



City of  
**BRAHAM**

"Building A Better Tomorrow"

201 Broadway Avenue South  
PO Box 521  
Braham, MN 55006  
Phone: 320.396.3383  
Fax: 320.396.3478

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Meeting: April 24, 2023

Prepared by: Rachel Kytonen, City Administrator

**Background**

The city received a request from Anthony Cuda with Cuda Holdings LLC, owner of Braham Hardware and Rental, to be able to sell and service motorcycles, and possibly sell and service ATVs and snowmobiles. Under the city's zoning code, due to the zoning district of the hardware store located at 104 Central Drive West, which is the Central Business District, this type of business activity requires a conditional use permit.

The hours of operation for this business activity will be Monday through Saturday from 8 a.m. to 6 p.m. and Sunday from 4 to 9 p.m. A photo of the type of motorcycle planned to be sold is attached.

All the public hearing notice requirements have been met and all property owners within 350 feet were notified.

The Planning Commission will review the request and hold a public hearing at 4:30 p.m. on Monday, April 24. Following the Planning Commission meeting, the City Council will meet at 5:15 p.m. that same evening for final consideration of the Conditional Use Permit request.

Braham Planning Commission Minutes  
January 23, 2023

Members present: Loren Davis, Cheryl Fike, and Sam Stigen.

Members absent: Jay Mankie

Staff present: Linda Woulfe, Braham Administrative Consultant

Chair Davis called the meeting to order at 5:00 pm and led the Commission in the Pledge of Allegiance.

**Approval of Minutes**

A motion was made by Stigen, seconded by Fike, to approve the August 23, 2022 minutes as presented. The motion carried unanimously.

**Vacancy Appointments**

Davis indicated the City has received two applications for the vacant Planning Commission seat created by Alan Taylor's resignation. The Commission interviewed the two candidates - Karen Knowles and Melinda LaQuier. The applicants discussed what the role of the Planning Commission is, the purpose of the zoning code, how the individual would make decisions upholding the City's standards, prior experience, volunteer experience, and ability to attend meetings.

After interviewing the candidates and considerable discussion on the qualifications of both candidates, Stigen moved, seconded by Davis, to recommend the City Council appoint Melinda LaQuier to the Planning Commission. The motion carried unanimously.

**Ordinance Allowing Chickens in Residential Districts**

Woulfe stated the Commission has previously considered this issue at its August 23, 2022 meeting. Woulfe noted there have been a few inquiries from city residents about wanting to have chickens for food purposes and many cities around Braham allow this. The Planning Commission reviewed an ordinance from the City of Stacy that permits the keeping of chickens in single-family residential districts. Commission members felt the ordinance was very straight forward, easy to understand, and is simple to enforce.

During the discussions, Planning Commission members felt it was important to charge a fee that would cover city costs and recommended a fee of \$150. Members stated this would be a one-time fee for the address where the applicant is currently living. If applicant moves, the coop and run/ exercise yard would need to be removed from the property. If the applicant wishes to have chickens again in their new location, a new application will need to be filled out and the application fee would be required again.

Woulfe stated enforcement of this ordinance would fall under Braham's police department as a code enforcement issue. Commission members felt it was important not to require banding, not permitting roosters, permitting it only in the single-family residential district, and not permit the selling of eggs to the general public.

Stigen moved, seconded by Davis, to recommend the following language governing chickens in residential areas, the application form used by the City of Mora, and stating the Braham Police Department will do the on-site inspections to the City Council for their consideration and approval:

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COOP. An enclosed structure where female chickens are kept, including nest boxes for egg-laying and perches on which hens can sleep.

PEN. A fully fenced in area attached to the coop in which the female chickens have exposure to outside elements.

