

CITY COUNCIL AGENDA

Brainerd, Minnesota

May 21, 2018

7:30 P.M.

Brainerd City Hall

Council Chambers

1. **Call To Order - 7:30 PM**

2. **Roll Call**

___ G. Johnson ___ S. Hilgart ___ J. Lambert ___ K. Stunek

___ K. Bevans ___ D. Badeaux ___ D. Pritschet ___ Mayor Menk

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 Minutes**

1. Regular Meeting Held on May 7, 2018

Documents:

20180507_CC draft.pdf

B. **Approval Of Licenses**

1. Contractor Licenses - 1 - New; 4 - Renewals

Documents:

2018-05-21 License RPT.pdf

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

Police Chief Report.pdf

- D. **Minnesota Lawful Gambling Application For Exempt Permit - Submitted By The Brainerd Jaycees For An Event To Be Held July 28, 2018 At The Brainerd High School Lower Lot, 400 East River Road, Brainerd**

6. **Council Committee Reports**

A. **Personnel And Finance Committee**

Documents:

2018-05-21_PF.pdf

1. Approval Of Bills
2. Police Officer Conditional Job Offer

Documents:

Police Officer Cond Job Offer.pdf

B. **Safety And Public Works Committee**

Documents:

20180521_SPW.pdf

1. Brainerd Riverfront Plaza Land Survey And Title Research Proposals

Documents:

Plaza Request for Proposals.pdf

2. Event/Street Closure Application - Memorial Day Parade

Documents:

Memorial Day Parade Event and Street Application.pdf

3. Res - 2018 Capital Transit Bus Purchase

Documents:

Res - 2018 Capital Transit Bus Purchase.pdf

4. Set Public Hearing - Draft 5 Year Street And Sewer Capital Plan

Documents:

Set Public Hearing - Draft 5-Year Street and Sewer Capital Plan.pdf

5. Snow Plowing Policy

Documents:

Snow Plowing Policy.pdf

7. **Unfinished Business**

- A. **Call For Applicants - Informational**
(Application Information at the City's Website
<http://www.ci.brainerd.mn.us>)

Mayor Recommended: (all terms expire on 12/31 of said year)
Charter Commission - 1 term (Expire 2020) - 1 term (Expire 2021)

8. **Planning Commission**

- A. **Conditional Use Permit Request - Sage On Laurel, 606 Laurel Street**
To Construct A Non-Enclosed Patio For Food And Alcohol Service

Documents:

Conditional Use Permit Sage on Laurel.pdf

- B. **Final Reading - Proposed Ordinance No. 1481 - A Zoning**
Ordinance Text Amendment To Permit Noncommercial
Greenhouses As An Accessory Use In The Residential Districts
Below

- R-R, Rural Residential District
- R-E, Single Family Estate Residential District
- R-1A, Single Family Residential
- R-1, Single Family Residential
- R-2, Medium Density Residential
- R-3, High Density Residential
- R-MH, Manufactured Housing District
- B-1, Residential-Office District
- B-2, Neighborhood Business District

Documents:

ORD 1481 greenhouse.pdf

9. **New Business**

- A. **First Reading - Proposed Ordinance No. 1482 - An Ordinance**

Adding Section 540 To The Brainerd City Code Enforcing The Statutory Prohibition Of The Use And Sale Of Coal Tar Sealant Products Within The City Of Brainerd, Minnesota.

Documents:

Ord 1482.pdf

B. Discussion Of The Downtown Creative Placemaking Initiative Support

Documents:

Downtown Funding .pdf

C. Modification Of On-Sale Liquor License For Sage On Laurel To Include Outdoor Patio Area

Documents:

Sage on Laurel.pdf

10. Public Forum

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

11. Staff Reports

(Verbal: Any Updates since Packet)

12. Council Member Reports

13. Adjourn To Closed Session Pursuant To MN Statutes 13D.05, Subd. 3 (C)(3) For The Purpose Of Developing Or Considering Offers Or Counteroffers For The Sale Of Property Known As Industrial Park Phase V.

NOTE: Safety and Public Works Committee will meet at 7:00 P.M.
Personnel and Finance Committee will meet at 7:15 P.M.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307
Visit the [City's Website](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

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

Brainerd, MN
May 7, 2018

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 Pritschet.

Upon roll call, the following members were noted as present: Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet. Mayor Menk was also noted as present.

Council President Pritschet opened the meeting with the Pledge of Allegiance to the Flag.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AMEND THE AGENDA BY MOVING ITEM 6A – BRAINERD COMMUNITY ACTION PRESENTATION TO #8 OF THE PERSONNEL AND FINANCE COMMITTEE REPORT.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON TO ADOPT THE CONSENT CALENDAR.

A. Approval of the Minutes of the Regular Meeting held on April 16, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 2 - Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Extension of Premises – Submitted by Brainerd American Legion #255 for an Event to be Held on May 28, 2018 at 708 Front St., Brainerd - Approved

E. Letter of Understanding Between the City of Brainerd and Teamsters General Local Union No. 346 for Health Fund Merger to the Teamsters Joint Council 32 – Employers Health and Welfare Fund - Approved

F. Minnesota Lawful Gambling Premises Permit Application – Adopt Resolution to Allow Lawful Gambling by Baxter Snowmobile Club at The Last Turn Saloon, 214 S 8th St., Brainerd – Adopted by Resolution No. 26:18

G. Resolution Identifying “Slum and Blight” Conditions – Adopted by Resolution No. 27:18

H. Temporary On Sale Liquor License Application – Submitted by The Crossing Arts Alliance, 711 Laurel St for an Event to be Held June 5, 2018 - Approved

I. **Minnesota Lease for Lawful Gambling Activity Application – Submitted by The Baxter Snowmobile Club at The Last Turn Saloon, 214 S 8th St., Brainerd - Approved**

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted “aye.” No member voted “nay.” The Chair declared the motion carried.

Presentations

Walkable Bikeable City Committee

The representative from the Walkable Bikeable Committee was unable to attend the meeting. Staff will look into rescheduling.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted “aye.” No member voted “nay.” The Chair declared the motion carried.

Amanda Musurka Appeal – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO ARRANGE A PAYMENT PLAN WITH MS. AMANDA MUSURKA FOR THE FIRE DEPARTMENT EXTRICATION FEE.

Police Officer Conditional Job Offer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE JOE TABLANTE, CONTINGENT ON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS WITH A START DATE OF JUNE 4TH OR SHORTLY THEREAFTER.

Resolution for Police NJPA Innovation Grant Application – Adopted by Resolution No. 28:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT RESOLUTION NO. 28:18 AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR THE NJPA INNOVATIVE FUNDING PROGRAM FOR PURCHASING TRAFFIC SAFETY EQUIPMENT FOR TOWARDS ZERO DEATHS USE.

RESOLUTION NO. 28:18

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

One-Time Exception for Use of State Funded Minnesota Investment Funds (MIF) Dollars - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO UTILIZE THE ONE-TIME EXCEPTION OF STATE MIF CASH BALANCE OF \$216,966 TO SUBMIT 20% TO THE STATE AND RETAINING 80% TO BE USED ON LOCAL ECONOMIC DEVELOPMENT INITIATIVES IN THE CITY OF BRAINERD.

Resolution for Dedication of Funds For Bonding Bill and/or Other State Funding – Adopted by Resolution No. 29:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO COMMIT \$100,000 FROM 80% OF THE ONE-TIME STATE MIF FUNDS TO MATCH ANY BONDING OR GRANTS THAT MAY BE RECEIVED FROM THE STATE.

Council Member Hilgart stated this will give the City the opportunity to be responsive with a match to the LCCMR bonding bill or any other funding option. If the bonding is not issued, the City retains the funds for future uses.

Committee Chair Johnson indicated the council discussed match funding for bonding and other state funding last year but did not pass due to lacking a source of funds. The MIF Funding action previously passed gives the City a potential source to use to match the grant.

Mayor Menk asked City Administrator Torstenson if a higher dollar amount would give the City a better chance of receiving a bonding bill or if the \$100,000 is adequate.

City Administrator Torstenson explained that this amount is sufficient and will show the City has serious commitment to the project.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO AMEND THE MOTION BY ADDING A CHANGE TO THE RESOLUTION FOR THE LCCMR GRANT AMOUNT FROM \$1.5 MILLION TO \$2.675 MILLION.

RESOLUTION NO. 29:18

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Close~Converse Contract Extension - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CONTRACT EXTENSION FOR CLOSE~CONVERSE THROUGH DECEMBER 31, 2018.

Committee Chair Johnson explained City Administrator Torstenson requested an extension due to potential interest in Brainerd Industrial Park lots.

City Administrator Torstenson indicated she has been working with BLAEDC on what the market analysis results reflect. The pricing on the properties are valued appropriately when compared to other shovel ready sites. Further marketing efforts with Close~Converse will take place that will not only feature the land itself, but also the community and what the Brainerd Lakes Area has to offer.

Brainerd Community Action Presentation – Informational

Committee Chair Johnson explained Ms. Holly Holm made a presentation at the Personnel and Finance Committee meeting earlier this evening regarding the activities and fireworks show on the 4th of July.

MOVED AND SECONDED BY JOHNSON AND STUNEK, DULY CARRIED, TO CONTRIBUTE \$8,000 FROM THE COUNCIL SPECIAL PROJECTS BUDGET TO BRAINERD COMMUNITY ACTION TOWARDS THE FIREWORKS DISPLAY ON JULY 4TH, 2018.

Safety and Public Works Committee Report

Bridge Inspection Services Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFFS RECOMMENDATION OF THE LOWEST QUOTE FROM WIDSETH SMITH NOLTING TO PERFORM THE BRIDGE INSPECTION SERVICES IN 2018 FOR A PRICE OF \$2,450.

Contract Towing Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE BID FROM WEST BRAINERD AUTO SERVICE FOR CONTRACT TOWING FOR YEARS 2018 – 2020.

Emergency Culvert Replacement Project – Pine Street and Walnut Street - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE QUOTE FROM DECHANTAL EXCAVATING FOR A COST OF \$17,986 FOR THE REPLACEMENT OF THE CULVERT.

Event/Street Closure Application – Garfield Walk-a-Thon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION UNDER THE CONDITION THAT THE APPLICANT COORDINATE THE NEED FOR TRAFFIC CONTROL WITH ENGINEERING STAFF BEFORE THE EVENT.

Improvement 17-13 Bid – Adopted by Resolution No. 30:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT A RESOLUTION TO ACCEPT THE BID FROM ANDERSON BROTHERS CONSTRUCTION OF

BRAINERD, LLC IN THE TOTAL BID AMOUNT OF \$639,561 AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC.

RESOLUTION NO. 30:18

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Improvement 18-01 Bid – Adopted by Resolution No. 31:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ACCEPTING THE BID FROM GREYSTONE CONSTRUCTION AND DECLARES THE BID FROM A & B CONSTRUCTION NON-RESPONSIVE ALONG WITH DISQUALIFYING THE BID AS PRESENTED AT THE BID OPENING.

RESOLUTION NO. 31:18

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Improvement 18-02 Chip Seal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE BID FROM ASPHALT PRESERVATION COMPANY INC. FOR A TOTAL BID OF UP TO \$150,000 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT.

Committee Chair Bevans explained the original bid was higher because it included streets receiving high traffic due to the South 6th Street construction. By eliminating those streets this summer, we stay under budget and it works better for the detours to keep those streets accessible.

Improvement 18-03 Crack Seal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE BID FROM KAMCO INC. AT A BID COST OF \$12,619 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT.

Committee Chair Bevans indicated the project cost is higher than the bid cost because the City purchases the materials from the State contract at a reduced unit price. The total estimated project cost is \$17,636.50 which include the streets eliminated from the chip seal as those streets will still be crack sealed.

Request For Proposals For Operating Services - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE SOLICITATION OF THE REQUEST FOR PROPOSALS FOR THE OPERATING SERVICES OF THE BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT SERVICE WITH A RETURN BY DATE OF 10:00 AM LOCAL TIME ON JUNE 11, 2018.

City Engineer Sandy indicated this is contingent upon MnDOT reviewing the DBE (Disadvantage Business Enterprises) goal for the contract which will be inserted into the proposal before it is sent out.

Rotary Riverside Park Addition - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE ADDITIONAL PROPERTY TO EXTEND ROTARY PARK TO JENNY STREET.

Unfinished Business

Call for Applicants – Informational:

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

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

Charter Commission – 1 term (Expire 2020) – 1 term (Expire 2021)

Public Hearing - Final Reading of Proposed Ordinance No. 1480 – An Ordinance Amending Sections 1200.03 and 1010.01 of the Brainerd City Code to Permit Issuance of Licenses and Fees for Microdistilleries and Cocktail Rooms – Approved

The Chair opened the Public Hearing at 7:55 p.m.

No one came forward.

The Chair closed the Public Hearing at 7:56 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1480 – AN ORDINANCE AMENDING SECTIONS 1200.03 AND 1010.01 OF THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF LICENSES AND FEES FOR MICRODISTILLERIES AND COCKTAIL ROOMS.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT ORDINANCE NO. 1480 - AN ORDINANCE AMENDING SECTIONS 1200.03 AND 1010.01 OF THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF LICENSES AND FEES FOR MICRODISTILLERIES AND COCKTAIL ROOMS.

ORDINANCE NO. 1480

Upon roll call, members Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet voted “aye.” No member voted “nay.” The Chair declared the motion carried.

New Business

Discussion of Date for Council Retreat – Date Set

Council discussion took place and it was determined to hold the Council Retreat on Monday, June 25, 2018 at 5:30 p.m.

May 7, 2018 - **DRAFT**

Discussion of Fair Housing Standards – Informational

Finance Director Hillman stated as part of the Small City Development Grant an activity needs to be completed annually. The chosen activity is discussion of Fair Housing Standards in the City of Brainerd. The council packet included information regarding Fair Housing Standards.

Council Member Johnson indicated he is in full support of fair housing standards and recommends the book called “The Color of Law” which details many aspects regarding fair housing.

Council Member Pritschet stated it is a topic that needs to have attention and fully supports fair housing.

Discussion of Liquor Zones and Licenses – Adopted by Resolution No. 32:18

City Administrator Torstenson explained it was requested of staff to research the liquor zones. Upon review of the ordinances regarding on sale liquor licenses for bars and restaurants, as well as the definition of a restaurant, it was determined an in-depth review of all aspects of the ordinance is needed.

City Planner Ostgarden indicated the current liquor ordinances need to be fully reviewed before any decisions can be made.

City Attorney Langel explained there are restrictions in the number of licenses that can be issued in a downtown liquor zone and questioned which downtown businesses were grandfathered in prior to 2001. There is also a definitional issue of what constitutes a restaurant and the current language is not clear. The proposed resolution is to allow time to research the details of liquor zone language and licenses.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX TO HOLD THE ISSUANCE OF NEW ON-SALE LIQUOR LICENSES IN ABEYANCE FOR 30 DAYS PENDING DETERMINATION OF THE STATUS OF THE LICENSING LIMITATIONS SET FORTH IN SECTION 1200.21 OF THE CITY CODE.

RESOLUTION NO. 32:18

Upon roll call, members Hilgart, Lambert, Stunek, Bevans and Badeaux voted “aye.” Members Johnson and Pritschet voted “nay.” The Chair declared the motion carried.

Public Hearing – Request to Vacate a Portion of Vine Street West of South 4th Street (Willow Street Extension) - Denied

City Engineer Sandy indicated the public hearing is set to hear testimony for or against the vacation of a 15-foot section of Vine Street west of South 4th Street at the request of the property owner at 323 Vine Street. A previous vacation from 1959 vacated the south 45-foot portion of Vine Street in this same location which left a 15-foot sliver of property which lies between 323 Vine and the vacated section. The MN Department of Natural Resources stated

they could not definitely prove the vacation abuts public water but acknowledged the property may provide public use in the future.

The Chair opened the Public Hearing at 8:28 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:28 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO DENY THE VACATION REQUEST DEEMING THAT THE VACATION IS NOT IN THE BEST INTEREST OF THE PUBLIC AND MAY BE USED TO PUBLIC BENEFIT IN THE FUTURE.

Planning Commission

Conditional Use Permit – Parking Lot in a B-1 District for a Use Permitted in a B-6 District Located Across an Alley for Thrifty White - Approved

City Planner Ostgarden indicated the site proposed contains a vacant lot and a duplex building at the southeast corner of Kingwood Street and North 2nd Street on the north side of the alley. This application is for the parking lot to be used by the Thrifty White store which is a permitted use in a B-6 district located adjacent to or across an alley. The Planning Commission held the public hearing at their meeting on April 18, 2018 and are recommending approval with conditions.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE CONDITIONAL USE PERMIT TO CONSTRUCT A PARKING LOT AT THE SOUTHEAST CORNER OF KINGWOOD STREET AND 2ND STREET NORTH BASED ON THE SITE PLAN REVIEWED, FINDINGS OF FACT AND CONDITIONS IMPOSED BY THE PLANNING COMMISSION.

Members Johnson, Hilgart, Lambert, Stunek, Badeaux and Pritschet voted “aye”. Member Bevans voted “nay”. The Chair declared the motion carried.

First Reading – Proposed Ordinance No. 1481 – Amending Zoning Ordinance Sections 515-02, 515-17, 515-52, 53, 54, 55, 56, 57, 58, 515-60 and 515-61 to Add Noncommercial Greenhouses as an Accessory Use - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1481 TO AMEND ZONING ORDINANCE SECTIONS 515-02, 515-17, 515-52, 53, 54, 55, 56, 57, 58, 515-60 AND 515-61 TO ADD NONCOMMERCIAL GREENHOUSES AS AN ACCESSORY USE.

Public Forum

The Chair opened the Public Forum at 8:53 p.m.

No one came forward.

The Chair closed the Public Forum at 8:53 p.m.

Staff Reports

City Engineer Sandy indicated the digging has started on South 6th Street last week and the crews had a good first week. The detour maps and street closing information have been posted on the City website on the engineering page. There are also links to the MnDOT page for construction updates.

Fire Chief Holmes announced they had an opportunity for a great cooperative training situation with the Brainerd Airport recently and nineteen firefighters were certified in airport rescue firefighting. The instructor indicated it was a unique training situation and it is very rare that a department the size of Brainerd supporting an airport fire rescue would participate in that training. The City of Brainerd firefighters are very committed to the community and to the people traveling through the area.

Finance Director Hillman indicated the field work for the 2017 audit has started and the auditors will be here for the next two weeks.

City Administrator Torstenson attended the placemaking meeting with Region V and Brainerd Restoration recently. There are several projects that have been identified for downtown this summer which is very exciting. The banners supporting the Riverfront have been received and will be going up in many areas around the City. She thanked the Riverfront Committee for raising the funds for the banners.

Council Member Reports

Council Member Badeaux gave an update on the presentation he gave at the library regarding the historic water tower.

Mayor Menk announced the Bringing Up Grades Program (B.U.G.) awards were presented to 28 fourth graders in our school district. Mayor Menk stated the sign for the new downtown business, The Purple Fern is now displayed and will be opening soon.

Council Member Pritschet urged all the drivers to please use extra caution when driving the detours around the South 6th Street construction. Many of the detours are routed through residential areas where there are pedestrians, children and pets.

Council Member Stunek thanked the council for the flower arrangement that was sent for his father's funeral.

Council Member Hilgart attended Council Member Badeaux' presentation at the library and stated it was a very interesting presentation. She also attended the Brainerd Restoration kickoff to the detour Downtown project. The Northland Arboretum is getting prepared for summer events including a 5K race this year to the Sour Grapes Event.

Council Member Johnson added to the drivers during the construction please do not pass cars on the shoulder when a left turn is being taken. It is very dangerous in these residential neighborhoods, as well as illegal. He announced he will be attending a Brainerd Unified Fund

meeting and there have been three projects funded so far with a fourth on the meeting agenda. The program is working as planned and applications are coming in. Council Member Johnson stated the Brainerd Jaycees have set aside a budget for a new project downtown and are looking for ideas.

