



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

# MEMO

**TO: SAFETY & PUBLIC WORKS COMMITTEE**

**FROM: POLICE CHIEF MCQUISTON**

**DATE: MARCH 11<sup>TH</sup>, 2019**

**RE: RENTAL DWELLING LICENSE---702 SOUTH 9<sup>TH</sup> STREET**

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Pursuant to Section 425.2020 of the City of Brainerd Rental Housing Maintenance Code, the Police Department is recommending the City Council take action to Revoke or Suspend the Rental Dwelling License issued for 702 South 9<sup>th</sup> Street. This is a two-unit licensed rental property listed to Dwayne R. Eilers II, of Waterloo, Iowa.

The Police Department makes this recommendation based upon the following:

1. On December 18<sup>th</sup>, 2018, the Brainerd Police Department issued a request for a Written Management Plan from Dwayne Eilers after instances of Disorderly Use of the License Property occurred there on December 9<sup>th</sup>, 2018, for a Nosis Complaint, and a Noise Complaint on August 9<sup>th</sup>, 2018.
2. Brainerd City Code Section 425.2020 (d), requires that if another instance of disorderly use of licensed property occurs within 12 months of notice of a previous incident "*the licensee shall then submit a written management plan to the Brainerd Police Department within ten (10) days of receipt of the notice of disorderly use of the premises.*"
3. On January 2<sup>nd</sup>, 2019, Police Chief McQuiston telephoned Eilers to confirm he had received the notice and inquire about the status of his Written Management Plan. Eilers told McQuiston that Eilers had contacted his attorney and Eilers **would not** be submitting a Written Management Plan.
4. McQuiston explained the components of an acceptable Written Management Plan to Eilers and Eilers **repeatedly stated he would not** submit a plan and threatened litigation against the city if any action was taken on his rental license.

5. No Written Management Plan has been received by the police department.
6. Since the request for the Written Management Plan on December 18<sup>th</sup>, 2018, police have responded to **45 calls** at that location, of which **at least 23** were incidents that **would constitute disorderly use** of the licensed premises.
7. Brainerd City Code 425.2020 (e) sites that *“If another instance of disorderly use of the licensed premises occurs within eighteen (18) months if the premises contains between one (1) and six (6) distinct and separate residential units, after the second of any two (2) previous instance of disorderly use for which notices were sent to the licensee.....**the rental license for the premises may be denied, revoked, suspended, or not renewed.**”*
8. For this 2-unit rental property, the past 39-month police call history report to this property shows **80 police calls** (see attached list) from January 2016 through March of 2019. Of these 80 police calls related to the property, **42 involve** situations of disturbances, noise complaints, or domestic disputes. Approximately **60 police calls** have occurred in the past **8 months**.
9. Ownership has demonstrated a clear history of inadequate screening and management of this property necessary to provide a safe environment. The tenant involved in these current police calls has public court records showing evictions dated in Crow Wing County in 2013 and 2015. This same tenant was a resident at 217 South 7<sup>th</sup> Street when the City acted on the rental property license there in 2017. This tenant also shows numerous criminal convictions on public court records including local felony drug charges in 2017. A prior tenant was a predatory offender and convicted felon.

Based upon this information, the police department would recommend that the City Council move to take action on the dwelling rental license involved with this property by way of revoking or suspending the license.

If the City Council approves taking action on this rental dwelling license, Ordinances 425.1940, 425.1950, and 425.1960, outline the notification and appeals process governing this procedure.

Please contact me if you have questions regarding this.

Thank you.

