specialized personal protective equipment; 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: February 15, 2023



Police Chief

Department: Police

FLSA Status: Exempt

General Definition of Work

Performs complex advanced protective services and administrative work managing and directing activities of the Police department including planning, organizing, directing and supervising law enforcement, investigation and crime prevention programs and services of the City, coordinating work with City Administrator and other departments, maintaining records, preparing reports, setting policies and goals, and related work as required. ~~Per City Charter, under the control and supervision of the Mayor and also works under the administrative oversight of the City Administrator.~~ Exercises general and administrative supervision over all Police Department employees either directly or through supervisory staff.

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. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Plans, programs, directs and evaluates the operation of the department.
- Develops annual budget proposal and controls budgeted expenses for the department.
- Formulates and implements department policy, procedures, rules, regulations and programs.
- Prepares and reviews operational and administrative reports for the department.
- Supervises maintenance of records and materials associated with department activities or administration.
- Makes periodic public addresses; meets with the news media for interviews.
- Coordinates and cooperates with other public safety agencies.
- Attends meetings and serves on committees, boards and agencies related to promoting crime prevention and improving public safety issues.
- ~~Supervises all Police Department staff directly or indirectly through department supervisors; acts as final authority on all personnel actions subject to approval of City Council and/or Civil Service Commission on hiring, severe disciplinary action, and dismissal.~~
- Supervises all Police Department staff directly or indirectly through supervisors including training, inspecting and assigning work, developing staff schedules, coaching, and counseling; conducts performance evaluations; disciplines when needed in accordance with city policies; oversees and/or participates in the selection of employees; recommends hiring and terminating personnel to the City Administrator with final determination by the City Council.
- Under the direction and/or authority of the City Administrator-City Council and/or Civil Service Commission, oversees all Police Department personnel policies and actions, oversees and/or participates in the selection of employees; evaluates employees and recommends salary adjustments, determines staffing and structure needs.
- Evaluates potential projects, programs, and services to determine feasibility and impact on department operations and makes recommendations to Council.
- Researches and prepares information for the City Council and attends meetings as required.
- Responds to concerns, issues, complaints, and questions from the public and employees; mediates disputes and resolves issues as appropriate.
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Police Chief

Page 2

Essential Functions (Continued)

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- Comprehensive knowledge of the laws, rules, statutes, and court decisions relating to the administration of criminal justice, law enforcement and the administration of public safety.
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- Comprehensive knowledge of controlling laws and ordinances.
- Thorough knowledge of the geography of the City.
- Demonstrated ability to lead and direct the activities of department personnel.
- Ability to evaluate the effectiveness of the public safety operations and to institute improvements.
- Ability to prepare and review reports.
- Resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.
- Ability to operate personal computer including some knowledge of applicable software packages.
- Ability to establish and maintain effective working relationships with other City officials, public safety agencies, associates and with the general public.
- Strong interpersonal, oral, and written communications skills.
- Leadership including problem solving and decision making.

Education, Experience and Special Requirements

- Associates/Technical degree with coursework in law enforcement, criminal justice, or related. Bachelor's degree preferred.
- Minimum of seven (7) years of police experience is required, of which at least three (3) years shall be experience as a police supervisor.
- Possession of an appropriate driver's license valid in the State of Minnesota.
- Minnesota Peace Officer License or eligibility to be licensed prior to employment.
- Maintains Minnesota POST requirements.

Physical Requirements

This work requires the regular exertion of up to 10 pounds of force, frequent exertion of up to 25 pounds of force and occasional exertion of over 100 pounds of force; work regularly requires sitting and using hands to finger, handle or feel, frequently requires speaking or hearing and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, reaching with hands and arms, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception, night vision and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to 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, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to fumes or airborne particles, exposure to toxic or caustic chemicals, exposure to outdoor weather conditions, wearing a self-contained breathing apparatus and exposure to blood borne pathogens and may be required to wear specialized personal protective equipment; 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: ~~January 1, 2018~~ February 15, 2023



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Discuss EPM Language/Practice for Council/BPU Health Insurance

AGENDA: P&F Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: Kris Schubert

DEPARTMENT: HR

PRESENTER: Kris Schubert

ESTIMATED TIME (MIN): 5 minutes

SUMMARY OF ISSUE:

See attached memo.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

See attached memo.

RECOMMENDED ACTION/MOTION:

Direction requested. Options could be:

1. Since we are in the middle of a Compensation Study, request a market review and guidance from our Classification and Compensation Consultant. Flaherty and Hood, PA, have quoted a flat rate of \$800 to obtain and analyze the market info for Council compensation that would include wages and benefits including health insurance.
2. Follow the 2022 health insurance Exhibit A language for 2024 elections.
3. Update the EPM language to follow previous practice (sample language is attached – see Exhibit B).
4. Utilize the same contribution percentages for the Council/BPU Commission as negotiated for employees.
5. Modify language based on other direction provided by Council.

FINANCIAL IMPACT:

Is there a cost associated with this request: unknown – depends on Council direction

What is the total cost, with tax and shipping: [Click to enter text](#)

Is this budgeted? (Please Explain) [Click to enter text](#)

MEMO



TO: Mayor and Council

FROM: HR Director Kris Schubert

DATE: February 16, 2023

RE: Discussion Regarding Council/BPU Commission Health Insurance

Staff would like to present an update to the Health Insurance Exhibit for the Employee Policy Manual (EPM) with our 2023 plans and premium splits. Please note that Exhibit details the health insurance premium contributions for non-union employees as well as for the Elected Officials (Mayor and Council) and for the Brainerd Public Utilities (BPU) Commission members.

During our review process for this update and after the Council/BPU Commissioners elected their 2023 health plan options, it was discovered that I followed our long-standing practice for determining the employer and employee's portion of the 2023 premium cost for the Council/BPU Commission and did not follow the updated 2022 EPM language. Please note that if the current EPM Exhibit language regarding the premiums were followed, it would have affected the premiums for two council members that elected family coverage (their share of the premium would have increased) and one BPU Commissioner that elected single coverage (their share of the premium would have decreased). All others elected the \$3,000 Deductible Plan.

To help explain this issue, Exhibit A is attached that shows the calculation for premium splits according to our current policy manual language, our past practice from previous policy manuals and the premium split as negotiated with the unions for our employees. A couple of items to consider:

1. In the past, why did the City pay 100% of the single premium for the \$3,000 Deductible Plan for this group and not for employees? With the implementation of the Affordable Care Act (ACA) in 2010 and under the employer shared responsibility or "play or pay" rules, an employer that offers health coverage may be subject to a penalty if the health coverage is deemed not affordable for the employee. The affordability test applies only to the portion of the annual premiums that the employee pays for self-only coverage for our lowest cost health plan and does not include any additional cost for family coverage.

Under the ACA's play or pay rules, there are three optional safe harbor methods for affordability that employers can utilize for compliance. The City has utilized the Form W-2 safe harbor where the employee's required contribution for lowest cost single policy does not exceed 9.5% of their Box 1 W2 Form. Please note that percentage has been adjusted annually for inflation since the ACA was implemented. Since the lowest wage paid to members in this group is BPU Commissioners who receive \$175 per month, the most they could pay under the Form W2 safe harbor method for our single health insurance plan premium for 2023 is \$16.63 per month. When the ACA was implemented and because

premiums, health plans and the Form W2 safe harbor percentage keeps being adjusted, at the time it was just easier to have the single premium for the lowest-cost health plan for this group be paid at 100% to ensure compliance. Before 2021, we only offered two health plans and our lowest-cost health plan was our current \$3,000 deductible plan so that is why the single premium for that plan was paid at 100%. When we implemented the current \$7,500 Deductible Plan for 2021, we could have designated the single premium for that plan being 100% paid for this group to comply with the Form W2 ACA Safe Harbor.

While researching this topic, North Risk Partners - our health insurance broker, provided Staff the attached ACA Compliance Overview bulletin. Per this bulletin, the City could also utilize the federal poverty line (FPL) safe harbor for a single individual. Employer-provided coverage is considered affordable under the FPL safe harbor if the employee's required contribution for the calendar month for the lowest cost self-only coverage that provides minimum value does not exceed 9.5% (as adjusted) of the FPL for a single individual for the applicable calendar year, divided by 12. The FPL for a single individual in the 48 contiguous states for 2023 is \$14,580. To calculate this safe harbor, the most a single employee could pay for our lowest-cost health plan would be \$115.43 per month ($\$14,580 / 12 = \115.43). Please note the third safe harbor is the Rate of Pay safe harbor which would be the same calculation as the Form W2 for this group.

2. How were the past practice premium splits calculated? In previous versions of the EPM, in addition to offering the base high deductible health plan, it also included a section that stated: If someone elects the \$1,000 Deductible plan, the individual will be responsible for the premium difference. That section was removed for the 2022 EPM version as we have not had the \$1,000 Deductible Plan for several years; however, in the past as new health plans were implemented, we used that philosophy for Council/BPU being responsible for the premium difference. To explain the practice, when we calculated the premiums for the other plans, all city contributions for the other plan options were based on what the city paid for \$3,000 Deductible Plan (our base plan). Below are examples of the 2023 calculation that followed the previous practice:
 - a. The single premium for the \$1,500 Deductible Plan is more than the single premium for the \$3,000 Deductible Plan; therefore, the Council/BPU Commissioner paid the premium difference. The calculation was \$1,433.72 (\$1,500 Ded Plan single premium) less \$1,287.21 (the \$3,000 Deductible single premium) = \$146.51 (the additional monthly amount the Council/BPU Commissioner had to pay).
 - b. The city's share of the family premium for the \$3,000 Deductible Plan was more than the family premium for the \$7,500 Deductible; therefore, the city would have paid the entire family premium if the \$7,500 plan was elected. The calculation was \$1,674.66 (city share of \$3,000 Deductible Plan family plan) was more than \$1,666.68 (\$7,500 deductible family premium) = \$0 cost for Council/BPU Commissioner.

3. Opt – Out payments. The Council/BPU Commission currently receive \$250 per month for the Opt-out payment. Employees currently receive \$400 per month. The Council's Opt-out payment could change based on Council direction.
4. Council/BPU Commission members do not receive a Health Savings Account contribution. For employees, the employer's contribution to the employee's Health Savings Account (HSA) varies depending on which health plan is selected and if single or family coverage is utilized. The Council/BPU Commission currently does not receive this benefit as an HSA contribution is not included in the EPM for that group. With that said, that language/practice could change if that is Council direction. In the past, consideration was given to the benefit difference between the \$250 Opt-Out or offering health insurance coverage. If an HSA contribution was also given, that would widen that benefit difference.
5. What concerns are there if all single coverage is paid at 100% and family coverage at 80%. These percentages and costs are noted under the Current Policy Language table on Exhibit A. I could see most electing the \$1,500 Deductible Plan for single coverage and I would expect very few would elect the higher deductible plans. Not only could that affect the city's budget, that practice is contrary to the purpose of offering high deductible health plans. The thought is by offering a higher deductible plan, employees pay less premium for those higher deductible plans and then have "more skin in the game" to become better consumers when it comes to their portion of the deductible for health care costs. In addition, many times when someone reaches their deductible, they don't worry as much about their health care expenses. With higher expenses, it could increase health insurance claims and possibly affect future renewal rates as well.

Staff would like Council's clarification how the Council/BPU Commission's health insurance contributions should be updated. Please note that Staff recommends that any change to the language be enacted for premiums and plans for this group beginning in January 2024. This recommendation is because employees cannot switch health plans mid-year and because the IRS regulations do not allow mid-year pre-taxed payroll deduction changes without a qualifying life event. Options could be:

1. Since we are in the middle of a Compensation Study, request a market review and guidance from our Classification and Compensation Consultant. Flaherty and Hood, PA, have quoted a flat rate of \$800 to obtain and analyze the market for Council compensation that would include wages and benefits including health insurance.
2. Follow the 2022 health insurance EPM Exhibit A language for 2024 elections.
3. Update the EPM language to follow previous practice (sample language is attached – See Exhibit B).
4. Utilize the same contribution percentages for the Council/BPU Commission as negotiated for employees.
5. Modify language based on other direction provided by Council.

Exhibit A

Plan Options	Monthly Premium Cost	CURRENT POLICY LANGUAGE		PAST PRACTICE *		Employee	
		Council/BPU Member Cost	City Cost	Council/BPU Member Cost	City Cost	Monthly Cost	Employer **
\$1,500 Single	1,433.72	-	1,433.72	146.51	1,287.21	71.69	1,362.03
\$1,500 Family	2,322.69	464.54	1,858.15	648.03	1,674.66	464.54	1,858.15
\$3,000 Single	1,287.21	-	1,287.21	-	1,287.21	64.36	1,222.85
\$3,000 Family	2,093.33	418.67	1,674.66	418.67	1,674.66	418.67	1,674.66
\$5,850 Single	1,096.16	-	1,096.16	-	1,096.16	32.88	1,063.28
\$5,850 Family	1,800.52	360.10	1,440.42	125.86	1,674.66	270.08	1,530.44
\$7,500 Single	1,014.68	-	1,014.68	-	1,014.68	-	1,014.68
\$7,500 Family	1,666.68	333.34	1,333.34	-	1,666.68	166.67	1,500.01
Opt Out	N/A	N/A	240.00	N/A	250.00	N/A	400.00

* All City contributions for other plan options are based on this plan

** Plus a monthly HSA contribution

EXHIBIT B

HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:

The following premium splits and Employer HSA contributions will be effective for our 2023 - 2024 High Deductible Health Plan Smart Plan options:

<i>Smart Plan #1 - \$1,500 Health Plan</i>		<u>2023 & 2024</u>
<u>% Contribution to Monthly Premium</u>		
<u>Employer</u>		
Single		95%
Family		80%
<u>Employee</u>		
Single		5%
Family		20%
<u>HSA Annual Contribution Amount</u>		
<u>Employer</u>		
Single	\$	1,000
Family	\$	1,500

<i>Smart Plan #3 = \$3,000 Health Plan</i>		<u>2023 & 2024</u>
<u>% Contribution to Monthly Premium</u>		
<u>Employer</u>		
Single		95%
Family		80%
<u>Employee</u>		
Single		5%
Family		20%
<u>HSA Annual Contribution Amount</u>		
<u>Employer</u>		
Single	\$	2,000
Family	\$	2,500

Smart Plan #7 - \$5,850 Health Plan		2023 & 2024
<u>% Contribution to Monthly Premium</u>		
<u>Employer</u>		
Single		97%
Family		85%
<u>Employee</u>		
Single		3%
Family		15%
<u>HSA Annual Contribution Amount</u>		
<u>Employer</u>		
Single	\$	2,250
Family	\$	2,750

Smart Plan #8 - \$7,500 Health Plan		2023 & 2024
<u>% Contribution to Monthly Premium</u>		
<u>Employer</u>		
Single		100%
Family		90%
<u>Employee</u>		
Single		0%
Family		10%
<u>HSA Annual Contribution Amount</u>		
<u>Employer</u>		
Single	\$	2,500
Family	\$	3,000

- All additional employer HSA contributions amounts noted above will be pro-rated based on a monthly contribution.
- The City will front-load the first three months of the additional Employer **HAS HSA** contribution for all employees by January 31st of each year. Thereafter (effective April 1st), the amount will return and remain as a monthly contribution.
- The City will provide an Opt-Out Option for eligible employees in lieu of the city's health insurance for ~~2021, 2022 and 2023~~ **and 2024**. ~~If the eligible employee elects the Opt-Out payment for 2021, the monthly Opt-out taxable payment will be \$315 per month.~~ If the eligible employee elects the Opt-Out taxable payment, ~~2022 or 2023~~, the monthly Opt-out taxable payment will be \$400 per month.
- The base City health insurance plan for union contract comparison **and Elected Official/BPU Commissioner premiums** is the embedded ~~\$2,800~~ \$3,000 High Deductible Health Insurance Plan
- The City will pay 100% of the single and family premium for the Department Heads

and Supervisors hired or promoted to such a position before May 1, 2010.

ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:

- Health insurance options for this group includes the following City contributions for the City-sponsored **base** \$3,000 High Deductible Health Insurance plan:
 - 100% of the premium if single health coverage is elected.
 - 80% of the premium if family health coverage is elected.
- **If a member of this group elects a different health plan, the individual will pay the premium difference based on the premium split for the base plan as set forth in the previous bullet.**
- If a member of this group is covered by a different group plan and is eligible to receive the City's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in the applicable collective bargaining agreement and/or Council resolutions.

The City provides insurance coverage for former City employees including retirees on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

ACA COMPLIANCE OVERVIEW



Pay or Play Penalty—Affordability of Health Coverage

The Affordable Care Act (ACA) requires applicable large employers (ALEs) to offer affordable, minimum value health coverage to their full-time employees or pay a penalty. This employer mandate provision is also known as the “employer shared responsibility” or “pay or play” rules. An ALE is only liable for a pay or play penalty if one or more of its full-time employees receive a subsidy for coverage under an Exchange.

Under the pay or play rules, an ALE’s health coverage is considered affordable if the employee’s required contribution to the plan does not exceed 9.5% (as adjusted) of the employee’s household income for the taxable year. For plan years beginning in 2023, the affordability percentage is 9.12%.

Because an employer generally will not know an employee’s household income, the IRS has provided three optional safe harbors that ALEs may use to determine affordability based on information that is available to them—the **Form W-2 safe harbor**, the **rate of pay safe harbor** and the **federal poverty level safe harbor**. This ACA Overview describes the ACA’s affordability determination and safe harbors for purposes of the pay or play rules.

LINKS AND RESOURCES

- IRS [final regulations](#) on the employer shared responsibility rules
- IRS [Rev. Proc. 2022-34](#), adjusting the affordability percentage for 2023
- IRS [Notice 2015-87](#), providing guidance on how affordability is impacted by HRA contributions and flex contributions

Applicable Large Employer

Only ALEs are subject to the employer shared responsibility rules.

- ALEs are employers that employ, on average, at least 50 full-time employees, including full-time equivalents (FTEs), during the preceding calendar year.
- All ALEs are subject to these rules, including for-profit, nonprofit and government employers.

Affordability Safe Harbors

The IRS has provided three optional safe harbors that ALEs may use to determine their plan’s affordability:

- Form W-2 safe harbor;
- Rate of pay safe harbor; and
- Federal poverty level safe harbor.

ACA COMPLIANCE OVERVIEW



Affordability Determination

Under the employer shared responsibility rules, an ALE that offers health coverage to substantially all of its full-time employees (and dependents) may be subject to a penalty if the health coverage does not provide minimum value or is unaffordable. For this purpose, an ALE's health coverage is considered affordable if the employee's required contribution to the plan does not exceed **9.5%** (as adjusted) of the employee's household income for the taxable year. "Household income" is the modified adjusted gross income of the employee and any family members (including a spouse and dependents).

The affordability test applies only to the portion of **the annual premiums for self-only coverage**, and does not include any additional cost for family coverage. Also, if an employer offers multiple health coverage options, the affordability test applies to the lowest-cost option that provides minimum value.

Changes to the Affordability Percentage

The affordability contribution percentage is adjusted annually for inflation. IRS [Notice 2015-87](#) clarified that ALEs using an affordability safe harbor may use the adjusted affordability contribution percentages. Employer-sponsored coverage will generally be considered affordable under the employer shared responsibility rules if the employee's required contribution for self-only coverage does not exceed:

- **9.56%** of the employee's household income for the year, for 2015 plan years;
- **9.66%** of the employee's household income for the year, for 2016 plan years;
- **9.69%** of the employee's household income for the year, for 2017 plan years;
- **9.56%** of the employee's household income for the year, for 2018 plan years;
- **9.86%** of the employee's household income for the year, for 2019 plan years;
- **9.78%** of the employee's household income for the year, for 2020 plan years;
- **9.83%** of the employee's household income for the year, for 2021 plan years;
- **9.61%** of the employee's household income for the year, for 2022 plan years; and
- **9.12%** of the employee's household income for the year, for 2023 plan years.

Affordability Safe Harbors

Because an employer generally will not know an employee's household income, the IRS has provided three optional affordability safe harbors that ALEs may use to determine affordability based on information that is available to them—the **Form W-2 safe harbor**, the **rate of pay safe harbor** and the **federal poverty level safe harbor**.

An employer may use one or more of the affordability safe harbors if it offers its full-time employees (and dependents) the opportunity to enroll in minimum essential coverage under a health plan that provides minimum value with respect to the self-only coverage offered to the employees.

Safe Harbor Application

The three affordability safe harbors are all **optional**. An employer may choose to use one or more of the affordability safe harbors for all its employees or for any reasonable category of employees, provided it does so on a uniform and consistent basis for all employees in a category.

ACA COMPLIANCE OVERVIEW



Reasonable categories of employees generally include:

- Specified job categories;
- Nature of compensation (for example, salaried or hourly);
- Geographic location; and
- Similar bona fide business criteria.

A listing of employees by name (or other specific criteria having substantially the same effect) is not considered a reasonable category.

The affordability safe harbors are only used to determine whether an ALE's coverage satisfies the affordability test under the employer shared responsibility penalty. These safe harbors do not affect an employee's eligibility for an Exchange subsidy, which is based on the affordability of employer-sponsored coverage relative to an employee's household income. This means that, in some instances, an ALE's offer of coverage to an employee could be considered:

- Affordable (for example, based on W-2 wages) for purposes of determining whether the employer is subject to a penalty; and, at the same time,
- Unaffordable (based on household income) for purposes of determining whether the employee is eligible for an Exchange subsidy.

Form W-2 Safe Harbor

Under the Form W-2 safe harbor, an ALE may determine the affordability of its health coverage by reference **only to an employee's wages from that ALE**, instead of by reference to the employee's household income. For this purpose, "wages" is the amount that is required to be reported in Box 1 of the employee's Form W-2.

An ALE satisfies the Form W-2 safe harbor for an employee if the employee's required contribution for the calendar year for the ALE's lowest cost self-only coverage that provides minimum value during the entire calendar year (excluding COBRA or other continuation coverage except with respect to an active employee eligible for continuation coverage) **does not exceed 9.5% (as adjusted) of that employee's Form W-2 wages** from the employer for the calendar year.

Eligibility for the Form W-2 Safe Harbor

To be eligible for the Form W-2 safe harbor, the employee's required contribution must remain a consistent amount or percentage of all Form W-2 wages during the calendar year (or during the plan year for plans with non-calendar year plan years). Thus, an ALE may not make discretionary adjustments to the required employee contribution for a pay period. A periodic contribution that is based on a consistent percentage of all Form W-2 wages may be subject to a dollar limit specified by the employer.

Timing of the Form W-2 Safe Harbor

ALEs determine whether the Form W-2 safe harbor applies after the end of the calendar year and on an employee-by-employee basis, taking into account W-2 wages and employee contributions.

Partial-year Offers of Coverage

For an employee who was not offered coverage for an entire calendar year, the Form W-2 safe harbor is applied by:

- Adjusting the employee's Form W-2 wages to reflect the period when the employee was offered coverage; and
- Comparing the adjusted wage amount to the employee's share of the premium for the employer's lowest cost self-only coverage that provides minimum value for the periods when coverage was offered.

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Specifically, the amount of the employee's compensation for purposes of the Form W-2 safe harbor is determined by multiplying the wages for the calendar year by a fraction equal to the number of calendar months for which coverage was offered over the number of calendar months in the employee's period of employment with the ALE during the calendar year. For this purpose, if coverage is offered during at least one day during the calendar month, or the employee is employed for at least one day during the calendar month, the entire calendar month is counted in determining the applicable fraction.

Rate of Pay Safe Harbor

The rate of pay safe harbor is designed to allow ALEs to prospectively satisfy affordability without the need to analyze every employee's wages and hours. **For hourly employees**, the rate of pay safe harbor allows an ALE to:

- Take the lower of the hourly employee's rate of pay as of the first day of the coverage period (generally, the first day of the plan year) or the employee's lowest hourly rate of pay during the calendar month;
- Multiply that rate by 130 hours per month (the benchmark for full-time status for a month); and
- Determine affordability for the calendar month based on the resulting monthly wage amount.

Specifically, the employee's monthly contribution amount (for the self-only premium of the employer's lowest cost coverage that provides minimum value) is affordable for a calendar month if it is equal to or lower than 9.5% (as adjusted) of the computed monthly wages (that is, the employee's applicable hourly rate of pay multiplied by 130 hours). An ALE may use the rate of pay safe harbor even if an hourly employee's rate of pay is reduced during the year.

For salaried employees, monthly salary as of the first day of the coverage period would be used, instead of hourly salary multiplied by 130 hours. However, if the monthly salary is reduced, including due to a reduction in work hours, the rate of pay safe harbor may not be used.

Federal Poverty Line Safe Harbor

An ALE may also rely on a design-based safe harbor using the federal poverty line (FPL) for a single individual. Employer-provided coverage is considered affordable under the FPL safe harbor if the employee's required contribution for the calendar month for the lowest cost self-only coverage that provides minimum value does not exceed 9.5% (as adjusted) of the FPL for a single individual for the applicable calendar year, divided by 12.

ALEs may use any of the poverty guidelines in effect within six months before the first day of the plan year for purposes of this safe harbor.

The federal poverty guidelines differ based on household size, and different levels apply for Alaska and Hawaii. The FPL for a single individual in the 48 contiguous states and D.C. is **\$12,880** for 2021, **\$13,590** for 2022 and **\$14,580** for 2023. See HHS' [website](#) for more information.

The FPL safe harbor allows ALEs to disregard certain employees in determining the affordability of health coverage (that is, employees who cannot receive an Exchange subsidy because of their income level or eligibility for Medicare, and therefore cannot trigger an ALE's liability for an employer shared responsibility penalty). The FPL safe harbor also provides ALEs with a predetermined maximum amount of employee contribution that in all cases will result in the coverage being deemed affordable.

ACA COMPLIANCE OVERVIEW



Flex Contributions and HRA Contributions

[Notice 2015-87](#) addresses how employer contributions to a cafeteria plan (flex contributions) or health reimbursement arrangement (HRA) are counted in determining the affordability of employer-sponsored coverage. Note that employer contributions to health savings accounts (HSAs) do not affect the affordability of employer-sponsored coverage because HSA amounts may generally not be used to pay for health insurance premiums.

Flex Contributions

For purposes of determining the affordability of coverage, the required contribution is **reduced** by any contributions made by an employer (also called employer **health flex contributions**) under a Section 125 cafeteria plan that may not be taken as a taxable benefit, may be used to pay for minimum essential coverage and may be used only to pay for medical care.

Thus, health flex contributions made available for the current plan year may be taken into account for purposes of determining an individual's required contribution. However, if an employee may use employer contributions to a cafeteria plan for non-health care benefits (such as dependent care or group term life insurance) or may receive them as cash, those amounts do not reduce the employee's required contribution.

Example 1 (Health Flex Contribution Reduces Dollar Amount of Employee's Required Contribution). Employer offers employees coverage under a group health plan through a Section 125 cafeteria plan. An employee electing self-only coverage under the health plan is required to contribute \$200 per month toward the cost of coverage. Employer offers employer flex contributions of \$600 for the plan year that may only be applied toward the employee share of contributions for the group health coverage or contributed to a health flexible spending arrangement (health FSA).

Conclusion. The \$600 employer flex contribution is a health flex contribution and reduces the employee's required contribution for the coverage for purposes of the employer shared responsibility rules (including the affordability safe harbors). Because the \$600 employer flex contribution is a health flex contribution, the \$600 is taken into account as an employer contribution (and therefore reduces the employee's required contribution), regardless of whether the employee elects to apply the health flex contribution toward the employee contribution for the group health coverage or elects to contribute it to the health FSA. For purposes of the employer shared responsibility rules, the employee's required contribution for the group health coverage is \$150 (\$200 - \$50) per month.

Example 2 (Employer Flex Contribution Does Not Reduce Dollar Amount of Employee's Required Contribution). Employer offers employees coverage under a group health plan through a Section 125 cafeteria plan. An employee electing self-only coverage under the health plan contributes \$200 per month toward the cost of coverage. Employer offers employer flex contributions of \$600 for the plan year that can be used for any benefit under the Section 125 cafeteria plan (including benefits not related to health) but are not available as cash.

Conclusion. Because the \$600 employer flex contribution is not usable exclusively for medical care, it is not a health flex contribution and therefore does not reduce the employee's required contribution for the coverage under the employer shared responsibility rules. For purposes of the employer shared responsibility rules, the employee's required contribution is \$200 per month.

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Example 3 (Employer Flex Contribution Does Not Reduce Dollar Amount of Employee's Required Contribution).

Same as in Example 2, except that the employee may also elect to receive the \$600 employer flex contribution as cash or other taxable compensation.

Conclusion. Same as in Example 2, because the employer flex contribution is not a health flex contribution. The same conclusion would apply if the employer flex contribution were available to pay for health benefits or to be taken as cash or other taxable compensation, but not available to pay for other types of benefits.

HRA Contributions

Amounts made newly available under an HRA that is integrated with an employer-sponsored plan for the current plan year are taken into account only in determining affordability if the employee may either **use the amounts only for premiums** or **choose to use the amounts for either premiums or cost-sharing**. This special rule is intended to prevent double counting the HRA amounts when assessing minimum value and affordability of employer-sponsored coverage.

According to Notice 2015-87, employer contributions to an HRA count toward an employee's required contribution only to the extent that the amount of the employer's annual HRA contribution is either required under the terms of the arrangement, or is otherwise determinable within a reasonable time before the employee must decide whether to enroll in the eligible employer-sponsored plan.

A contribution that meets this requirement relates to the immediately subsequent period of coverage for which the employee could enroll and use the HRA contribution. For purposes of the employer shared responsibility, the employer contribution to an HRA (and any resulting reduction in the employee contribution) is treated as made ratably for each month of the period to which it relates.

Example. The employee contribution for health coverage under the major medical group health plan offered by the employer is generally \$200/month. For the current plan year, the employer makes newly available \$1,200 under an HRA that the employee may use to: (1) pay the employee share of contributions for the major medical coverage; (2) pay cost-sharing; or (3) pay towards the cost of vision or dental coverage. The HRA satisfies all requirements for integration with the major medical group health plan.

Conclusion. The \$1,200 employer contribution to the HRA **reduces the employee's required contribution for the coverage**. For purposes of the employer shared responsibility rules, the employee's required contribution for the major medical plan is \$100 (\$200 - \$100) per month because 1/12 of the \$1,200 HRA amount per month is taken into account as an employer contribution, whether or not the employee uses the HRA to pay the employee share of contributions for the major medical coverage.

Wellness Program Incentives

The IRS has also addressed how wellness plan incentives impact health plan affordability under the ACA's pay or play rules. According to [final regulations](#) from November 2014, the affordability of an employer-sponsored health plan is determined by **assuming that each employee fails to satisfy the wellness program's requirements**, unless the wellness program is related to **tobacco use**. This means the affordability of a plan that charges a higher initial premium for tobacco users will be determined based on the premium charged to non-tobacco users, or tobacco users who complete the related wellness program, such as attending smoking cessation classes. Thus, for purposes of determining affordability under the pay or play rules:

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- Wellness incentives **unrelated to tobacco** use are treated as **unearned**; and
- Wellness incentives **related to tobacco** use are treated as **earned**.

Opt-out Payments

Notice 2015-87 and [proposed regulations](#) from July 2016 address the effect of opt-out payments on the affordability of employer-sponsored coverage. An **opt-out payment** is defined as a payment made by an employer to an employee that:

- Is available only if the employee declines coverage (which includes waiving coverage in which the employee would otherwise be enrolled) under the employer-sponsored plan; and
- Cannot be used to pay for coverage under the employer-sponsored plan.

The arrangement under which the opt-out payment is made available is known as an **opt-out arrangement**. An amount provided as an employer contribution to a Section 125 cafeteria plan that may be used by the employee to purchase minimum essential coverage **is not an opt-out payment**, whether or not the employee may receive the amount as a taxable benefit.

Under the IRS' guidance, whether an opt-out payment will need to be counted toward affordability depends on whether the payment is made under a conditional or an unconditional opt-out arrangement.

Conditional opt-out arrangement

An opt-out arrangement under which payments are conditioned not only on the employee declining employer-sponsored coverage, but also on the satisfaction of one or more additional meaningful conditions (such as the employee providing proof of enrollment in coverage provided by a spouse's employer or other coverage).

Unconditional opt-out arrangement

An arrangement providing payments conditioned solely on an employee declining employer-sponsored coverage, and not on an employee satisfying any other meaningful requirement related to the provision of health care to employees (such as a requirement to provide proof of coverage through a plan of a spouse's employer).

Unconditional Opt-out Arrangements

Under the proposed regulations, opt-out payments made available to an employee under an **unconditional opt-out arrangement** will increase an employee's required contribution beyond the amount of salary reduction elections. Thus, the employee's required contribution would be equal to:

The amount the employee is
otherwise required to pay for
health coverage



The amount of the opt-out payment
that the employee must forgo as a
result of electing coverage

For example, if an employer offers employees group health coverage through a Section 125 cafeteria plan, requiring employees who elect self-only coverage to contribute \$200 per month toward the cost of that coverage, and offers an additional \$100 per month in taxable wages to each employee who declines the coverage, Notice 2015-87 provides that **the offer of \$100 in additional compensation has the economic effect of increasing the employee's contribution for the coverage**.

ACA COMPLIANCE OVERVIEW



In this case, the employee contribution for the group health plan effectively would be \$300 (\$200 + \$100) per month, because an employee electing coverage under the health plan must forgo \$100 per month in compensation in addition to the \$200 per month in salary reduction.

Until the proposed regulations are finalized, this guidance applies to unconditional opt-out arrangements that are adopted after Dec. 16, 2015.

Conditional Opt-out Arrangements

The proposed regulations provide that amounts made available under **conditional opt-out arrangements** are disregarded in determining the required contribution **only** if the arrangement satisfies certain conditions (that is, it is an eligible opt-out arrangement). For this purpose, an **eligible opt-out arrangement** is an arrangement under which the employee's right to receive the opt-out payment is conditioned on:

- The employee declining to enroll in the employer-sponsored coverage; and
- The employee annually providing reasonable evidence that the employee and the employee's expected tax family have or will have minimum essential coverage (other than coverage in the individual market) during the period of coverage to which the opt-out arrangement applies.

For example, if an employee's expected tax family consists of the employee, the employee's spouse and two children, the employee would meet this requirement by providing reasonable evidence that the employee, the employee's spouse and the two children will have coverage under the group health plan of the spouse's employer for the period to which the opt-out arrangement applies.

Fringe Benefit Payments for Federal Contract Workers

The Service Contract Act (SCA) and the Davis-Bacon Act (DBA) require federal contract workers to be paid prevailing wages and fringe benefits, which often may be cashed out. According to Notice 2015-87, the IRS continues to consider how the SCA, the DBA and the employer shared responsibility rules may be coordinated.

Notice 2015-87 provided that, until further guidance is issued (at least through 2016 plan years), for purposes of the employer shared responsibility rules, employer fringe benefit payments (including flex credits or contributions) under the SCA or DBA that may be used to pay for coverage under an eligible employer-sponsored plan will be treated as **reducing the employee's required contribution**, but only to the extent it does not exceed the amount required under the SCA or DBA. On March 30, 2016, the DOL issued [All Agency Memorandum 220](#) (AAM 220), along with [FAQs](#), to provide additional guidance on how the ACA interacts with the SCA and DBA.

Source: Internal Revenue Service

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

February 21, 2023

6:45 PM

Council Chambers

WebEx Teleconference Call-In Information Call Toll-

Free: 1-844-992-4726 Access Code: 2491 493 2487

1. Event/ Street Closure Application- Brainerd St. Patrick's Day Parade and Celebration
2. Adopt Resolution Removing On-Street Parking on Oak Street
3. Approve Grant Application for Laura Jane Musser Environmental Initiative Grant for Jaycees Park Trail
4. Approve Grant Application for MnDNR Outdoor Recreation Grant for Lum Park Beach Restroom Building
5. Approve Proposal from Bolton & Menk for Engineering Services for the Buffalo Hills Gully Remediation Project
6. Discuss Street Lighting Policy
7. Approve Budget for 2023 Landscaping in Downtown Special Services District
8. Direction on Active Code Enforcement



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Event/Street Closure Application – 2023 St. Patrick’s Day Parade

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE:

Attached to this request is an event/street closure application for the 2023 St. Patrick's Day festivities and parade, to be held on March 11, 2023 from 11:30 am - 2:00 pm.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The event consists of a medallion hunt (in which begins a few days before the parade), a kids costume contest hosted by the VFW, and a parade in downtown. The applicant, through the application, has indicated there will be a need for power and amplified sound. Fliers and banners will be distributed to the downtown businesses so that they are aware of the event. The applicant is requesting the closure of downtown streets per the attached map on the event application, including S. 7th, Front Street, S. 9th Street, and Laurel Street. The sidewalks will remain open during the event. The Police Chief has indicated that he will have some staffing available for the event to assist with closures and any other items that come up during the festivities.

RECOMMENDED ACTION/MOTION:

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

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) Click to enter text



SPECIAL EVENT APPLICATION

Date of Application: 2/16/2023

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

Type of event:

☐
☒

Event – City Parking Lot
Event with Street Closure

☐
☐

Event – City Park
Other _____

Name of event: 2023 St. Patrick's Day Parade

Organizer Information

Organizer's Name:

Steve Shepherd/Dave Badeaux

Organizer's Address:

315 S. 6th Street / 321 S. 7th Street

Event Contact Person:

Steve Shepherd

Event Contact Daytime Phone:

218-839-5837

Event Contact E-mail Address:

mixn14u@gmail.com

Contact Name/Number Day of Event:

Same

For Profit/Nonprofit Status (type):

501c3 Brainerd Community Action

Applicant information (if different from the event organizer):

Applicant Name:

Dave Badeaux

Applicant Address:

321 S. 7th Street Suite 105

Applicant Phone:

218-829-5278

Applicant E-mail Address:

info@BrainerdCommunityAction.org

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
3/11/2022	11:30am	2:00pm	See Route Map

☒ 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:

Medallion hunt starting a few days prior to parade

12pm - Kids Costume contest at VFW

1pm - Parade

Site Information

Electrical usage

☒

Yes

☐

No

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

if possible we just need a standard
plugin on corner of Laurel & 7th

Amplified Sound

☒

Yes

☐

No

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

small speaker system

Restrooms provided

☐

Yes

☒

No

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

Company contracted for restrooms: _____

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

Signs, banners, and/or posters/flyers

☒

Yes

☐

No

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

8.5 x 11 color flyers to be distributed to downtown businesses

1/2 sheet flyers will be distributed to schools

Trash Receptacle Disposal

☐

Yes

☒

No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

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

Street Closure Request Information

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

Please see route map.

Date and time for beginning of street closures: **3/11/22 11:30 am**

Date and time for reopening of streets: **3/11/23 2:00 pm (completion of parade)**

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

Sidewalks will remain open, with city parking lots available nearby.

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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



Signature of Applicant

Dave Badeaux

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	<u>2/16/23 SM</u>	<u>No comments</u>
City Administration	_____	_____
Engineering Department	<u>2/16/23 JD</u>	<u>See below conditions</u>
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	_____
Police Department	<u>2/16/23 MB</u>	<u>CSO's available to assist with S 8th closure</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

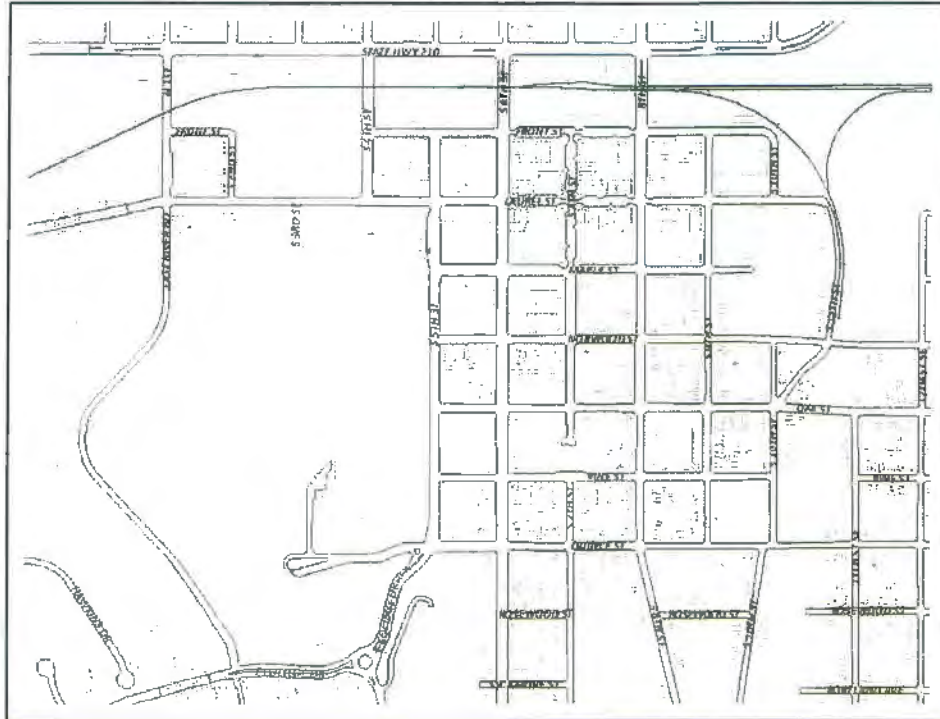
Please request traffic control one week prior to event and submit required insurance
before event.

Certification of Street Closure Approval

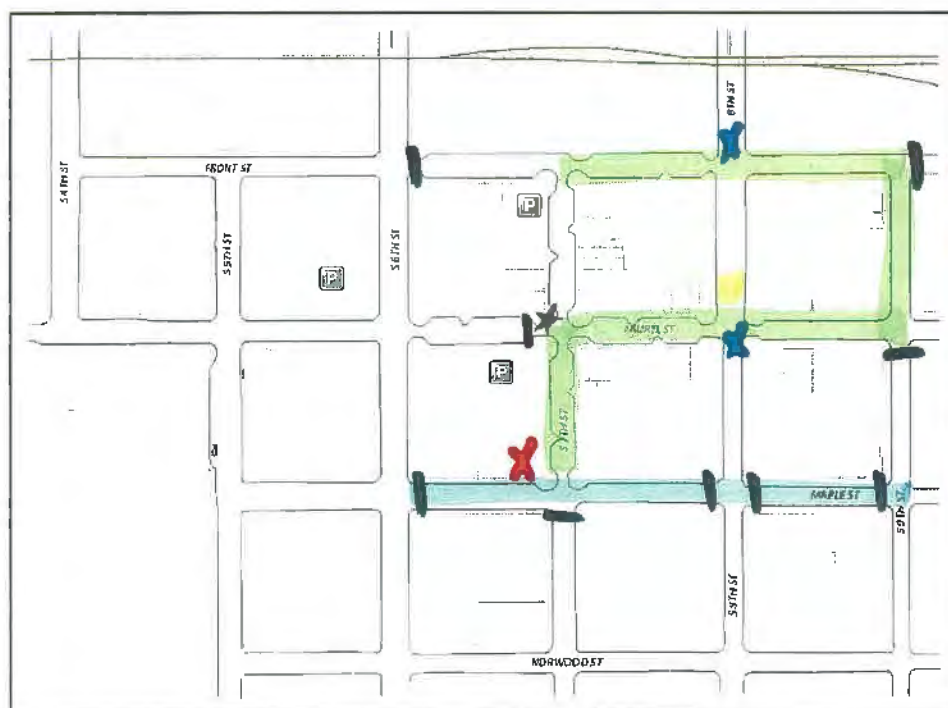
The street closure request as described herein was approved by the City Council at their _____, 20__ meeting. Approval is subject to the following condition(s):

Route Maps

Greater Downtown Area



Historic Downtown Area



- Staging
- Parade Route
- Parade Check in
- Judging
- Police
- Barricade



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: RES – Adopt Resolution Removing Parking on Oak Street

AGENDA: SPW Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:

Staff is requesting for Council to review recommended changes to on-street parking on the north side of Oak Street adjacent to the proposed Safe Routes to School project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

As part of the Safe Routes to School project, a pedestrian crossing median is proposed to be installed on Oak Street from SE 15th to SE 16th Streets. To accommodate the taper sections approaching the medians from either end, this will conflict with on-street parking on the north side of Oak Street from the intersection of SE 15th Street and roughly 150 feet west as well as the intersection of SE 16th Street and roughly 150 feet east. Due to the current configuration, we are able to maintain the on-street parking on the south side of Oak Street.

RECOMMENDED ACTION/MOTION:

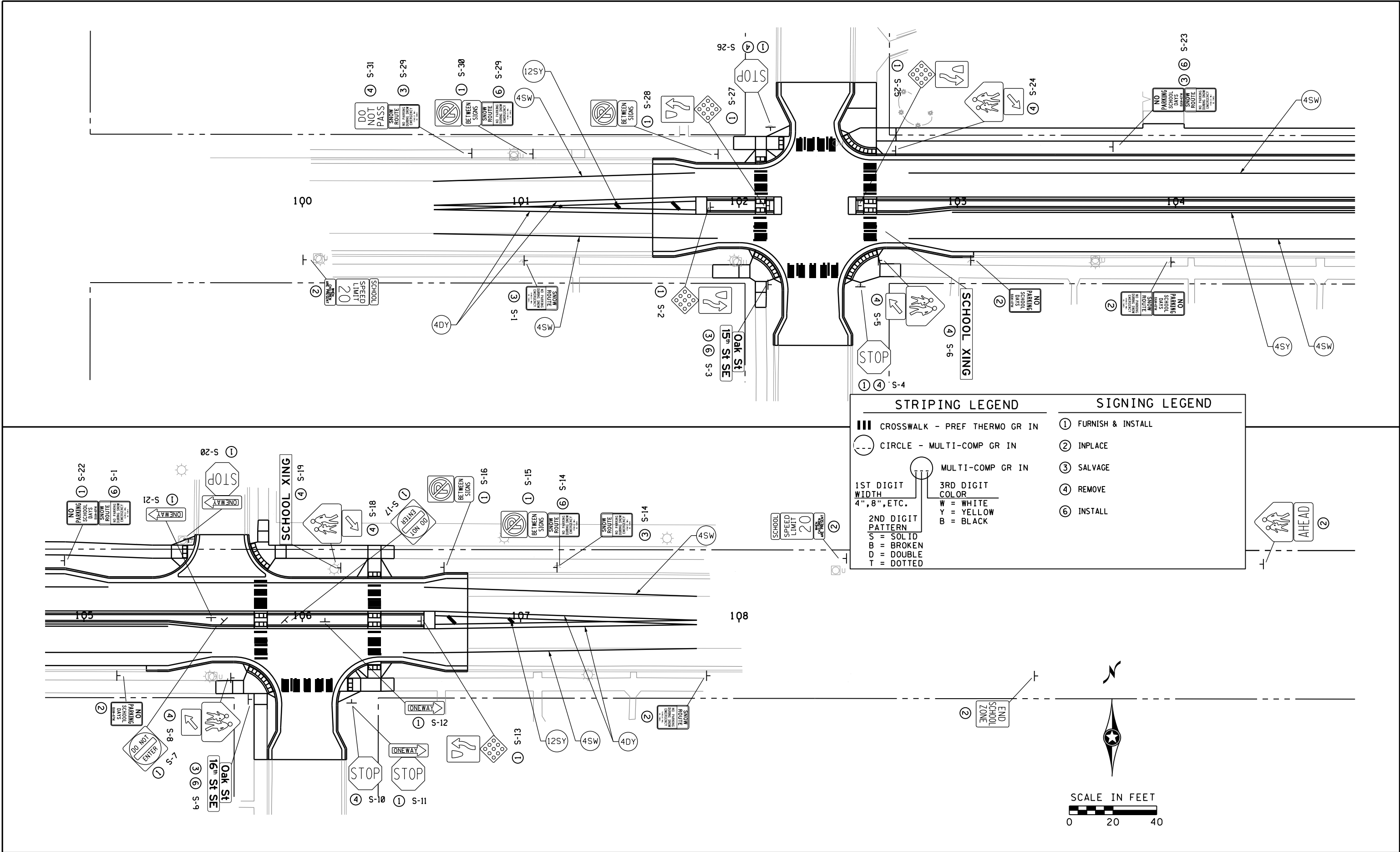
Staff recommends adoption of the resolution changing the parking zone on the north side of Oak Street between the intersection of SE 15th Street and 150 feet west of SE 15th Street and from the intersection of SE 16th Street and 150 feet east of SE 16th Street to “No Parking” effective June 2, 2023.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: [Click to enter text](#)

Is this budgeted? (Please Explain) [Click to enter text](#)



RESOLUTION
NO. _____

WHEREAS, the City of Brainerd has received Safe Routes to School grant funding to construct improved school pedestrian crossings across Oak Street between SE 15th Street and SE 16th Street; and

WHEREAS, the scope of the improvement includes construction of a median extending the duration of the said block of Oak Street; and

WHEREAS, construction of median within the existing road width would require removal of on-street parking on the north side of Oak Street between the intersection of SE 15th Street and 150 feet west of the intersection; and

WHEREAS, construction of median within the existing road width would require removal of on-street parking on the north side of Oak Street between the intersection of SE 16th Street and 150 feet east of the intersection; and

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

the City Council of the City of Brainerd does hereby change the parking zone on the north side of Oak Street between the intersection of SE 15th Street and 150 feet west of SE 15th Street and from the intersection of SE 16th Street and 150 feet east of SE 16th Street to "No Parking" effective June 2, 2023.

Adopted this 21st day of February 2023

KELLY BEVANS
President of the Council

Adopted this 21st day of February 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Grant Application for Laura Jane Musser Environmental Initiative Grant for Jaycees Park Trail

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE:

Park Board requested that staff look into applying for the Laura Jane Musser Environmental Initiative Fund grant to construct the multi-use trail in Jaycees Park.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The approved Jaycees Park Master Plan identifies a Snow Shoe/Skiing Trail that encompasses much of Jaycees Park. City Council authorized \$200,000 in ARPA funds for several improvements at the park including the Warming House, parking lot, soccer field, and pleasure rink. The Laura Jane Musser Environmental Initiative Fund funds projects that promote the public use of open space while also protecting or restoring habitat for a diversity of plant and animal species. The awards are capped at \$35,000 per application. Staff is recommending applying for the grant to construct the multi-use trail along with several pollinator plots along the trail in select locations. Currently, staff is estimating the project at approximately \$30,000 but a more refined estimate will be developed as part of the application.