Adjourn

The Chair adjourned the meeting at 9:00 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
May 21, 2018
(1 New, 4 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
FARRAND MASONRY LLC 7654 COUNTY ROAD 9 BRAINERD, MN 56401 18-0163	(218) 839-3921	MASO	7/7/2018	12/31/2018	
CONSOLIDATED TELEPHONE COMPANY 1102 MADISON STREET BRAINERD, MN 56401 18-0164	(218) 454-1234	UTIL	9/30/2018	12/31/2018	
LANDWERX LLC 16035 CARLSON LAKE RD BRAINERD, MN 56401 18-0165	(218) 831-3435	EXCA	6/2/2019	12/31/2018	
NORTH AIR HEATING & COOLING INC. 3141 BERWICK KNOLL BROOKLYN PARK, MN 55443 18-0166	(218) 824-5809	MECH	9/1/2018	10/31/2018	MB004012
O'DELL MASONRY-COMPLETE CHIMNEY CARE PO BOX 230 PINE RIVER, MN 56474 18-0167 (new)	(218) 587-5577	MASO	12/16/2018	12/31/2018	

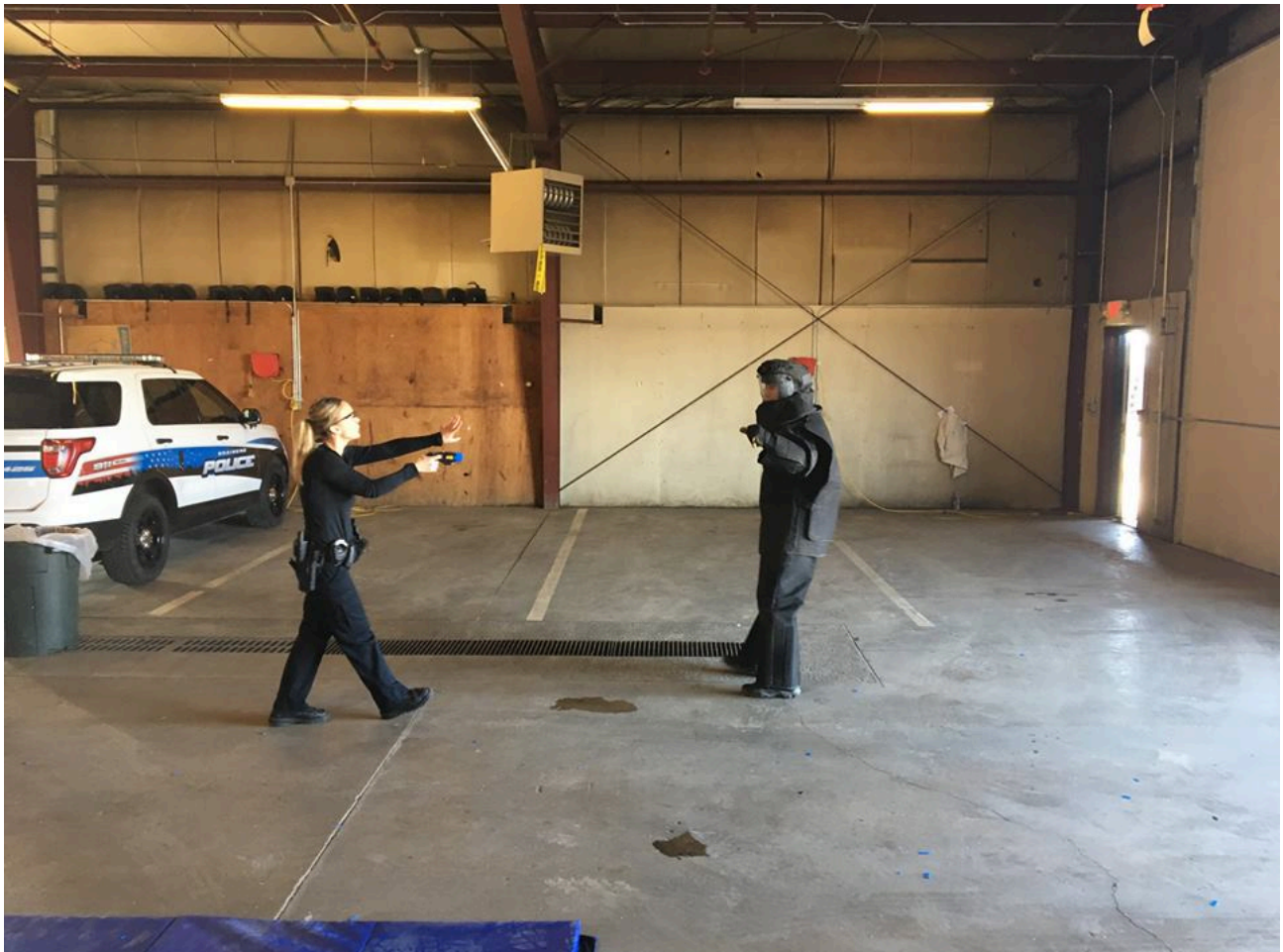
**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 05-16-18
RE: Monthly Report



April Training

Monthly in-service training for April covered annual mandates in Use of Force. This included annual low-light and inclement weather (jacket and gloves) firearms qualifications for all staff conducted at Bill's Gun Range. This was followed by classroom and practical annual certification with Tasers.

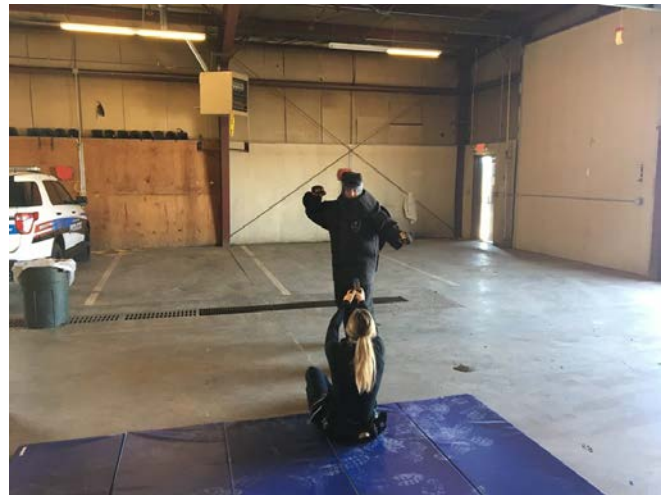


Annually all officers must receive classroom training and pass a written test for our X26 and X26P Tasers.

Our practical Taser training now incorporates more intergration of communication and assessment skills into scenario based training. Pictured above is Sergeant John Davis utilizing Taser Training Suit which was borrowed from the Crow Wing County Sheriff's Deparmtent for our scenario training.

With scenario based practical training, officers are placed into a simulated situation with details as if they've been dispatched to a call. The approach and outcomes are dictated by the circumstances and the officer's communication and decision making, which doesn't always result in a Taser deployment on the subject of scenario. This is part of the evolution of our Use of Force training concepts which focus on a combination of crisis recognition/intervention, and the utilization of de-escalation options when applicable. The goal is to develop better critical decision making skills that help patrol officers think through their options in these stressful encounters.

Each scenario is followed by a debriefing with the officer and supervisor to review their actions, thought process and decision making to optimize the safest possible outcome for all involved.



Mass Notification Systems

Fire Chief Holmes, Baxter Police Chief Exsted and myself have been meeting with the Crow Wing County Emergency Manager and other staff from the Crow Wing County Sheriff's Department to review options for a shared Mass Notifications System. Most counties in Minnesota have one of the two main vendors, Code Red or Everbridge.



Both systems are IPAWS (Integrated Public Alert & Warning System) integrated which makes it easier for local public safety officials to launch safety alerts to anyone with a smart phone affiliated to a cell phone tower in the area without the need to subscribe to a service or download an app.



The meetings have had demonstration web-conferences with representatives from the vendors where they are able to review the product features and discuss options available. There may be an opportunity for some grant funding for a portion of the start up costs. We have been reviewing a cost sharing model based on local entities' population to develop a shared cost proposal. This shared cost would be available so each entity could have administrative capabilities to utilize it for localized notifications. Both of these systems will promote residents to subscribe to the services for different localized notifications.

Body Worn Camera Data Report



Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
March	1350	92 Hours	515 GB	381 MB	4.07 Minutes	44
April	1508	296 Hours	569 GB	377 MB	11.07 Minutes	50

Conduct on Premises Activity Report for April

ICR	Date Reported	Title	Address	Summary
18004869	04/12/18	Conduct on Premises	500 NW 4 th Street	Conduct on premises.
18004934	04/13/18	Conduct on Premises	220 North 4 th Street	Management plan received eviction in process
18005061	04/15/18	Conduct on Premises	602 James Street	Conduct on Premises.

Monthly Police Activity

April	2018	2017
Calls	1532	1524
Citations (Inc. Parking)	305	244
Part I and Part II Crimes Reported	224 **	295

**** Note:** This does not include files that have not yet been coded.

142 parking tickets were issued in the month of April with the following dispositions:

6	Dismissed
1	Business Validations
78	Paid in Full
0	Partial Payments Received
57	No Payment Received

Revenue Recapture Receipts:

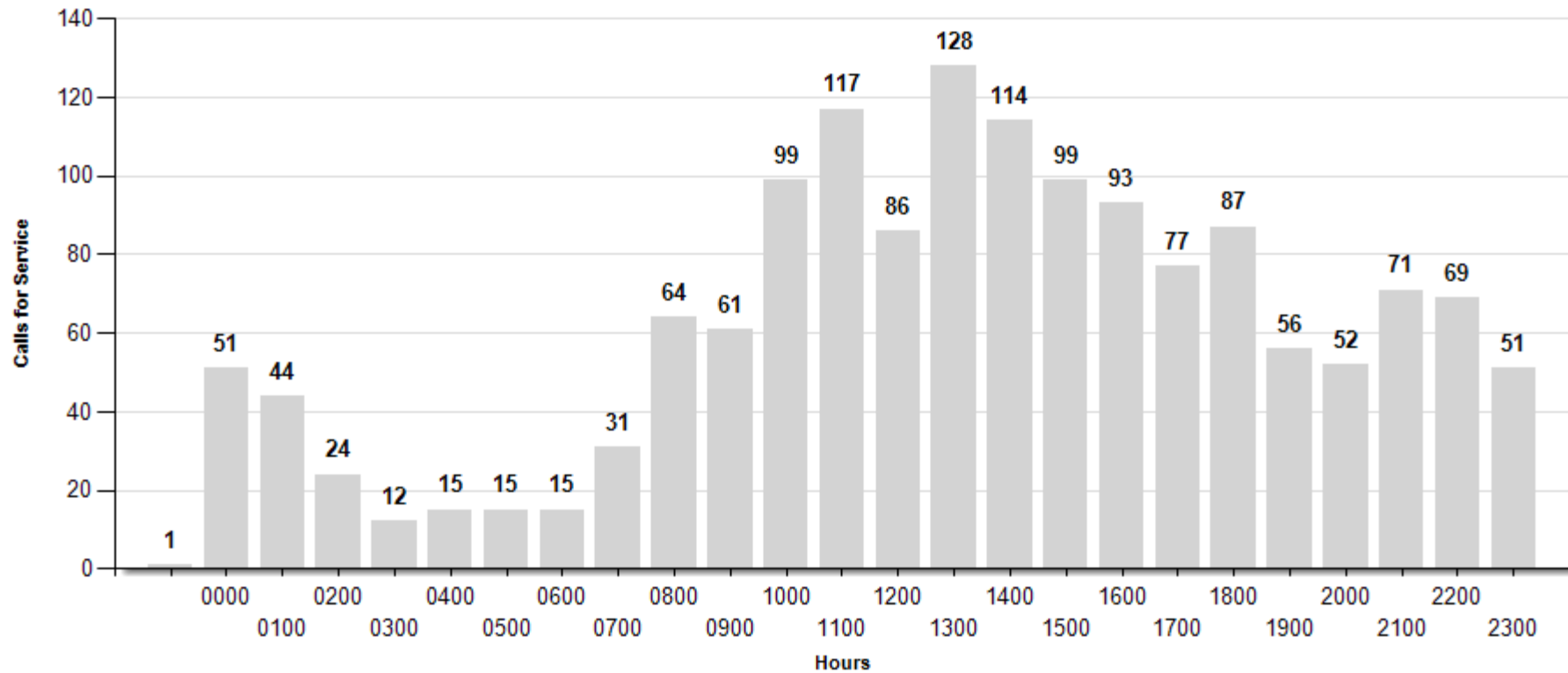
To Date: \$ 38,139.69
In 2018: \$ 4351.00



Calls for Service Hourly

4/1/2018 to 4/30/2018

Total Calls: 1593



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

May 21, 2018
City Hall Conference Room
7:15 PM

1. Approval of Bills
2. Police Offer Conditional Job Offer



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Police Officer Conditional Job Offer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: The #2 candidate on our current eligibility list was not able to successfully complete the pre-employment screening process. We are now requesting authorization to make a conditional job offer to the next candidate on the list; Grant Larson. We are anticipating a projected starting date for Grant of June 25th, or as soon as possible thereafter.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize making conditional job offer to Police Officer Candidate Grant Larson, contingent on successful completion of the pre-employment screening process, with a starting date of June 25th, or shortly thereafter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> This is a budgeted position within the department's current budget and pre-employment screening costs are also covered in the Police Department 2018 budget.	

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

May 21, 2018
City Council Chambers
7:00 PM

1. Brainerd Riverfront Plaza Land Survey and Title Research Proposals
2. Event/Street Closure Application – Memorial Day Parade
3. Resolution – 2018 Capital Transit Bus Purchase
4. Set Public Hearing – Draft 5-Year Street and Sewer Capital Plan
5. Snow Plowing Policy



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Brainerd Riverfront Plaza Survey Request for Proposals

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy and City Planner Ostgarden	Estimated Time Needed: 5-10 Minutes
Summary of Issue: Request for proposals were solicited to qualified surveying firms and received at 2:00 PM on Monday, May 14, 2018.	
Alternatives, Options, Effects on Others/Comments: In total, to proposals were received from Bolton and Menk and Widseth Smith Nolting (WSN) for a total cost of the services of \$13,900 and \$4,500 respectively. Staff has reached out to the school district about the to verify the possibility of cost sharing the proposal for the services at a 50/50 split, as this seemed agreeable when staff first approached the school district. We have not heard back from school district staff prior to the meeting, but will follow up with the Superintendent.	
Recommended Action/Motion: Staff would recommend approval of the proposal from Widesth Smith Nolting at the cost of \$4,500 with the cost coming from the dedicated funds authorized for the Plaza.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$4,500</u> Is this budgeted? ☒ Yes ☒ No <u>Please Explain:</u> One time exception of MIF Funds dedicated to Plaza and/or Cuyuna Trail.	

May 14, 2018



City of Brainerd
Engineering Department
501 Laurel Street
Brainerd, MN 56401
Attention: Paul Sandy, P.E. City Engineer

Baxter/Brainerd
7804 Industrial Park Road
PO Box 2720
Baxter, MN 56425-2720

218.829.5117 
218.829.2517 
Brainerd@wsn.us.com 

WidethSmithNolting.com

Re: Proposal for Professional Land Surveying and Title Research Services for the City of Brainerd Riverfront Plaza being part of Sections 25 and 26, Township 45, Range 31, Crow Wing County, Minnesota

Dear Mr. Sandy,

Thank you for the opportunity to submit on this exciting project. Wideth Smith Nolting (WSN) is pleased to submit this proposal for Professional Land Survey and Title Services to be completed on the City of Brainerd Riverfront Plaza project indicated above. Our recent work on projects for the Brainerd High School Lower site (2014) and HRA High Rise Building (2018) and our historic records archive gives us an excellent base to begin our work for this project.

Our recent projects involved the establishment of Right of Way and property boundaries for two adjacent properties. For the purposes of this project we will be utilizing our professional land survey staff from the local office of Wideth Smith Nolting and we propose the use of Quality Title of Brainerd for the necessary title and deed research.

Our team of professionals will be the following:

Land Surveyor
Chad Conner, LS
Wideth Smith Nolting

Deed/Title Research
Brad Person, Attorney
Quality Title, LLC

To accurately relay the project details, we propose an onsite meeting with the WSN Land Surveyor, experienced field staff and the appropriate City of Brainerd personnel to identify any areas of concern or specific features of importance the morning that the fieldwork is scheduled. We find this is a valuable way to relay the goals of the project to the project team right at the project site. We have reviewed the request for proposals provided, completely understand the services required to satisfy the goals of the project and we propose the following detailed scope of services:

Title Research

(3-5 days from authorization)

- Utilize title commitments and record deed research from previous projects
- Perform additional review and research with the Crow Wing County Recorder's office for the remaining subject property parcels
- Obtain record ownership information for all abutting properties and Road Right of Way



Detailed Boundary and Topographic Survey Services

Field Services

(7-10 days from authorization)

- Utilize new title research, recent survey projects, available archived survey information and the City of Brainerd RFP as the basis for our work.
- Recover the necessary section corners, lot corners and right-of-way corners to establish the boundaries of the subject property
- Obtain existing topographic conditions for 1-foot contours
- Locate site improvements and topographic conditions found on the site according to the RFP
- Locate utilities according to visible evidence together with the results of field flagging provided by a Gopher State One Call utility locate.
- Locate areas of dense vegetation.
- Locate other important site features identified in the RFP, identified during the onsite meeting and identified during the course of the fieldwork.
- Perform final boundary corner staking, establishing the property corners with permanent iron pipe monuments marked with 3-foot-high white wood stakes and pink flagging.

Office Computations and Drawing

(10-14 days from authorization)

- Perform the computations necessary to determine the boundary locations using the monumentation found, legal descriptions recovered in the record deeds during the title research, record subdivision plats and previous surveys.
- Compile the field data and prepare a Certificate of Survey drawing meeting the requirements identified in the request for proposals.
- Provide 1 original signed Certificate of Survey, 4 paper copies and an electronic pdf.
- Provide CAD drawing of the survey in Autocad Civil 3D 2018

WSN and Quality Title have worked with the City of Brainerd and others on many similar projects. Our experience within the City of Brainerd, Crow Wing County Recorder's office and proximity to the project site gives an excellent base from which to perform this work.

We propose to provide the professional land survey and title research services within the schedule indicated above, in advance of the June 27, 2018 deadline, for a cost of **\$4,500.00**.

Thank you for this opportunity to be of service.

Sincerely,
WIDETH SMITH NOLTING

A blue ink signature of Chad M. Conner, written in a cursive style.

**Chad M. Conner, LS, CFedS,
Vice President**



Real People. Real Solutions.

7656 Design Road
Suite 200
Baxter, MN 56425-8676

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

May 11, 2018

Paul Sandy
Engineering Department-Brainerd
501 Laurel Street
Brainerd, MN 56401

RE: Riverfront Plaza
City of Brainerd

Dear Mr. Sandy;

Bolton & Menk, Inc. is pleased to present a proposal to perform a topographic, boundary survey and title research on the land described in the RFP for Land Surveying Services at the Riverfront Plaza.

We propose to perform the field work with survey staff in our Baxter office. All work would be managed and supervised by a licensed land surveyor.

Bolton & Menk puts a high priority on ensuring that our company's efforts are consistent with our clients' needs. Please review the attached documents and contact me if this proposal does not meet your expectations.

If this proposal and the attached terms and conditions are acceptable please have this agreement signed below and initialed in Paragraph N. Limitation of Liability on page 2 of the Terms of Proposal by the appropriate party to acknowledge acceptance of this proposal and to authorize us to perform the survey, and then return it to me in person, via fax, or email (zacze@bolton-menk.com).

Accepted: _____ Date: _____

If you have any questions or comments please call me at 218-825-0684 Ext. 3094.

Sincerely,

BOLTON & MENK, INC.

Zac Zetah, L.S.
Land Surveyor

Enclosure: Scope of Services Budget (2 pages)
Terms & Conditions of Proposal (2 pages)

SCOPE OF WORK

n:\proposals\brainerd\riverfront plaza surveying\riverfront survey proposal.docx

Bolton & Menk is an equal opportunity employer.

Bolton and Menk, Inc. will complete the scope of work in compliance with the items identified in the City of Brainerd RFP for Title Research, Topographic Survey, Boundary Determination and Certificate of Survey at the Riverfront Plaza. The proposed survey limits are lying to the west of East River Road, south of the Housing and Redevelopment Authority of Brainerd High Rise Building, east of the Mississippi River, and north of the Brainerd High school track and football field. (PID's 09199002004Z009, 09199002001Z009 and part of 09104000014Z009)

TOPOGRAPHIC SURVEY

- Establish horizontal and vertical survey control, based upon Crow Wing County coordinate system and NAVD 88.
- Ground contours (1 foot) and spot elevations. Elevations will be measured on a 50' grid with spot elevations at important points including building corners, curbs, culverts, walks, road centerlines, and all manhole inverts.
- Types and locations of surfaces (gravel, concrete, bituminous)
- Sidewalk, driveways and parking areas will be located.
- Locate the easterly shoreline of the Mississippi River.
- Buildings (if any) and any other significant structures.
 - Location of downspouts, rain leaders, stoops and steps.
 - The building lines and corners will have a horizontal accuracy of ± 0.03 feet.
 - Interior finished floor elevations will be obtained to a vertical accuracy of ± 0.02 feet at designated locations.
 - Building addresses
- Street signs, fences, retaining walls, landscaping and any other permanent site features
- Landscaping and individual trees with diameters over 6" will be located and identified on the Survey map.
 - Individual Trees not located in dense tree areas will be located.
 - Boundary of dense tree areas.
 - Areas which include multiple small trees will be clustered together and only the exterior limits will be displayed (tree lines).
- Utility Information
 - Place a Minnesota Gopher One Call request for field markings and maps prior to fieldwork beginning. Utilities shown will be based on visual observation, utility company marking or from plans made available to Bolton & Menk. Private utilities and those not visible or marked by utility companies will not be shown.
 - Storm Sewer, Watermain and Sanitary Sewer
 - Marked and/or visible structures and service lines
 - Catch basins and Manholes
 - Hydrants
 - Water valves and curb stops
 - Structure inventories
 - Rim elevations
 - Pipe sizes
 - Pipe inverts and direction of flow
- Set two (2) site benchmarks
- Any other significant topographic features visible to survey crew

BOUNDARY SURVEY

- Establish the boundary of the property based on the Certificates of Title provided by Crow Wing County Abstract.
- Establish all easements and right-of-way on record provided in Certificates of Title.
- Survey markers will be found and verified or placed on the exterior boundary of the site.
- Survey map will detail the evaluated evidence and results of the survey. The Survey map will also display any other potential encroachments to/from the property that were physically observed, current ownership of each parcel, deed references and adjoining property information.

DELIVERABLES

Furnish copies of Certificate of Survey along with an electronic PDF copy.

Certified topographic/boundary survey drawing will also be submitted in an electronic AutoCAD drawing and hard copy format. The CAD file will include a surface model (XML file) and contours of existing ground.