(B) The keeping of domesticated chickens is permitted in R-1 zoning districts subject to the following requirements:

- (1) Any person wishing to keep chickens in the city on a property shall submit an application and site map to keep domesticated chickens within the city limits. If the application is approved, a permit will be issued as long as the applicant adheres to the following rules:
- (2) The principal use of the property shall be single-family residential, under R-1 zoning districts only;
- (3) The property shall contain no more than one occupied, single-family structure. Chickens shall not be permitted on vacant properties;
- (4) The number of chickens per parcel shall be limited as follows:
  - (a) Less than one acre: maximum of five chickens; and
  - (b) One acre or more: maximum of ten chickens;
- (5) No person shall keep a rooster;
- (6) All chickens shall be of the subspecies *Gallus domesticus* and tolerant of local climate conditions;
- (7) Chickens shall not be kept inside the principal structure;

- (8) No person shall slaughter chickens in public view or in the open;
- (9) Chicken coops and attached exercise pens shall be provided for all chickens;
- (10) Coops and pens shall be fully enclosed (including overhead) and constructed of durable materials;
- (11) The floor area of the coop shall be a minimum of two square feet in area per chicken;
- (12) The floor area of the attached pen shall be a minimum of six square feet in area per chicken;
- (13) Coops and pens shall meet all accessory structure setback requirements as outlined in § 154.280;
- (14) Coops and pens shall be located in rear yards only;
- (15) The total square footage of coop and attached pen combined shall not exceed the following accessory structure requirements on parcels sized as follows:
  - (a) Less than one acre: maximum of 50 square feet; and
  - (b) One acre or more: maximum of 100 square feet;
- (16) Chickens shall be kept in coops and/or pens at all times;
- (17) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;
- (18) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on at least a weekly basis;
- (19) Disposal of dead chickens shall be done in a manner consistent with all applicable laws and regulations;
- (20) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the city;
- (21) The sale of the eggs from chickens is allowed as long as the rules are followed under the Minnesota Department of Agriculture.
- (22) The city may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the certificate of compliance and the city code; and

(23) Any person wishing to keep chickens pursuant to this section shall pay an initial application and site review fee in the amount set forth in the city's fee schedule.

§ 92.99 PENALTY.

(A) Any violation of this chapter is a misdemeanor. Each day on which the violation continues shall constitute a separate offense.

(B) The permit to keep domesticated chickens can be revoked by the Braham Police Department for failing to adhere to the requirements of §92.10. Continued failure to adhere to the requirements of § 92.10 shall constitute a misdemeanor punishable as provided in §10.99.

The motion carried unanimously.

**Adjournment**

Fike moved, seconded by Stigen, to adjourn the meeting at 5:53 pm. The motion carried unanimously.

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Loren Davis, Chair

Attest:

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Rachel Kytonen, City Administrator

Braham Planning Commission Minutes  
March 16, 2023

Members present: Loren Davis, Cheryl Fike, Melinda LaQuier, Jay Mankie, and Sam Stigen.

Members absent: None.

Staff present: Rachel Kytonen, City Administrator

Chair Davis called the meeting to order at 4:30 pm and led the Commission in the Pledge of Allegiance.

**Resolution 23-17 – Sale of Property in City’s Industrial Park**

Kytonen explained the city has received a request from East Central Energy to purchase Lots 3, 4, 5 and 6 in the Braham Industrial Park (PIDs 20.00210.00; 20.00215.00; 20.00220.00; 20.00225.00). East Central Energy was awarded \$15 million in broadband grants in December and this development will be used for them to support their broadband business.

Lot 3, in Block 1 of the Braham Industrial Park is 3.51 acres; Lot 4 is 1.54 acres; Lot 5 is 1.41 acres; and Lot 6 is 3.49 acres. Lot 6 is the city’s compost site, and the compost site will close with the sale of this property. Kytonen noted the city is discussing options regarding the compost site to see if another location could be used for a compost site, and does the city want to expend funds to build another compost site.

East Central Energy is proposing to build a 25,000 square foot building. Approximately 20,000 square feet will be used for warehousing and storage while 5,000 square feet will be used for office space. East Central Energy estimates 20 to 30 jobs will be created with this development.

Davis moved, seconded by Stigen, to approve Resolution 23-17 as presented. The motion carried unanimously.

**Resolution 23-18 – Formation of TIF District No. 2-11 in the City’s Industrial Park**

Kytonen explained cities can utilize tax increment financing districts to help promote economic development within the City. When a TIF District is created, a base valuation of the property in that area is established. All taxing authorities continue to receive tax revenue from the base valuation. Taxes from increases in assessed value go to the TIF account and pay debt or other financial obligations necessary to complete the development project. After the obligations are met, the TIF District closes, and all taxing authorities benefit from the new, higher valuation.