RECOMMENDED ACTION/MOTION:

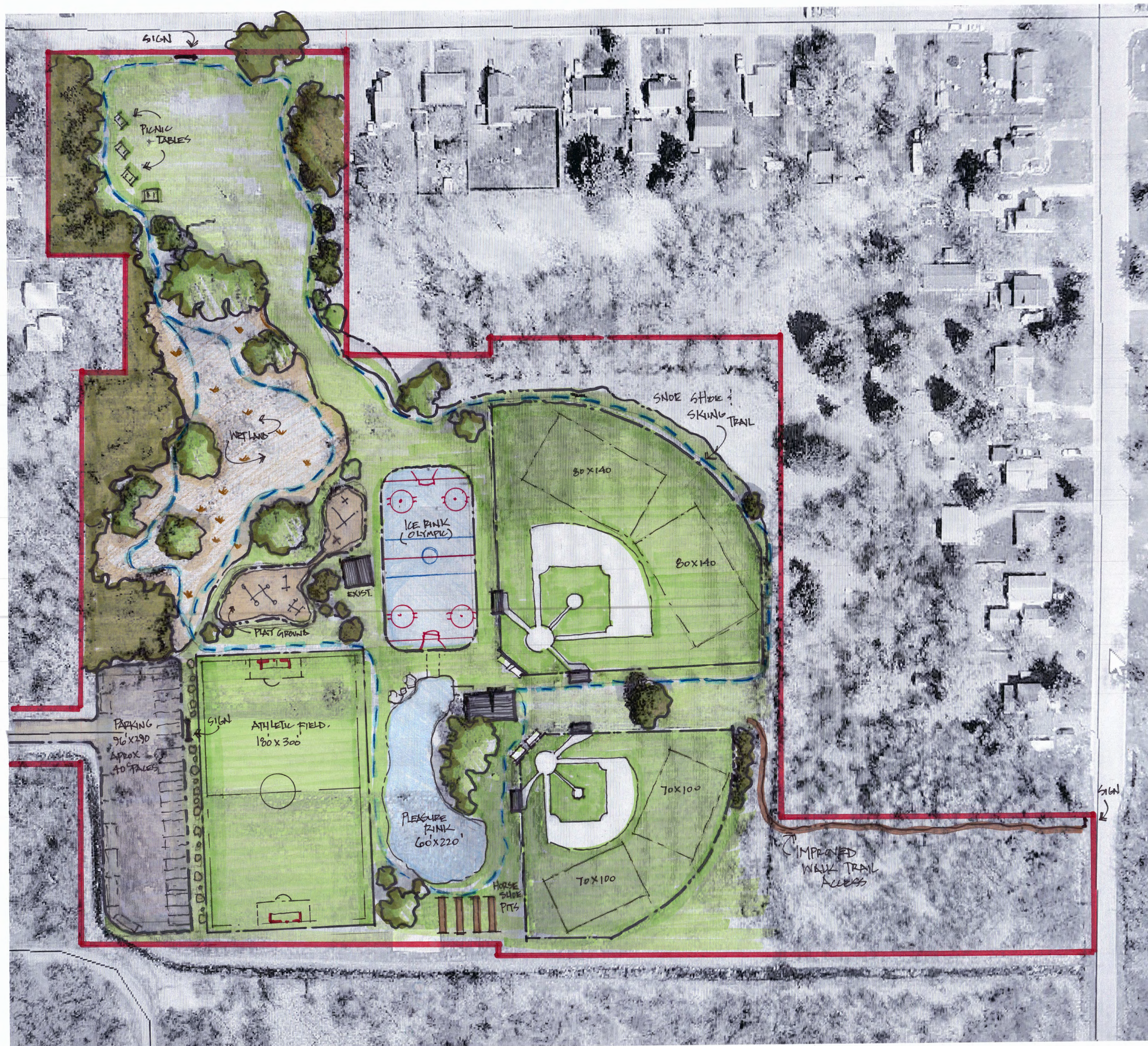
Staff is requesting authorization to apply for the Laura Jane Musser Environmental Initiative Fund grant for the Jaycees Park multi-use trail.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: [Click to enter text](#)

Is this budgeted? (Please Explain) [Click to enter text](#)



Park Amenities :

Summer activity spaces

- 1-Jr. Baseball/Softball field with adjustable infield
- 1-Sr. Baseball/Softball field with adjustable infield.
- 2-80x140 flex Fields
- 2-70x100 Flex Fields
- 1-Full Size Soccer/Flex Field 180x300
- 4-8 Table Picnic Area with attached 180x180 greenspace
- 1-Large Playground Equipment Space
- 4 Tournament Sized Horse Shoe Pits

Winter activity spaces

- 1- Olympic Sized Hockey Sheet
- 1- Pleasure Rink 60x120
- 1-3000' Groomed Walking/ Snow Shoe/ Ski Trail

Structures

- 1-Warming/ Bathroom and Concession Building
- Storage Maintenance Building.
- Team Dug outs
- 3- Park Entrance Signs
- 30 -40 Car Gravel Parking Lot



PROPOSED MASTER PLAN
JAYCEES PARK
3/10/22

SCALE - 1" = 50'





Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Grant Application for MnDNR Outdoor Recreation Grant for Lum Park Beach Restroom Building

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE:

Park Board requested that staff look into applying for the MnDNR Outdoor Recreation Grant to assist with funding of the restroom/beach house building at Lum Park Beach.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The draft Lum Park Master Plan identifies the facility adjacent to Lum Park Beach including restroom, beach house, shower and pavilion amenities. The current condition of the building is not usable and has functioned as storage during the 2022 season. Foundation and utility issues are the primary concerns and need to be addressed prior to the ability to utilize the facility again. The Master Plan shows the building slightly south of the existing location to accommodate beach expansion further south.

The MnDNR Outdoor Recreation Grant does fund swimming beaches, campgrounds, and support facilities (such as change houses, restrooms and shower buildings in this case). The grant matches 50% of total eligible costs up to a maximum grant amount of \$350,000. Staff is proposing applying for the grant as a combination of the two projects Council approved with ARPA funding, the Lum Park Beach (\$150,000) and the Lum Park Campground (\$150,000) for a total grant request of \$300,000, with \$300,000 locally committed for a total of \$600,000 project cost.

RECOMMENDED ACTION/MOTION:

Staff is requesting authorization to apply for the MnDNR Outdoor Recreation grant for the Lum Park Beach & Campground expansion project to allow for rehabilitation of the existing beach house/restroom facility.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) Click to enter text



Park Amenities :

Summer activity spaces

- 3 court Tennis/ pickleball courts
- Basketball court
- 4-8 Table Picnic Area with attached 180x180 greenspace
- 1-Large Playground Equipment Space
- 4 Tournament Sized Horse Shoe Pits/ built in corn hole fields.
- Expanded beach area
- Expanded piers
- Bike/walking trail system and connections
- Disc golf course
- Full campground with amenities
- Rice lake fishing/boat/canoe launch and access

Winter activity spaces

- Pleasure Rink 60x120 with seasonal warming house
- 1-3000' Groomed Walking/ Snow Shoe/ Ski Trail
- Ice fishing and lake access

Structures

- 1-Shower restroom building
- Storage Maintenance building
- Beach pavilion and restroom building with concessions
- 3- Park Entrance Sign and historical entry way
- Paved parking lots and improved pedestrian and bike trails
- Campground host or check in building
- Campground pavilion
- 3 shade pavilions

DRAFT



PROPOSED MASTER PLAN

LUM PARK

12.21.22



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Proposal from Bolton & Menk for Engineering Services for the Buffalo Hills Gully Remediation Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:

Staff is requesting Council approval to enter into a contract with Bolton & Menk for Construction Engineering services for the Buffalo Hills Gully Remediation Project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

As reported previously, the City was awarded a Clean Water Fund grant for the proposed Buffalo Hills Gully Remediation project. The preliminary cost of the project, including engineering and other costs, was \$1,219,000. The MN Board of Water and Soil Resources (BWSR), awarded the City a grant of \$975,000. A local match amount of \$244,000 (20%) was committed to the project. Staff is recommending that the local match be funded using the Storm Sewer Utility enterprise fund.

Bolton & Menk provided a proposal for Construction Engineering on the project. The total amount is \$75,932. This is assuming an 8-week construction project. Due to the limitations of the northern long-eared bat, clearing and grubbing of trees will likely not occur until winter of 2023-2024. Thus the project is likely to occur mainly during the 2024 construction season. Bolton & Menk has committed that the 2024 construction would not affect the price in the proposal.

RECOMMENDED ACTION/MOTION:

Staff recommends approval of the Bolton & Menk proposal for construction engineering services for the Buffalo Hills Gully Remediation Project in the amount of \$75,932.

FINANCIAL IMPACT:

Is there a cost associated with this request: Yes

What is the total cost, with tax and shipping: \$75,932

Is this budgeted? (Please Explain) Yes, engineering costs are included in the construction project budget.



Real People. Real Solutions.

7656 Design Road
Suite 200
Baxter, MN 56425-8676

Ph: (218) 825-0684
Fax: (218) 825-0685
Bolton-Menk.com

February 8, 2023

Jessie Dehn, P.E.
City Engineer/Public Works Director
City of Brainerd
501 Laurel Street, Brainerd, MN 56401

RE: Buffalo Hills Gully Storm Sewer Construction Administration Proposal
City of Brainerd, MN

Dear Jessie,

Based on our February 3, 2023 conversation and provided 60% draft construction plan set prepared by HR Green, we are providing our proposal for engineering services associated with Buffalo Hills Gully Improvements in Brainerd.

It is our understanding that the City of Brainerd is addressing an erosion issue by installing storm sewer in an existing gully located behind existing homes in the Buffalo Hills neighborhood. The storm sewer is approximately 1,400 lineal feet, the surface elevation of the area will be raised seven to ten feet, and an enhanced storm sewer outlet will be constructed to protect the adjacent Mississippi River. We understand the proposed project includes the following:

- Installing perimeter controls and clearing and grubbing 1.9 acres of trees.
- Installing 1,400 lineal feet of 48" RCP storm sewer, 20 manholes, and storm sewer outlet.
- Raising the grade of gully by importing approximately 5,000 cubic yards of embankment.
- Restoration of impacted areas.

To assist the City of Brainerd complete this project, we propose to provide the following services as described below:

1. Construction Administration Services – We anticipate 80 contract administration service hours over an eight-week period. Our proposed project manager, Andrew Beadell, P.E., is a professional engineer with eight years of experience.
2. Construction Staking Services – We would provide construction staking services associated with the improvements from our Baxter Office. Our proposal includes an estimated 68 hours for staking calculations and construction staking services.
3. Construction Observation Services - We will provide full time and/or periodic construction observation depending upon the primary construction activity, contract administration, labor/wage compliance interviews (if required with funding), coordinate material testing if necessary, and prepare construction record drawings with a Resident Project Representative (RPR) from our Baxter Office.

- a. Our construction services are based on an estimated construction period of 40 working days. We anticipate 372 construction observation service hours for the duration of the project. The estimated hours are based on periodic inspections during clearing and grubbing and turf restoration activities estimated to be twenty hours per week for a two week duration and full time inspection during storm sewer and grading activities estimated to be fifty hours per week for a six week duration.

SCOPE OF SERVICES

Bolton & Menk, Inc. will complete the following scope of work:

Task 1: Construction Services

Subtask 1.1 Construction Administration

Objective: Perform construction administration.

Description: The project manager will perform the following construction administration responsibilities:

- Attend preconstruction meeting.
- Perform on-site review pertaining to work and progress as needed.
- Attend weekly progress meetings as needed.
- Prepare change orders and written directives.
- Review shop drawings.
- Review and recommend approval of pay requests.

Deliverables: Meeting minutes, pay estimates, change orders, work directives, and shop drawing reviews.

Subtask 1.2 Field Staking

Objective: Complete necessary field staking.

Description: Survey crews will complete field staking on the following features:

Site Verification and Control Work:

- Set and/or verify vertical and horizontal control network necessary for accurate construction layout
- Set a network of control points surrounding the site to assist the contractor's machine control grading.

Staking computations:

- Perform computations required to set the required survey stakes. Bolton & Menk, Inc. will reference the certified construction plans and the CAD files provided by the designer

Erosion Control:

- Set stakes indicating the positioning of the silt fence
 - Lath will be set at 100-foot intervals, deflections, beginning, and end of silt fence

Clear & Grub Limits:

- Set stakes indicating the positioning of the clear & grub limits
 - Lath will be set at 100-foot intervals, deflections, beginning, and end of limits

Storm Sewer:

- Set offset stakes indicating the positioning for manhole structures
 - Vertical reference will be set to the lowest pipe invert elevation within the structure
 - Horizontal reference will relate to the center of the manhole structure
 - Stake will not reference distances to the center of the opening for the casting; it is assumed contractor will determine this information
 - Set offset line reference stakes for storm sewer piping between structures at 50-foot stationing
 - Set offset stakes indicating the positioning for the horizontal position of the drain tile lines and bends (no vertical reference provided)

Finished Grade Stakes for Gully:

- Set grade stakes along the proposed finished gully centerline
 - Lath will be set at 50-foot intervals with cut/fill to proposed finished grade

Tree Replacement:

- Set stakes indicating the proposed position of approximately 20 replacement deciduous trees

GENERAL SURVEY ASSUMPTIONS

This proposal is based upon the following assumptions:

- We will provide copies of survey documents for project records; daily cut sheets will be provided detailing the construction stakes set
- Staking is proposed on a one-time basis; other contractors and subcontractors are to protect all stakes until the staked facility has been completed and the stake is no longer required; control points will be protected throughout the project; replacement of lost or obliterated stakes will be considered re-staking and billed in accordance our standard hourly rates as defined in this proposal
- We will have access to the architect and/or civil engineer digital files for our use in extracting data not shown on the paper plans but required for layout of any specific feature; we will not be held at fault for inaccuracies in said electronic file; if the architect and/or engineer charge a fee to receive the digital files it will be billed as an extra fee to the client
- Engineering and surveying services not specifically identified herein are not part of this proposal
- Survey crew will be available to work Monday-Friday between the hours of 6:30am and 6:00pm
- All meetings to be attended by Bolton & Menk, Inc., at the request of the client, will be billed in accordance with Bolton & Menk, Inc.'s standard hourly rates as defined below

Deliverables: Field stakes and documentation of all survey points installed.

Subtask 1.3 Construction Observation

Objective: Provide a highly qualified individual to serve as RPR to perform construction administration and observation of the contractor's work.

Description: The RPR will be on-site during the various stages of construction to observe and review the quality of work. The RPR will perform the following tasks:

- Provide day-to-day construction observation and coordination between contractor, city, and affected businesses and property owners.
- Maintain daily construction logs.
- Assist Project Manager with preparing monthly pay requests.

Deliverables: Inspection notes, photos, and other field records.

Task 2: Project Close-Out

Subtask 2.1 Final Project Review

Objective: Review project site with the city and contractor.

Description: We will walk the site with project stakeholders and identify any punchlist items that need to be addressed. Punchlist items will be reviewed until acceptable by the city.

Deliverables: Copy of any punchlist items.

Subtask 2.2 Record Drawings

Objective: Drawings documenting the “as-built” conditions for the city's records and future use.

Description: Bolton & Menk will combine all field information prepared by the RPR, contractor, and subcontractors for use in preparing record drawings. This information will be used to edit the design drawings used for project construction.

Deliverables: The record drawings will be provided to the city for review. Upon approval by the city, the final drawings will be provided in electronic (Adobe PDF) format for printing (if necessary) and archiving. One 11”x17” final hardcopy set will also be provided.

PROJECT SCHEDULE

Bolton & Menk will have staff available to get started upon City acceptance of this proposal and direction regarding timing. Based on our discussion we anticipate construction to commence at the beginning of the 2023 construction season.

ESTIMATED FEES

Based on our understanding of the effort required to assist the City with the Buffalo Hills Gully storm sewer improvements, we estimate the following fee as summarized in the table below. For your review, a more detailed breakdown has been provided. As delays associated with Contractor progress, site conditions, and weather are somewhat out of our control, we propose to provide our services on an hourly not-to-exceed basis with recognition that a fee amendment would be prepared for consideration if actual conditions are encountered like the concerns noted above. We will provide the City with monthly status updates during construction services to avoid any surprises at the end of the project and are willing to

Jessie Dehn, City Engineer/Public Works Director

February 8, 2023

Page 5

continually review with you the scope of our efforts to deliver this project and stay within the project budget.

Work Tasks	Fee
Task 1.1 Construction Administration	\$15,160
Task 1.2 Construction Staking	\$12,364
Task 1.3 Construction Observation*	\$43,520
Task 2.1 Final Project Review	\$3,538
Task 2.2 Record Drawing	\$1,350
Total Cost	\$75,932

*We assume Material Testing, if necessary, will be contracted directly by the City and is not included in our proposal.

This proposal assumes full-time inspection for most of the project. If this is above the city's expectation we are happy to customize our effort to meet the city's needs.

We appreciate the opportunity to provide our proposal for professional services. If you have any questions or need additional information, please contact me at 218-821-7265. If the proposal is acceptable, we will prepare an agreement between the City of Brainerd and Bolton & Menk, Inc. for both parties to sign to finalize acceptance of the proposal.

Sincerely,

Bolton & Menk, Inc.



Phil Martin, PE
Principal Engineer

Enclosures – Fee Summary

FEE SUMMARY

Detailed Cost Estimate								
Client: City of Brainerd				Bolton & Menk, Inc.				
Project: Buffalo Hills Gully								
Task No.	Work Task Description	Principal-in-Charge	Project Manager	RPR	Survey Manager	Survey Crew Chief	Total Hours	Total Cost
1.1	Construction Adminstration	8	80	4	0	0	92	\$15,160
1.2	Field Staking	0	0	0	16	52	68	\$12,364
1.3	Construction Observation	0	0	340	0	0	340	\$43,520
2.1	Final Project Review	0	6	20	0	0	26	\$3,538
2.2	Record Drawing	0	2	8	0	0	10	\$1,350
Total Hours		8	88	372	16	52	536	
Average Hourly Rate		\$201.00	\$163.00	\$128.00	\$178.00	\$183.00		
Subtotal		\$1,608	\$14,344	\$47,616	\$2,848	\$9,516		\$75,932
Total Fee							\$75,932	

BUFFALO HILLS GULLY

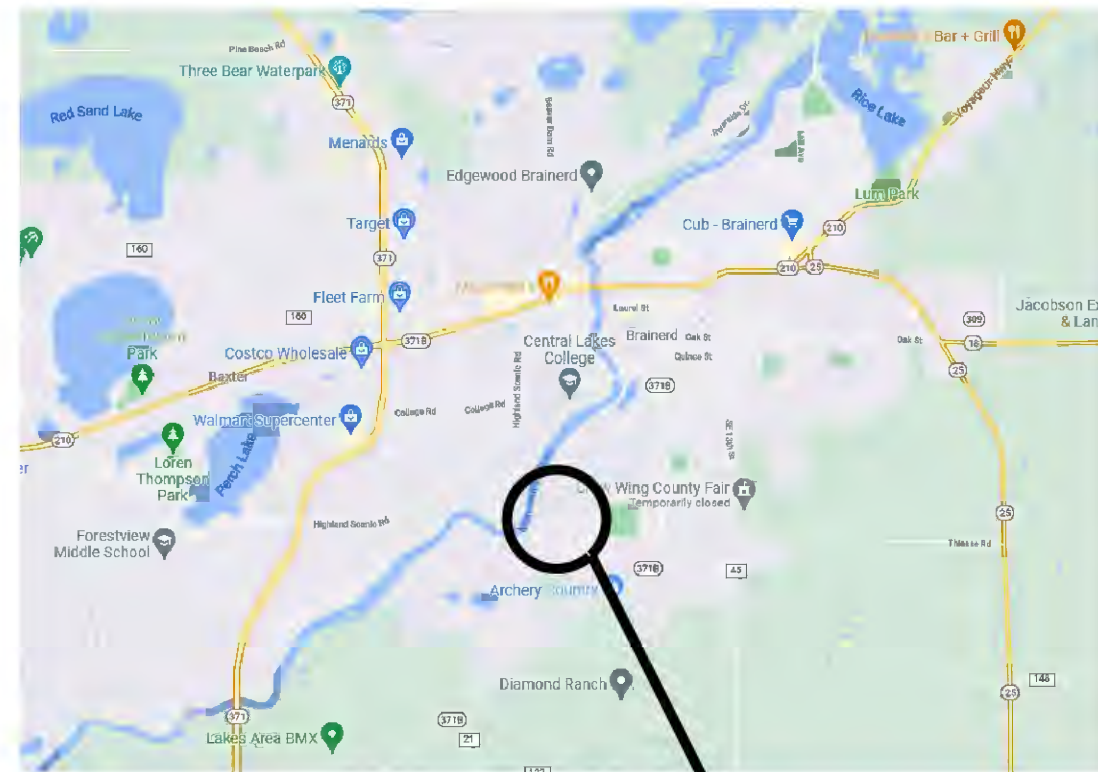
CITY PROJECT NUMBER XXXX

CITY OF BRAINERD BRAINERD, MINNESOTA

2022

CLIENT:
CITY OF BRAINERD, MINNESOTA
ENGINEER
HR GREEN INC., 2550 UNIVERSITY AVENUE WEST SUITE 400N SAINT PAUL, MINNESOTA 55114 PHONE: (651) 644-4389
SHAWN TRACY, P.M. - PROJECT MANAGER PHONE: (651) 659-7747
CONNER DUNTEMAN, P.E. - PROJECT ENGINEER PHONE: (651) 659-7705

LOCATION MAP



NO SCALE

PROJECT LOCATION



THE 2020 EDITION OF THE MINNESOTA
DEPARTMENT OF TRANSPORTATION
"STANDARD SPECIFICATIONS FOR
CONSTRUCTION" SHALL GOVERN.

SHEET INDEX

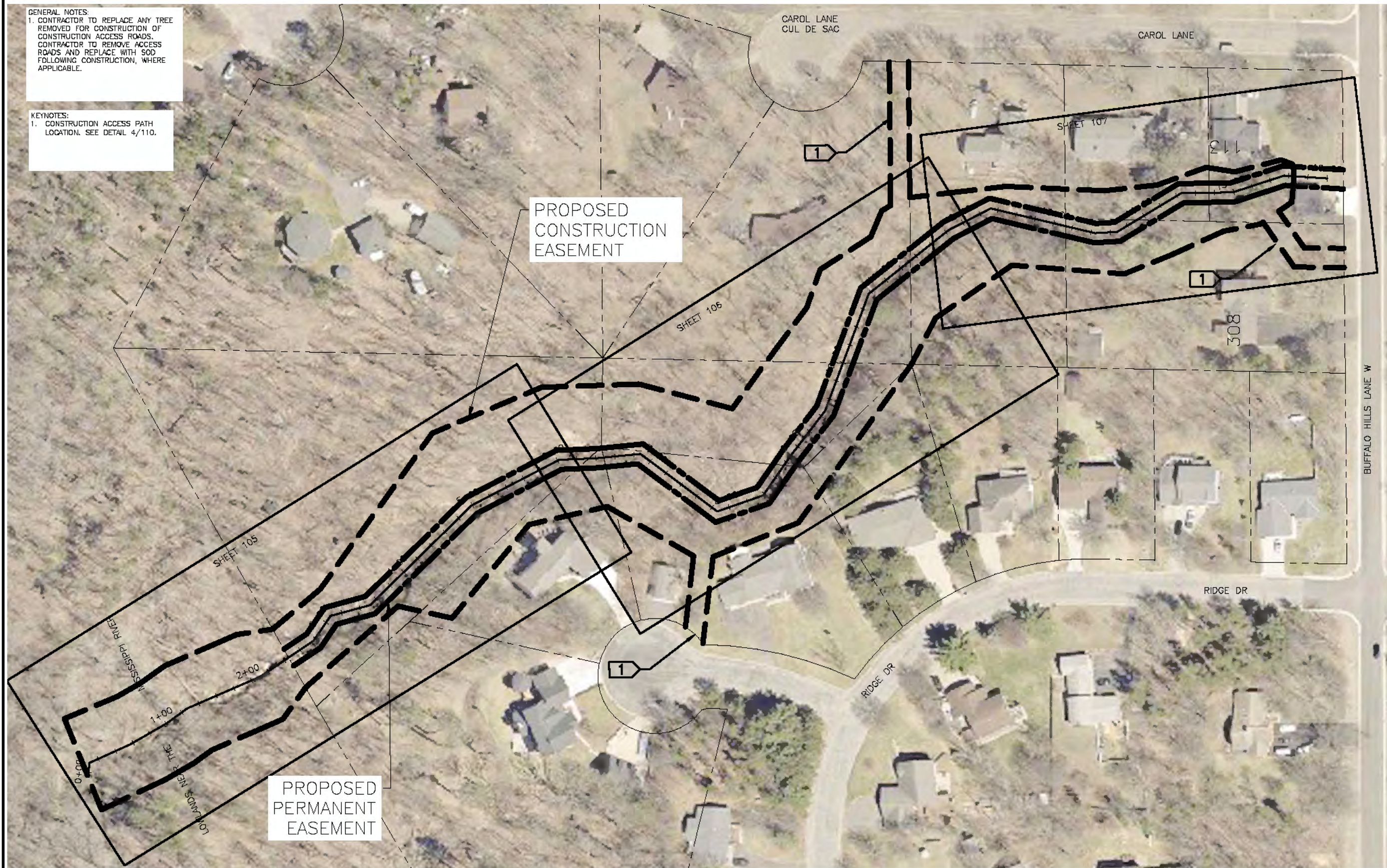
SHEET NUMBER	SHEET TITLE
100	COVER & SHEET INDEX
101	LEGEND ABBREVIATIONS & NOTES
102	QUANTITIES AND TABULATIONS
103	STATEMENT OF ESTIMATED QUANTITIES
104	PROPOSED PROJECT LAYOUT
105	CHANNEL P&P - STA 0+00 - STA 6+00
106	CHANNEL P&P - STA 6+00 - STA 12+00
107	CHANNEL P&P - STA 12+00 - STA 16+00
108	STORM CONNECTION & ALIGNMENT TABLE
109	RIP RAP DETAIL AND TYPICAL SECTION
110	EROSION CONTROL & PLANTING PLAN
111	EROSION CONTROL DETAILS
112	EROSION CONTROL DETAILS
113	EROSION CONTROL DETAILS
114	EROSION CONTROL DETAILS
115	EROSION CONTROL DETAILS
116	STORM WATER POLLUTION PREVENTION PLAN
117	STORM WATER POLLUTION PREVENTION PLAN
118	STORM WATER POLLUTION PREVENTION PLAN

60% DESIGN
NOT FOR
CONSTRUCTION

DRAWN BY: JJC		JOB DATE: 2021		<table><tr><th>NO.</th><th>DATE</th><th>BY</th><th>REVISION DESCRIPTION</th></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	NO.	DATE	BY	REVISION DESCRIPTION																	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. SIGNATURE: _____ DATE: <u>XX/XX/2022</u> CONNER DUNTEMAN REG. NO. <u>60006</u>	 HRGreen.com HRGreen	BUFFALO HILLS GULLY CITY OF BRAINERD BRAINERD, MINNESOTA	CIVIL COVER & SHEET INDEX	SHEET NO. 100
NO.	DATE	BY	REVISION DESCRIPTION																										
APPROVED: BJO		JOB NUMBER: 201531																											
CAD DATE: 6/6/2022 4:14:39 PM																													
CAD FILE: J:\2020\201531\CAD\Drawings\C\100.dwg																													

GENERAL NOTES:
1. CONTRACTOR TO REPLACE ANY TREE REMOVED FOR CONSTRUCTION OF CONSTRUCTION ACCESS ROADS. CONTRACTOR TO REMOVE ACCESS ROADS AND REPLACE WITH SOD FOLLOWING CONSTRUCTION, WHERE APPLICABLE.

KEYNOTES:
1. CONSTRUCTION ACCESS PATH LOCATION. SEE DETAIL 4/110.



0 50
1" = 50'

60% DESIGN
NOT FOR
CONSTRUCTION

DRAWN BY: JJC
APPROVED: BJO
CAD DATE: 6/9/2022 6:15:24 PM
CAD FILE: J:\2020\201531\GAD\Drawings\104.dwg

NO.	DATE	BY	REVISION DESCRIPTION

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.
SIGNATURE: CONNER DUNTEMAN
DATE: XX/XX/2022
REG. NO. 60006

 **HRGreen.com**

BUFFALO HILLS GULLY
CITY OF BRAINERD
BRAINERD, MINNESOTA

CIVIL
PROPOSED PROJECT LAYOUT

SHEET NO.
104



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Street Lighting Policy Details

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE:

Staff is presenting an update regarding details of the proposed street lighting policy.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

See attached memo.

RECOMMENDED ACTION/MOTION:

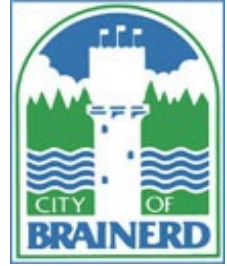
Approval or direction on items included in "Summary of Recommendations" in the memo.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: [Click to enter text](#)

Is this budgeted? (Please Explain) [Click to enter text](#)



MEMO

TO: BRAINERD CITY COUNCIL

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: FEBRUARY 21, 2023

SUBJECT: STREET LIGHTING POLICY

COMMERCIAL LIGHTING OPTIONS/COSTS

During the last couple Street Light Policy discussions, there has been updates regarding the pricing increases for the Epic fixtures, which were the previously accepted style for the Commercial-style lights. At that time, Council requested if staff could explore the possibility for a similar, more economical option. Staff did receive an update from the lighting supplier that was able to provide specifications on a fixture similar to the Epic. The alternative fixture is the Corona fixture. The specifications for both the Epic and Corona fixtures are attached to this memo. This new fixture would have a similar appearance to the Epic and available in black. However, one limitation to this fixture is that there would be much less light-throwing control. The Corona fixture only appears to have 100% forward throw or full 360-degree light throw. The Epic fixture has several different distribution patterns that we could select from.

The cost of the Corona fixture would be approximately \$599 less than the Epic fixture. Due to the recent increases in price and the savings of the Corona fixture, staff is providing the Commercial Corridor options using the pricing for the Corona fixture. Please mind the prices are budgetary estimates and not invoice prices.

PER POLE COST

	Existing Standard (Cobrahead)	Epic Fixture (Previously Approved)	Difference vs. Existing	Corona Fixture (New Option)	Difference vs. Existing
Pole & Fixture Only	\$3,293	\$5,111	+\$1,818	\$4,512	+\$1,219
Pole/Fixture w/ Banner & Outlet	\$4,486	\$6,804	+\$2,308	\$6,205	+\$1,719

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

COMMERCIAL CORRIDOR OPTIONS (USING CORONA FIXTURE)

TH 210/Washington Street Reconstruction Project (83 Poles)

Option	Cost	Comments
Option A	\$515,015	All Poles w/ Banners & Outlets
Option B	\$464,225	All Poles between Mississippi and Gillis/13 th w/ Banners & Outlets, 50/50 Alternating Elsewhere
Option C	\$426,979	50/50 Alternating w/ Banners & Outlets entire corridor
Option D	\$374,496	No Banners & Outlets

Oak Street (31 Poles)

Option	Cost	Comments
Option A	\$192,355	All Poles w/ Banners & Outlets
Option B	\$177,118	All Poles between S. 6 th and SE 19 th w/ Banners & Outlets, 50/50 Alternating East of SE 19 th
Option C	\$166,960	50/50 Alternating w/ Banners & Outlets entire corridor
Option D	\$139,872	No Banners & Outlets

College Drive (32 Poles)

Option	Cost	Comments
Option A	\$198,560	All Poles w/ Banners & Outlets
Option C	\$171,472	50/50 Alternating w/ Banners & Outlets entire corridor
Option D	\$144,384	No Banners & Outlets

Mill Avenue (20 Poles)

Option	Cost	Comments
Option A	\$124,100	All Poles w/ Banners & Outlets
Option C	\$107,170	50/50 Alternating w/ Banners & Outlets entire corridor
Option D	\$90,240	No Banners & Outlets

In regard to the TH 210/Washington Street Reconstruction project, there are currently 92 poles existing on the project. Based on MnDOT standard and the latest version of the City's draft policy with spacing and placement from Baxter Drive to Lum Park Road, the number of poles on the project should be roughly 98 poles. Some of these poles would be cobrahead-style located on top of the intersection traffic signals. The costs for that corridor do not include the costs to install new conduit and wire that would be required as part of the project. MnDOT would also contribute approximately 50% of the MnDOT standard. Their estimate of cost sharing in lighting is approximately \$500,000. As a reminder from previous discussions last year, the cost could be spread throughout a 30-year life of the pole through monthly billings for electricity use. The cost can also be paid for as part of the construction

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

expense of the project. Finally, please note that the costs are presented are based on budgetary estimates in 2023 dollars. Should some of the corridors be completed in future years, inflation should be considered when budgeting these projects in future years.

SUMMARY OF RECOMMENDATIONS

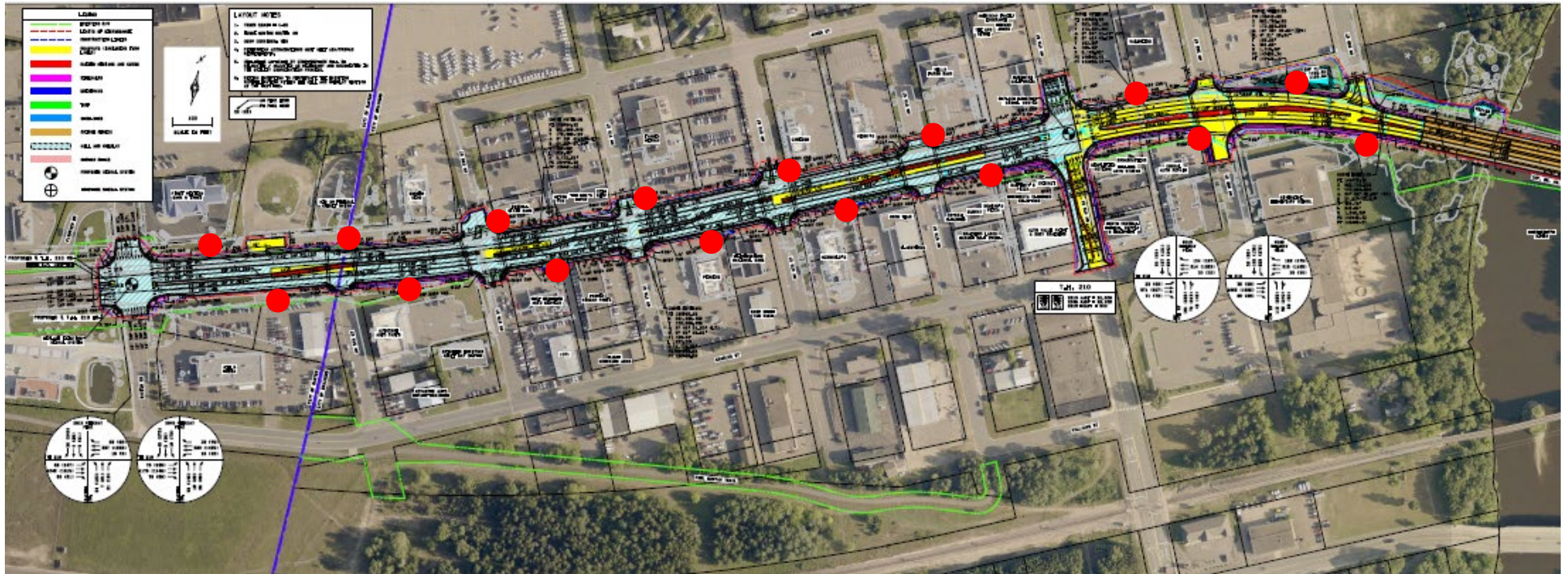
The following recommendation is details that staff is requesting approval by City Council to be included in a final draft of the city's Street Lighting Policy. A final draft of the city's Street Lighting Policy would be presented to the City Council at a future meeting for formal adoption. The items staff is requesting direction on are as follows:

- Commercial Pole Style and Fixture
 - o Staff recommends changing the Commercial standard fixture to the Corona fixture.
 - o Selection of Options for each commercial corridor.

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

TH 210/Washington Street – Option A

Baxter Drive to Bridge

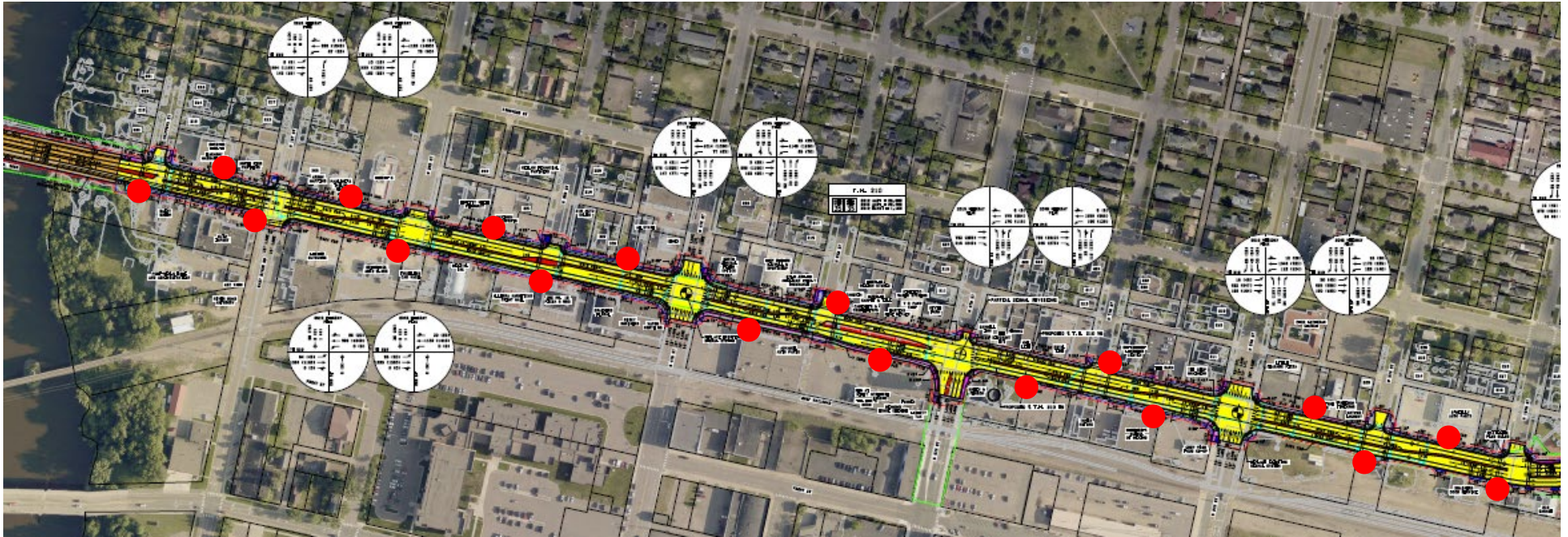


● = Pole w/ Banner & Outlet

● = Pole Only

TH 210/Washington Street – Option A

Bridge to N. 10th Street



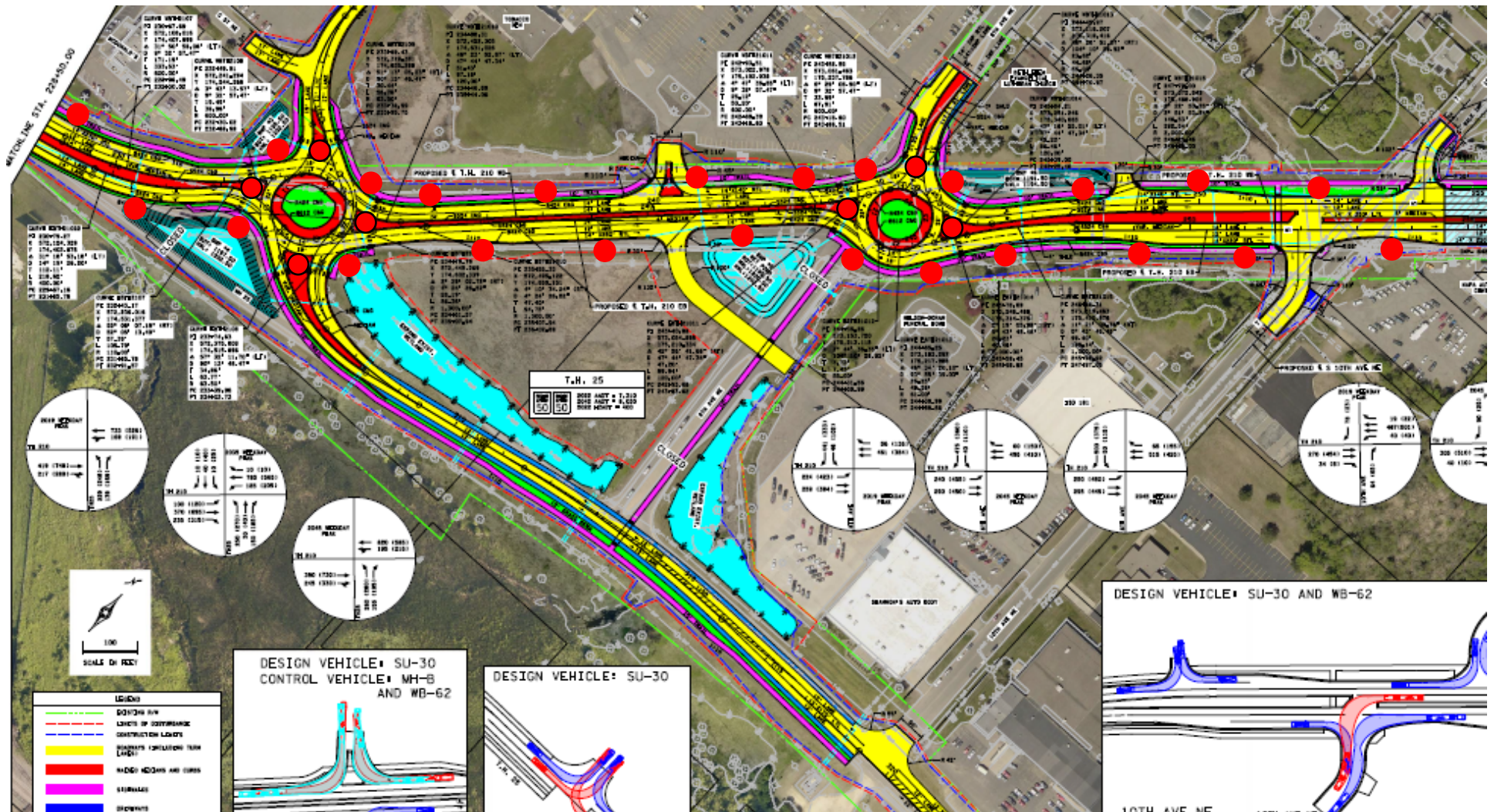
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- = Pole Only