ASSUMPTIONS

This proposal is based upon the following assumptions:

- Certificates of Title will be provided by Crow Wing County Abstract property and the adjoiners deed of record. Bolton & Menk does not guarantee that our research will discover underlying title problems, if any exist, with the property.
- Title issues that may arise (gaps/overlaps, poor legal description, etc.) shall be considered “Additional Services” and will be invoiced on an hourly basis in addition to the stated fee arrangement.
- Surveying properties in your area is often challenging due to the age and poor quality of the original platting. Bolton & Menk reserves the right to re-negotiate the estimated costs should the preliminary field work indicate that there are substantial complicating circumstances in regard to the property boundaries that were not apparent prior to arriving at the site or receiving the Certificated of Title by Crow Wing County Abstract. This determination will be made as quickly as possible upon commencement of the survey and, if needed, you would be contacted immediately for a directive.
- Fee is based on the assumption that section corner stones or irons are in place and can be found in a reasonable time. If not, we reserve the right to discontinue the survey and provide you with a revised estimate for your consideration.
- Bolton & Menk, Inc. maintains professional services and Errors and Omissions insurance. A certificate of insurance can be provided upon request.
- The below fees are based on the assumption that the features within the proposed sites which are required to be located will have been cleared of the majority of snow and ice cover prior to the field staff starting work.
- We will not provide information regarding depth of underground utility lines (except storm and sanitary lines) nor will we provide information on pressure of water or gas lines nor will we provide information about buried tanks or septic fields on the properties unless that information is provided by the client. We simply do not have the knowledge or expertise to derive that information reliably. Bolton & Menk will work with the client to hire sub consultants to acquire this information if necessary.
- Bolton & Menk staff will only acquire invert elevations that can be measured without entering confined space (manholes, underground tanks, etc.) structures.
- Engineering and surveying services not specifically identified herein are not part of this proposal.
- Any additional studies, tasks, or coordination (e.g. wetland delineations, environmental or archaeological studies, permit applications, meetings representing the Client, etc.) not explicit in the proposed Scope of Work will be performed by others or as additional services.

Name: Riverfront Plaza Survey
Date: May 10, 2018
Page: 4

- Only utilities that are marked in the field along with utility maps provided by utility companies within the time allotted for such requests through Gopher State One Call will be graphically shown on the survey map.

FEES

Bolton & Menk's fee to provide the above work will be billed hourly based on the below fee schedule with the total estimated cost to be:

Certificates of Title and Adjoining Deeds (provided by Crow Wing County Abstract)	\$700
Topographic Survey	\$5,200
Boundary Survey	<u>\$8,000</u>
Total Estimate	\$13,900

These rates include labor, general business and other normal and customary expenses associated with operating a professional business. Unless otherwise agreed, the above rates include vehicle and personal expenses, mileage, telephone, survey equipment, survey stakes and routine expendable supplies; and no separate charges will be made for these activities and materials.

BOLTON & MENK, INC.'S HOURLY RATES

1-person Survey Crew with Equipment	\$115
Licensed Land Surveyor	\$145
Office Technician	\$115

Travel Time from the Baxter office to project site will be billed in accordance with the above survey crew's hourly rate.

SCHEDULE

Bolton & Menk has the staff to meet any reasonable time frame required. We expect the finished survey map will be delivered to you on or before June 27th, 2018, if we have received authorization to proceed on May 21st, 2018.

Terms of Proposal – General Survey Bolton & Menk, Inc.

The accompanying Proposal (hereinafter referred to as "Proposal") is subject to the following terms and conditions. These Terms of Proposal (hereinafter referred to as "Terms") are an integral part of the accompanying Proposal as if stated directly therein. No change or deviation from these Terms will be binding without the written approval of Bolton & Menk, Inc. (BMI). Such changes may require an adjustment in the proposed fee, schedule or scope of Proposal.

A. Services: BMI proposes to perform the services outlined in the Proposal for the stated fee arrangement. Changes required by the Client or other controlling entities (regulatory agencies, contractors, courts, etc.) from the scope or schedule of services described in the Proposal are "Additional Services" and will be invoiced on an hourly basis in addition to the stated fee arrangement.

B. Information from Client: Unless otherwise stated, Client agrees to provide BMI with all site information necessary to complete the proposed services. This information should include current site property descriptions (from abstract, title opinion or title commitment); other legal documents affecting the site; copies of previous surveys, maps, utility locates, engineering studies and plans; existing or required soils and geotechnical reports; governmental, regulatory and utility reviews and determinations; and all other pertinent information. BMI may rely on accuracy of Client provided information. Client shall promptly inform BMI of any alleged defects in services provided or the project.

C. Access to Site: Unless otherwise stated, Client agrees to provide BMI with access to the site, including adjoining properties, for activities necessary for the performance of services. It is understood that in the normal course of work, unavoidable property damage may occur due to excavations, tree and brush trimming, marking lines, etc. BMI will take reasonable precautions to minimize damage due to its activities. The cost to correct resulting damage has not been included in the fee and the Client agrees to reimburse BMI for any costs associated with required restoration work.

D. Standard of Care: Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of BMI's profession currently practicing under similar conditions. **BMI makes no warranties, expressed or implied, or otherwise with respect to any services performed or furnished.**

E. Certifications: Any certification provided by BMI is a professional opinion based upon knowledge, information and beliefs available to BMI at the time of certification. Such certifications are not intended as and shall not be construed as a guarantee or warranty. BMI shall not be required to certify the existence of conditions whose existence BMI cannot reasonably ascertain.

F. Utilities: Unless otherwise explicitly stated in the proposal, if utility surveys are included in scope of services, utilities will be located from available utility records, utility company locates and surface evidence of underground improvements. Some subsurface improvements may not be disclosed by such methods and Client assumes responsibility for exploratory excavations and other work to assure utility locations. BMI assumes no liability for matters arising from subsurface utilities that vary from locations depicted on previous plans or locates provided by Client or utility companies.

G. Project Approval: Due to site limitations, code interpretation, regulatory reviews, political considerations and Client directed design and improvements; BMI makes no representations as to acceptability or approvability of the project, or, zoning requests, permit applications, site and development plans, plats and similar documents. Client's obligation for payment of fees owed BMI is not contingent upon project approval.

H. Opinions or Estimates of Project Costs: Where included as part of project scope or otherwise, opinions or estimates of project cost will generally be based upon public construction cost information. Since BMI has no control over the cost of labor, materials, competitive bidding process, weather conditions and other factors affecting the cost of construction, all cost estimates are opinions for general information of the Client and BMI does not warrant or guarantee the accuracy of construction cost opinions or estimates. Project financing should be based upon actual, contracted construction costs with appropriate contingencies.

I. Construction Phase Services: Client is notified that BMI shall not be responsible for means, methods, techniques, sequences or procedures of construction selected by any contractor employed on the project nor for the safety precautions or programs incident to the work of any contractor

J. Ownership and Alteration of Documents: All documents, including reports, drawings, field data, notes, plans, specifications and documents or electronic media prepared or furnished by BMI under this agreement remain the property of BMI. Upon payment of all amounts owed, the Client is granted a limited license to BMI's submittals for Client's reasonable use and to make and retain copies for such use. However, BMI's submittals are not intended for reuse by the Client or third parties on other projects or

alteration by others without the written consent of BMI. Electronic media may be furnished for convenience of Client; however, only signed and certified paper copies of submittals may be relied upon as documentation of professional services provided.

K. Billings and Payments: Invoices for BMI's services shall be submitted, at BMI's option, either upon completion of such services or on a monthly basis. Unless credit to Client is approved, payment is due upon receipt of services and deliverables. If, at sole discretion of BMI, credit is advanced to Client, invoices shall be due and payable within 30 days after the invoice date. If the invoice is not paid within 30 days, BMI may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of its services. BMI reserves the right to withhold any deliverables until all unpaid fees are paid in full. Amount of retainer (if applicable) will be applied to amount owed on final invoice.

L. Late Payments: Accounts unpaid 30 days after the invoice date will be subject to a monthly service charge of 1.5% on the unpaid balance. If any portion or all of an account remains unpaid 60 days after billing, the Client shall pay all costs of collection, including reasonable attorney fees.

M. Waiver: To the fullest extent permitted by law, Client and BMI waive against each other, and the other's employees, partners, officers, agents, insurers and subcontractors, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement, from any cause or causes.

N. LIMITATION OF LIABILITY: In recognition of the relative risks, rewards and benefits of the project to both the Client and BMI, the risks have been allocated such that the Client agrees that BMI's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claimed expenses arising out of the performance of this agreement from any cause or causes, shall not exceed total compensation paid to BMI. Such claims include, but are not limited to, BMI's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty. Initial Here: _____ (BMI) _____ (Client)

O. Certificates of Insurance: BMI will maintain, at its expense, statutory worker's compensation insurance coverage, automobile liability insurance, commercial general liability insurance and professional liability coverage for claims arising from bodily injury, death or property damage which may arise from the negligent performance by BMI or its employees. BMI will, upon request, furnish Certificates of Insurance documenting terms of coverages. BMI will not be required to extend coverages beyond those which are usual and customary for similar firms practicing similar surveying and engineering services unless BMI is reimbursed for additional premium

expenses.

P. Dispute Resolution: Any claims or disputes made during or after the performance of services between BMI and the Client, with the exception of claims by BMI for non-payment of services rendered, shall first be submitted to mediation for resolution prior to initiating any other legal proceedings.

Q. Agreement: If the Proposal is accepted, the Client and BMI will enter into an Agreement incorporating the accompanying Proposal, these Terms and such additional terms and conditions as may be mutually acceptable to BMI and Client. In the absence of a separate, executed written agreement, the accompanying Proposal and these Terms of Proposal shall constitute the whole and complete agreement between BMI and the Client.

R. Termination of Services: The Agreement created under Paragraph Q may be terminated by the Client or BMI should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay BMI for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

S. Withdrawal of Proposal: This Proposal constitutes a non-binding offer to perform services and BMI reserves the right to withdraw or modify this proposal, without liability to the Client, at any time prior to receipt of written acceptance from the Client and execution of a signed agreement in accordance with Paragraph Q.

T. LIEN RIGHTS: Pursuant to the representations by the CLIENT in this Agreement and improvements to be made to the project property, the BMI reserves the right to file a lien against the project property in the event of delinquent or non-payment of monies owed to BMI by the CLIENT. In accordance with Minnesota law, the CLIENT and PROJECT PROPERTY OWNER are hereby advised:

“(a) Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for the contributions.

(b) Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.”

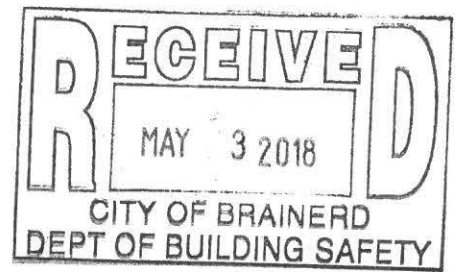
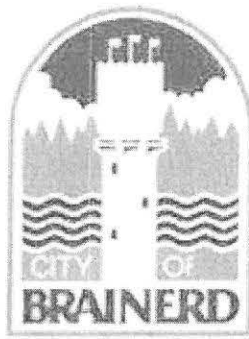


Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Event/Street Closure Application - Memorial Day Parade

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this agenda request is the Event and Street Closure Application for the 2018 Memorial Day Parade to take place on May 28, 2018 from 9:30 AM and ending at 10:30 AM with a short ceremony on Laurel Street starting at 8:15 AM.	
Alternatives, Options, Effects on Others/Comments: This event is very similar to previous years. The applicant has indicated that lineup will begin at 9:30 AM with the parade starting at 10:00 AM and Ending at 10:30 AM. The route will include staging at 1st Avenue NE and B Street, heading east down B Street, then north up 3rd Avenue NE and ending at Evergreen Cemetery. There will also be a small closure at the west end of the Laurel Street bridge at 8:15 AM.	
Recommended Action/Motion: Staff recommends approval of the event/street closure application for the Memorial Day Parade under the conditions that the event staff coordinate traffic control with Engineering staff and work with the police department if a police escort will be necessary for the parade.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

Thank you for your interest in organizing a special event in Brainerd. The City is home to numerous cultural, community, and recreational events. These events are integral to our sense of community, and they play an important economic role by increasing tourism, generating downtown foot traffic, and fostering a festive atmosphere within the City. We look forward to working with you to help make your event a success.

All special events and festivals that require significant logistics planning between City departments or are requesting a street closure must submit this application to the City Administrator's Office at least thirty (30) days prior to the event. Event planners are encouraged to submit their applications as early as possible. City Council must approve all street closure requests, and additional licenses and permits may also be required, as outlined in part III of this application.

For questions, please contact the City of Brainerd Engineering Office at:

501 Laurel Street
Brainerd, MN 56401
Phone: (219) 828-2309
Email: engineering@ci.brainerd.mn.us

Application for a Street Closure, Special Event and Festival Permit



PART I: GENERAL INFORMATION

Name of the event: Memorial Day Parade
Date(s) of the event: May 28, 2018
Time of event (setup to breakdown): line up 9:30 parade at
Evergreen cemetery @ 10:30 am. 1000 ending at
Location: Evergreen cemetery
Estimated number of attendees: _____

Organizer Information

Organizer's name (Please print): Memorial Day Committee
Organizer's address: UFW Brainerd Mn.
Event contact person: Jan Lambert
Event contact daytime phone number: (h) 218 828 016 (w) (c) 218 821-3364
Event contact persons e-mail address: janlambertsmith@msn.com
Contact name and phone number to be used on the day of the event: Jan Lambert
(h) _____ (w) _____ (c) 218-821-3364
For Profit/Nonprofit status (type): Non profit

Applicant Information, if different from the event organizer:

Applicant name (Please print): Jan Lambert
Applicant address: 426 Tyrol Drive Brainerd Mn 56401
Applicant's telephone number (h) as above (w) _____ (c) _____
Event contact e-mail address: as above

Description of Activities

Brief description of the activities planned during the event: Memorial day
parade with about 13 units

Memorial held at Mississippi Bridge throwing of the wreath
and vet memorial service held, armory and
at Evergreen cemetery.

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: Staging at 1st AVE NE near 'B' Street marching

East on 'B' Street to 3rd AVE NE. Then proceeding
North to Evergreen cemetery - where program will be conducted

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☒ No ☐

Description of any recording and sound amplification equipment to be used in your event and the times:

at the Bridge, All Veteran Memorial, armory
and evergreen cemetery

Restrooms provided?

Yes ☐ No ☒ How many? _____

A ratio of 1 restroom for every 100-150 people is recommended.

Company contracted for restrooms: _____

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

Sign, banners, and posters/flyers?

Yes ☐ No ☒

Locations and descriptions: _____

Trash Disposal?

Yes ☐ No ☒

Company contracted for trash disposal: _____

Event Layout and Street Site Map

Yes ☐ No ☒

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

Area Notification

Please describe your plans to notify property owners, tenants, and/or businesses within 300 feet of the event or festival site prior to City Council meeting.

N/A

PART II: STREET CLOSURE REQUEST

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

Throughout all events, businesses should be reasonably accessible to the general public. If a business's entrance is blocked by the event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access. If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the road of the proposed closure. All street closures must be approved by City Council.

Please 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").

West end of Laurel street bridge
1st AVE NE from "B" + "C" streets "B" street 1st AVE NE to 3rd AVE NE
Intersections for 3rd AVE NE North to Evergreen Cemetery.

Time and date for beginning of street closures: 5/28/18 8:15 a.m. West end of Laurel St bridge

Time and date for reopening of streets: 5/28/18 - 9:00 AM - for Laurel St.

Staging @ 1st AVE NE - Starts @ 9:30 Parade starts @ 10:00 AM - finishing @ Cemetery @ 10:30.
Please describe your plans to notify property owners, tenants, and/or businesses along the affected route of the proposed street closure within 300 feet prior to City Council meeting.

The City will supply you with a Notice of Hearing flyer to use in notification that lists the necessary information.

no parking signs will be placed by Elks on route.

Failure to notify property owners and tenants in street closure areas will result in revocation of street closure permit.

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

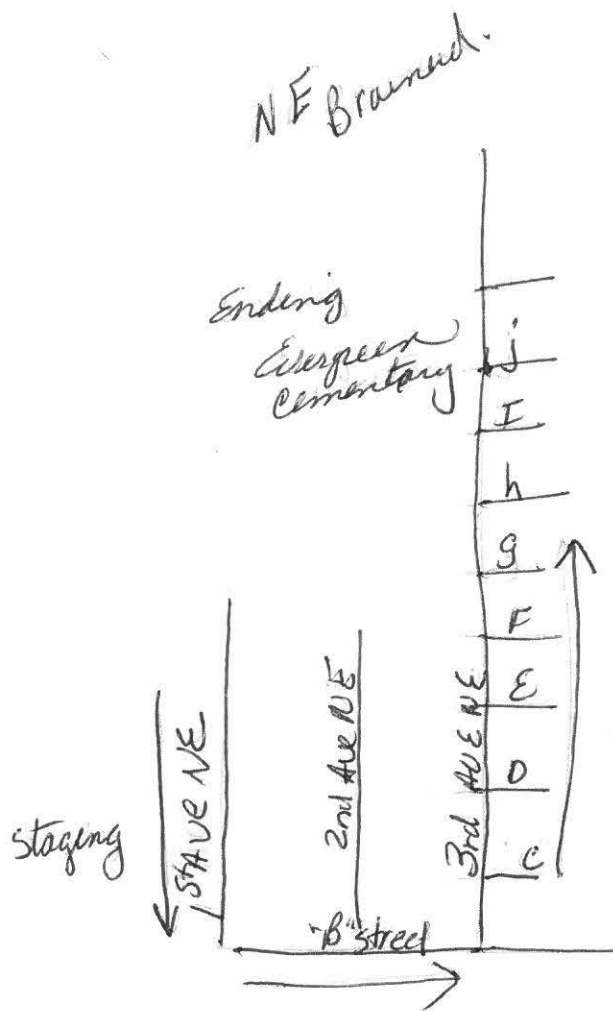
PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

Each special event has its own requirements and needs. Listed below is a summary of the permits and fees common to many special 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 special events must have all permits and fees paid and approved prior to the start of the event.*

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

Contact Information:

Administrator's Office:	(218) 828-2307 E-MAIL admin@ci.brainerd.mn.us
Engineering Department:	(218) 828-2309 E-MAIL engineer@ci.brainerd.mn.us
Commissioner of Revenue:	(651) 282-5225 E-MAIL www.taxes.state.mn.us
Parks and Rec. Department:	(218) 828-2320 E-MAIL parks@ci.brainerd.mn.us
Planning Department:	(218) 828-2309 E-MAIL planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 E-MAIL police@ci.brainerd.mn.us
MN Department of Health	(320) 223-7300 E-Mail www.health.state.mn.us
MNDOT – Baxter Office	(218) 828-5700 E-Mail www.dot.state.mn.us



memorial day parade
route

Street closing
requests:

- ① West end of Laurel
Street bridge
@ 8:15.
- ② ~~B~~ 1st Ave NE
"B" going East
Intersection of 3rd Ave NE
going north to
Evergreen cemetery

~~at east~~
also Laurel Street
Bridge we will be
holding a ceremony. then
to all Vets memorial

PART IV: 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, in its discretion, may require the Applicant to obtain liability insurance for any special event. If liability insurance is required, the following requirements apply:

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

PART V: SIGNATURE OF EVENT APPLICANT

I attest that the above information is true and accurate and I have signed this application on behalf of the Applicant. I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

Jan Lambert

Signature of the Event Applicant

6/3/18

Date submitted to the City

Jan Lambert

PRINT NAME

Chairperson for Memorial Day Committee

Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>NONE</u>
City Administration	<u>OK</u>	<u>NONE</u>
Engineering Depart.	<u>OK</u>	<u>TRAFFIC CONTROL REQUESTS THROUGH ENG.</u>
Fire Department	<u>OK</u>	<u>NONE</u>
Fire Support/EMS	<u>OK</u>	<u>NONE</u>
Parks and Recreation	<u>OK</u>	<u>NONE</u>
Planning Department	<u>OK</u>	<u>NONE</u>
Police Department	<u>OK</u>	<u>USUALLY PROVIDE ESCORT</u>

Certification of Street Closure Approval

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

Special Event/Festival Application and Permit Approval

The Special 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



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: 2018 Transit Capital Bus Purchase

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Transit
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: The transit department budgeted through the grant for a replacement bus purchase in 2018.	
Alternatives, Options, Effects on Others/Comments: The vehicle cost is included in the 2018 grant award and is allocated 20% local share and 80% State/Federal Share of the contract amount. The transit department typically budgets for one new bus a year, with the 20% local share split between all of the agencies involved in the Brainerd and Crow Wing County Public Transit System. Brainerd's portion is covered through collected fares within the Brainerd system.	
Recommended Action/Motion: Staff recommends adopting the attached resolution authorizing the purchase of the 2018 budgeted bus from North Central Bus Sales of St. Cloud at a total cost of \$80,144.00.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$80,144.00</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> We budget for one new bus a year, with the 20% local share being covered by transit fund 203 and split proportionately to the different agreements within the transit system.	

PUBLIC TRANSIT (5311, ETC.)

FY 2018 VEHICLE ORDER FORM

MnDOT COOPERATIVE PROCUREMENT FOR SMALL, MID-SIZED & MEDIUM DUTY ACCESSIBLE BUSES

(This form to be used ONLY for vehicles funded through MnDOT's Office of Transit)

MnDOT Recipient Contract Number: 1029834
Contract Maximum Amount: \$ 81,000.00
SUN Number: (Office Use)

Quantity: (For identical vehicle orders only)
UPIN Number: (Office Use)

Legal Name: City of Brainerd
Address: 501 Laurel Street
City, State, Zip: Brainerd, MN 56401
Contact Name: Andy Stone

Phone Number: 218-454-3413
Fax Number: 218-828-6172
Email Address: astone@ci.brainerd.mn.us

Vendor Name: North Central Bus & Equipment
Vendor Contact: Bryan Techel 952-270-9328
Bus Manufacturer: Elkhart Coach
Model & Gas/Diesel: EC II Gas

Bus GVRW: 14,500
Chassis Manufacturer: Ford
Chassis Wheelbase: 190"
Vehicle Length: 313"

Vehicle Spec. # 10. 9 Final Build: 20 Passengers + 2 W/C's
16 # of Passenger Seats 2 # of WC Positions

Lift Manufacturer & Model: Braun Century 1000 # Front x Rear

Wheelchair Securements Manufacturer & Model: Q' Straint QRT Deluxe Slide N Clicks

Floor Plan Attached (required): Yes x No

Inspection Site/Location: NCBS - St. Cloud Recipient's Ford/GM Fleet #:

BASE PRICE (includes freight - manufacturer to vendor & all rebates)	\$ 60305.00
TOTAL OPTIONS (from page 2)	\$ 8792.00
TOTAL OPTIONS (from page 3)	\$ 10762.00
DELIVERY CHARGE (vendor to recipient)	\$ 160.00
LICENSE & TRANSFER FEES (estimated)	\$ 125.00
EXTENDED WARRANTIES	\$
EXCISE TAX (if applicable)	\$
QUANTITY DISCOUNT (if applicable)	\$
VEHICLE TOTAL	\$ 80,144.00

Completed by Office of Transit

Vehicle Total or
Contract Amount \$
(whichever is less)

MnDOT Share \$

Recipient Share \$

Recipient Signature: 

Date: 5-14-2018

Vendor Signature: (Not required)

Date: 4/24/2018

MnDOT APPROVAL

Procurement Coordinator Signature:

Date:

PUBLIC TRANSIT (5311, ETC.) Options

(Attach to Vehicle Order Form)

OPTIONS: Select from vehicle specifications optional equipment list.