State law permits increments to be collected for eight years after the receipt of the first increment. Minn. Stat. § 469.176, subd. 1b (4). Thus, counting the first year of increment, nine years of increment may be collected. Waiver or declining to accept increments has no effect on the duration limit; the waived increments are treated as received for purposes of the duration limit.

After the City collects its TIF reimbursement, the TIF district will be decertified, and the full value of the improvements made to the property will come onto the tax rolls. This increases Braham's tax base.

Kytonen said the maximum amount of the TIF district is \$1,096,902, to be collected over nine years. However, if that maximum amount is not needed, the figure could be lowered and the TIF could be paid back in a shorter amount of time.

Davis explained since the purchase agreement will be signed between the city and East Central Energy this year in 2023, the taxes paid in 2024 will be based off the valuation of land in 2023. So the first year the city will see TIF for the East Central Energy project will be in 2025.

Mankie asked about the road access. Davis said the cul de sac has always been on the city's plan, but East Central Energy will basically be building a driveway straight into their building. Kytonen noted the water and sewer access will come from the connection where the fire hydrant is currently located.

Mankie asked about the fiber connection. He said Genesis Wireless has an agreement with the city, and asked if East Central Energy will need the fiber connection extended as well. Kytonen said discussions with East Central Energy have not addressed that yet but will come up in future discussions.

Davis moved, seconded by Fike, to approve Resolution 23-18 as presented. The motion carried unanimously.

### **Adjournment**

Davis moved, seconded by Stigen, to adjourn the meeting at 4:50 pm. The motion carried unanimously.

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Loren Davis, Chair

Attest:

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Rachel Kytonen, City Administrator

## RESOLUTION 23-23

*A Resolution Approving a Conditional Use Permit for Cuda Holdings LLC, 104 Central Drive West, to Service and Sell Motorcycles, ATVs and Snowmobiles*

**WHEREAS**, Cuda Holdings LLC, 104 Central Drive West, Braham, MN, 55006, owner of the property located at:

The South 164 feet of Lots 3 and 4, Block 3, Original Townsite of the Village of Braham, excepting the following described tract, to-wit: Commencing at the Southeast corner of said Lot 3, Block 3, Original Townsite of Braham, thence West on the South line of Lot 3, 34 feet, thence North parallel with the East line of said Lot 3, 90 feet; thence East parallel with the South line of said Lot 3, 30 feet; thence North parallel with the East line of said Lot 3, 74 feet; thence East parallel with the South line of said Lot 3, 4 feet; thence South on the East line of Lot 3, 164 feet to the point of commencement of said exception and there to terminate.

has applied for a conditional use permit to allow for the service and sale of motorcycles, ATVs and snowmobiles; and

**WHEREAS**, the Planning Agency of the City, on the 24<sup>th</sup> day of April, 2023, following proper notice, held a public hearing to review the Conditional Use Permit request and made a recommendation to approve the request as long as the conditions can be met; and

**WHEREAS**, the City Council, on the 24<sup>th</sup> day of April, 2023, reviewed the Planning Commission's recommendations and information prepared by the Planning Agency of the City and found that the Conditional Use to allow for the service and sale of motorcycles, ATVs and snowmobiles is compatible with the City's Zoning Code and Comprehensive Plan.



**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAHAM, MINNESOTA** approves the Conditional Use Permit to allow for the service and sale of motorcycles, ATVs and snowmobiles at the above forementioned property, as long as the conditions below can be met:

1. Cuda Holdings LLC maintains a valid Minnesota Vehicle Dealer License through the Minnesota Department of Public Safety.
2. Follows all Minnesota State Statutes and the City of Braham’s Zoning Code as it relates to this conditional use.
3. All sides must be enclosed if there is any outdoor storage so as not to be visible to any adjacent properties.
4. Secure a change of occupancy permit (if needed) or any other building permits as required.

Passed by the City Council of Braham, Minnesota, this 24<sup>th</sup> day of April, 2023.