TH 210/Washington Street – Option A

N. 10th Street to 5th Avenue NE



- = Pole w/ Banner & Outlet
- = Pole Only

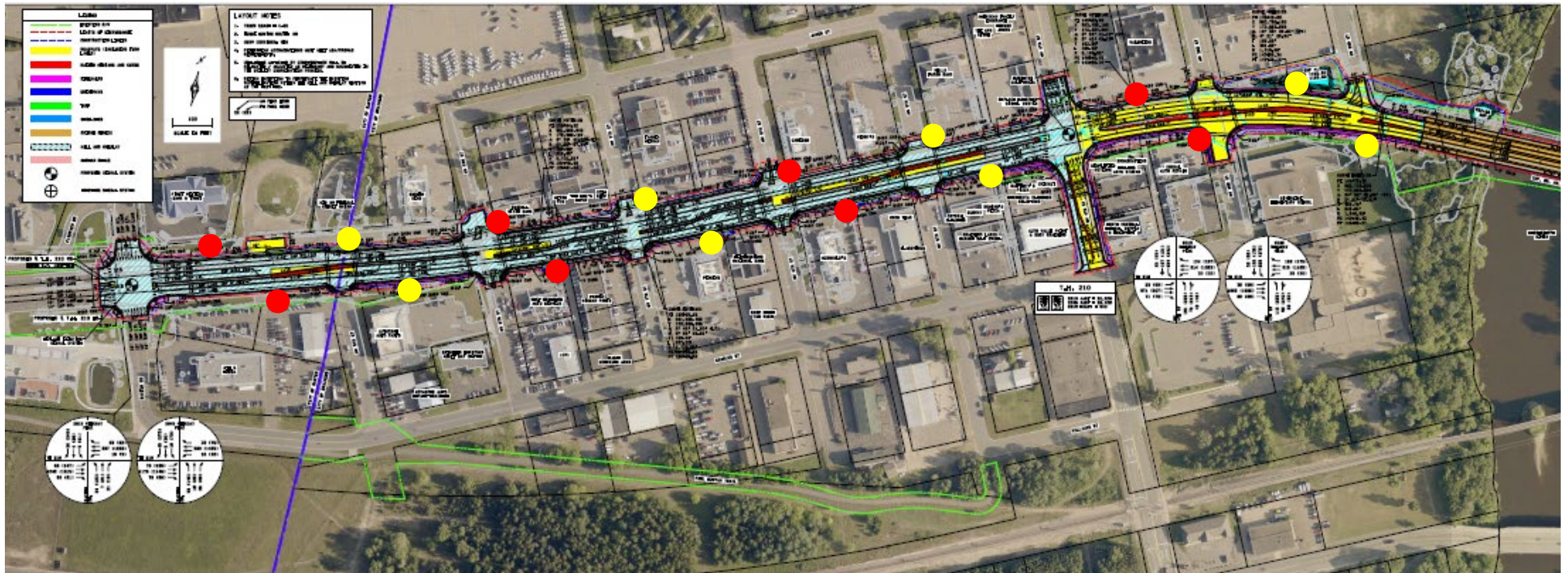
5th Avenue NE to 10th Avenue NE

● = Pole w/ Banner & Outlet

● = Pole Only

TH 210/Washington Street – Option B

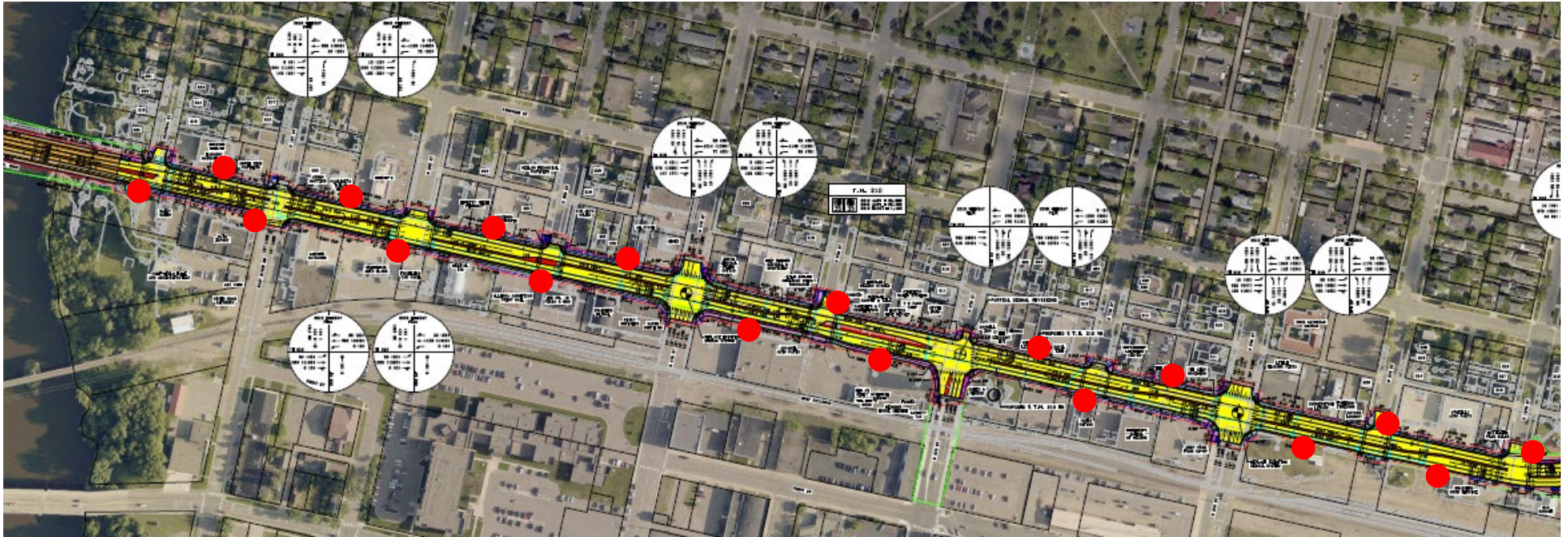
Baxter Drive to Bridge



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option B

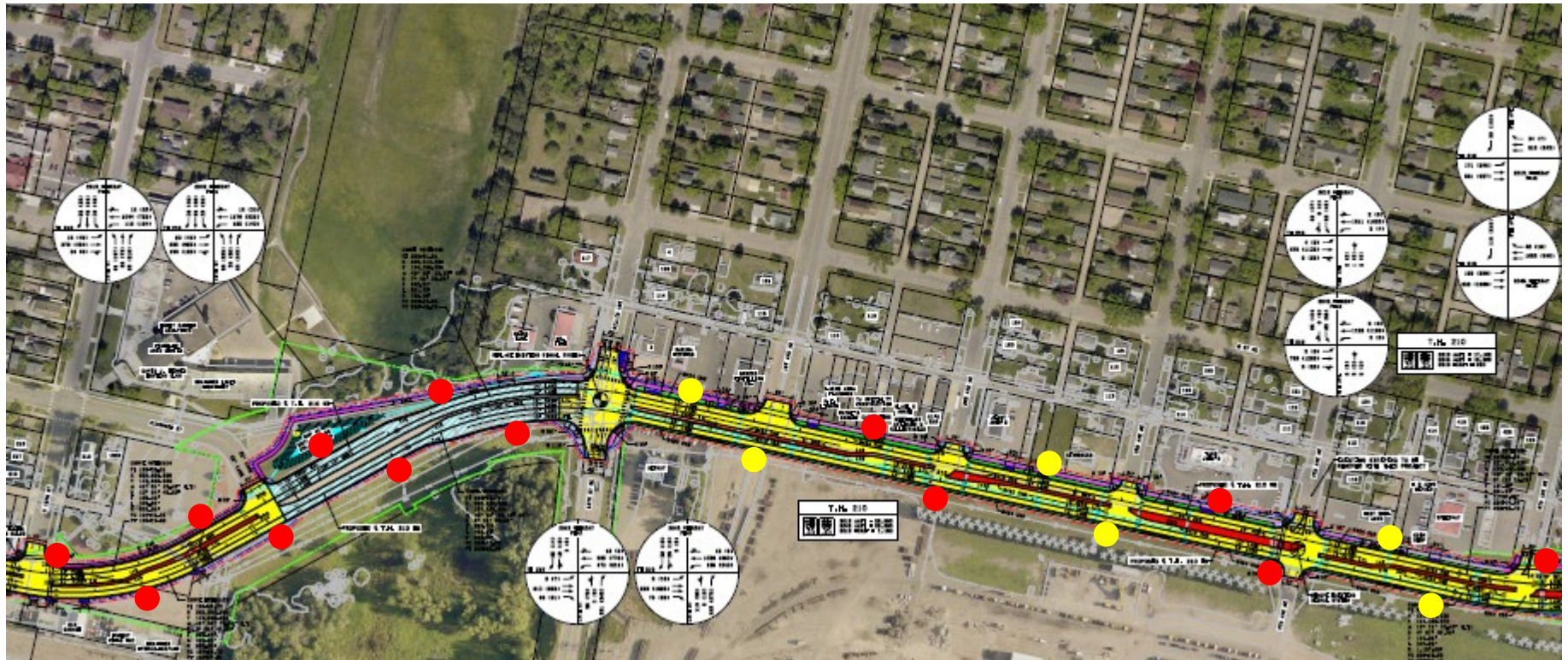
Bridge to N. 10th Street



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option B

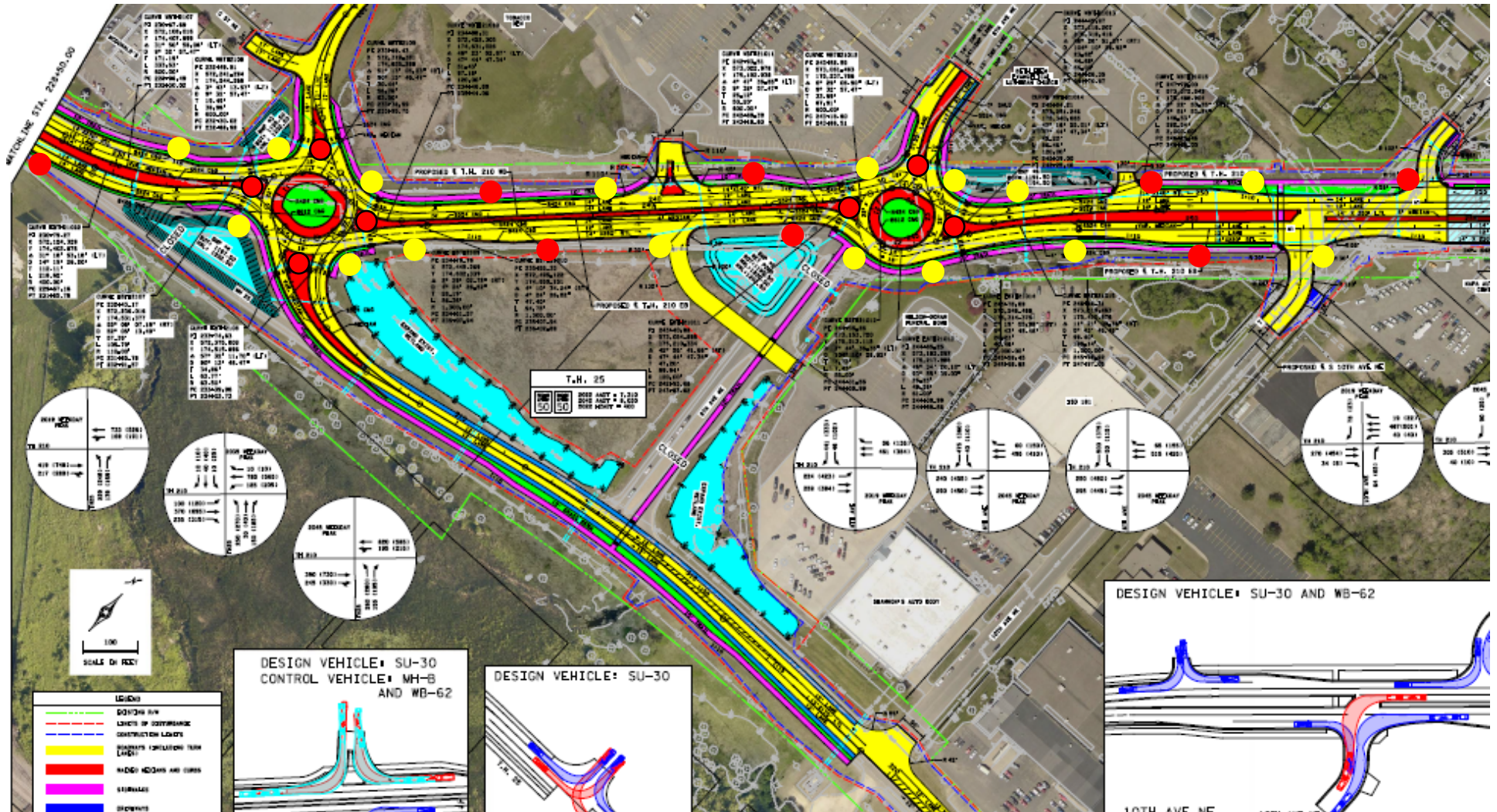
N. 10th Street to 5th Avenue NE



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option B

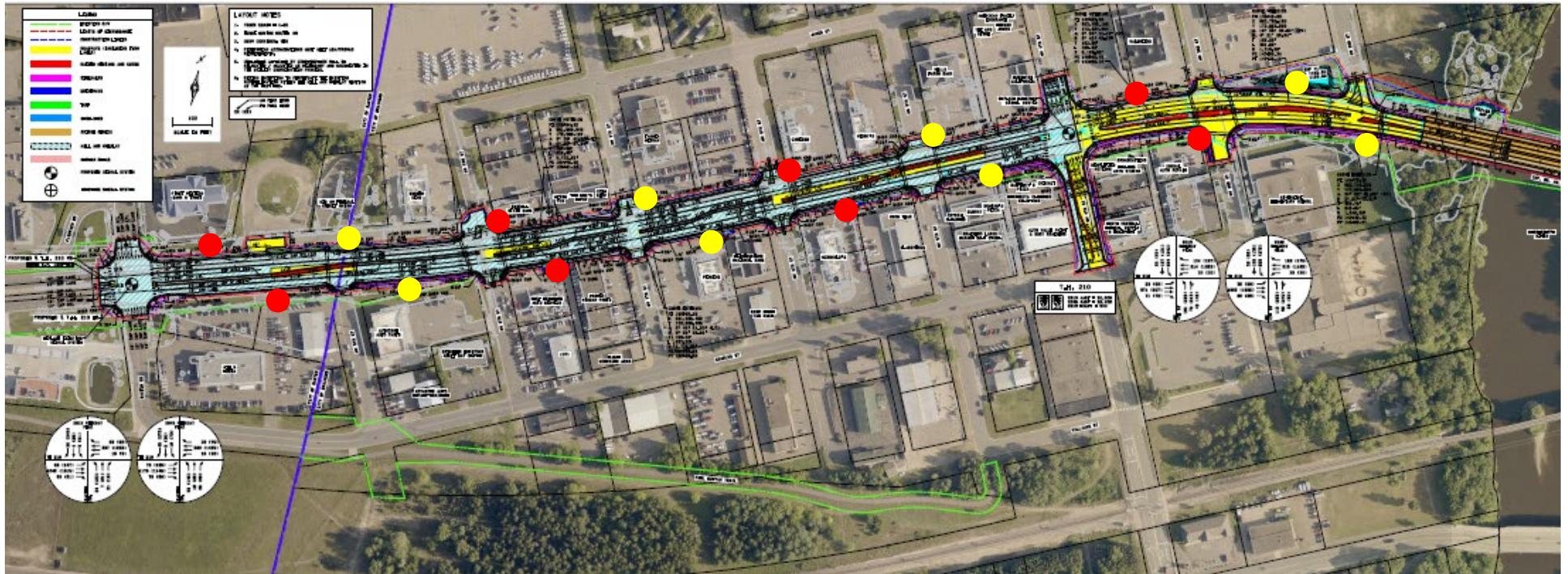
5th Avenue NE to 10th Avenue NE



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option C

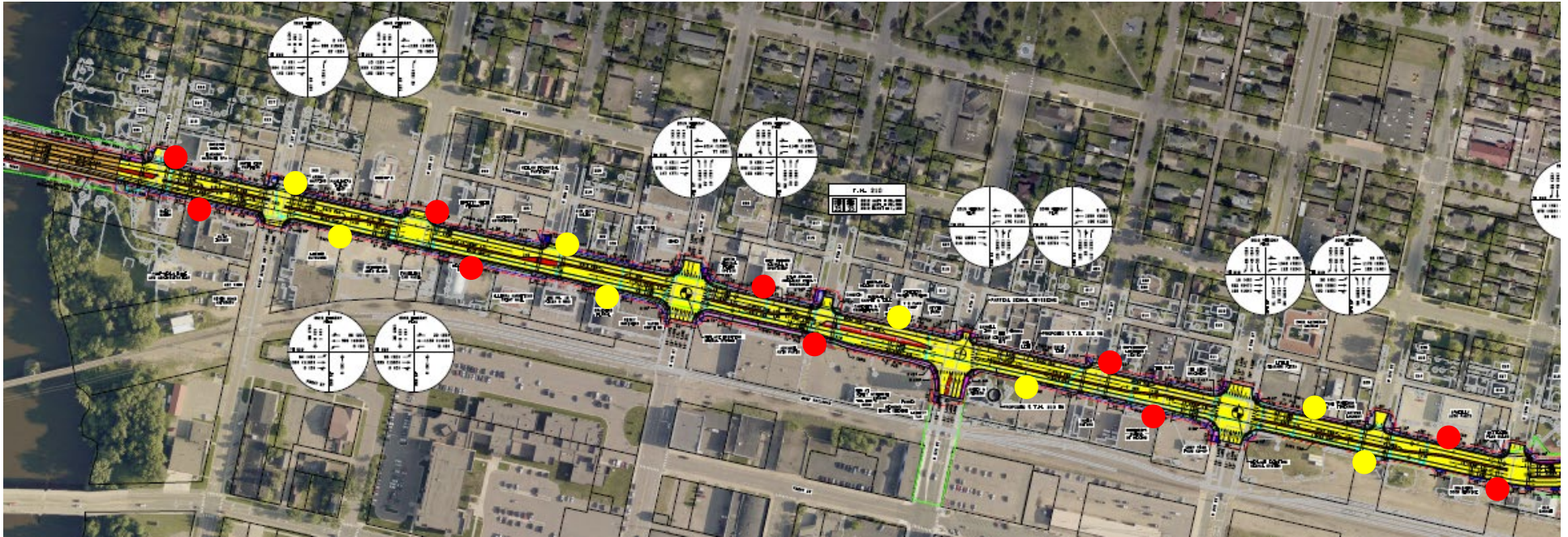
Baxter Drive to Bridge



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option C

Bridge to N. 10th Street



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option C

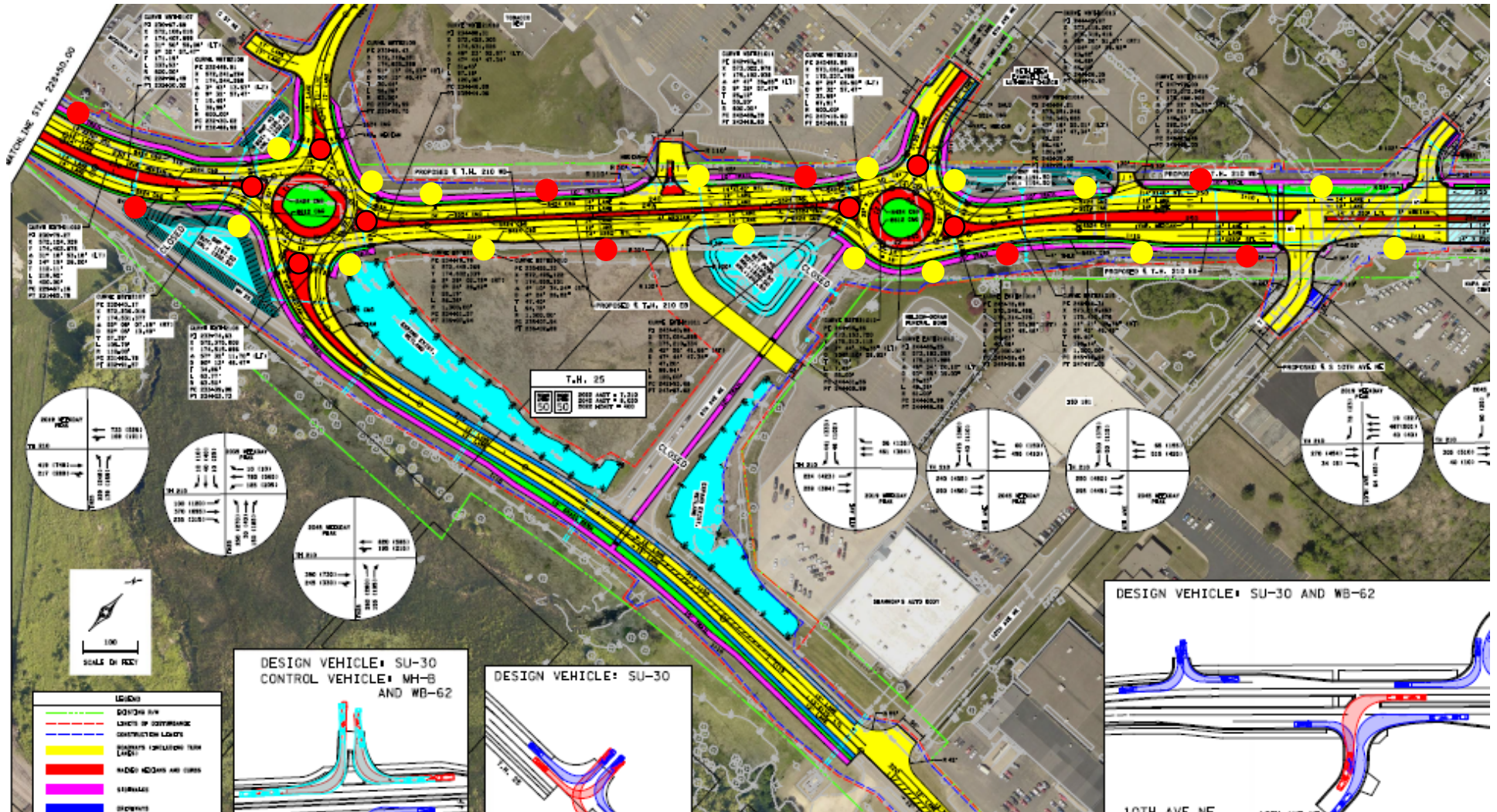
N. 10th Street to 5th Avenue NE



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option C

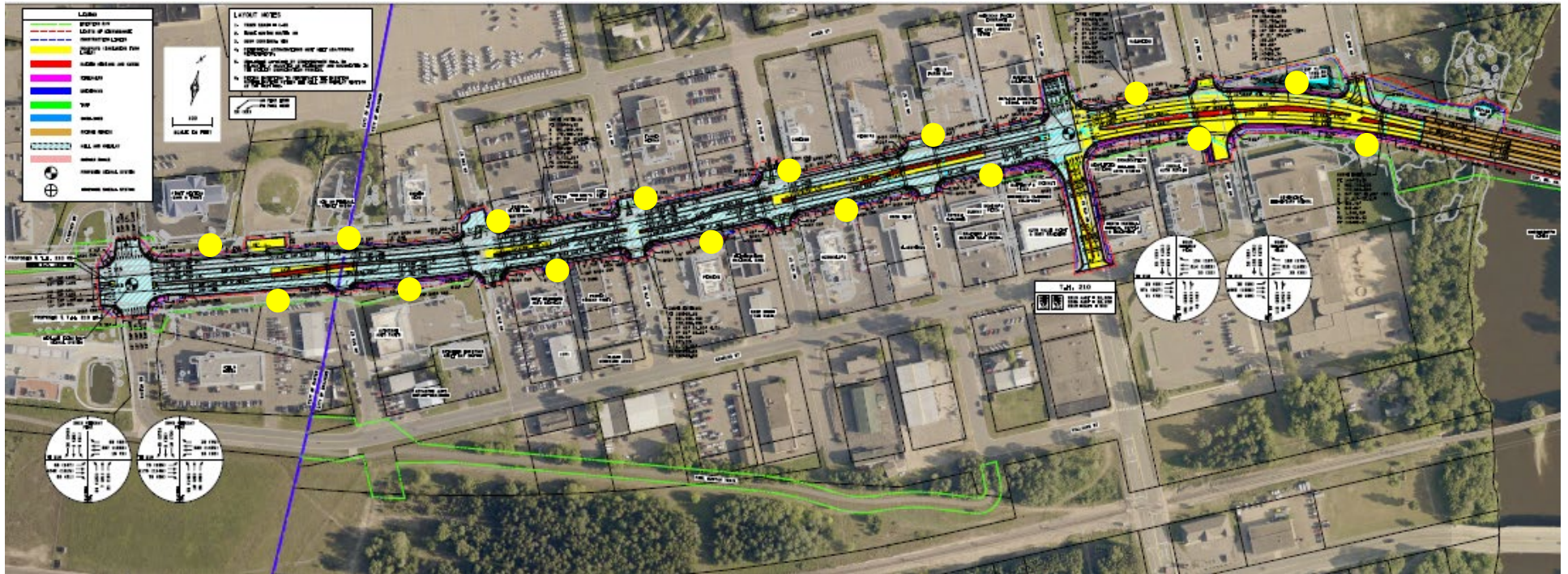
5th Avenue NE to 10th Avenue NE



- = Pole w/ Banner & Outlet
- = Pole Only

TH 210/Washington Street – Option D

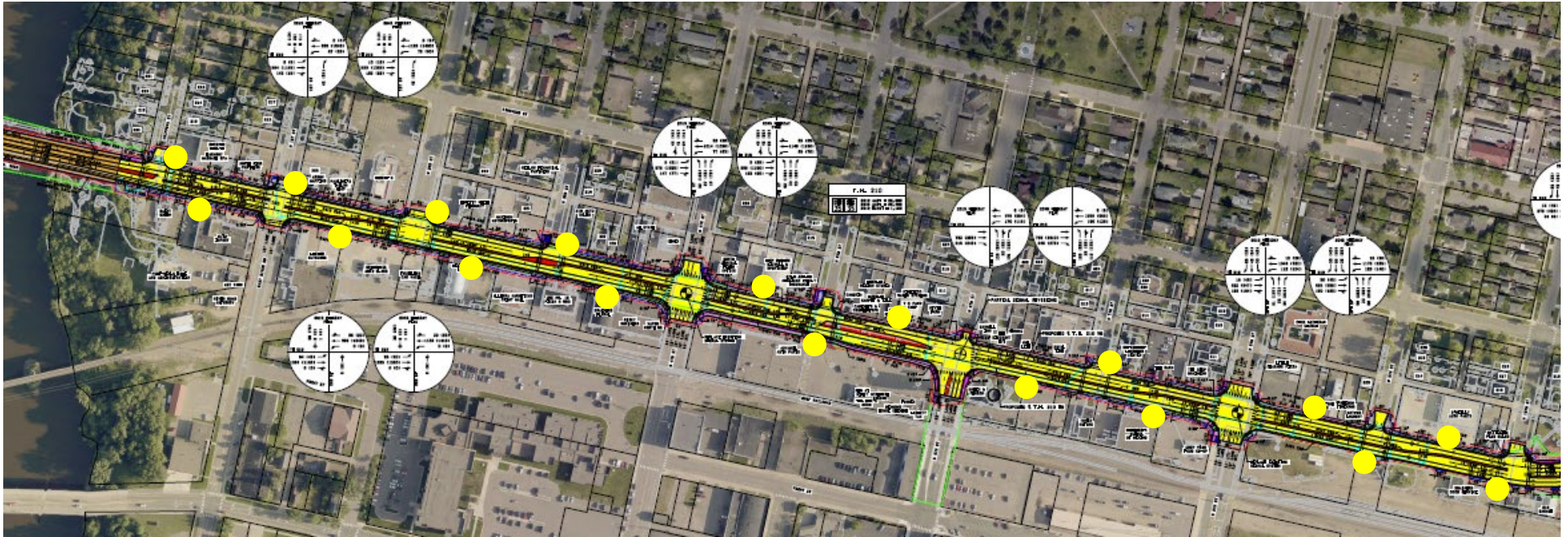
Baxter Drive to Bridge



- = Pole w/ Banner & Outlet
● = Pole Only

TH 210/Washington Street – Option D

Bridge to N. 10th Street



- = Pole w/ Banner & Outlet
- = Pole Only

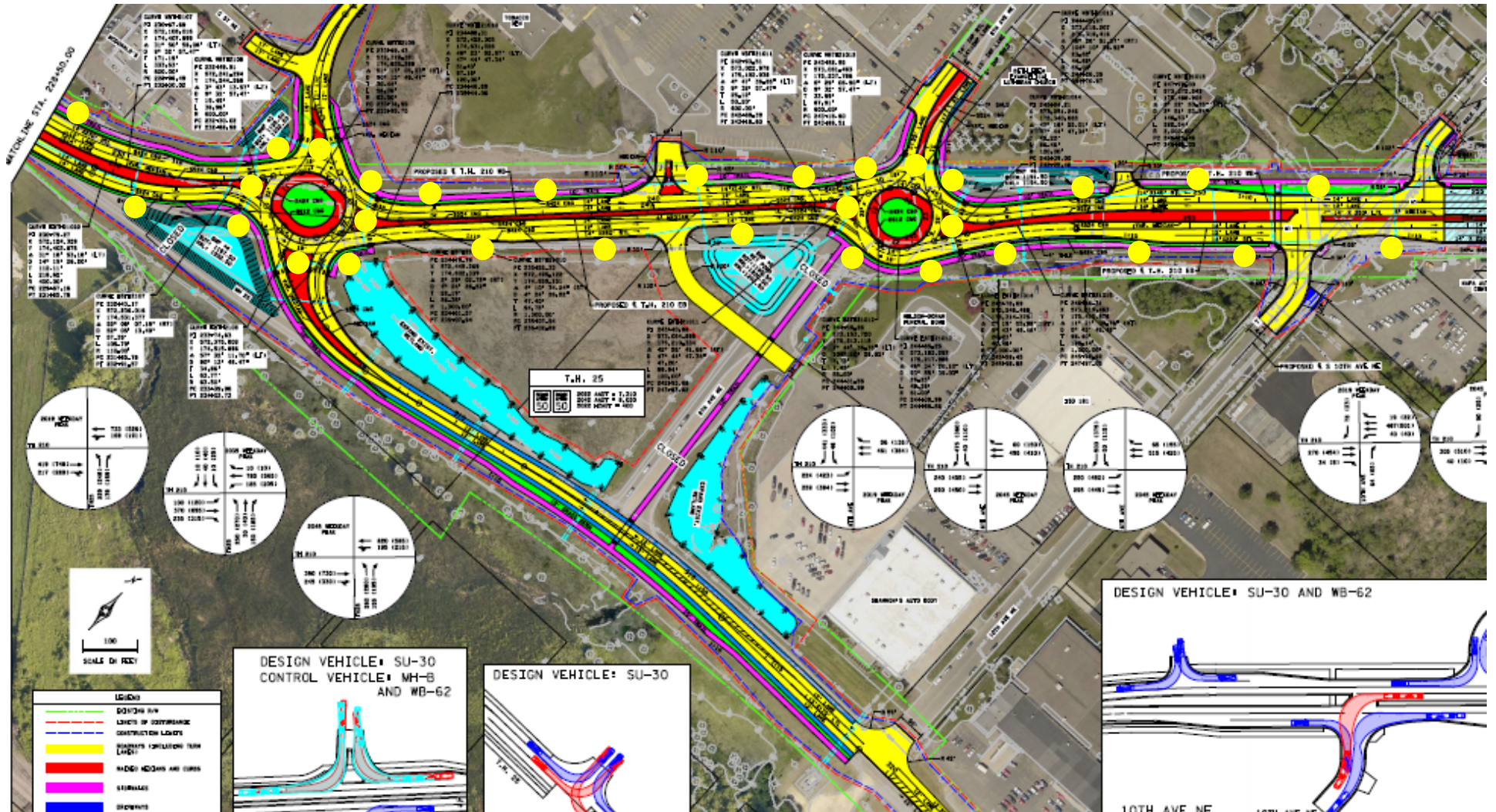
TH 210/Washington Street – Option D

N. 10th Street to 5th Avenue NE



TH 210/Washington Street – Option D

5th Avenue NE to 10th Avenue NE



Oak Street - Option A

S. 6th Street to SE 19th Street



edited July 2022

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Oak Street - Option A

SE 19th Street to TH 25/TH 18



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Oak Street - Option B

S. 6th Street to SE 19th Street



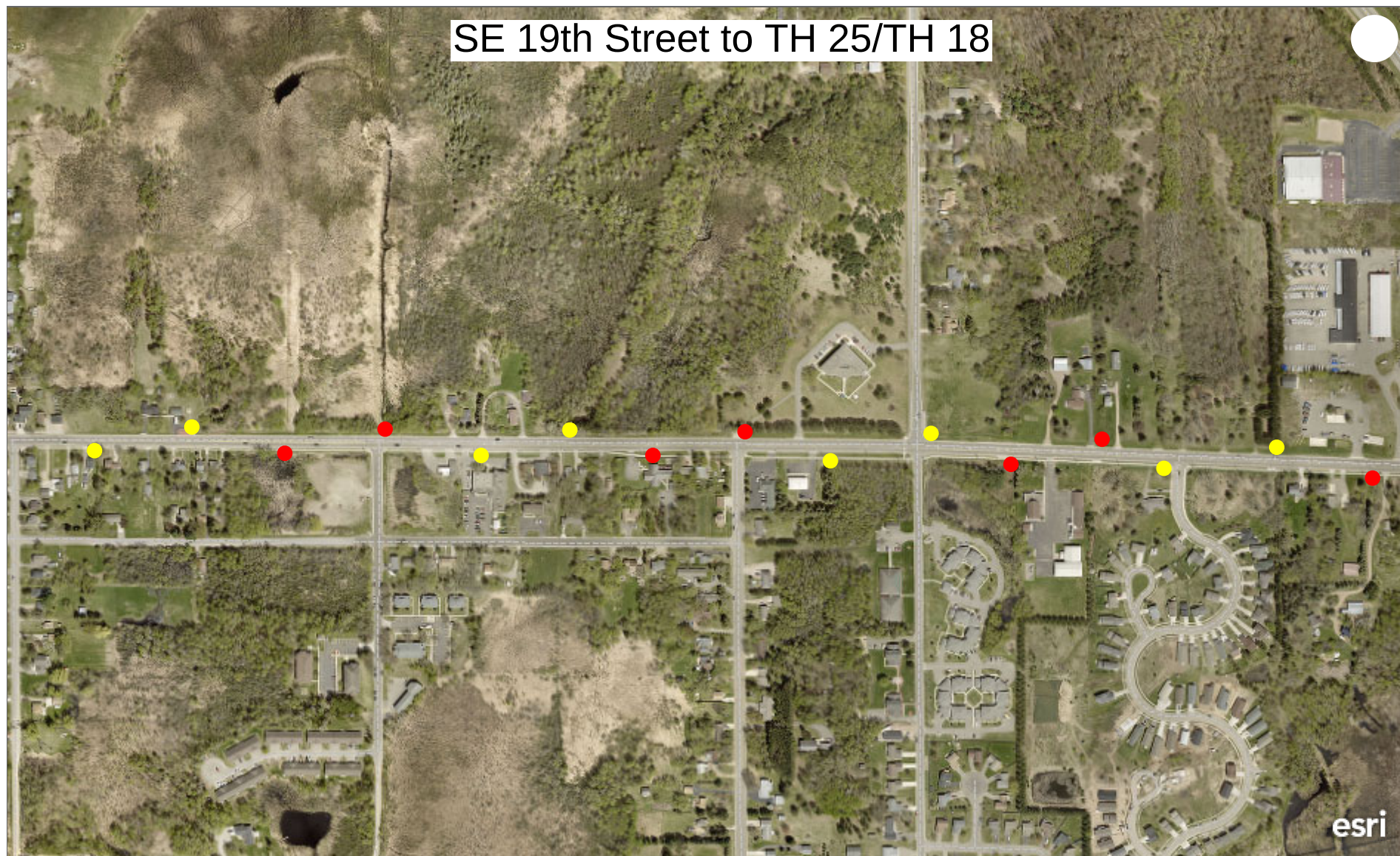
edited July 2022

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Oak Street - Option B

SE 19th Street to TH 25/TH 18



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

● = Pole w/ Banner & Outlet

● = Pole Only

Oak Street - Option C

S. 6th Street to SE 19th Street



edited July 2022

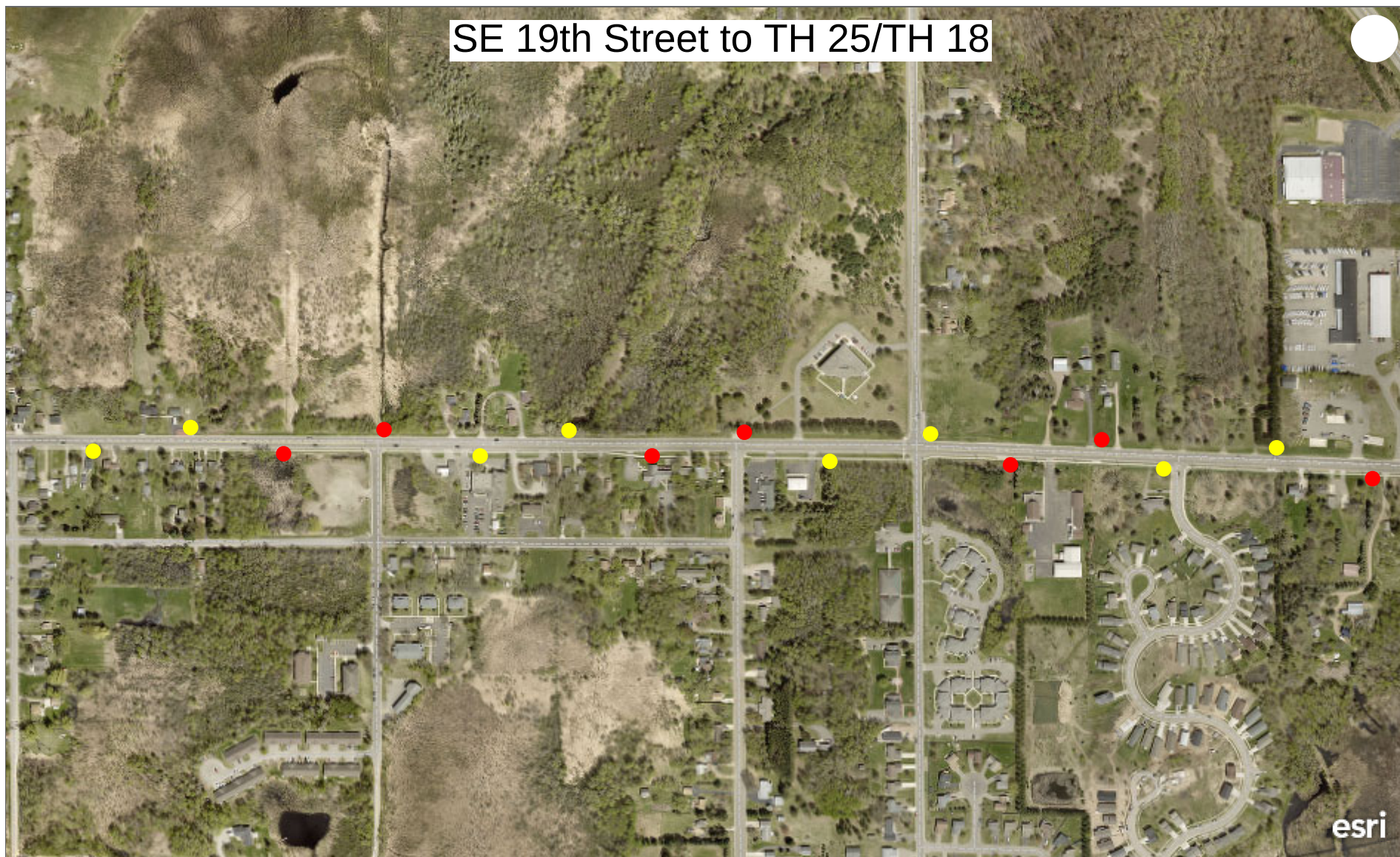
600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Oak Street - Option C

SE 19th Street to TH 25/TH 18



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

● = Pole w/ Banner & Outlet

● = Pole Only

Oak Street - Option D

S. 6th Street to SE 19th Street



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Oak Street - Option D

SE 19th Street to TH 25/TH 18



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

College Drive - Option A

Highlight Scenic Dr. to Bridge



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

-  = Pole w/ Banner & Outlet
-  = Pole Only

College Drive - Option A

Bridge to Quince Street



edited July 2022

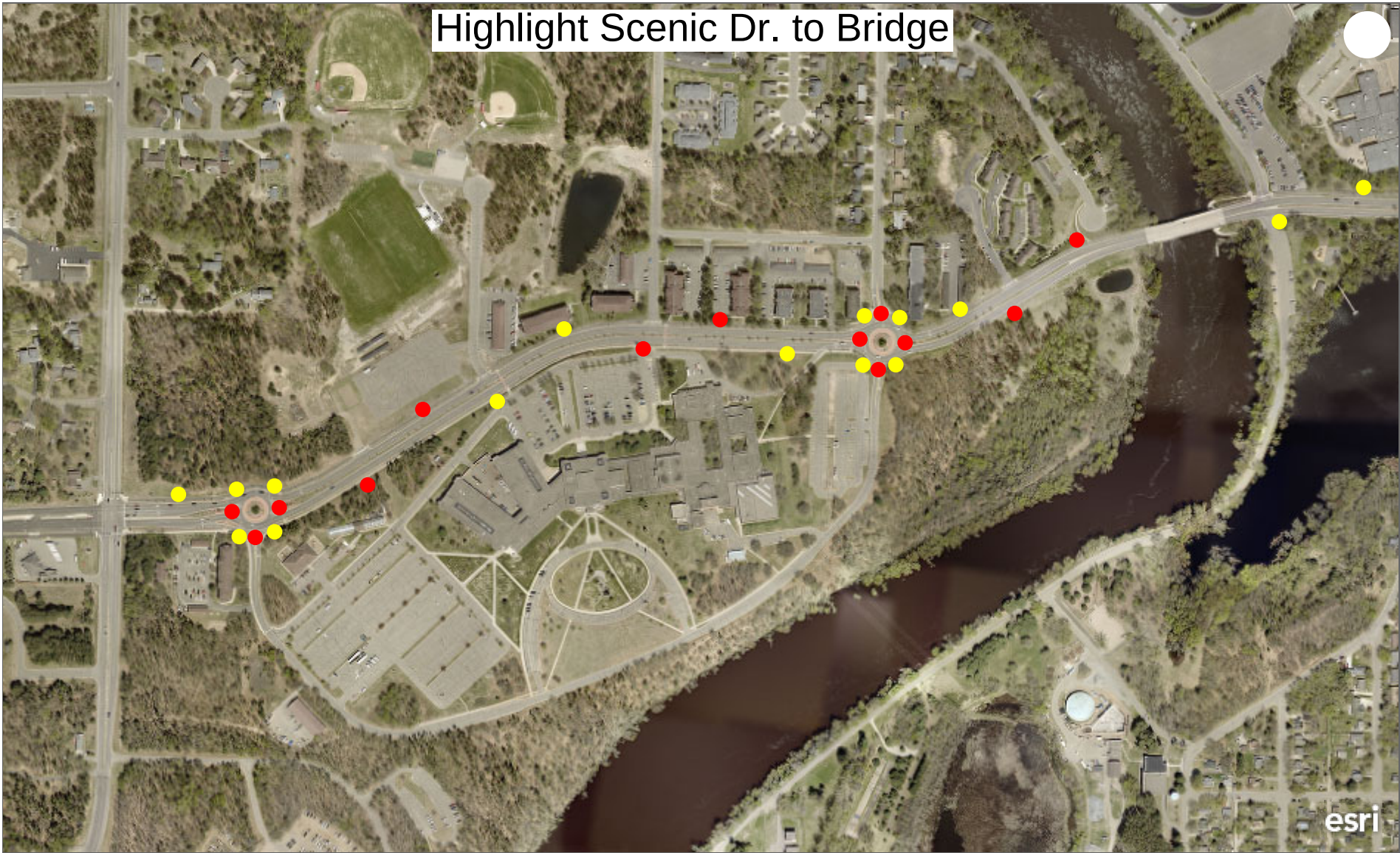
300ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

College Drive - Option B

Highlight Scenic Dr. to Bridge

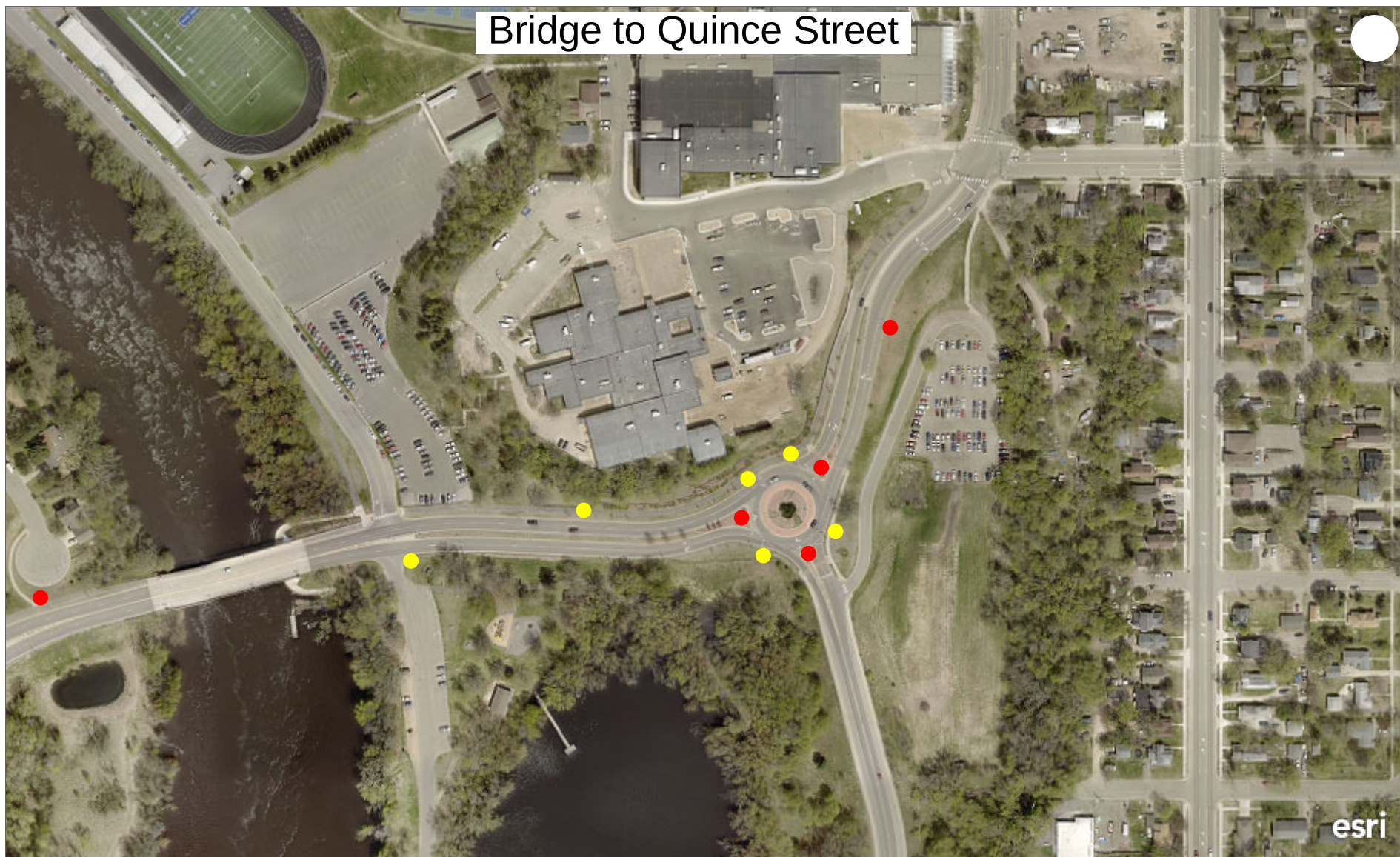


edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only



edited July 2022

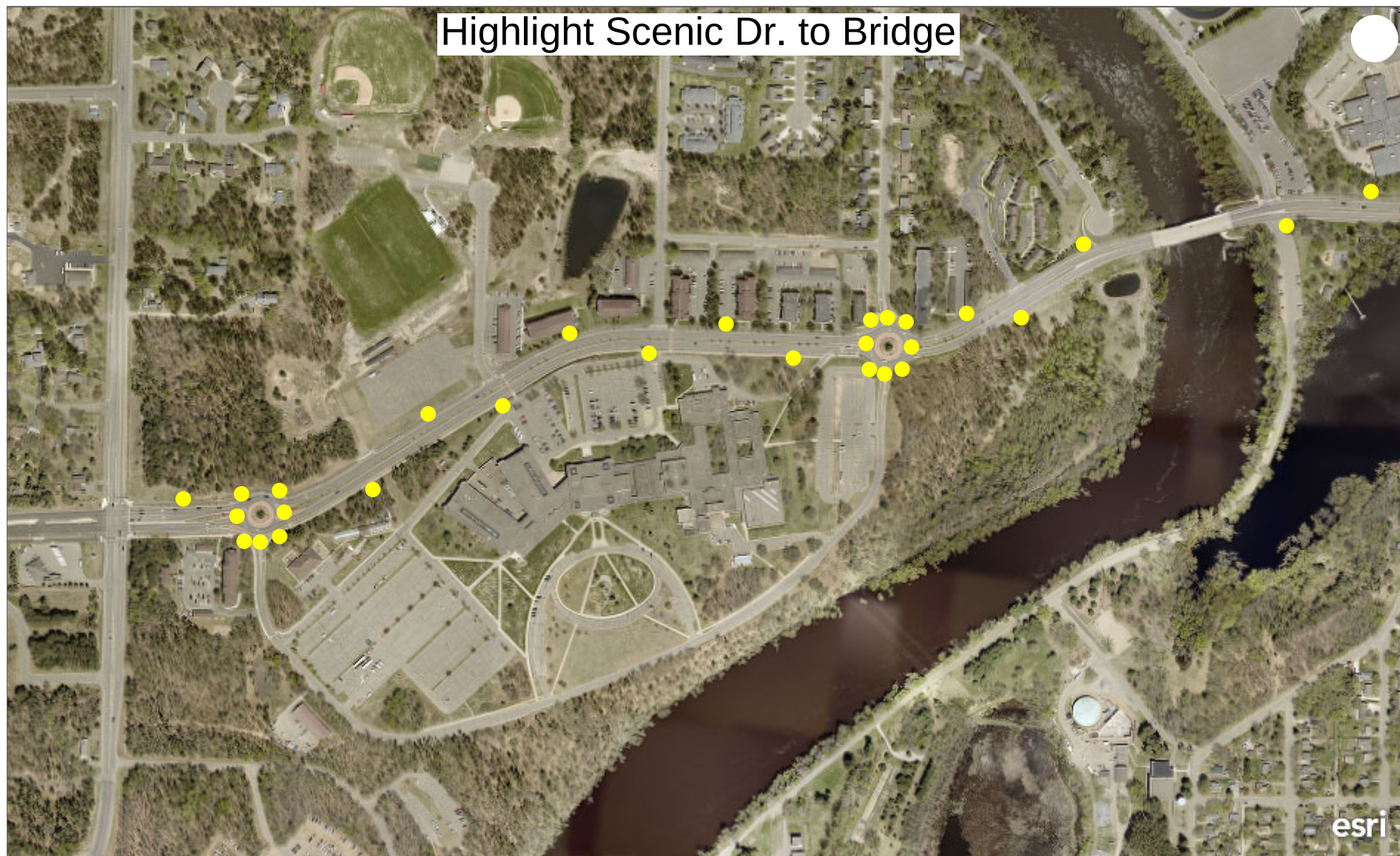
300ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

College Drive - Option C

Highlight Scenic Dr. to Bridge

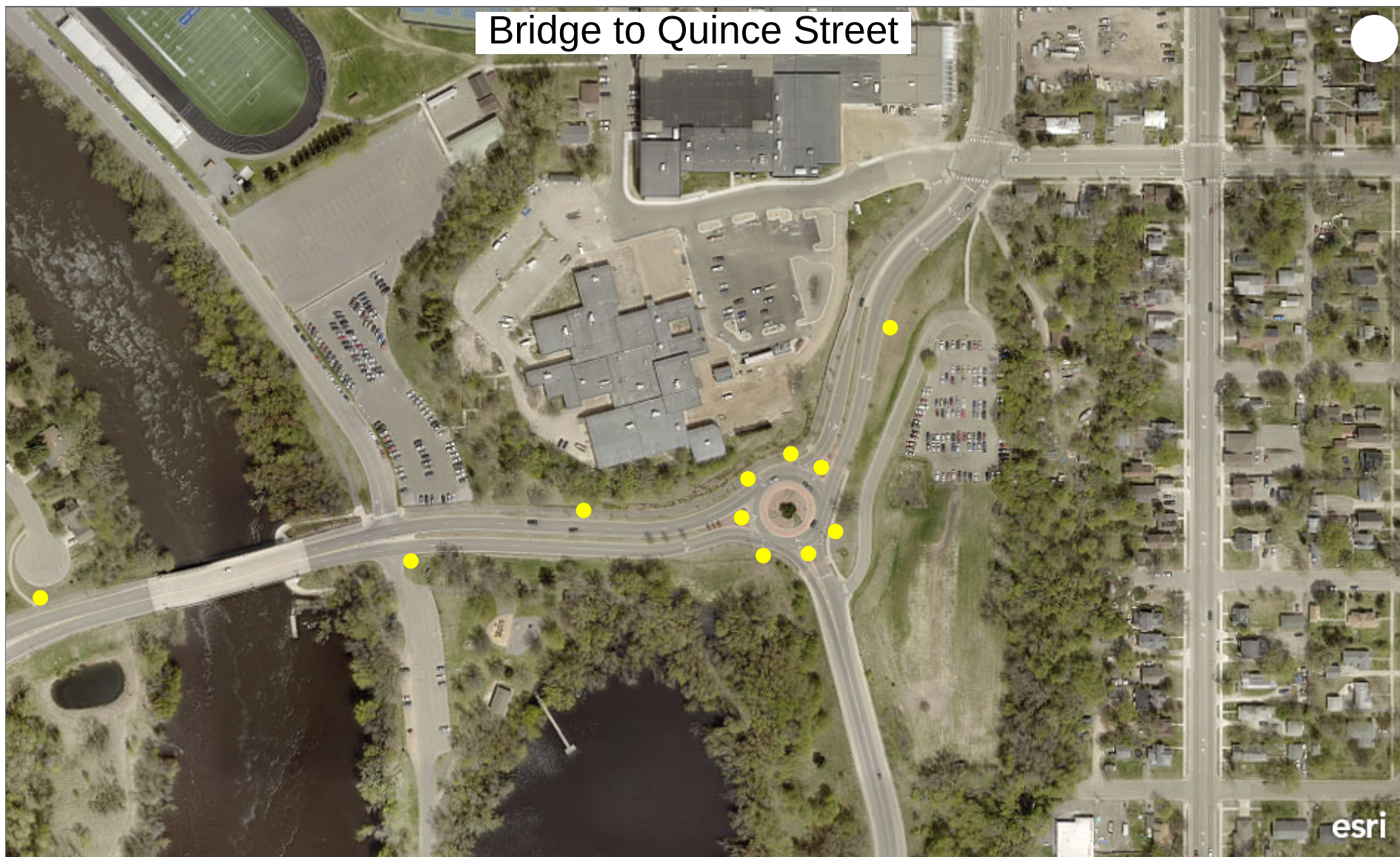


edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only



edited July 2022

300ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option A



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option A



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option B



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option B



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option C



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only

Mill Avenue - Option C



edited July 2022

600ft

Province of Ontario, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

- = Pole w/ Banner & Outlet
- = Pole Only



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Approve Downtown Special Services Landscaping Budget

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:

Since 2020, the City has moved downtown landscaping from a contracted service to landscaping performed generally in-house. At this time of the season, staff is requesting approval on the proposed budget for landscaping for the 2023 season and authorization to order the necessary plantings.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Landscaping includes but is not limited to flowers, planting, utilities, garbage, and other miscellaneous costs. Historically, the costs for the downtown landscaping over the last couple years are as follows:

- 2022 = \$13,085
- 2021 = \$13,146
- 2020 = \$10,419

Outside of labor, costs for the landscaping went up over 22%. Labor was down last year due to the lack of the ability to hire sufficient temporary staff due to the higher costs attributed to inflation, we are anticipating higher costs for many of the items listed above. Attached to this item is a memo describing landscaping recommendations, options for implementing the landscaping, and a breakdown of the recommended budget. Staff is recommending a budgeted amount of \$18,000 for the 2023 landscaping to account for increases in costs.

RECOMMENDED ACTION/MOTION:

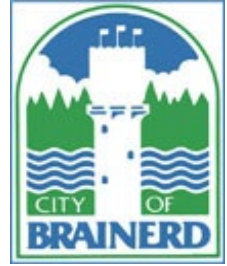
Staff recommends approval of a budgeted amount of \$18,000 for 2023 landscaping in the Downtown Special Services District as described as Option 1 in the attached memo.

FINANCIAL IMPACT:

Is there a cost associated with this request: Yes

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

Is this budgeted? (Please Explain) Yes, assessed according to the DTSS.



MEMO

TO: BRAINERD CITY COUNCIL

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: FEBRUARY 21, 2023

SUBJECT: DOWNTOWN SPECIAL SERVICES – 2023 LANDSCAPING BUDGET

DOWNTOWN LANDSCAPING RECOMMENDATIONS

1. Cleanup landscape beds and prepare beds for mulching (Late April to Early May)
 - a. Includes cleanup of perennials, shrubs, leaves, garbage, cigarettes, and other debris
 - b. Rake planting beds and level mulch
2. Mulch & fertilize landscape beds (Mid-May to Late May – perennials are beginning to grow)
 - a. Apply a 10-10-10 slow-release fertilizer to all trees, shrubs, and perennials. (osmocote)
 - b. Spread 2” to 3” of shredded mulch over landscape beds – (recommend red mulch)
 - c. Apply a pre-emergent weed killer after mulching (treflan)
3. Plant downtown urns (week after Memorial Weekend – Last average frost is June 1st)
 - a. Prepare urns for planting by removing poor soil, loosening existing soil, and adding new potting soil.
 - b. Mix in a 10-10-10 fertilizer in the top 1” of potting soil.
 - c. Contract with a local green house in the fall for purchase of annuals and hanging baskets for the following year.
 - d. City Hall staff to pick up annuls that have been marked and set aside.
 - e. Installation of annuals by the City of Brainerd – 2 color variations – (Millet, Geraniums, Sweet Potatoe Vine, and Wax Begonias)
 - f. Hanging basket provider to install baskets on light posts.
 - g. Spread a light layer of pine bark mulch over planting urns.
 - h. Water annuals 3 times per week depending on rain (Once a week with a bloom booster fertilizer).
 - i. Reapply slow-release fertilizer in mid-July.
4. Maintain garbage, weeds, and tree suckers throughout the year.
 - a. Apply roundup to all weeds that are 1’ away from plants and all weeds in the sidewalk
 - b. Pull all other weeds by hand
 - c. Weeds and suckers will be labor intense until mid-July.
 - d. Blow off small debris from sideway before street cleaning day.

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

- e. Lilacs and Spireas should be cutback after flowering.
 - f. All other shrubs not flowering should be cut back late July/ early August.
 - g. Remove any dead shrubs.
 - h. Cut back any dead tree limbs or branches that impede pedestrian or vehicle traffic.
 - i. Any major pruning of trees should be done between November and March.
5. Landscape bed enhancement.
- a. A budget of up to \$800.00 to \$1,000.00 should be spent every year on plant replacement and enhancement. Budget to include material cost of plants and planting soil.
 - b. Two landscape beds should be addressed in early June & two beds in late August. This would ensure that new plants are well maintained.
 - c. Recommended Plants Include (Karl Foerster Grass, Northern Dropseed Grass, Daylily, Salvia, Catmint, Sedum, Alpine Current, Lilac, Hydrangea, Spirea, and Potentilla.
6. Winter preparation of planting beds and urns (Mid-September to Mid-October)
- a. Remove hanging baskets and all annuals from urns
 - b. Disposal of annuals at Crow Wing County Landfill
 - c. Prune any remaining shrubs

2023 BUDGET RECOMMENDATION

Labor of City Intern/Staff = \$6,000

20 Downtown Hanging Baskets = \$5,500

17 Urns Planted with Annuals (Labor & Materials) = \$4,000

Fertilizer & Chemicals = \$1,000

Mulching of Landscape Islands and Parking Lot Beds = \$500

Topsoil and Plants for Replanting 4 Landscape Beds = \$1,000

Total Recommended Budget = \$18,000

LANDSCAPING IMPLEMENTATION OPTIONS

OPTION 1: CONTINUE GENERALLY AS PREVIOUS YEARS, CITY STAFF PERFORMS ROUTINE MAINTENANCE ACTIVITIES

This is staff's recommended option.

Cost = \$18,000 budget (described above)

OPTION 2: CONTRACT ALL PLANTING AND MAINTENANCE TO PRIVATE LANDSCAPING COMPANY

Staff does not recommend this option as having hanging flower baskets with this option as baskets need to be watered no less than 3 times per week and often daily in hot and dry conditions, including weekends and holidays.