<u>Option #</u>	<u>Description</u>	
6	Fuel Tank Access Plate	\$ STD
7	Extend Wheelbase to Accommodate Floorplan	\$ 1,621.00
11B	Extended Valve Stems on Dual Rear Wheels	\$ 44.00
19C	Reflectorize Rear Perimeter of Bus	\$ 150.00
24C	Upgrade to Altro Flooring - Capri	\$ 845.00
24E	Aluminum Underbelly	\$ 251.00
24G	Coved Altro Flooring up to Wall Seat Track	\$ 200.00
27Ab	Rear Romeo Rim Help Bumper	\$ 641.00
28	Antenna Ground Plane 18"	\$ 53.00
30B	Easy Access Panel Above Entrance Door	\$ 22.00
30C	Exterior Key Entry	\$ 72.00
34D	Ford OEM Drivers Seat with Manual Adjustment Dord OEM Pedestal	\$ 450.00
36Ba	Add Double Notchback Style Foldaway Seats (Qty4 @ \$740 each)	\$ 2,960.00
37B	Delete Double Standard Passenger Seats(Qty 2 @ \$361 each)	\$ -722.00
38B	Vertical Stching on all Passenger Seats (Qty 20 @ \$16 each)	\$ 320.00
38C	Upgrade to Level 4 Seat Material(Qty 20 @ \$46 each) Wave Blue 6113004	\$ 920.00
40	USR Passenger Seat Belts	\$ 69.00
42	Braun Century 1000# lift ILO of STD 800#	\$ 25.00
44	Q' Straint QRT Deluxe ILO of STD QRT 360's (Qty 2 @ \$240 each)	\$ -480.00
44B	Horizontal L Track @ W/C Positions (Qty 24 @ \$3 per inch)	\$ 72.00
44E	TDSS Storage Sustum for Slide N Clicks (Qty 2 @ \$91 each)	\$ 182.00
44H	Additional Floor Anchor Point (QTY 2 @ \$132 each)	\$ 264.00
46B	Upper Plexiglass Panel on Drivers Partition	\$ 90.00
47C	Powder Coated Yellow Entrace Grab Rails	\$ 165.00
47C	Powder Coated Yellow Ceiling Grab Rails	\$ 112.00
47G	Additional Grab Handles on Wall Side Seats(Qty 8 @ \$22 each)	\$ 176.00
47G	Upgrade to Yellow Grab Handrails on Seat Backs (Qty 16 @ \$10 each)	\$ 160.00
48A	Stanchion, Crossrail, and Modesty Panel Behind Lift Before First Seats	\$ 130.00
TOTAL (Place total amount in space on vehicle order form)		\$ 8,792.00

(Attach to Vehicle Order Form)

Option #

49B

\$ 850.00

51A

\$ 245.00

51F

\$ 367.00

54

\$ 110.00

54

\$ 55.00

71C

\$ 475.00

72

\$ 0.00

75

\$ 421.00

76B

\$ 74.00

80C

\$ 275.00

85

\$ 2,000.00

85A

\$ 900.00

85A

\$ 500.00

94H

\$ 1,532.00

941

\$ 597.00

97

\$ 2,361.00

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

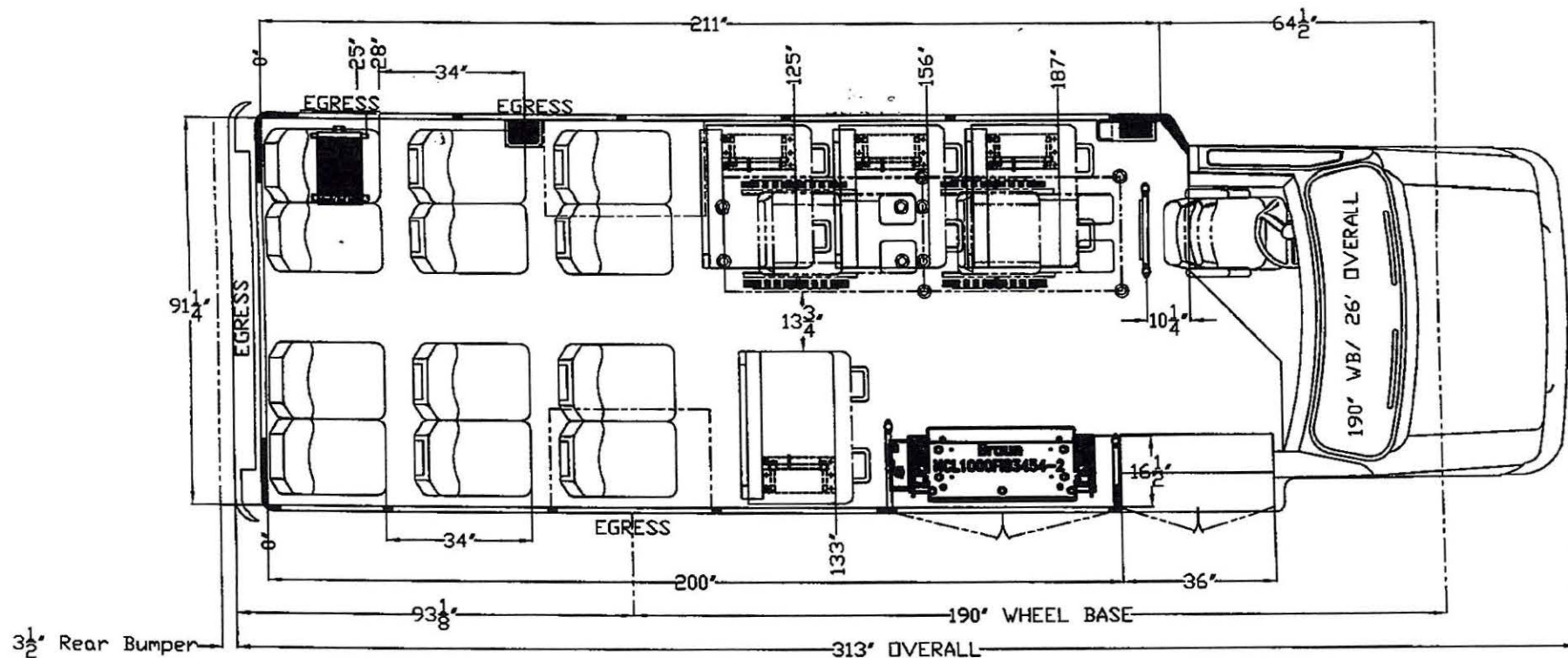
\$ _____

\$ _____

\$ _____

\$ 10,762.00

REV	DATE	BY	DESCRIPTION	REV	DATE	BY	DESCRIPTION	REV	DATE	BY	DESCRIPTION
B	4-13-17	NM	Dealer Changes	-	-	-	-	-	-	-	-



Preliminary

Weight analysis has not been performed.

DEALER SIGNATURE: _____

DO NOT SCALE SIZE A	PROJECTION	DESCRIPTION				2901 County Road 7 N ELKHART, IN 46514 (574) 264-5179 A DIVISION OF FOREST RIVER	
		Floor plan ECCW 190-313 Front Lift (Braun919) Standard Floor 20P/2WC/Slide Click				SHEET 1 OF 2	
	W.I. NUMBER	DATE: 3-31-17	SCALE: N.T.S.	REFERENCE: NUMBER	DRAWN BY: NPM		PART NUMBER 900-27-0253
THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN ARE THE EXCLUSIVE PROPERTY OF ELKHART COACH. IT SHALL NOT BE COPIED OR DUPLICATED IN ANY MANNER, NOR SHALL IT BE SUBMITTED TO OUTSIDE PARTIES FOR EXAMINATION WITHOUT OUR WRITTEN CONSENT. IT IS LOANED FOR USE WITH REFERENCE TO WORK UNDER CONTRACT WITH, OR PROPOSALS SUBMITTED TO ELKHART COACH.			TOLERANCES UNLESS OTHERWISE SPECIFIED ARE: FLOORPLANS ±1/2" ALL STRUCTURAL ±1/8" ANGLE ±1°		CHECKED BY:	REV B elkhart Coach	

STEP 4

PRICE ANALYSIS

Grantee/Sub-Grantee local
P.O. #:

Project Name and Description:

2018 Grant Funded Capital (Bus) Purchase

Grantee/Sub-Grantee Name:

City of Brainerd

Grantee/Sub-Grantee Address:

501 Laurel Street Brainerd, MN 56401

Grantee/Sub-Grantee Project Contact Name:

Andy Stone

Phone:

218-454-3413

Title:

Transit Coordinator

eMail:

astone@ci.brainerd.mn.us

Analysis by (Name)

Andy Stone

Date:

5-14-2018

Analysis Reviewer Signature:

[Signature]

The pricing quoted on the attached sheet(s) is deemed to be fair and reasonable based on the following type of analysis:

- ☐ Comparison with market prices or catalog pricing for the same item. (Complete summary matrix below and attach supporting quotes or catalog pages)
- ☐ Comparison of proposed pricing with an in-house estimate for the same item. (Attach signed in-house estimate and explain factors influencing any difference found. Complete summary matrix)
- ☒ Comparison with a competing supplier's prices and a comparison with the I.C.E. (complete Vehicle Procurement Summary Matrix)
- ☐ Comparison of proposed pricing with historical pricing from previous purchases of the same or similar item, coupled with market data such as Producer Price Index or Inflation Rate over the corresponding time period. (Attach data and historical price record)
- ☐ Analysis of price components against current published standards, such as labor rates, dollars per pound, etc. to justify the price reasonableness of the whole. (Attach analysis to support conclusions drawn)

SUMMARY MATRIX for Products and Services

☐ Adequate Price Competition

Quote Source - use one or more of these columns (complete competitor name in each column; A,B,C, etc)

Procurement Item (list in each line, each item and/or service)	Independent Cost Estimate Amount	Proposed Pricing (complete if second box is checked)	Average Market Price (complete if first box is checked)	Competitor A—Haglund Glaval	Competitor B—NCB Startrans	Competitor C—
Class 400 Bus	\$179,000			\$179,330	\$180,325	

Comments:

Fleet Consistency, Prior Service and Relationship

Attachments (identify and attach):

STEP 4

☒ Hoglund Bus Glaval

☒ N. Central Bus Starttrans Senator II

☐

SUMMARY MATRIX for Vehicle Procurements only* (this section can be deleted if not purchasing a vehicle)

Current Purchase					
Bus Manufacturer: [insert name of bus manufacturer] <u>Elkhart EC II Gas</u>					
Model	Vehicle Length	Chassis Manufacturer	Chassis Model	Seating Configuration	Fuel Type
<u>EC II</u>	<u>313"</u>	<u>Ford</u>	<u>E-450</u>	<u>20 Pass</u> <u>2⁺ w/c</u>	<u>Gas</u>
Total Price (including options): <u>\$80,144</u>					

Comparison Pricing						
A. Bus Manufacturer: [insert name of bus manufacturer] <u>Hoglund Glaval</u>						
B. Bus Manufacturer: [insert name of bus manufacturer] <u>NCB Starttrans</u>						
C. Bus Manufacturer: [insert name of bus manufacturer]						
	Model	Vehicle Length	Chassis Manufacturer	Chassis Model	Seating Configuration	Fuel Type
A	<u>Glaval</u>	<u>312"</u>	<u>Ford</u>	<u>E450</u>	<u>16+2 w/c</u>	<u>Gas</u>
B	<u>Starttrans</u>	<u>313"</u>	<u>Ford</u>	<u>E450</u>	<u>16+2 w/c</u>	<u>Gas</u>
C						
A	Total Price (including options): <u>\$79,330.</u>					
B	Total Price (including options): <u>\$80,325</u>					
C	Total Price (including options):					

*based on current year or past year Minnesota Vehicle Procurement pricing

Vehicle Test Results Have Been Reviewed www.altoonabustest.com	<u>EC II 186/313</u>	YES ☒	NO ☐
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PUBLIC TRANSIT (5311, ETC.)

FY 2018 VEHICLE ORDER FORM

MnDOT COOPERATIVE PROCUREMENT FOR SMALL, MID-SIZED & MEDIUM DUTY ACCESSIBLE BUSES

(This form to be used ONLY for vehicles funded through MnDOT's Office of Transit)

MnDOT Recipient Contract Number: 1029834
Contract Maximum Amount: \$ \$81,000.00
SUN Number: _____ (Office Use)

Quantity: 1
(For identical vehicle orders only)
UPIN Number: _____ (Office Use)

Legal Name: City of Brainerd
Address: 501 Laurel Street
City, State, Zip: Brainerd, MN 56401
Contact Name: Andy Stone

Phone Number: _____
Fax Number: _____
Email Address: _____

Vendor Name: Hoglund Bus Company
Vendor Contact: Brian Sutlief
Bus Manufacturer: Glaval
Model & Gas/Diesel: Universal, gas

Bus GVRW: 14,500
Chassis Manufacturer: Ford
Chassis Wheelbase: 190"
Vehicle Length: 26'

Vehicle Spec. # 10 9 16 # of Passenger Seats 2 # of WC Positions

Lift Manufacturer & Model: Braun Century 1000lb. Front x Rear _____

Wheelchair Securements Manufacturer & Model: Q'Straint QRT Deluxe Slide N Click

Floor Plan Attached (required): Yes _____ No _____

Inspection Site/Location: _____ Recipient's Ford/GM Fleet #: _____

BASE PRICE (includes freight - manufacturer to vendor & all rebates)	\$ <u>60650.00</u>
TOTAL OPTIONS (from page 2)	\$ <u>18680.00</u>
TOTAL OPTIONS (from page 3)	\$ <u>0.00</u>
DELIVERY CHARGE (vendor to recipient)	\$ _____
LICENSE & TRANSFER FEES (estimated)	\$ _____
EXTENDED WARRANTIES	\$ _____
EXCISE TAX (if applicable)	\$ _____
QUANTITY DISCOUNT (if applicable)	\$ _____
VEHICLE TOTAL	\$ <u>79,330.00</u>

Completed by Office of Transit

Vehicle Total or
Contract Amount \$ _____
(whichever is less)

MnDOT Share \$ _____

Recipient Share \$ _____

Recipient Signature: _____

Date: _____

Vendor Signature: _____

Date: _____

(Not required)

MnDOT APPROVAL

Procurement Coordinator Signature: _____

Date: _____

PUBLIC TRANSIT (5311, ETC.) Options

(Attach to Vehicle Order Form)

OPTIONS: Select from vehicle specifications optional equipment list.

OPTION	QTY			TOTAL
6A	1	Fuel Tank Access Plate	Standard	
7	1	Extend wheelbase to accommodate floor plan -	490.00	490.00
11B	1	Extended valve stems on rear wheels	45.00	45.00
24C	1	Alternative floor covering that meets FMVSS 302 and ADA - Altro	480.00	480.00
24E	1	Galvanized steel underbelly	275.00	275.00
24G	1	Coved Flooring	Standard	
27Ab	1	Romeo Rim Bumper - Rear	780.00	780.00
28	1	Antenna ground plane - 18"	105.00	105.00
30B	1	Easy Access Panel above entrance door.	100.00	100.00
30C	1	Exterior Key Entry	Standard	
36Ba	4	Double Foldaway Seat w/ Notchback (split back)	685.00	2,740.00
37B	-2	Double Passenger Seat - Freedman	385.00	-770.00
38B	20	Vertical Stitch - Vinyl or Cloth, per seat	15.00	300.00
38C	20	Level 4 Seat Fabric - Passenger	47.00	940.00
40B	16	Seat belts in lieu of standard (per seat) Freedman	50.00	800.00
	.	Freedman are standard on foldaway seats, these would be added to match.		
42A	1	Braun Century 34" x 54" 1,000lb	250.00	250.00
44	2	Slide N Click Wheelchair Securements, per location	75.00	150.00
44	2	QRT Deluxe Wheelchair Securement, per location	-90.00	-180.00
44C	2	Horizontal L-Track on Wall for Adjustment, per foot	30.00	60.00
44E	2	TDSS (Tie Down Storage System)	130.00	260.00
44H	2	Additional Floor Anchor	50.00	100.00
46B	1	Plexiglass on upper section of driver stanchion - Clear	150.00	150.00
47C	3	Other than standard entrance and ceiling grab rails, per rail -	125.00	375.00
47G	8	Grab Handles on wall seats (per each)	22.00	176.00
48A	1	Vertical stanchion and cross rail, with modesty panel, between lift door and	130.00	130.00
49B	1	Roof mounted condenser in lieu of skirt mounted	900.00	900.00
51A	1	35k BTU Rear Heater	320.00	320.00
54	3	Additional LED Rear Exterior Lights, per pair	78.00	234.00
71C	1	Combined heated and remote controlled mirrors	500.00	500.00
76B	1	Heavy-duty step-well heater - Electric	250.00	250.00
80C	1	Interior carpet/cloth entire ceiling	550.00	550.00
85	1	AngelTrax 4 Camera System	3,400.00	3,400.00
85A	1	Backup Camera	400.00	400.00
94H	1	Diamond XV fare box & 1 vault w/pole	1,430.00	1,430.00
94I	1	Additional vaults for Diamond XV	575.00	575.00
97	1	Bike Rack - Sportworks Stainless Steel	2,365.00	2,365.00
	.	Total		18,680.00

PUBLIC TRANSIT (5311, ETC.)

FY 2018 VEHICLE ORDER FORM
MnDOT COOPERATIVE PROCUREMENT FOR SMALL, MID-SIZED & MEDIUM DUTY ACCESSIBLE BUSES

(This form to be used ONLY for vehicles funded through MnDOT's Office of Transit)

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Address: 501 Laurel Street
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Contact Name: Andy Stone

Phone Number: 218-454-3413
Fax Number: 218-828-6172
Email Address: astone@ci.brainerd.mn.us

Vendor Name: North Central Bus & Equipment
Vendor Contact: Bryan Techel 952-270-9328
Bus Manufacturer: Startrans
Model & Gas/Diesel: Senator II

Bus GVRW: 14,500
Chassis Manufacturer: Ford
Chassis Wheelbase: 190"
Vehicle Length: 313"

Final Build: 20 Passengers + 2 W/C's

Vehicle Spec. # 10. 9 16 # of Passenger Seats 2 # of WC Positions

Lift Manufacturer & Model: Braun Century 1000 # Front x Rear

Wheelchair Securements Manufacturer & Model: Q' Straint QRT Deluxe Slide N Clicks

Floor Plan Attached (required): Yes x No

Inspection Site/Location: NCBS - St. Cloud Recipient's Ford/GM Fleet #:

BASE PRICE (includes freight - manufacturer to vendor & all rebates)	\$ 60003.00
TOTAL OPTIONS (from page 2)	\$ 9487.00
TOTAL OPTIONS (from page 3)	\$ 10550.00
DELIVERY CHARGE (vendor to recipient)	\$ 160.00
LICENSE & TRANSFER FEES (estimated)	\$ 125.00
EXTENDED WARRANTIES	\$
EXCISE TAX (if applicable)	\$
QUANTITY DISCOUNT (if applicable)	\$
VEHICLE TOTAL	\$ 80,325.00

Completed by Office of Transit

Vehicle Total or Contract Amount \$ (whichever is less)	\$	MnDOT Share \$	\$
		Recipient Share \$	\$

Recipient Signature: Date:

Vendor Signature: Date: 5/14/2018
(Not required)

MnDOT APPROVAL

Procurement Coordinator Signature: Date:

PUBLIC TRANSIT (5311, ETC.) Options

(Attach to Vehicle Order Form)

OPTIONS: Select from vehicle specifications optional equipment list.