Brainerd Police Calls 702 South 9 <sup>th</sup> Street		Reporting Period: 01/01/2016—03/11/2019 Results: 80			
ICR	Title	Date Reported	House #	St Prefix	St Name
16003704	Warrant Service Atmpt	2016-03-23	702	S	9th St
16004458	Child Maltreatment	2016-04-07	702	S	9th Street
16004744	Child Maltreatment	2016-04-13	702	S	9th St
16006701	Theft	2016-05-20	702	S	9th St
16008696	Animal Complaint	2016-06-28	702	S	9th St
16008788	Extra Patrol	2016-06-30	702	S	9th St
16008795	Burglary In Prog	2016-06-30	702	S	9th St
16009867	Damage To Property	2016-07-21	702	S	9th St
16011494	Welfare Check	2016-08-22	702	S	9th St
16012286	Compliance Check	2016-09-06	702	S	9th St
16012680	Child Maltreatment	2016-09-14	702	S	9th St
16014221	Death	2016-10-17	702	S	9th St
<b>16014270</b>	<b>Noise Complaint</b>	2016-10-17	702	S	9th St
16014307	Conduct on Premises	2016-10-18	702	S	9th St
<b>16014355</b>	<b>Disturbance</b>	2016-10-19	702	S	9th St
17002819	Compliance Check	2017-02-28	702	S	9th St
17011871	Ems	2017-08-23	702	S	9th St
17012062	Compliance Check	2017-08-26	702	S	9th St
18002188	Compliance Check	2018-02-15	702	S	9th St
<b>18002189</b>	<b>Warrant CWC</b>	2018-02-15	702	S	9th St
<b>18011147</b>	<b>Noise Complaint</b>	2018-08-09	702 1/2	S	9th St
18011159	Conduct on Premises	2018-08-10	702	S	9th St
18012489	Missing Persons	2018-09-06	702 1/2	S	9th St
<b>18012935</b>	<b>Domestic</b>	2018-09-14	702 1/2	S	9th St
18014484	Suspicious Activity	2018-10-16	702	S	9th St
18014505	Welfare Check	2018-10-16	702	S	9th St
<b>18015792</b>	<b>Domestic</b>	2018-11-14	702 1/2		9th St
18015849	Prowler	2018-11-15	702	S	9th St
<b>18015893</b>	<b>Domestic</b>	2018-11-16	702 1/2	S	9th St
18016656	Missing Persons	2018-12-02	702 1/2	S	9th St
18016765	Information	2018-12-04	702 1/2	S	9th St
<b>18017004</b>	<b>Disturbance</b>	2018-12-09	702	S	9th St
18017007	Conduct on Premises	2018-12-09	702	S	9th St
18017682	Missing Persons	2018-12-22	702	S	9th St

18017686	Domestic	2018-12-22	702	S	9th St
18017703	Domestic	2018-12-22	702 1/2	S	9th St
18017707	Domestic	2018-12-22	702 1/2	S	9th St
18017717	Noise Complaint	2018-12-23	702	S	9th St
18017718	Conduct on Premises	2018-12-23	702 1/2	S	9th St
18017721	Domestic	2018-12-23	702	S	9th St
18017757	Disturbance	2018-12-24	702	S	9th St
19000414	Disturbance	2019-01-09	702 1/2	S	9th St
19000417	Disturbance	2019-01-09	702 1/2	S	9th St
19000548	Compliance Check	2019-01-12	702	S	9th St
19000883	Disturbance	2019-01-19	702 1/2	S	9th St
19000884	Conduct on Premises	2019-01-19	702	S	9th St
19000896	Disturbance	2019-01-19	702 1/2	S	9th St
19000928	Noise Complaint	2019-01-21	702 1/2	S	9th St
19000930	Noise Complaint	2019-01-21	702 1/2	S	9th St
19000931	Noise Complaint	2019-01-21	702 1/2	S	9th St
19000953	Domestic	2019-01-21	702	S	9th St
19001234	Burglary	2019-01-28	702 1/2	S	9th St
19001274	Extra Patrol	2019-01-28	702 1/2	S	9th St
19001297	Welfare Check	2019-01-29	702 1/2	S	9th St
19001300	Animal Complaint	2019-01-29	702	S	9th St
19001319	Noise Complaint	2019-01-29	702 1/2	S	9th St
19001321	Noise Complaint	2019-01-29	702 1/2	S	9th St
19001340	Victim Notification	2019-01-30	702	S	9th St
19001347	Threats	2019-01-30	702	S	9th St
19001351	Disturbance	2019-01-30	702	S	9th St
19001354	Disturbance	2019-01-30	702 1/2	S	9th St
19001361	Conduct on Premises	2019-01-30	702 1/2	S	9th Street
19001647	Domestic	2019-02-06	702	S	9th St
19001648	Domestic	2019-02-06	702	S	9th St
19001682	Disturbance	2019-02-07	702	S	9th St
19001685	Conduct on Premises	2019-02-07	702	S	9th St
19001794	Disturbance	2019-02-09	702 1/2	S	9th St
19001878	Domestic	2019-02-11	702	S	9th St
19002091	Disturbance	2019-02-17	702	S	9th St
19002095	Disturbance	2019-02-17	702	S	9th St
19002263	Domestic	2019-02-21	702	S	9th St

<b>19002284</b>	<b>Disturbance</b>	2019-02-21	702	S	9th St
<b>19002301</b>	<b>Noise Complaint</b>	2019-02-21	702 1/2	S	9th St
19002378	Ems	2019-02-24	702	S	9th St
<b>19002388</b>	<b>Disturbance</b>	2019-02-24	702 1/2	S	9th St
<b>19002592</b>	<b>Domestic</b>	2019-03-01	702	S	9th St
<b>19002675</b>	<b>Noise Complaint</b>	2019-03-03	702 1/2	S	9th St
<b>19002677</b>	<b>Noise Complaint</b>	2019-03-03	702 1/2	S	9th St
<b>19002678</b>	<b>Noise Complaint</b>	2019-03-03	702 1/2	S	9th St
<b>19003028</b>	<b>Domestic</b>	2019-03-11	702	S	9th St