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

<u>Cost Estimate for Option 2</u>		
Item	Cost	Notes
Maintenance	\$20,235	Based on a 2020 Northwoods Maint. quote with 5% yearly increase
Hanging Basket Watering	\$1,344	\$14 per hour x 6 hrs per week x 16 weeks
Hanging Baskets	\$5,500	
Mulching	\$1,000	
Replanting Landscape Islands	\$2,000	Replanting of 2 to 4 landscape beds
	\$30,079	Total Cost Estimate

OPTION 3: NO LANDSCAPING SERVICES IN 2023

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



Brainerd City Council Agenda Request

MEETING DATE: 2/21/2023

TITLE OF ITEM: Direction on Active Code Enforcement Cases

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, CDD

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 3 minutes

SUMMARY OF ISSUE:

With the adoption of Ordinance No. 1524, the revised Section 320 of the City Code dictates that for violations of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to the issuance of an administrative citation as provided in Section 320.09 Repeat Offender. If the same owner commits a subsequent violation within 12 months after a compliance letter has been issued for the same or similar offense.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff is bringing 1 property before the Committee for review. Staff is looking for direction from the Council as how to proceed with the case.

Attached is the case file for 1306 Oak Street.

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:

Staff recommends obtaining a warrant through the City Attorney and abating the garbage at 1306 Oak Street.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: n/a

Is this budgeted? (Please Explain) n/a

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: February 21, 2023

RE: Recommendations for Active Code Enforcement Cases

Staff recommends the following action for the active code enforcement case brought before the City Council:

- **1306 Oak St – no response from property owner**
 - November 21, 2022, City Council Meeting MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO OBTAIN A WARRANT AND ABATE THE GARBAGE AT 1306 OAK STREET.
 - Warrant was obtained and garbage was abated – fees to be assessed to the property.
 - Received one (1) Citation for garbage on 02/9/2023 in the amount of \$300.00
 - Offenses of a nature that may result in bodily harm, damage to property, or significant blight may be brought before the Safety & Public Works Committee without a complaint for determination whether to implement the administrative citation program. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council.

Staff recommends obtaining a warrant and abating the garbage at 1306 Oak Street.



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

EN22-0432

Date of Violation: 02/09/2023

Parcel ID: 41250792

Violator(s): SALTNESS, KELLY M & MAIER, ANDRES E
1306 OAK ST
BRainerd, MN 56401

Location/Address of Violation: **1306 OAK ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
2010	Garbage	\$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: 02/19/2023

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: 02/09/2023

Representative's Signature:

(served via first class mail)



Image Description: Significant mound of trash present at 1306 Oak Street time stamped 9:50 AM 2/9/2023, at least one dozen trash bags are visible above the snow line immediately right of the house back door. Picture was taken from the alley.



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Public Hearing and Adopt Resolution for Municipal Consent and Layout Approval for TH 210/Washington Street Reconstruction Project

AGENDA: Main Agenda

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: City Eng/PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: City Eng/PW Director Dehn

ESTIMATED TIME (MIN): 15 Minutes

SUMMARY OF ISSUE:

MnDOT is requesting holding a Public Hearing and approving a Resolution for municipal consent and layout approval for the TH 210/Washington Street Reconstruction Project (SP 1805-80).

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

See attached memo and attachments.

RECOMMENDED ACTION/MOTION:

1. Staff recommends the City Council holds a Public Hearing for public comment on the final proposed layout.
2. Adopt a Resolution for municipal consent and layout approval for the TH 210/Washington Street Reconstruction Project (SP 1805-80).

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: [Click to enter text](#)

Is this budgeted? (Please Explain) [Click to enter text](#)



MnDOT - District 3
7694 Industrial Park Rd
Baxter, MN 56425

January 19, 2023

To: Jessie Dehn, City Engineer of Brainerd
501 Laurel Street
Brainerd, MN 56401

RE: Formal request of municipal consent of final layout for TH 210 (SP 1805-80)

This letter is serving as a request for the City of Brainerd to approve the final layout submitted on January 19th, 2023 for TH 210 from Baxter Drive to Pine Shores Road in Brainerd to be constructed in 2026. This project is a mill and overlay from Baxter Drive to NW 4th Street, reconstruction from NW 4th Street to 10th Ave NE, and a mill and overlay from 10th Ave. NE to Pine Shores Road. The estimated construction cost is \$43 million inflated to 2026 dollars.

The current roadway pavement is deteriorating which is decreasing the pavement quality and durability. This project will improve the pavement by creating a longer life cycle. Grading the reconstruction section, addressing ADA issues, addressing pipe/drainage infrastructure, and making intersection improvements will result in safer operation. MnDOT has appreciated the coordination that has been accomplished to date to reach this point in the project.

Work specifically within the city limits which would have city cost participation are as follows: aesthetics, lighting participation, roundabout participation, signal replacement, city utility replacements/work (plus any work above and beyond project to accomplish the work), any cost for storm sewer if there is contributing areas outside of the State R/W, and any trail/walk width wider than MnDOT's standard width. Based on the layout the city's estimated share in this project would be \$7 million inflated to 2026 dollars.

Municipal consent of MnDOT projects is described in Minnesota Statutes 161.162 through 161.167. If you have any questions or need any guidance or support during the city's procedure for municipal consent, please feel free to reach out to us. MnDOT will attend the public hearing to present the final layout and answer questions, as required by statute.

Sincerely,

Luke L. Wehseler
D3 Project Development Project Manager

cc: Mike Ginnaty
James Hallgren
Darren Nelson



MEMO

TO: BRAINERD CITY COUNCIL

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: FEBRUARY 21, 2023

SUBJECT: MUNICIPAL CONSENT AND LAYOUT APPROVAL OF TH 210/WASHINGTON STREET RECONSTRUCTION PROJECT (SP 1805-80)

MnDOT is proceeding with plans to complete State Project 1805-80, the reconstruction of TH 210/Washington Street from Baxter Drive to Pine Shores Road within our city limits. This project is a mill and overlay from Baxter Drive to NW 4th Street, reconstruction from NW 4th Street to 10th Ave NE, and a mill and overlay from 10th Ave. NE to Pine Shores Road. The reconstruction portion of the project includes new pavement, sidewalk, and city utilities. Some notable changes include the addition of two roundabouts, the removal of a traffic signal, optimized road and sidewalk widths, and strategically placed center medians. In accordance with State Statutes, MnDOT is required to receive the City's approval of the proposed layout by Resolution of the City Council.

MnDOT has made significant efforts to engage with the public, key stakeholders, and the City Council leading up to this request to help achieve project support and obtain "municipal consent". The City's Project Management Team (PMT) group, including Councilmembers and staff, has met numerous times with the MnDOT team to review and comment throughout the process.

Included with this memorandum are several documents relating to the municipal consent process. These documents include a letter of formal request of municipal consent, applicable State Statutes, project cost estimate, public engagement summaries, MnDOT responses to City comments, and resolutions for the city to utilize for offering municipal consent. Due to the file sizes, a link to the Final Layout and Cost Participation Layout is included at the end of this memo. The final layout provides the basis for the project as it highlights the general concept for the project by identifying all key features for the highway.

State Statutes required the following:

- City to schedule a public hearing within 15 days of receiving the final layout (by 02/03/2023). The public hearing was scheduled at the 12/19/2022 City Council meeting to be held 02/21/2023.
- Conduct a public hearing within 60 days of receiving the final layout (by 03/19/2023). The public hearing is being held at this 02/21/2023 City Council meeting.

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

State Statutes will require the following:

- Approve or disapprove the layout by resolution within 90 days of the public hearing (by 05/22/2023).

The preliminary cost estimate shows a future estimated total city cost of \$7,070,366 at time of the TH 210/Washington Street reconstruction project. City costs are proposed to be shared with participation from Brainerd Public Utilities, Wastewater Enterprise Fund, Surface Water Enterprise Fund and Municipal State Aid. Should any grant funding be received between now and construction, that could be applied to the local share of costs.

MnDOT Project Manager, Luke Wehseler is present at this meeting to help present this topic and answer City Council questions. Luke can help explain the municipal consent process and guide Council expectations moving forward.

Link to Final Layout PDF

<https://www.ci.brainerd.mn.us/DocumentCenter/View/6746/Hwy-210-DRAFT-Final-Layout>

Link to Cost Participation Layout PDF

<http://www.ci.brainerd.mn.us/DocumentCenter/View/6745/Hwy-210-Cost-Participation-Layout-DRAFT>

STATEMENT OF ESTIMATED QUANTITIES										
TAB.	ITEM NO.	DESCRIPTION	UNITS	TOTAL ESTIMATED QUANTITY	STATE	SPLIT (50% STATE / 50% CITY OF BRAINERD)	100% CITY OF BAXTER	100% CITY OF BRAINERD	DNR	100% CROW WING COUNTY
	2021.501	MOBILIZATION	LUMP SUM	1	0.84		0.01	0.13	0.01	0.01
	2104.503	SAWING BITUMINOUS PAVEMENT	LIN FT	1996	1899	97				
	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	7556	7035	332		70		119
	2104.503	REMOVE CURB & GUTTER	LIN FT	33355	32526	428				401
	2104.504	REMOVE CONCRETE MEDIAN	SQ YD	8193	7927	110				156
	2104.504	REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ YD	3330	3330					
	2104.504	REMOVE BITUMINOUS PAVEMENT	SQ YD	111984	108995	1377				1614
	2104.518	REMOVE CONCRETE WALK	SQ FT	123488	122327	1161				
	2104.618	REMOVE AND REPLACE BITUMINOUS PAVEMENT	SQ FT	5674	3974		350	1350		
	2106.507	EXCAVATION - COMMON	CU YD	128987	122772	1226		2013	336	2640
	2106.507	SELECT GRANULAR EMBANKMENT (CV)	CU YD	71646	66248	216	16	2149	2099	918
	2106.507	COMMON EMBANKMENT (CV)	CU YD	23212	13416	67		5307	884	3538
	2118.507	AGGREGATE SURFACING SPECIAL	CU YD	56	56					
	2211.507	AGGREGATE BASE (CV) CLASS 6	CU YD	23203	21318	72	6	801	700	306
	2232.504	MILL BITUMINOUS SURFACE (3.0")	SQ YD	98135	97739	396				
	2360.509	TYPE SF 9.5 WEARING COURSE MIXTURE (3,C)	TON	20532	19577	294		428		233
	2360.502	TYPE SF 12.5 NON WEARING COURSE MIXTURE (3,B)	TON	10267	9789	147		214		117
	2360.509	TYPE SF 9.5 WEARING COURSE MIXTURE (3,B)	TON	17346	16567	68			711	
	2521.518	6" CONCRETE WALK	SQ FT	173204	147127	1463	284	21920		2410
	2521.602	DRILL & GROUT REINF BAR (EPOXY COATED)	EACH	7292	6194	62	12	923		101
	2531.503	CONCRETE CURB AND GUTTER DESIGN B412	LIN FT	11472	11472					
	2531.503	CONCRETE CURB AND GUTTER DESIGN B424	LIN FT	28734	27092	326		899		417
	2531.503	CONCRETE CURB AND GUTTER DESIGN B612	LIN FT	502	502					
	2531.503	CONCRETE CURB AND GUTTER DESIGN R424	LIN FT	729	729					
	2531.503	CONCRETE CURB AND GUTTER DESIGN SS24	LIN FT	5487	4833			223		431
	2531.504	8" CONCRETE DRIVEWAY PAVEMENT	SQ YD	3314	3314					
	2531.504	CONCRETE MEDIAN	SQ YD	10503	9968	103		140		292
	2531.603	CONCRETE CURB DESIGN V	LIN FT	1020	1020					
	2531.603	CONCRETE STILL	LIN FT	16642	15000	326		899		417
	2531.618	TRUNCATED DOMES	SQ FT	2292	2052		48	168		24
	2545.501	LIGHTING SYSTEM	LUMP SUM	1	0.26			0.74		
	2563.601	TRAFFIC CONTROL	LUMP SUM	1	0.84		0.01	0.13	0.01	0.01
		FULL SIGNAL REPLACEMENT	SYSTEM	5	2.5		0.5	1.75		0.25
		PARTIAL SIGNAL REVISIONS	SYSTEM	1	0.75			0.25		
		SANITARY SEWER REPLACEMENT	LUMP SUM	1				1		
		WATERMIAN REPLACEMENT	LUMP SUM	1				1		
		MEDIAN REHAB	SQ YD	5100	5100					
		BRIDGE REDECKING	LUMP SUM	1	1					
		NEW TURF & EROSION CONTROL	LUMP SUM	1	0.89			0.05	0.01	0.05
		DRAINAGE	LUMP SUM	1	0.98			0.02		
		COLORLED CONCRETE WALK (ADDED COST)	SQ FT	98390				98390		
		ORNAMENTAL METAL RAILING	LIN FT	2680				2680		
		OE SIGNING	EACH	4	4					
		SUBSURFACE DRAINS	LIN FT	24000	24000					
		SIGNING	LUMP SUM	1	1					
		PAVEMENT MARKINGS	LUMP SUM	1	1					
		ITS	LUMP SUM	1	1					

2020 Average Bid Price	2021 Average Bid Price	ESTIMATED UNIT COST (2022 DOLLARS)	TOTAL ESTIMATED COST	STATE	CITY OF BAXTER	CITY OF BRAINERD	DNR	CROW WING COUNTY	Notes
			\$1,500,000.00	\$1,260,000.00	\$15,000.00	\$195,000.00	\$15,000.00	\$15,000.00	5% OF TOTAL COST, prorated to 100th place
\$2.53	\$1.83	\$2.00	\$3,992.00	\$3,895.00	\$0.00	\$97.00	\$0.00	\$0.00	
\$1.53	\$2.13	\$2.00	\$15,112.00	\$14,402.00	\$0.00	\$472.00	\$0.00	\$238.00	
\$4.67	\$4.57	\$4.65	\$155,100.75	\$152,241.00	\$0.00	\$995.10	\$0.00	\$1,864.65	
\$7.35	\$5.55	\$6.50	\$53,254.50	\$51,883.00	\$0.00	\$357.50	\$0.00	\$1,014.00	
\$12.12	\$10.41	\$11.00	\$36,630.00	\$36,630.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$5.20	\$3.52	\$5.00	\$55,930.00	\$54,417.50	\$0.00	\$5,442.50	\$0.00	\$8,070.00	
\$1.32	\$1.54	\$1.50	\$185,232.00	\$184,361.25	\$0.00	\$870.75	\$0.00	\$0.00	
\$8.18	\$11.92	\$11.00	\$62,414.00	\$43,714.00	\$3,850.00	\$14,850.00	\$0.00	\$0.00	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$7.91	\$5.29	\$7.00	\$902,909.00	\$863,695.00	\$0.00	\$18,382.00	\$2,352.00	\$18,480.00	
\$14.06	\$11.56	\$14.00	\$1,003,044.00	\$928,984.00	\$224.00	\$31,598.00	\$29,386.00	\$12,852.00	18" THICK
\$5.36	\$1.75	\$5.00	\$116,060.00	\$67,247.50	\$0.00	\$26,702.50	\$4,420.00	\$17,690.00	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$25.60	\$36.79	\$35.00	\$1,960.00	\$1,960.00	\$0.00	\$0.00	\$0.00	\$0.00	3" THICK
\$36.49	\$23.88	\$30.00	\$696,090.00	\$640,620.00	\$180.00	\$25,110.00	\$21,000.00	\$9,180.00	6" THICK
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$1.42	\$1.59	\$1.60	\$157,016.00	\$156,699.20	\$0.00	\$316.80	\$0.00	\$0.00	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$66.20	\$64.72	\$70.00	\$1,437,240.00	\$1,380,680.00	\$0.00	\$40,250.00	\$0.00	\$16,310.00	top 4" of reconstruct
\$71.43	\$54.75	\$65.00	\$667,355.00	\$641,062.50	\$0.00	\$18,687.50	\$0.00	\$7,605.00	bottom 2" of reconstruct
\$48.01	\$55.41	\$55.00	\$954,030.00	\$913,055.00	\$0.00	\$1,870.00	\$39,105.00	\$0.00	3" overlay in resurfacing areas, 3" trail
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$10.32	\$10.35	\$11.00	\$1,905,244.00	\$1,626,443.50	\$3,124.00	\$249,166.50	\$0.00	\$26,510.00	
\$13.77	\$14.52	\$15.00	\$109,380.00	\$93,375.00	\$180.00	\$14,310.00	\$0.00	\$1,515.00	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$24.58	\$22.57	\$24.00	\$275,328.00	\$275,328.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$25.03	\$23.11	\$25.00	\$718,350.00	\$681,375.00	\$0.00	\$26,550.00	\$0.00	\$10,425.00	
\$31.50	\$22.85	\$25.00	\$12,550.00	\$12,550.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$32.54	\$27.53	\$30.00	\$21,870.00	\$21,870.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$24.63	\$23.65	\$25.00	\$137,175.00	\$120,825.00	\$0.00	\$5,575.00	\$0.00	\$10,775.00	
\$76.70	\$83.70	\$100.00	\$331,400.00	\$331,400.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$88.32	\$46.53	\$65.00	\$682,695.00	\$651,267.50	\$0.00	\$12,447.50	\$0.00	\$18,980.00	
\$47.17	\$48.61	\$50.00	\$51,000.00	\$51,000.00	\$0.00	\$0.00	\$0.00	\$0.00	
\$16.93		\$17.00	\$282,914.00	\$257,771.00	\$0.00	\$18,054.00	\$0.00	\$7,089.00	
\$51.77	\$52.82	\$53.00	\$121,476.00	\$108,756.00	\$2,544.00	\$8,904.00	\$0.00	\$1,272.00	
		\$1,900,000.00	\$1,900,000.00	\$500,000.00		\$1,400,000.00			
		\$3,000,000.00	\$2,520,000.00	\$30,000.00	\$390,000.00	\$30,000.00	\$30,000.00	\$30,000.00	10% OF TOTAL COST, prorated to 100th place
		\$370,000.00	\$1,850,000.00	\$925,000.00	\$185,000.00	\$647,500.00		\$92,500.00	
		\$200,000.00	\$200,000.00	\$150,000.00		\$50,000.00			AT N 6TH ST
		\$100,000.00	\$100,000.00			\$100,000.00			
		\$1,150,000.00	\$1,150,000.00			\$1,150,000.00			
		\$40.00	\$204,000.00	\$204,000.00					\$580/SF
		\$4,320,000.00	\$4,320,000.00	\$4,320,000.00		\$45,000.00	\$9,000.00	\$45,000.00	3% OF TOTAL COST
		\$3,553,100.00	\$3,553,100.00	\$3,482,038.00		\$71,062.00			SEE DRAINAGE TAB IN THIS FILE
		\$3.25	\$319,767.50	\$319,767.50		\$319,767.50			
		\$175.00	\$469,000.00			\$469,000.00			
		\$70,000.00	\$280,000.00			\$0.00		\$0.00	5% OF TOTAL COST
		\$12.50	\$300,000.00	\$300,000.00		\$0.00		\$0.00	pipe drains, fine filter agg, fabric, storm connectors
		\$300,000.00	\$240,000.00						1% OF TOTAL COST
		\$468,000.00	\$468,000.00						0.8% OF TOTAL COST

SUBTOTAL		\$30,000,000.00								
PROJECT TOTAL (2022)		\$32,500,618.75	\$26,311,545.95	\$240,102.00	\$5,356,338.15	\$150,263.00	\$352,369.65			
RIGHT OF WAY			81.0%	0.7%	16.5%	0.5%	1.1%			
CONTINGENCY (20%)		\$6,500,123.75	\$5,262,309.19	\$48,020.40	\$1,071,267.63	\$30,052.60	\$70,473.93			
TOTAL WITH CONTINGENCY		\$39,000,742.50	\$31,573,855.14	\$288,122.40	\$6,427,605.78	\$180,315.60	\$422,843.58			
INFLATION (10% PER CHIMES)		\$3,900,074.25	\$3,157,385.51	\$28,812.24	\$642,760.58	\$18,031.56	\$42,284.36			
PROJECT TOTAL (2026)		\$42,900,816.75	\$34,731,240.65	\$316,934.64	\$7,070,366.36	\$198,347.16	\$465,127.94			

Summary of Online Survey

Overview

The project team conducted a survey for the Brainerd Lakes community – those who drive, ride, walk or do business along Highway 210/Washington Street in Brainerd. The survey asked participants a series of standard questions about their use and perspectives related to Highway 210/Washington Street. In addition, respondents had the opportunity to share concerns and needs through an online comment map. The results of the survey are summarized in this document.

The survey was distributed to the Brainerd Lakes community via press release, social media, project website, emails to key organizations and word of mouth.

Average time
to complete



Survey Available

Nov. 12

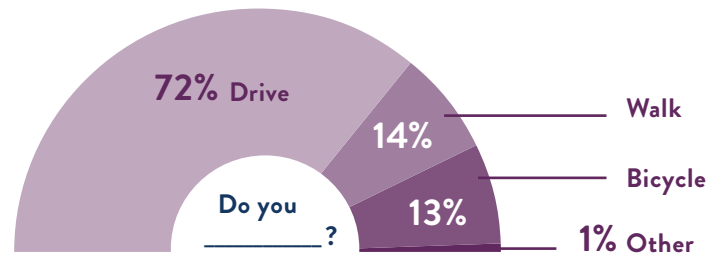
Dec. 12

Survey Themes + Insights

The findings from the survey are summarized by theme in the following sections:

Experience and opportunities

- Most people use Hwy 210/Washington St. for non-work-related travel, commuting to work.
- Most drive and a small percentage walk or bicycle.
- Most feel the stretch of roadway works OK but could use improvement, while very few believe it is excellent and does not need change.
- Most believe the stretch works poorly for walking and bicycling, many others believe it to be OK but could use some improvement.
- Common themes with additional comments focused on intersections (too many stop lights, needing more turn lanes, and better timing of stop lights) followed by pedestrian/bicycle friendly wishes (adding additional room for bike lanes).



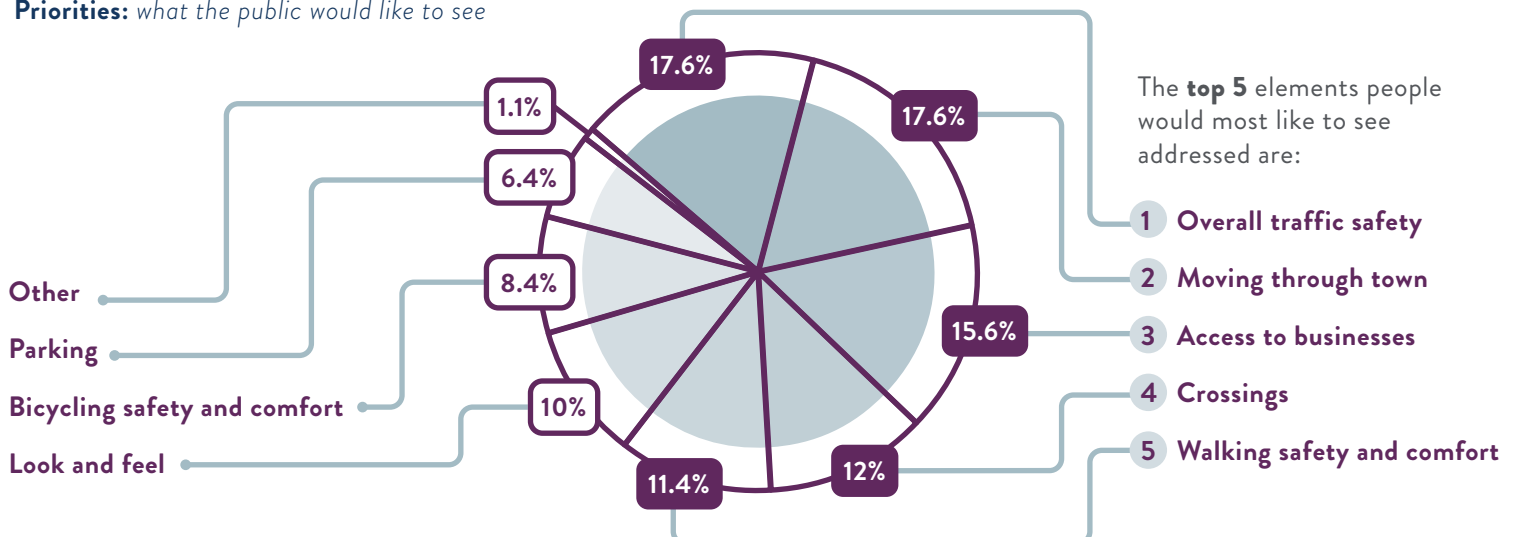
How well does this stretch of roadway work for driving?



How well does this stretch of roadway (and sidewalk) work for walking and bicycling?



Priorities: what the public would like to see



Survey Respondents

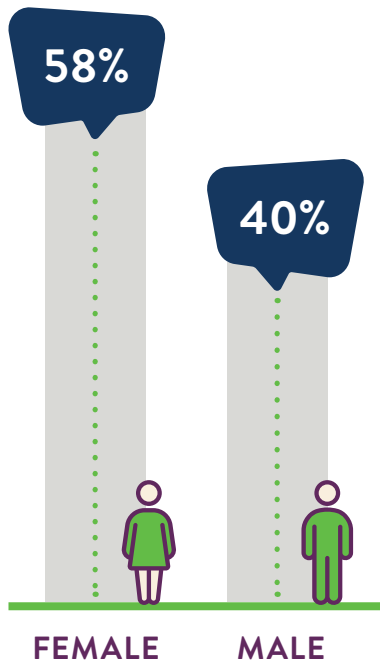
Demographics

**1,010
individuals**

responded to the optional demographic questions asked at the end of the survey.

GENDER

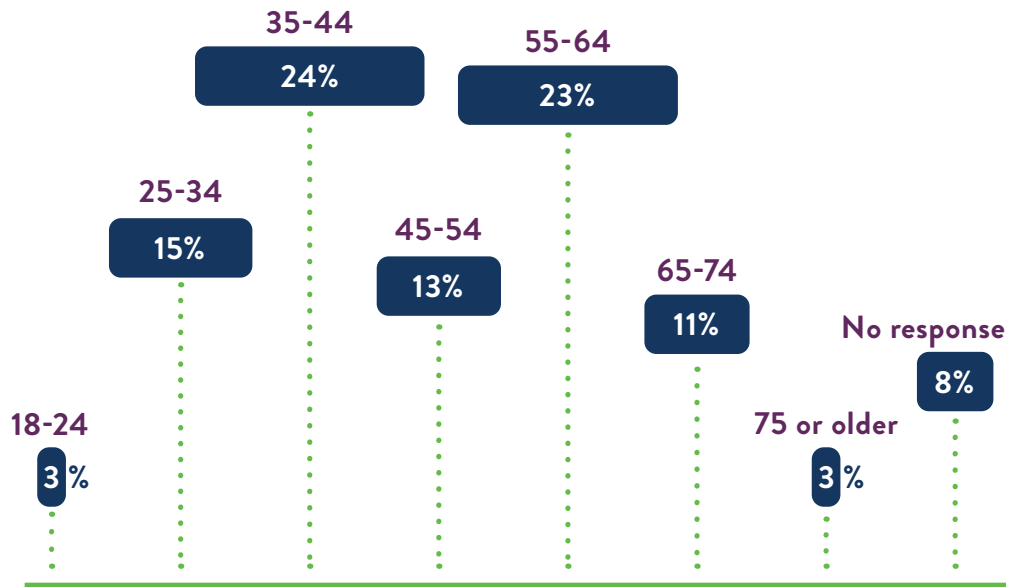
There were more respondents that identify as female than male.



2%

A small portion chose not to identify or identified as other.

AGE GROUP



RACE/ETHNICITY

Most individuals identified as White.



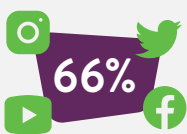
The second largest response was either no response, "rather not say," or other.



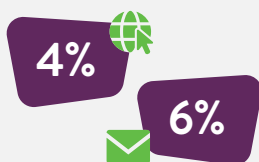
The fewest responses included those that identified (in order of most to least) as:

Native American 0.9% Black 0.6% Hispanic 0.5%

Channels successful in connecting with the community



Most respondents heard about the survey through MnDOT social media.



The two lowest-ranking communications channels were MnDOT Website and MnDOT email.



When asked if they would share the survey with others, those that did shared it through Facebook rather than Twitter.

Platform usage:



Respondents were split nearly evenly between web and mobile usage. Slightly more took the survey using their mobile device.

Engagement Summary

Introduction

MnDOT hosted the second round of engagement from August 13 through September 13, 2021 as an opportunity for the Brainerd Lakes community to learn more about the project and see and provide feedback on potential solutions for each segment. We asked for your participation via an online engagement and comment map, detailed information packets, Chamber of Commerce meetings (both in-person and virtual), social media, and email and phone calls with project team members. The input received during the engagement process is summarized in this document.

How we asked for your participation

We asked for community participation in a variety of ways:

- 1 An **online engagement platform** was available as an opportunity for viewers to explore the map at their own pace and convenience and provide comments.



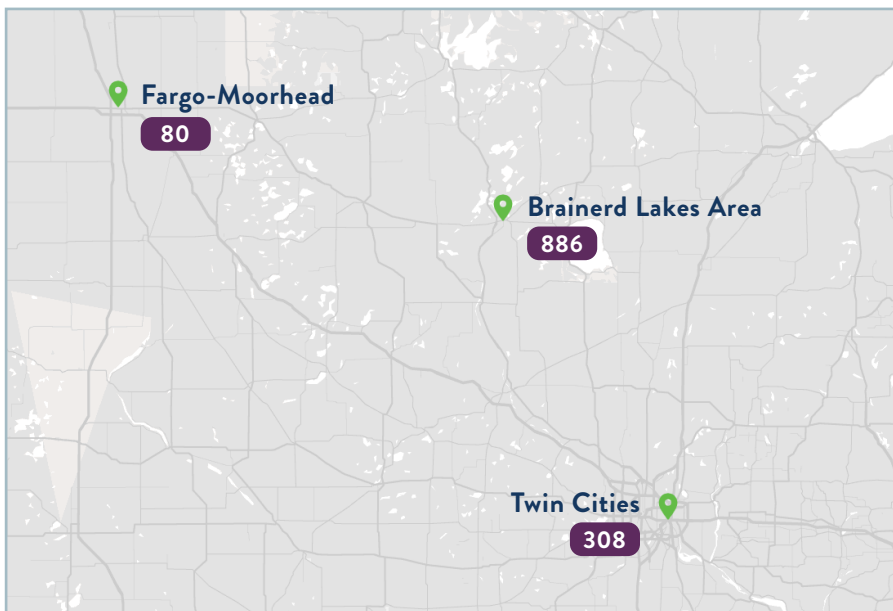
Views:

1,817

How they accessed site:



Top Locations:



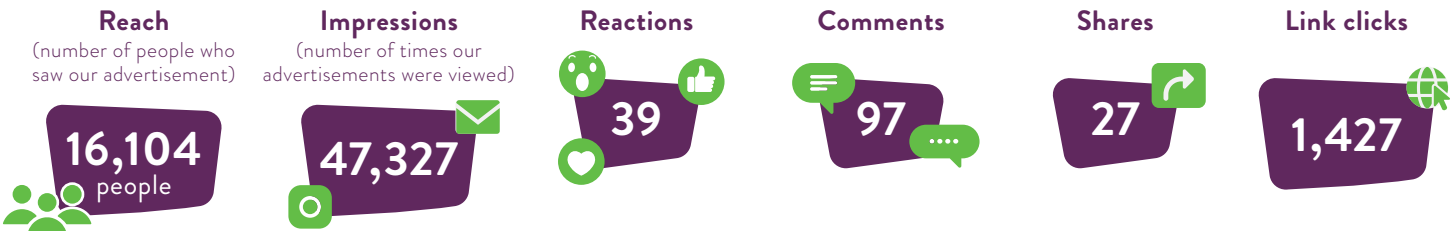
- 2 **Detailed information packets** were available for pick up at the Brainerd City Hall. They were also available via the mail, if requested. Packets included similar information as the online engagement for those who do not have online access. A total of 50 packets were picked up by community members at City Hall and a total of eight packets were mailed via MnDOT. There was one comment form returned to the project team.

- 3 The project team attended and presented at **two Chamber of Commerce meetings** to discuss area businesses concerns, questions, and comments. The meeting was hosted in-person and was also available via Zoom for those who could not attend in-person. A total of 20 business representatives attended the first meeting and 23 attended the second meeting.

- 4 **Email and phone calls** to project team. Nine total emails were received.

How we got the word out

Targeted social media advertisements



Promotional sticker decals were provided at key locations



- » Front steps of Brainerd City Hall
- » Sidewalk out front of the Historic Crow Wing County Courthouse
- » Southeast corner sidewalk at S 7th Street and Laurel Street
- » Northeast corner of NW 4th Street and Washington Street
- » Westbound sidewalk of the Washington Street bridge across from Dairy Queen
- » Northwest corner of N 4th Street and Washington Street
- » Southeast corner of S 6th Street and Washington Street
- » Southeast corner of S 8th Street and Washington Street
- » Southeast corner of SE 13th Street and Washington Street
- » Northwest corner of Mill Avenue and Washington Street

Additional Promotional Efforts



- » Stakeholder emails
- » Chamber emails
- » GovDelivery email



Door to Door business canvassing along Washington St.

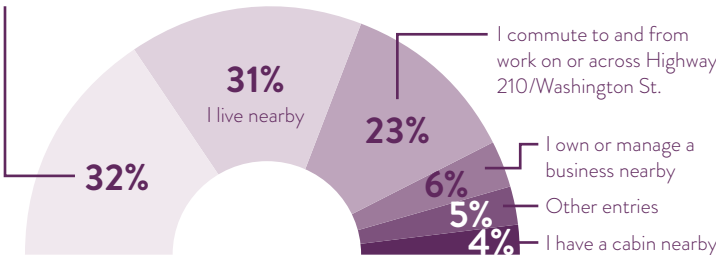


Utility bill insert

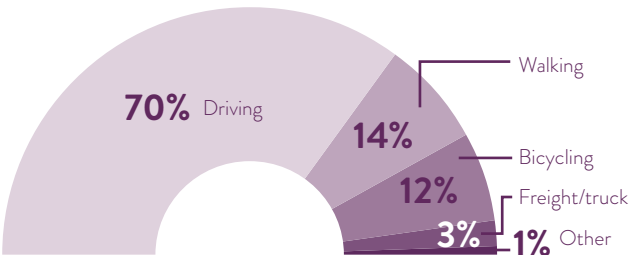
Who participated

Why do you use this corridor?

I use Highway 210/Washington St. and nearby streets for non-work-related travel

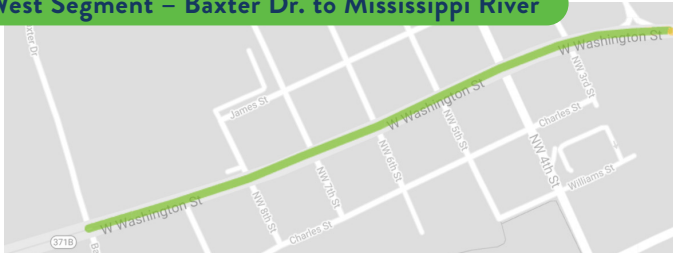


How do you use this corridor?



What we heard

West Segment – Baxter Dr. to Mississippi River



NUMBER OF COMMENTS RECEIVED

21

MOST COMMON THEMES

- Turn lanes
- Business access
- Safety
- Sidewalks

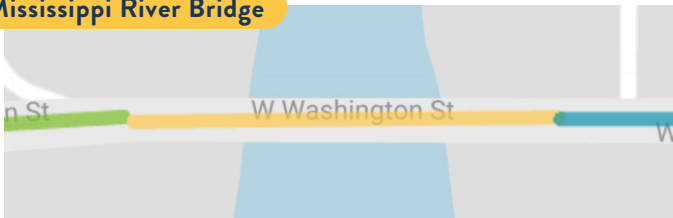
KEY TAKEAWAYS/CONSIDERATIONS FROM COMMENTS

Overall, respondents are strongly in favor of widening sidewalks that they believe will enhance pedestrian safety and improve non-vehicle accessibility/mobility. However, respondents were also concerned that eliminating left turn lanes from Highway 210 would adversely impact local businesses.

OPEN-ENDED COMMENT EXAMPLES

- “I like the 8' sidewalks, as long as bikes will be allowed. Now that we have a few more roundabouts in our city, I'm a huge fan. I would like to see them at the bigger intersections to keep traffic moving, and especially during non-peak times when there are times motorists get stopped for a red light with no traffic to be seen.”
- “Eliminating left turns from 210 onto side streets would significantly effect access to businesses. The stoplight causes backups and congestion, not the left turn lanes at 3rd and 5th Streets.”

Mississippi River Bridge



NUMBER OF COMMENTS RECEIVED

22

MOST COMMON THEMES

- Sidewalks
- Segment design
- Medians
- Turn lanes/access

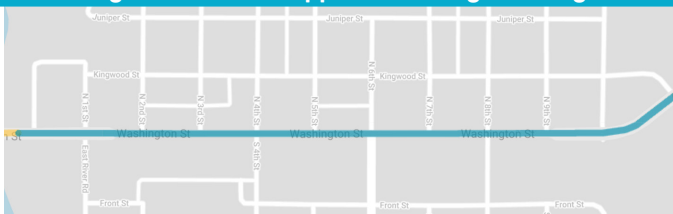
KEY TAKEAWAYS/CONSIDERATIONS FROM COMMENTS

Overall, respondents reacted positively to the proposed plan, specifically many pointed to the improvements that a wider sidewalk would make for pedestrians; however, respondents also commented that lack of sidewalk upkeep/maintenance in winter creates safety hazards.

OPEN-ENDED COMMENT EXAMPLES

- “Love the wider sidewalks. Could there still be a barrier between the vehicles and the bicyclists/pedestrians? When I ride there, I'm worried that a motorist won't be paying attention and end up on the sidewalk.”
- “I think this is a well thought of design upgrade to the bridge. As a bicyclist and pedestrian, I'm looking forward to these changes.”
- “Lack of timely follow up sidewalk clearing after storms makes this area absolutely treacherous. Understand that this is an important issue for those people who do not drive and rely on crossing the Washington St bridge to conduct their business or get to work just like those people in the cars. The frozen evidence is very clear in the boot prints and bicycle tracks like fossils. MNDOT needs to make this a priority responsibility under current and future conditions.”

Central Segment – Mississippi River Bridge to Kingwood St.



NUMBER OF COMMENTS RECEIVED

34

MOST COMMON THEMES

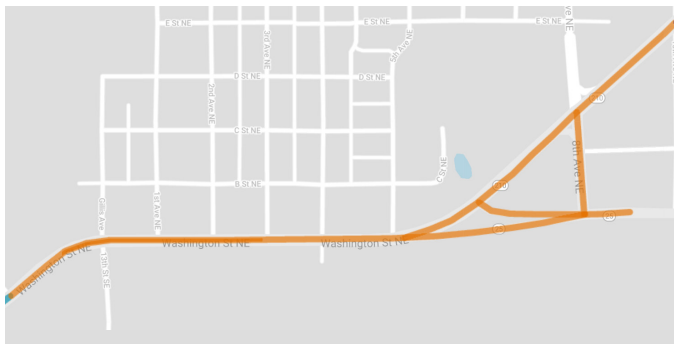
- Sidewalks and pedestrian/bicyclist safety
- Parking
- Turn lanes

KEY TAKEAWAYS/CONSIDERATIONS FROM COMMENTS

While several respondents felt that the proposed solutions would enhance pedestrian safety, there were also several concerns that these measures could also seriously impact access to local businesses and the hospital. The responses were fairly equally divided between those in favor of increased pedestrian safety and/or non-vehicle mobility, and those who would like to protect existing or increase roadway infrastructure and vehicle access to businesses.

OPEN-ENDED COMMENT EXAMPLES

- “I like the off street parking, and use of side streets and business parking lots. This will increase the likelihood that everyone would be safer as they go about their business.”
- “Excellent! As a walker and bicyclist, I appreciate the consideration going into this project. The additional sidewalk space will definitely draw me and others into the area because we won't have to worry about getting hit by a vehicle. Or, when riding my bike, I don't have to worry about someone opening their car door and possibly riding into them.”
- “Issues with limiting emergency vehicles to the hospital. 2nd Street: any emergency vehicle come from the east is going to have to go to 4th street if access at 2nd is closed.”



KEY TAKEAWAYS/ CONSIDERATIONS FROM COMMENTS

Of all the different segments, the East Mall Area/Railyard was the one with the most varied opinions

NUMBER OF COMMENTS RECEIVED



CONCEPT 1

KEY THEMES

- Roundabouts
- Traffic congestion
- Local traffic access/diversions
- Medians/limiting access

OPEN-ENDED COMMENT EXAMPLES

- "People here struggle with using the small roundabouts. I constantly sit behind people stopped when they could go. They don't understand the rules, especially the older generations. Concept 1 is the way to go."
- "Concept one. Too busy for roundabouts in concept 2 and 3 and would dramatically slow traffic. Several people pulling trailers in area and don't know how to use roundabout with."

- "The amount of traffic backed up at the 210/25 intersection during rush hour times and during the summer make it seem like a poor place for a roundabout. We travel through the intersection daily for work at these times. It is currently seems very quick, safe and efficient to cross 210, with short wait times. Please, no roundabouts."

CONCEPT 2

KEY THEMES

- Roundabouts
- Traffic congestion
- Turn lanes
- Parking
- Sidewalk/trails
- Medians/limiting access

OPEN-ENDED COMMENT EXAMPLES

- "Concept 3 will require the heavy weekend traffic from Hwy 25 to negotiate through 2 roundabouts when most of the north-south traffic travels north to Crosslake and back on Sundays. I prefer the better flow in Concept 2."
- "Concept 2 seems like a good option. The roundabout would keep traffic flowing while still maintaining access to businesses on 8th Ave in between 210 and 25."
- "I love proposal 2 for the roundabout at the 210 by the mall. They make traffic flow way easier."

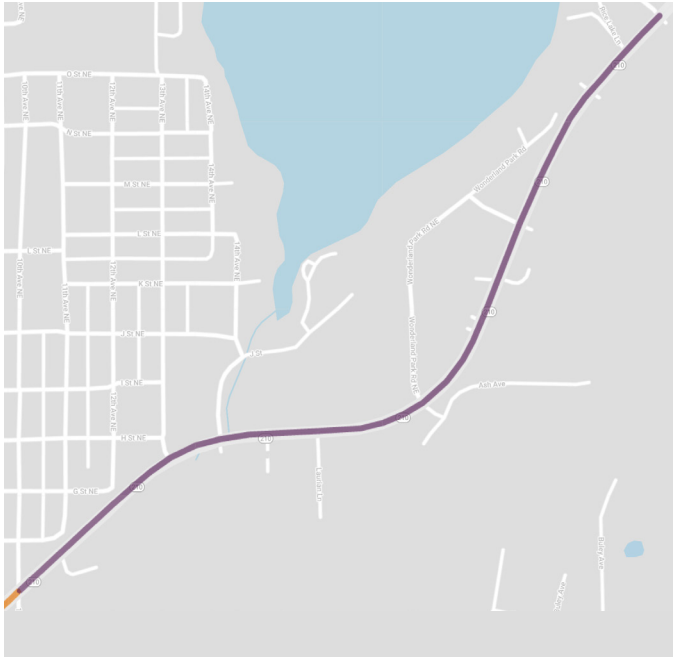
CONCEPT 3

KEY THEMES

- Traffic congestion
- Roundabouts
- Sidewalk/trails

OPEN-ENDED COMMENT EXAMPLES

- "I live on County Rd 18. So I travel the east mall/railroad area multiple times a day. Concept 3 is a great solution to the current traffic flow issues. I dread going in and out of the mall area. Concept 3 would make access in/out of Cub foods safer and less congested and eliminating the stoplight keeps the traffic flowing. Many times the traffic is backed up on 25, when traffic on 210 is light. I am hoping that there is a bike path included at some point down City Rd 18 to the Mall/railroad area, as well."
- "I think I prefer concept 3, looks like it would relieve a lot of congestion problems around those areas.."
- "I prefer concept 3. It truly pulls the Hwy 25 traffic away from the 8th Ave intersection, relieving congestion and too many exits/options off the roundabout which will make the roundabout traffic more efficient. I know the squeaky wheels sometimes talk smack about roundabouts but they are really a huge improvement and minimize traffic jams as people currently try to make left hand turns across traffic and start to take risks as the wait time increases. Turning left can sometimes be very dangerous when trying to see around campers, boats, semis, etc. Roundabouts make it easy to turn right just to get out and then switch directions by traveling all the way through the roundabout. They should continue to do roundabouts because they make sense."



MOST COMMON THEMES

- Median
- Speed of traffic
- Turn lanes
- Sidewalk/trail

NUMBER OF COMMENTS RECEIVED



KEY TAKEAWAYS/CONSIDERATIONS FROM COMMENTS

The key takeaways from this section focused on the size of the median and the speed of traffic being inappropriate or unsafe for the area. Beyond those two concerns, individuals generally agreed with the proposed concept for this corridor.

OPEN-ENDED COMMENT EXAMPLES



"PLEASE, PLEASE, PLEASE reduce the size of the median between Rice Lake Ln and Pine Shores Rd. The wider portion of the median on the SW end is unnecessary and only reduces the length of the left turn lane onto Pine Shores Rd. With the amount of eastbound traffic at certain times of day, the speed of said traffic, and the need for eastbound traffic to merge into one lane just beyond the turn, the short-left turn lane can be problematic."

Phase 3 Engagement Summary

Overview

MnDOT connected with the Brainerd area general public and business community to inform and gain feedback on the proposed design for the Hwy 210/Washington St. corridor. Outreach activities included an in-person business meeting and open house on Aug. 31, 2022 and an online self-paced engagement site that was available to the public from Aug. 22–Sept. 12, 2022.

Outreach promotions

1. Flyers at the Crow Wing County booth at the County Fair
2. Flyer inserts in the Brainerd Public Utilities bill
3. Project website updates
4. Business flyers hand-delivered by City staff
5. Social media posts and a targeted ad
6. Government Delivery email updates



Business meeting

Attendance

46



38 in-person
8 online via zoom

In-person open house

Attendance

41



Written comments

10



Top 3 open house takeaways:

1. Many were against the proposed roundabouts and concerned they would not work but some agreed they would improve traffic and safety
2. There is a desire for a trail crossing under the river bridge
3. Most agree that changes are needed at the Hwy 210/10th Ave. intersection to address speeding traffic



Online self-paced engagement site

Total visitors

1,767



Average time on site

1:57
minutes



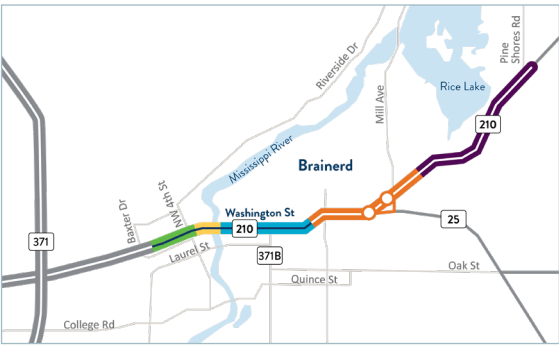
Total comments

117

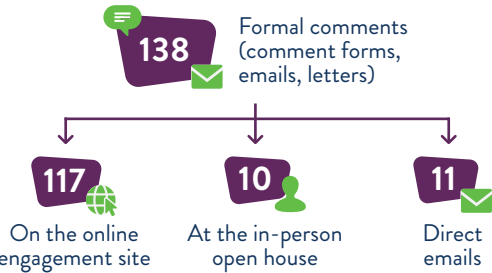


Note **only 7%** of the site's visitors provided comments. Based on previous experience it can be reasonably assumed that the majority of the **other 93%** were likely in support of the design or indifferent.

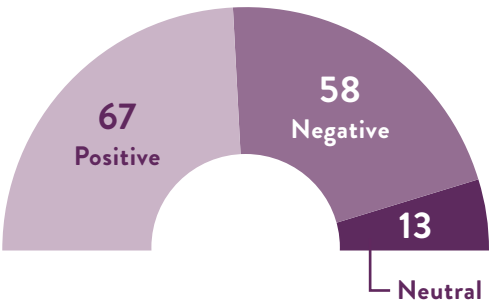
Comments by project segments:



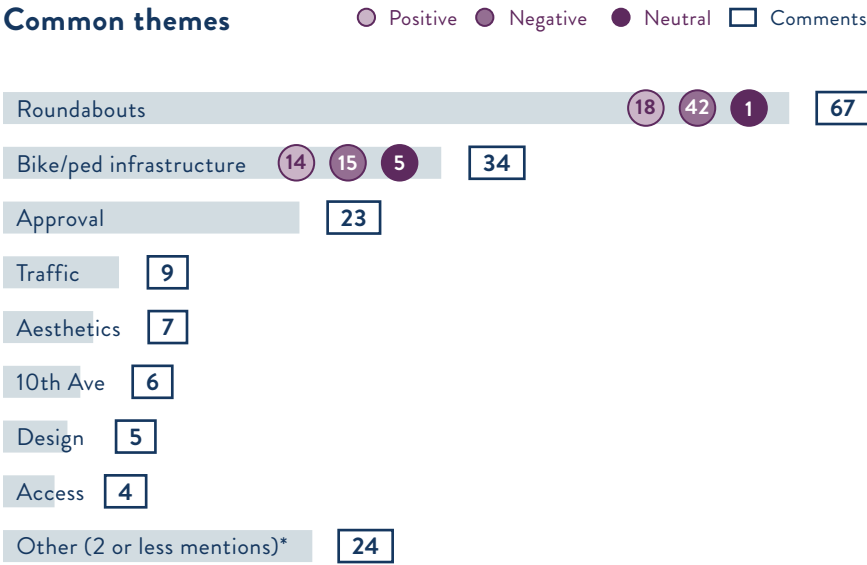
What did we hear?



Overall sentiment



Common themes



****Other**** includes business access, disapproval, general design, left turn lanes, maintenance, outside project scope, parking, ambulance routes, river bridge, green infrastructure, intersections, lighting, signage, speed, traffic signals and turn lanes

Key takeaways and comment highlights

Mixed reactions about the two proposed roundabouts

“I think a roundabout at 210 and Mill Avenue is a terrible idea. The wait at the lights can be long but I think a roundabout would be awful.”

“I like the roundabouts and the “no left turn” from the shopping center to Mill. All looks safer and better manages traffic.”

“Please keep the light with 8th street going North, and no roundabouts on 210. A round about on 8th and Hwy 25 Eastbound will be nice.”

Proposed pedestrian and bike infrastructure improvements are valued but many would like to see more

“Wide sidewalks are much appreciated.”

“Good improvements. Safer sidewalks are so needed along 210. Thank you.”

“11-foot lanes and 3-foot shoulders are too narrow for safe bicycle access. Need wider shoulder and marked bike lanes!”

“No back-of-curb sidewalks. Boulevards/ buffers for snow storage and keeping plows from covering sidewalks - make your winter maintenance easier through design.”

Overall design approval

“Looking forward to the updates as a start to revitalize east Brainerd!”

“I like it. I drive through those intersections daily. Sometimes multiple times per day. This should help the backups.”

“Nice! I like how it looks with the trees and the roundabouts look great it looks like traffic will flow well.”

TH 210 Improvement Project

MnDOT Response to the City's Layout Refinement Priorities

Several layout refinement requests were detailed by the City PMT members at the November 4th meeting with MnDOT and consultant staff. The requests are listed below along with MnDOT's action for each request.