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Nathanial W. George, Mayor

Attested:

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Rachel Kytönen, City Administrator

**AFFIDAVIT OF MAILING**

**STATE OF MINNESOTA )**  
**)**  
**COUNCIL OF BRAHAM )**

Rachel Kytonen, being first duly sworn, deposes and says:

I am a United States citizen, and the City Administrator for the City of Braham. On behalf of said City, I deposited in the United States Post Office in Braham, Minnesota, the attached letter, enclosed in a sealed envelope with postage thereon fully prepaid addressed to the following person(s) at the address(es) appearing opposite their respective name(s):

**NAME:**

**ADDRESS:**

<b>FRANSEN BANK &amp; TRUST</b>	<b>PO BOX 9</b>	<b>BRAHAM MN 55006</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>A &amp; A INVESTMENT LLC</b>	<b>16073 70TH PLACE N</b>	<b>MAPLE GROVE MN 55311</b>
<b>SYDNEY WORCESTER</b>	<b>115 CHERRY AVE N</b>	<b>BRAHAM MN 55006</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>SCF RC FUNDING IV LLC</b>	<b>PO BOX 191</b>	<b>AVON MN 56310</b>
<b>THE AMBLE GROUP PROPERTIES LLC</b>	<b>46 33RD AVE N</b>	<b>SAINT CLOUD MN 56303</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>MICHAEL P DAVIS</b>	<b>PO BOX 481</b>	<b>BRAHAM MN 55006</b>
<b>REBECCA HEHN</b>	<b>109 CHERRY AVE N</b>	<b>BRAHAM MN 55006</b>
<b>JOSEPH PASS</b>	<b>204 BEECHWOOD AVE N</b>	<b>BRAHAM MN 55006</b>
<b>CLINTON LUNDEEN</b>	<b>32545 FLANDERS ST NE</b>	<b>CAMBRIDGE MN 55008</b>
<b>DAVID E DEVITO</b>	<b>1941 113TH AVE</b>	<b>MORA MN 55051</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>DAVID R BLOM</b>	<b>116 BEECHWOOD AVE N</b>	<b>BRAHAM MN 55006</b>
<b>KAREN J RAPACKKE</b>	<b>PO BOX 306</b>	<b>BRAHAM MN 55006</b>
<b>JAY L STANCE LLC</b>	<b>PO BOX 31</b>	<b>BRAHAM MN 55006</b>
<b>A &amp; A INVESTMENT LLC</b>	<b>16073 70TH PLACE N</b>	<b>MAPLE GROVE MN 55311</b>
<b>MICHAEL J REILLY</b>	<b>50955 ACACIA TRL</b>	<b>STANCHFIELD MN 55080-5132</b>
<b>BRAHAM CUSTOM MEAT &amp; RETAIL LLC</b>	<b>PO BOX 100</b>	<b>ISANTI MN 55040</b>
<b>CUDA HOLDINGS LLC</b>	<b>421 ELMHURST AVE N</b>	<b>BRAHAM MN 55006</b>
<b>NMW PROPERTY MANAGEMENT LLC</b>	<b>PO BOX 125</b>	<b>BRAHAM MN 55006</b>