<u>Option #</u>	<u>Description</u>	
6	Fuel Tank Access Plate	\$ STD
7	Extend Wheelbase to Accommodate Floorplan	\$ 1,365.00
11B	Extended Valve Stems on Dual Rear Wheels	\$ 70.00
19C	Reflectorize Rear Perimeter of Bus	\$ 150.00
24C	Upgrade to Altro Flooring - Capri	\$ 0.00
24E	Aluminum Underbelly	\$ 185.00
24G	Coved Altro Flooring up to Wall Seat Track	\$ 319.00
27Ab	Rear Romeo Rim Help Bumper	\$ 710.00
28	Antenna Ground Plane 18"	\$ 80.00
30B	Easy Access Panel Above Entrance Door	\$ 75.00
30C	Exterior Key Entry	\$ 75.00
34D	Ford OEM Drivers Seat with Manual Adjustment Dord OEM Pedestal	\$ 450.00
36Ba	Add Double Notchback Style Foldaway Seats (Qty4 @ \$1015 each)	\$ 4,060.00
37B	Delete Double Standard Passenger Seats(Qty 2 @ \$455 each)	\$ -910.00
38B	Vertical Sticking on all Passenger Seats (Qty 20 @ \$20 each)	\$ 400.00
38C	Upgrade to Level 4 Seat Material(Qty 20 @ \$60 each) Wave Blue 6113004	\$ 1,200.00
40	USR Passenger Seat Belts	\$ STD
42	Braun Century 1000# lift ILO of STD 800#	\$ 265.00
44	Q' Straint QRT Deluxe ILO of STD QRT 360's (Qty 2 @ \$165 each)	\$ -330.00
44B	Horizontal L Track @ W/C Positions (Qty 24 @ \$3 per inch)	\$ 72.00
44E	TDSS Storage Systeem for Slide N Clicks (Qty 2 @ \$95 each)	\$ 190.00
44H	Additional Floor Anchor Point (QTY 2 @ \$138 each)	\$ 276.00
46B	Upper Plexiglass Panel on Drivers Partition	\$ 95.00
47C	Powder Coated Yellow Entrance Grab Rails	\$ 65.00
47C	Powder Coated Yellow Ceiling Grab Rails	\$ 95.00
47G	Additional Grab Handles on Wall Side Seats(Qty 8 @ \$40 each)	\$ 320.00
47G	Upgrade to Yellow Grab Handrails on Seat Backs (Qty 16 @ \$5 each)	\$ 80.00
48B	Stanchion, Crossrail, and Modesty Panel Behind Lift Before First Seats	\$ 130.00
TOTAL (Place total amount in space on vehicle order form)		\$ 9,487.00

(Attach to Vehicle Order Form)

<u>Option #</u>	<u>Description</u>	
49B	Roof Mounted A/C System ILO of Skirt Mounted	\$ 705.00
51A	Add 35,000 BTU Rear Heater(one 65K is Std)	\$ 390.00
51F	Metal cage around front 35K Heater	\$ NA
54	Additional 4" Amber LED Lights(Qty 2 Pairs @ \$180 each)	\$ 360.00
54	Additional 4" Red LED Lights	\$ 180.00
71C	Combined Heated and Remote Control Exterior Mirrors	\$ 580.00
72	Solid Pane Windows ILO of STD T-Sliders	\$ 0.00
75	Backup Camera Displayed in Rearview Mirror	\$ 580.00
76B	Electric Stepwell Heater	\$ 85.00
80C	Carpet Covering Entire Ceiling in Passenger Cabin Area	\$ 120.00
85	Angel Trax 2 Head Camera System	\$ 2,000.00
85A	Add Additional Interior Camea Heads (Qty 2 @ \$450 each)	\$ 900.00
85A	Add Extra 500GB Solid State Harddrive	\$ 500.00
94H	Diamond XV Farebox with 1 Vault and Pole	\$ 1,625.00
94I	Additional Vault for Farebox	\$ 525.00
97	Bike Rack Stainless Steel	\$ 2,000.00
		\$
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TOTAL (Place total amount in space on vehicle order form)		\$ 10,550.00

R E S O L U T I O N
NO _____

TRANSIT BUS PURCHASE

WHEREAS, the City of Brainerd operates a transit system; and,

WHEREAS, the City of Brainerd desires to purchase, through the State of Minnesota Cooperative Procurement Process, a replacement vehicle to be used in the transit system; and

WHEREAS, the vehicle cost is allocated 20% local share and 80% State/Federal share of the "contract amount"; and

WHEREAS, the City of Brainerd staff has reviewed the vehicle options offered by approved multiple contracting vendors; and

WHEREAS, staff recommends purchasing a vehicle from North Central Bus for the reasons of cost, fleet consistency and service availability;

NOW, THEREFORE, BE IT RESOLVED, that the Brainerd City Council hereby authorizes the purchase of a new transit bus from North Central Bus Sales of St. Cloud in the approximate contract amount of \$80,144.00.

Adopted this _____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Set Public Hearing - Draft 5-Year Capital Improvement Plan

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Staff would like to set a public hearing for the draft 5-year capital street and sewer plan.	
Alternatives, Options, Effects on Others/Comments: The draft version of the capital plan is on the website located at the web address below. Setting a public hearing will give the public an opportunity to speak for projects that they think should be included or not included in the plan. http://www.ci.brainerd.mn.us/509/5-Year-Capital-Improvement-Plan	
Recommended Action/Motion: Staff recommends setting the public hearing in regards to the 5-year capital improvement plan for June 18, 2018 at 7:30 PM.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Snow Plowing Policy

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is a draft snow plowing policy for the committee and council review.	
Alternatives, Options, Effects on Others/Comments: The policy was written so that streets/sidewalks/trails could be prioritized along with outlining which streets and trails that the City is responsible for keeping clean of snow and ice. The police also covers other various items such as how the snow will be plowed, snow removal by trucks, when snow and ice control operations will commence, work schedules, traffic regulations for plow drivers, mailboxes, and complaint procedures.	
Recommended Action/Motion: Staff recommends adoption of the attached policy and sidewalk/trail priority schedule.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

City of Brainerd, Minnesota Snowplowing Policy

1. Introduction

The city of Brainerd, Minnesota, finds that it is in the best interest of the residents of the city to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The city will attempt to provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel, and environmental concerns. The city will use city employees, equipment and/or private contractors to provide this service. This policy does not relieve the operator of private vehicles, pedestrians, property owners, residents and all others that may be using public streets, of their responsibility to act in a reasonable, prudent and cautious manner, given the prevailing street conditions.

2. When Will the City Start Snow or Ice Control Operations?

The City Engineer will decide when to begin snow or ice control operations. The criteria for that decision are:

- A. Snow accumulation of two (2) inches or more;
- B. Drifting of snow that causes problems for travel;
- C. Icy conditions which seriously affect travel; and
- D. Time of snowfall in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, snowplowing operations will not generally be conducted for snowfall of less than two (2) inches.

3. How Snow will be Plowed

Snow will be plowed in a manner so as to minimize traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right on two-way streets. On one-way streets or where there is a center boulevard, snow may be pushed in either direction. The discharge shall go onto the boulevard area of the street. Snow on cul-de-sacs will normally be plowed to the center in an attempt to provide the largest turning radius possible for emergency vehicle ingress and egress. When a plow goes on a bridge, the driver shall slow down so snow does not go over the bridge, if possible. In times of extreme snowfall, streets will not always immediately be able to be completely cleared of snow.

4. Snow Removal

The City Engineer will determine if and when snow will be removed from the area by truck. Such snow removal will occur in areas where there is no room on the boulevard for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.

5. Priorities and Schedule of Streets to be Plowed

The city has classified city streets based on the street function, traffic volume and importance to the welfare of the community. Those streets classified as “Snow Emergency Routes” will be plowed first. These are high volume routes, which connect major sections of the city and provide access for emergency fire, police, and medical services. The second priority streets are those streets providing access to schools and commercial businesses along with public parking areas and pedestrian facilities abutting city property. The third priority streets are low volume residential streets. The fourth priority areas are alleys. The fifth priority are all other trails or sidewalks identified on the attached sheet. The City has specified routes when a “Snow Emergency” is declared that will have parking restrictions on them on day 1 and day 2 of a Snow Emergency. Please visit <http://www.ci.brainerd.mn.us/182/Snow-Emergencies> for detailed maps and ordinance language for when a Snow Emergency is declared.

During significant and severe storms, the city must be prepared to move personnel and equipment to maintain priority routes first. In fulfilling the need to have all priority streets safe and passable, when resources are limited, plowing of all other streets may be stopped at any time so resources can be shifted to priority routes.

Unforeseeable circumstances may cause delays in completing assigned plow routes. Such circumstances may include weather conditions that endanger the safety of snowplow operators and/or safe and effective operation of equipment, commuter traffic, disabled vehicles, poor visibility conditions, parked cars along streets, assistance to emergency response vehicles, equipment breakdown, and personnel shortages.

6. Work Schedule for Snowplow Operators

Snowplow operators will be expected to work their assigned shifts. In severe snow emergencies, operators sometimes have to work longer shifts, but will be paid overtime for hours in excess of 40 per week, or pursuant to any collective bargaining contract language. However, because of budget and safety concerns, no operator shall work more than a twelve-hour shift in any twenty-four hour period. While work breaks are not guaranteed, generally operators will take breaks in accordance with city policy, provided the breaks do not interfere with city services or operations. In addition, operators will be allowed sufficient time to eat a meal during any shift which is eight or more hours, or as provided in the collective bargaining agreement. After a twelve-hour shift, the operators will be replaced if additional qualified personnel are available.

7. Traffic Regulations

The city recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets, except for regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators engaged in snow removal or ice control on city streets have discretion to disregard traffic laws set forth in Chapter 169, except for laws relating to impaired driving and school children safety, when in their judgment, it is safe to disregard such laws. The privileges granted herein to operators of snow removal and ice control vehicles shall apply only if the vehicle is equipped with one lighted lamp displaying a flashing, oscillating, or rotating amber light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees.

8. Weather Conditions

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of snowplow operators and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds, and limited visibility.

9. Use of Sand, Salt, and Other Chemicals

The city will use sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The city is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

10. Sidewalks

The city will maintain some of the sidewalks in the city. The list of those sidewalks is attached. As there are a limited number of personnel available, the city will only maintain these sidewalks after the streets have been plowed. It is the responsibility of the resident and/or property owner to remove all accumulated snow from all other sidewalks along public streets adjoining their property. This includes any snow plowed from public streets onto the sidewalk.

11. Mailboxes

Damage to a mailbox is a risk that snowplow operators face during their winter plowing requirements. The city will conduct a review of each mailbox damage claim to determine whether the city has any legal responsibility for the damage and, if so, to replace or provide reimbursement for the mailbox. If the city, in its discretion, determines that reimbursement or replacement is appropriate, the city may:

- 1) At the mailbox owner's request, replace the mailbox with a standard size, non-decorative metal mailbox and replace the support post as necessary with a 4" x 4", decay resistance wood support post, both which will be installed by the city;
- 2) Provide reimbursement in a reasonable amount for the mailbox and support posts that meet the city's ordinance standards, as well as state and federal requirements for mailbox size, support and placement.

12. Complaint Procedure

Complaints will be recorded on telephone logs. Calls requiring service will be transferred to a work request and forwarded to the appropriate supervisor for scheduling. Emergency complaints will be handled in an expeditious manner as resources are available.

13. Deviation from Policy

The City Engineer may deviate from this policy when in his or her judgment it is in the best interest of the city or is necessary because of budget needs or other circumstances. Changes in priorities (lasting more than 4 hours) will be documented as to what caused such actions, why the change was necessary, and for how long the change is to be in effect. Those city employees and/or contractors affected will be notified immediately by radio or cell phone of such changes with all communications logged. Information logged will include the time and date of the communication, name of employee contacted, and how they were contacted. Any changes of priorities lasting more than 24 hours should be made in a written record and the

public should be informed of such changes through normal methods used by the city for emergency notifications.

14. Review and Modification of Policy

The City Engineer shall keep on file all comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

Broom Tractor/Plow Truck Priority Schedule

May 2018

*Note – Any trail plowing will be last priority. Property owners still can do their own trail knowing that the City will do it on a *last priority* basis.

1. East Side of S 5th Street, Laurel Street to Alley (Driver's License and City Hall) (Sidewalk) (Streets)
2. North Side of Laurel Street, S 6th Street to S 5th Street (City Hall and Parking Lot) (Sidewalk) (Streets)
3. Downtown
 - a. Sidewalk Adjacent to Laurel Street Parking Lot (If Contractor not called in) (Sidewalk) (Streets)
 - b. Sidewalk Adjacent to S 7th and Front Street Parking Lot (If Contractor not called in) (Sidewalk) (Streets)
 - c. Alleys and Streets (If Contractor not called in) (Streets)
4. West Side of S 5th Street, Maple Street to Norwood Street and Front of Building (Library) (Sidewalk) (Streets)
5. North Side of Laurel Street, SW 4th Street to East River Road (Paradigm Auto to Fire Hall) (Trail) (Streets)
6. South Side of Laurel Street Bridge (Sidewalk) (Streets)
7. West Side of East River Road, College Drive to Laurel Street (Trail) (Streets)
8. North Side of College Drive, East River Road to County Road 48 (Trail) (Streets)
9. East and West Side of S 4th Street (Willow Street Extension), S 6th Street to College Drive (Sidewalk)(Streets)
10. North and South Side of Oak Street, S 10th Street to S 11th Street (Sidewalk)(Streets)
11. South Side Oak Street, 2005 Oak Street to 2010 Oak Street (Sidewalk)(Streets)
12. South Side of Oak Street, 2024 Oak Street to Walnut Street (Sidewalk)(Streets)
13. Trail West Side of 28th Street SE, Oak Street to Highway 25 (Trail) (Streets)
14. South Side of Oak Street, Holton Avenue to 3322 Oak Street (Sidewalk)(Streets)
15. North Side Evergreen Avenue, 1st Ave NE to N 11th Street (Sidewalk) (Streets)
16. Trail College Drive and S 5th Street, East River Road to Oak Street (Sidewalk) (Streets)
17. Trail South Side of Oak, S 5th Street to South 8th Street (Trail) (Streets)
18. Trail East Side of S 8th Street, Washington Street to Oak Street (Trail) (Streets)
19. Trail North Side of Washington Street, Lum Park Road to 5th Avenue NE (Trail) (Parks)
20. Trail, from Norwood Street to County Road 117 (Old Spur Line) (Trail) (Parks)
21. Trail, North Side of County Road 117 and Buffalo Hills Lane from Old Spur Line to Buffalo Hills Park (Trail) (Parks)



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Conditional Use Permit - Non-Enclosed Premises at the Sage on Laurel, 606 Laurel Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: The Sage on Laurel owner Sarah Hayden Shaw, desires to use part of her parking area on the east side of the building for a non-enclosed premises outdoor patio dining with alcohol service. A non-enclosed premises is allowed by Conditional Use Permit.	
Alternatives, Options, Effects on Others/Comments: Approval of Planning Commission recommendation with conditions of approval. Approval of Planning Commission recommendation with conditions (if any) the City Council deems needed. Conditional Use Permit denial. Attached is a copy of the staff report and meeting minutes.	
Recommended Action/Motion: Please see the attached e-mail from Sarah Hayden Shaw regarding Condition #2 parking lot access. Attached is a map of the existing parking which depicts Condition #2. The access issue was a concern the Planning Department had not anticipated, therefore no information about parking lot design was available at the meeting. Attached is a revised parking lot design, that if it had been available at the meeting, the condition may not have been recommended.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

Mark Ostgarden

From: Sarah Hayden Shaw <sjhaay@gmail.com>
Sent: Thursday, May 17, 2018 1:43 PM
To: Mark Ostgarden; Stephanie Bestul
Subject: {external} Letter to Council

Thank you for considering my application for a Conditional Use Permit to open an outdoor dining patio at Sage on Laurel. I am also grateful the zaplanning comission has recommended its granting. There is just one small matter to bring up with their recommendation.

Before submitting plans for the patio on my property next to Sage on Laurel, I conferred with and met with City Planner Mark Ostgarden, City Engineer Paul Sandy, and Building Department Official Chuck Arvidson and ensured that all were comfortable with the plans that I made in terms of how it will affect the adjacent city parking lot. We did come to an agreement, and in fact the new striping plan will result in 2-3 additional parking spaces in the public city lot.

I am requesting that you remove condition number 2 in the recommendations from the Planning and Zoning Commission, as it conflicts with the agreement and plans for the re striping of the parking lot agreed upon by myself and city officials mentioned above. The access to the south of my patio will be eliminated in the new configuration of the parking lot in order to maximize parking spaces available. The Planning Commission was not made aware of the new configuration plan before recommending this condition.

I would be happy to answer any questions about this at the council meeting on Monday. Thank you, Sarah Shaw. 218-760-6837

Existing

LAUREL ST

S 6TH ST

S 7TH ST

Patio

Condition # 2

38

9

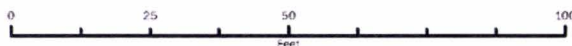
18

11

P R I V A T E

P R I V A T E

A15 A16 A17 A18 A19 A20 A21 A22 A23 A24 A25 A26 A27 A28 29 30



Print Date
9/9/2014

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 Statutes 466.03 Subd 21.

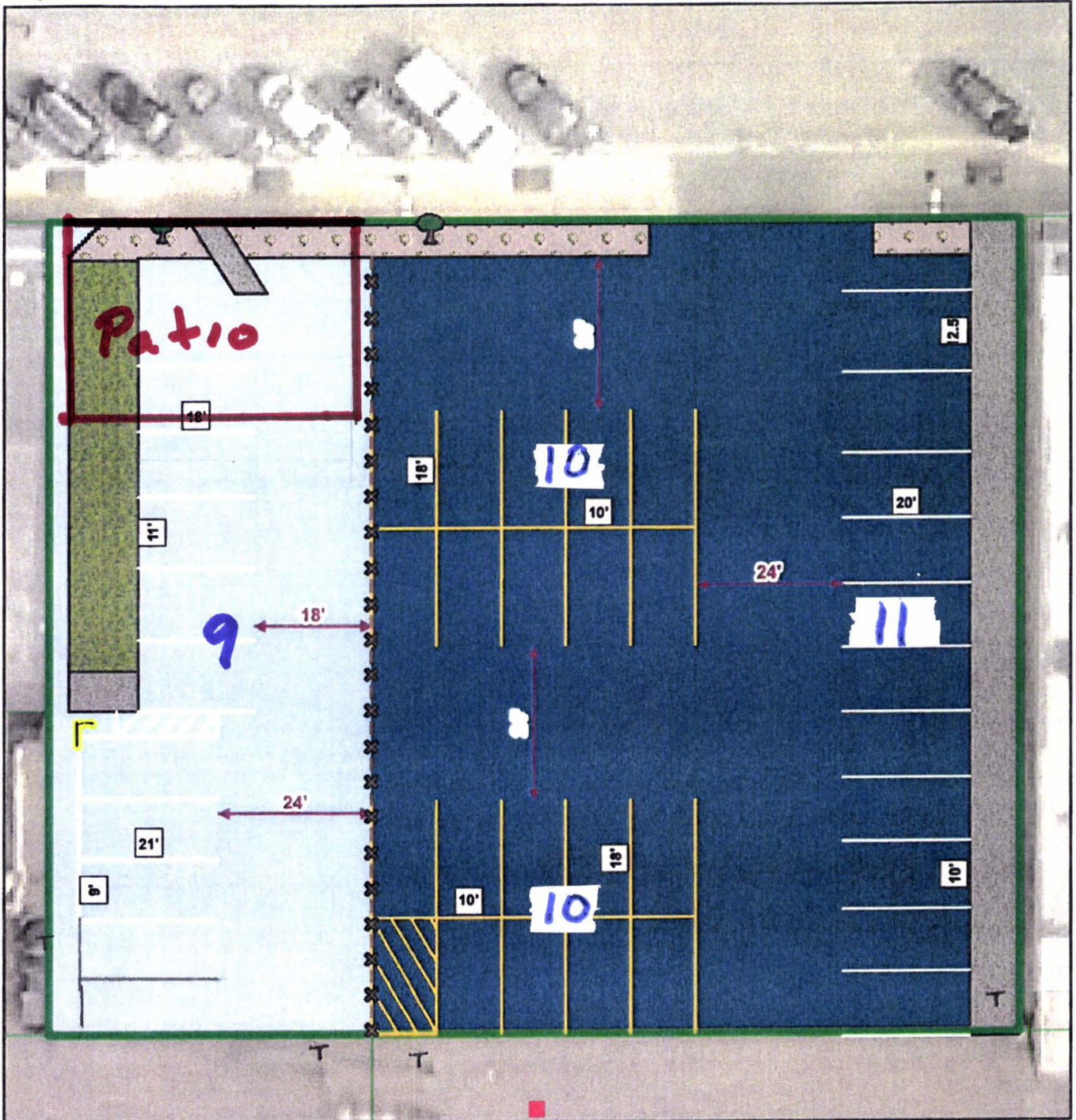


40 spaces

Proposed

City of Brainerd

Proposed Laurel Street Parking Lot



Grass Area

Electric Pole

Proposed
Parking Stalls

Mulch Area

Electric Pole/
Light Pole

Proposed Fence

Parcel Lines

Landscape Area

Light Pole

Sidewalk



20 10 0 20 Feet

Print Date
11/16/2017

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 Statutes 466.03 Subd 21.



STAFF REPORT TO THE PLANNING COMMISSION

May 16, 2018

APPLICANT/LOCATION: Sarah Hayden Shaw at Sage on Laurel, 606 Laurel Street

PROPOSED USE: Conditional Use Permit for non-enclosed premises to provide outdoor food and alcohol service

CURRENT ZONING: B-3 (Central Business) District

ADJACENT USES: East: Public parking
South: VFW
West: Retail
North: Restaurant/Retail

ADJACENT ZONING: North: B-3 (Central Business) District
East: B-3 (Central Business) District
South: B-3 (Central Business) District
West: B-3 (Central Business) District

REPORT

Following is the description of the activities provided by Ms. Hayden Shaw for the Conditional Use Permit:

Sage on Laurel wishes to construct an outdoor dining patio adjacent to the restaurant. The patio will be served by the Sage on Laurel restaurant and bar for outdoor dining. This patio will be on a portion of the property privately owned by Sarah and Ed Shaw, owners of Sage on Laurel. Currently this parcel is used as private parking for Sage on Laurel and a shared access space for the private parking and the city owned parking spaces to the east. Sage on Laurel owners have met with city staff and the submitted plans are a result of the agreed upon plans as to not interfere with city access to their lot. The reconfiguration of the lot will actually result in up to three additional parking spaces in the city lot (less if the city chooses to make the extra space available to handicapped accessible parking).

The patio will be seasonally used only. The planters which will be used as patio barriers will be constructed on bases that will allow them to be moved with a pallet jack. They will be moved out of the way in the winter time allowing wintertime use of the space as private parking for the restaurant. Hours of operation for the patio will begin at 11am daily, and will close 15 minutes after sunset, or restaurant close hours, whichever comes first. We do not intend to provide lighting sufficient for nighttime use. There will be 12 two-person tables, which could be pushed together to be 4 or 6-person tables. There will be 6 umbrellas. Tables are being custom made wood tops and will be on cast iron bases. There will be 30 chairs.