Requested Layout Refinement	Incorporated (yes/no)	Notes
Add eastbound choker/bump-out at Baxter Drive <i>See Location #1 on attached graphic</i>	Yes	- See layout - Added more reconstruction to mill and overlay segment. - Will be a maintenance issue with snow removal.
Add bump-outs at NW 7 th Street <i>See Location #2 on attached graphic</i>	Yes	- See layout - Adds more reconstruction to mill and overlay segment. - Will be a maintenance issue with snow removal.
Add eastbound left turn lane at N. 5 th Street <i>See Location #3 on attached graphic</i>	Yes	- See layout - Since a left turn lane is not achievable at N. 6th Street this is acceptable. Introduces risk for possible rear end crashes given short turn lane.
Add eastbound left turn lane at Kingwood Street <i>See Location #4 on attached graphic</i>	Yes	- See layout - Introduces some conflict with left turning traffic from eastbound Kingwood Street
Add eastbound left turn lane at N. 3 rd Street	No	- Low traffic demand - Not identified as a priority by the hospital
Add eastbound left turn lane at NW 5 th Street	No	- Would require shortening NW 4th Street left turn lane and long through queues at NW 4th Street will consistently prevent left turning traffic at NW 4th from accessing the shorter turn lane - NW 4th Street needs to be maintained as the priority - Relatively low traffic demands are easily accommodated by proposed access and local street system

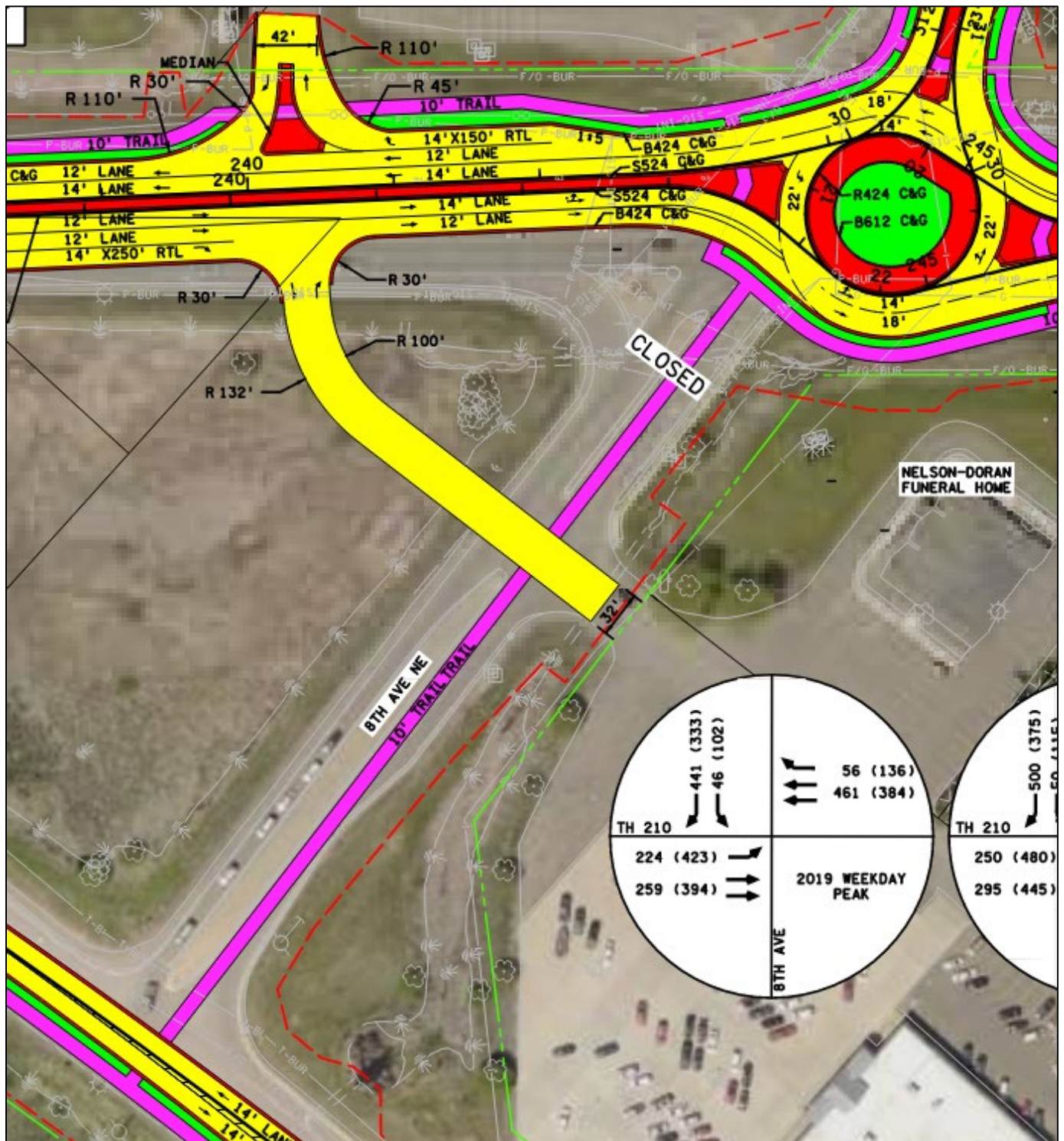
Add westbound left turn lane at NW 3 rd Street	No	- Site of fatal crash associated with vehicle maneuvering through the westbound queue of vehicles - Would require shortening NW 4th Street left turn lane and long through queues at NW 4th Street will consistently prevent left turning traffic at NW 4th from accessing the shorter turn lane - NW 4th Street needs to be maintained as the priority - Relatively low traffic demands are easily accommodated by proposed access and local street system
Incorporate 10 th Avenue NE Alternative 2 into the layout <i>See Location #5 on attached graphic</i>	Yes	- See layout
Bump-out/narrowing somewhere east of 8 th Avenue NE <i>See Location #5 on attached graphic</i>	Yes	- Layout revised to incorporate bump-outs at 10th Avenue NE - Reconstruction originally went to 8th Avenue NE but was extended to 10th Avenue NE to incorporate access and safety issues. Alternative 2 at 10th Avenue NE provided a good opportunity to create a narrower section to assist with speed control and pedestrian crossings. - Will be a maintenance issue with snow removal.
Add right-in/right-out access to eastbound TH 210 between the two roundabouts <i>See Location #6 on attached graphic</i>	Yes	- See layout - Some risk associated with proximity to the 8th Avenue NE roundabout

Previous Layout Refinements

Incorporated Prior to the November 4th City PMT Meeting

Requested Layout Refinement	Incorporated (yes/no)	Notes
Remove proposed median closure at NW 7 th Street to allow eastbound and westbound left turn lanes	Yes	- See layout - Median closure removed - More access to businesses at this area - Less access control which creates more conflict points and potential for crashes
Provide additional access to businesses/residents between 4 th NW and Bridge crossing to compensate for removal of eastbound left turn lane at NW 3 rd Street	Yes	- See layout - Added eastbound left turn lane at NW 2nd Street
Remove proposed eastbound right turn lanes at 4 th Street and 8 th Street	Yes	- See layout - Creates shorter pedestrian crossing movement - Increases risk of rear end crashes - Reduces impacts to adjoining businesses
Improve resident's ability to access eastbound TH 210 between Gillis Avenue and 5 th Avenue	Yes	- See layout - Added fourth leg to west roundabout - Adds more complexity/conflict points compared to original three-legged roundabout - Improves access/connectivity to NE/Mall neighborhood

LOCATION #6 - MALL AREA – Right-In, Right-Out Access to Hwy 210 for Nelson Doran Funeral Home, etc.
Removal of 8th Ave NE Stub to Hwy 25.



161.162 DEFINITIONS.

Subdivision 1. **Applicability.** The terms in sections 161.162 to 161.167 have the meanings given them in this section and section 160.02.

Subd. 2. **Final layout.** (a) "Final layout" means geometric layouts and supplemental drawings that show the location, character, dimensions, access, and explanatory information about the highway construction or improvement work being proposed. "Final layout" includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges, approximate right-of-way limits, existing ground line and proposed grade line of the highway, turn lanes, access points and closures, sidewalks, proposed design speed, noise walls, transit considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas, existing right-of-way, traffic volume and turning movements, location of stormwater drainage, location of municipal utilities, project schedule and estimated cost, and the name of the project manager.

(b) "Final layout" does not include a cost participation agreement. For purposes of this subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Subd. 3. **Final construction plan.** "Final construction plan" means the set of technical drawings for the construction or improvement of a trunk highway provided to contractors for bids.

Subd. 4. **Governing body.** "Governing body" means the elected council of a municipality.

Subd. 5. **Municipality.** "Municipality" means a statutory or home rule charter city.

History: 2001 c 191 s 3; 2002 c 364 s 3

161.163 HIGHWAY PROJECT REVIEW.

Subdivision 1. **Projects requiring review.** Sections 161.162 to 161.167 apply only to projects that alter access, increase or reduce highway traffic capacity, or require acquisition of permanent rights-of-way.

Subd. 2. **Traffic safety measures.** Nothing contained in sections 161.162 to 161.167 limits the power of the commissioner to regulate traffic or install traffic-control devices or other safety measures on trunk highways located within municipalities regardless of their impact on access or traffic capacity or on the need for additional right-of-way.

Subd. 3. **Construction program.** Nothing contained in sections 161.162 to 161.167 limits the commissioner's discretion to determine priority and programming of trunk highway projects.

History: 2001 c 191 s 4

161.164 FINAL LAYOUT APPROVAL PROCESS.

Subdivision 1. **Submission of final layout.** Before proceeding with the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality, the commissioner shall submit to its governing body a final layout and project report covering the purpose, route location, and proposed design of the highway. The final layout must be submitted as part of a report containing any supporting data that the commissioner deems helpful to the governing body in reviewing the final layout submitted. The supporting data must include a good-faith cost estimate of all the costs in which the governing body is expected to participate. The final layout must be submitted before final decisions are reached so that meaningful early input can be obtained from the municipality.

Subd. 2. **Governing body action.** (a) Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the Department of Transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.

(b) Within 90 days from the date of the public hearing, the governing body shall approve or disapprove the final layout in writing, as follows:

(1) If the governing body approves the final layout or does not disapprove the final layout in writing within 90 days, in which case the final layout is deemed to be approved, the commissioner may continue the project development.

(2) If the final construction plans contain changes in access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the governing body, the commissioner shall resubmit the portion of the final construction plans where changes were made to the governing body. The governing body must approve or disapprove the changes, in writing, within 60 days from the date the commissioner submits them.

(3) If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality, decide not to proceed with the project, or refer the final layout to an appeal board. The appeal board shall consist of one member appointed by the commissioner, one member appointed by the governing body, and a third member agreed upon by both the commissioner and the governing body. If the commissioner and the governing body cannot agree upon the third member, the chief justice of the supreme court shall appoint a third member within 14 days of the request of the commissioner to appoint the third member.

Subd. 3. **Appeal board.** Within 30 days after referral of the final layout, the appeal board shall hold a hearing at which the commissioner and the governing body may present the case for or against approval of the final layout referred. Not later than 60 days after the hearing, the appeal board shall recommend approval, recommend approval with modifications, or recommend disapproval of the final layout, making additional recommendations consistent with state and federal requirements as it deems appropriate. It shall submit a written report containing its findings and recommendations to the commissioner and the governing body.

History: 2001 c 191 s 5

161.165 COMMISSIONER ACTION; INTERSTATE HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to interstate highways.

Subd. 2. **Action on approved final layout.** (a) If the appeal board recommends approval of the final layout or does not submit its findings and recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project.

(b) If the final construction plans change access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If, within 60 days, the appeal board recommends approval of the final layout with modifications, the commissioner may:

(1) prepare final construction plans with the recommended modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare final construction plans substantially similar to the final layout referred to the appeal board, and proceed with the project. The commissioner shall, before proceeding with the project, file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** (a) If, within 60 days, the appeal board recommends disapproval of the final layout, the commissioner may either:

(1) decide not to proceed with the project; or

(2) prepare final construction plans substantially similar to the final layout referred to the appeal board, notify the governing body and the appeal board, and proceed with the project. Before proceeding with the project, the commissioner shall file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: 2001 c 191 s 6

161.166 COMMISSIONER ACTION; OTHER HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to trunk highways that are not interstate highways.

Subd. 2. **Action on approved final layout.** If the appeal board recommends approval of the final layout or does not submit its findings or recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project. If the final construction plans change access or traffic capacity or require additional acquisition of right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plan that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If the appeal board approves the final layout with modifications, the commissioner may:

(1) prepare final construction plans including the modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare a new final layout and resubmit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** If the appeal board disapproves the final layout, the commissioner may:

(1) decide not to proceed with the project; or

(2) prepare a new final layout and submit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: 2001 c 191 s 7; 2020 c 83 art 1 s 51

161.167 REIMBURSEMENT OF EXPENSES.

Members of the appeal board shall submit to the commissioner an itemized list of the expenses incurred in disposing of matters presented to them. The appeal board members shall be reimbursed for all reasonable expenses incurred by them in the performance of their duties. The commissioner shall pay these costs out of the trunk highway fund.

History: 2001 c 191 s 8

Municipal Consent

Contact

Ryan Gaulke, ryan.gaulke@state.mn.us
Office of Chief Counsel
395 John Ireland Boulevard, MS 130
St. Paul, MN 55155
651.366.3057

Municipal Consent Risk Management

Submittal Letter and Attachments

- [Submittal Letter/Template](#)
- [MN Statutes 161.162 – 161.167](#)
- [Example: Cost Estimate / City Costs](#)
- [Example: City Resolution for Municipal Consent](#)
- [Example: City Resolution Waiving Municipal Consent](#)

Legal Basis

The Minnesota municipal consent statutes were revised in the 2001 legislative session.

State Municipal Consent Statutes

Definitions	MN Statute 161.162
Highway Project Review	MN Statute 161.163
Final Layout Approval Process	MN Statute 161.164
Commissioner Action; Interstate Highways	MN Statute 161.165
Commissioner Action; Other Highways	MN Statute 161.166
Reimbursement of Expenses (for Appeal Board Members)	MN Statute 161.167

Threshold Criteria

Municipal consent should only be requested from a city if it is required.

When Required

Municipal approval is required for any trunk highway project that results in any of the following within a municipality:

- Alters access,
- Increases or reduces traffic capacity, or
- Requires acquisition of permanent right of way.

Increasing or reducing **traffic capacity** means increasing or reducing the number of through lanes. For example, adding an auxiliary lane is not a change in capacity.

Acquisition of **permanent right of way** includes acquisition of **permanent easements** (e.g., drainage easements).

Exceptions

Municipal consent is not required for maintenance activities or for the following:

- HOV Lanes / Dynamic shoulders ([MN Statute 160.93, Subd. 3](#))
- Traffic safety measures ([MN Statute 161.163, Subd. 2](#))

HOV Lanes / Dynamic Shoulder Lanes ([MN Statute 160.93, Subd. 3](#))

Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for the construction and/or designation of lanes on trunk highways for use as either:

- High-Occupancy Vehicle Lanes (e.g., MnPASS), or
- Dynamic Shoulder Lanes,

Traffic safety measures ([MN Statute 161.163, Subd. 2](#))

Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for projects needed for any of the following:

- Regulate traffic, or
- Install traffic control devices, or
- Other safety measures

The term “other safety measures” refers to traffic safety measures. The addition of a turn lane, for example, is a traffic safety measure; the replacement of a structurally-deficient or fracture-critical bridge is not.

Below are examples of traffic safety exceptions:

Safety Improvements for Pedestrian/ADA Facilities

Municipal consent is not required for projects in which the only trigger for municipal consent is the acquisition of minor amounts of right of way needed for safety improvements required to comply with ADA and to further MnDOT’s goal of providing safe, accessible pedestrian facilities.

The Americans with Disabilities Act (ADA) is a federal act that requires MnDOT to provide accessible pedestrian facilities. MnDOT projects often include improvements to comply with ADA and to help reach MnDOT’s goal of providing safe and accessible pedestrian facilities.

NOTE: The Minnesota statutory definition of “pedestrian” includes any person in a wheelchair. (See [Minnesota Statute 169.011](#), Subd.53 and Subd. 93).

Acquisition of permanent right of way is one of the statutory triggers for obtaining municipal consent, and minor amounts of right of way are sometimes needed for safe and accessible pedestrian facilities. However, [Minnesota Statute 161.163, Subd. 2](#) includes a traffic safety exception to the municipal consent requirement. Improvements needed to provide safe, accessible pedestrian facilities are traffic safety measures, and thus are safety exceptions to municipal consent. These safety improvements include curb ramps, accessible sidewalks and ramps, pedestrian refuge areas, areas for safe pedestrian movement, and pedestrian-operated warning devices.

Roundabouts

Roundabouts are used for traffic regulation and as a safety measure, and thus are **exceptions** that do not require municipal consent even if they require acquisition of permanent right of way.

Roles and Procedures

Municipal consent should only be requested from a city if it is required. (See Threshold Criteria above).

Sometimes a city may choose to waive municipal consent on a specific project. In that case the city council must pass a resolution clearly identifying the project and waiving its right to municipal consent for that project. However, the typical municipal consent process is as outlined below.

Procedure (for obtaining municipal consent)

1. Mn/DOT (District) submits to the city the final layout with a letter requesting city approval. The letter includes a good faith cost estimate of the city's share of the project's cost and the following (either in the letter or in an attached report):
 - project purpose
 - route location
 - short description of the proposed design of the highway
 - any additional supporting data
2. City schedules and holds public hearing (within 60 days of submittal).
City must schedule within 15 days of receiving Mn/DOT's request for approval and must give 30 days public notice.
3. City passes resolution approving / disapproving (within 90 days of public hearing).
After 90 from the date of the public hearing, if the city has not passed a resolution disapproving the layout, the layout is deemed approved.
4. If city disapproves, Mn/DOT decides whether to:
 - a. Meet city's condition(s), assuming city approved with conditions:
Mn/DOT writes city a letter indicating this and attaches revised layout with change(s). This ends the MC process.
 - b. Go to the appeal process.
 - c. Stop the project (do not build the project, or scale project down so that municipal consent is no longer required).

5. If in the final plan Mn/DOT alters access, capacity or R/W, Mn/DOT must re-submit changed portion of plan for city's approval. (The city is not required to hold another public hearing and has 60 days to approve or disapprove).

City Approval

The city can approve either by a formal approval resolution (see generic resolution in Appendix), or by not passing a resolution disapproving the layout within 90 days of the public hearing.

The city's review – with regards to layout approval – is limited to the project elements in the final layout that are within the boundaries of that city. A city cannot impose a condition on its approval that is outside of the city's boundaries.

The process allows the city one opportunity to exercise approval or disapproval of the final layout (unless Mn/DOT alters the plan with regards to access, capacity, or right-of-way). Once a city approves the layout, it cannot rescind its approval later. If a city disapproves with conditions, and if Mn/DOT agrees to meet those conditions – and notifies the city in writing (including copy of revised layout) – then municipal consent has been obtained.

The municipal consent statute applies to changes on “any route on the trunk highway system lying within any municipality.” If a T.H. borders a city and no section of the T.H. is completely within the city limits, municipal consent is still required for any of the designated changes (access, capacity, or right of way) that do occur within that city. However, if the changes triggering the municipal consent process are on the other side of the T.H. – and thus outside the city's limits – then municipal consent is not required from that city and is not requested from that city.

City Disapproval

If a city disapproves the final layout, Mn/DOT can stop the project (or scale it back so that municipal consent is no longer required), or Mn/DOT can take the project to the appeal process.

If the city disapproves – but includes condition(s) for approval, Mn/DOT has the above options plus the option of meeting the city's condition(s), and thus obtaining the city's approval. To do this, Mn/DOT sends the city a letter to that effect with the layout attached (revised to show the change(s)). This completes the municipal consent process; Mn/DOT then has the city's approval. (Sending the letter and revised layout is NOT a resubmittal for further consideration by the city).

Appeal Process

The appeal process is the same for interstate and non-interstate projects. However, the Mn/DOT Commissioner is not bound by the recommendations of the appeal board with respect to interstate highways.

If Mn/DOT decides to go to the appeal process, the first step is to establish an Appeal Board of three members: one member appointed by the Commissioner, one member appointed by the City Council, and a third member agreed upon by both the Commissioner and the City Council. (If a third member cannot be agreed upon, the Commissioner refers the selection to the chief justice of the Supreme Court, who then has 14 days to appoint the third member).

After the appeal board is established, the Commissioner refers the final layout to the Appeal Board. The Appeal Board then has 30 days to hold a hearing at which the Commissioner and the City Council may present their cases for or against approval of the layout. Within 60 days after the hearing, the Appeal Board must make its recommendation regarding the final layout. The recommendation can be for:

- approval, or
- approval with modifications, or
- disapproval.

The board can also make additional recommendations consistent with state and federal requirements as it deems appropriate. The board must submit a written report with its findings and recommendations to the Commissioner and the City Council.

Mn/DOT Public Involvement

Glossary

Municipality: A statutory or home rule charter city.

Municipal Consent: A municipality's approval of Mn/DOT's final layout for a project on a Trunk Highway when such approval is required by State Statute – see *Threshold Criteria* above.
(Approval is by a resolution passed by the elected council of the municipality – the City Council).

Appendix

Municipal Consent Process & Timeline

Sample City Resolution

Municipal Consent Process & Timeline

Mn/DOT / HPDP

Basic Process

1. Mn/DOT submits the final layout to the City with a letter requesting City approval of the layout.
2. The City holds public hearing within 60 days of Mn/DOT's submittal and gives a 30-day (minimum) public notice of the hearing.
Mn/DOT presents the layout at the public hearing **60 days**
3. The City Council passes a resolution approving / disapproving the layout (within 90 days of public hearing).
If after 90 days from the public hearing the City has not passed a resolution disapproving the layout, the layout is deemed approved **90 days**
4. If the City approves, Mn/DOT can proceed with the project.
5. If the City disapproves, Mn/DOT's options are:
 - o Make the changes requested by the City (if any)
 - o Refer the layout to an Appeal Board
 - o Stop the project
 - o Modify the project so municipal consent is not required
 - o Prepare a new final layout and start the MC process over from beginning

Before Appeal: Total Maximum time = 150 days

Appeal Process

1. Mn/DOT notifies the City that it is appealing.
2. An Appeal Board of three persons is established:
 - o Mn/DOT appoints a member **Undefined time to establish appeal board**
 - o The City appoints a member
 - o Third member selected by mutual agreement between the City & Mn/DOT.
If they cannot agree, Mn/DOT requests the MN Chief Justice to select.
The Chief Justice appoints third member within 14 days of Mn/DOT's request. **14 days**
3. Mn/DOT refers the final layout to the Appeal Board. **Undefined time**
4. The Appeal Board holds a hearing (within 30 days of receiving final layout from Mn/DOT).
The City and Mn/DOT each present their case **30 days**
5. The Appeal Board makes its recommendation (within 60 days of the hearing): **60 days**
 - o Approval, or
 - o Approval with modifications, or
 - o Disapproval of the final layout
6. If the Board approves, Mn/DOT can proceed with the project.
7. If the Board disapproves, or approves with modifications, Mn/DOT's options are:
 - o Make recommended modifications (if any), and proceed with the project
 - o Stop the project
 - o Modify the project so municipal consent is not required
 - o Prepare a new final layout and start the MC process over from beginning
 - o If it is an Interstate Highway project, Mn/DOT may proceed with the project using the layout that was not approved (and sends a report to the City and the Appeal Board stating the reasons for doing so).

**Maximum for Appeal Process = 104 days +
(plus time to establish appeal board, etc.)**

TOTAL Possible Time = 254 days +

NOTE: If final construction plans contain changes to access, capacity, or right of way from the layout approved by the City, Mn/DOT resubmits the changed portion of the plans to the City for approval. (City has 60 days to approve). This holds whether municipal consent was obtained through the basic MC process or through the appeal process.

Sample City Resolution

RESOLUTION NO. _____

Resolution for Layout Approval

At a Meeting of the City Council of the City of _____, held on the ____ day
of _____, 20____, the following Resolution was offered by _____ and seconded by
_____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project XXXX.XX
on Trunk Highway XX, from _____ to _____ within the City of _____ for
_____ improvements; and seeks the approval thereof, as described in Minnesota
Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District X Minnesota Department of Transportation office,
CITY, Minnesota, being marked as Layout No. XXXX, S.P. XXXX-XX, from R.P. XX+xxx to XX+xxx.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway
within the corporate limits be and is hereby approved.

Upon the call of the roll the following Council Members voted in favor of the Resolution:

The following Council Members voted against its adoption:

ATTEST:

Mayor _____

Dated _____, 20____

State of Minnesota

County of _____

City of _____

I do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to
and adopted by the Council of the City of _____, Minnesota at a duly
authorized meeting thereof held on the _____ day of _____, 20____, as shown by the
minutes of said meeting in my possession.

(SEAL) _____

City Clerk

RESOLUTION
NO. _____

RESOLUTION FOR LAYOUT APPROVAL

At a Meeting of the City Council of the City of Brainerd, held on the 21st day of February, 2023, the following Resolution was offered by _____ and seconded by _____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 1805-80 on Trunk Highway 210, from Baxter Drive to 700 feet east of Pine Shores Road within the City of Brainerd for reconstruction improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District 3 Minnesota Department of Transportation office, Baxter, Minnesota, being marked as Layout No. 1A, S.P. 1805-80, from R.P. 121+00.45 to 125+50.00.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway within the corporate limits be and is hereby approved.

Adopted this 21st day of February 2023

KELLY BEVANS
President of the Council

Approved this 21st day of February 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

RESOLUTION
NO. _____

RESOLUTION FOR WAIVER OF MUNICIPAL CONSENT

At a Meeting of the City Council of the City of Brainerd, held on the 21st day of February, 2023, the following Resolution was offered by _____ and seconded by _____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 1805-80 on Trunk Highway 210, from Baxter Drive to 700 feet east of Pine Shores Road within the City of Brainerd for reconstruction improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District 3 Minnesota Department of Transportation office, Baxter, Minnesota, being marked as Layout No. 1A, S.P. 1805-80, from R.P. 121+00.45 to 125+50.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final layout for SP 1805-80 for the improvement of said and Trunk Highway 210 within the corporate limits.

Adopted this 21st day of February 2023

KELLY BEVANS
President of the Council

Approved this 21st day of February 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Final Reading - Proposed Ordinance 1543 - Amending Section 900.08 of the City Code - Harboring of Chickens and Ducks

AGENDA: Main Agenda

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 10 minutes

SUMMARY OF ISSUE:

Proposed Ordinance No. 1543 amends Section 900.08 of the City Code setting the number of chickens or ducks allowed per residential property at 4 in any combination irrespective of the number of cats or dogs harbored on the property. The harboring of chickens requires a special administrative permit issued by the Community Development Department and must meet all requirements of section 900.08.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Before conducting the first reading of proposed Ordinance 1543, City Council voted and approved the removal of language regarding neighboring consent for the issuance of chicken and duck permits. Proposed Ordinance 1543 as presented reflects those changes.

RECOMMENDED ACTION/MOTION:

1) Motion to conduct the final reading of Proposed Ordinance No. 1543.

*Note: A vote to dispense with the actual reading of the ordinance must be unanimous.

2) Hold a public hearing on proposed Ordinance No. 1543.

3) Motion to adopt Proposed Ordinance No. 1543, an ordinance amending Section 900.08 of the City Code regarding the harboring of chickens and ducks.

FINANCIAL IMPACT:

Is there a cost associated with this request: no

What is the total cost, with tax and shipping: n/a

Is this budgeted? (Please Explain) n/a

**ORDINANCE
NO. 1543**

AN ORDINANCE AMENDING SECTION 900, ANIMALS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 900.08 of the City Code is hereby amended by adding the following:

900.08 Chickens and Ducks.

Subd 1. Chickens and Ducks Limited. It is unlawful for any person to own, control, keep, maintain or harbor hen chickens or ducks in any residential district and/or residential use in non-residential districts in the City unless issued a permit to do so as provided herein. In the case of rental residential property, including multi-family residential property, written permission must be given by the property owner for a tenant to keep or harbor chickens or ducks on said residential premises. No permit shall be issued for the keeping or harboring of more than four (4) hen chickens or ducks in any combination on any premises unless the property is located in an agricultural or rural zoning district. The keeping of roosters is prohibited. ~~It shall be unlawful to keep or harbor hen chickens in addition to the limitations set forth in Section 900.13, Subd. 1. (For example, the limitation is further clarified as follows: 4 dogs, or 4 cats, or 4 chickens, or 3 dogs and 1 cat, or 3 chickens and 1 dog, or 2 cats and 2 chickens, etc.)~~ (For example, the limitation is further clarified as follows: 4 chickens, or 4 ducks, or 3 chickens and 1 duck, or 2 chickens and 2 ducks, ect.)

Subd. 2. Definitions. The term “At Large” shall be intended to mean a chicken or duck out of its chicken run, off the premises or not under the custody and control of the owner. The term “Chicken” means a female chicken or hen raised for egg laying. The term “Duck” means a variety of domesticated duck that is raised for egg laying. The term “Chicken or Duck Coop” means a structure providing housing for chickens or ducks made of wood or other similar materials that provides shelter from the elements. The term “Chicken or Duck Run” means a fenced outside yard for the keeping and exercising of chickens or ducks. The term “Owner” shall mean the resident, property owner, custodian, or keeper of any chicken or duck. The term “Premises” means any platted lot or group of contiguous lots, parcels or tracts of land.

Subd. 3. Permit. No chicken or duck coop and/or chicken or duck run shall be maintained unless granted a permit by the City. The permit shall be subject to all terms and conditions of this Section and any additional conditions deemed necessary by the City to protect the public health, safety, and welfare. The necessary permit may be obtained from the City Administrator’s office. Included with the information required prior to issuance of the permit must be a scaled diagram that indicates the location of any chicken coop and run, and the approximate size and distance from adjoining structures and property lines. ~~The owner must also obtain written approval of the keeping of chickens or ducks from all abutting property owners. Written approval is not required if there is no abutting property.~~ A permit for the keeping of chickens or ducks may be revoked or suspended by the Council for any violation of this Section following written notice and a public hearing.

Subd. 4. Confinement. Every person who owns, controls, keeps, maintains, or harbors hen chickens or ducks must keep them confined on the premises at all times in a chicken coop or chicken run while in the City. Any coop and run shall be screened with a solid fence or landscaped buffer with a minimum height of four (4) feet. ~~Any coop and run shall be at least 25 feet from any residential structure or any other premises on any adjacent lots.~~

Subd. 5. Chicken/ Duck Coops and Chicken/ Duck Runs.

- A) All ~~chicken~~ coops and runs must be located within the rear yard subject to the required setbacks for the principal building and at least 25 feet from any dwelling or any other premises on any adjacent lots. All ~~chicken~~ coops must be a minimum of 4 square feet per chicken or duck in size, must not exceed 10 square feet per chicken or duck in size and must not exceed 6 feet in total height. Attached fenced-in ~~chicken~~ runs must not exceed 20 square feet per chicken or duck and fencing must not exceed six feet in total height. ~~Chicken runs~~ Runs may be enclosed with wood and/or woven wire materials and may allow chickens or ducks to contact the ground. ~~Chicken feed~~ Feed must be kept in metal, predator proof containers. ~~Chicken manure~~ Manure shall not be placed in yard compost piles.
- B) Chicken/ Duck coops must either be:
 - 1) Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or
 - 2) The coop floor, foundation and footings must be constructed using rodent resistant construction.
- C) ~~Chicken coops~~ Coops are not allowed to be located in any part of a home and/or garage or non-residential buildings.
- D) Chickens and ducks must be secured in a ~~chicken~~ coop from sunset to sunrise each day.

Subd. 6. Conditions and Inspection. No person who owns, controls, keeps, maintains or harbors hen chickens or ducks shall permit the premises where the hen chickens or ducks are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any ~~chicken~~ coop and ~~chicken~~ run authorized by permit under this Section may be inspected at any reasonable time by the City Animal Control Officer or other agent of the City. Slaughter and breeding of chickens or ducks on any premises within the City is prohibited.

Subd. 7. Violations. Any person who owns, controls, keeps, maintains or harbors hen chickens or ducks in the City limits of Brainerd without obtaining or maintaining a current permit or after a permit has been suspended or revoked by Council action shall be guilty of a petty misdemeanor.

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider Proposed Ordinance No. 1543 an ordinance amending Section 900, Animals, of the Brainerd City Code. The purpose of this ordinance amendment is to amend Section 900.08 of the City Code concerning the harboring of chickens and ducks. The proposed ordinance would allow the harboring of four chickens or ducks in any combination of four per property through an administrative permit. The allowed number of chickens or ducks per property would be in addition the allowed number of domesticated animals per property.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Tuesday, February 21st, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1543. Any individual needing special accommodations please call (218) 828-2307.

Dated this 1st day of February 2023

Publication Date: February 8th, 2023



James L. Kramvik
Community Development Director



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Final Reading - Proposed Ordinance 1544 - Amending Section 2014.05 of the City Code - Use of Outdoor Power Equipment

AGENDA: Main Agenda

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 10 minutes

SUMMARY OF ISSUE:

Proposed Ordinance No. 1544 amends Section 2014, Noise Related Issues, of the Brainerd City Code concerning the use of Outdoor Power Equipment. The proposed ordinance amendment would allow the use of outdoor power equipment for snow removal purposes outside of the hours defined in Brainerd City Code Section 2014.05. The current ordinance does not allow for the use of any outdoor power equipment between the hours of 6:30 AM to 10:00 PM on weekdays and 8:00 AM and 10:00 PM on public holidays, Saturdays, and Sundays.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Snowplows on motor vehicles are not regulated by Section 2014 and are able to operate at all hours. Power equipment for confined areas and sidewalk snow removal such as snowblowers, backpack blowers, skid steers, and maintenance tractor attachments are currently enforceable by Section 2014.05.

RECOMMENDED ACTION/MOTION:

1) Motion to conduct the final reading of Proposed Ordinance No. 1544.

* Note: A vote to dispense with the actual reading of the ordinance must be unanimous.

2) Hold a public hearing on proposed Ordinance No. 1544.

3) Motion to adopt Proposed Ordinance No. 1544, an ordinance amending Section 2014.05 of the City Code regarding the use of outdoor power equipment.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: n/a

Is this budgeted? (Please Explain) n/a

**ORDINANCE
NO. 1544**

AN ORDINANCE AMENDING SECTION 2014, NOISE RELATED ISSUES

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 2014.05 of the City Code is hereby amended by adding the following:

2014.05 Outdoor Power Equipment.

Within five hundred (500) feet of any residentially zoned property, no person may operate any power implement including, but not limited to, an electric or gas powered implement such as a lawn mower, hedge clipper, chain saw, trimmer, bug zapper, or other device designed primarily for outdoor use, at any time other than between the hours of 6:30 AM to 10:00 PM on weekdays and 8:00 AM and 10:00 PM on public holidays, Saturdays, and Sundays. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quiet, or repose of a person or persons of ordinary sensibility.

Subd 1. Noise requirements for outdoor power equipment utilized for the purposes of snow removal is exempted from the time restrictions set forth in Section 2014.5

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider Proposed Ordinance No. 1544. The purpose of this ordinance amendment is to amend Section 2014, Noise Related Issues, of the Brainerd City Code concerning the use of Outdoor Power Equipment. The proposed ordinance amendment would allow the use of outdoor power equipment for snow removal purposes outside of the hours defined in Brainerd City Code Section 2014.05. The current ordinance does not allow for the use of any outdoor power equipment between the hours of 6:30 AM to 10:00 PM on weekdays and 8:00 AM and 10:00 PM on public holidays, Saturdays, and Sundays.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Tuesday, February 21st, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1544. Any individual needing special accommodations please call (218) 828-2307.

Dated this 1st day of February 2023

Publication Date: February 8th, 2023



James L. Kramvik
Community Development Director



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Final Reading – Proposed Ordinance 1545 – Revision of Parking Restrictions during Snow Emergencies

AGENDA: Main Agenda

ACTION REQUESTED: Read/Adopt Ordinance

SUBMITTED BY: PW Director Dehn

DEPARTMENT: Public Works

PRESENTER: PW Director Dehn

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:

Staff is recommending a revision to parking restrictions during Snow Emergencies. Proposed Ordinance 1545 would revise Section 1315.03 of the City Code to adjust routes west of the Mississippi River and south of Wright Street to follow a similar Day 1/Day 2 parking restriction as the rest of the city.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Currently, during Snow Emergencies, there is no parking allowed on Snow Emergency routes and the downtown district during the entire two days. Generally, north/south streets and all streets west of the Mississippi and south of Wright Street are no parking on Day 1 of a Snow Emergency. On Day 2, there is no parking on the remaining east/west streets not covered under Day 1. This can be confusing as well as challenging for residents that park on-street west of the river and south of Wright Street to find nearby alternative parking during Day 1 of a Snow Emergency. Staff is recommending removing the mentions of streets west of the Mississippi and south of Wright Street and to follow the general rule of north/south and east/west city-wide on Day 1 and Day 2, respectively.

The proposed changes, if approved, are intended to be implemented during the next winter season in 2023-2024. It is intended that staff would mail flyers this fall with the changes and reminders of snow emergency practices and policies.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the final reading of Proposed Ordinance 1545, an ordinance amending Section 1315.03 of the City Code: Snow Emergencies
* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.
2. Hold a Public Hearing on Proposed Ordinance 1545.
3. Motion to adopt Proposed Ordinance 1545, an ordinance amending Section 1315.03 of the City Code: Snow Emergencies

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) Click to enter text

**ORDINANCE
NO. 1545**

**AN ORDINANCE AMENDING SECTION 1315 OF THE CITY CODE CONCERNING STREET
CLEANING AND SNOW REMOVAL**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose.

The existing Section 1315.03 of the City Code regards parking restrictions during a snow emergency. Currently, on all streets west of the Mississippi and south of Wright Street, parking is restricted on Day 1 of a declared Snow Emergency. This amendment revises the Code to amend the restrictions to reflect the general practice throughout the rest of the city. General practice is that during the first day of a snow emergency, there is no parking on all north/south streets (or streets that predominantly run north and south). On the second day of a snow emergency, there is no parking on east/west streets (or streets that predominantly run east and west). There is no parking on Snow Emergency routes during both days of a snow emergency.

SECTION TWO: Amendment. The following provisions of Section 1315 are amended as indicated, with deleted language struck out:

1315.03 Snow Emergencies. In the event of an accumulation of snow which necessitates the removal of snow from the streets of the City, the City Engineer may declare a snow emergency by means of local news media and social media. Upon declaration of a snow emergency, parking is banned on all snow emergency routes for a period of 48 hours. On the first day of said declared snow emergency, there shall be no parking on all north/south streets (or streets that predominantly run north and south), ~~all streets lying west of the Mississippi River, and all streets south of Wright Street,~~ excluding all streets within the Downtown Special Services District as described in Subd. 1. On the second day of said declared snow emergency, there shall be no parking on all east/west streets, or streets that run predominantly east and west, excluding all streets within the Downtown Special Services District as described in Subd. 1 ~~and streets that were covered on day 1.~~

SECTION THREE: Effective Date. This ordinance becomes effective from September 1, 2023 after its passage and publication pursuant to the City Charter.

Adopted this ____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this ____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Publication date: _____, 2023

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider Proposed Ordinance No. 1545. The purpose of this ordinance amendment is to amend Section 1315 of the Brainerd City Code concerning Parking Restrictions during Snow Emergencies. The proposed ordinance would revise parking restrictions during Snow Emergencies to remove the requirement of all routes west of the Mississippi River and south of Wright Street to be no parking during Day 1 of a Snow Emergency. These streets would be treated similarly to streets throughout the rest of the city where generally north-south routes are a Day 1 parking restriction, generally east-west routes are a Day 2 parking restriction, and Snow Emergency routes and Downtown District are both Day 1 and Day 2 parking restrictions.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Tuesday, February 21st, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1545. Any individual needing special accommodations please call (218) 828-2307.

Dated this 6th day of February, 2023

Publication Date: February 8th, 2023

A handwritten signature in black ink, appearing to read 'Jessie Dehn', written over a horizontal line.

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

Section 1315 – Street Cleaning and Snow Removal

1315.01 Street Cleaning. To facilitate the cleaning of streets and alleys of sand and debris in the central business district area of the City, that is, an area bounded by Fifth Street to the west, Norwood Street to the south, Ninth Street to the east and the railroad tracks to the north, the City Engineer is hereby authorized to prohibit the parking of any vehicles and trailers within said area for the period of time necessary to clean such streets and alleys.

Subd. 1. Authority of City Engineer. The City Engineer shall post signs stating "No Parking Street Cleaning" and shall further state the period of time for which such vehicles are forbidden to be parked. Such signs shall be posted on all of the affected streets and alleys and all parking of vehicles and trailers on said streets shall be forbidden for the stated time limited.

Subd. 2. Towing of Vehicles. Any vehicles and trailers illegally parked in violation of any provisions of this Section shall be towed away at the direction of the City Engineer at the expense of the owner of said motor vehicle.

1315.03 Snow Emergencies. In the event of an accumulation of snow which necessitates the removal of snow from the streets of the City, the City Engineer may declare a snow emergency by means of local news media and social media. Upon declaration of a snow emergency, parking is banned on all snow emergency routes for a period of 48 hours. On the first day of said declared snow emergency, there shall be no parking on all north/south streets (or streets that predominantly run north and south), all streets lying west of the Mississippi River, and all streets south of Wright Street, excluding all streets within the Downtown Special Services District as described in Subd. 1. On the second day of said declared snow emergency, there shall be no parking on all east/west streets, or streets that run predominantly east and west, excluding all streets within the Downtown Special Services District as described in Subd. 1 and streets that were covered on day 1.

(Amended Ord. 1006 – 1995; Ord. 1468 - 2017)

Subd. 1. Downtown Special Services District Snow Removal Parking Regulations. That during a snow emergency, there shall be no parking of motor vehicles, trailers, and conveyances on the streets in the City's Downtown Special Services District, within the area bounded by the railroad tracks on the north, Maple Street on the south, South Sixth Street on the west, and South Eighth Street on the East, between the hours of 3:00 a.m. and 9:00 a.m. or until the snow has been removed from the street and sidewalks on that block.

Subd. 2. Authority of City Engineer. To further facilitate the removal of snowfall from the streets in the City, the City Engineer, in his discretion, is hereby authorized to post "No Parking Snow Removal" signs on any such affected streets in the City and all parking of

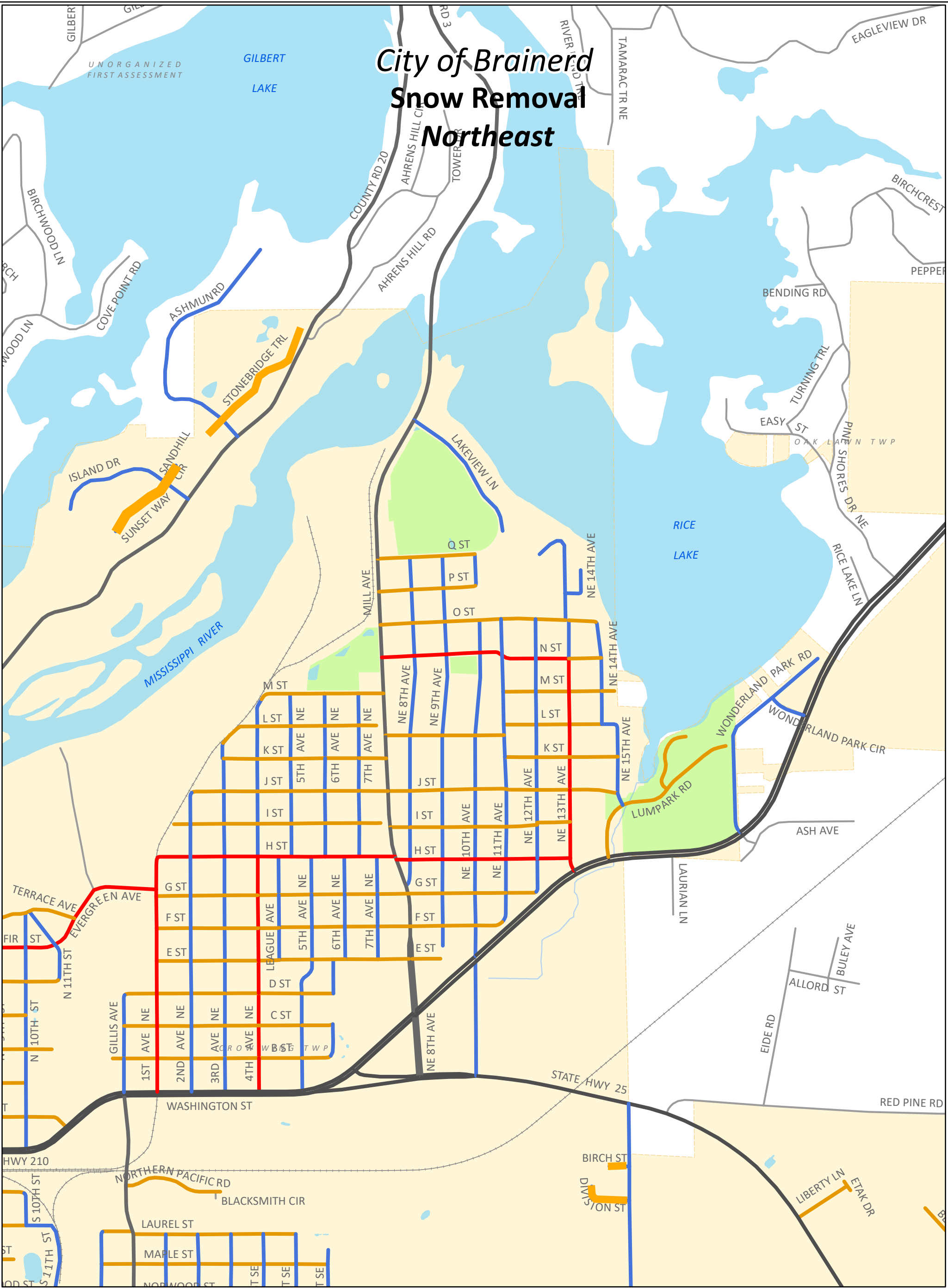
vehicles, trailers and conveyances on said streets shall be forbidden until such time as said signs are removed by the City Engineer.

Subd. 3. Definitions. A day herein is declared as a calendar day.

Subd. 4. Parking Regulation Enforcement. When a snow emergency is declared, vehicles that are plowed around and in violation of this section will be ticketed accordingly. Vehicles parked and/or plowed around on Snow Emergency Routes or in violation of Subd. 1 will be ticketed and towed immediately at the owner's expense. Vehicles that are plowed around on all other streets and not moved within 48 hours after the issuance of the ticket will be in violation of Section 1310.05 r of the City Code and towed at the owner's expense.

1315.05 Penalty. Any person who violates any provisions of Section 1315 shall be guilty of a petty misdemeanor.

(Amended Ord. 882 – 1989; Ord. 1468 - 2017)



City of Brainerd Snow Removal Northeast

Parking Restrictions

Upon declaration of a snow emergency, parking is banned on all snow emergency routes [shown in RED] for a period of 48 hours.

During a snow emergency, there shall be no parking in the City's Downtown Special Services District [PURPLE] between the hours of 3:00 am and 9:00 am or until the snow has been removed from the street and sidewalks on that block.

On the first day of a snow emergency, there shall be no parking on all north/south streets [BLUE] (or streets that predominantly run north and south), all streets lying west of the Mississippi River, and all streets south of Wright Street,

On the second day of a declared snow emergency, there shall be no parking on all east/west streets (or streets that run predominantly east and west). [ORANGE]

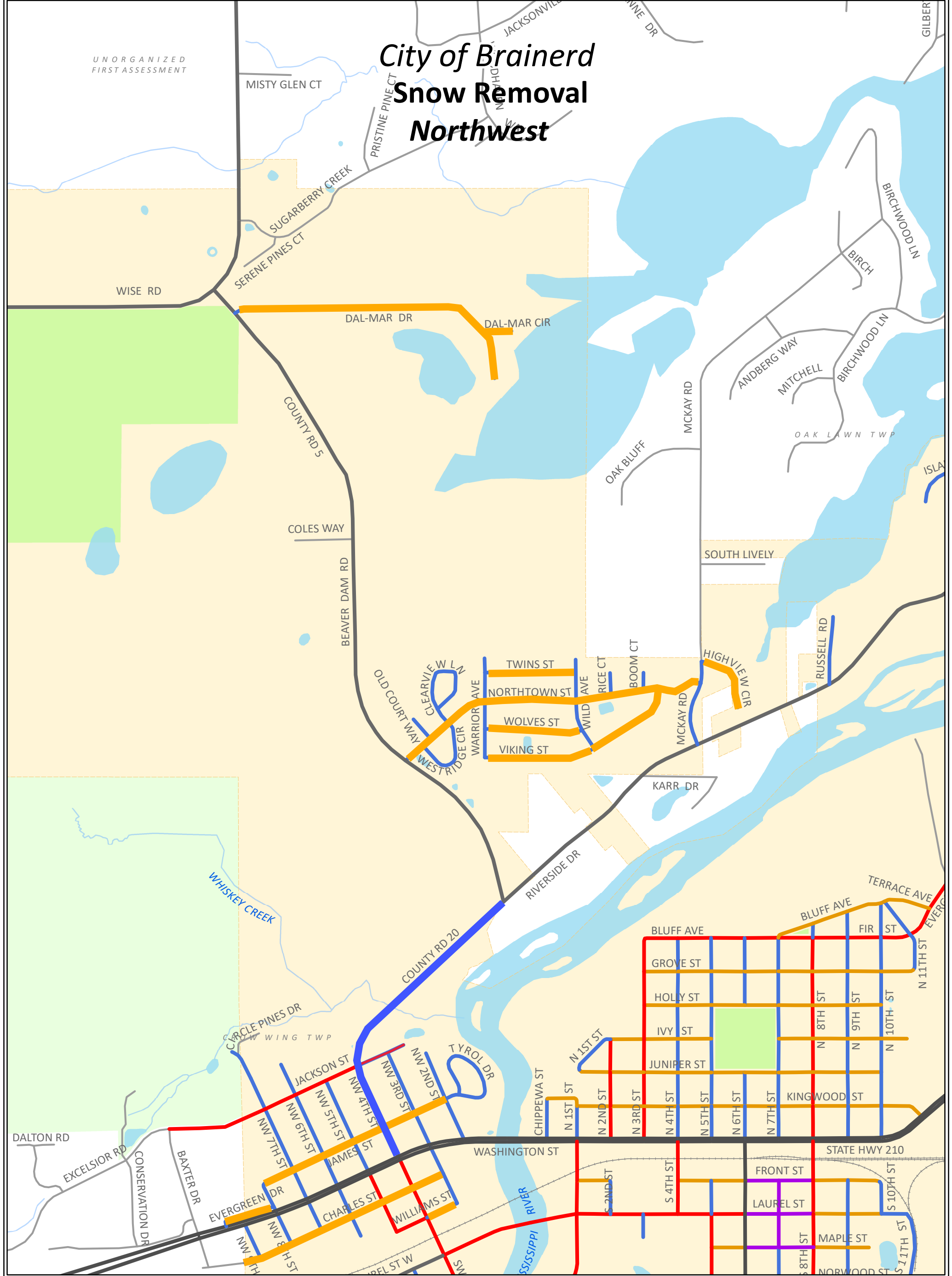
Legend

Roads

Snow Removal

- Snow Emergency Routes
- Special Services District
- Day 1
- Day 2
- County
- State
- Lakes
- Parks
- City Limits

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



Parking Restrictions

Upon declaration of a snow emergency, parking is banned on all snow emergency routes [shown in RED] for a period of 48 hours.

During a snow emergency, there shall be no parking in the City’s Downtown Special Services District [PURPLE] between the hours of 3:00 am and 9:00 am or until the snow has been removed from the street and sidewalks on that block.