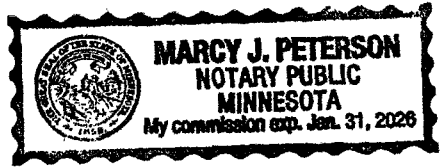
<b>THE AMBLE GROUP PROPERTIES LLC</b>	<b>46 33RD AVE N</b>	<b>SAINT CLOUD MN 56303</b>
<b>BRF HOLDINGS</b>	<b>1441 RAINBOW ST</b>	<b>GRASSTON MN 55030</b>
<b>BRF HOLDINGS</b>	<b>1441 RAINBOW ST</b>	<b>GRASSTON MN 55030</b>
<b>JACK D ALLEN</b>	<b>30054 WILDWOOD RD</b>	<b>BROOK PARK MN 55007</b>
<b>MICHAEL REILLY</b>	<b>50955 ACACIA TR</b>	<b>STANCHFIELD MN 55080-5132</b>
<b>TUSEN TACK</b>	<b>PO BOX 214</b>	<b>BRAHAM MN 55006</b>
<b>KATHLEEN M HALEY</b>	<b>112 BROADWAY AVE S PO BOX 273</b>	<b>BRAHAM MN 55006</b>
<b>DANIEL R ETHEN</b>	<b>PO BOX 325</b>	<b>BRAHAM MN 55006</b>
<b>JOHN STALOCH</b>	<b>1715 BADGER BLVD W</b>	<b>STANCHFIELD MN 55080</b>
<b>CROSS PINE HOLDINGS LLC</b>	<b>17040 EDGEWATER RD</b>	<b>PINE CITY MN 55063</b>
<b>CORNERSTONE APARTMENTS &amp; RETAIL LLC</b>	<b>PO BOX 578</b>	<b>BRAHAM MN 55006</b>
<b>FORTY THREE ACRES LLC</b>	<b>315 522ND ST W</b>	<b>STANCHFIELD MN 55080</b>
<b>PREMIER PROPERTIES OF MN LLC</b>	<b>1305 MOUND TR</b>	<b>HUGO MN 55038</b>
<b>DOUGLAS JOHNSON</b>	<b>42937 MINNIE LAKE DR</b>	<b>EMILY MN 56447</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>SHARON SCHMIDT</b>	<b>114 DOUGLAS AVE N</b>	<b>BRAHAM MN 55006</b>
<b>SOS PROPERTY MANAGEMENT LLC</b>	<b>1387 HIGHWAY 107</b>	<b>GRASSTON MN 55030</b>
<b>DAVID SEGL</b>	<b>117 CENTRAL DR W</b>	<b>BRAHAM MN 55006</b>
<b>KENNETH ETHEN</b>	<b>PO BOX 116</b>	<b>BRAHAM MN 55006</b>
<b>DAVID DEVITO</b>	<b>1941 113TH AVE</b>	<b>MORA MN 55051</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>KTG PROPERTIES, LLC</b>	<b>PO BOX 87</b>	<b>BRAHAM MN 55006</b>
<b>CITY OF BRAHAM</b>	<b>201 BROADWAY AVE S PO BOX 521</b>	<b>BRAHAM MN 55006</b>
<b>DAVID DEVITO</b>	<b>1941 113TH AVE</b>	<b>MORA MN 55051</b>
<b>DAVID DEVITO</b>	<b>1941 113TH AVE</b>	<b>MORA MN 55051</b>

There is a mail delivery service by the United States Post Office between the place of mailing and the places addressed.

Rachel Nytonen  
City Administrator

Subscribed and sworn before me this  
6<sup>th</sup> day of April, 2023.

Marcy Peterson  
Notary Public



# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )  
COUNTY OF ISANTI ) ss

Rhonda Herberg being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

County News Review

with the known office of issue being located in the county of:

ISANTI

with additional circulation in the counties of:  
CHISAGO

and has full knowledge of the facts stated below:

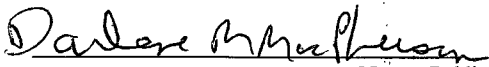
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 04/13/2023 and the last insertion being on 04/13/2023.

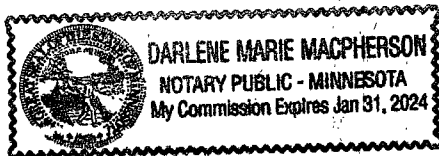
## MORTGAGE FORECLOSURE NOTICES

Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By:   
Designated Agent

Subscribed and sworn to or affirmed before me on 04/13/2023 by Rhonda Herberg.

  
Notary Public



### Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:  
\$999.99 per column inch

Ad ID 1306274

## CITY OF BRAHAM PLANNING COMMISSION PUBLIC HEARING NOTICE APRIL 24, 2023 AT 4:30 PM

Braham's Planning Commission will hold a public hearing on April 24, 2023 at 4:30 pm on a conditional use permit request for 104 Central Drive West, Braham, Minnesota. The conditional use permit request is to allow Tony Cuda, the owner of Braham Hardware and Rental, to sell and service motorcycles, and possibly sell and service ATVs and snowmobiles. The public hearing will be held at Braham City Hall in Council Chambers, 201 Broadway Ave. S., Braham, Minnesota.

Rachel Kytönen  
City Administrator  
(320)496-8709

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