This patio will comply with all requirements set forth by the city for a conditional use permit for outdoor dining and serving alcohol. Details as to how each requirement is met follows the requirement below. Thank you!

Based on the following are the Conditional Use Permit criteria:

A. 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.

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

There are no special district provisions that apply. Following are the conditional use permit provisions:

Following are Ms. Hayden Shaw's responses to the special standards associated with this type of conditional use:

Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:

1. *The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.*

A site plan with information about compliance with outdoor dining with alcohol is provided.

2. *Access shall be provided only via the principal building.*

Access is through the side door of the restaurant only, except for the emergency only exit.

3. *The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.*

Yes. The customer floor area in the restaurant is 2950 sf. The patio area will be 32 by 20, or 640sf. which is 22%.

4. *The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.*

There are no main floor adjacent residential uses. There are second story apartments above the Sage on Laurel building, the VFW, and the Hockey House building, but none of the windows in any of these apartments face the lot the patio will be located in.

5. *All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.*

N/A. See 2nd paragraph of activity description.

6. *The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:*
 - a. *Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.*
 - b. *Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.*

The patio space does not overlap or in any way interrupt the sidewalk or pedestrian walkways.
7. *The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.*

The bituminous surface will be maintained.
8. *Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.*

No problem.
9. *Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.*

There is ample on street parking as well as private parking owned by the Sage on Laurel as well as the adjacent municipal parking lot.
10. *Closed lid refuse containers are to be provided.*

Will be provided.
11. *So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a Barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.*

Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

Barrier will be a combination of the existing black metal fencing (wrought iron look) in some areas and in other areas will be made of connected planters. These planters will be galvanized steel stock tanks. Both will be 3 ft tall (taller once the plants are in place).

Please see the submitted patio diagram and notes for detail.

12. *The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.*

The design complies with this, with the exception of the emergency exit, which will be latched from the inside.

Please see the submitted patio diagram and notes for detail.

13. *Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.*

Yes. Smoking will only be permitted in certain areas of the patio.

14. *The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.*

We have been in communication with the Building Official during this project and will continue to do so until completion.

15. *There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.*

Live music on the patio will be acoustic only unless we have a special event in which we would apply for a special permit from the city. Ambient dining music will be limited to 75 decibels at the speaker, which is the average decibel level of an acoustic guitar and will not be heard at any adjacent business or residence.

16. *All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.*

All liquor license requirements will be met.

2. **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.**

Establishing the outdoor area should not cause any of the above conditions to occur.

3. **The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**

The outdoor area will be confined to the area beneath the front overhang of the building. A railing barrier will prevent the seating from encroaching onto the public sidewalk. The area will accommodate 6 tables and 23 seats. Creating the small outdoor space within the confines of the building footprint (the overhang area is considered part of the footprint) and the installation of the decorative railing should create a harmonious relationship in the area.

4. **The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

This is the only Downtown outdoor dining proposal since the former Log Cabin; now the Senor Patron Mexican restaurant had the small area in front of the building under the overhang approved.

Shep's on 6th bar has had an outdoor area since before the current CUP process was established. Adding this area is consistent in this regard. However, the area will create an entire new use that is not consistent with the Laurel Street environment. However, in this application, that is a positive inconsistency that will add vitality, energy and a new experience to the area.

5. **The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

Additional traffic associated with the outdoor area can be accommodated by on-street parking, parking owned the restaurant and the adjacent municipal parking lot. The use will not create traffic that creates congestion, however if that should occur, it would be a good thing for Downtown.

6. **The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.**

The objectives of the Zoning Ordinance are:

515-1-2: Intent and Purpose.

- A. **Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.**
- B. **This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection,**

construction, reconstruction, alteration and use of structures and land.

C. Protect neighborhoods.

D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.

E. Provide adequate light, air, and convenience of access to property.

F. Prevent congestion in the public right-of-way.

G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.

H. Protect and preserve the natural environment of the City.

I. Encourage the protection of historic and aesthetic resources in the City.

J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.

K. Provide for compatibility of different land uses.

General Goal #3: *Promote community spirit and unity and enhance Brainerd's character and identity.*

Strategies

1. Encourage a variety of experiences and opportunities in terms of living, working and social activities within the community.
2. Protect and enhance important historical, cultural and natural resources as a means to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

DOWNTOWN

GOAL: *Support the economic viability and diversification of the Downtown Commercial District.*

Strategy

Retain and attract the appropriate mix of retail/service business activity and housing opportunities in Downtown.

B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

- 1. Fire Protection.** Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- 2. Electrical Disturbance.** No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- 3. Noise.** Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.
- 4. Vibrations.** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- 5. Odors.** No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- 6. Air Pollution.** No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.
- 7. Glare.** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.
- 8. Erosion.** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- 8. Water Pollution.** Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.

The outdoor area and liquor service should have no adverse effect on any of these issues.

DEPARTMENT INFORMATION

Utilities

No issues.

Fire

The only concern is if the exit door to the building emptied directly to the courtyard, and there were no emergency exits from the fenced area. I think adding the outward swinging gate to the north is also a good idea.

Building

The Department will inspect the area before use.

Engineering

Engineering does not have an issue with the fence on Laurel Street being used as a barrier as long as it meets the requirements for not passing a drink through as outlined in Zoning Ordinances. We do not want any permanent modifications to the fence (i.e. welding or others). Supplemental barriers would need to be utilized if the criteria is not met with the existing fence.

Police

The Police Department is aware of and has reviewed the request. At this time, it has no specific issues with the request.

PLANNING DEPARTMENT REVIEW

Outdoor dining with alcohol service is an amenity in communities across the country. Shep's on 6th bar has had an outdoor patio for many years.

When the 1st outdoor area was proposed, the concern regarding access and customers walking or lingering on public sidewalks with alcohol was discussed with the City Attorney. State laws prohibit alcohol on public sidewalks, therefore the CUP would only allow the service of alcohol on private property.

The Planning Commission can recommend additional conditions it thinks necessary to ensure the outdoor area does not create issues that would negatively affect the community public health, safety and welfare. One issue to consider is a condition that:

Alcoholic beverages for customers seated outside can only be carried/delivered/served by restaurant/bar staff.

Ms. Hayden Shaw lists the intended hours of operation as:

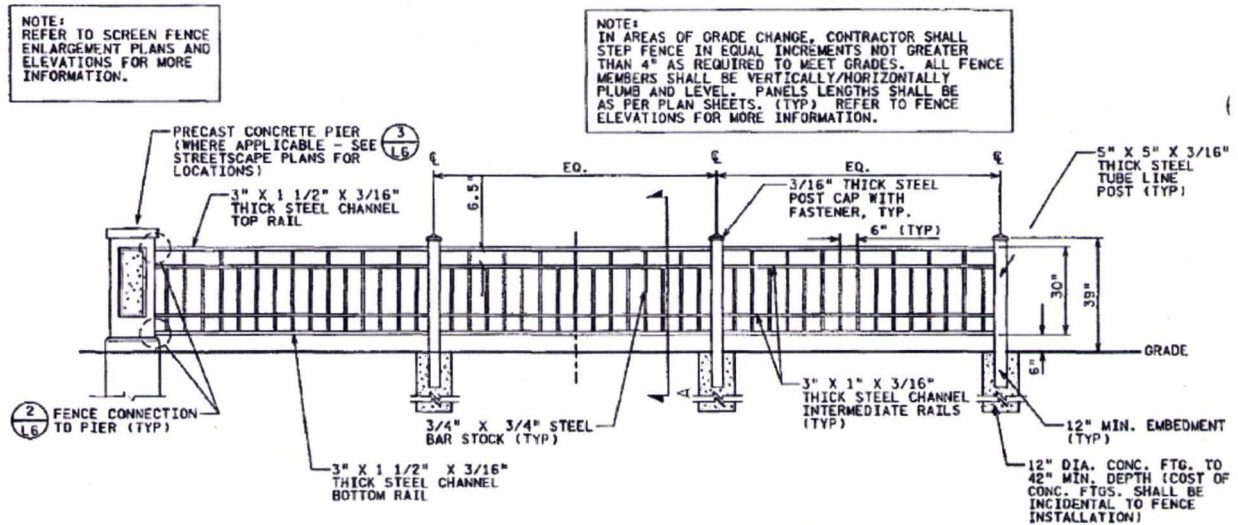
"... 11am daily, and will close 15 minutes after sunset, or restaurant close hours, whichever comes first."

It is suggested that the closing hour be more definitive which could read:

- 11am daily, and will close at 10 p.m. daily, or

- 11am daily, and will close 15 minutes after sunset, or restaurant close hours, whichever comes first, however no later than 10 p.m.

Following is a specification for the fence proposed as the barrier along Laurel Street. In addition, dwarf honeysuckle bushes that can reach 3'-5' tall are planted along the parking lot side of the fence.



Below is a photo of the railings with the not yet leafed out honeysuckle bushes visible behind the fence. The photo depicts the barriers described by Ms. Hayden Shaw for the east and south side of the area. Plans are to use them as planters.



The barriers should provide a sufficient deterrent to passing liquor to outside the area, and people attempting to access the area without going through the restaurant. Based on the layout of the tables, the nature of the business being a restaurant and the limited hours this area

should not be crowded with an excessive number of people, where maintaining the integrity of the space would begin to be a problem.

Except for Shep's on 6th bar patio, non-enclosed premises to provide outdoor food and alcohol service is a new opportunity for Downtown and the community. To serve alcohol in the area requires the City Council to issue what's called an "Extension of Premises" liquor license. While no issues are expected, should they arise, the Conditional Use Permit can be reviewed, and the City Council has the authority to revoke or not renew a liquor license.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its May 16, 2018 meeting and City Council consideration can occur at its May 21, 2018 meeting.

Respectfully submitted,



Mark Ostgarden AICP
City Planner

DRAFT Findings-of-Fact

May 16, 2018

Sarah Hayden Shaw
Sage On Laurel - 606 Laurel Street
Outdoor dining and alcohol in an enclosed area

1. The property is in a B-3 (Central Business) District which permits outdoor dining and alcohol in an enclosed area by Conditional Use Permit.
2. The Sage on Laurel Restaurant proposes a 32' x 20' patio on the east side of the building.
3. The Zoning Ordinance requires that access to non-enclosed areas be from within a building.
4. The building has two front entrances; one for the restaurant and one for the bar.
5. The area will consist of 6 tables and 23 chairs.
6. Access is through the east side door of the restaurant only, except for the emergency only exit on Laurel Street.
7. The area is not required to be screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance because there are no main floor adjacent residential uses. There are second story apartments above the Sage on Laurel building, the VFW, and the Hockey House building, but none of the windows in any of these apartments face the lot the patio will be located on.
8. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance, however no exterior lighting is planned.
9. The applicant has demonstrated that pedestrian circulation is not disrupted because:
 - a. the only pedestrian area is the Laurel Street sidewalk which can only be accessed from the patio in an emergency.
 - b. The site plan identifies there are no overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone.
10. The area has a bituminous surface.
11. Additional off-street parking is not required because there is on street parking in the area, private parking owned by the Sage on Laurel and an adjacent municipal parking lot.

12. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of existing black metal fencing (wrought iron look) and a buffer of deciduous shrubs adjacent to the fence interior along Laurel Street and the other areas will be planters of galvanized steel stock tanks. Both will be 3 ft tall (taller once the plants are in place).

Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

The barriers should provide a sufficient deterrent to passing liquor to outside the area, or people attempting to access the area without going through the restaurant. Based on the layout of the tables, the nature of the business being a restaurant and the limited hours this area should not be crowded with an excessive number of people, where maintaining the integrity of the space would begin to be a problem.

13. The City Attorney had in the past expressed concern about alcohol being served from the public sidewalk and/or guests having alcohol on the public sidewalk.
14. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.

Live music on the patio will be acoustic only unless there is a special event in which they would apply for a special permit from the city. Ambient dining music will be limited to 75 decibels at the speaker, which is the average decibel level of an acoustic guitar and will not be heard at any adjacent business or residence.

15. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood by creating an entire new use that is not consistent with the Laurel Street environment. However, in this application, that is a positive inconsistency that will add vitality, energy and a new experience to the area.
16. The proposed use will organize vehicular access and parking to minimize traffic congestion in the neighborhood with existing on-street parking, restaurant owned parking and the adjacent municipal parking lot.
17. The use is supported by the following Comprehensive Plan Goals and Strategies for implementation:

General Goal #3: *Promote community spirit and unity and enhance Brainerd's character and identity.*

Strategies

3. Encourage a variety of experiences and opportunities in terms of living, working and social activities within the community.
4. Protect and enhance important historical, cultural and natural resources as a means to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

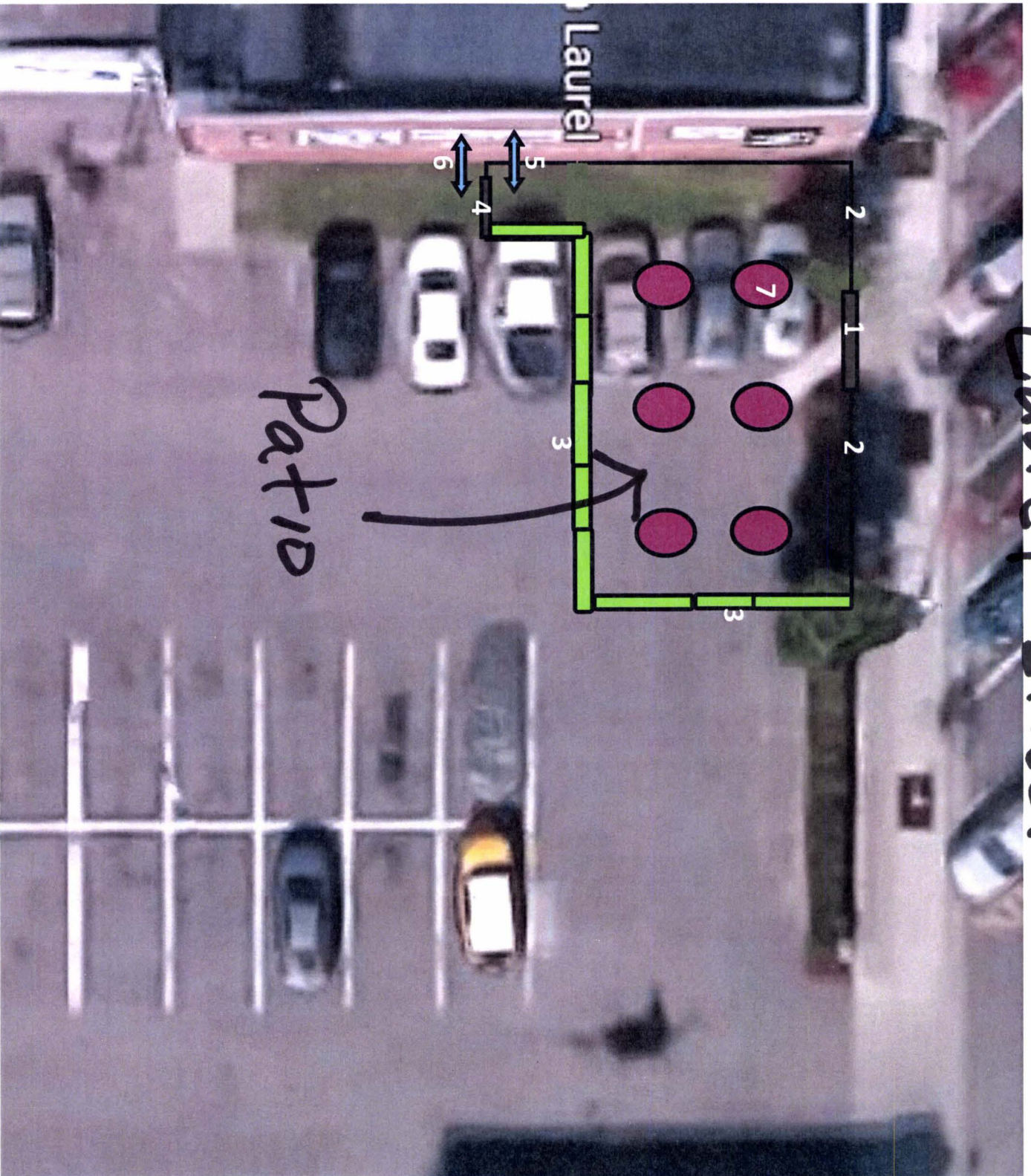
DOWNTOWN

GOAL: *Support the economic viability and diversification of the Downtown Commercial District.*

Strategy

Retain and attract the appropriate mix of retail/service business activity and housing opportunities in Downtown.

Laurel Street



Patio Plans Legend

- 1) Emergency Exit. This will be a metal gate that swings out onto the sidewalk. It will be latched from the inside, and will be unlocked during patio hours, and will be clearly marked "Emergency exit only, enter patio through restaurant"
- 2) The patio barrier here is the existing 3' black metal wrought iron look fencing.
- 3) The patio barrier here will be 3' planters, continuously placed, connected together, and immovable without special equipment.
- 4) Black metal wrought iron look fencing, 3' tall to approximately match #2.
- 5) This is the out swinging door into the restaurant (existing) that will serve the patio only.
- 6) This is the out swinging door into the restaurant that will serve as an entrance from the parking lot only.
- 7) This will be the dining area, with 6 umbrellas shown.



10/16/2004

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that a Conditional Use Permit request has been submitted by Sarah Hayden Shaw, Owner of Sage on Laurel Restaurant, 606 Laurel Street, to construct, adjacent to the restaurant, a non-enclosed area (patio) for dining with alcohol service. The property is located in a B-3 (Central Business) District and Zoning Ordinance Section 515-62-6 (Central Business) District Conditional Uses allows.

Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:

1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
2. Access is shall be provided only via the principal building.
3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be

defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.

13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m., Wednesday, May 16, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Conditional Use Permit request.

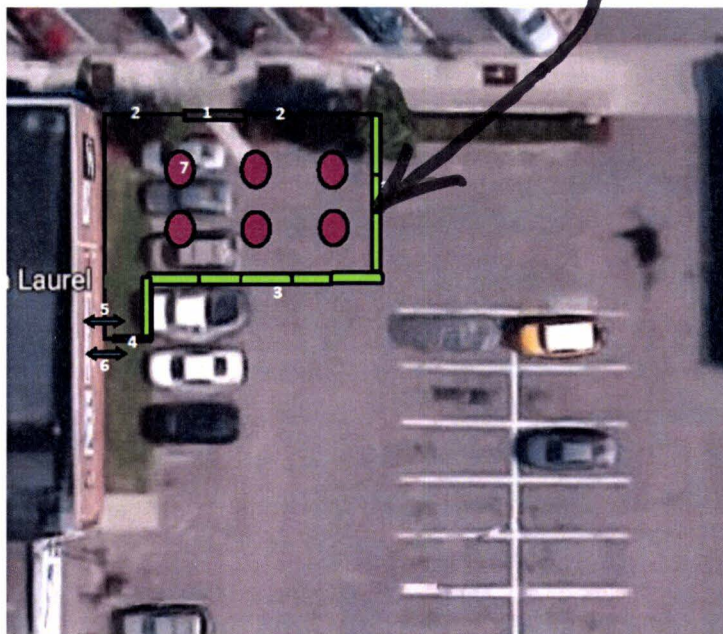
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 3rd day of May 2018.

Mark Ostgarden

Mark Ostgarden AICP
City Planner

Sage on Laurel Patio Location





Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Final Reading - Proposed Ordinance No. 1481 - Greenhouses

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 2nd Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: An amendment to the following zoning districts to permit non-commercial greenhouses: Sections 515-2 Definitions; 515-52 R-R (Rural Residential) District; 515-53 R-E (Single Family Estate Residential); 515-54 R-1 (Single Family Residential) District; 515-55 R-1A (Single Family Residential) District; 515-56 R-2 (Medium Density Residential) District; 515-57 R-3 (High Density Residential) District; 515-58 R-MH (Manufactured Housing) District; 515-60 B-1 (Residential Office) District) 515-61 B-2 (Neighborhood Business) District. Also an amendment to 515-17 - General Building, Use and Design Provisions - Accessory Buildings, Uses and Equipment to listing the minimum standards for non-commercial greenhouses.	
Alternatives, Options, Effects on Others/Comments: Attached is the proposed ordinance, a copy of the R-1 (Single Family Residential) District as an example depicting how the new language would be added to each zoning district and the April 18, 2018 Planning Commission meeting minutes. Background information is provided in the attached February 16, 2018 Planning Commission memo. Should the amendments be denied, the use would not be allowed in the districts.	
Recommended Action/Motion: The Planning Commission unanimously recommends the amendments. Motion by _____, 2nd by _____ approving/denying Final Ordinance reading to amend, as recommended by the Planning Commission, Zoning Ordinance Sections 515-2, 52, 53, 54, 55, 56, 57, 58, 60, 61 to permit non-commercial greenhouses as an accessory use and to dispense with the Ordinance reading.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

ORDINANCE
NO. 1481 draft

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTIONS 515-02, 515-17, 515-52, 515-53, 515-54, 515-55, 515-56, 515-57, 515-58, 515-60
AND 515-61 ADDING NONCOMMERCIAL GREENHOUSES AS AN ACCESSORY USE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-2-2 – Definitions shall be amended by adding the following:

515-2-2: Definitions. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Greenhouse: A building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees or other horticultural and floricultural products.

SECTION TWO: That Section 515-17-8 – Accessory Buildings, Uses and Equipment shall be amended by adding the following:

515-17-8: Accessory Buildings, Uses and Equipment.

b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:

- 1) One (1) attached garage and one (1) detached accessory building.
- 2) Two (2) detached accessory ~~structures~~ BUILDINGS.
 - i. Should there be zero or one accessory building, a noncommercial greenhouse is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
 - ii. Should a lot have the maximum number of allowed accessory buildings, one noncommercial greenhouse up to 10' x 12' is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
 - iii. The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:
Glass
 - a) Rigid Polycarbonate panels
 - b) Semi rigid Polyethylene panels
 - c) Rigid Fiberglass panels
 - d) Rigid Acrylic panels
 - e) VinylFlexible rolled material is not permitted.
 - iv. One noncommercial greenhouse 3'W x 4'L x 5'T constructed with flexible rolled material is allowed in a rear yard.
 - v. Material permitted in this section can be used for parts of a greenhouse not allowing radiant heat.

SECTION THREE: That Section 515-52-3 – Accessory Uses shall be amended by adding the following:

515-52-3: Accessory Uses.

L. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION FOUR: That Section 515-53-3 – Accessory Uses shall be amended by adding the following:

515-53-3: Accessory Uses.

K. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION FIVE: That Section 515-54-3 – Accessory Uses shall be amended by adding the following:

515-54-3: Accessory Uses.

J. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION SIX: That Section 515-55-3 – Accessory Uses shall be amended by adding the following:

515-55-3: Accessory Uses.

K. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION SEVEN: That Section 515-56-3 – Accessory Uses shall be amended by adding the following:

515-56-3: Accessory Uses.

K. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION EIGHT: That Section 515-57-3 – Accessory Uses shall be amended by adding the following:

515-57-3: Accessory Uses.

E. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION NINE: That Section 515-58-3 – Accessory Uses shall be amended by adding the following:

515-58-3: Accessory Uses.

G. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION TEN: That Section 515-60-3 – Accessory Uses shall be amended by adding the following:

515-60-3: Accessory Uses.

I. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION ELEVEN: That Section 515-61-3 – Accessory Uses shall be amended by adding the following:

515-61-3: Accessory Uses.

F. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

SECTION TWELVE: All other provisions of Sections 515-52, 515-53, 515-54, 515-55, 515-56, 515-57, 515-58, 515-60, and 515-61 shall remain in full force and effect.

SECTION THIRTEEN: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ____ day of ____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time -, 2018

determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.

515-17-8: Accessory Buildings, Uses and Equipment.

A. Agricultural Farm Buildings. Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this subdivision.

B. Residential Accessory Buildings, Structures and Uses.

1. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective zoning district.
2. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.
3. Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:

a. Area.

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-A	4,000 square feet
R-R	2,000 square feet
R-E	1,500 square feet
R-1	10% of lot area
R-2	10% of lot area
R-3	30% of the gross floor area of the multiple family structure, 10% of lot area for a duplex
R-4	30% of the gross floor area of the multiple family structure

- 1) An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the footprint of the single family or two family house foundation not including garage, whichever is less. Tuck-under garages are permitted up to the maximum footprint size of the dwelling.

- 2) Accessory building coverage shall not exceed lot coverage requirements as regulated in each district and shall meet required district setbacks.
- b. NUMBER OF BUILDINGS. TOTAL NUMBER OF ACCESSORY BUILDINGS AND GARAGES SHALL BE LIMITED TO ONE OF THE FOLLOWING:
- 1) ONE (1) ATTACHED GARAGE AND ONE (1) DETACHED ACCESSORY BUILDING
 - 2) TWO (2) DETACHED ACCESSORY ~~STRUCTURES~~ BUILDINGS.
 - i. SHOULD THERE BE ZERO OR ONE ACCESSORY BUILDING, A NONCOMMERCIAL GREENHOUSE IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - ii. SHOULD A LOT HAVE THE MAXIMUM NUMBER OF ALLOWED ACCESSORY BUILDINGS, ONE NONCOMMERCIAL GREENHOUSE UP TO 10' X 12' IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - iii. THE FOLLOWING CLEAR MATERIAL IS PERMITTED FOR GREENHOUSE CONSTRUCTION TO ALLOW RADIANT HEAT FROM THE SUN:
 - A) GLASS
 - B) RIGID POLYCARBONATE PANELS
 - C) SEMI RIGID POLYETHYLENE PANELS
 - D) RIGID FIBERGLASS PANELS
 - E) RIGID ACRYLIC PANELS
 - F) VINYLFLEXIBLE ROLLED MATERIAL IS NOT PERMITTED

- iv. ONE NONCOMMERCIAL GREENHOUSE 3'X X 4'L X 5'T CONSTRUCTED WITH FLEXIBLE ROLLED MATERIAL IS ALLOWED IN A REAR YARD.
 - v. MATERIAL PERMITTED IN THIS SECTION CAN BE USED FOR PARTS OF A GREENHOUSE NOT ALLOWING RADIANT HEAT.
 - c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less. Exceptions may be granted to allow for the detached accessory building to match the roof pitch of the existing principal building by Conditional Use Permit in accordance with Section 5 of this Ordinance.
 - 4. Setbacks. Detached accessory buildings shall comply with the following setbacks:
 - a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.
 - b. Side and Rear Setbacks.
 - 1) Side and rear setbacks shall be as provided for in the respective Zoning District.
 - 2) No accessory building shall be located within a drainage and utility easement.
 - 5. Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall have the same or similar finish as the neighboring buildings and be homogeneous in design. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are one hundred twenty (120) square feet or less may be metal sided and shall have a pitched roof.
- C. Commercial.
- 1. Commercial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
 - 2. Accessory buildings shall meet all the required setbacks of the principal building.

SECTION 54
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

Section:

- 515-54-1: Purpose and Intent
- 515-54-2: Permitted Uses
- 515-54-3: Accessory Uses
- 515-54-4: Interim Uses
- 515-54-5: Conditional Uses
- 515-54-6: Uses by Administrative Permit
- 515-54-7: Lot Area and Setback Requirements
- 515-54-8: Building Height
- 515-54-9: Building Performance Standards
- 515-54-10: Lot Coverage

515-54-1: Purpose and Intent. This district is established to allow and preserve areas in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.

515-54-2: Permitted Uses.

- A. Detached single family dwellings.
- B. Public recreation areas and related accessory buildings and structures.
- C. Residential facilities serving six (6) or fewer persons in a single family detached dwelling.
- D. Essential services as regulated by Section 36 of this Ordinance.

515-54-3: Accessory Uses.

- A. Garages and open off-street parking for private residential use subject to the provisions of Section 17.
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment for private use as regulated by Section 24 of this Ordinance.
- D. Solar energy systems and structures.
- E. Home Businesses as regulated by Section 26 of this Ordinance.

- F. Tool houses and sheds and other such buildings for the storage of domestic tools, supplies and equipment subject to the provisions of Section 17 of this Ordinance.
- G. Private recreational facilities for the enjoyment of the residents of the principal building and their occasional guests.
- H. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- I. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

J. NONCOMMERCIAL GREENHOUSES AS REGULATED BY SECTION 17 OF THIS ORDINANCE.

515-54-4: Interim Uses.

- A. Home Extended Businesses as regulated by Section 26 of this Ordinance.
- B. Temporary buildings associated with a public or private principal school building and used for classrooms.
- C. Short term rentals provided that:
 - 1. The minimum rental period shall not be more than 28 consecutive nights.
 - 2. The permit holder (owner) of a short term rental must apply for and receive an interim use permit. Owner occupied dwellings that are also short term rentals do not require an interim use permit.
 - 3. The application for an interim use permit shall include:
 - A. All information required for a conditional use permit.
 - B. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations.
 - C. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
 - D. A plan for garbage disposal by the permit holder.
 - E. A pet policy.

PLANNING COMMISSION
Wednesday, April 18, 2018

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Gorham, Headley, Marohn, Wussow; and Council Liaison Lambert. Noted absent was Commissioner Antolak. Also present was City Planner Ostgarden, and Administrative Specialist Bestul.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes of the Regular Meeting held on March 21, 2018

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 21, 2018.

#4 New Business

A. Public Hearing – Conditional Use Permit - Southeast Corner of Kingwood and North 2nd Street

City Planner Ostgarden stated everyone is familiar with this property as it was first presented as a rezoning request and then the amendment to the zoning ordinance was passed to allow parking lots as a conditional use in the B-1 (Residential Office) District. The application we are considering is the conditional use permit to allow the parking lot that abuts the property for Thrifty White in the B-6 (Washington Street Commercial) District.

City Planner Ostgarden reviewed photos of the neighborhood and the house that will be demolished to make room for the parking lot. The landscaping plan was displayed and used for a basis regarding the zoning ordinance.

City Planner Ostgarden indicated the first issue deals with meeting the setback requirements for the parking lot in the district which will be met. The applicant had submitted a lighting plan that meet the requirements at the property line on the north side, but there were questions about the east side of the property. A revised plan has been submitted that verifies the light coming from the site will not exceed the maximum amount of foot candles in accordance with the zoning ordinance. The lights that are being proposed are a full cutoff fixture which directs and cuts off light at an angle of 90° or less.

The special B-1 District standards for this class of conditional use are:

Parking Lots provided that:

- 1. The parking lot shall be adjacent to or across an alley from an allowed B-6 (Washington Street Commercial) District use.*
- 2. The parking lot parcel(s) shall be no wider than the boundary line of the primary parcel on which the associated B-6 use is located.*

3. *Overnight parking will be limited to vehicles owned and operated by the business associated with the B-6 site.*
4. *Alley improvements desired by the adjacent property owner shall be approved by the City of Brainerd and improved at the requesting party's expense.*

The parking lot location complies with #1 and #2 of the conditions. Number three will need to be monitored and the property owner will comply with #4.

City Planner Ostgarden stated trees will be planted on the site; five are required but six are being proposed. The total site is needed for open space and the green space on the east side of the parking lot far exceeds the 10% requirement.

City Planner Ostgarden explained stormwater removal will be an underground storage tank that will be located on the property to the south on the Thrifty White parcel with a catch basin line that will flow to the underground tank.

The parking lot will be designed with east/west parking spaces with the potential for headlights shining toward properties to the north, however the screening plan is intended to mitigate the issue.

City Planner Ostgarden displayed photos of two other parking lots in the vicinity that have already essentially changed the character of Kingwood Street. Access to the parking lot will be via an alley onto North 2nd Street with no other access to North 2nd or to Kingwood Streets. The east bound traffic leaving the parking lot may choose to use the light at North 4th Street rather than attempt a left turn from North 2nd Street onto Washington Street.

City Planner Ostgarden explained the intent and purposes of the zoning ordinance which would apply in this situation, along with the Comprehensive Plan goals and strategies as indicated below:

The objectives of the Zoning Ordinance are:

515-1-2: Intent and Purpose.

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*

The following Comprehensive Plan Goal and Strategy supports the proposal:

General Goal #3: Promote community spirit and unity and enhance Brainerd's character and identity.

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

Whether the parking lot enhances Brainerd's character and identity is debatable. However, the parking lot is supported by the above strategy.

City Planner Ostgarden stated that the only issue worthy of discussion would be that the screening requirement meets our zoning ordinance minimum standards. The screening must accomplish the purpose of buffering the parking lot, provide visual appeal to the property and screen headlights by limiting the exposure to properties. The City Departments approve the application with no concerns or issues.

Commissioner Marohn questioned the height of the light fixtures being proposed, as the specification sheet indicates 7 ½' tall. City Planner Ostgarden replied he believes the lights are 25' tall but will confirm with the applicant.

Commissioner Marohn asked if the goal of the screening is to screen the parking lot property from the adjacent property. City Planner Ostgarden stated that is one of the goals. Commissioner Marohn asked if this was written in the plan, as he does not think this would be the goal of the screening. He stated his idea of the landscaping is to have it compatible with the neighborhood as an urban street and less about traditional screening.

City Planner Ostgarden stated when these plans were written, it was to ensure the screening being proposed is intended to buffer the headlights, noises and mitigate them. It was not discussed about the type of plants or materials that would be used to instill an "urban" feel to the neighborhood.

Commissioner Marohn asked if there is a plan or an ordinance that states this is the goal. City Planner Ostgarden replied he will research the statements made in the landscape section that were updated in 2009, and if it was not written in that form, he knows the intent of the ordinance in the traditional perspective of blocking the headlights. The property owner decides in what manner this will be accomplished as long as they meet our requirements.

The Chair opened the public hearing at 6:12 p.m.

The Chair welcomed Mr. John Fahning, representing Shingobee Builders and Thrifty White who stated the landscape plan was designed to meet the code requirements and improvements beyond that could be part of the landscape plan.

Commissioner Marohn asked the height of the lights proposed for the parking lot. Mr. Fahning stated he was not sure, but it will depend on the foot candles that are used. The fixture itself is 13" which does not include the pole. They will be close to the building height as a scale standpoint.

Commissioner Marohn stated that 25' in height is high for a residential neighborhood and stated as an urban design standpoint, 13' would be a compatible height with a suggestion of adding a light or two. Mr. Fahning stated that would have to be researched as we need to look at it as a vehicular standpoint. This would be a question for the electrical engineers. One of the things to look at is if the height of the pole is lowered or if a different pole is used if the output of the fixtures can be scaled down; is the look and the feel appropriate for the project?

Commissioner Marohn asked if the lighting plan is open to suggestions. Mr. Fahning stated that the plan was designed to meet the zoning ordinance requirements for the Conditional Use Permit and further discussion can take place on the final plan.

Commissioner Marohn stated the trees that are in the landscape plan are not types that are planted along Kingwood Street. The types of trees, for example urban type trees, should be used to go along with Kingwood Street to be planted along the boulevard. A continuation of the same tree line should be used as this would be aesthetically pleasing and compatible with the neighborhood.

Mr. Fahning stated the challenge is that it is designed to code but the preferences of how to proceed with the plan are different to everyone. It's hard to come up with a perfect plan to start, and we are not opposed to suggestions and changes going forward.

Commissioner Burslie asked if they are willing to install some type of fencing along the east, north and west sides to separate the parking lot from the adjacent neighborhood. Mr. Fahning replied that what is gained by doing so; is it purely a separation that will be done with the landscaping or is it to screen the lot? Commissioner Burslie indicated the landscape plan shows short shrubs and flowers and the fence would visually separate the parking lot from the neighborhood. Mr. Fahning stated it gets into the design intent; do you want to separate the two or try to blend it in transition to the neighborhood? One perspective is by installing a fence, it draws a specific line in between two district types versus using landscaping to blend with the neighborhood so it transitions nicely without the "line drawn" on the property. These are issues that can be discussed and negotiated going forward to come up with an agreeable solution.

Commissioner Wussow stated the applicant has indicated that access to the parking lot will be to the alley – was that a requirement or the applicant's choice? City Planner Ostgarden said it is not a requirement. Commissioner Wussow thanked the applicant for doing so and he appreciates the landscaping plan. Mr. Fahning stated there were some legitimate comments and suggestions as this project has progressed and they listened to them and are trying to be a good neighbor.

The Chair closed the public hearing at 6:22 p.m.

City Planner Ostgarden confirmed the lighting poles are 25' in height.

Commissioner Marohn said the ordinance states the maximum light level is one-foot candle at the centerline of the public street. City Planner Ostgarden stated this will meet the standard requirement.

Commissioner Burslie questioned the curb cut for an old driveway on the north side and if it will be removed. City Planner Ostgarden indicated he did not believe it is in the applicants plan to remove but could be added as a condition to meet.

Commissioner Lambert asked where the dumpster will be located on the property. City Planner Ostgarden indicated the dumpster will be part of the development on the southside of the alley where the building is located along the northside of the building with the necessary screening.

Commissioner Marohn stated there are two things he would like to see and is not sure how others feel about it. The first is that the lighting not exceed 13' in height; 13' is a more neighborhood scale of lighting and will require a change to the plan but would like to offer the applicant flexibility in the number of lights in order to keep the height at 13'. Secondly, he recognizes the landscaping plan meets our zoning code requirements, but stated it is a sub-optimal plan in a sense that what we require in the code does not make sense to him. Mr. Marohn stated he would rather have the vegetation be more conducive to

streetscape and compatible to the neighborhood. He would like to see a change in the landscape plan that could be considered as an alternative to the plan as presented with the input from the neighbors.

City Planner Ostgarden stated it is possible to do so, however a plan that does not meet the obscuration requirement cannot be approved.

Commissioner Burslie stated the flowers and shrubs are no taller than 2-3' maybe a few 6' tall but what is the percentage that needs to be met? City Planner Ostgarden stated 50% on the northside and 80% on the east at 6' in height. If more information is desired to verify what is being proposed meets the standard, there is the option to require in the permit after planting the trees, further evaluation may be necessary to be sure it meets the obscuration requirements. This is an area that is important for the neighbors to have the ability to give input into the design. Although it is the responsibility of the city planner to ensure the requirements are met, it is not his responsibility to give an opinion on the aesthetics of the design.

Commissioner Marohn stated ideally there should be two trees on Kingwood, four or five trees along 2nd Street and a row of hedges slightly back from that to delineate the parking area from the walking area.

City Planner Ostgarden indicated the boulevard trees are a responsibility of the municipality to install, and many areas in the city are void of this which is disappointing.

Commissioner Marohn stated to fill a space, such as a parking lot area is by using a fence or a row of hedges. It appears that the ordinance is asking for a "hedge" which would work better in this area along with the trees that are city property.

City Planner Ostgarden stated if it is the desire of the commission that there be street trees along Kingwood and 2nd Streets, it can be requested of the city officials that trees be planted along the boulevard as part of the project and in accordance with the recommended placement. The City has a listing of acceptable trees to plant.

Commissioner Wussow asked if the applicant can answer these questions.

Mr. Fahning stated the ideas that are being discussed are all very acceptable ideas and a plan review will still need to be completed. These ideas and suggestions can be considered at a later date and what the issue tonight is essentially a Conditional Use Permit and if all the requirements have been met. If the plan review states some suggestions during the landscape, they can be addressed then.

Commissioner Marohn asked if the applicant would be comfortable with the Planning Commission approving the Conditional Use Permit with the condition on a final review of the landscape plan.

City Planner Ostgarden clarified that is not the way the application process goes. The plan review is going to be for the project south of the alley – what is being decided tonight is the look and the feel of the parking lot. This is the plan review for the parking lot topic at hand.

Mr. Fahning stated that the Conditional Use Permit was submitted with all the conditions being met as required and as requested. Above and beyond that can always be discussed and we can collaborate together on the details that are agreed upon by both parties which we are absolutely willing to do.

Commissioner Wussow questioned if the applicant would agree to the condition of meeting with the neighbors and staff to work together on the final plan if the commission would use this in the final approval. Mr. Fahning stated as long as it does not delay the process, as we are in a timeframe to complete the

project. The challenges with that is everyone has a different opinion of the overall landscaping plan and what becomes the determining factor of what is acceptable.

Commissioner Burslie asked if the property owner directly to the east of the site has been notified of the plans, as they would be affected by headlights. City Planner Ostgarden did not believe so.

City Planner Ostgarden read from the zoning ordinance Section 515-5-2: The City Council must take action on the application after receiving the report of the Planning Commission and shall make a recorded and written Finding-of-Fact and provide the written finding to the applicant within sixty (60) days of receipt of a completed application. If it grants the Conditional Use Permit, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare.

Commissioner Lambert questioned since the street trees are the responsibility of the city if anything can be done on the motion. City Planner Ostgarden clarified that the commission may put a condition on the approval for boulevard trees and he will consult the city attorney for the validity of the request.

Commissioner Burslie would approve the application if a condition of a six-foot privacy fence be installed along the east property line with a row of hedges or fence along the north and west, as well as the other proposed vegetation. Commissioner Burslie stated he feels there needs to be a separation between the commercial property and the adjacent residential use.

Commissioner Marohn agrees with the fence suggestion on the east side, however the resident already has a chain-link fence. The resident should be contacted for their input on this concern as long as we follow the city code for fences.

City Planner Ostgarden stated that any condition that the commission desires to put on the application must be clear and not left for him to interpret.

Commissioner Marohn stated the commission does not want to delay the project and suggested the approval of the Conditional Use Permit with the condition that landscaping options be discussed at a later date.

Commissioner Gorham said once the application is approved and the project is moving forward, what happens if an agreement is not reached?

Commissioner Marohn stated the applicant has been working with the City and there is no reason that an agreement cannot be reached.

Commissioner Burslie questioned if the applicant can be asked to install a six-foot fence if the neighbor desires one.

City Planner Ostgarden stated no more questions – we are done with asking the applicant to do something. It is the prerogative of the Planning Commission to put in the conditions that the commission wants them to meet.

MOVED AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT BASED ON THE FOLLOWING FINDINGS OF FACT AS PRESENTED.

Members Wussow and Lambert voted “aye”. Members Burslie, Headley, Gorham and Marohn voted “nay”. The Chair declared the motion failed.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND WUSSOW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT BASED ON THE FOLLOWING FINDINGS OF FACT AND CONDITIONS:

1. The parking lot is part of a (re)development for a pharmacy store.
2. The site contains a vacant lot and a duplex building at the southeast corner of Kingwood Street and N. 2nd Street, on the north side of the alley.
3. The property is zoned a B-1 (Residential Office) District and the property south of the alley is zoned a B-6 (Washington Street Commercial) District, on which there is a vacant residential dwelling and a 5-unit apartment building.
4. The B-6 parcel is proposed for a Thrifty White Pharmacy which is a use permitted in the B-6 District.
5. Parking lots in B-1 Districts across an alley from a permitted B-6 (Washington Street Commercial) District are allowed by Conditional Use Permit.
6. The proposed rezoning area is approximately .33 acres.
7. Property to the west is off-street parking for a restaurant; property to the north is single family residential and property to the east is single family residential.
8. Zoning to the west and east is a B-1 (Residential Office) District and zoning to the north is an R-1 (Low to Medium Residential) District.
9. All applicable Zoning Ordinance requirements such as greenspace requirements, maximum light levels, required tree planting, setbacks, parking stall sizes and aisle widths have been met.
10. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood, as access to the parking lot will be via an alley onto North 2nd Street. No other access to North 2nd Street or to Kingwood Street are planned.
11. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties. The parking lot has been designed so parking stalls are oriented in an east/west direction. At night, headlights from north bound vehicles entering the lot will be screened from the residential property across Kingwood Street.
 - Landscaping including a mixture of conifers, deciduous trees and shrubs will be installed along the west, east and south side of the parking lot.
12. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood. The parking lot will be consistent with the visual impression south of Kingwood Street and the neighborhood, as there are two parking lots within one block north of the alley along Kingwood Street.
13. The Conditional Use Permit approval is supported by the following Comprehensive Plan Goals and Strategies:

General Goal #3: Promote community spirit and unity and enhance Brainerd's character and identity.

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

Granting the Conditional Use Permit will support the redevelopment of a vacant site and remove deteriorating residential property.

Conditions:

- The lighting shall be no greater than 13' in height.
- The applicant shall be allowed to increase the number of lights to ensure that the desired coverage is met.
- The landscaping plan be brought back for an alternate review at a subsequent meeting before landscaping is finalized.

In the absence of any type of agreement on an alternative plan, the submitted plan will govern.

Members Headley, Gorham, Marohn, Lambert and Wussow voted "aye". Member Burslie voted "nay". The Chair declared the motion carried.

B. Public Hearing – Noncommercial Greenhouses in Residential Zoning Districts

City Planner Ostgarden indicated the change to the definition in the Zoning Ordinance, Section 2 would be the following:

GREENHOUSE: A building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees, or other horticultural and floricultural products

The following language would be added to Section 17 General Building, Use and Design Provisions:

- b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:
- 1) One (1) attached garage and one (1) detached accessory building.
 - 2) Two (2) detached accessory ~~structures~~ BUILDINGS.
 - 3) Should there be zero or one accessory building, a noncommercial greenhouse is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
 - 4) Should a lot have the maximum number of allowed accessory buildings, one noncommercial greenhouse up to 10' x 12' is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
 - 5) The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:
 - i. Glass
 - ii. Rigid Polycarbonate panels
 - iii. Semi rigid Polyethylene panels
 - iv. Rigid Fiberglass panels
 - v. Rigid Acrylic panels

vi. Vinyl

Flexible rolled material is not permitted.

- 6) One noncommercial greenhouse 3'W x 4'L x 5'T constructed with flexible rolled material is allowed in a rear yard.
- 7) Material permitted in this section can be used for parts of a greenhouse not allowing radiant heat.

Number six above has been added to address the concern for a property owner to have a small seasonal and portable greenhouse.

Commissioner Wussow stated a concern on number four with the size of 10' x 12' – this goes back to old language and suggests a change of up to 200 square feet, as it is with any other accessory structure.

Commissioner Marohn and Commissioner Burslie indicated the very first sentence is confusing with the numbering system. Commissioner Marohn suggested number three should be “c.”, number four “d.” and so on. The total number of accessory buildings and garages should state number one or two as the choices.

Commissioner Wussow and Commissioner Marohn both questioned if Section 17 can be revised in the suggested format as shown below:

b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:

- 1) One (1) attached garage and one (1) detached accessory building.
- 2) Two (2) detached accessory structures BUILDINGS.

i. Should there be zero or one accessory building, a noncommercial greenhouse is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.

ii. Should a lot have the maximum number of allowed accessory buildings, one noncommercial greenhouse up to 10' x 12' is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.

iii. The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:

- a) Glass
- b) Rigid Polycarbonate panels
- c) Semi rigid Polyethylene panels
- d) Rigid Fiberglass panels
- e) Rigid Acrylic panels
- f) Vinyl

Flexible rolled material is not permitted.

iv. One noncommercial greenhouse 3'W x 4'L x 5'T constructed with flexible rolled material is allowed in a rear yard.

v. Material permitted in this section can be used for parts of a greenhouse not allowing radiant heat.

Commissioner Burslie questioned if they are allowed in rear and side yards only.

City Planner Ostgarden indicated the greenhouses that are intended to be permanent may be built anywhere on the property, provided they meet the required setbacks.

Commissioner Lambert asked if the exclusion of the flexible rolled material is just for the permanent greenhouse, in which City Planner Ostgarden confirmed it is.

The Chair opened the public hearing at 7:05 p.m.

No one came forward.

The Chair closed the public hearing at 7:06 p.m.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE NONCOMMERCIAL GREENHOUSES IN RESIDENTIAL ZONING DISTRICTS WITH THE RECOMMENDED CHANGES IN FORMATTING AS PRESENTED.

#5 Public Forum

The Chair opened the public forum at 7:07 p.m.

No one came forward.

The Chair closed the public forum at 7:07 p.m.

#6 Old Business

A. Comprehensive Plan Update – Review of 2004 Comprehensive Plan Goals and Strategies

City Planner Ostgarden gave a brief update to the commission regarding the steering committee and some information that will be presented to them at the meeting on April 19th. In order to move forward with the new comprehensive plan, the committee needs to have information about the community to understand them in the best way possible. The current comprehensive plan, the results of the public outreach sessions and ideas and suggestions will be compiled so a clear understanding of the wants and needs of the community can be reviewed. One of the tasks is having to review the goals and strategies of the 2004 plan to see how well the plan was followed and implemented.

City Planner Ostgarden indicated he went through the 2004 plan and graded each strategy on a scale of zero to ten; zero being nothing was done to ten as fully implemented. It was somewhat difficult to assign points to some of the strategies because they were statements of desires and ideas rather than actual strategies.

City Planner Ostgarden invited the commission to the Comprehensive Plan Steering Committee meeting taking place Thursday, April 19th at 4:00 p.m. at the Brainerd Industrial Center. There will be a tour of the center at 3:00 p.m. if anyone is interested.

Commissioner Lambert suggested that we consult with Andy Stone, Transit Coordinator about his ideas and input for the plan.

City Planner Ostgarden indicated he met with Mr. Tad Erickson and it was discussed that technical committees will be formed for the input of the various internal, as well as external departments.

City Planner Ostgarden stated that the American Planning Association has a different grading template on sustainability, which were graded on the 2004 plan. The rating results after using this guide were not very high.

Commissioner Gorham asked what letter grade the Planning Department would give to the 2004 Comprehensive Plan. City Planner Ostgarden replied his opinion would be a D-; some areas were near to approaching a C grade, with others that should not even be graded.

Commissioner Marohn asked what may have caused this low grade in the plan. City Ostgarden replied he feels the following reasons may have been a problem in the progression of the plan. 1) The implementation chapter in the plan was not strong enough to give the guidance that the community needed to proceed. 2) It may be that after the process, there was not enough emphasis given to the importance of having a Comprehensive Plan. 3) It is not the fault of any individual; employee or department, however there was a lack of understanding on the part of leadership in total in the community to complete what was said would be completed. The goals were average, but the methods of implementation and the strategies were weak with many being just ideas and not strategies.

Commissioner Lambert stated she was a part of the 2004 Comprehensive Plan and agrees with what City Planner Ostgarden said. There was not a clear understanding of the importance of the plan and the strategies were more ideas and suggestions.

Commissioner Marohn inquired about where the responsibility lies when it comes to implementation of a comprehensive plan. City Planner Ostgarden replied that the comprehensive plan is a policy document and as with any other policy, ordinance or strategic vision, it would rest with the elected officials. If the will, desire and understanding is not with the elected officials, others cannot be expected to work towards it. The City has some new vision in leadership and elected officials that do understand the importance of such a plan and the implementation of the plan should result in a much different result.

Commissioner Marohn asked if the Planning Commission serves a role in reviewing, implementing or advising council regularly on the implementation of the plan. City Planner Ostgarden replied that yes, the Planning Commission should be emphasizing the importance of the document for the community. The Planning Commission should set the precedence going forward.

#7 Commissioners' Questions/Comments

Commissioner Marohn apologized for not having the time to complete the request to gather information about Kingwood Street and parking concerns. He stated that he will try to get this completed for next months' meeting.

#8 City Planner's Report

City Planner Ostgarden thanked Commissioner Marohn for meeting with city staff recently to show his PowerPoint presentation regarding parking.

#9 Adjourn

The Chair adjourned at 7:26 p.m.

Respectfully submitted,

City Planner Mark Ostgarden AICP

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner

DATE: February 16, 2018

RE: Residential Greenhouses

There is a growing movement for home grown fruits and vegetables. Many gardeners like the ability to grow plants from seed in a greenhouse. Over the years, we have had a few inquiries about whether residential greenhouses are permitted. Unfortunately, we have had to explain they are not permitted for 1 or more of the following primary reasons:

1. If a greenhouse is greater than 120 square feet, it requires a building permit. That was changed to 200 square feet in 2015.
2. One additional accessory building is allowed with an attached garage and if the garage is detached, 1 additional accessory building is allowed.
3. Residential zones require that:

No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall have the same or similar finish as the neighboring buildings and be homogeneous in design.

Another inquiry about permitting residential greenhouses has recently been received. Based on more people's interest in healthier eating options, the desire for home grow produce and the farm to table movement, should a review/amendment of our accessory building language be considered to permit residential green houses.

Should the Planning Commission be interested in reviewing the issue, the attached research information was prepared by Planning Intern, Matt Kallroos who researched ordinance language from several other communities.

This is on the agenda for discussion and direction. Should the Planning Commission desire to amend the Zoning Ordinance, the Planning Department will try to have options for consideration.

Residential Greenhouses

Definitions

- **GREENHOUSE:** An enclosed building, permanent or portable, which is used for the growing of small plants (*Baxter*)
- **GREENHOUSE:** An enclosed building, permanent or portable, which is used for the growing of small plants (*St. Francis*)
- **GREENHOUSE:** means a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, shrubbery, vegetables, trees, or other horticultural and floricultural products are grown. (*Anoka*)
- **GREENHOUSE:** A glass or transparent plastic structure, often on a metal or wooden frame, in which plants that need heat, light, and protection from the elements are grown. (*Richfield*)
- **GREENHOUSE:** Defined as enclosed building, permanent or portable, used for growing of small plants. (*Clearwater*)

What Do Cities Allow?

- **Rogers, MN:** Greenhouses are allowed in mid- density residential (R-3) and multi- family residential district (R-4) as long as they do not exceed 120 square feet in gross floor area.
- **Arden Hills, MN:** A Zoning Permit is required for any accessory structure larger than 120 square feet and up to 200 square feet in size. A building permit is required for any accessory structure over 200 square feet in size.
 - Accessory structures less than 120 square feet in size do not require a permit, however, they still require that the following requirements are met. The following requirements will be verified as part of the Zoning Permit review process for accessory structures: The location of a accessory structure on a property must comply with the setback regulations of the underlying Zoning District.
 - In R-1, R-2, and R-3 districts, accessory structures shall not exceed fifteen (15) feet in height or the height of the principal structure to which it is accessory, whichever is lower. In R-1, R-2, and R-3 Districts, accessory structures must be located behind the front façade of the principal structure either in the side or rear yard. The minimum setback for accessory structures is ten (10) feet from all rear and interior side lot lines.
- **St. Francis, MN:** Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the R-4 District: Non-commercial **greenhouses** provided they do not exceed two hundred (200) square feet in area.

- Cloth, canvas, plastic sheets, tarps, and similar materials are not allowed as roofing materials except for **greenhouses**, agricultural uses, and public uses for the purposes of protecting outdoor storage materials necessary for public safety, such as salt and sand.
- **Anoka, MN:** *Conditional uses.* The following uses of land or structures are permitted in the R-1 single-family residential district if granted a conditional use permit:
 - (1) Nurseries, greenhouses for growing only, landscape gardening and tree farms.
 - (2) The following uses of land or structures are permitted in the R-2 one- and two dwelling district if granted a conditional use permit: (11) Greenhouses for home use.
- **Hugo, MN:** All accessory buildings shall resemble, in style, materials, color, roofline, and siding type, the principle building on the lot, except the following building types may vary from this standard:
 - Accessory buildings located in the agricultural and long- term agricultural zoning districts
 - Accessory buildings under 120 square feet in size
 - Greenhouses
 - A site plan must be submitted for approval by the community development director or designee before a permit is issued for any accessory building

Lot size	Maximum number of accessory buildings allowed	Maximum combined size of accessory buildings (square feet)
Under 1.5 acre	1	260
1.5 to 2.99 acres	2	1,500
3 to 4.99 acres	2	2,000
5 to 9.99 acres	2	3,500
10 or more acres	3	5,000

- **Waterville, MN:** Accessory Structures. A structure for uses relating to, but subordinate to the main use of the property and located on the same lot as the main use and which can meet the minimum setback requirements unless excepted herein, including, but not limited to: Private garages, sheds, antennas, walls, loading docks, gazebos, pools, outbuildings, Storage facilities, private greenhouses and fences.

Wind/ Snow Loads

<https://www.revisor.mn.gov/rules/?id=1303&view=chapter>

Residential Districts: Support structures taller than thirty five feet (35') shall be mounted in concrete, and designed to withstand a wind velocity of at least seventy (70) miles per hour. 60 pound per square foot snow load

1. In order to utilize wind loads from this part, the building shall meet the following requirements:
 1. (1)60 feet (18.3 m) or less in height;
 2. (2)height not to exceed least horizontal dimension;
 3. (3)enclosed building;
 4. (4)roof shape — flat, gabled, or hip;
 5. (5)roof slope of 45 degrees maximum;
 6. (6)simple diaphragm building;
 7. (7)not a flexible building;
 8. (8)regular shape and approximately symmetrical;
 9. (9)no expansion joints or separations; and
 10. no unusual response characteristics (for example: vortex shedding, galloping, or buffeting).

Materials

<https://www.slideshare.net/flowerhouse/types-of-greenhouse-materials-used-in-green-house-construction>

<http://www.hobby-greenhouse.com/coverings.htm>

- The framing materials comprises of aluminum, wood, galvanized steel and PVC while the types of films or covering materials used to protect plant include Acrylic, Polycarbonate, fiberglass, plastic etc.
- The panels made up of these materials are virtually durable in comparison to other materials used for greenhouse glazing. Wood is the most popular choice as it lasts for longer periods of time. Wood scores well on insulation and are easy to assemble

- However, as greenhouses always remain wet, damp so there might be a chance of wood getting rotten. Well, for longevity you could opt for cedar, redwood or some specially treated wood followed by applying a seal.
- Aluminum another most popular material used for backyard greenhouses is Aluminum. The material doesn't allow rusting and can withstand the adverse climatic situations. It provides a good rigid form and can be painted or anodized in any color. Its price is bit expensive when compared to other materials commonly used as greenhouse materials.
- PVC plastic is arguably a nice choice for frames not because it is lightweight or easy to assemble but it offers less heat loss.







Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: First Reading Ordinance 1482 - Prohibiting Coal Tar Sealant Products

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is a draft ordinance pertaining to the enforcement of the statutory prohibition of the use or sale of coal tar sealant products with the Brainerd city limits.	
Alternatives, Options, Effects on Others/Comments: The presence of coal tar in driveway sealant products has been proven to be harmful to humans, fish, and other aquatic life. In 2013, the legislature prohibited the use and sale of coal tar sealant products in Minnesota. Scientific studies have demonstrated a direct relationship between stormwater runoff and presence of Polycyclic Aromatic Hydrocarbons (PAH's) due to the use of coal tar driveway sealants. Presence of PAH's have also been found throughout the state in city and private storm ponds.	
Recommended Action/Motion: Staff recommends holding the First Reading of Proposed Ordinance 1482 - An Ordinance Adding Section 540 to the Brainerd City Code Enforcing the Statutory Prohibition of the use and Sale of Coal Tar Sealant Products with the City of Brainerd, Minnesota.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1482**

**AN ORDINANCE ADDING SECTION 540 TO THE BRAINERD CITY CODE ENFORCING THE
STATUTORY PROHIBITION ON THE USE AND SALE OF COAL TAR SEALANT
PRODUCTS WITHIN THE CITY OF BRAINERD, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 540 to the Brainerd City Code be added as follows:

540.01 Purpose. The City of Brainerd understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural, and economic resources and contribute to the general health and welfare of the community.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns.

The 2013 Minnesota Legislature enacted a statewide prohibition on the use and sale of coal tar sealant products. This new statewide prohibition has been codified under Minn. Stat. § 116.202 and is effective on Jan. 1, 2014.

The purpose of this ordinance is to prohibit violations of Minn. Stat. § 116.202 in the City of Brainerd, Minnesota, in order to protect, restore, and preserve the quality of its waters.

540.02 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Subd. 1. Asphalt-Based Sealer. A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and does contain polycyclic aromatic hydrocarbons (PAHs).

Subd. 2. Coal Tar. A byproduct of the process used to refine coal.

Subd. 3. Coal Tar Sealant Product. A surface-applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.

Subd. 4. City. The City of Brainerd.

Subd. 5. MPCA. The Minnesota Pollution Control Agency.

Subd. 6. PAHs. Polycyclic aromatic hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

540.03 Prohibitions. In accordance with Minn. Stat. § 116.202

- a. No person shall apply a coal tar sealant product on asphalt paved surfaces within the City of Brainerd.

- b. No person shall sell a coal tar sealant product that is formulated or marketed for application on asphalt-paved surfaces within the City of Brainerd.
- c. No person shall allow a coal tar sealant product to be applied upon property that is under that person's ownership or control.
- d. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product to any driveway, parking lot, or other surface within the City.
- e. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product to any driveway, parking lot, or other surface within the City.

540.04 Exemption. Upon the express written approval from the MPCA and in accordance with Minn. Stat. § 116.202, a person who conducts research on the environmental effects of coal tar sealant product or where the use of coal tar sealant product is necessary in the development of an alternative technology shall be exempt from the prohibitions provided in Section 3. Any person that is granted approval by the MPCA must provide a copy of the written approval from the MPCA to the City of Brainerd, Minnesota twenty (20) days before conducting the research.

540.05 Asphalt Based Sealcoat Products. The provisions of this ordinance shall only apply to coal tar sealant products in the City and shall not affect the use of asphalt-based sealer products within the City.

540.06 Penalty. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

540.07 Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

540.08 Effective Date. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted this _____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Discussion of the Downtown Creative Placemaking Initiative Support

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson	Department: Administration
Presenter (Name & Title): City Administrator Torstenson	Estimated Time Needed: 5 Minutes
Summary of Issue: At the February 20, 2018 council meeting, the Council made a motion to donate \$3,000 to support the downtown creative placemaking initiative. Staff is seeking clarification from the council, if the funds are to be used for expenses of the City such as signage, etc.; or if the funds were designated to be provided Brainerd Restoration for funding the initiative. The minutes from the meeting are attached for your reference.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Provide clarification to staff.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Unfinished Business

None

New Business

New On-Sale Liquor/Sunday Licenses – Submitted by Barboza's Inc. dba Senior Patron Mexican Cuisine, 314 South 7th Street, Brainerd - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE ON-SALE LIQUOR / SUNDAY LICENSE FOR BARBOZA'S INC., DBA SENIOR PATRON MEXICAN CUISINE, 314 SOUTH 7TH STREET CONTINGENT UPON THE APPROVAL FROM THE FIRE CHIEF.

Downtown Creative Placemaking Initiatives Presentation and Support Request - Approved

City Planner Ostgarden indicated the upcoming construction of South 6th Street will affect our downtown businesses. Creative Placemaking is the collaboration of a coalition of people working to establish an initiative to bring arts and events to the downtown area during the construction and the City wants to try something new. The idea of Creative Placemaking is to attract people to the downtown area with activities and social gathering spaces in hopes of supporting the downtown area businesses and property owners. There are many activities and events that can take place such as sculptures, mobile art carts, chalk and sidewalk painting along with music events and farmers markets. City Planner Ostgarden is requesting the support of the City Council in this project.

The Chair recognized Ms. Cheryal Hill, Region Five Director who explained the Crowd Funding process, the grants received to assist in the initiative and the role of Region Five in the project.

The Chair recognized Mr. Jamie Bieser, Brainerd Restoration board member who spoke on behalf of Michael Angland, President of Brainerd Restoration. The goal of Brainerd Restoration is to aid in the revitalization and the redevelopment of the historic downtown area. Mr. Bieser reviewed the input they have towards the project and their plans to go forward with the initiative.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DONATE \$3,000 TO SUPPORT THE DOWNTOWN CREATIVE PLACEMAKING INITIATIVE.

Planning Commission

Final Reading of Proposed Ordinance No. 1477 – An Ordinance Amending Section 17-8 C. Accessory Buildings, Uses and Equipment – Adopted by Ordinance No. 1477

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AMEND THE PROPOSED ORDINANCE NO. 1477 APPROVED AT THE FEBRUARY 5, 2018 MEETING BY OMITTING THE COMMERCIAL DISTRICT FROM THE PROPOSED DRAFT ORDINANCE.

February 20, 2018



Brainerd City Council Agenda Request

Requested Meeting Date: May 21, 2018

Title of Item: Modification of On-Sale Liquor License for Sage on Laurel

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: Sage on Laurel would like to amend their on-sale liquor license to include an outdoor non-enclosed patio for food and alcohol service. This is contingent upon the City's approval of the Conditional Use Permit for Sage to be able to construct the patio. Per Minnesota statute 340A.410, subd. 7 an alcoholic beverage license is only effective for the licensed premises specified in the approved license application, which right now would be only inside the building of 606 Laurel.	
Alternatives, Options, Effects on Others/Comments: Attached is the extension of premise application submitted by Ms. Sarah Hayden Shaw. The map included was submitted by Ms. Hayden Shaw for the Planning Commission meeting. Staff has received an updated certificate of liability insurance stating the description operations includes 606 Laurel Street, including the outdoor patio.	
Recommended Action/Motion: Approve or deny the modification on the on-sale liquor license for Sage on Laurel to extend to the non-enclosed patio area.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

EXTENSION OF PREMISES

This application is to be completed only by an establishment with a valid on sale liquor license

Name of Applicant: Sarah Shaw

Business Name: 606 N. 9th St

Business Address: Sage on Laurel

Event Location: Attached patio

Date(s) of Event: Seasonally as weather permits

Start Time of Event: Seasonally as weather permits End Time of Event: Seasonally closed in winter

Signature of Applicant: [Signature] Date: 5/17/18

Describe or draw the area in detail where the temporary on sale
will be sold during the event:

Laurel Street