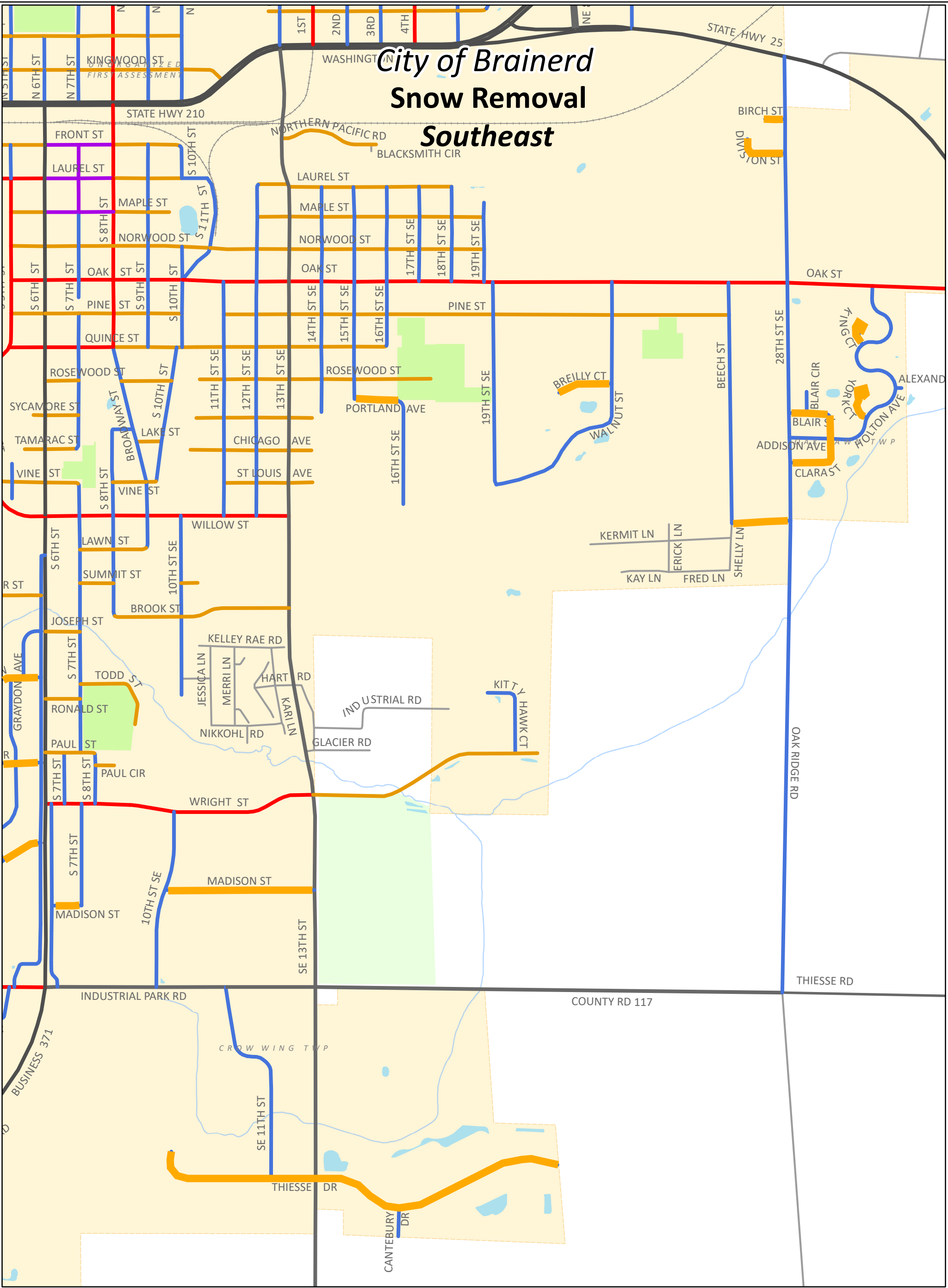
On the first day of a snow emergency, there shall be no parking on all north/south streets [BLUE] (or streets that predominantly run north and south), all streets lying west of the Mississippi River, and all streets south of Wright Street,

On the second day of a declared snow emergency, there shall be no parking on all east/west streets (or streets that run predominantly east and west). [ORANGE]

Legend

- Roads**
- Snow Removal**
- Snow Emergency Routes
 - Special Services District
 - Day 1
 - Day 2
 - County
 - State
 - Lakes
 - Parks
 - City Limits

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Upon declaration of a snow emergency, parking is banned on all snow emergency routes [shown in RED] for a period of 48 hours.

During a snow emergency, there shall be no parking in the City’s Downtown Special Services District [PURPLE] between the hours of 3:00 am and 9:00 am or until the snow has been removed from the street and sidewalks on that block.

On the first day of a snow emergency, there shall be no parking on all north/south streets [BLUE] (or streets that predominantly run north and south), all streets lying west of the Mississippi River, and all streets south of Wright Street,

On the second day of a declared snow emergency, there shall be no parking on all east/west streets (or streets that run predominantly east and west). [ORANGE]

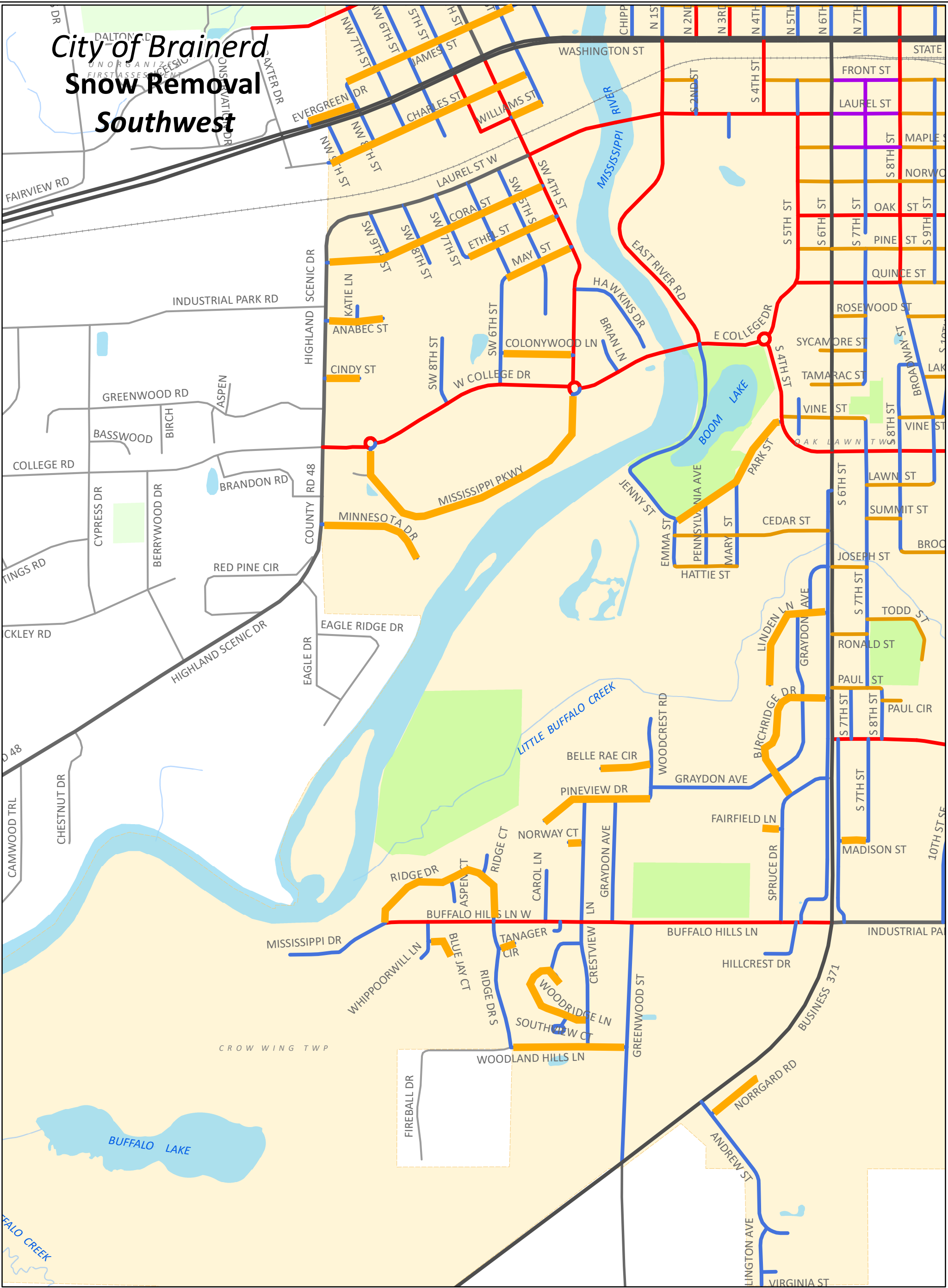
Legend

Roads

Snow Removal

- Snow Emergency Routes
- Special Services District
- Day 1
- Day 2
- County
- State
- Lakes
- Parks
- City Limits

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Parking Restrictions

Upon declaration of a snow emergency, parking is banned on all snow emergency routes [shown in RED] for a period of 48 hours.

During a snow emergency, there shall be no parking in the City's Downtown Special Services District [PURPLE] between the hours of 3:00 am and 9:00 am or until the snow has been removed from the street and sidewalks on that block.

On the first day of a snow emergency, there shall be no parking on all north/south streets [BLUE] (or streets that predominantly run north and south), all streets lying west of the Mississippi River, and all streets south of Wright Street,

On the second day of a declared snow emergency, there shall be no parking on all east/west streets (or streets that run predominantly east and west). [ORANGE]

Legend

Roads

- Snow Emergency Routes
- Special Services District
- Day 1
- Day 2
- County
- State
- Lakes
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- City Limits

Snow Removal

- Snow Emergency Routes
- Special Services District
- Day 1
- Day 2

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Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Consider Conditional Use Permit for Mini Storage Units at 15770 Dellwood Drive

AGENDA: Main Agenda

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 3 minutes

SUMMARY OF ISSUE:

Central Lakes Area Storage LLC., of 5566 Ojibwa Rd. Brainerd, MN 56401, applied for a Conditional Use Permit to construct a mini self-storage facility at 15770 Dellwood Dr. Brainerd, MN 56401. The applicant proposes two cold storage buildings with eighteen units that feature overhead doors that will be leased to the public. The Fire Marshal requires stored water for firefighting purposes according to Section 507.2 of the Fire Code. The table would require a minimum of 500 GPM for 60 minutes of 30,000 gallons for this storage facility. The facility as proposed does not meet this requirement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Planning Commission considered this request at their regularly scheduled meeting on February 15th, and voted unanimously in favor of recommending approval of this conditional use permit request with the following conditions:

- 1) That all outdoor lighting shall not exceed 3,000 K temperature.
- 2) The Fire Marshal approves a fire protection plan for the property prior to issuance of a building permit. Also, prior to final building inspection or certificate of occupancy the Fire Marshal completes a fire inspection of the property according to the conditions of the fire protection plan.

RECOMMENDED ACTION/MOTION:

Motion to approve the conditional use permit for the construction of a mini storage facility at 15770 Dellwood Drive with the following conditions:

- 1) That all outdoor lighting shall not exceed 3,000 K temperature.
- 2) The Fire Marshal approves a fire protection plan for the property. Also, prior to final building inspection or certificate of occupancy the Fire Marshal completes a fire inspection of the property according to the conditions of the fire protection plan.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: N/a

Is this budgeted? (Please Explain) N/a

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: February 15, 2023

RE: Conditional Use Permit for Mini Self-Storage Units at 15770 Dellwood Dr.

Central Lakes Area Storage LLC., of 5566 Ojibwa Rd. Brainerd, MN 56401, applied for a Conditional Use Permit to construct a mini self-storage facility at 15770 Dellwood Dr. Brainerd, MN 56401.

Parcel Number: 41320505

Property Area: 2.52 acres

Adjacent Uses: North and East: Residential
South: Residential
South: Commercial
West: Residential

Adjacent Zoning: North and East: RL-2 (Rural Living 2) District
South: City of Baxter C2 (Regional Commercial) District
South: City of Baxter C2 (Regional Commercial) District
West: City of Baxter R-S (Residential Staging) District

Findings of Fact

1. 15770 Dellwood Dr. is located in a GI (General Industrial) District. Zoning Ordinance [Section 513-3 Appendix A Table of Uses](#) allows mini storage facilities as a conditional use as regulated by [Section 515-3-21](#) of the Brainerd Zoning Ordinance
2. According to [Section 515-6 Rules and Definitions](#): **Mini Self-Storage** is an enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household or commercial goods or personal belongings.
 - a. *The applicant proposes two cold storage buildings with eighteen units that feature overhead doors that will be leased to the public. The targeted storage items for the facility will be recreational vehicles, boats, fish houses, and household contents.*
3. **General Provisions:** Mini Self-storage. Any mini self-storage business must comply with the following minimum standards:
 - a. A minimum of 25 percent of the site must be open green space and landscaped in accordance with a plan approved by the City Council.

- i. *According to the general site plan notes submitted with the conditional use permit application, approximately 20.99% of the lot is covered in impervious surfaces and the remaining area is considered green space.*
 - ii. [According to Section 515-4-10. D Green Space:](#) *Green space is considered and may be used for stormwater management, raingardens, wetland areas and required buffers, and landscaping.*
 - iii. *The applicant's stabilization plan indicates that areas for turf establishment shall receive 4" of topsoil and Seed Mix 25-151.*
 - iv. *Landscaping is not required for Industrial zoned properties other than those along Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3.*
- b. No buildings shall be located closer than 25 feet to each other to allow for parking, loading, driveway, and fire lanes.
 - i. *According to the general site plan submitted the two storage buildings are 70ft apart from one another which is more than the minimum standard.*
- c. No single building shall be greater than 150 feet in length.
 - i. *The buildings as planned are 130ft in length conforming to the Ordinance's requirement.*
- d. All structures are to be within 200 feet of a fire hydrant.
 - i. *The proposed structures are currently not within 200 feet of a fire hydrant. The nearest fire hydrant is at the corner of Dellwood Drive and Novotny Road which is approximately 1,300 ft from the property.*
 - ii. *The Fire Marshal requires stored water for firefighting purposes according to Section 507.2 of the Fire Code. The table would require a minimum of 500 GPM for 60 minutes of 30,000 gallons for this storage facility.*
 - iii. *Staff recommends as a condition of the permit that prior to the issuance of a building permit for the storage facility that the Fire Marshal approves a fire protection plan for the property. Also, prior to final building inspection or certificate of occupancy, the Fire Marshal completes a fire inspection of the property according to the conditions of the fire protection plan.*
- e. All driveways and parking areas are to be hard (blacktop or concrete) surfaced and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to ensure adequate and safe access during winter months.
 - i. *The planned driveway and parking areas are planned to be hard surfaced with bituminous pavement with a layout that allows for fire truck maneuverability and snow storage.*
- f. Any structures having exposure to an abutting residential use, Residential Zoning District or public right-of way, park, or similar public use areas shall be of vinyl, brick, natural stone, wood, or stucco facing material.
 - i. *The structure does abut residentially used properties in both the City of Brainerd and City of Baxter. The proposed site as well as the residential*

properties have a significant amount of tree coverage on their perimeter which limits viewing exposure.

- ii. The façade facing Dellwood Drive must meet the siding requirements of this Section before issuance of the building permit.*
- iii. In addition to the siding requirements of Section 515-3-21, the storage buildings must conform to [Section 515-4-2 E Industrial Use Design Construction Standards](#) which states new buildings constructed in the GI Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.*

g. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.

- i. The applicant does not propose any other uses for the property other than mini self-storage.*

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 property parcel located at 15770 Dellwood Dr. is in the General Industrial zoning district in which mini self-storage facilities are a permitted conditional use per Section 513-3 Table of Uses.*

b. The proposed use meets the regulations and standards established in this Ordinance.

- i. In addition to the landscaping, building design standards and conditions for mini-self storage are outlined in the Findings of Fact. The proposed facility meets all requirements of [Section 515-2-16.1](#) General Industrial Dimensional Standards – Density, Lot Size, Coverage and Height Standards.*

ii. The proposed lighting plan meets the conditions of [Section 515-4-8, Outdoor Lighting](#).

- 1. All proposed lighting is attached to the building and will not be higher than 25 feet, which is the requirement for the General Industrial District.*
- 2. All fixtures direct and cuts off light at an angle of 90 degrees or less and is controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.*

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. This use of the property at 15770 Dellwood Dr will not cause any condition dangerous, injurious, or noxious to any other property or person. The proposed structure will generate low traffic impact, have appropriate drainage infrastructure, and retain much of the existing wooded landscape surrounding the parcel which will buffer limited noise at the facility.*
 - 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 construction plan preserves the existing wetlands and much of the woodlands that comprise the property borders on the parcel.*
 - e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. Dellwood Drive is a mixture of Rural Living and spaced Commercial Uses. Storage buildings are consistent with the surrounding environment.*
 - f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. The storage facility has an abundance of off-street loading between the two storage buildings to limit any traffic congestion on Dellwood Drive.*
 - g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 - i. 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"*
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, no one has contacted the Community Development Department with concerns about the Conditional Use Permit application for the proposed mini self-storage facility at 15770 Dellwood Dr.

Staff Recommendation

The Brainerd Community Development Department Staff recommends approval of the Conditional Use Permit with the condition that prior to the issuance of a building permit for the storage facility, the Fire Marshal approves a fire protection plan for the property. Also, prior to final building inspection or certificate of occupancy the Fire Marshal completes a fire inspection of the property according to the conditions of the fire protection 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

☐ (\$250.00)
☐ (\$300.00)
☐ (\$250.00)

COMMERCIAL

☒ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☐ (\$400.00 + \$500.00 escrow deposit)

CONDITIONAL USE PERMIT
REZONING
VARIANCE

PROPERTY ADDRESS: 15770 Dellwood Drive, Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: S 275 FT OF W 400FT OF NW1/4 OF NW1/4
(attach description if lengthy)

Property Owner Name: Central Lakes Area Storage LLC

Street Address: 5566 Ojibwa Road City: Brainerd State: MN Zip Code 56401

Phone Number: 651-260-8394 Fax: N/A E-mail: sendmail2bruce@aol.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Construct 2 cold storage buildings with 18 units that feature overhead doors. The targeted storage will be storage of recreational vehicles, boats, fish houses, and household contents.

January 6th, 2023

Property Owner Signature

BRUCE CLARK

(Please print name)

Bruce Clark

Applicant Signature

Date

Date

(Please print name)

(OVER)

NOTICE OF HEARING

Notice is hereby given that Central Lakes Area Storage LLC. has submitted a request for a Conditional Use Permit to construct a storage unit facility at 15770 Dellwood Dr. Brainerd, MN 56401. The property included in this application is described as:

THAT PART OF THE NW1/4 OF THE NW1/4, S32, T134, R28 DESCRIBED AS FOLLOWS: TO WIT: BEGINNING AT THE SOUTHWEST CORNER, THENCE NORTH 275 FEET ALONG WESTERLY LINE OF SAID NW1/4 OF THE NW1/4; THENCE 400 FEET EAST AT RIGHT ANGLES; THENCE SOUTH 275 FEET AT RIGHT ANGLES; THENCE WEST 400 FEET TO THE POINT OF BEGINNING.

*Parcel #: 41320505
Section 32, Township 134, Range 28*

The property is zoned GI (General Industrial) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows mini storage facilities as a conditional use as regulated by Section 515-3-21 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, February 15, 2023, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of February 2023

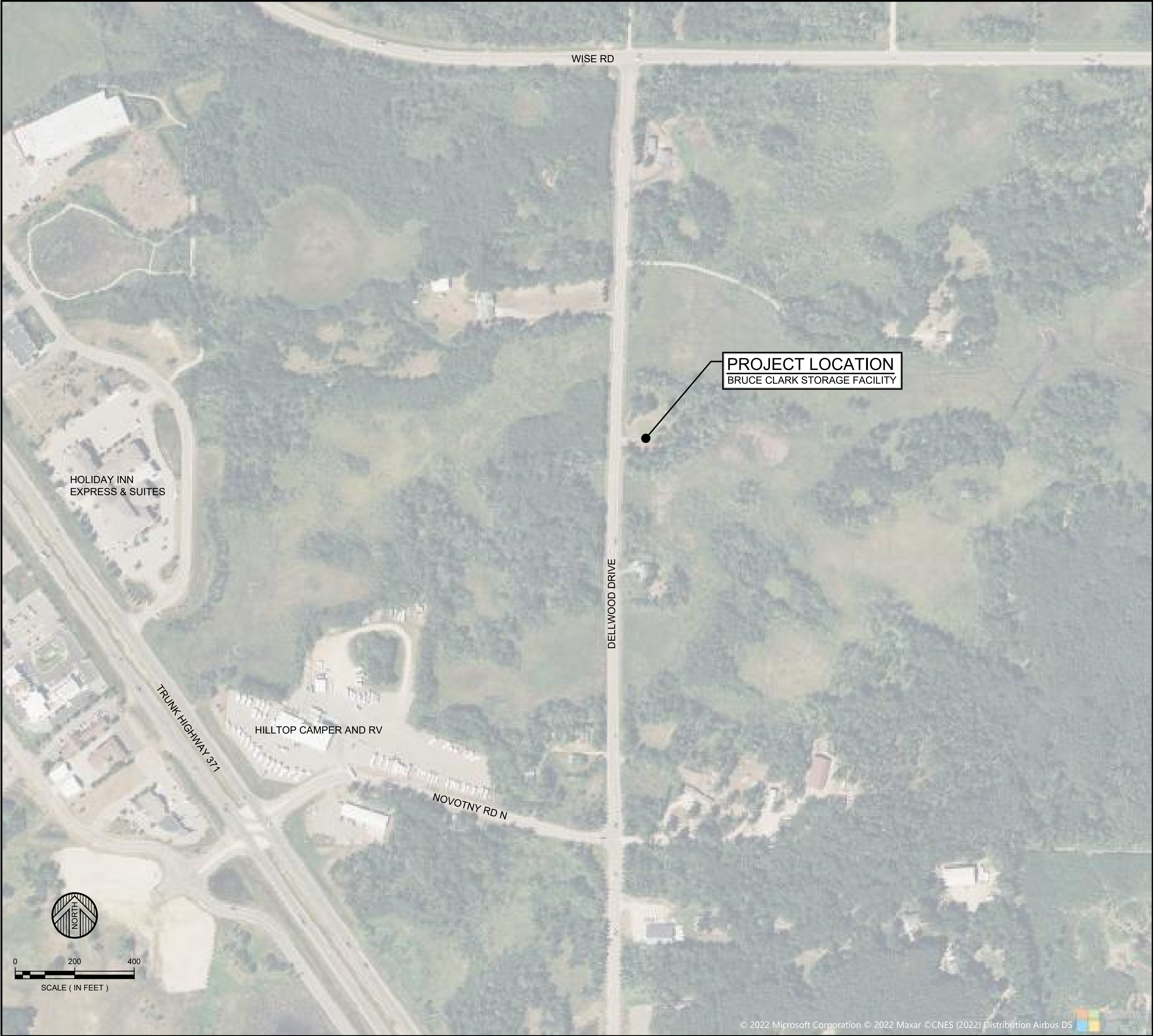
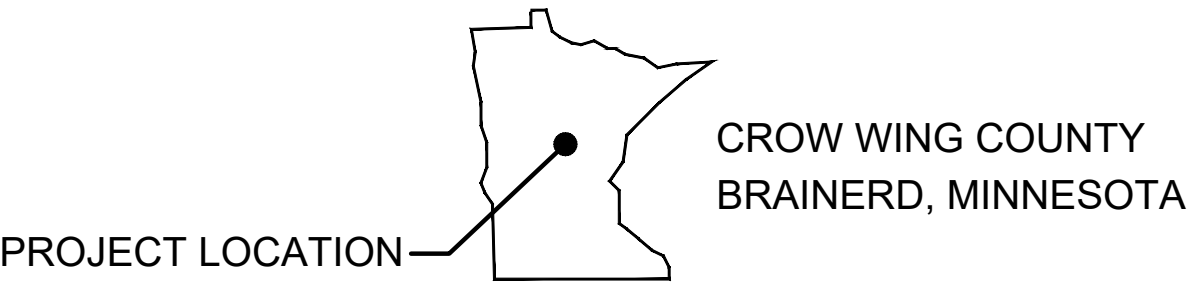


James L. Kramvik
Community Development Director

Publication Date: February 4, 2023

BRUCE CLARK STORAGE FACILITY

BRAINERD, MINNESOTA



GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

INDEX TO DRAWINGS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	PLAN LEGEND
3-4	DETAILS
5	EXISTING CONDITIONS AND REMOVALS PLAN
6	SITE PLAN
7	GRADING PLAN
8	EROSION CONTROL PLAN

CITY OFFICIALS

MAYOR:	DAVE BADEAUX
CITY COUNCIL:	KEVIN H. STUNEK TAD ERICKSON MIKE O'DAY WILLIAM (JAMIE) BIESER KELLY BEVANS TIFFANY STENGLEIN GABE JOHNSON
CITY ADMINISTRATOR:	JENNIFER BERGMAN
CITY ENGINEER:	JESSIE DEHN

DATE	REVISION	DESCRIPTION	BY

DATE:	AUGUST 2022
SCALE:	AS SHOWN
DRAWN BY:	ERC
CHECKED BY:	ADB
JOB NUMBER:	2022-11082

SURVEY MONUMENTS

	BENCH MARK
	FOUND CIM
	FOUND CPNT.
	FOUND JLM
	FOUND LATH
	FOUND PIPE
	FOUND READING
	STAKED CIM
	STAKED CPNT.
	STAKED JLM
	STAKED PIPE

EXISTING TOPO SYMBOLS

	AC UNIT
	FENCE POST
	FLAG POLE
	GUARD POST
	GUY ANCHOR
	GUY POLE
	HANDICAP SYMBOL
	MAILBOX
	SHRUB
	SIGN DOUBLE POST
	SIGN SINGLE POST
	TREE CONIFER
	TREE DECIDUOUS
	TREE STUMP
	TV DISH
	WETLAND SYMBOL
	YARD LIGHT

EXISTING UTILITY MUNICIPAL SYMBOLS

	APRON
	LIFT STATION
	SANITARY CLEANOUT
	SANITARY MANHOLE
	STORM CATCH BASIN
	STORM INLET

EXISTING UTILITY MUNICIPAL SYMBOLS (cont.)

	STORM MANHOLE
	WATER CURB STOP
	WATER HANDHOLE
	WATER HYDRANT
	WATER MANHOLE
	WATER METER
	WATER VALVE
	WATER WELL
	UTILITY SIZE & TYPE

EXISTING UTILITY PRIVATE SYMBOLS

	ELEC GROUND LIGHT
	ELEC HANDHOLE
	ELEC LIGHT POLE
	ELEC MANHOLE
	ELEC METER
	ELEC PEDESTAL
	ELEC POLE
	ELEC SIGNAL
	ELEC TRANSFORMER BOX
	GAS METER
	GAS VALVE
	LP TANK
	TELE HANDHOLE
	TELE MANHOLE
	TELE PEDESTAL
	TELE POLE
	TV HANDHOLE
	TV PEDESTAL

SOIL BORING SYMBOLS

	LASER-INDUCED FLUORESCENCE BORING
	LYSIMETER
	MONITOR WELL
	PERC TEST
	PIEZOMETER
	RECOVERY WELL
	SOIL BORING
	SOIL VAPOR POINT
	VAPOR SURVEY POINT

PROPOSED UTILITY MUNICIPAL SYMBOLS

	APRON PROPOSED
	SANITARY CLEANOUT PROPOSED
	SANITARY LIFT STATION PROPOSED
	SANITARY LIFT STATION VALVE MANHOLE PROPOSED
	SANITARY MANHOLE PROPOSED
	SANITARY PLUG PROPOSED
	STORM CATCH BASIN PROPOSED
	STORM MANHOLE PROPOSED
	WATER 11 1/4° BEND PROPOSED
	WATER 22 1/2° BEND PROPOSED
	WATER 45° BEND PROPOSED
	WATER 90° BEND PROPOSED
	WATER CAP PROPOSED
	WATER CROSS PROPOSED
	WATER CURB STOP PROPOSED
	WATER HYDRANT PROPOSED
	WATER REDUCER PROPOSED
	WATER SLEEVE PROPOSED
	WATER TEE PROPOSED
	WATER VALVE PROPOSED

PROPOSED UTILITY PRIVATE SYMBOLS

	ELEC LIGHT POLE PROPOSED
---	--------------------------

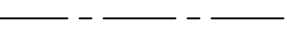
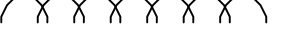
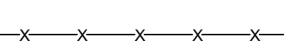
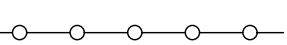
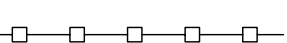
EROSION CONTROL SYMBOLS

	SURFACE DRAINAGE ARROW
	STORM DRAIN INLET PROTECTION

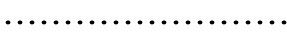
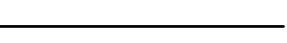
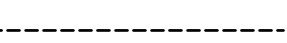
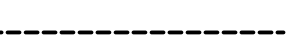
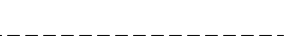
TRAFFIC CONTROL DEVICES & SYMBOLS

	TRAFFIC CONTROL SIGN (1 POST)
	TRAFFIC CONTROL SIGN (2 POST)
	TYPE III BARRICADE
	DRUM CHANNELIZER
	FLASHING ARROW OR MESSAGE BOARD

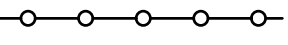
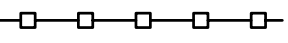
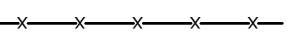
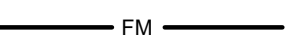
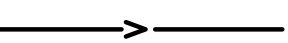
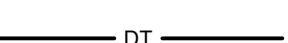
EXISTING TOPOGRAPHIC LINES

	CENTER LINE
	EDGE OF WOODS
	FENCE BARB WIRE
	FENCE CHAIN LINK
	FENCE WOOD
	FORCEMAIN
	OVERHEAD CABLE TV
	OVERHEAD ELECTRIC
	OVERHEAD TELE
	RAILROAD
	RETAINING WALL
	SANITARY SEWER
	SANITARY SEWER SERVICE
	STORM SEWER
	STORM SEWER DRAIN TILE
	UNDERGROUND CABLE TV
	UNDERGROUND ELECTRIC
	UNDERGROUND FIBER OPTIC
	UNDERGROUND GAS
	UNDERGROUND TELE
	WATERMAIN
	WATERMAIN SERVICE
	WETLAND EDGE

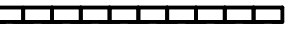
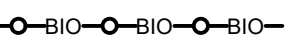
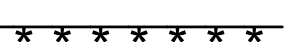
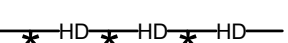
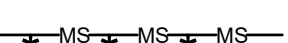
R/W, LOT & EASEMENTS LINES

	BUILDING SETBACK LINE
	LOT LINE PROPOSED
	EASEMENT LINE
	EASEMENT LINE PROPOSED
	LOT LINE
	MNDOT CONTROLLED ACCESS LINE
	RIGHT OF WAY EXISTING
	RIGHT OF WAY PROPOSED

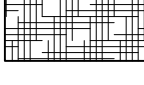
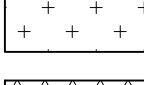
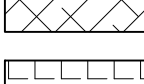
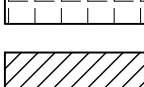
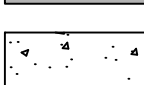
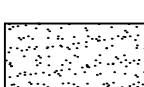
PROPOSED CONSTRUCTION LINES

	FENCE CHAIN LINK PROPOSED
	FENCE WOOD PROPOSED
	FENCE BARB WIRE PROPOSED
	FORCEMAIN PROPOSED
	SANITARY SEWER PROPOSED
	SANITARY SERVICE PROPOSED
	STORM SEWER PROPOSED
	STORM SEWER DRAIN TILE PROPOSED
	WATERMAIN PROPOSED
	WATERMAIN SERVICE PROPOSED

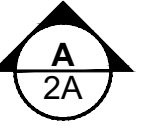
EROSION CONTROL LINES

	BALE CHECK
	BIO ROLL
	SILT FENCE
	SILT FENCE TYPE HEAVY DUTY
	SILT FENCE TYPE MACHINE SLICED
	SILT FENCE TYPE PREASSEMBLED
	FLOTATION SILT CURTAIN

HATCH PATTERN AND SHADING LEGEND

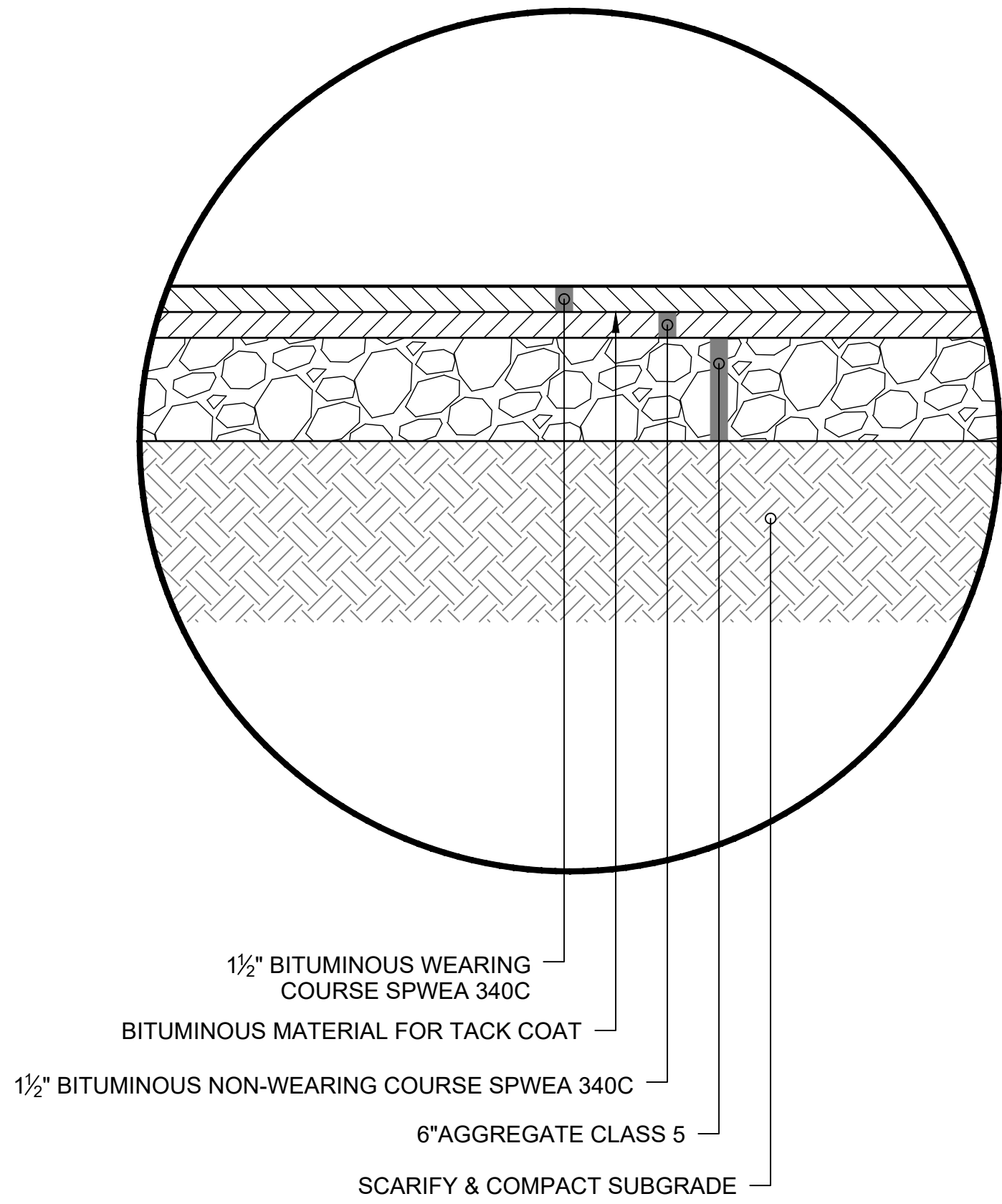
	RANDOM RIPRAP
	SOD
	SEED
	HYDRAULIC STABILIZER
	EROSION CONTROL BLANKET
	TEMP. ROCK CONSTRUCTION ENTRANCE
	BUILDING WALL HATCH
	BITUMINOUS SURFACE
	CONCRETE SURFACE
	GRAVEL SURFACE
	EASEMENT PATTERN

DOCUMENTATION SYMBOLS

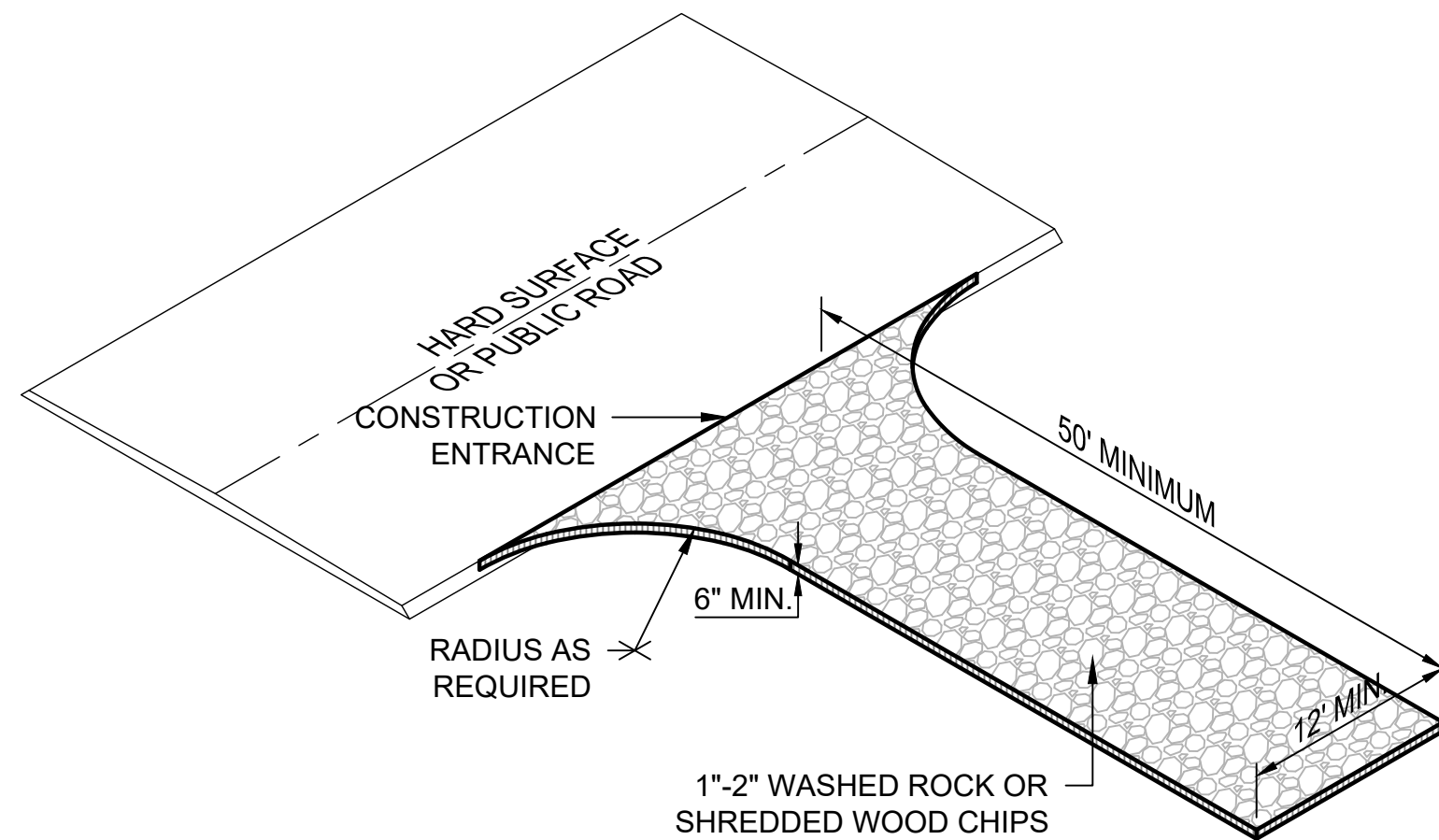
	SECTION ARROW - SECTION NUMBER TOP; PAGE OF SECTION BOTTOM
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DATE	REVISION DESCRIPTION	BY

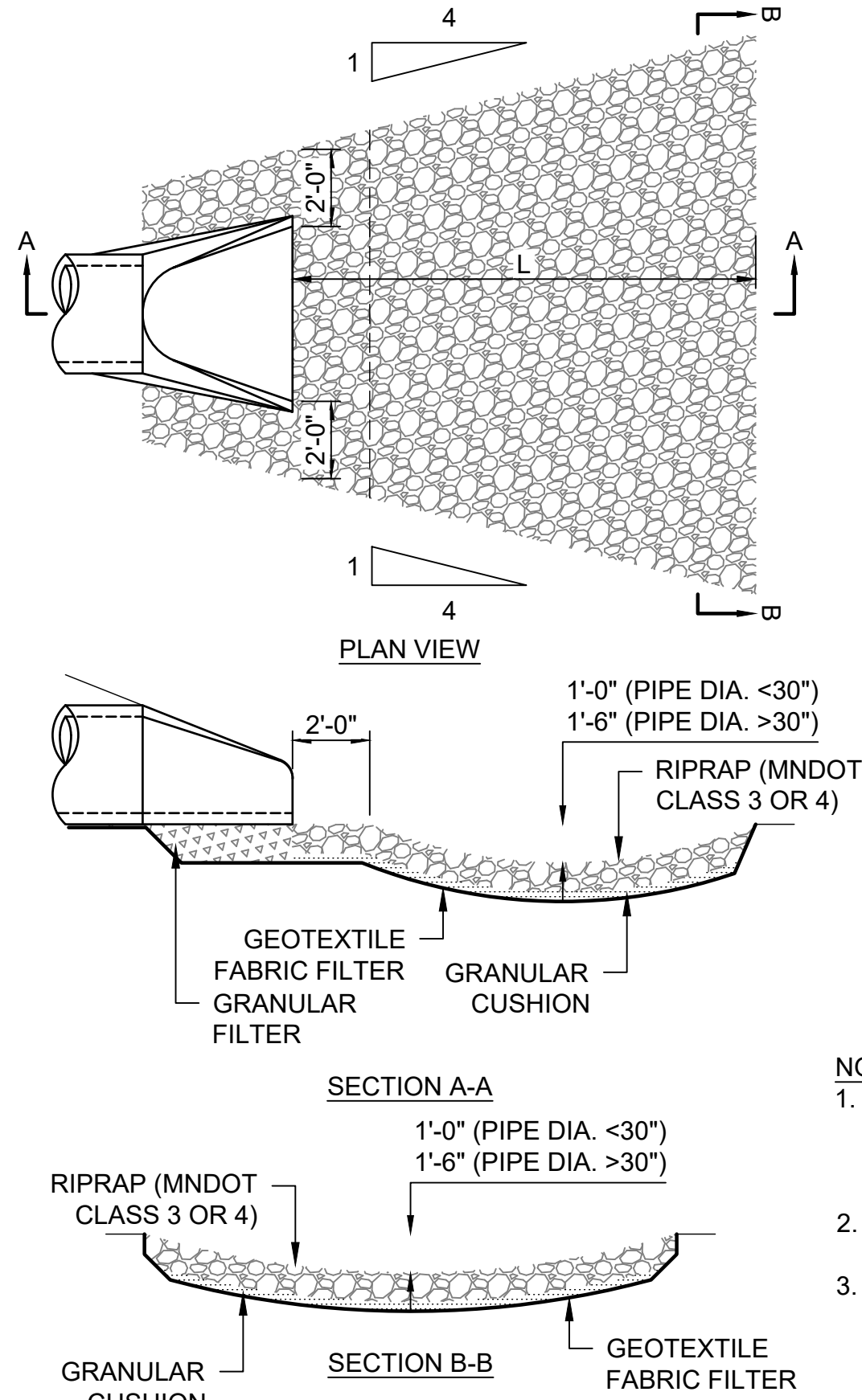
DATE: AUGUST 2022	AS SHOWN
SCALE:	ERIC
DRAWN BY:	AOB
CHECKED BY:	
JOB NUMBER:	2022-11082



BITUMINOUS PAVING SECTION
SCALE: NONE



TEMPORARY ROCK CONSTRUCTION ENTRANCE
SCALE: NONE

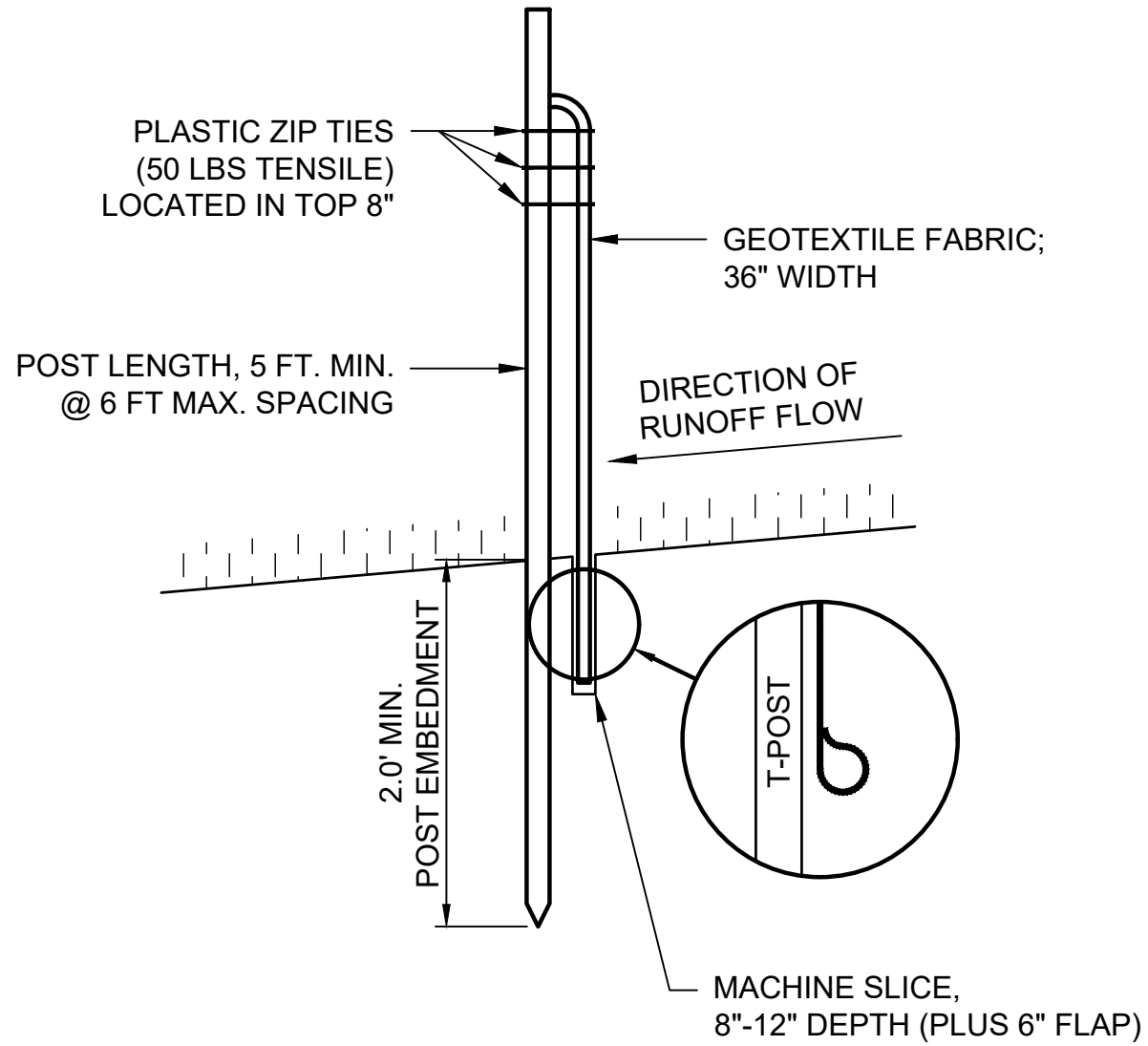


RIPRAP AT RCP OUTLETS DETAIL
SCALE: NONE

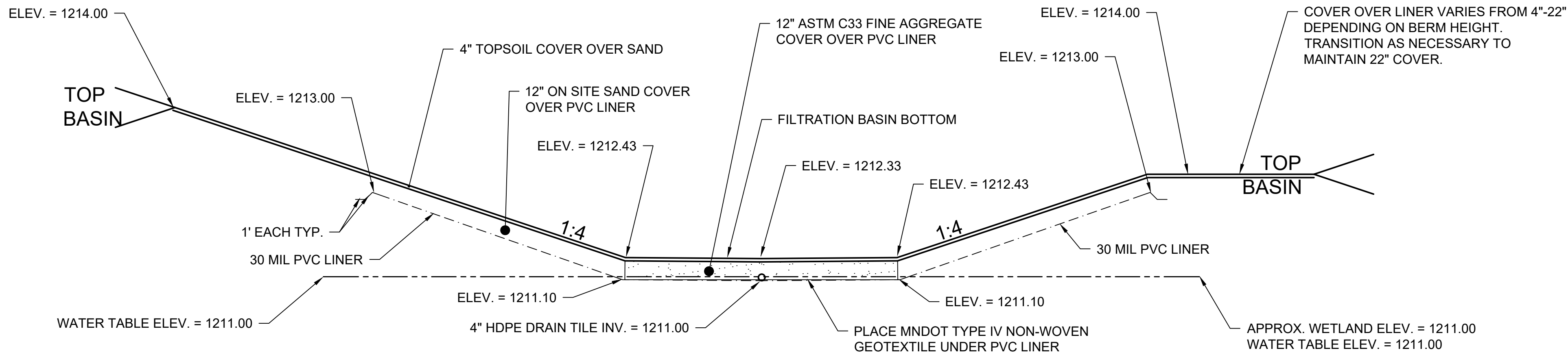
RIPRAP LENGTHS	
DIA. OF PIPE (IN.)	LENGTH OF RIPRAP (FT.)
12	8
15	8
18	10
21	10
24	12
27	12
30	14
36	16
42	18
48	20

RIPRAP LENGTHS	
SPAN OF PIPE ARCH (IN.)	LENGTH OF RIPRAP (FT.)
22	10
28	12
36	14
43	16
51	18
58	20

- NOTES:
1. GEOTEXTILE FILTER, MNDOT SPEC. 3733, SHALL COVER THE BOTTOM & SIDES OF THE AREA EXCAVATED FOR THE RIPRAP, GRANULAR FILTER MATERIALS.
 2. GRANULAR FILTER, MNDOT SPEC. 3601, MAY BE USED AS A CUSHION LAYER.
 3. GRANULAR FILTER OR RIPRAP, MNDOT SPSC. 3601, TO EXTEND UNDER ENTIRE OPEN PORTION OF PIPE APRON. DEPTH OF MATERIAL UNDER APRON SHALL MATCH RIPRAP DEPTH.

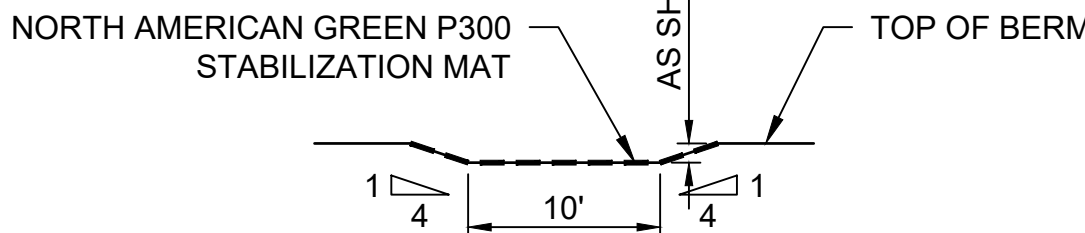
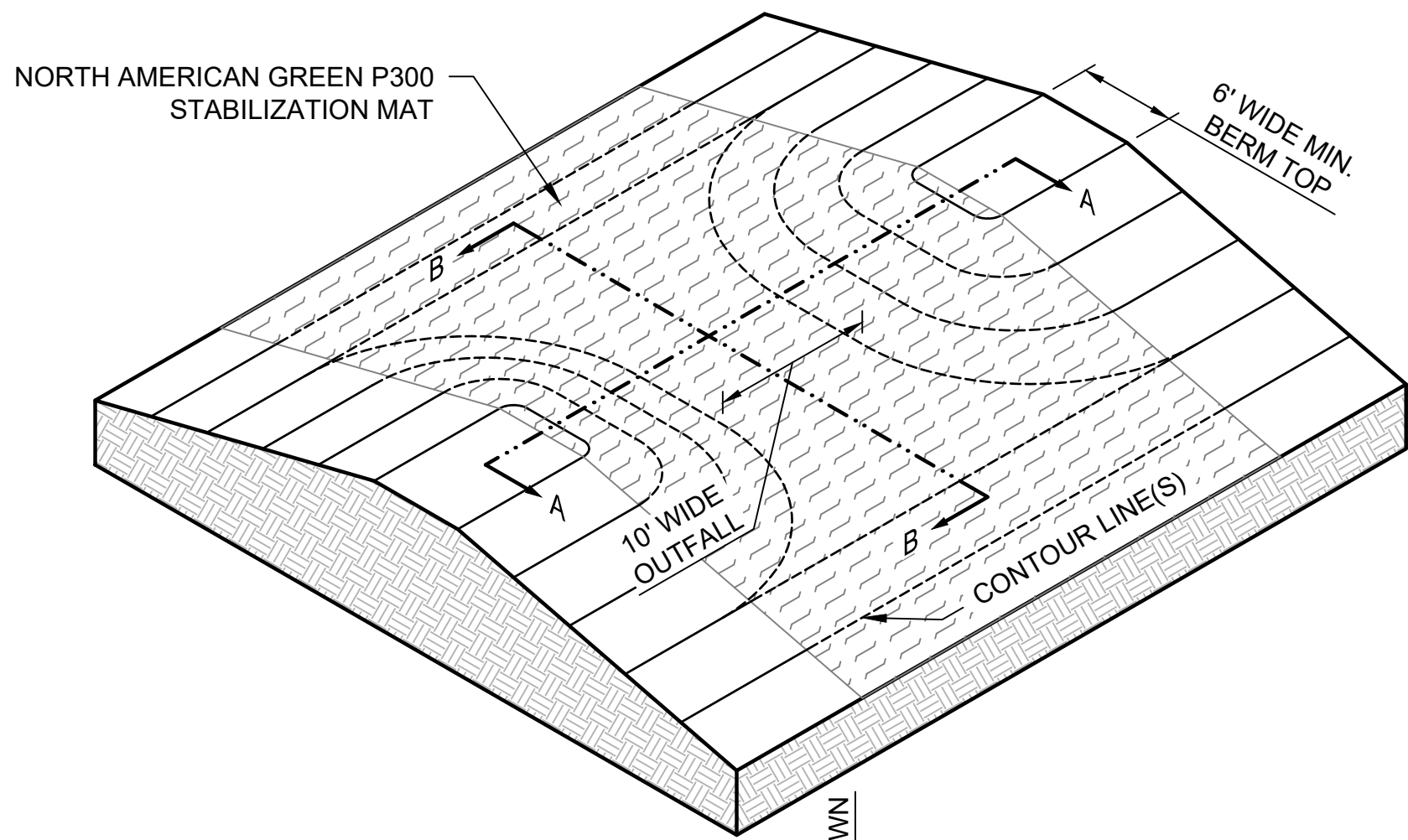


SILT FENCE DETAIL - MACHINE SLICED
SCALE: NONE

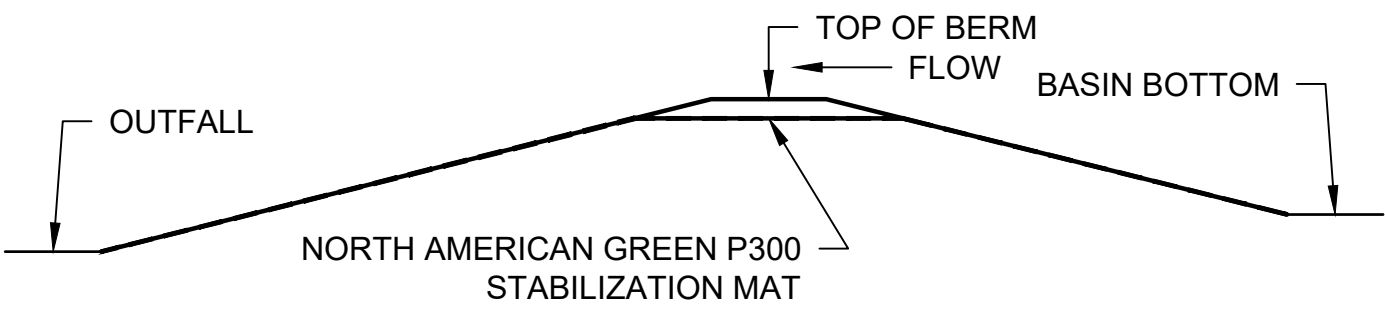


STORMWATER FILTRATION BASIN DETAIL

NOT TO SCALE



CROSS SECTION A-A



CROSS SECTION B-B

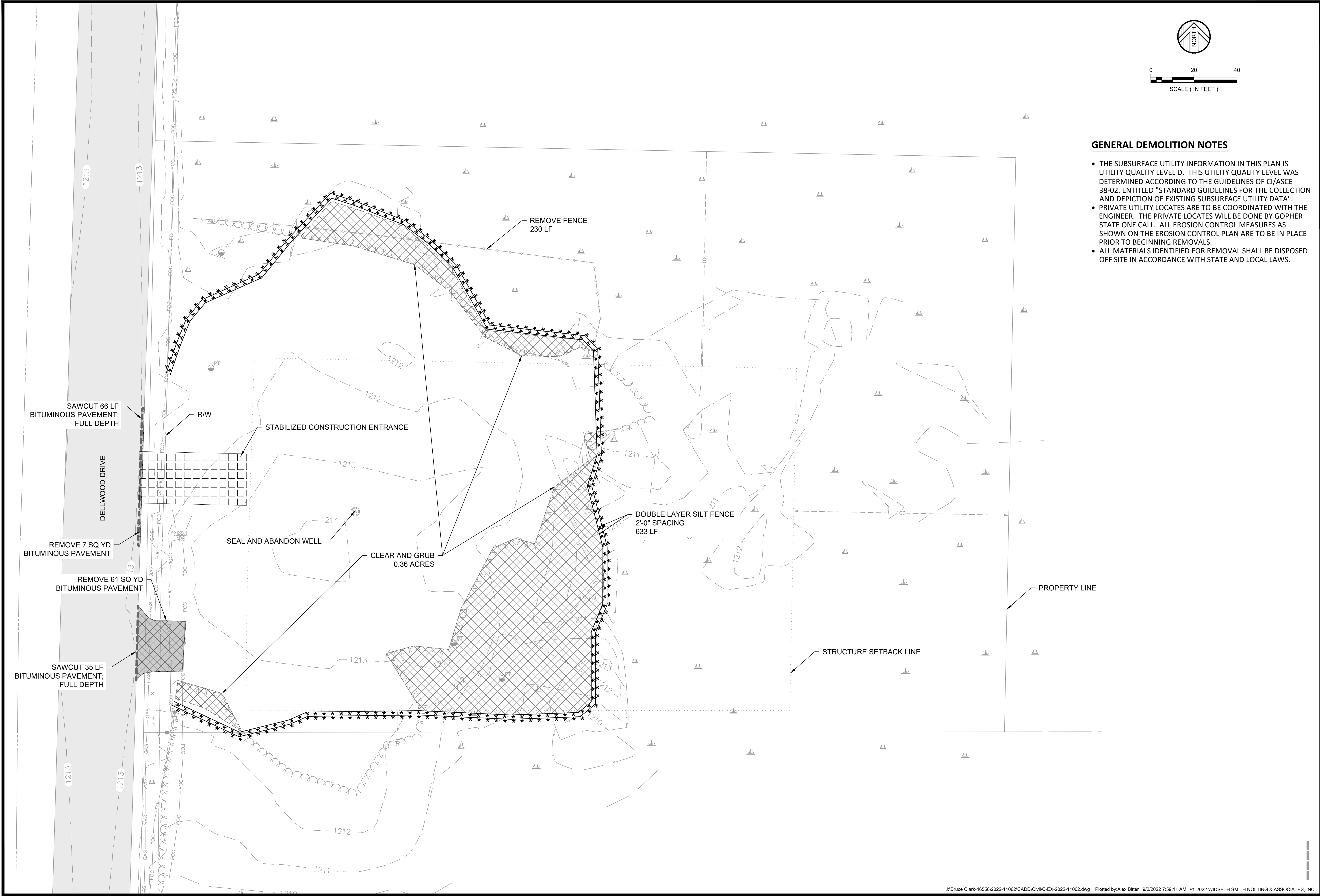
FILTRATION BASIN OVERFLOW

SCALE: NONE

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE:	AUGUST 2022
SCALE:	AS SHOWN
DRAWN BY:	ERC
CHECKED BY:	ADB
JOB NUMBER:	2022-11062

STORAGE FACILITY - DELLWOOD DRIVE
BRUCE CLARK
BRAINERD, MN
DETAILS



GENERAL DEMOLITION NOTES

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- PRIVATE UTILITY LOCATES ARE TO BE COORDINATED WITH THE ENGINEER. THE PRIVATE LOCATES WILL BE DONE BY GOPHER STATE ONE CALL. ALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION CONTROL PLAN ARE TO BE IN PLACE PRIOR TO BEGINNING REMOVALS.
- ALL MATERIALS IDENTIFIED FOR REMOVAL SHALL BE DISPOSED OFF SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS.

WIDSETH

ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

STORAGE FACILITY - DELLWOOD DRIVE

BRUCE CLARK

BRAINERD, MN

EXIST. COND., REMOVALS, & EROSION CONTROL PLAN

SHEET NO.

5

DATE: AUGUST 2022

SCALE: AS SHOWN

CHECKED BY: ADB

JOB NUMBER: 2022-11082

BY:

REVISIONS DESCRIPTION

DATE

REVIEW

DATE

REVISIONS DESCRIPTION

DATE

REVIEW

WIDSETH

ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

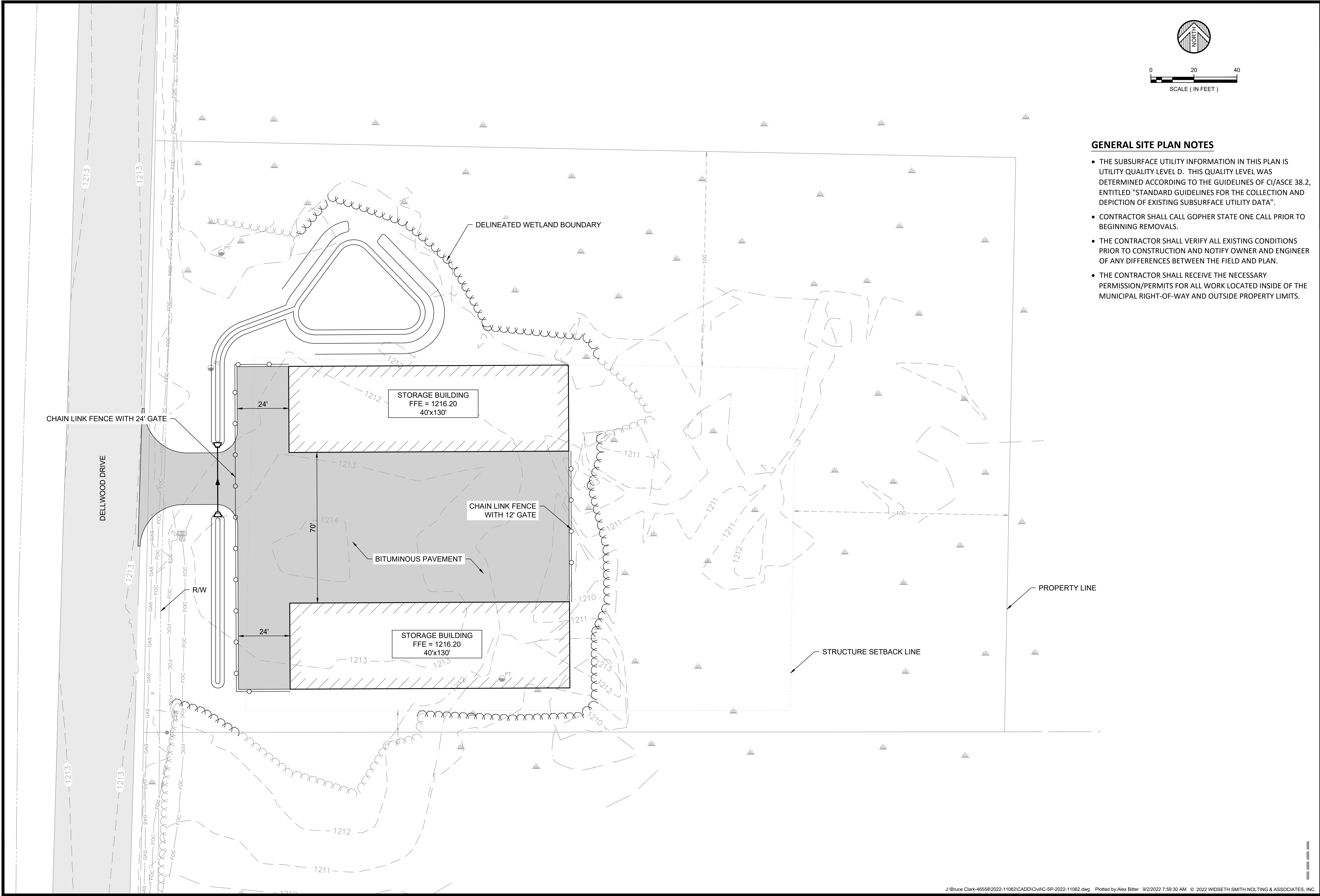
Alex D. Bitter

ALEX D. BITTER

DATE: 08/02/2022

LIC. NO. 57744

J:\Bruce Clark-46558\2022-11062\CADD\Civil\C-EX-2022-11062.dwg Plotted by: Alex Bitter 9/2/2022 7:59:11 AM © 2022 WIDSETH SMITH NOLTING & ASSOCIATES, INC.



GENERAL SITE PLAN NOTES

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38.2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- CONTRACTOR SHALL CALL GOPHER STATE ONE CALL PRIOR TO BEGINNING REMOVALS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY OWNER AND ENGINEER OF ANY DIFFERENCES BETWEEN THE FIELD AND PLAN.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSION/PERMITS FOR ALL WORK LOCATED INSIDE OF THE MUNICIPAL RIGHT-OF-WAY AND OUTSIDE PROPERTY LIMITS.

WIDSETH

ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

STORAGE FACILITY - DELLWOOD DRIVE

BRUCE CLARK

BRAINERD, MN

SITE PLAN

SHEET NO.

6

DATE: AUGUST 2022

SCALE: AS SHOWN

DRAWN BY: ERC

CHECKED BY: ADB

JOB NUMBER: 2022-11082

BY:

REVISIONS DESCRIPTION

DATE

REVIEW

DATE

REVISIONS DESCRIPTION

DATE

REVIEW

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

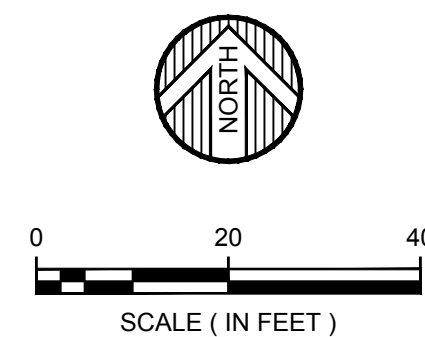
Alex D. Bitter

ALEX D. BITTER

DATE: 08/02/2022 LIC. NO. 57744

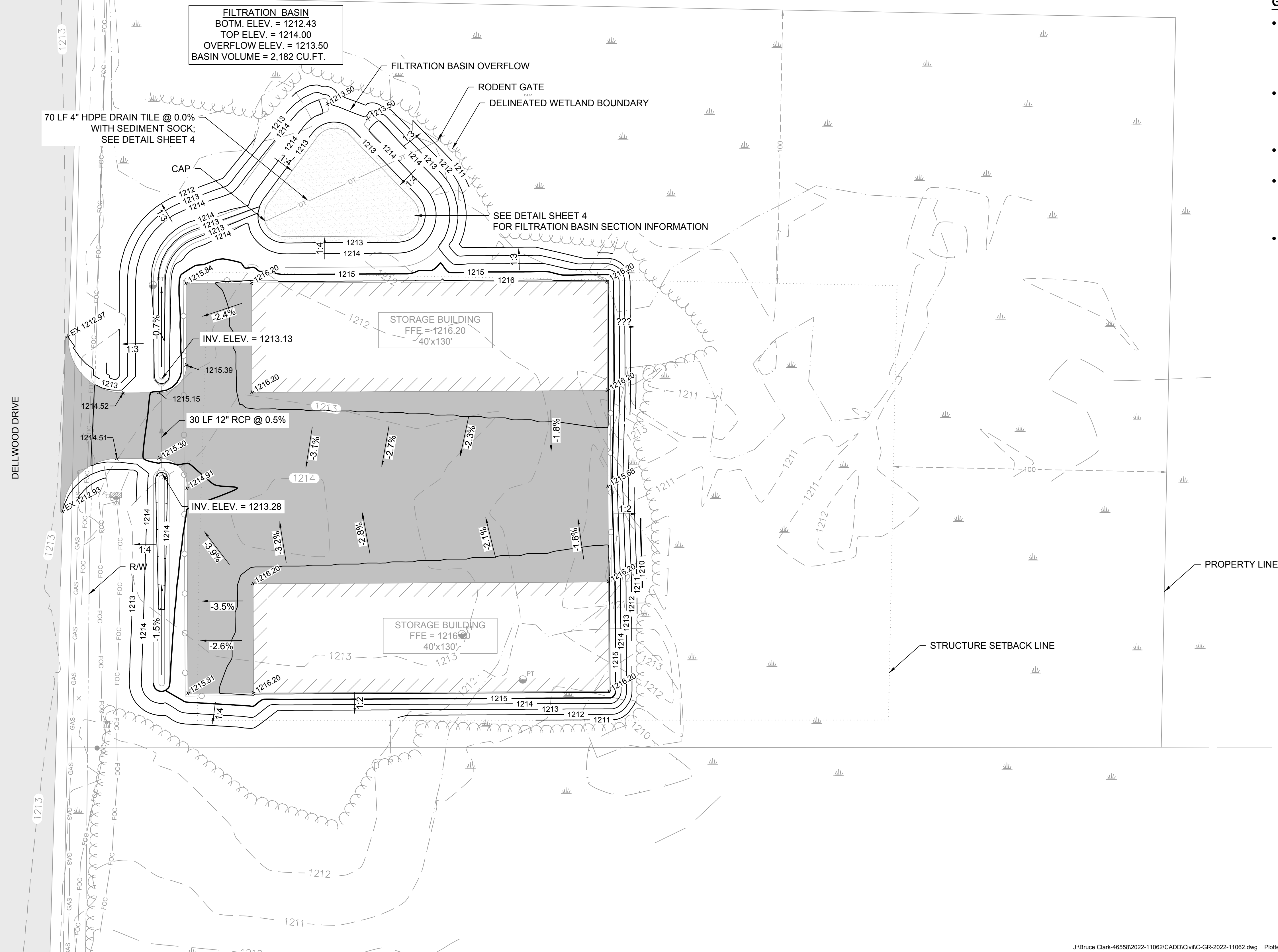
J:\Bruce Clark-46558\2022-11062\CADD\Civil\C-SP-2022-11062.dwg Plotted by: Alex Bitter 9/2/2022 7:59:30 AM © 2022 WIDSETH SMITH NOLTING & ASSOCIATES, INC.

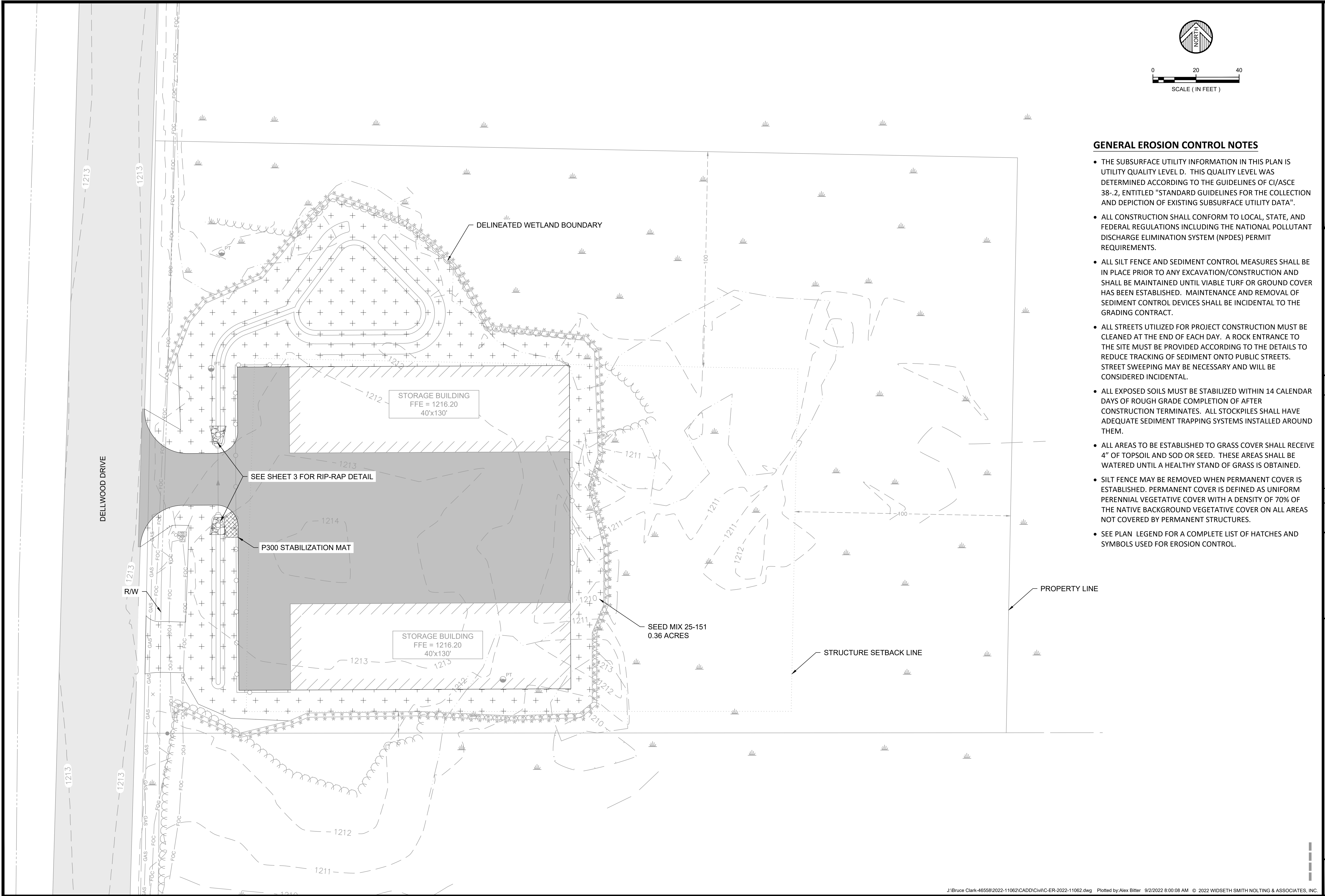
FILTRATION BASIN STORAGE		
ELEVATION	CONTOUR AREA (FT²)	CUMULATIVE VOLUME (FT³)
1212.4	1491	0
1213.0	2023	1001
1213.5	2699	2182
TOTAL POND VOLUME =		2,182
REQUIRED STORAGE (1" OVER NEW IMPERVIOUS) =		1,997



GENERAL GRADING NOTES

- THE SUBSURFACE UTILITY UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
- HAULING HOURS MUST BE CONFIRMED WITH THE CITY PRIOR TO BEGINNING WORK.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED PAVEMENT ELEVATIONS, GUTTER FLOW LINE OF CURB GUTTER (FL), BACK OF CURB ELEVATIONS (TC), TOP OF SIDEWALK (TW), AND FINISHED SURFACE GRADE, UNLESS OTHERWISE NOTED.
- ALL SLOPES SHALL BE GRADED TO 4:1 OR FLATTER, UNLESS OTHERWISE NOTED ON THE PLANS.



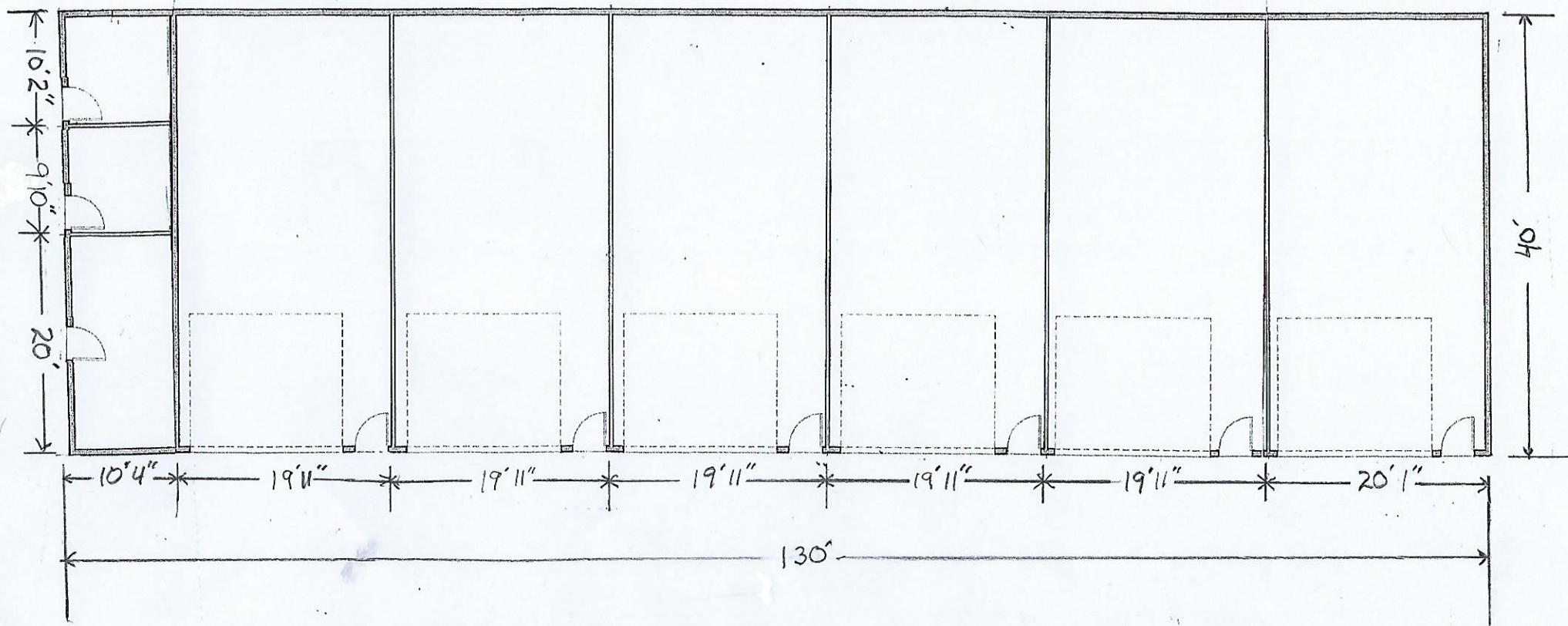


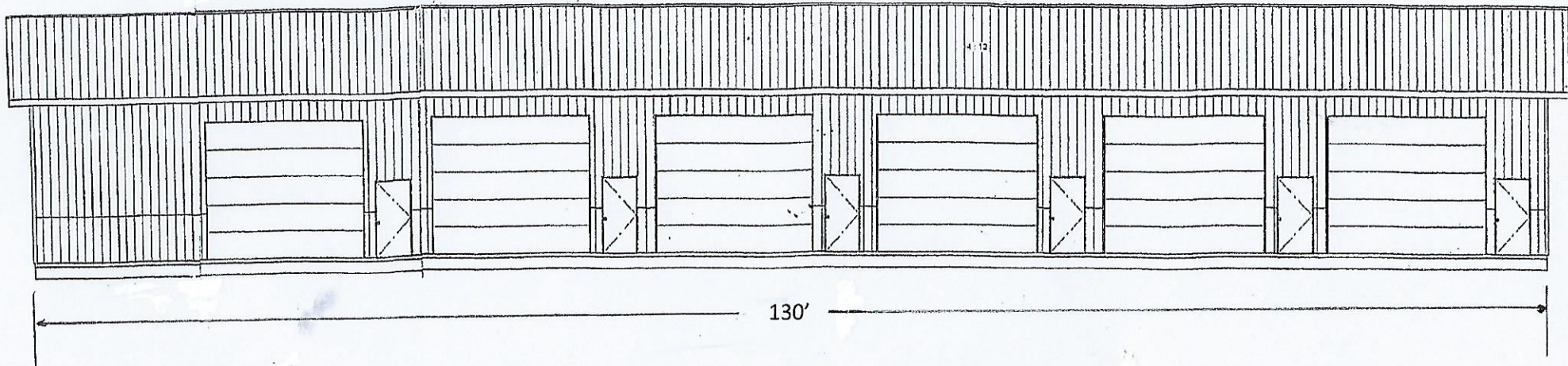
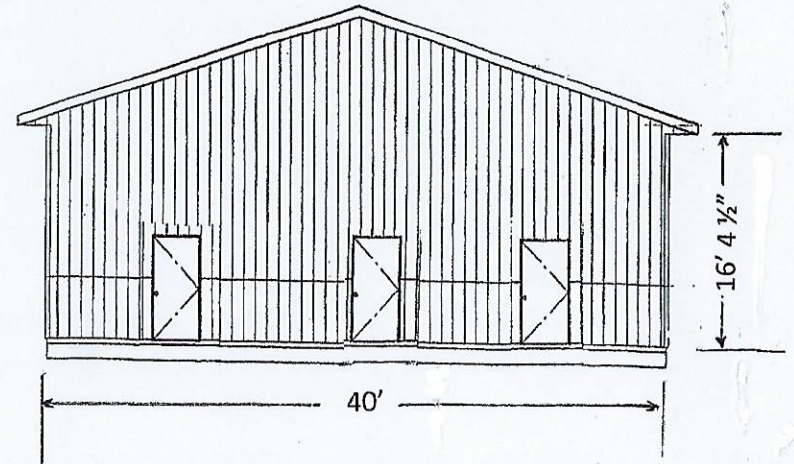
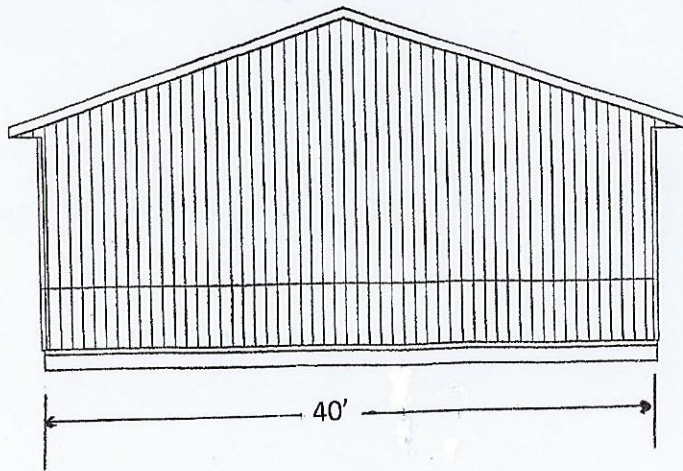
GENERAL EROSION CONTROL NOTES

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
- ALL SILT FENCE AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY EXCAVATION/CONSTRUCTION AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER HAS BEEN ESTABLISHED. MAINTENANCE AND REMOVAL OF SEDIMENT CONTROL DEVICES SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
- ALL STREETS UTILIZED FOR PROJECT CONSTRUCTION MUST BE CLEANED AT THE END OF EACH DAY. A ROCK ENTRANCE TO THE SITE MUST BE PROVIDED ACCORDING TO THE DETAILS TO REDUCE TRACKING OF SEDIMENT ONTO PUBLIC STREETS. STREET SWEEPING MAY BE NECESSARY AND WILL BE CONSIDERED INCIDENTAL.
- ALL EXPOSED SOILS MUST BE STABILIZED WITHIN 14 CALENDAR DAYS OF ROUGH GRADE COMPLETION OF AFTER CONSTRUCTION TERMINATES. ALL STOCKPILES SHALL HAVE ADEQUATE SEDIMENT TRAPPING SYSTEMS INSTALLED AROUND THEM.
- ALL AREAS TO BE ESTABLISHED TO GRASS COVER SHALL RECEIVE 4" OF TOPSOIL AND SOD OR SEED. THESE AREAS SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- SILT FENCE MAY BE REMOVED WHEN PERMANENT COVER IS ESTABLISHED. PERMANENT COVER IS DEFINED AS UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% OF THE NATIVE BACKGROUND VEGETATIVE COVER ON ALL AREAS NOT COVERED BY PERMANENT STRUCTURES.
- SEE PLAN LEGEND FOR A COMPLETE LIST OF HATCHES AND SYMBOLS USED FOR EROSION CONTROL.

DATE	REVISION DESCRIPTION	BY

DATE:	AUGUST 2022
SCALE:	AS SHOWN
DRAWN BY:	ERIC
CHECKED BY:	ADB
JOB NUMBER:	2022-11062

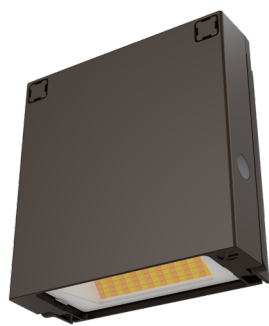




All service doors 3' Steel

All overhead doors 12' w x 14' H insulated

Roof pitch 4/12



WPX0 LED Wall Pack

Catalog
Number

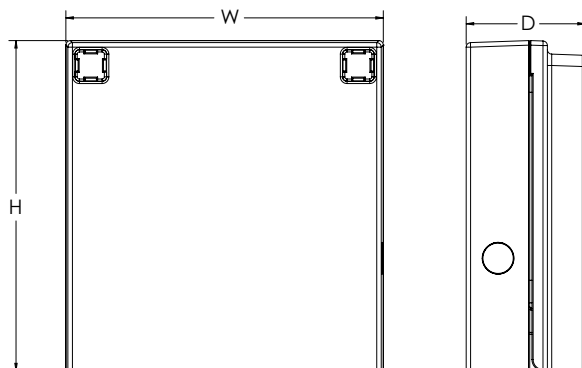
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

Depth (D): 2"
Height (H): 5.75"
Width (W): 5.5"
Weight: 2.5lbs



Introduction

The WPX LED wall packs are energy-efficient, cost-effective, and aesthetically appealing solutions for both HID wall pack replacement and new construction opportunities. Available in four sizes, the WPX family delivers 850 to 9,200 lumens with a wide, uniform distribution.

The WPX0 full cut-off wall pack is an excellent above the door lighting solution. Reliable IP66 construction and excellent LED lumen maintenance ensure a long service life. Standard features such as Adjustable Lumen Output (ALO), color switching and switchable photocell make WPX0 ideal for any application.

Ordering Information

EXAMPLE: WPX0 LED ALO SWW2 MVOLT PE DDBXD

Series	Color Temperature	Voltage	Controls	Finish
WPX0 LED ALO 850 - 1,650 Lumens	SWW2 3000K / 4000K / 5000K	MVOLT 120V - 277V	PE Photocell (On/Off)	DDBXD Dark bronze

Note: The lumen output and input power shown in the ordering tree are average representations of all configuration.

NOTES:

Default out of the box settings: 1,650 Lumens, 4000K, Photocell enabled

FEATURES & SPECIFICATIONS

INTENDED USE

The WPX LED wall packs are designed to provide a cost-effective, energy-efficient solution for the one-for-one replacement of existing HID wall packs. The WPX0, WPX1, WPX2 and WPX3 are ideal for replacing up to 70W, 150W, 250W, and 400W HID luminaires respectively. WPX luminaires deliver a uniform, wide distribution. WPX is rated for -40°C to 40°C.

CONSTRUCTION

WPX feature a die-cast aluminum main body with optimal thermal management that both enhances LED efficacy and extends component life. The luminaires are IP66 rated, and sealed against moisture or environmental contaminants.

ELECTRICAL

Light engine consist of high-efficacy LEDs and LED lumen maintenance of L86/100,000 hours. Color temperature (CCT) can be switched between 3000K, 4000K and 5000K with minimum CRI of 80. Electronic driver ensures system power factor >90% and THD <20%. The luminaire operates on MVOLT (120V - 277V) input.

A module inside the luminaire allows the installer to not only switch between CCTs, but also the adjust the lumen output and switch on and off the photocell (PE).

INSTALLATION

WPX can be mounted directly over a standard electrical junction box. A port on the back surface allows poke-through conduit wiring on surfaces that don't have an electrical junction box. Wiring can be made in the integral wiring compartment in all cases. WPX is only recommended for installations with LEDs facing downwards.

LISTINGS

CSA Certified to meet U.S. and Canadian standards. Suitable for wet locations. IP66 Rated. DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY

5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.



COMMERCIAL OUTDOOR

One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • www.lithonia.com
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WPX0 LED
 Rev. 10/31/22

Performance Data

Electrical Load

ALO Setting	Input Power (W)	120 V (A)	208 V (A)	240 V (A)	277 V (A)
ALO 4	13.0	0.11	0.06	0.05	0.05
ALO 3	9.2	0.08	0.04	0.04	0.03
ALO 2	7.8	0.07	0.04	0.03	0.03
ALO 1	6.4	0.05	0.03	0.03	0.02

Projected LED Lumen Maintenance

Data references the extrapolated performance projections in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	50,000	75,000	100,000
Lumen Maintenance Factor	>0.93	>0.89	>0.86

Lumen Output

ALO Setting	Color Temperature	Lumen Output
ALO 4	3000K	1,591
	4000K	1,644
	5000K	1,667
ALO 3	3000K	1,164
	4000K	1,191
	5000K	1,225
ALO 2	3000K	974
	4000K	994
	5000K	1,025
ALO 1	3000K	814
	4000K	829
	5000K	859

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

Ambient	Ambient	Lumen Multiplier
0°C	32°F	1.027
5°C	41°F	1.023
10°C	50°F	1.018
15°C	59°F	1.012
20°C	68°F	1.006
25°C	77°F	1.000
30°C	86°F	0.993
35°C	95°F	0.986
40°C	104°F	0.979

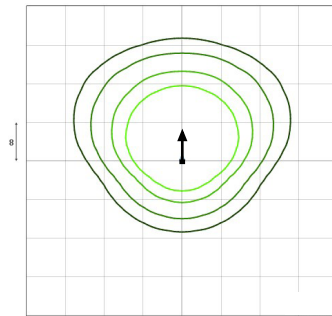
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting [WPX LED](https://www.lithonia.com) homepage. Tested in accordance with IESNA LM-79 and LM-80 standards

LEGEND

0.1 fc
0.2 fc
0.5 fc
1.0 fc

WPX0 LED ALO4



Switchable Features





Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: Consider Final Plat for Creekside Community Development

AGENDA: Main Agenda

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 5 minutes

SUMMARY OF ISSUE:

Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a final plat for Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd. The purpose of this final plat request is to consolidate 11 lots into four larger lots. This coincides with approved applications for conditional use permits for the construction of a 12-unit multiplex apartment and a boarding house/ health club. The conditional use permits are subject to approval of the final plat. The final plat application shall have incorporated all the conditions of City Council's approval of the preliminary plat. The development agreement as proposed incorporates all the conditions of City Council.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Planning Commission considered this request at their regularly scheduled meeting on February 15th, and voted unanimously in favor of recommending approval of this final plat request as the applicant has met all conditions of the preliminary plat and the proposed final plat is consistent with the lot size standards of the Traditional Neighborhood 2 District.

Staff has also included a development agreement from the City Attorney to approve as part of the final plat. The development agreement will require the applicant to install and provide a financial guarantee for an additional fire hydrant on Jackson Street. In addition to the installation of the fire hydrant, the developer requested a parking deferment of two spaces for the proposed health club which must be agreed upon by City Council as part of this agreement. The City reserves the right to require construction of an additional two parking stalls if deemed necessary by the City Council.

RECOMMENDED ACTION/MOTION:

Motion to approve the final plat for Creekside Community Development and approve the development agreement as presented.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: N/a

Is this budgeted? (Please Explain) N/a

CITY OF BRAINERD

DEVELOPMENT AGREEMENT

CREEKSIDE COMMUNITY DEVELOPMENT

This Agreement is dated this _____ day of February 2023, and is by and between the **City of Brainerd**, a Minnesota municipal corporation, and **My Neighbor to Love Coalition**, a Minnesota non-profit corporation (the Developer).

1. Subject Property. Developer is the fee owner of the Subject Property legally described as follows:

Block M and the vacated alley within Block M, West Brainerd, Crow Wing County, Minnesota.

AND

That part of vacated Robert Street lying northwesterly of Northwest Third Street and southwesterly of Northwest Second Street, all being located in West Brainerd, Crow Wing County, Minnesota.

AND

Lot 3 through Lot 10, Block E, West Brainerd, Crow Wing County, Minnesota.

AND

That part of the vacated alley in Block E, West Brainerd, Crow Wing County, Minnesota, lying northwesterly of a line between the most southerly corner of Lot 3, said Block E, and the most easterly corner of Lot 10, said Block E.

[To be platted as Creekside Community Development, Crow Wing County, Minnesota.]

2. Conditions of Approval. The Council approves development of the Subject Property subject to the following conditions:
 - a. Development Agreement. That Developer enters into this Agreement.
 - b. Plats. That the Council approve the Preliminary and Final Plats of the Creekside Community Development.
 - c. Fees. That Developer pay all platting fees as well as provide the financial security required in this Agreement.
 - d. Title. That, prior to recording the Final Plat, Developer provides the City with proof of marketable title to the Subject Property through a currently

certified abstract, registered property abstract or title insurance commitment or policy.

- e. Authority. That Developer provide proof that the person(s) signing below on behalf of the Developer have authority to execute this Agreement and bind the Developer.
3. The Plans. The term “Plans” as used in this Agreement means the “Creekside Community Housing Development Site Development Plans” dated **September 14, 2022**, as revised, and the approved Preliminary and Final Plats, all prepared by Kramer Leas Deleo (KLD). The Plans remain subject to (a) City staff’s review and approval and (b) any such further revisions as the Developer may propose and the City approves. Only Plans expressly approved in writing by the City shall be utilized for development. The Plans shall not be attached to this Agreement but are in the City’s files.
4. Additional Parking. The Developer was granted a Conditional Use Permit on November 7, 2022, a condition of which is that Developer shall install an additional two parking stalls if the City finds additional stalls are necessary to accommodate the use of the property. Therefore, notwithstanding the approved Plans referenced in Paragraph 3 above, the City reserves the right to require construction of an additional two parking stalls if deemed necessary by the City Council. The location of the additional stalls shall be as indicated in Exhibit A, “Opt. Parking Expansion.”
5. Commencement of Work. No site development work on the Subject Property (excluding surveying, soil testing and similar work necessary for platting and determining site feasibility) shall be initiated prior to (a) City approval of this Agreement; (b) City approval and Developer recording of the Final Plat; and (c) Developer payment of all fees, charges and escrow to satisfy the platting and financial security requirements of this Agreement.
6. Public Improvements. Developer shall construct the following public improvements:
 - a. Fire hydrant on Jackson Street as shown in the approved Plans. Developer shall obtain approval of the materials and design from Brainerd Public Utilities prior to installation.
7. Warranty of Public Improvements. The Developer represents and warrants that the Developer-installed fire hydrant and related connections and piping shall be guaranteed to be properly functioning as designed for a period of two years following acceptance by the City (“Warranty Period”). In the case of any material or labor that is supplied and that is reasonably rejected by the City as defective or unsuitable, then the rejected materials shall be removed and replaced with approved material, and the rejected labor shall be done anew to the reasonable

satisfaction and approval of the City at the sole cost and expense of the Developer. In no event shall the Warranty Period identified herein shall begin to run until all the Developer Installed Municipal Improvements have been approved and accepted by the City. If the Developer does not proceed to correct or repair improvements under this section once notified by the City, it shall be considered an Event of Default under this Agreement.

8. Ownership of Public Improvements. Upon completion of the public improvements and City acceptance of the work, the public improvements shall become City property without further notice or action.
9. Erosion Control. Soil stabilization shall be employed to ensure the integrity of the soils and prevent erosion onto City streets. Any soil runoff onto City streets shall be removed by Developer within 24 hours of the occurrence. The Developer shall remove all temporary soil stabilization and erosion control devices, such as silt fencing, before the escrow held by the City is returned to the Developer.
10. Occupancy Permits. No occupancy permits shall be issued for any structure on the Subject Property until the Developer has installed the fire hydrant on Jackson Street and the required on-site storm water retention facilities; the hydrant and storm water facilities are operational; and the City has accepted the hydrant as part of its water utility system.
11. Escrow for City Costs. Developer shall, contemporaneously with execution of this Agreement, deposit with the City an escrow of \$_____ to cover the cost of legal fees, engineering fees, administrative expenses and other costs related to the Development. Any funds remaining in the escrow account(s) after the completion of the Development shall be refunded to the Developer. In the event the escrow account is depleted, the Developer shall post additional sums of money to replenish the account to a maximum of \$1,000 to cover projected City costs as determined by the City. The escrow account shall always have a balance of no less than \$500.00. The Developer shall be entitled, upon request, to an itemized statement of all costs and fees charged against the Developer's escrow account.
12. Financial Guaranty.
 - a. Amount. No improvements shall be commenced on the Property until Developer has delivered to the City a financial guaranty in the form of a letter of credit (the "Financial Guaranty") securing the full performance of the public improvements (fire hydrant and related work). The amount of the Financial Guaranty shall be \$16,250.00, which equals 125% of the total estimated cost (\$13,000). The Financial Guaranty will be released upon completion of the work and acceptance by the City.
 - b. Terms. The Financial Guaranty may be for a stated term provided it is automatically renewable. The City may draw on the Financial Guaranty,

without notice, (i) after an event of default under this Agreement has occurred, which default has not been remedied within any applicable cure period, or (ii) upon receiving written notice that the Financial Guaranty will be allowed to lapse. From and after an event of default under this Agreement has occurred, which default has not been remedied within any applicable cure period, the City may draw down the Financial Guaranty to pay for all reasonable and actual costs and expenses incurred by the City to enforce this Agreement, including the costs incurred by the City in connection with the collection of the Financial Guaranty. If the required Improvements are not completed at least 30 days prior to the expiration of the Financial Guaranty, the City may also draw down the Financial Guaranty.

- c. Claims. In the event that the City receives claims from contractors, subcontractors, laborers or materialmen (collectively, "Claimants") that the Improvements have been constructed and money due them have not been paid, and that the Claimants are seeking payment out of the Financial Guaranty posted with City, the City shall notify Developer in writing and provide copies of any claims to Developer. Developer may, at its option within 30 days of the date of the City's written notice, bond over any claims by depositing with the City or the Crow Wing County District Court such security as necessary to reasonably resolve any claim. If Developer fails to bond over any claim within 30 days of the City's notice of such claim, Developer hereby authorizes the City, at the City's discretion, to commence an Interpleader action pursuant to Rule 22 of the Minnesota Rules of Civil Procedure for the Crow Wing County District Court at Developer's expense, including court costs and reasonable attorney fees incurred by the City. Developer further authorizes the City to draw upon the Financial Guaranty in the amount of 125% of the claim together with reasonable attorneys' fees and court costs, and to deposit the funds in compliance with the Rule. Upon such deposit, Developer shall release, discharge and dismiss the City from any further proceedings as it pertains to the funds deposited with the District Court, except that the District Court shall retain jurisdiction to determine the amount of reasonable attorneys' fees, costs and expenses owed to the City.

- 13. Indemnification. The Developer agrees to defend and hold the City, and its officials, employees and agents, harmless against any and all claims, demands, lawsuits, judgments, damages, penalties, costs and expenses, including reasonable attorney's fees, arising out of actions or omissions by the Developer, its employees and agents, in connection with development of the Subject Property.

- 14. Default.

- a. Events of Default. The following shall be Events of Default under this Agreement:
 - i. Subject to unavoidable delays, failure by the Developer to commence and complete construction of the public improvements pursuant to the terms, conditions and limitations of this Agreement. For purposes of this Agreement, “unavoidable delays” means delays which are the direct result of acts of God, unforeseen adverse weather conditions, strikes, other labor troubles, fire or other casualty to the Municipal Improvements, litigation commenced by third parties which, by injunction or other similar judicial action, directly results in delays, or acts of any federal, state or local governmental unit, and which directly results in delays.
 - ii. Failure by the Developer to observe or perform any covenant, condition, obligation or agreement on its part to be observed or performed under this Agreement.
- b. Remedies on Default. Whenever any Event of Default occurs, the City may undertake any one or more of the following:
 - i. The City may suspend its performance under this Agreement until it receives assurances from the Developer, deemed adequate by the City, that the Developer will cure its default and continue its performance under the Development Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.
 - ii. The City may initiate such action, including legal, equitable or administrative action, as is necessary for the City to secure performance of any provision of this Agreement or recover any amounts due under this Agreement from the Developer, or immediately draw on the financial guarantees provided by the Developer.
 - iii. The City may draw upon any escrow or financial guarantee established pursuant to this Agreement.
 - iv. The Developer agrees that if the escrow or financial guarantee is insufficient or terminates, the City has the right to use the special assessment process under Minnesota Statutes chapter 429 to construct and pay for uncompleted public improvements or to correct and repair any improvements under warranty. This constitutes a petition to undertake such public improvements under

Minnesota Statutes chapter 429, and waiver of any all rights to notices, hearings and appeal under said chapter.

15. Notice. A notice, demand or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if sent by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, to the addresses as follows:

City of Brainerd
City Administrator
501 Laurel Street
Brainerd, MN 56401

My Neighbor to Love Coalition
8660 Fernmont Road
Lake Shore, MN 56468

16. Construction Hours. All construction on the Subject Property shall occur within the hours permitted by City Code.

17. Miscellaneous.

- a. Neither party may assign its rights or obligations under this Agreement without the prior written consent of the other Party.
- b. If any portion of this Agreement is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions.
- c. All terms of this agreement shall run with the land and shall be binding upon the heirs, successors, assigns and administrators of Developer.
- d. This Agreement shall not be amended without the written consent of all parties.
- e. This Agreement may be executed in two or more counterparts that, when taken together, shall constitute one instrument.

[Signature pages to follow.]

CITY OF BRAINERD

By: _____
Dave Badeaux, Mayor

Attest:

By: _____
Jennifer Bergman
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

This instrument was acknowledged before me on ____ day of _____,
2023, by Dave Badeaux as Mayor and Jennifer Bergman as City Administrator of the
City of Brainerd, Minnesota.

Notary Public

MY NEIGHBOR TO LOVE COALITION

By: _____
Vicky J. Kinney, President

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

This instrument was acknowledged before me on ____ day of _____, 2023, by Vicky J. Kinney as President of My Neighbor to Love Coalition, a Minnesota non-profit corporation.

Notary Public

This instrument drafted by:

Ratwik, Roszak & Maloney, P.A.
444 Cedar Street, Suite 2100
St. Paul, MN 55101

RRM: 495184

MEMO



TO: Planning Commission

FROM: James Kramvik – Community Development Director
Dylan Edwards – Assistant Planner

DATE: February 15, 2023

RE: Final Plat for Creekside Community Development Addition to West Brainerd

Vicky Kinney has submitted a request on behalf of My Neighbor to Love Coalition for a final plat for Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd. The purpose of this final plat request is to consolidate 11 lots into four larger lots. This coincides with an application for a conditional use permit filed with the City to utilize these lots for the construction of a 12-unit multiplex apartment building for residential purposes and a boarding house.

Findings of Fact:

Creekside Community Development Addition to West Brainerd

Lots 1 through 12, Block M, and Lots 3 through 10, Block E in the West Brainerd Addition to Brainerd are all zoned TN-2 (Traditional Neighborhood 2) District.

Adjacent Uses: North: Vacant Land & 4-unit Apartment Under Construction
East: Single-Family Residential
South: Commercial Storage & Retail
West: Vacant Land & Multi-Family Residential

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: CN-1 (Contemporary Neighborhood 1) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

- a. Lot Size (minimum) – 4,000 SQFT
 - i. *All proposed lots meet the minimum lot size requirement.*
- b. Density (range) - 9 – 20 DU/AC (20+ DU/AC requires CUP)
 - i. *The applicant proposes a twelve-unit apartment on Lot 1 which would have a density of 9.73 dwelling units per acre. The applicant also proposes a twelve-unit apartment on Lot 3 which would have a density of 9.1 dwelling*

units per acre. Both proposed residential lots would meet the density requirement.

- c. Lot Frontage on All Roads (minimum) - 45'
 - i. All proposed lots meet the minimum lot frontage standard.*

Conditions imposed by the City Council as part of the approval for the preliminary plat and conditional use permits for the proposed development.

- 1) Contingent upon City Council approval of alley vacation in Block E & M.
 - a. This condition was met with the City Council's approval on November 7th, 2022, as part of Resolution 46:22 which vacated the alley located within Block E and Block M, WEST BRAINERD.*
- 2) Developer agreement for stormwater retention and installation of required fire hydrants must be recorded in the final plat.
 - a. The developer has submitted a hydrant plan that has been approved by the Fire Marshal. The City Attorney is drafting a development agreement for stormwater retention, installation of required fire hydrants, and deferred parking for the Boarding House/Health Club. The final development agreement must be approved by City Council at the same time as the final plat. The final plat will be signed by the Mayor and City Administrator after the execution of the development agreement.*
- 3) Adjust rear yard minimum setback as ten (10) feet and work with staff on the appropriate naming of the plat.
 - a. This setback requirement will be adjusted as part of the building permit submittal as setback requirements are not listed on final plats. The plat has been named Creekside Community Development Addition to West Brainerd.*
- 4) Condition that parking lot landscaping standards for the NW 2nd Street (east) side of the parking lot are met and is contingent upon city council approval of the final plat.
 - a. The landscaping plans will be reviewed as part of the building permit process and parking lot landscape standards will have to be met for the NW 2nd Street (east) side of the parking lot.*

If the preliminary plat is approved by the City Council, the subdivider shall submit a complete application for final plat in accordance with the approved phasing plan, but no later than one (1) year after said approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing by the applicant and approved by the City Council.

- 1) The preliminary plat was approved by City Council on November 7th, 2022. The final plat application has been submitted within one year of approval of the preliminary plat.*

The Final Plat Shall Be Approved Based on the following Criteria:

In accordance with the Subdivision Ordinance [Section 500-5-2.C](#)

1. The final plat shall substantially conform to the approved preliminary plat and phasing plan.
 - a) The final plat is in conformance with the Preliminary Plat and conditions set by Planning Commission and City Council.*

2. Completed development contract including all required financial securities and time frame for final plat and final grading.
 - a) *The City Attorney is drafting a development contract for the February 21st City Council meeting. The development agreement will be reviewed congruently by Council with the final plat.*
3. Conditions attached to approval of the preliminary plat shall be fulfilled or secured by the development agreement, as appropriate.
 - a) *As noted in the above descriptions of conditions in the findings of facts, all conditions that were applied to the property by the City Council and Planning Commission are appropriately fulfilled by the developer. The Fire Marshal and City Engineer have reviewed the hydrant plan and stormwater plan submitted by the applicant and have approved the plans.*
4. All fees, charges, and escrow related to the preliminary or final plat shall be paid in full.
 - a) *All financial responsibilities related to the preliminary and final plat are paid in full at this time by the developer.*

Staff Recommendations:

It is the recommendation of the Community Development Department that the Final Plat for this property be approved as it is in conformance with the conditions that were included in the preliminary plat.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307/Fax 218-828-2316

www.ci.brainerd.mn.us

PRELIMINARY PLAT/FINAL PLAT APPLICATION

☐ **PRELIMINARY PLAT** (\$500.00 + \$30.00/lot residential + \$1,000.00 escrow deposit)
(\$600.00 + \$50.00/lot commercial + \$1,000.00 escrow deposit)

☒ **FINAL PLAT** (fee included with Preliminary Plat)

PROPERTY ADDRESS: Between 2nd and 3rd Street, north of James in NW Brainerd

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: My Neighbor to Love Coalition

Street Address: P.O. Box 581 **City:** Nisswa **State:** MN **Zip Code:** 56468

Phone Number: 218-821-7875 **Fax:** _____ **E-mail:** vickyjokinney@yahoo.com

Applicant Name: (if different than Property Owner) _____

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

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

Description of Request: Final re-plat of property

Vicky Kinney

Property Owner Signature

Vicky Kinney

(Please print name)

1/12/2023

Date

Applicant Signature

Date

(Please print name)

CREEKSIDE COMMUNITY DEVELOPMENT

Located in Block E and Block M, WEST BRAINERD,
Section 4, Township 133 North, Range 28 West,
Crow Wing County, Minnesota.

KNOW ALL PERSONS BY THESE PRESENTS: That My Neighbor to Love Coalition, a Limited Liability Company, is the owner of the following described property situated in Crow Wing County, Minnesota, to wit:

Block M and the vacated alley within Block M, WEST BRAINERD, Section 04, Township 133 North, Range 28 West, Crow Wing County, Minnesota.

AND

That part of vacated Robert Street lying northeasterly of Northwest Third Street and southwesterly of Northwest Second Street, all being located in WEST BRAINERD, Section 04, Township 133 North, Range 28 West, Crow Wing County, Minnesota.

AND ALSO

Lot 3 through Lot 10, Block E, WEST BRAINERD, Section 04, Township 133 North, Range 28 West, Crow Wing County, Minnesota.

AND ALSO

That part of the vacated alley in Block E, WEST BRAINERD, Section 04, Township 133 North, Range 28 West, Crow Wing County, Minnesota, lying northwesterly of a line between the most southerly corner of Lot 3, said Block E, AND the most easterly corner of Lot 10, said Block E.

Have caused the same to be surveyed and platted as CREEKSIDE COMMUNITY DEVELOPMENT and do hereby dedicate to the public for public use the public ways and drainage and utility easements as created herewith as shown on this plat.

In witness whereof said My Neighbor to Love Coalition, a 501C3 nonprofit cooperation, has caused these presents to be signed by its proper officers this ____ day of ____, 2023.

Vicky Kinney – Executive Director

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me this ____ day of ____, 2023, by Vicky Kinney, Executive Director, My Neighbor to Love Coalition, a 501C3 nonprofit cooperation.

(Signature)

(Name Printed)

Notary Public, _____

My Commission Expires: _____

I James Kramer do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of ____, 2023.

James Kramer, Licensed Land Surveyor

Minnesota License Number 23668

STATE OF MINNESOTA)

)ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of ____, 2023, by James Kramer, Minnesota License Number 23668.

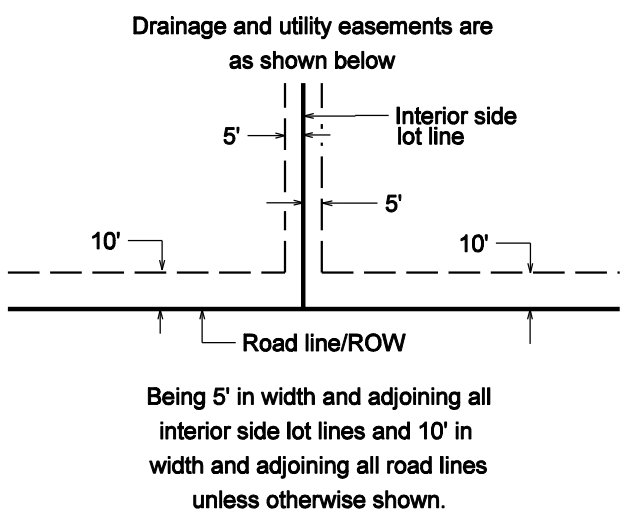
(Signature)

Mike Seelen

(Name Printed)

Notary Public, Morrison County, Minnesota

My Commission Expires: January 31, 2026



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

0 50 100
SCALE IN FEET



PROPERTY BOUNDARY LEGEND

- SET IRON PIPE WITH CAP STAMPED "KRAMER 23668"
- FOUND IRON MONUMENT

County Auditor/Treasurer

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year ____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of ____, 20__.

Crow Wing County Auditor/Treasurer

This plat of CREEKSIDE COMMUNITY DEVELOPMENT was approved by the Planning Commission of the City of Brainerd, Minnesota, on this ____ day of ____, 2023.

Chairman

Secretary

This plat of CREEKSIDE COMMUNITY DEVELOPMENT was approved by the Council for the City of Brainerd, Minnesota, on this ____ day of ____, 2023.

City Administrator

Mayor

STORMWATER NARRATIVE - PROPOSED CONDITIONS

GENERAL DESCRIPTION

PROPOSED SITE DESCRIPTION: THE PROPOSED PROJECT CONSISTS OF CONSTRUCTING TWO 12-PLEX UNITS ALONG WITH A COMMUNITY CENTER. EACH LOT WILL BE IMPROVED WITH PAVED PARKING, PAVED ACCESS DRIVE, CONCRETE WALKS, AND PROPOSED SEWER AND WATER UTILITIES. LOT 1 WILL HAVE A 12- PLEX UNIT, LOT 2 WILL HAVE THE COMMUNITY CENTER, LOT 3 WILL HAVE A 12-PLEX UNIT, AND LOT 4 WILL BE FUTURE DEVELOPMENT. AN INFILTRATION BASIN IS PROPOSED TO BE CONSTRUCTED ONSITE AND DESIGNED TO RETAIN AND INFILTRATE THE 100-YR 24-HR STORM EVENT. TOTAL ACRES TO BE DISTURBED: 4.16 ACRES

- PRE-CONSTRUCTION ACRES OF IMPERVIOUS SURFACE: 0.00 ACRES
- POST-CONSTRUCTION ACRES OF IMPERVIOUS SURFACE: 1.23 ACRES
- TOTAL NEW IMPERVIOUS SURFACE ACRES: 1.23 ACRES

THE OVERALL DRAINAGE AREA/WATERSHED DISCHARGE LOCATION IS TO THE NE OF LOT 1 WHICH IS TO THE CITY R/W AND ULTIMATELY DISCHARGES TO THE CITY RETENTION BASIN TO THE NE.

THE RUNOFF RATES AND VOLUMES AREA EQUAL TO OR LESS THAN THE EXISTING CONDITIONS FOR THE 2-YR, 10-YR, AND 100-YR MODELED EVENTS.

STORMWATER ANALYSIS

THE ANALYSIS IS ACCOMPLISHED USING THE HYDROCAD, VERSION 10.10-6A, STORMWATER MODELING SYSTEM SOFTWARE BY HYDROCAD SOFTWARE SOLUTIONS, LLC.

- RUNOFF METHOD: SCS TR-20
- REACH ROUTING METHOD: SIM-ROUTE
- POND ROUTING METHOD: SIM-ROUTE

RAINFALL EVENTS

RAINFALL DATA WAS OBTAINED FROM NOAA ATLAS 14 POINT PRECIPITATION FREQUENCY ESTIMATES - VOLUME 8, VERSION 2. BELOW ARE THE RAINFALL DEPTHS FOR THE CORRESPONDING RAINFALL EVENT.

- 2-YR: 2.64" 10-YR: 3.87" 100-YR: 6.27"
- MODELED STORM TYPE: MSE 24-HR, STORM CURVE 3, AMC 2

SOILS

ACCORDING TO THE WEB SOIL SURVEY, THE EXISTING SOILS ON THIS SITE ARE GRAYCALM LOAMY SAND (D49D) WHICH ARE CLASSIFIED AS HYDROLOGIC SOIL GROUP (HSG) A.

4 - SOIL BORING WERE COMPLETED TO A DEPTH OF APPROXIMATELY 6' TO CONFIRM THE SOILS ARE CONSISTENT WITH THE WEB SOIL SURVEY. THE SOIL BORINGS WERE ALSO COMPLETED TO VERY THE DEPTH TO REDOXIMORPHIC FEATURES. BORING #3 WAS THE ONLY BORING WITH REDOX FEATURES AT A DEPTH OF 3' OR AN ELEVATION OF 1163.85.

PER THE MINNESOTA STORMWATER MANUAL, THESE HSG A SOILS HAVE A DESIGN INFILTRATION RATE OF 0.8 INCHES PER HOUR. THE PROPOSED BASIN DEPTH IS 4' HOWEVER THE DEPTH OF THE 100-YR EVENT IS 2.9'. THE CALCULATED DRAW DOWN TIME FOR THE BASIN IS 44 HOURS WHICH IS LESS THAN THE MPCA 48 HOUR MAX. REQUIREMENT.

SOILS BORINGS WERE COMPLETED NEAR THE BASIN BOTTOMS. THE SOIL BORINGS CAN BE AVAILABLE UPON REQUEST AND ARE NOTED AS SB #1, #2, #3, AND #4 ON THE DRAWING. BORINGS SHOW THAT THE ELEVATION OF REDOXIMORPHIC FEATURES (EVIDENCE OF SATURATED SOIL) IS GREATER THAN OR EQUAL TO THE MPCA REQUIRED 3' MIN. SEPARATION.

LAND COVER

THE FOLLOWING LAND COVER AND CORRESPONDING CURVE NUMBERS WERE USED FOR MODELING

- IMPERVIOUS SURFACE (BITUMINOUS PAVEMENT, GRAVEL, BUILDINGS, ETC): CN = 98
- WETLAND: CN = 98
- ROW CROPS, STRAIGHT ROW (CORN FIELD): CN = 67
- GRASS COVER: CN = 49
- BRUSH (NON-MAINTAINED R/W) CN = 35
- WOODS/GRASS COMBINATION: CN = 32
- MEADOW: CN = 30

PER TABLE 2-2 OF THE SCS/NRCS TR-55 PUBLICATION

DRAINAGE AREA DESCRIPTIONS

BASED ON THE PROPOSED SITE CONDITIONS, TWO DRAINAGE AREAS WERE DETERMINED FOR THE PROJECT SITE. THE PROPOSED DRAINAGE AREA BOUNDARIES ARE VERY SIMILAR TO THE EXISTING CONDITIONS. EACH OF THE TWO DRAINAGE AREAS ARE SUMMARIZED AS FOLLOWS:

1S - PROPOSED DRAINAGE AREA 1S

THIS DRAINAGE AREA ENCOMPASSES THE MAJORITY OF THE PROPOSED PROJECT OR THE CREEKSIDE DEVELOPMENT. IT CONSIST OF LOTS 1- 3 ALONG WITH PORTIONS OF OFFISTE LOTS TO THE SOUTH. DRAINAGE AREA CONSIST OF THE PROJECT AREA EAST OF 3RD ST. THE SOUTH THIS

DRAINAGE AREA FLOWS TO THE PROPOSED INFILTRATION BASIN 1P. THE DRAINAGE AREA IS 4.3 ACRES IN SIZE WITH AN IMPERVIOUS SURFACE OF 28.5%. THE REMAINING LAND COVER IS TURF GRASS AND GRASS/WOODS.

3S - PROPOSED DRAINAGE AREA 3S

THIS DRAINAGE AREA CONSISTS OF THE REMAINING SITE AREA NOT IN 1S. THE DRAINAGE AREA FLOWS OFFSITE TO THE NORTH (3L) WHICH ULTIMATELY IS THE CITY'S RETENTION BASIN. THE DRAINAGE AREA IS 0.09 ACRES IN SIZE WITH AN IMPERVIOUS SURFACE OF 9.6%. THE REMAINING LAND COVER IS TURF GRASS AND GRASS/WOODS.

OVERALL SITE RUNOFF

A COPY OF THE PROPOSED CONDITIONS HYDROCAD REPORT IS ATTACHED. RUNOFF RATES AND VOLUMES OFFSITE ARE AS FOLLOWS:

RUNOFF RATE	2-YR	10-YR	100-YR
3L - CITY R/W	0.00 CFS	0.00 CFS	0.03 CFS

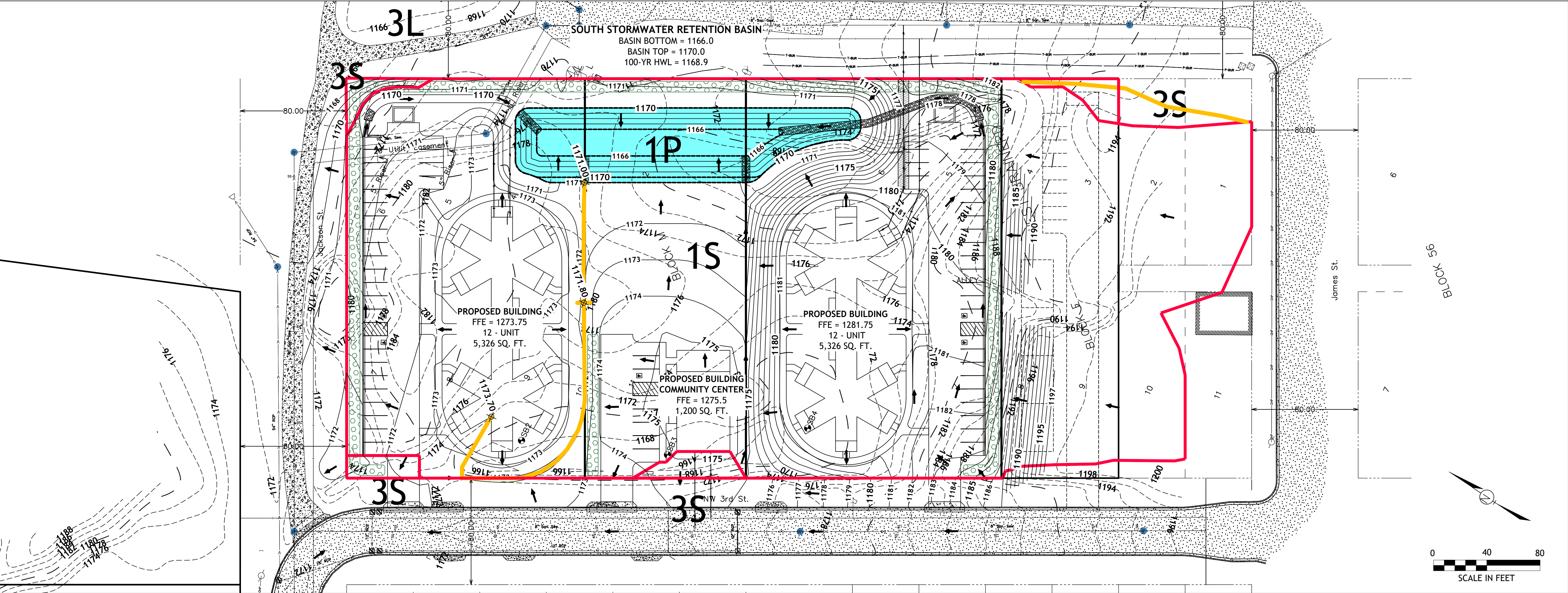
RUNOFF VOLUME	2-YR	10-YR	100-YR
3L - CITY R/W	0 CF	16 CF	200 CF

WATER QUALITY REQUIREMENTS

THE PROPOSED DEVELOPMENT CREATES 1.23 ACRES OF NEW IMPERVIOUS SURFACE. THE PROPOSED BASIN HAS A VOLUME OF 29,765 CU . FT. THE REQUIRED INFILTRATION VOLUME REQUIREMENT OF 1" OVER IMPERVIOUS SURFACES IS 4,450 CU FT. FOR THE PROPOSED IMPERVIOUS, THEREFORE THE WATER QUALITY VOLUME IS MET. THE OFFSITE RUNOFF RATES AND VOLUMES LISTED ABOVE ARE LESS THAN THEN OR EQUAL TO THE PREDEVELOPMENT. THE STORMWATER RUNOFF IMPACTS FROM THE PROPOSED DEVELOPMENT THEREFORE MEET THE CURRENT CITY & MPCA REQUIREMENTS. A MIDS MODEL WAS NOT CREATED FOR THIS PROJECT SITE SINCE ALL OF THE PROPOSED STORMWATER RUNOFF IS INFILTRATED (MEETS THE VOLUME REDUCTION REQUIREMENT) AND DOES NOT DISCHARGE TO A SURFACE WATER (100% PHOSPHOROUS AND TOTAL SUSPENDED SOLIDS REDUCTION).

FUTURE DEVELOPMENT

THE PROPOSED INFILTRATION BASIN HAS CAPACITY FOR FUTURE DEVELOPMENT. AN ESTIMATED 15,000 SQ. FT. OF ADDITIONAL IMPERVIOUS SURFACE WOULD RAISE THE HWL IN THE BASIN TO 1169.60 WHICH IS BELOW THE BASIN TOP OF 1170.0. FUTURE DEVELOPMENT PLANS COULD BE REVIEWED AND THE STORMWATER PLAN UPDATED AT THAT TIME.



NO.	REVISION SINCE INITIAL DATE	DATE

I HEREBY CERTIFY THAT THIS PLAN 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.

Signature: *Tony A. Pohl* TONY A. POHL LIC. NO. 56406 DATE: 09/14/2022

PROJECT NO. KINN2202



KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING

DATE: AUGUST, 2022
DESIGNED: TAP
CHECKED: TAP
SCALE: AS SHOWN

CREEKSIDE COMMUNITY DEVELOPMENT
MY NEIGHBOR TO LOVE COALITION LLC
SECTION 4, TOWNSHIP 133, RANGE 28
BRainerd, MINNESOTA

DRIANGE PLAN - PROPOSED

CREEKSIDE COMMUNITY DEVELOPMENT

Located in Block E and Block M, WEST BRAINERD,
Section 4, Township 133 North, Range 28 West,
Crow Wing County, Minnesota.

Surveyors Notes

The property address for the subject property is:

Not Declared

The Parcel Numbers for the subject property is 41040501, 41040502, 41040503, 41040504, 41040505, 41040805, 41040806, 41040807, 41040808, 41040809 and 41040810.

The current zoning classification for the subject property is Traditional Neighborhood 2 (TN-2).

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.

The subject property was reviewed for the existence of wetlands on September 13, 2022. Kyle Cherne, Minnesota Certified Delineator number 1190. No wetlands are located within the boundary of this proposed subdivision.

All water mains shown on survey are approximate locations based on the 2020 Storm Sewer Plan and Profile done by Bolton and Menk.

Legal description

Lots 1 thru 12 inclusive, Block M, WEST BRAINERD, Crow Wing County, Minnesota.

AND

Lots 3 thru 10 inclusive, Block E, WEST BRAINERD, Crow Wing County, Minnesota.

AND

All that part of vacated Robert Street which lies adjacent to Lot 1, Block M, and Lot 12, Block M, and Lot 6, Block E, and Lot 7, Block E, WEST BRAINERD, Crow Wing County, Minnesota.

AND

(This portion is proposed alley vacation)

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

That part of the alley located within Block E, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Robert Street, and which lies northerly of the easterly extension of the southerly line of Lot 10, Block E, WEST BRAINERD.

That part of Robert Street, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies easterly of a line from the southeast corner of Lot 12, Block M, WEST BRAINERD to the northeast corner of Lot 7, Block E, WEST BRAINERD, and which lies westerly of a line from the southwest corner of Lot 1, Block M, WEST BRAINERD to the northwest corner of Lot 6, Block E, WEST BRAINERD.

MAPPING LEGEND

STORM SEWER MANHOLE	⊗	BURIED ELECTRIC LINE	—P-BUR—
SANITARY SEWER MANHOLE	⊗	BURIED TELEPHONE LINE	—T-BUR—
CATCH BASIN	⊗	OVERHEAD POWER LINE	—OHP—
CULVERT APRON	⊗	WATER LINE	—W—
HYDRANT	⊗	STORM SEWER PIPE	—SSP—
WATER VALVE	⊗	SANITARY SEWER PIPE	—SSP—
UTILITY POLE	⊗	TREELINE	—TRE—
UTILITY POLE ANCHOR	⊗	CONTOUR (MAJOR)	—1025—
UTILITY PEDESTAL	⊗	CONTOUR (MINOR)	—1025—
UTILITY METER	⊗	CONCRETE	—CON—
LIFT STATION	⊗	BITUMINOUS	—BIT—
SOIL BORING	⊗	GRAVEL	—GRA—
	SB#		

Traditional Neighborhood 2 (TN-2)

Purpose of Traditional Neighborhood 2 Zoning District. 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.

TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards
Lot Dimensions

A. Lot Size (minimum) Density (range) 4,000 SF: 9 – 20 DU/AC (20+ DU/AC requires CUP)
B. Buildable Area - Floor Area Ratio (FAR) for commercial use Outside of all setbacks 0.5
C. Lot Frontage on All Roads (minimum) 45'

Principal Building & Attached Accessory Building Standards

D. Front Yard Setback (minimum) 0' - 20' if Commercial is Principal Use, 5' - 20' if Residential is Principal Use
E. Side Yard Setback (minimum) 5'/10' corner
F. Rear Yard Setback (minimum) 1'

NO.	REVISIONS SINCE INITIAL DATE OF	DATE



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* 09/13/2022
James Kramer, MN License No. 23668 Date

PROJECT NO. KINNV2202

Preliminary Plat of CREEKSIDE COMMUNITY DEVELOPMENT

For property at: NOT YET ASSIGNED
Section 4, Township 133 North, Range 28 West
Crow Wing County, Minnesota

Sheet No. 1 of 1



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: First Reading - Proposed Ordinance 1547 – Amending Section 320 of the City Code – Administrative Citations

AGENDA: Main Agenda

ACTION REQUESTED: Ordinance 1st Reading

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 3 minutes

SUMMARY OF ISSUE:

Ordinance 1524 amended Section 320 of the City Code in April of 2022 and moved the City to a complaint-based enforcement policy for violations of the City Code, Property Maintenance Code, and Zoning Code. Ordinance No. 1524 also amended the citation schedule and abatement process. The challenges with the new ordinance were primarily a result of violations that were previously abated much sooner. Staff heard complaints from residents that abatement was taking too long for grass, garbage, and animal feces.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff presented a review of 2022 code enforcement issues at the January 17th Safety and Public Works Committee and made recommendations to expedite the abatement process for long grass, sidewalk snow removal, garbage, and animal feces. Staff presented City Council with a draft ordinance at the February 6th City Council Meeting. City Council approved a motion with a 6-1 vote to approve the draft ordinance as presented and for staff to bring this draft ordinance as a first reading to the next city council meeting.

RECOMMENDED ACTION/MOTION:

Motion to conduct the first reading of Proposed Ordinance No. 1547

* Note: A vote to dispense with the actual reading of the ordinance must be unanimous.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: n/a

Is this budgeted? (Please Explain) n/a

**ORDINANCE
NO. 1547**

AN ORDINANCE AMENDING SECTION 320, ADMINISTRATIVE CITATIONS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 320.07 of the City Code is hereby amended by adding the following underlined language:

Section 320.07 Administrative Offenses; Schedules of Fines and Fees.

Subd 1. A violation of any provision of the City Code is an administrative offense which may be subject to an administrative citation and civil penalties pursuant to this ordinance.

Subd 2. The schedule of fines for offenses initiated by administrative citation shall be:

- 1st Citation \$100
- 2nd Citation \$200
- 3rd Citation \$300

The City Council is not bound by this schedule when a matter is appealed for administrative review.

Subd 3. 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.

Subd 4. After the issuance of (3) citations, the following nuisance violations shall be administratively abated.

- 1) Garbage & Rubbish
- 2) Grass & Weeds in Excess of 6"
- 3) Animal Feces
- 4) Nuisance on a Public Sidewalks for Snow and Ice

Subd 5. Repeat Offender. If the same owner commits a subsequent violation within 12 months after abatement of the property for the same or similar offense for a violation listed in the above paragraph the following schedule shall be:

- 1st Citation \$300
- Administrative Abatement

The City Council is not bound by this schedule when a matter is appealed for administrative review. Staff may bring repeat offenses to the Safety & Public Works Committee for determination of further action.

Subd 6. The City Council may adopt a schedule of fees to be paid to administrative hearing officers.

Subd 7. The administration of the administrative citation program shall be conducted solely on a complaint driven basis. Offenses of a nature that may result in bodily harm, damage to property, or significant blight may be brought before the Safety & Public Works Committee without a complaint for determination whether to implement the administrative citation program or take other action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council.

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____



Brainerd City Council Agenda Request

MEETING DATE: February 21, 2023

TITLE OF ITEM: First Reading - Proposed Ordinance 1548 - Rezoning Parcel #41160504 (Tract B) to RL-1

AGENDA: Main Agenda

ACTION REQUESTED: Ordinance 1st Reading

SUBMITTED BY: James Kramvik

DEPARTMENT: Community Development

PRESENTER: James Kramvik, CDD

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE:

Natural Resources Management C/O Anderson Brothers, of 11325 State Highway 210, Brainerd, MN 56401, applied to rezone a portion of Parcel# 41160504 lying west of Jordan Road (Tract B) from General Commercial (GC) Zoning District to Rural Living One (RL-1) Zoning District. The purpose of this rezoning is to prepare this section of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL-1) Zoning District.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Planning Commission considered this request at their regularly scheduled meeting on February 15th, and voted 4-1 in favor of recommending approval of this rezoning request.

RECOMMENDED ACTION/MOTION:

Motion to conduct the first reading of Proposed Ordinance No. 1548

* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.

FINANCIAL IMPACT:

Is there a cost associated with this request: No

What is the total cost, with tax and shipping: n/a

Is this budgeted? (Please Explain) n/a

**ORDINANCE
NO. 1548**

**AN ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF BRAINERD**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: The Zoning Map of the City of Brainerd is hereby amended by changing the zoning designation of the property below from a GC (General Commercial) District to a RL-1 (Rural Living One) District:

PIN 41160504 (Tract B)

That part of the Southwest Quarter of the Northwest Quarter (SW ¼-NW¼), Section 16, Township 45, Range 30, Crow Wing County Minnesota, described as follows: Commencing at the northwest corner of said SW¼-NW¼; thence South 03 degrees 49 minutes 56 seconds West, bearing based on the Crow Wing County Coordinate Database NAD83, 580.00 feet along the West line of said SW¼-NW¼ to point B504, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5 according to the recorded plat thereof on file in the Crow Wing County, Minnesota Recorder's Office, the point of beginning of the tract to be described: thence South 47 degrees 16 minutes 48 seconds East 162.36 feet along the right of way line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5 to point B3 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5; thence South 02 degrees 16 minutes 48 seconds East 141.42 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5 to point B2 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5; thence South 42 degrees 43 minutes 12 seconds West 225.28 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5 to point B501 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 18-5; Thence North 03 degrees 49 minutes 56 seconds East 417.90 feet along said west line of the SW¼-NW¼ to the point of beginning. Subject to easements, reservations or restriction of record, if any.

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: February 15, 2023

RE: Rezoning Parcel #41160504 (Tract B) to Rural Living One Zoning District

Natural Resources Management C/O Anderson Brothers, of 11325 State Highway 210, Brainerd, MN 56401, applied to rezone a portion of Parcel# 41160504 lying west of Jordan Road (Tract B) from General Commercial (GC) Zoning District to Rural Living One (RL-1) Zoning District.

Total Area: 6.99 acres
Proposed Tract A: 6.05 acres
Proposed Tract B: 0.86 acres

Adjacent Uses: North: Vacant Property
East: Tractor Trailer Dealership and Repair Shop
Bar & Restaurant
South: Vacant Property
West: Vacant Property

Adjacent Zoning: North: Rural Living One (RL-1)
County – Shoreland District
East: Rural Living One (RL-1)
County – Commercial District 1
South: Rural Living One (RL-1)
West: Rural Living One (RL-1)

Findings of Fact

1. Parcel #41160504 is currently zoned General Commercial (GC) Zoning District. The purpose of this rezoning is to prepare proposed Tract B of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL-1) Zoning District.
2. According to [Section 500-6-1 of the Subdivision Ordinance](#), **Boundary Line Adjustment:** Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.

- a. The City Attorney recommended the submittal of a rezoning application in conjunction with the submittal for a boundary line adjustment.
 - i. The applicant has applied for an administrative boundary line adjustment for the consolidation of proposed Tract B of Parcel 41160505 with parcel 41170515.
 - b. The consolidation of proposed Tract B of Parcel 41160505 with parcel 41170515 meets the lot size standards for the RL-1 Zoning district according to [Section 515-2-4.1 RL-1 and RL-2 Dimensional Standards](#) – Density, Lot Size, Coverage and Height Standards
 - i. The proposed consolidation will result in an approximate 37.23 acre parcel which exceeds the 1 acre minimum requirement.
 - c. The remaining portion of 41160504 (Tract A) meets the lot size standards for the General Commercial (GC) Zoning District according to [Section 515-2-13.1 GC Dimensional Standards](#) – Density, Lot Size, Coverage and Height Standards
 - i. Proposed (Tract A) is 6.05 acres which exceeds the lot size minimum requirement of 15,000 SF.
 - ii. Proposed (Tract A) exceeds the 100' lot frontage requirement on all roads measured at the front yard setback.
3. [Per Section 515-2-4](#) of the Zoning Code the purpose of The RL Districts is intended for areas where Urban Services are not presently available. Lands zoned RL-1 do not currently have Urban Services, but future subdivision may occur when the expansion of Urban Services is economical.
- a. *Both parcel 41160504 and 41170515 are currently vacant properties. The rezoning and consolidation of Tract B with parcel 41170515 would allow for future development and infrastructure. The RL-1 District must be rezoned for most residential, commercial, or industrial uses.*
4. **General Provisions:** The City Council and the Planning Commission shall consider possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
- a. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.
 - i. **Land Use: Goal 2:** *Through thoughtful planning, maintain the unique identity of the city and all the appropriate land uses that support it.*
 - 1. *Policy 2: Ensure appropriate transitions between rural and urban areas through appropriate land use practices.*
 - b. The proposed use's compatibility with present and future land uses of the area.
 - i. *The proposed rezoning of the parcel is consistent with surrounding parcels and will be consolidated with a parcel currently zoned RL-1. The RL-1 district reserves land for future development and has a density maximum of 4 dwelling units per acre.*
 - c. The proposed use's effect upon the area in which it is proposed.

- i. There is no proposed use as part of this rezoning application. Future uses of the property will most likely require a rezoning for uses other than single family homes and accessory uses to single family homes. Other uses allowed in the RL-1 district as permitted or conditional include Bed and Breakfasts, Commercial Animal Kennels, Agricultural Uses, Commercial Daycare Facilities, Commercial Riding Stables, Greenhouses, Places of Worship, Schools, Public Recreation Buildings, Community Centers, Mining and Extraction ect. A full list of uses can be found in [Appendix A: Table of Uses](#).*
- d. Traffic generation of the proposed use in relation to capabilities of streets serving the property.
 - i. This parcel is situated along a on major state highway and can account for increased traffic.*
- e. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.
 - i. There is currently no proposed use for this property. The applicant proposes consolidation of parcel 41160504 Tract B with parcel 41170515. The newly proposed consolidated property will require a plat and development agreement with the City for any future sub-divisions of greater than two parcels. At the time of the development agreement, the City can ensure that infrastructure is in place for increased density.*
- f. Approval of a proposed Zoning Map amendment which changes all or part of the existing classification of a zoning district from Residential to Commercial, Industrial, or Planned Unit Development that allows for commercial or industrial uses shall require a two-thirds (2/3) vote of the City Council.
 - i. The proposed rezoning is converting parcel 41170515 (Tract B) from a commercial zoning district to a residential zoning district. This will require a simple majority vote from City Council.*
- g. The amendment shall not become effective until such time as the City Council approves an Ordinance reflecting said amendment and one (1) week after said Ordinance is published in the official newspaper.

As of this writing, no one has contacted the Community Development Department with concerns about the Rezoning application for the Parcel #41160504 on State Highway 210 in Brainerd, MN.

Staff Recommendation:

- 1) Hold a public hearing.
- 2) Staff recommends approval of rezoning Tract B of parcel 41160504 from General Commercial Zoning District to Rural Living One Zoning District.



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: TBD State Highway 210

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Natural Resources Management C/O Anderson Brothers

Street Address: 11325 State Highway 210 City: Brainerd State: MN Zip Code 56401

Phone Number: 218-838-8772 Fax: _____ E-mail: tim.miller@closeconverse.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Requesting a Rezone from GC to RL-1 for the remnant parcel lying west of Jordan Road

Property Owner Signature

James A. Anderson
(Please print name)

1-10-23
Date

Applicant Signature

Date

(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Natural Resources Management C/O Anderson Brothers has submitted a request for a rezoning from General Commercial (GC) Zoning District to Rural Living One (RL-1) Zoning District for the section of Parcel #41160504 lying due west of the intersection of State Highway 210 and Jordan Rd. The purpose of this rezoning is to prepare this section of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL-1) Zoning District. The property included in this application is described as:

THAT PT OF THE SWNW LYING N & W OF STATE AID HWY 210, AS SAID HWY IS DESC IN BK 89 OF DEEDS PG 1, EXCEPT THAT PT THEREOF DESC AS FOLLOWS; BEG AT A POINT WHERE THE W LINE OF STATE HWY #210, AS DESC IN BK 89 OF DEEDS PG 1, INTERSECTS THE N LINE OF SAID SWNW, THENCE SW'LY ALG THE W LINE OF STATE HWY #210 FOR A DIST OF 36 RODS, THENCE NW'LY AT RIGHT ANGLE TO THE W LINE OF STATE HWY TRUNK #210 FOR A DIST OF 9 RODS, THENCE NE'LY PARALLEL TO THE W LINE OF STATE TRUNK HWY #210 TO THE N LINE OF SAID SWNW, THENCE E'LY ALG SAID N LINE TO THE POB. AND ALSO EXCEPT PARCEL 230A ON MN DEPT OF TRANSPORTATION ROW PLAT 18-5 AND ALSO EXCEPT PARCEL 230C ON MN DEPT OF TRANSPORTATION ROW PLAT 18-17. SUBJ TO AN ESMNT OF RECORD.

P.I.N. 41160504

Section 16, Township 45, Range 30

The application and property survey on the proposed rezoning are 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, February 15th, 2023, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the rezoning this property.

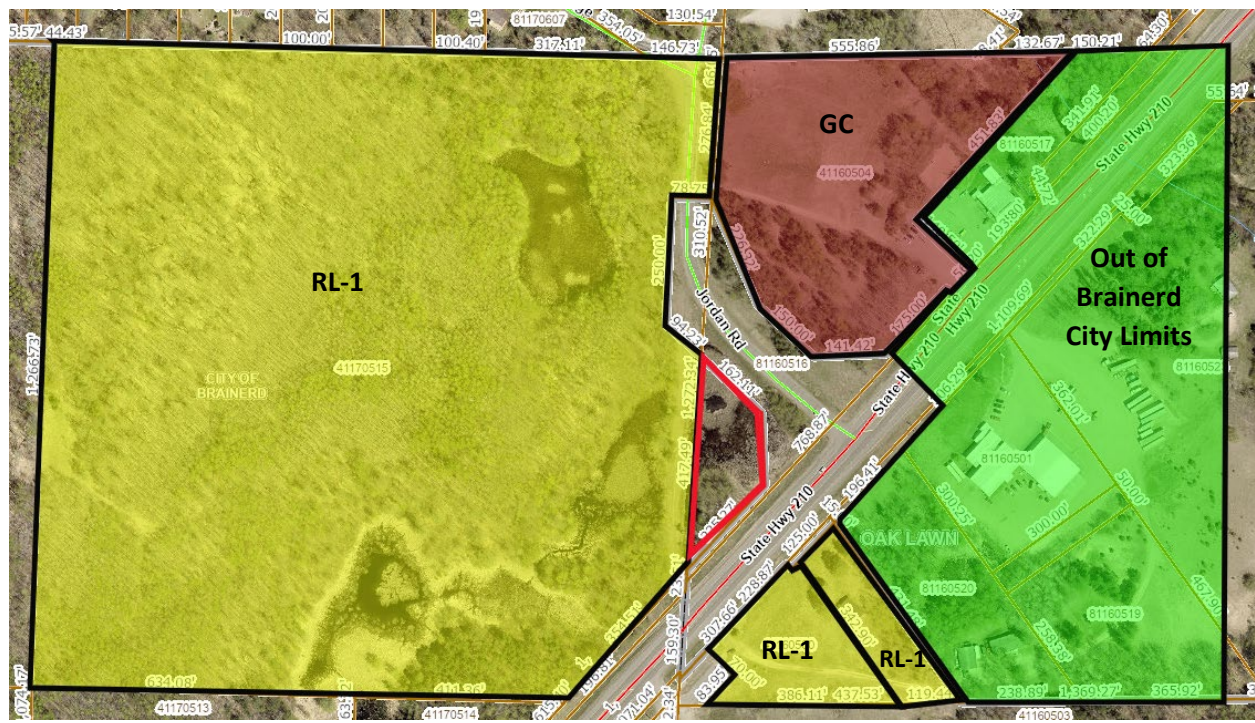
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 1st day of February 2023



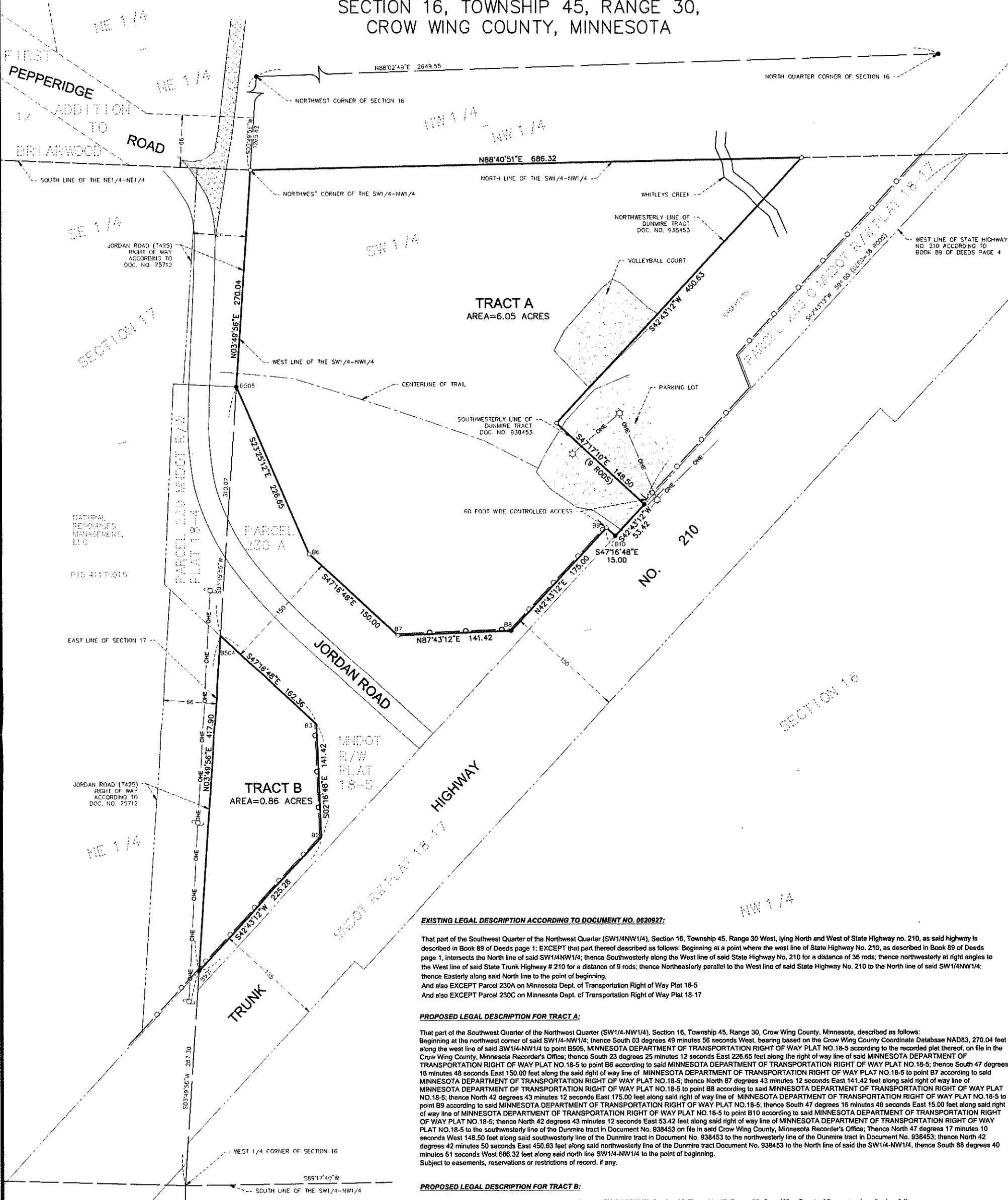
James Kramvik,
Community Development Director

Publication Date: February 4th, 2023



CERTIFICATE OF SURVEY

PART OF THE SW1/4-NW1/4
SECTION 16, TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



EXISTING LEGAL DESCRIPTION ACCORDING TO DOCUMENT NO. 0620927:

That part of the Southwest Quarter of the Northwest Quarter (SW1/4-NW1/4), Section 16, Township 45, Range 30 West, lying North and West of State Highway no. 210, as said highway is described in Book 89 of Deeds page 1; EXCEPT that part thereof described as follows: Beginning at a point where the west line of State Highway No. 210, as described in Book 89 of Deeds page 1, intersects the North line of said SW1/4-NW1/4; thence Southwesterly along the West line of said State Highway No. 210 for a distance of 36 rods; thence northwesterly at right angles to the West line of said State Trunk Highway # 210 for a distance of 9 rods; thence Northeasterly parallel to the West line of said State Highway No. 210 to the North line of said SW1/4-NW1/4; thence Easterly along said North line to the point of beginning.
And also EXCEPT Parcel 230A on Minnesota Dept. of Transportation Right of Way Plat 18-5
And also EXCEPT Parcel 230C on Minnesota Dept. of Transportation Right of Way Plat 18-17

PROPOSED LEGAL DESCRIPTION FOR TRACT A:

That part of the Southwest Quarter of the Northwest Quarter (SW1/4-NW1/4), Section 16, Township 45, Range 30, Crow Wing County, Minnesota, described as follows:
Beginning at the northwest corner of said SW1/4-NW1/4; thence South 03 degrees 49 minutes 56 seconds West, bearing based on the Crow Wing County Coordinate Database NAD83, 270.04 feet along the west line of said SW1/4-NW1/4 to point B505, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 according to the recorded plat thereof, on file in the Crow Wing County, Minnesota Recorder's Office; thence South 23 degrees 25 minutes 12 seconds East 226.65 feet along the right of way line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B6 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence South 47 degrees 16 minutes 48 seconds East 150.00 feet along the said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B7 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence North 87 degrees 43 minutes 12 seconds East 141.42 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B8 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence North 42 degrees 43 minutes 12 seconds East 175.00 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B9 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence South 47 degrees 16 minutes 48 seconds East 15.00 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B10 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence North 42 degrees 43 minutes 12 seconds East 53.42 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to the southwesterly line of the Dunmire tract in Document No. 938453 on file in said Crow Wing County, Minnesota Recorder's Office; thence North 47 degrees 17 minutes 10 seconds West 148.50 feet along said southwesterly line of the Dunmire tract in Document No. 938453 to the northwesterly line of the Dunmire tract in Document No. 938453; thence North 42 degrees 42 minutes 50 seconds East 450.63 feet along said northwesterly line of the Dunmire tract Document No. 938453 to the North line of said the SW1/4-NW1/4, thence South 88 degrees 40 minutes 51 seconds West 686.32 feet along said north line SW1/4-NW1/4 to the point of beginning.
Subject to easements, reservations or restrictions of record, if any.

PROPOSED LEGAL DESCRIPTION FOR TRACT B:

That part of the Southwest Quarter of the Northwest Quarter (SW1/4-NW1/4), Section 16, Township 45, Range 30, Crow Wing County, Minnesota, described as follows:
Commencing at the northwest corner of said SW1/4-NW1/4; thence South 03 degrees 49 minutes 56 seconds West, bearing based on the Crow Wing County Coordinate Database NAD83, 580.11 feet along the West line of said SW1/4-NW1/4 to point B504, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 according to the recorded plat thereof on file in the Crow Wing County, Minnesota Recorder's Office, the point of beginning of the tract to be described; thence South 47 degrees 16 minutes 48 seconds East 162.36 feet along the right of way line of said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B3 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence South 02 degrees 16 minutes 48 seconds East 141.42 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B2 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; thence South 42 degrees 43 minutes 12 seconds West 225.28 feet along said right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5 to point B501 according to said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO.18-5; Thence North 03 degrees 49 minutes 56 seconds East 417.90 feet along said west line of the SW1/4-NW1/4 to the point of beginning.
Subject to easements, reservations or restrictions of record, if any.

SURVEYOR'S NOTES:

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR OPINION. THERE MAY BE EASEMENTS OR OTHER LIMITING FACTORS NOT SHOWN ON THIS SURVEY WHICH AFFECT THE SUBJECT PROPERTY.

SUBJECT PROPERTY IS LOCATED WITHIN THE GENERAL COMMERCIAL ZONING ORDINANCE

THE PID FOR THE SUBJECT PROPERTY IS 41150504

THE UTILITIES SHOWN ON THIS SURVEY ARE ACCORDING TO VISIBLE EVIDENCE ONLY. WIDSETH ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS AND ACCURACIES OF THE LOCATIONS. FURTHER LOCATIONS AND VERIFICATIONS ARE RECOMMENDED BEFORE ANY CONSTRUCTION OR EXCAVATION.

TRACT B IS NOT INTENDED TO BE A STAND ALONE PARCEL. IT IS INTENDED TO BE COMBINED WITH PARCEL TO THE WEST PID 41170515 FOLLOWING THE REZONING PROCESS THROUGH THE CITY OF BRAINERD

FOR THE PURPOSE OF THIS SURVEY A WETLAND DELINEATION WAS NEITHER REQUESTED NOR PERFORMED



0 60 120
SCALE (IN FEET)

ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE CROW WING COUNTY
COORDINATE DATABASE NAD 83

- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 41643
- ☆ DENOTES LIGHT POLE
- DENOTES POWER POLE
- DENOTES ACCESS CONTROL TO THE STATE OF MINNESOTA
- OHE — DENOTES OVERHEAD ELECTRIC LINE
- DENOTES GRAVEL/ SAND SURFACE
- DENOTES BITUMINOUS SURFACE

DATE	12-8-2022	DATE		AMENDMENTS		BY		PREPARED FOR: CLOSE CONVERSE / NATURAL RESOURCES MANAGEMENT, LLC
SCALE:	AS SHOWN							I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA
DRAWN BY:	ABS							
CHECKED BY:	CMC							CHAD M. CONNER
FILE NUMBER:	2022-11938							DATE: 12-15-2022 LIC. NO. 41643

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS