

CITY COUNCIL AGENDA

Brainerd, Minnesota

TUESDAY, January 22, 2019

7:30 P.M.

Brainerd City Hall

Council Chambers

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

2. **Roll Call**

___ K. Bevans ___ D. Badeaux ___ G. Johnson ___ S. Hilgart

___ J. Lambert ___ K. Stunek ___ 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 January 7, 2019
2. Special Meeting Held on January 15, 2019

Documents:

20190107_CC draft.pdf

20190115 - Special Meeting draft.pdf

B. **Approval Of Licenses**

Contractor Licenses - 14 - Renewals

Documents:

2019-01-22 License RPT.pdf

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

Police Chief Report.pdf

1. Police Chief Report

Documents:

Police Chief Report.pdf

D. **Adopt Resolution Accepting Donations & Contributions For The 4th Quarter 2018**

Documents:

Memo to Council for Donation.pdf

E. **Minnesota Lawful Gambling Application For Exempt Permit - Submitted By Council 11679, Saint Mathias, 1844 S. Oakridge Ln., Fort Ripley For An Event To Be Held On March 24, 2019 At St. Francis Of The Lakes Catholic School, 817 Juniper St., Brainerd**

F. **Approval Of Bills**

6. **Presentations**

A. **Brainerd Community Action - Holly Holm**

7. **Unfinished Business**

A. **Appointment Of Council Committees For 2019 And 2020**

B. **Appointment Of Council Liaisons For 2019 And 2020**
Expiring Positions

- Airport Commission - Kevin Stunek
- Charter Commission - Kelly Bevans
- Economic Development Authority (EDA) - Kelly Bevans
- Economic Development Authority (EDA) - Gabe Johnson
- Brainerd HRA - Gabe Johnson
- Planning Commission - Jan Lambert
- Public Utilities Commission - Ed Menk
- Rental Housing BOA - Dave Badeaux
- Transportation Advisory Committee - Jan Lambert
- Transportation Advisory Committee - Sue Hilgart

C. **Call For Applicants - Informational**

(Applications Available in Council Chambers or at the City's Website)(<http://www.ci.brainerd.mn.us>)

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT - ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

Cable TV Advisory Committee - 2 terms (Expire 2021)
Charter Commission - 1 term (Expire 2021) - 1 term (Expire 2022)
Transportation Advisory Committee - 1 term (Expire 2019) 1 terms
(Expire 2020)
Rental Dwelling Board of Appeals - 2 terms (see below) - (Expire 2020)
1. *Tenant Representative (1)*
2. *General Public Representative (1)*

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

Planning Commission - 2 terms (Expire 2021)

8. **New Business**

A. **Request For Lieutenant Promotion Process**

Documents:

Request to Establish Police Lieutenant Eligibility List.pdf

B. **Request To Hire Police Officers**

Documents:

Police Officer Resignation and Request to Hire.pdf

C. **Improvement 16-09 - Buffalo Hills Lane And Mississippi Drive Reconstruction - Request To Authorize Letter Report**

Documents:

Improvement 16-09 - Buffalo Hills Reconstruction - Letter Report Auth..pdf

1. **Appraisal Report**

Documents:

Appraisal Report.pdf

D. **Improvement 17-10 - Sanitary Sewer Project - Alley Of Oak To Pine From SE 11th Street To SE 19th Street - Authorization To Bid**

Documents:

Improvement 17-10 Authorization to Bid.pdf

E. **SP 1806-76 - TH 210 Construction In 2019 - Informational**

Documents:

SP 1806-76 - Trunk Highway 210 Construction - Brainerd to

[Ironton.pdf](#)

F. 2019 Workers' Compensation Renewal - Informational

[Documents:](#)

[Workers Comp Renewal.pdf](#)

G. First Reading Of Proposed Ordinance No. 1491 - An Ordinance To Amend City Code Section 1200 Intoxicating Liquor

[Documents:](#)

[Ord No. 1491 - First Reading.pdf](#)

9. Planning Commission

A. First Reading Of Proposed Ordinance No. 1490 - An Ordinance To Amend Section 515-57: R-3, High Density Residential District

- To Add Single Family Dwellings as Permitted Uses in R-3 High Density Residential Districts

[Documents:](#)

[First Reading Ord No. 1490.pdf](#)

B. Variance Request - 214 2nd Ave NE - To Construct A 20' X 24' Garage

[Documents:](#)

[Variance Request - Accessory Building Size, William Cory, 214 2nd Ave NE.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. Motion To Closed Session Pursuant To M.S. 13D.03 To Discuss Labor Negotiation Strategy

14. Adjourn

Note: No Safety and Public Works Committee Meeting tonight.
No Personnel and Finance Committee Meeting tonight.

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"

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.

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

Administer Oath of Office

City Administrator Torstenson administered the Oath of Office to the following:

Edwin L. Menk – Mayor
Kelly Bevans – Alderman, Ward 2
Gabe Johnson – Alderman, Ward 4
Sue Hilgart – Alderman, At-Large

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

Presentations

The Chair welcomed Ms. DeAnn Barry, Executive Director and Mr. Dale Parks, Board President of The Center. Ms. Barry distributed The Center's newsletter that is sent to the members each month. They gave a brief overview of the events that take place at The Center, which include live music, quilting, toy making and dolls that are donated to hospitals and law enforcement to give to children in crisis situations. She announced volunteer hours reached over 15,000 in 2018 and thanked everyone involved. Ms. Barry reviewed the upcoming events this year and invited everyone to visit for a tour and to enjoy a coffee and donut.

The Chair welcomed Ms. Vicki Foss, Director of the Northland Arboretum who has been the director for the past year. She gave a brief overview of the financial report and the activities that have taken place at the Arb. The recent heavy snowfall brought in over 3,000 skiers to the arboretum. The Minnesota DNR currently grooms the ski trails as part of a grant aid program and it is illegal to walk on a groomed trail and could result in a fine. Due to an increase of interest in snowshoeing, the Arb has created new snowshoeing trails to accommodate the interest. Ms. Foss announced that two students recently completed Eagle Scout projects at the Arb.

The Chair thanked both groups for their presentations.

Election of President and Vice President of the Council for 2019-2020

Council President Pritschet asked for nominations for Council President for the calendar years 2019 and 2020.

Alderman Hilgart nominated Alderman Johnson.
Alderman Bevans seconded the nomination.

As there were no other nominations, Council President Pritschet closed nominations and asked for a motion to elect Alderman Johnson as Council President.

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS, DULY CARRIED, TO ELECT ALDERMAN JOHNSON AS COUNCIL PRESIDENT FOR THE CALENDAR YEARS 2019 AND 2020.

Council President Pritschet called for nominations for Council Vice-President for calendar years 2019 and 2020.

Alderman Lambert nominated Alderman Hilgart.
Alderman Stunek seconded the nomination.

As there were no other nominations, Council President Pritschet closed nominations and asked for a motion to elect Alderman Hilgart as Vice-President.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK, DULY CARRIED, TO ELECT ALDERMAN HILGART AS COUNCIL VICE-PRESIDENT FOR THE CALENDAR YEARS 2019 AND 2020.

Council President Johnson moved to the Chair seat.

Approval of the Agenda - Approved

Council member Hilgart requested the following additions to the agenda:

- a) Add *"Wage Resolution for Department Heads and non-union Supervisors"* under New Business
- b) Add *"Police Officer Resignation & Request to Hire"* under New Business

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

Council member Hilgart requested the following addition to the Consent Calendar:

- a) *Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Lakes Chapter of Muskies, Inc., 9143 Lone Pine Rd., Brainerd for an Event to be Held February 16, 2019 at the Brainerd National Guard Armory, 1115 Wright St., Brainerd.*

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO ADOPT THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on December 17, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 2 – New, 49 – Renewals

C. Department Activity Reports - Approved

- 1. Mayor's Report
- 2. Fire Chief
- 3. Parks Director

D. Appointment of City Officials Pursuant to City Charter – 2019/2020 Term - Approved

1. City Engineering – Paul Sandy, P.E.
2. City Attorney – Joseph J. Langel

E. Designation of Brainerd Dispatch as Official Newspaper for Calendar Year 2019 Pursuant to City Charter; And To Authorize Signature on the Contract with the Dispatch - Approved

F. Designation of Financial Institutions as Depositories for 2019 Pursuant to City Charter - Approved

G. Resolution Approving Signature Authorization for 2019 Capital Projects for the Brainerd Lakes Regional Airport – Adopted by Resolution No. 01:19

H. Approval of Bills (2018 Year End & January 7, 2019) and Transfers of Funds - Approved

General Fund to Airport Fund per Budget	\$155,500
General Fund to Mayor Contingency Fund per Budget	\$2,500
General Fund to IT Capital Fund per Budget	\$20,000
Public Safety Fund to Fire Capital Fund per Budget	\$57,000
Public Safety Fund to Debt Service Fund per Budget	\$75,967

I. (Added Item) Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Lakes Chapter of Muskies, Inc., 9143 Lone Pine Rd., Brainerd for an Event to be Held on February 16, 2019 at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd - Approved

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

Unfinished Business

Call for Applicants – Informational:
(Application Information at www.ci.brainerd.mn.us/boards/)

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT – ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

- Cable TV Advisory Committee – 2 terms (Expire 2021)
- Charter Commission – 1 term (Expire 2021) – 1 term (Expire 2022)
- Transportation Advisory Committee – 1 term (Expire 2019) – 1 term (Expire 2021)
- Rental Dwelling Board of Appeals – 2 terms (see below) (Expire 2020)
 1. Tenant Representative (1)
 2. General Public Representative (1)

Council President Recommended: (all terms expire 12/31 of said year)
Planning Commission – 2 terms (Expire 2021)

New Business

Agreement for Professional Services – NW 4th Street Reconstruction - Approved

City Engineer Sandy explained a quote was received from Bolten & Menk to perform design and construction engineering services using the Local Road Improvement Project (LRIP) funds the City received. He stated there have been discussions with Crow Wing County regarding a cost share agreement for the remaining balance after the LRIP funds are used.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE ATTACHED PROPOSAL FROM BOLTEN & MENK FOR DESIGN AND ENGINEERING SERVICES FOR THE NW 4TH STREET IMPROVEMENTS AS OUTLINED IN THE TRAFFIC STUDY.

Community Service Officer Resignation & Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF COMMUNITY SERVICE OFFICER TYLER LENZ AND AUTHORIZE THE POLICE DEPARTMENT TO MAKE A CONDITIONAL JOB OFFER TO LUCAS CATURIA, CONTINGENT ON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS WITH A STARTING DATE OF JANUARY 8TH OR SHORTLY THEREAFTER.

Congressman Stauber Office Space Rental Agreement - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO AUTHORIZE THE EXECUTION OF THE LEASE AGREEMENT WITH CONGRESSMAN PETE STAUBER'S OFFICE UPON REVIEW BY THE CITY ATTORNEY.

Essentia Health – St. Joseph's Medical Center Easement Agreement - Approved

City Engineer Sandy indicated Essentia Health purchased the former Lakes Imaging building at 2019 South 6th Street. The easement request pertains to a sign and landscape island encroachment in the City right-of-way.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE ESSENTIA HEALTH ST. JOSEPH'S MEDICAL CENTER EASEMENT AS PRESENTED.

(Added Item) Wage Resolution for Department Heads and non-union Supervisors – Adopted by Resolution 01:19

City Administrator Torstenson indicated the resolution would utilize the new pay philosophy, Steps 1 through 8 in which steps 7 and 8 would be reserved for performance-based pay.

HR Coordinator Schubert distributed a new resolution to council, as the final resolution was different than what was provided in the packet. She explained the wage grid that was

provided by the consultant was based on 2018 market data. A 1% COLA was added to the consultant's wage grid amount, which would increase to 2% in 2020, and 3% in 2021.

City Administrator Torstenson stated the wage is listed as hourly, however it is clearly specified that these are salaried positions. She explained and reviewed the terms shown in the resolution, as well as the positions and steps in each position.

Council member Stunek requested input from the staff that this would affect.

Council member Johnson agreed and asked if anyone would like to speak.

The Chair recognized Police Chief McQuiston, who indicated he does not agree with the grid being proposed. He stated there is some misrepresentation based on the information provided from the consultant. The data that has been provided appears to be grossly outdated and steps 5 and 6 are being shown as current market data, but conflicts with the information he gathered regarding a Police Chief position. Chief McQuiston stated concerns with what is being represented as "market wages" is out of alignment with information he has found.

City Administrator Torstenson stated two positions, the City Engineer and Police Chief, are rapidly changing in the market place and are becoming very difficult to fill. These two positions market will need to be evaluated.

HR Coordinator Schubert explained that Council has a right to set wages and these can be adjusted anytime at the Council's request.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET TO ADOPT A RESOLUTION SETTING THE WAGES AND STEP PLACEMENT FOR ALL CITY AND BPU DEPARTMENT HEADS AND NON-UNION SUPERVISORS FOR 2019 – 2021.

RESOLUTION 01:19

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

(Added Item) Police Officer Resignation & Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF INVESTIGATOR JUSTIN ATHMAN AND AUTHORIZE THE POLICE & FIRE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE AVAILABLE CANDIDATES ON THE CURRENT POLICE OFFICER ELIGIBILITY LIST.

Public Forum

The Chair opened the Public Forum at 8:24 p.m.

The Chair recognized Mr. Louis Crombie, who is representing Congressman Pete Stauber in the Brainerd area and will be utilizing the office located in City Hall. He stated he has attended numerous council meetings in the past in hopes of being a part of a civic group.

The Chair closed the Public Forum at 8:25 p.m.

Staff Reports

City Engineer Sandy commended the street staff for their outstanding work with the recent snowfall and inclement weather. He also reminded everyone of the public meeting being held on Tuesday, January 8th for the Buffalo Hills Lane Reconstruction Project at 6:00 p.m. at the Church of Jesus Christ and Latter-Day Saints, 101 Buffalo Hills Lane.

Community Development Director Chanski thanked the Council for the opportunity to serve the residents of Brainerd and is eager to learn all there is to know about Brainerd.

City Administrator Torstenson welcomed Community Development Director Chanski to the City of Brainerd. She confirmed that Mr. Chanski will be handling the quarterly newsletter going forward.

City Administrator Torstenson stated she just completed her one-year anniversary as City Administrator and is very thankful to be a part of the City and commends the excellent staff she gets to work with daily.

Council Member Reports

Council member Lambert stated there have been two committee meetings regarding the review of the Conduct on Premises Ordinance that are going well.

Mayor Menk thanks the staff for the new chairs in the chambers, as this will allow for a quick transition for the room to be used for many other events and meetings. He also thanked the street staff for the hard work getting our streets cleared after the inclement weather.

Council member Johnson stated the plow crews have done an excellent job the past couple weeks.

Council member Hilgart commented the Mayor's letter was well stated and agrees on behalf of the City Council regarding the accomplishments and praises everyone.

Council member Pritschet stated it has been an honor serving as Council President for the past two years and Council member Johnson will do a wonderful job. He also added that Jolene Bradley, Brainerd Library Manager is leaving us shortly and the interim manager will be Jenny Hill. Good luck to Jolene in her future endeavors.

Council member Johnson thanked the Council for appointing him Council President and would like the recommendations for council committees prior to the next council meeting.

Mayor Menk would also like the council liaison appointment recommendations prior to the next meeting.

Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:34 p.m.

Adjourn to Buffalo Hills Lane Reconstruction Project Public Meeting on January 8, 2019 at 6:00 p.m. at the Church of Jesus Christ of Latter-Day Saints, 101 Buffalo Hills Lane

The Chair adjourned the meeting at 8:56 p.m.

Cassandra Torstenson
City Administrator

Brainerd, MN
January 15, 2019

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 6:00 p.m. by Council President Johnson.

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

Upon roll call, the following members were noted present: Bevens, Badeaux, Hilgart, Lambert, Stunek, Pritschet, Johnson and Mayor Menk. Also present were City Administrator Torstenson, Finance Director Hillman, and Parks Director Sailer.

Memorial and Mill Avenue Park Lease Discussion

The Chair recognized Mr. Mike Higgins, owner of Brainerd Industrial Center (BIC) who thanked the Council for the opportunity to speak tonight about the lease. He stated his original plans with the purchase of the property was to demolish the buildings. After obtaining ownership, he decided to keep the buildings as they were the nicest industrial complexes he has worked at. He indicated since conception, the company has created 87 jobs. He gave a brief overview of the current companies that lease space on the property. He is proud to say that all the work has been done without using any TIF financing, grants or government assistance.

Mr. Higgins stated the price he paid for the property with the improvements he has done over the past four years have totaled approximately 15.8 million dollars. The first five million was financed through private investments, and the remaining is strictly earned dollars.

Mr. Higgins reviewed the community involvement his company has in Brainerd by presenting a slideshow showing the different organizations and entities. He stated he has paid \$563,040 in taxes in the past four years, with \$172,913 of that amount going to the City taxes with increases proposed for 2019.

He stated in 2014 when he purchased the property, he assumed the lease between Wausau Paper and the City of Brainerd which dated back to 1989. Mr. Higgins had the option to terminate the lease with a 90-day notice from the start, which he has not done as he was unsure of his future plans for the property. He feels the taxes need to be covered by the City for those portions of the property, which are approximately \$10,000 per year.

Mr. Higgins gave a preliminary concept idea to the Council regarding a future development on the south side of the property into a sports park that will be ADA Compliant.

City Administrator Torstenson stated one amendment was made to the draft lease which was reviewed by Mr. Higgins.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO PROCEED WITH THE TWO-YEAR LEASE AS PROPOSED BETWEEN THE CITY OF BRAINERD AND BRAINERD INDUSTRIAL CENTER IN THE AMOUNT OF \$20,000 PAYABLE WITHIN 24 HOURS OF OBTAINING SIGNATURES.

Motion to Closed Session Pursuant to M.S. 13D.03 to Discuss Labor Negotiation Strategy

Adjourn

The Chair adjourned the meeting at 6:41 pm.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
JANUARY 22, 2019
(14 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
CENTERPOINT ENERGY MINNESOTA GAS 6161 GOLDEN VALLEY RD GOLDEN VALLEY, MN 55422 19-0122	(763) 512-2764	MECH	10/1/2019	8/20/2020	MB003503
SEARS HOME IMPROVEMENT PRODUCTS, INC 1024 FLORIDA CENTRAL PARKWAY LONGWOOD, FL 32750 19-0123	(407) 551-6000	GENL	4/1/2019	12/31/2019	CR268257
WESTERN PRODUCTS, INC. 474 45TH STREET S. FARGO, ND 58103 19-0124	(701) 293-5310	GENL	1/1/2020	12/31/2019	CR004286
SAC WIRELESS LLC 540 W MADISON STREET 9TH FLOOR CHICAGO, IL 60661 19-0125	(312) 895-4977	TELE	5/1/2019	12/31/2019	
JOHN'S REFRIGERATION 12821 20TH AVENUE SW PILLAGER, MN 56473 19-0126	(218) 829-1349	MECH	11/1/2019	9/16/2020	MB003729
CLIMATE MAKERS, INC. 1700 FREEWAY BLVD SUITE 10 BROOKLYN CENTER, MN 55430 19-0127	(763) 786-5999	MECH	11/1/2019	12/12/2020	MB004290 PC648912
MINNESOTA INDEPENDENT PETROLEUM SERV* 8299 WISE ROAD BRAINERD, MN 56401 19-0128	(763) 780-5191	MECH	3/31/2019	1/5/2020	MB004080
IRONFIRE, INC. 5353 LEGEND LANE BRAINERD, MN 56401 19-0129	(218) 829-4983	STEL	9/23/2019	12/31/2019	
THE SIGN SPOT 5186 SUSANVILLE DRIVE NW BRAINERD, MN 56401 19-0130	(218) 829-0950	SIGN	2/9/2020	12/31/2019	
FARRAND MASONRY LLC 7654 COUNTY ROAD 9 BRAINERD, MN 56401 19-0131	(218) 825-1804	MASO	7/7/2019	12/31/2019	
METRO HOME INSULATION LLC 495 SOUTH HIGH ST STE 50 COLUMBUS, OH 43215 19-0132	(614) 221-3241	MECH	10/1/2019	3/14/2020	MB722551 BC598508

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
JANUARY 22, 2019

(14 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
REGAL CONTRACTORS, INC. 717 JULEP ROAD WAITE PARK, MN 56387 19-0133	(320) 253-1161	DRYW	1/1/2020	12/31/2019	
INDIGO SIGNWORKS INC. 1622 MAIN AVENUE FARGO, ND 58103 19-0134	(320) 846-9697	SIGN	11/18/2019	5/21/2020	SB683135
DINGMAN BROTHERS EXCAVATING LLC 8747 SOUTHVIEW DRIVE BREEZY POINT, MN 56472 19-0135	(218) 820-0181	EXCA	2/1/2019	12/31/2019	L2923

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 01-16-19
RE: Monthly Report



December Community Policing Projects

Two important Community Policing opportunities occurred in December for us involving area youth. Our annual participation in the ***Shop-with-a-Cop Event*** and working with ***Harrison School Crossing Guard Patrol***.



This year's **Shop-with-a-Cop** was held over three weekends in December starting on December 1st and ending on December 15th. Each weekend 20 children had breakfast with police officers and went Christmas Shopping. We can't thank the following community partners enough for supporting this project and helping us build positive relationships with area youth:

Lakes Area Law

Enforcement Association

Fleet Farm

Target

Walmart

McDonalds

Central Lakes College Law

Enforcement Club

and Local Pageant Royalty



On December 20th, officers were invited to attend the **Harrison School Patrol** Pizza Party and officers provided transportation for those students to Brick House Pizza.





On December 12th, I attended the winter Minnesota Police Chiefs Association Critical Issues forum in Bloomington. This session's topic covered the industry wide problem with ***Retention and Recruitment.***

The issues that we are experiencing are prevalent state-wide, as enrollment in training and education programs continues to decline. There has also been a reduction in overall licensing numbers by the POST board. This issue feels like it is being compounded as industry-wide there is also a significant number of employees leaving current employment for opportunities with other agencies.

To help increase an interest in a law enforcement career at the initial recruitment levels, the association has initiated a new campaign entitled "***Wear the Badge.***" Please visit the website at:

<https://www.wearthebadge.org/>



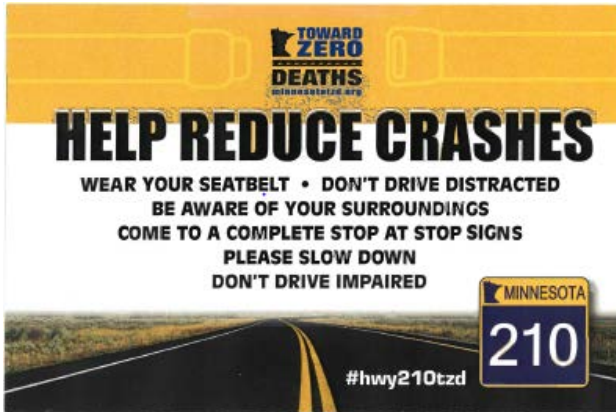
to see how the association is developing a video-story program aimed at attracting people to the industry. There are very interesting stories professionally done from both large metropolitan based agencies to small rural agencies like Verndale.

A take-away for us from this forum was increasing the value and opportunity we have with our Community Service Officer program. This is evident in the fact that two out of our last five hires were Community Service Officers for our department and it was emphasized at the forum how important these programs have become.

MNTH 210 Corridor Project

In January of 2018 we began working with area partners on a multi-agency/multi-disciplinary crash reduction project for Minnesota State Highway 210, which is Washington Street in our jurisdiction. It comes as no surprise that Washington Street by far has the highest traffic counts of any roadway in our city.

This partnership involved at least eight different enforcement groups and combined efforts with MN Dot for signage and local media for messaging regarding the project.



Overall Crashes were down during this period and fatal crash numbers stayed the same after several years of increasing trends, both opposite of statewide averages so the project had measurable success.

The graph below shows the statistical results of the agencies that were involved, and we'd like to point your attention to the number of DWI arrests by the Brainerd Police:

Agency	Time in Zone	Traffic Stops	Speed Citations	Speed Warnings	Seat Belt Citations	Seat Belt Warnings	Distracted Driving Violations	DWI Arrests
District 2800	380.75 hours	1121	259	611	82	45	35	1
District 4700	42 hours	49	2	11	3	3	0	0
MN DNR	22.25 hours	23	2	1	0	1	0	0
Crow Wing County	100.25 hours	201	10	71	32	32	14	2
Baxter PD	185.50 hours	347	27	139	13	5	8	5
Brainerd PD	204.75 hours	356	9	21	16	15	25	12
Crosby PD	52.25 hours	77	0	20	5	5	2	0
Deerwood PD	64.75 hours	53	3	30	0	0	2	1
Total	1052.50 hours	2227	312	904	151	106	86	21

5

Conduct on Premises Activity Report for December

ICR	Date Reported	Title	Address	Summary Contains
18016600	12/01/18	Conduct on Premises	901 South 7 th Street	Conduct on Premises.
18016620	12/01/18	Conduct on Premises	223 North 4 th Street	Conduct on Premises.
18016649	12/02/18	Conduct on Premises	223 North 4 th Street	Combined with prior incident
18016990	12/09/18	Conduct on Premises	1617 Maples Street	Conduct on Premises.
18017007	12/09/18	Conduct on Premises	702 South 9th Street	Written Management Plan Requested
18017250	12/13/18	Conduct on Premises	706 South 9 th Street	Conduct on Premises.
18017284	12/14/18	Conduct on Premises	715 ½ Laurel Street	Conduct on Premises.
18017532	12/19/18	Conduct on Premises	723 South 6 th Street	Conduct on Premises.
18017718	12/23/18	Conduct on Premises	702 ½ South 9th Street	See ICR# 18017007.

Monthly Police Activity

December	2018	2017
Calls	1504	1529
Citations (Inc. Parking)	282	364
Part I and Part II Crimes Reported	164 **	208

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

136 parking tickets were issued in the month of December with the following dispositions:

1	Dismissed
1	Business Validations
58	Paid in Full
1	Partial Payments Received
75	No Payment Received

Revenue Recapture Receipts:

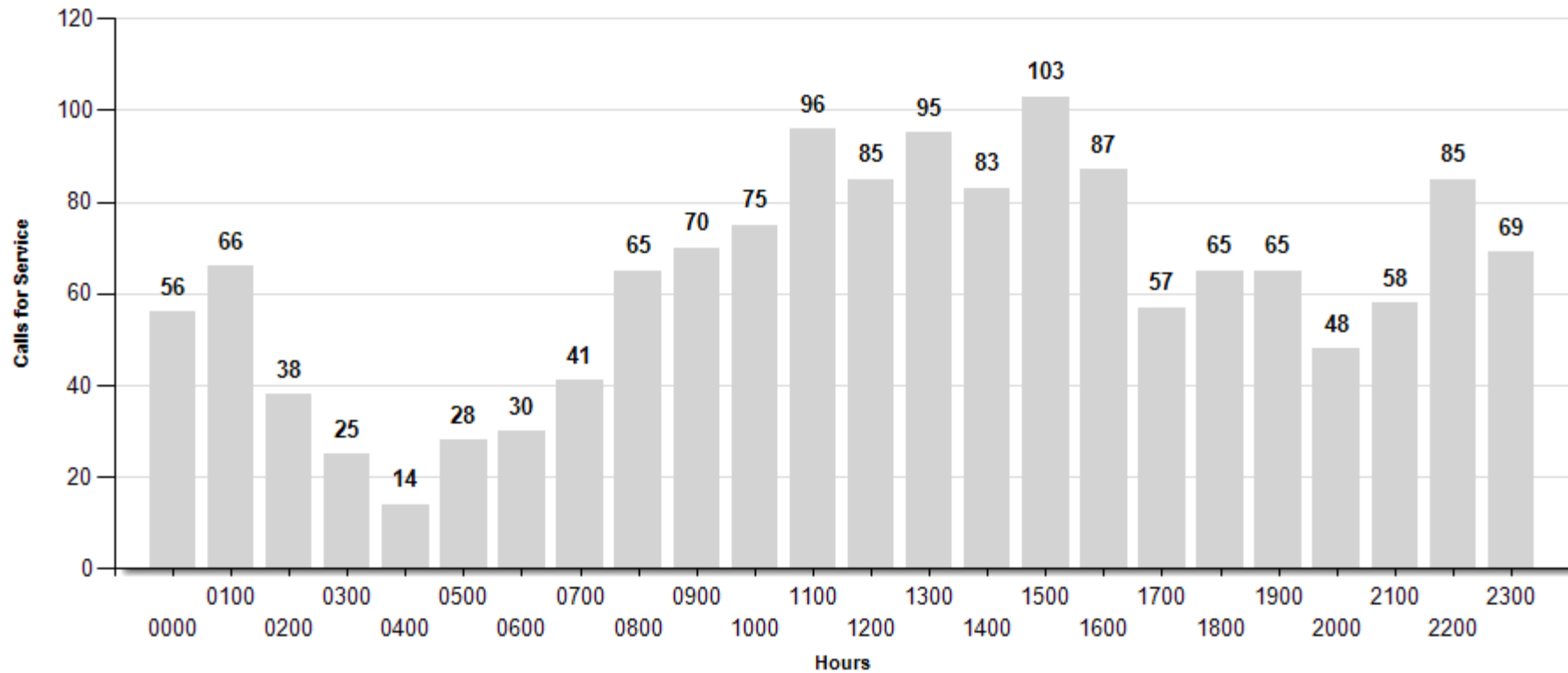
To Date: \$ 40,646.13
In 2018: \$ 6,857.44



Calls for Service Hourly

12/1/2018 to 12/31/2018

Total Calls: 1544



MEMO

TO: Mayor and Council

FROM: City Administrator Cassandra Torstenson

DATE: January 16, 2019

RE: Resolution Accepting Donations & Contributions for 4TH Quarter 2018

Attached is a resolution accepting donations and contributions that have been made to the City of Brainerd for the period of October 1, 2018 through December 31, 2018. The City is very appreciative to all who have made these contributions. The funds from the donations and contributions will be used as requested by the donor.

A resolution needs to be adopted with a two-thirds vote of the Council. The item appears on the January 22, 2019 agenda.

If you have any questions, please don't hesitate to contact me.

\pz

**RESOLUTION
NO. xx:19**

**RESOLUTION ACCEPTING DONATIONS AND/OR CONTRIBUTIONS
FROM OCTOBER 1, 2018 THROUGH DECEMBER 31, 2018**

WHEREAS, the City of Brainerd is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Sections 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and bequests for the benefit of recreational service pursuant to Minnesota Statutes Section 471:17; and

WHEREAS, the following persons and entities have offered to contribute the gifts and cash sums set forth below to the City:

<u>Name of Donor</u>	<u>Amount</u>	<u>Requested Use of Donation or Contribution</u>
----------------------	---------------	--

SEE ATTACHED LIST OF DONORS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that all donations and/or contributions described above are hereby graciously accepted by the City of Brainerd and shall be used as requested by the donors or grant requirements.

BE IT FURTHER RESOLVED, that the City Council expresses its gratitude to the donors of the gifts.

Adopted this _____ day of January, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of January, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA L. TORSTENSON
City Administrator

Brainerd Parks and Recreation **Contributions and Donations October-December 2018**

Received From	Receipt Date	Type of Donation	Amount Received
Walmart	10/12/18	Pumpkins for Great Pumpkin Festival	in-kind
Brainerd Lakes Area Women of Today	11/13/18	Helmets for youth baseball and softball programs	200.00
American Legion Post 255	11/20/18	Designated for WWII Monument at Memorial Park	1,000.00
VFW Post 1647	11/27/18	Designated for WWII Monument at Memorial Park	1,500.00
Eagles Club	11/29/18	Designated for WWII Monument at Memorial Park	1,000.00
Order of the Eastern Star	12/21/18	Designated for WWII Monument at Memorial Park	1,000.00
TOTAL			\$4,700.00

MEMO

TO: Finance Director Connie Hillman
FROM: Fire Chief Tim Holmes *TH*
DATE: January 2, 2019
SUBJECT: 2018 – 4th Quarter Donations



www.ci.brainerd.mn.us

4th Quarter donations for the Brainerd Fire Department are as follows:

- The Burn Nutrition Club \$200
- Lowell PTA \$200
- Pikes Plumbing & Heating \$ 50
- Minnesota T's \$ 60
- Thelen Heating & Roofing \$100
- First National Bank \$ 90
- VFW \$300
- Brainerd Sertoma Club \$100
- Members Credit Union \$100
- Mid MN Credit Union \$300
- Atek \$ 90

Feel free to contact me with any questions.



Brainerd City Council Agenda Request

Requested Meeting Date: January 22nd, 2019

Title of Item: Request to Establish Police Lieutenant Eligibility List

☐ 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 Police & Fire Civil Service Commission met on January 18th and approved the amendments to rules for the creation of the position of Lieutenant within the police department. We are requesting authorization for the Civil Service Commission to establish an eligibility list for this promotion to allow us to begin the promotional testing process. We anticipate making a recommendation for the promotion at the March 4th City Council meeting with an effective date of March 5th for the appointment.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the Police & Fire Civil Service Commission to create a Lieutenant eligibility list and begin the promotional process for that position for a recommendation to the Council on March 4th.	
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> The position and costs associated with the process are within the department's current budget.	

Justin Athman

Pierz, MN 56364

Cell:

jvathman@gmail.com

January 4th, 2019

Chief Corky McQuiston
Brainerd Police Department
225 East River Road
Brainerd, MN 56401

Chief McQuiston:

I would like to inform you that I am resigning from my position as an Investigator with the Brainerd Police Department. I am requesting that my last day of work be Friday, January 18th, 2019. I have accepted an opportunity that I feel will better suit my long term personal and family goals.

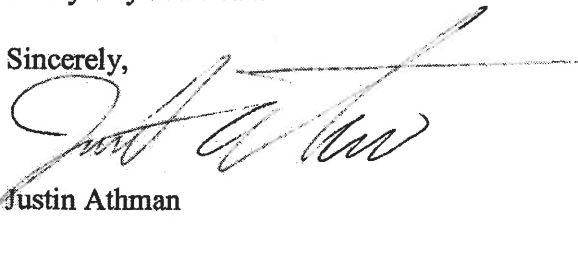
I would like to thank everyone at the Brainerd Police Department, and you Chief McQuiston, for all of the training, mentorship, support, guidance, experience and opportunities that I have been given throughout my time with the department.

In my humble opinion, the officers of the Brainerd Police Department represent the highest standards for professionalism and for the quality of service that they provide to the community. I believe this to be a direct reflection of the leadership within the agency. It has been an honor to work with, and learn from, such men and women during my six years of employment.

I am very thankful that the Brainerd Police Department gave me the opportunity to begin my career as an officer and I am extremely grateful for the foundation that Brainerd Police Department has provided to me.

If I can be of any assistance during this transition, please let me know. I would be glad to help in any way that I can.

Sincerely,



Justin Athman



Brainerd City Council Agenda Request

Requested Meeting Date: January 22nd, 2019

Title of Item: Police Officer Resignation and Request to Hire

☐ 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: Police Officer Brady Prince has accepted a position with the Minnesota Bureau of Criminal Apprehension and he has submitted the attached letter, ending employment effective February 19th. The Civil Service Commission met on January 18th and certified the next three available candidates on our eligibility list. We are requesting authorization to make conditional job offers for two of our current vacancies to Ismail Toure and Chase Reed. We estimate starting dates for Toure of February 25th and Reed of March 18th.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept Officer Prince's resignation with regret, and authorize conditional job offers to Ismail Toure and Chase Reed with tentative starting dates of February 25th for Toure and March 18th for Reed, pending successful completion of the per-employment screening process.	
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> The positions and costs associated with the process are with in the department's current budget.	

Brady Prince

Brainerd, MN 56401

01/14/2019

Chief Corky McQuiston

Police Chief

Brainerd Police Department

225 East River Road

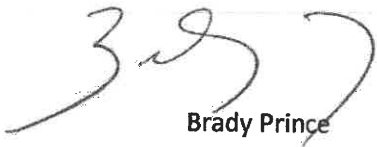
Brainerd, MN 56401

Dear Chief Corky McQuiston:

I am writing to formally notify you and the department that I am retiring from my position with the Brainerd Police Department. My last day of employment will be February 19th 2019.

I sincerely appreciate the opportunities I have been given here at the Brainerd Police Department. I would also like to thank the administration, officers and support staff that I have worked with.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'Brady Prince'.

Brady Prince

A small, stylized handwritten signature in black ink, possibly initials.



Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: Improvement 16-09 - Buffalo Hills Reconstruction - Letter Report Auth.

☐ 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: A second public meeting regarding Improvement 16-09 - Buffalo Hills Lane Reconstruction was held on January 8, 2019 from 6 pm to 7 pm at the Church of Jesus Christ of Latter-Day Saints.	
Alternatives, Options, Effects on Others/Comments: At the meeting, there was a long period of public comment about the project and the proposed assessment methodology adopted by the council. Staff did what they could to explain the reasoning behind the assessments and why the improvement project would benefit their respective properties. Staff got together after the meeting and discussed next steps for the project, and concluded that it may be beneficial for the City to consider hiring an appraiser to do a letter report on the proposed project. Staff reached out to Nagell Appraisal and Consulting, in which recently did some work for the City of Little Falls that was very similar to what we would be looking for on this project. The letter report is a preliminary opinion of market benefit to properties for a proposed project. The report is used to guide and assist the City for special assessment determination for the proposed street improvement. The report is not an appraisal, but gives a general range of market benefit in the proposed project and assessment area. The scope consists of drive by viewing of the subject properties, noting physical and economic factors that could affect the properties, comment on market benefit based on observations and previous similar appraisals, experience, and market information, and provides a general range of benefit for all the properties in the subject area. Staff believes that this report would be of great benefit to the project, and should help to provide the residents of the area some assurance that the City is doing its due diligence in regards to the assessments and impacts to the neighborhood. The total cost of the letter report as quoted is \$1,500, in which will become part of the total project costs. If the City wants additional services past the report, their hourly billing rate is \$150/hr.	
Recommended Action/Motion: Staff recommends approval of the attached quote from Nagell Appraisal and Consulting at the cost of \$1,500.	
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>xxxx</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> This was not anticipated to have to be done as part of the project. Funds would come from Construction fund 401 and become part of the costs of the project.	

NAGELL APPRAISAL & CONSULTING

12805 Highway 55
Plymouth, MN 55441
Established in 1968

Minneapolis: 952-544-8966
St. Paul 651-209-6159
Central Fax 952-544-8969

Client: City of Brainerd
Attn: Paul Sandy, Pe, City Engineer
501 Laurel Street
Brainerd, MN

January 17, 2019

RE: A letter report regarding the special benefit if any for a street improvement project, 240 parcels.
1) Buffalo Hills Lane

Dear Paul:

Thank you for your interest in obtaining services regarding the project above. Per our conversation, you indicated a preliminary opinion of market benefit if any to the properties in the project area.

Report Use: The report use is to assist the city for guidance regarding special assessment determination for the proposed street improvement project.

Value Type: This report is not an appraisal, but rather provides a preliminary letter giving a general range of market benefit if any for properties like those in the project area.

Property Description: Residential properties that use and/or adjoin the proposed project.
Contact for access, Not necessary.

Scope of Report: (1) Drive by viewing of the subject properties and view the neighborhood. (2) Note the physical and/or economic factors that could affect the properties. (3) Comment on market benefit if any based on observations of the market. (4) Provide a general range of benefit if any for properties like those in the project area. No specific sales data will be collected for this assignment. The general market comments are based on past appraisals, experience and market information.

Report Format: A Letter Report will be used. It has short statements and descriptions including appropriate photos, maps and exhibits are included. *A PDF copy of the report will be provided.*

Fee: The fee is **\$1,500**. Any meetings, owner contact, appraisal reports, any discovery, preparation and testifying would be extra and billed at \$150 per hour. Client named above is responsible for payment in a timely manner. Ethan C. Waytas, MAI will co-sign report.

Due Date: The report can be completed in **4-weeks** from signed confirmation. Let me know if you need it sooner.

Information needed by the appraiser: Feasibility report, maps and description of before and after conditions of the road project.

Our company has 10 employees and has been in business since 1968 and has sufficient knowledge, experience, education, resources and contacts to competently complete this assignment. Neither the employment to make this report, nor the compensation for it, is contingent upon the findings. If you agree to the above terms, please sign below and return by fax or mail. If you have any additional questions, please do not hesitate to contact me.

Sincerely,



William R. Waytas, SRA, CRP
Certified General 4000813, MN

Signature_____

Date_____

NAGELL APPRAISAL & CONSULTING

12805 Highway 55
Plymouth, MN 55441
Established in 1968

Minneapolis: 952-544-8966
St. Paul 651-209-6159
Central Fax 952-544-8969

Client: City of Brainerd
Attn: Paul Sandy, Pe, City Engineer
501 Laurel Street
Brainerd, MN

January 22, 2019

RE: A letter report regarding the special benefit if any for a street improvement project, 240 parcels.
1) Buffalo Hills Lane

Dear Paul:

Thank you for your interest in obtaining services regarding the project above. Per our conversation, you indicated a preliminary opinion of market benefit if any to the properties in the project area.

Report Use: The report use is to assist the city for guidance regarding special assessment determination for the proposed street improvement project. Per your request we will consider segmenting the properties based on property characteristics (e.g. location) and the benefit (if any) to those properties as it relates to the road project.

Value Type: This report is not an appraisal, but rather provides a preliminary letter giving a general range of market benefit if any for properties like those in the project area.

Property Description: Residential properties that use and/or adjoin the proposed project.
Contact for access, Not necessary.

Scope of Report: (1) Drive by viewing of the subject properties and view the neighborhood. (2) Note the physical and/or economic factors that could affect the properties. (3) Comment on market benefit if any based on observations of the market. (4) Provide a general range of benefit if any for properties like those in the project area. No specific sales data will be collected for this assignment. The general market comments are based on past appraisals, experience and market information.

Report Format: A Letter Report will be used. It has short statements and descriptions including appropriate photos, maps and exhibits are included. *A PDF copy of the report will be provided.*

Fee: The fee is **\$2,200**. Any meetings, owner contact, appraisal reports, any discovery, preparation and testifying would be extra and billed at \$150 per hour. Client named above is responsible for payment in a timely manner. Ethan C. Waytas, MAI will co-sign report.

Due Date: The report can be completed in **4-weeks** from signed confirmation. Let me know if you need it sooner.

Information needed by the appraiser: Feasibility report, maps and description of before and after conditions of the road project.

Our company has 10 employees and has been in business since 1968 and has sufficient knowledge, experience, education, resources and contacts to competently complete this assignment. Neither the employment to make this report, nor the compensation for it, is contingent upon the findings. If you agree to the above terms, please sign below and return by fax or mail. If you have any additional questions, please do not hesitate to contact me.

Sincerely,



William R. Waytas, SRA, CRP
Certified General 4000813, MN

Signature _____

Date _____

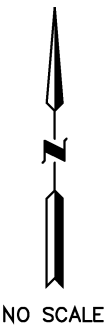
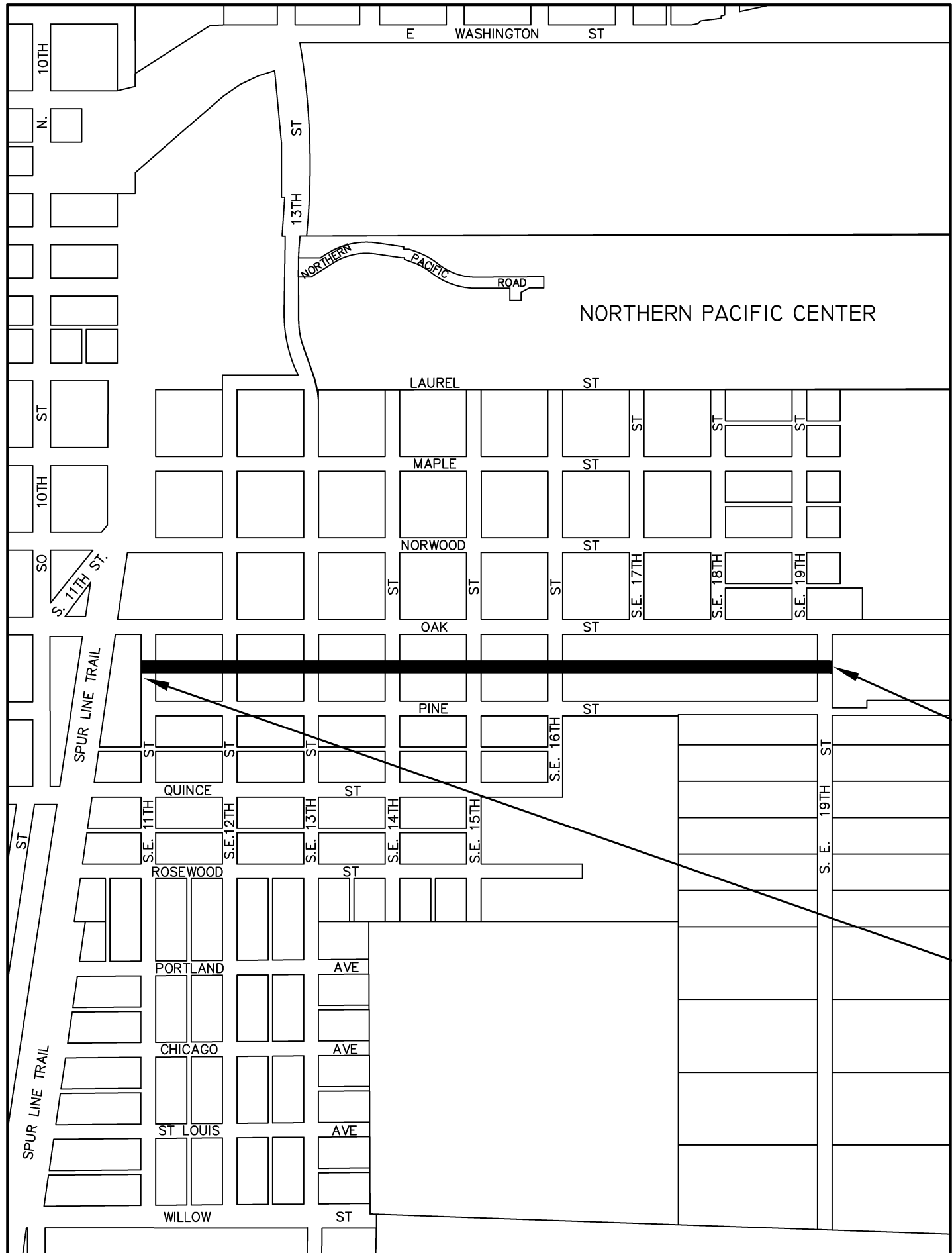


Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: Improvement 17-10 - SE Sanitary Sewer Project - Authorization to Bid

☐ 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 worked in 2017 to complete plans and specifications for a sanitary sewer replacement project in SE Brainerd in the alley between Oak Street and Pine Street from SE 11th Street to SE 19th Street.	
Alternatives, Options, Effects on Others/Comments: Originally, this project was planned for construction in the summer of 2018 to fill in some work during the South 6th Street project. Upon further evaluation of the Sanitary Sewer Fund, and upon consultation with our rate study consultant and future projects of the fund, staff decided to hold the project back 1 year to help out the cash flow in the Sanitary Sewer Fund. Staff is proposing to construct the project in 2019, dependent on the bid prices that come back from this letting. The total estimated cost of the project is \$396,000, which was in line with the budgeted amount of \$400,000/year with our rate study.	
Recommended Action/Motion: Staff recommends authorization to solicit bids for Improvement 17-10 - Sanitary Sewer Reconstruction - Alley from SE 11th Street to SE 19th Street between Oak Street and Pine Street.	
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>Estimated \$396,000</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This is part of the 2019 Capital Improvement Plan for Streets and Sewers. Costs of project to come from Sanitary Sewer Fund 237.	



CITY OF BRAINERD, MINNESOTA
DEPARTMENT OF ENGINEERING
CONSTRUCTION PLANS FOR:

IMPROVEMENT PROJECT 17-10
ALLEY SANITARY SEWER
SANITARY SEWER, GRADING & AGGREGATE BASE:

ALLEY S.E. 11TH STREET TO S.E. 19TH STREET, BETWEEN OAK STREET AND PINE STREET.

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	ESTIMATED QUANTITIES
3	TYPICAL SECTIONS
4	TRAFFIC CONTROL
5-6	STANDARD DETAILS
7	EROSION CONTROL DETAILS
8-10	SWPPP PLAN
11-14	EROSION CONTROL
15-18	REMOVALS
19-22	SANITARY SEWER

END PROJECT 17-10
STATION 40+32.00

BEGIN PROJECT 17-10
STATION 10+00.00

SPECIFICATIONS

THE 2018 MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE 2013 CITY ASSOCIATION OF MINNESOTA STANDARD SPECIFICATIONS SHALL GOVERN.

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

Paul Sandy Date 11/02/18
Paul Sandy, P.E. License No. 53635

NOTICE OF BID
BIDS CLOSE FRIDAY, February 22, 2019 at 10:00 AM CDT
BRAINERD, MINNESOTA

CITY IMPROVEMENT NO. 17-10
SE ALLEY SANITARY SEWER (OAK TO PINE) – 11TH AVE SE TO 19TH AVE SE

Notice is hereby given that bids will be received, opened, and read aloud in the presence of the City Administrator and the City Engineer in the Council Chambers, City Hall, in the City of Brainerd, Minnesota, on Friday, February 22, 2019 at 10:00 A.M. CDT for the construction of the following described local improvement in accordance with the Plans and Specifications for the same which on file in the office of the City Engineer of said City.

City Improvement No. 17-10
SE Alley Sanitary Sewer (Oak to Pine) – 11th Avenue SE to 19th Avenue SE

All bids shall be submitted electronically through the City of Brainerd's BidVAULT website, and accompanied by a cash deposit, cashier's check, bid bond or certified check of at least five (5) percent of the amount of bid made payable to the City of Brainerd, which amount will be forfeited to the City of Brainerd as liquidated damages if the bidder, upon letting the contract to him, shall fail to enter into the contract let so.

Plans and specifications may be examined at the Office of the City Engineer, 501 Laurel Street, Brainerd, MN 56401 or at <https://egram.ci.brainerd.mn.us>.

All proposals must be submitted electronically through the City of Brainerd's BidVAULT website. Bidding on the project costs \$25.00 plus applicable taxes and fees.

Go to the project page in eGram to obtain the Plan and Proposal online.

Approximate major quantities are as follows:

<u>Item Name</u>	<u>Quantity Unit</u>
MOBILIZATION	1 L SUM
CLEARING	1 TREE
GRUBBING	3 TREE
REMOVE SEWER PIPE (SANITARY)	3,730 LF
REMOVE CURB AND GUTTER	375 LF
REMOVE BITUMINOUS PAVEMENT	1,179 SY
REMOVE MANHOLE	6 EACH
REMOVE CASTING	6 EACH
SAW BITUMINOUS PAVEMENT (FULL DEPTH)	584 LF
COMMON EXCAVATION (P)	1,893 CY
STABILIZING AGGREGATE	126 CY
DEWATERING	1 L SUM
AGGREGATE BASE CLASS 5	1,492 TON
TYPE SP 9.5 WEARING COURSE MIX (3,C)	168 TON
AGGREGATE BEDDING (LV)	483 CY
6" PVC PIPE SEWER	792 LF

8" PVC PIPE SEWER	2,854 LF
18" PVC PIPE SEWER	22 LF
SANITARY SEWER SERVICE	98 EACH
CONNECT TO EXISTING SANITARY SEWER	10 EACH
CONSTRUCT DRAINAGE STRUCTURE DES. 4007	12.39 LF
CONSTRUCT DRAINAGE STRUCTURE DES. 4007	5 EACH
CASTING ASSEMBLY	16 EACH
CASTING SEAL	5 EACH
CONSTRUCT 8" OUTSIDE DROP	4.38 LF
CONCRETE CURB AND GUTTER, DES. B612	375 LF
TRAFFIC CONTROL	1 L SUM
STORM DRAIN INLET PROTECTION	32 EACH
SEDIMENT CONTROL LOG TYPE ROCK	200 LF
STABILIZED CONTRUCTION EXIT	1 L SUM
EROSION CONTROL SUPERVISOR	1 L SUM
COMMON TOPSOIL BORROW (LV)	432 CY
TURF ESTABLISHMENT	1 L SUM

All bids will be referred to the City Engineer for tabulation and then referred to the City Council for action at a Council meeting to be held on Monday, March 4, 2018.

The City of Brainerd reserves the right to reject any and all bids and to waive minor irregularities and informalities therein and further reserves the right to award the contract in the best interest of the City.

No bidder may withdraw their bid within 30 days after the actual date of the opening thereof.

By Order of the City Council

January 22, 2018

Cassandra Torstenson
City Administrator

Brainerd Dispatch Publish January 25, 2019, February 1, 2019, and February 8, 2019
City of Brainerd Website January 25, 2019 through February 22, 2019
MnDOT E-Advert Website January 26, 2019 through February 8, 2019



Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: SP 1806-76 - Trunk Highway 210 Construction - Brainerd to Ironton

☐ 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: This is a just a quick informational item about a project that will be taking place near Brainerd in 2019 on Trunk Highway 210.	
Alternatives, Options, Effects on Others/Comments: The MnDOT project is for a grading, full depth reclamation, bituminous milling, and surfacing project from approximately Pine Shores Road (where the highway transitions from 4-lanes to 2-lanes) to a quarter mile east of Woodland Road/4th Street in Ironton. City and BPU staff have been meeting with MnDOT about this project from a utility standpoint. There are no conflicts with City or BPU utilities in the project area. This proeject is anticipated to have an impact to traffic, and staff thought the council should be aware of the project being its close proximity to Brainerd. The project also includes some widening in areas for turn lanes, minor culvert work and grading, and other minor approach work. I have attached some of the plans for reference. A full set of the plans are available for viewing in the Engineering Department.	
Recommended Action/Motion: No action recommended. Informational only.	
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>	

MINNESOTA DEPARTMENT OF TRANSPORTATION

CONSTRUCTION PLAN FOR GRADING, FULL DEPTH RECLAMATION, BITUMINOUS MILLING AND SURFACING

LOCATED ON T.H. 210 FROM 710 FEET EAST OF PINE SHORES ROAD TO 1155 FEET EAST OF WOODLAND ROAD / 4TH STREET

STATE PROJ. NO. 1806-76 (T.H. 210).....
GROSS LENGTH.....56829.36.....FEET.....10.574.....MILES
BRIDGES-LENGTH.....FEET.....MILES
EXCEPTIONS-LENGTH.....FEET.....MILES
NET LENGTH.....56829.36.....FEET.....10.574.....MILES
REF. POINT.....125+00.502.....TO REF. POINT.....136+00.244

STATE PIT NO. 18072 IS A POSSIBLE AGGREGATE SOURCE. LOCATION IS NW 1/4 OF SE 1/4 OF SECTION 30, T45N, R29W IN CROW WING COUNTY.

STATION EQUATION:

T.H. 210 STA. 364+83.89 (BACK) =
T.H. 210 STA. 364+98.76 (AHEAD)

T.H. 210 STA. 400+00.00 (BACK) =
T.H. 210 STA. 400+04.15 (AHEAD)

T.H. 210 STA. 445+60.60 (BACK) =
T.H. 210 STA. 445+68.37 (AHEAD)

T.H. 210 STA. 501+00.00 (BACK) =
T.H. 210 STA. 501+06.02 (AHEAD)

T.H. 210 STA. 544+35.01 (BACK) =
T.H. 210 STA. 544+42.34 (AHEAD)

T.H. 210 STA. 588+74.14 (BACK) =
T.H. 210 STA. 588+79.82 (AHEAD)

T.H. 210 STA. 657+29.35 (BACK) =
T.H. 210 STA. 534+03.56 (AHEAD)

T.H. 210 STA. 567+40.64 (BACK) =
T.H. 210 STA. 567+42.65 (AHEAD)

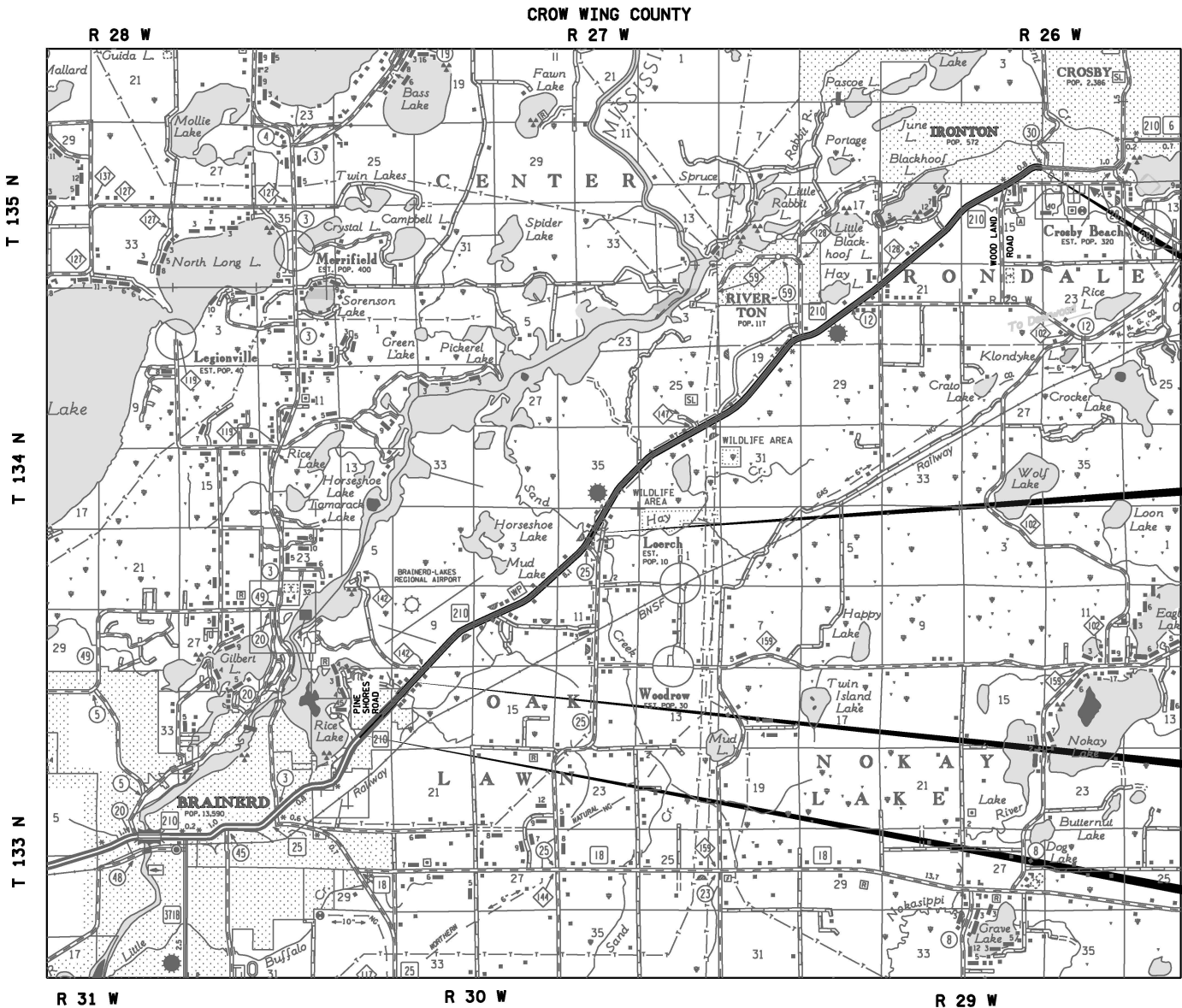
T.H. 210 STA. 617+30.19 (BACK) =
T.H. 210 STA. 617+29.62 (AHEAD)

T.H. 210 STA. 630+41.26 (BACK) =
T.H. 210 STA. 628+68.74 (AHEAD)

T.H. 210 STA. 674+45.15 (BACK) =
T.H. 210 STA. 674+33.30 (AHEAD)

T.H. 210 STA. 737+72.18 (BACK) =
T.H. 210 STA. 737+72.19 (AHEAD)

T.H. 210 STA. 756+15.31 (BACK) =
T.H. 210 STA. 756+17.34 (AHEAD)



END S.P. 1806-76
T.H. 210 (WB210)
STA. 794+57.10 R 21
REF. POINT 136+00.244

INPLACE BRIDGE #6297

INPLACE BRIDGE #4201

BEGIN S.P. 1806-76
T.H. 210 (WB210)
STA. 350+88.60 R 8
REF. POINT 125+00.502

SCALES

INDEX MAP	2 MILE
GENERAL LAYOUT	200 FEET
PLAN	50 FEET

DESIGN DESIGNATION

Design ESALS 20 YR = 3,278,000
ADT (Current Year) 2019 = 11,940 Design Speed 60 MPH
ADT (Future Year) 2039 = 14,610 Based on STOPPING Sight Distance
DHV (Design Hr. Vol.) = Height of eye 3.5' Height of object 2.0'
D (Directional Distr.) = % Design Speed not achieved at
T (Heavy Commercial) = % STA. TO STA. MPH
STA. TO STA. MPH



PROJECT LOCATION
COUNTY : CROW WING
DISTRICT : 3.BAXTER

FOR PLANS AND UTILITIES SYMBOLS SEE TECHNICAL MANUAL

STATE PROJ. NO. CHARGE IDENTIFIER
.....1806-76.....

FED. PROJ. NO. STATE FUNDS

GOVERNING SPECIFICATIONS

THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION
'STANDARD SPECIFICATIONS FOR CONSTRUCTION' SHALL GOVERN.

INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2 - 11	GENERAL LAYOUT
12 - 14	ESTIMATED QUANTITIES AND STANDARD PLATES
15	SOILS AND CONSTRUCTION NOTES
16 - 24	TABULATED QUANTITIES
25 - 32	TYPICAL SECTIONS
33 - 39	MISCELLANEOUS DETAILS
40 - 52	STANDARD PLAN SHEETS
53 - 62	ALIGNMENT PLAN
63 - 64	ALIGNMENT TABULATION
65 - 89	INPLACE TOPOGRAPHY AND REMOVAL PLAN
90 - 114	CONSTRUCTION PLAN
115	PROFILES
116	INTERSECTION DETAILS
117 - 128	SUPERELEVATION PLAN
129 - 130	DRAINAGE TABULATIONS
131	DRAINAGE DETAILS
132 - 138	CULVERT CROSS SECTIONS
139 - 148	DRAINAGE, UTILITY, AND EROSION CONTROL PLAN
149	STORM WATER POLLUTION PREVENTION PLAN
150 - 193	SIGNING AND PAVEMENT MARKING PLANS
TC1 - TC20	TRAFFIC CONTROL PLAN
XL1 - XL5	CROSS SECTION MATCH LINE LAYOUT
X1 - X109	CROSS SECTIONS

THIS PLAN CONTAINS 327 SHEETS



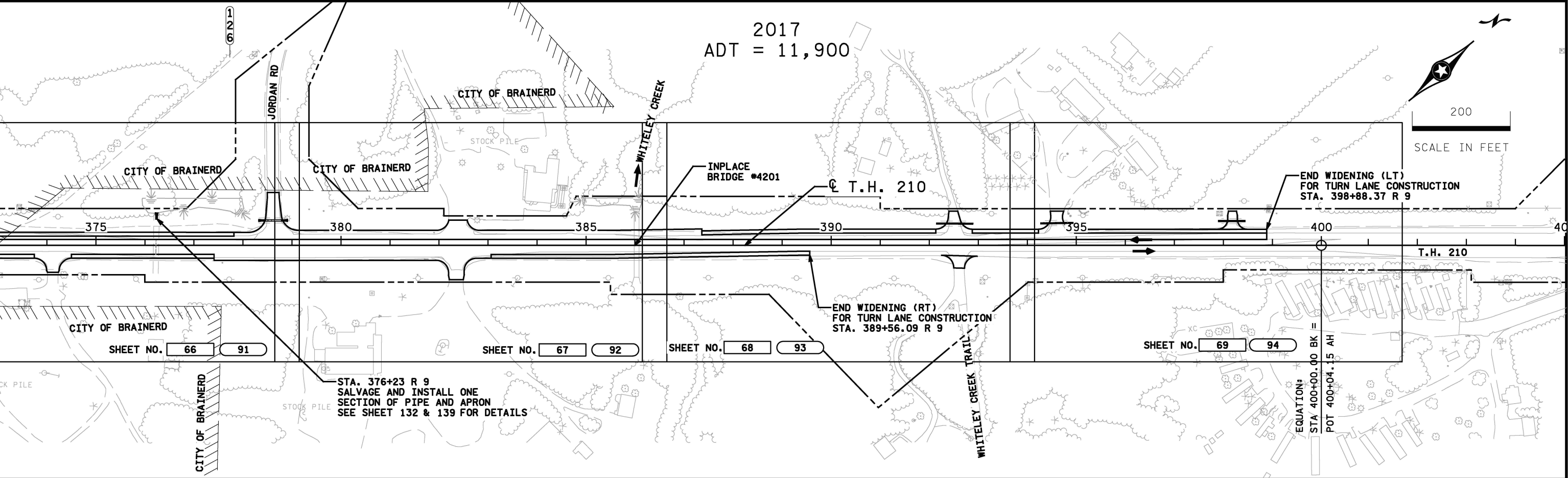
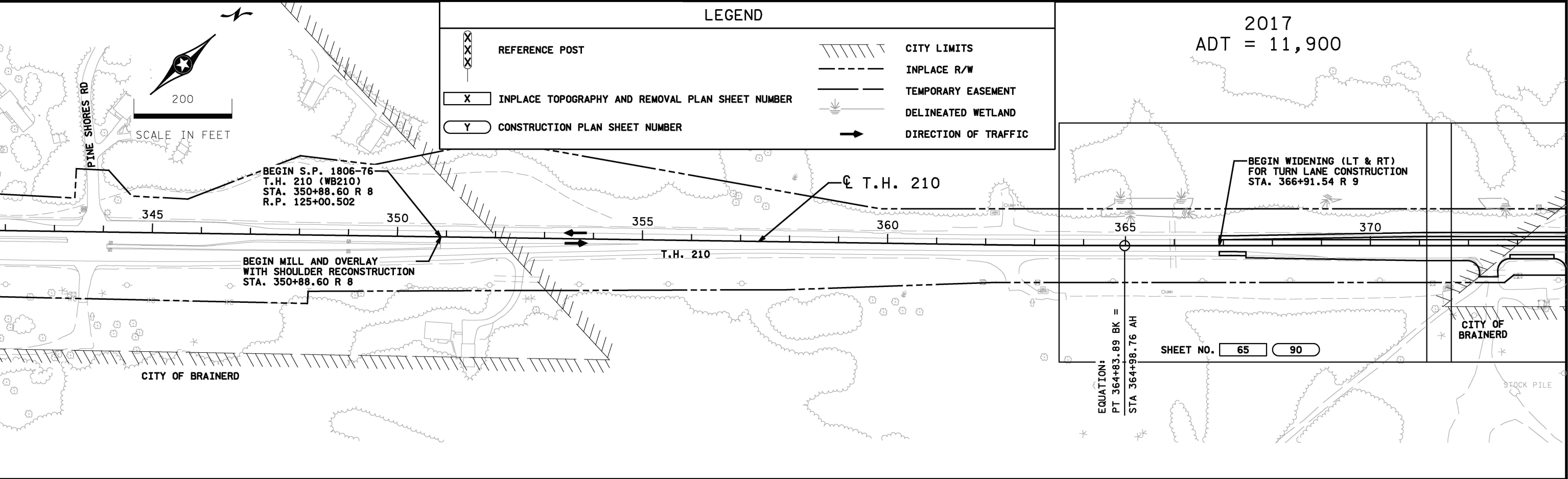
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE:.....
PRINTED NAME: KEVIN R. KRECH
DATE: 1/11/2019 LIC. NO.: 47581

RECOMMENDED FOR APPROVAL	DISTRICT TRANSPORTATION ENGINEER	20
RECOMMENDED FOR APPROVAL	DISTRICT MATERIALS ENGINEER	20
RECOMMENDED FOR APPROVAL	DISTRICT WATER RESOURCES/HYDRAULICS ENGINEER	20
RECOMMENDED FOR APPROVAL	DISTRICT TRAFFIC ENGINEER	20
RECOMMENDED FOR APPROVAL	STATE PRE-LETTING ENGINEER	20
OFFICE OF LAND MANAGEMENT APPROVAL	DIRECTOR, LAND MANAGEMENT	20
APPROVED	STATE DESIGN ENGINEER	20

I HEREBY CERTIFY THAT THE FINAL FIELD REVISIONS, IF ANY, WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: LICENSE #
DATE: SIGNATURE:



1/11/2019
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NO	DATE	BY	CKD	APPR	REVISION
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: ANDREA LYNN WOODS FASTENOW

Andrea Fastenow

Date 1/11/2019 License # 45076

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A DEBRUIN



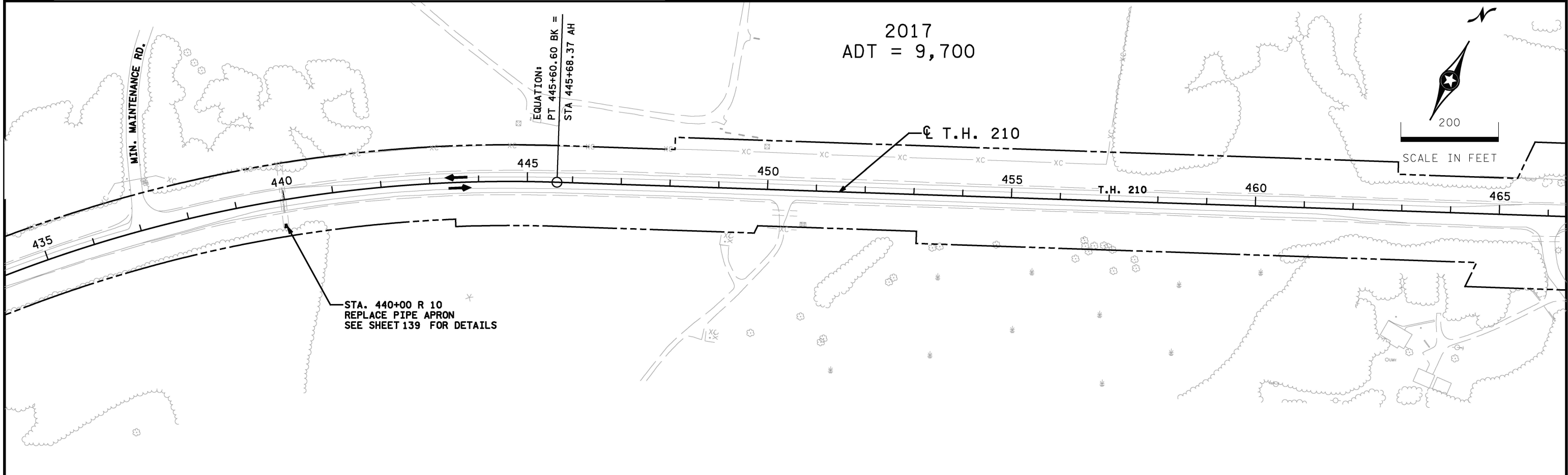
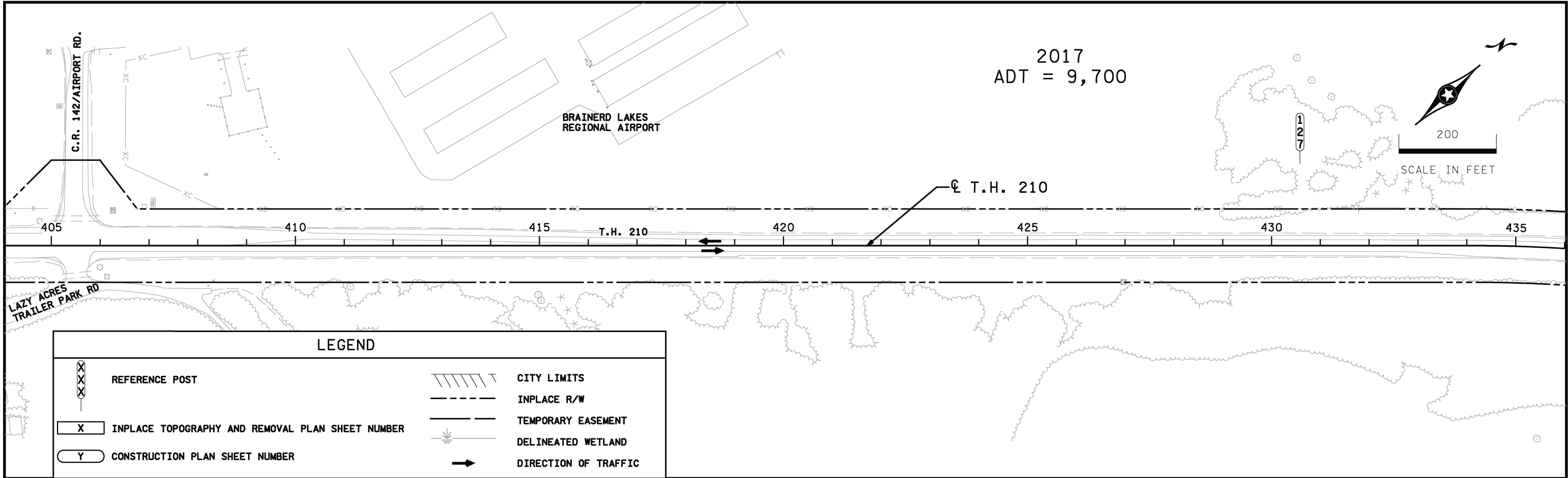
MINNESOTA STATE
PROJECT NO.

1806-76
(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION

GENERAL LAYOUT
T.H. 210

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Andrea Fastenow

Date **1/11/2019** License # **45076**

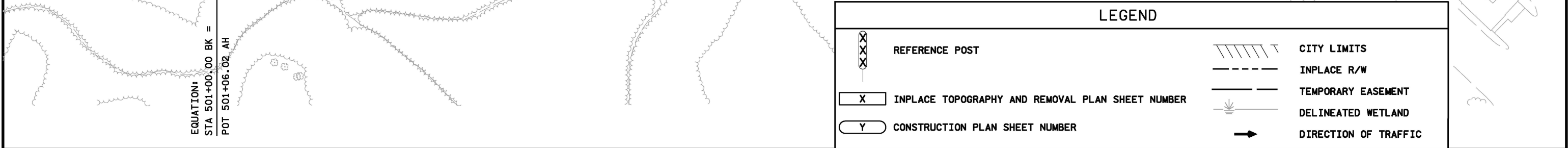
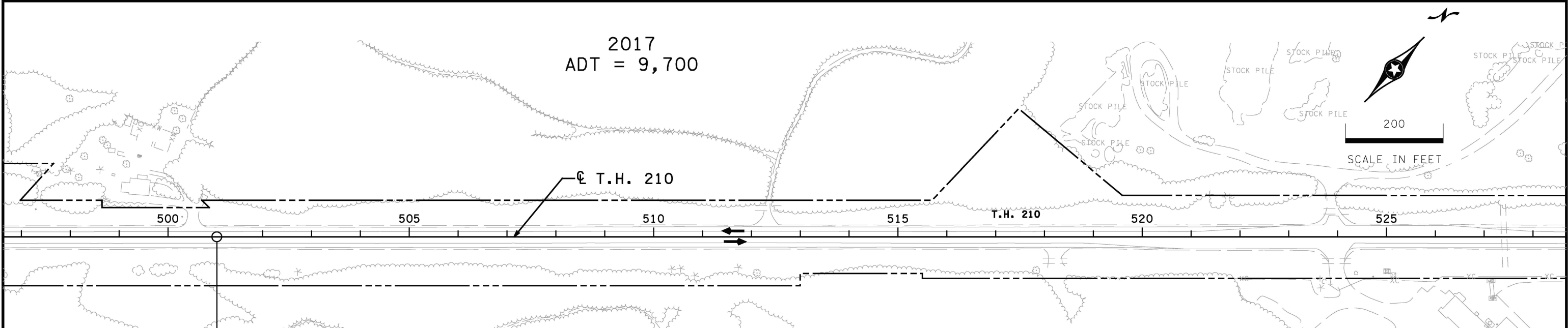
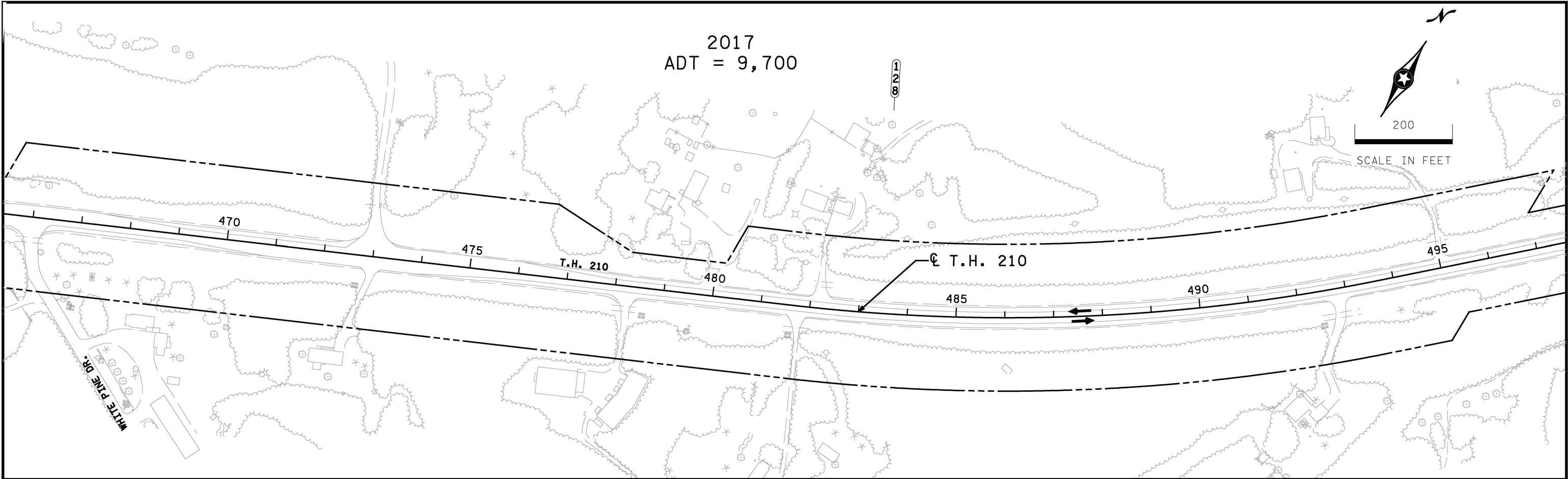
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MINNESOTA STATE
PROJECT NO.
1806-76
(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION
GENERAL LAYOUT
T.H. 210

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193



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Print Name: **ANDREA LYNN WOODS FASTENOW**

Date 1/11/2019 License # 45076

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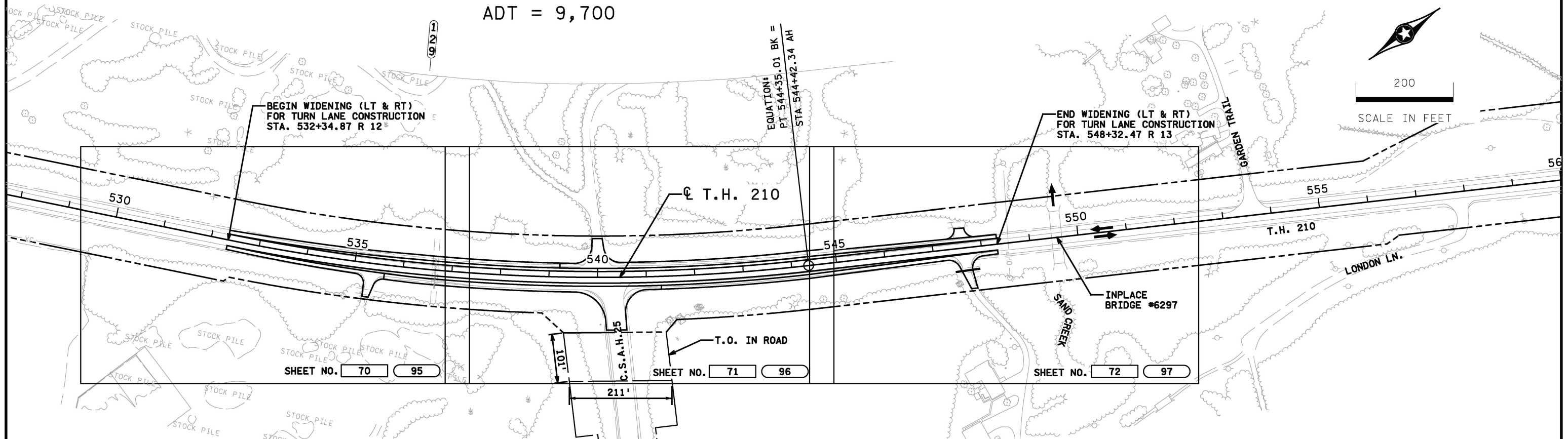


MINNESOTA STATE
PROJECT NO.
**1806-76
(T.H. 210)**

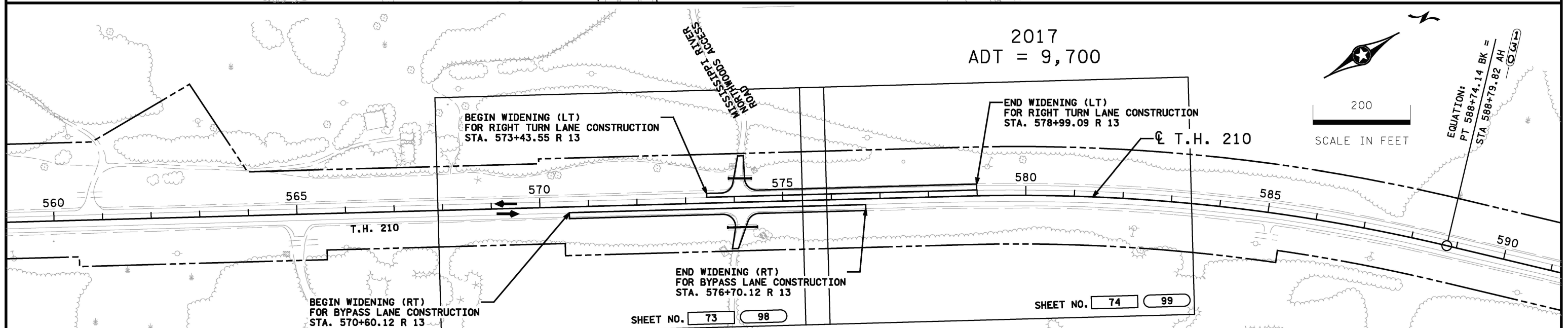
MINNESOTA DEPARTMENT OF TRANSPORTATION
GENERAL LAYOUT
T.H. 210

SHEET
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OF
193**

2017
ADT = 9,700



2017
ADT = 9,700



LEGEND

	REFERENCE POST		CITY LIMITS
	INPLACE TOPOGRAPHY AND REMOVAL PLAN SHEET NUMBER		INPLACE R/W
	CONSTRUCTION PLAN SHEET NUMBER		TEMPORARY EASEMENT
			DELINEATED WETLAND
			DIRECTION OF TRAFFIC

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Print Name: ANDREA LYNN WOODS FASTENOW
Date: 1/11/2019 License #: 45076

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MINNESOTA STATE
PROJECT NO.
1806-76
(T.H. 210)

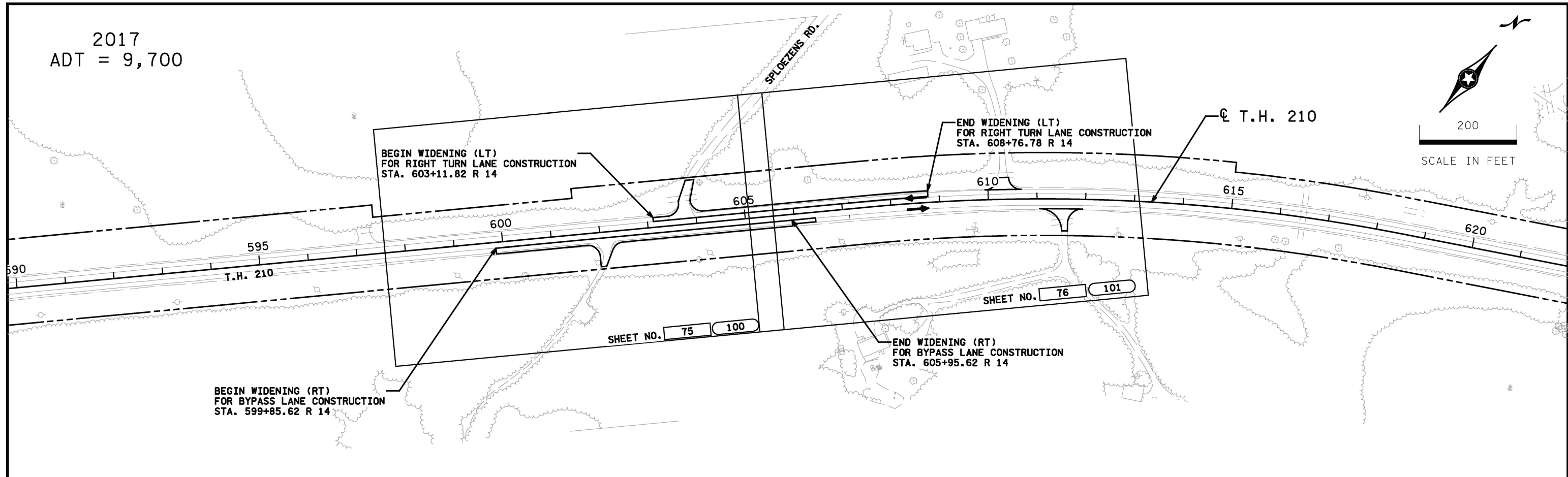
MINNESOTA DEPARTMENT OF TRANSPORTATION
GENERAL LAYOUT
T.H. 210
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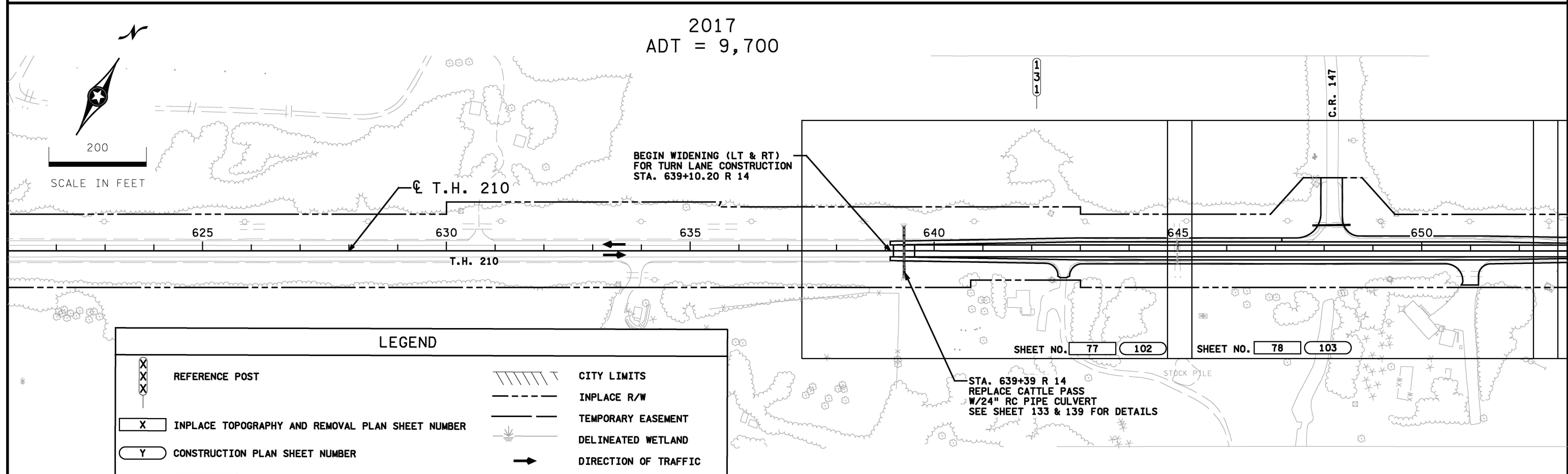
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ADT = 9,700



2017
ADT = 9,700



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Andrea Fastenow

Date **1/11/2019** License # **45076**

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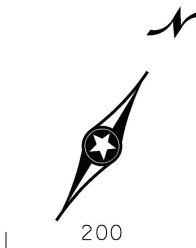
MINNESOTA STATE
PROJECT NO.
1806-76
(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION

GENERAL LAYOUT
T.H. 210

SHEET
6
OF
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2017
ADT = 9,700



STA. 559+00 R 15
SALVAGE AND INSTALL ONE
SECTION OF PIPE AND APRON
SEE SHEET 134 & 139 FOR DETAILS

STA. 539+25 R 15
SALVAGE AND INSTALL APRON
SEE SHEET 139 FOR DETAILS

SCALE IN FEET

BEGIN WIDENING (LT)
FOR BYPASS LANE CONSTRUCTION
STA. 549+72.71 R 15

END WIDENING (LT)
FOR BYPASS LANE CONSTRUCTION
STA. 556+92.71 R 15

END WIDENING (LT & RT)
FOR TURN LANE CONSTRUCTION
STA. 655+22.40 R 14

BEGIN WIDENING (RT)
FOR RIGHT TURN LANE CONSTRUCTION
STA. 547+29.93 R 15

END WIDENING (RT)
FOR RIGHT TURN LANE CONSTRUCTION
STA. 552+96.57 R 15

SHEET NO. 79 104

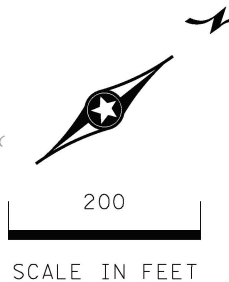
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EQUATION:
STA 657+29.35 BK =
POT 534+03.56 AH

CL T.H. 210

2017
ADT = 9,700

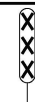


STA. 570+20 R 16
SALVAGE AND INSTALL APRON
SEE SHEET 139 FOR DETAILS

CL T.H. 210

EQUATION:
PT 567+40.64 BK =
STA 567+42.65 AH

LEGEND



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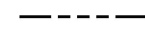
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CONSTRUCTION PLAN SHEET NUMBER



CITY LIMITS



INPLACE R/W



TEMPORARY EASEMENT



DELINEATED WETLAND



DIRECTION OF TRAFFIC

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was prepared by me or under my direct supervision and
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Print Name: ANDREA LYNN WOODS FASTENOW

Date: 1/11/2019 License #: 45076

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PROJECT NO.
1806-76
(T.H. 210)

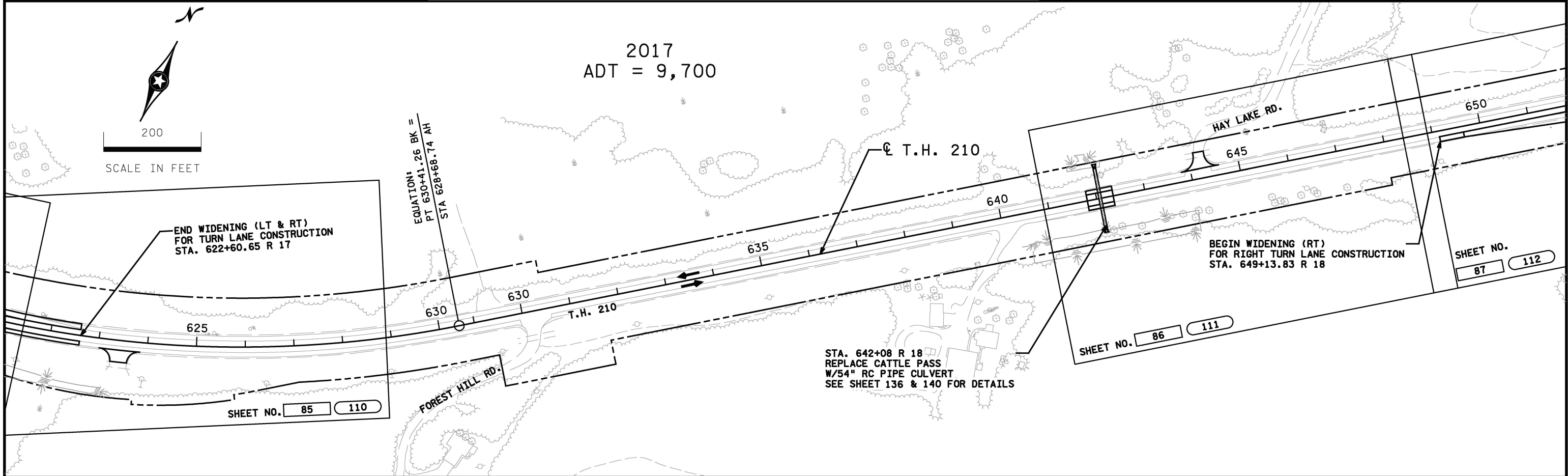
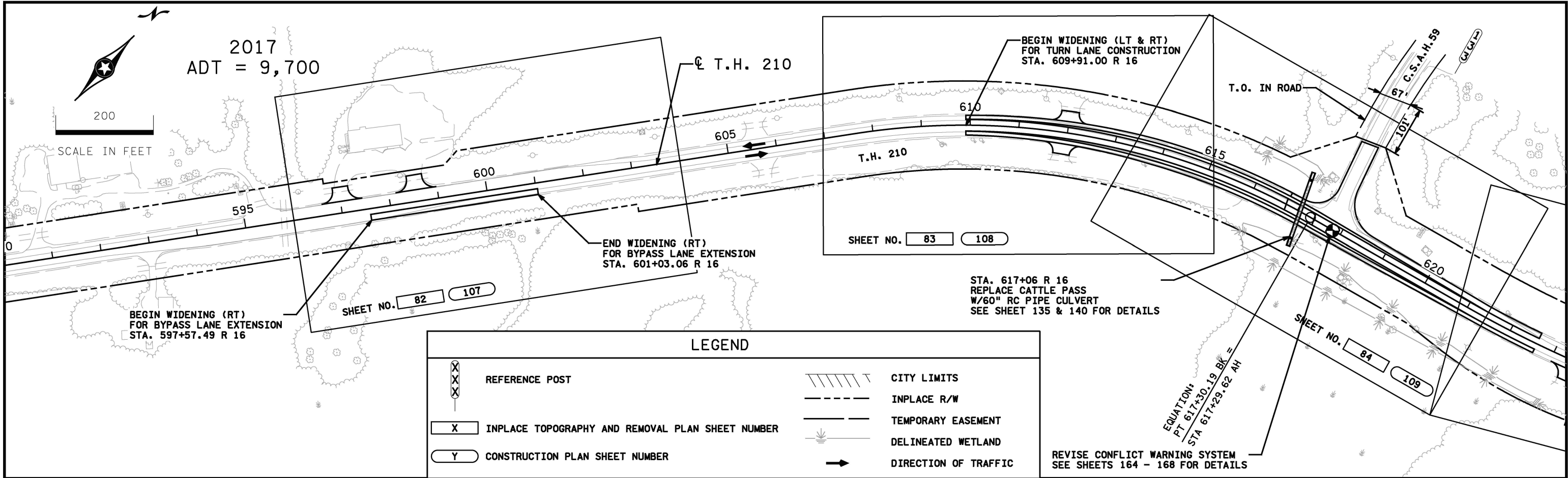
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GENERAL LAYOUT
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Andrea Fastenow
 Date 1/11/2019 License # 45076

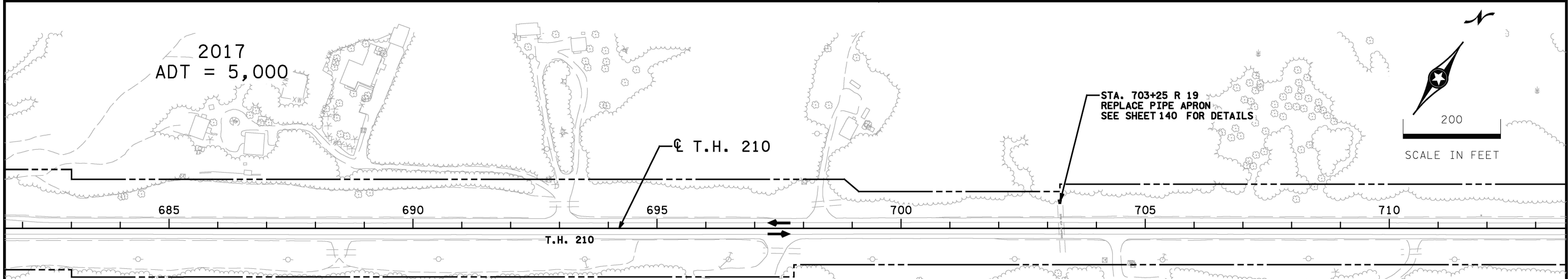
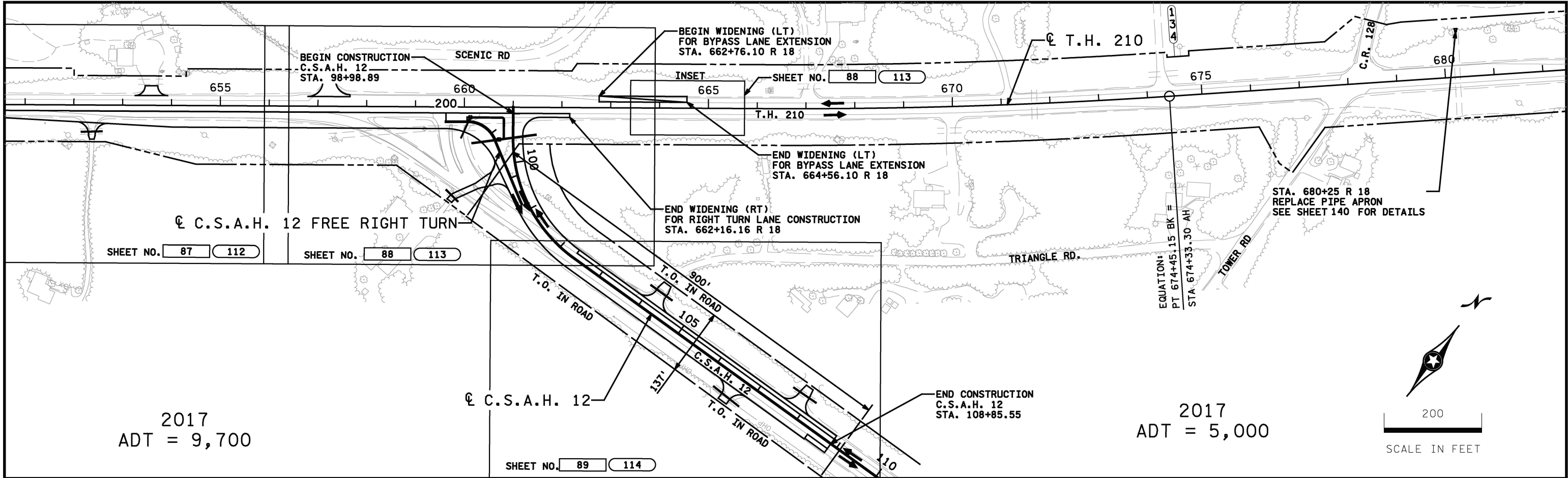
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MINNESOTA STATE
PROJECT NO.
1806-76
(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION
 GENERAL LAYOUT
T.H. 210

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193



LEGEND

X

REFERENCE POST

X

INPLACE TOPOGRAPHY AND REMOVAL PLAN SHEET NUMBER

Y

CONSTRUCTION PLAN SHEET NUMBER

CITY LIMITS

INPLACE R/W

TEMPORARY EASEMENT

DELINEATED WETLAND

DIRECTION OF TRAFFIC

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Andrea Fastenow

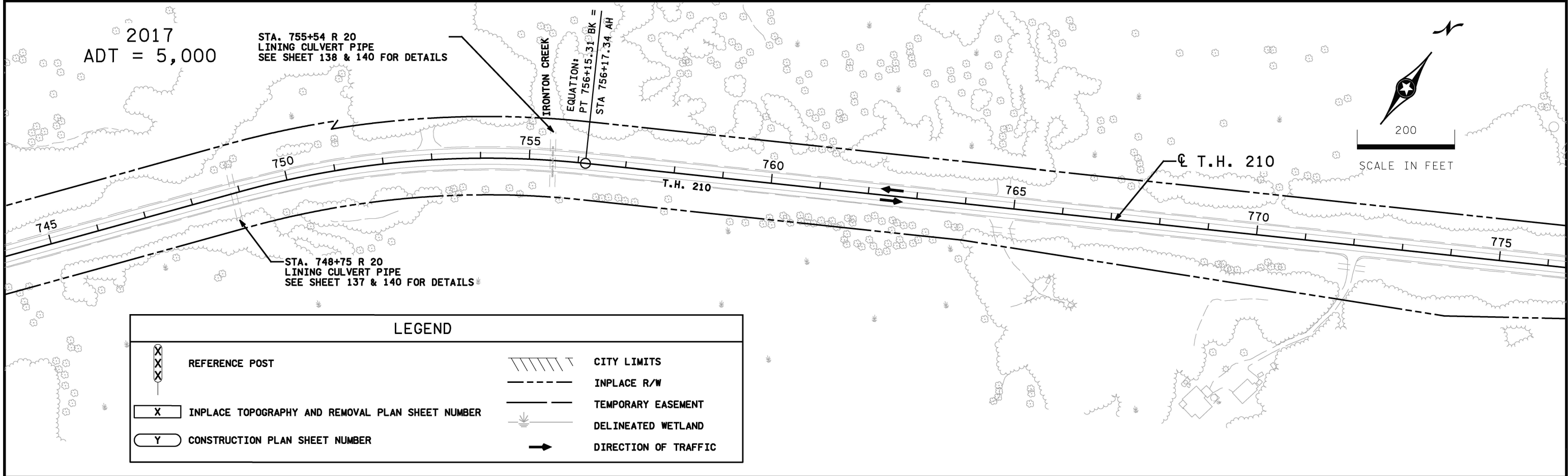
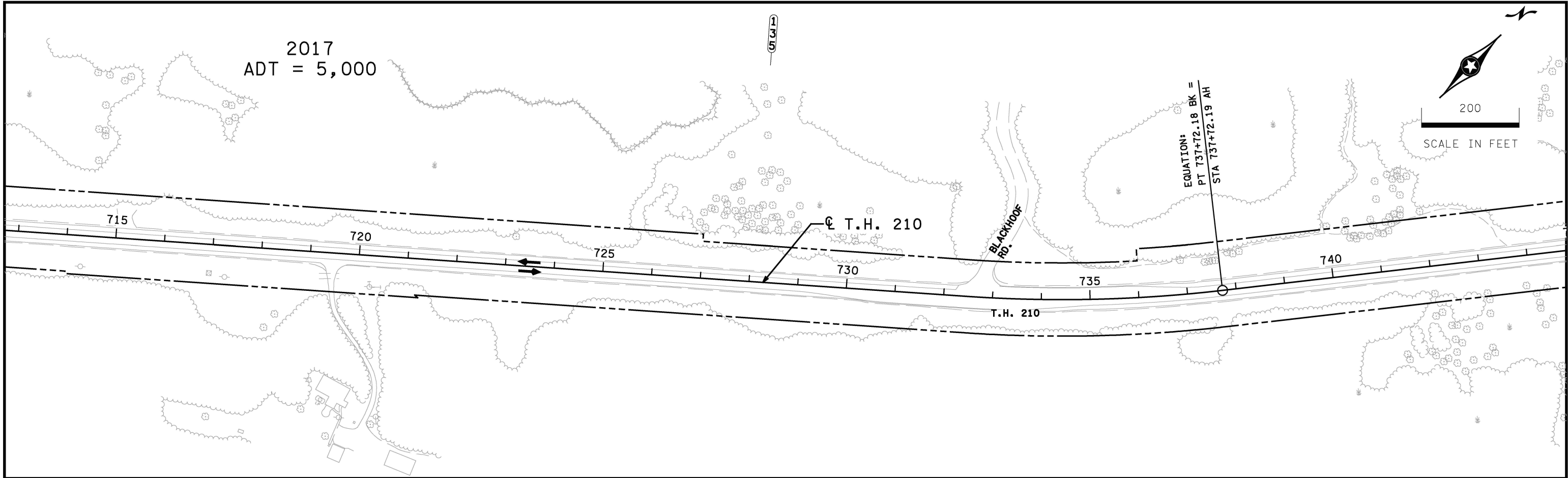
Date **1/11/2019** License # **45076**

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MINNESOTA STATE
PROJECT NO.
**1806-76
(T.H. 210)**

MINNESOTA DEPARTMENT OF TRANSPORTATION
GENERAL LAYOUT
T.H. 210

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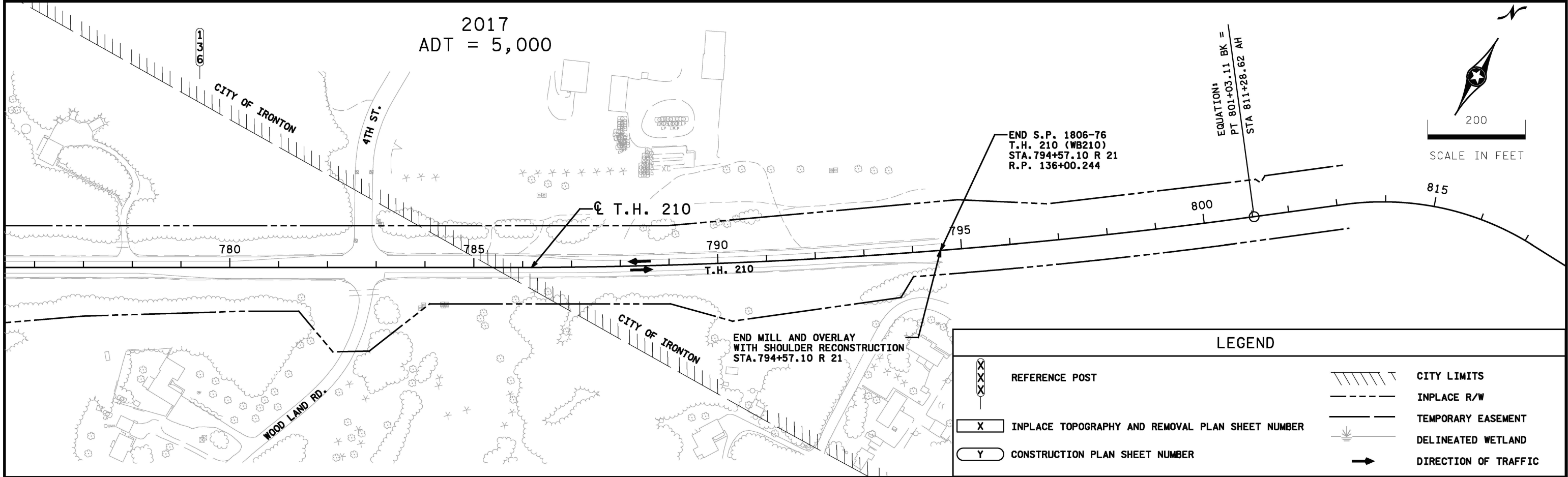
MINNESOTA STATE
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(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION

GENERAL LAYOUT
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MINNESOTA STATE
PROJECT NO.

1806-76
(T.H. 210)

MINNESOTA DEPARTMENT OF TRANSPORTATION

GENERAL LAYOUT
T.H. 210

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OF
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Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: 2019 Workers' Compensation Renewal - Informational

☐ 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: Staff recently received the 2019 workers' comp renewal information that was effective 1/1/19. For 2019 the budgeted workers' comp expense is \$239,862 for the City and \$227,450 for the working fund (General, Public Safety, Parks and Streets), using an experience modification of 1.10. The actual renewal came in with an experience modification of 1.16 and at \$262,918 for the City and \$249,413 for the working funds. The budgeted numbers do not reflect any COLA adjustments as a result of union settlement, this is part of the amount the Council allocated for settlements. Therefore the "shortfall" isn't as big as it appears. However, the City will be paying 6% more in premium that wasn't estimated due to the experience mod being 1.16 versus 1.10.	
Alternatives, Options, Effects on Others/Comments: To determine the experience modification rate, a 3 year look back period is utilized. The City's experience mod was 1.0, 1.10, 1.07, 1.39, and 1.21 for 2018, 2017, 2016, 2015 and 2014 respectively. Ideally, the City wants to be a 1.0 or below. Staff is and has been working with our local insurance agent to implement new processes and procedures to lower the cost of the insurance.	
Recommended Action/Motion: Informational, no action required	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>See above</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: Ordinance Amending Section 1200 Intoxicating Liquor

☐ 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: Brainerd Distillery Company is working hard to complete the remodel of the former Tom's TV building and open by the end of February. Brainerd Distillery Co. started the City application process and expressed interest in obtaining a Sunday liquor license. Upon review of our City Code, in order for the distillery to have a Sunday license, we need to amend Subdivision 7(a). This also provides clarification for brewer taprooms as well.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Hold the first reading of proposed ordinance no. 1491 amending Subdivision 7(a) of the City Code Section 1200 Intoxicating Liquor.	
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>	

**O R D I N A N C E
NO. 1491**

**AN ORDINANCE AMENDING SECTION 1200
OF THE BRAINERD CITY CODE PERTAINING TO
INTOXICATING LIQUOR**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1200.03 – License Required shall be amended to read:

Subd. 7 (a). Sunday On-Sale License. Special on sale licenses for the sale of intoxicating liquor on Sunday shall ~~may~~ be issued ~~only~~ to bowling centers and to hotels, restaurants, and clubs as defined in Minnesota Statutes 340A.101. All sales at such establishments shall be in conjunction with the sale of food, accordance with Minnesota Statutes 340A.504, Subd. 3. Sunday on-sale licenses may also be issued to microdistilleries and brewer taprooms, pursuant to the authority granted under Minnesota Statutes sections 340A.22 and 340A.26.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published:



Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: First Reading Ord. 1490 - Adding Single Family Dwelling to R-3 High Density Residential Districts

☐ 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: David Chanski	Department: Community Development
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: The R-3 (High Density) Residential District currently allows only multi-family dwellings. Last summer, several rezoning applications were received from residents. At the July 18th, 2018 Planning Commission meeting, discussion took place regarding residential zoning districts and the desire of the commission to possibly combine districts to have consistent requirements throughout. Draft changes to the zoning ordinance were done and approved by the Planning Commission at the October 17, 2018 meeting.	
Alternatives, Options, Effects on Others/Comments: See the attached draft copy of Ordinance No. 1490, draft changes to Section 57 and 17 and minutes from the October 17, 2018 Planning Commission meeting.	
Recommended Action/Motion: The Planning Commission unanimously recommended approval of the amendments. A motion by _____ and seconded by _____ to approve/deny the first reading of proposed Ordinance No. 1490 to allow single family dwellings as Permitted Uses in R-3 High Density Residential Districts.	
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. 1490**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTION 515-57 AND 515-17: ADDING SINGLE FAMILY DWELLINGS AS PERMITTED
USES**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-57-1: Purpose and Intent shall be amended as follows:

515-57-1: Purpose and Intent. The purpose of the High-Density Residential District is to provide for areas of high density residential housing ~~in multiple family structures~~ including senior housing.

SECTION TWO: That Section 515-57-2: Permitted Uses shall be amended by adding the following:

C. SINGLE FAMILY DETACHED DWELLINGS

SECTION THREE: That Section 515-57-3: Accessory Uses shall be amended as follows:

515-57-3: Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings for the storage of domestic TOOLS, SUPPLIES AND equipment ~~and supplies~~ and non-commercial recreational equipment as regulated by Section 17 and 24 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. NONCOMMERCIAL GREENHOUSES FORM 1 AND 2 FAMILY DWELLINGS AS REGULATED BY SECTION 17 OF THIS ORDINANCE.

SECTION FOUR: That Section 515-57-4: Interim Uses shall be amended as follows:

515-57-4: Interim Uses.

~~A. None~~

- 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 IN ONE AND TWO FAMILY DWELLINGS 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.
4. THE PERMIT HOLDER SHALL POST EMERGENCY CONTACT INFORMATION (POLICE, FIRE, HOSPITAL) AND SHOW RENTERS THE LOCATION OF FIRE EXTINGUISHERS IN THE SHORT TERM RENTAL UNIT.
5. A PERMIT HOLDER MUST PROVIDE THE NAME, ADDRESS, AND PHONE NUMBER FOR THE MANAGING AGENT OR LOCAL CONTACT TO ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY. THE PERMIT HOLDER SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY WITHIN 10 DAYS OF A CHANGE IN THE MANAGING AGENT OR LOCAL CONTACT'S CONTACT INFORMATION.
6. A PERMIT HOLDER MUST DISCLOSE IN WRITING TO THEIR RENTERS THE FOLLOWING INFORMATION:
 - A. THE MANAGING AGENT OR LOCAL CONTACT'S NAME, ADDRESS, AND PHONE NUMBER.
 - B. THE MAXIMUM NUMBER OF GUESTS ALLOWED AT THE PROPERTY.
 - C. THE MAXIMUM NUMBER OF VEHICLES, RECREATIONAL VEHICLES AND TRAILERS ALLOWED AT THE PROPERTY AND WHERE THEY ARE TO BE PARKED.
 - D. PROPERTY RULES RELATED TO USE OF EXTERIOR FEATURES OF THE PROPERTY, SUCH AS DECKS, PATIOS, GRILLS, POOLS, HOT TUBS, SAUNAS, RECREATIONAL FIRES AND OTHER OUTDOOR RECREATIONAL FACILITIES.
 - E. APPLICABLE SECTIONS OF CITY ORDINANCES GOVERNING NOISE, PARKS, PARKING AND PETS.
7. THE OCCUPANCY OF A SHORT TERM RENTAL SHALL BE LIMITED TO NOT MORE THAN 2 PEOPLE PER BEDROOM.

8. ROOMS USED FOR SLEEPING SHALL BE PROVIDED WITH EGRESS WINDOWS AND SMOKE DETECTORS IN LOCATIONS THAT COMPLY WITH THE MINNESOTA STATE BUILDING CODE OR THE REQUIREMENTS OF THE BUILDING DEPARTMENT, WHICHEVER IS STRICTER.
9. THE SHORT TERM RENTAL SHALL BE CONNECTED TO CITY SEWER AND WATER.
10. A SHORT TERM RENTAL SHALL HAVE A FULL BATHROOM (SINK, TOILET AND TUB OR SHOWER).
11. ADDITIONAL OCCUPANCY BY USE OF RECREATIONAL VEHICLES, TENTS, ACCESSORY STRUCTURES OR FISH HOUSES IS NOT PERMITTED.
12. THE PERMIT HOLDER SHALL PROVIDE A PHYSICAL VISUAL DEMARCATION OF THE PROPERTY LINES.
13. THE PERMIT HOLDER SHALL KEEP A REPORT, DETAILING USE OF THE SHORT TERM RENTAL BY RECORDING THE FULL NAME, ADDRESS, PHONE NUMBER AND VEHICLE LICENSE NUMBER OF GUESTS USING THE RENTAL. A COPY OF THE REPORT SHALL BE PROVIDED TO THE PLANNING DEPARTMENT UPON REQUEST.
14. A SHORT TERM RENTAL SHALL BE A LICENSED RENTAL UNIT BY THE CITY AND SHALL MEET THE REQUIREMENTS OF ALL STATUTES, RULES, REGULATIONS, AND ORDINANCES INCLUDING, BUT NOT LIMITED TO THE CITY OF BRAINERD'S RENTAL HOUSING MAINTENANCE CODE. EACH UNIT SHALL BE INSPECTED ANNUALLY BY THE RENTAL HOUSING INSPECTOR AND THE FIRE MARSHALL.
15. THE PLANNING COMMISSION MAY IMPOSE CONDITIONS THAT WILL REDUCE THE IMPACTS OF THE PROPOSED USE ON NEIGHBORING PROPERTIES, PUBLIC SERVICES, NEARBY WATER BODIES, PUBLIC SAFETY AND SAFETY OF RENTERS. SAID CONDITIONS MAY INCLUDE BUT NOT BE LIMITED TO – FENCING OR VEGETATIVE SCREENING, NATIVE BUFFER ALONG THE SHORELINE, NOISE STANDARDS, DURATION OF PERMIT, RESTRICTIONS AS TO THE DOCKING OF WATERCRAFT, AND NUMBER OF RENTERS.
16. A PERMIT HOLDER MUST POST THEIR PERMIT NUMBER ON ALL PRINT, POSTER OR WEB ADVERTISEMENTS.
17. A PERMIT HOLDER MUST APPLY FOR AND BE GRANTED STATE AND LOCAL SALES TAX NUMBERS, INCLUDING HOTEL AND MOTEL USE SALES TAX.
18. IN ADDITION TO AN INTERIM USE PERMIT, SHORT TERM RENTALS RENTED FOR LESS THAN 7 DAYS ARE CONSIDERED A HOTEL AND ARE REQUIRED TO HAVE A MINNESOTA DEPARTMENT OF HEALTH LICENSE.
19. ALL SHORT TERM RENTALS, OPERATING PRIOR TO THE EFFECTIVE DATE OF THESE STANDARDS, SHALL BE IN COMPLIANCE WITH THIS SECTION BY SEPTEMBER 1ST, 2017.

SECTION FIVE: That Section 515-57-5: Conditional Uses be amended as follows:

515-57-5: Conditional Uses.

K. BOARDING HOUSES PROVIDED THAT:

1. ADEQUATE OFF-STREET PARKING AND ACCESS IS PROVIDED.
1. LANDSCAPING AND SCREENING IS PROVIDED IN ACCORDANCE WITH SECTION 20 OF THIS ORDINANCE.

L. BED AND BREAKFAST SUBJECT TO PROVISIONS OF SECTION 31 OF THIS ORDINANCE.

M. DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING CREATED PRIOR TO 1989 SUBJECT TO SECTION 515-54-11 DESIGN STANDARDS.

SECTION SIX: That Section 515-57-7: Minimum Lot Area and Setback Requirements be amended as follows:

515-57-7: Minimum Lot Area and Setback Requirements.

1. SINGLE FAMILY: Seven Thousand (7,000) square feet
4. 2. Two Family: Three thousand (3,000) square feet
2. 3. Multiple Family: Two thousand (2,000) square feet
3. 4. Multiple Family (senior): One thousand one hundred (1,100) square feet

A. Principal Building Setbacks:

1. SINGLE FAMILY AND TWO FAMILY:

- | | | |
|----|---------------------|-----------------------|
| A. | FRONT YARD: | TWENTY-FIVE (25) FEET |
| B. | SIDE YARD: | FIVE (5) FEET |
| C. | SIDE YARD (CORNER): | FIFTEEN (15) FEET |
| D. | REAR YARD: | TWENTY-FIVE (25) FEET |

C. Accessory building and structure setbacks:

1. SINGLE FAMILY AND Two Family:

- | | | |
|----|-------------|------------------|
| a. | Front Yard: | Thirty (30) feet |
| b. | Side Yard: | Three (3) feet |
| c. | Rear Yard: | Three (3) feet |

SECTION SEVEN: That Section 515-57-8: Building Height be amended as follows:

515-57-8: Building Height.

- A. SINGLE FAMILY AND two family dwellings shall not exceed thirty-five (35) feet in height. Multi family dwellings, permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.

SECTION EIGHT: That Section 515-57-9: Building Performance Standards be amended as follows:

515-57-9: Building Performance Standards.

- A. Minimum Floor Area per MULTI FAMILY Dwelling Unit:
1. Efficiency: Four hundred (400) square feet.
 2. One bedroom: Five hundred (500) square feet.
 3. Two bedroom: Six hundred fifty (650) square feet.
 4. For each additional bedroom after two, six hundred fifty (650) square feet plus one hundred (100) square feet per bedroom in excess of two.
- B. MINIMUM FLOOR AREA PER DWELLING UNIT (CONFORMING LOTS):
1. SINGLE FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET
 2. TWO-FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET
- C. MINIMUM WIDTH/LENGTH PER DWELLING UNIT (NONCONFORMING LOTS): NONE
- D. SINGLE FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET AND TWO-FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SIX HUNDRED FIFTY (650) SQUARE FEET ARE PERMITTED TO BE LESS THAN TWENTY-TWO (22) FEET WIDE.
- E. MINIMUM WIDTH/LENGTH FOR A DWELLING LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING LOTS: EIGHTEEN (18) FEET.

SECTION NINE: That Section 515-57-11: Design Requirements be added as follows:

515-57-11: DESIGN REQUIREMENTS.

ALL DWELLINGS SHALL ADHERE TO THE FOLLOWING DESIGN REQUIREMENTS. WHILE CREATIVITY AND VARIATION IN ARCHITECTURAL DESIGN IS ENCOURAGED, THE PURPOSE OF THESE REQUIREMENTS IS TO ENSURE COMPATIBILITY OF INFILL DEVELOPMENT WITH THE CHARACTER OF NEARBY EXISTING RESIDENTIAL STRUCTURES.

DWELLINGS SHALL MEET THE FOLLOWING DESIGN CRITERIA, AS DEFINED BY THE PREDOMINANT CHARACTER OF THE EXISTING RESIDENTIAL BLOCK FRONT. THE BLOCK FRONT SHALL CONSIST OF ALL RESIDENTIAL PROPERTIES ALONG BOTH SIDES OF THE PUBLIC OR PRIVATE RIGHT-OF-WAY ON WHICH THE DEVELOPMENT FRONTS. THE BLOCK FRONT SHALL BE MEASURED FROM INTERSECTION TO INTERSECTION, TO THE ROAD END, OR TWO HUNDRED (200) FEET IN EITHER DIRECTION FROM THE DEVELOPMENT SITE, WHICHEVER IS NEAREST.

1. BUILDING ORIENTATION ON LOTS SHALL MATCH THE PREDOMINANT ORIENTATION OF OTHER BUILDINGS ALONG THE BLOCK FRONT.
2. ACCESS AND LOCATION OF OFF-STREET PARKING ON LOTS SHALL BE SIMILAR TO THE PREDOMINANT CHARACTER OF EXISTING DEVELOPMENT ALONG THE BLOCK FRONT. PRIMARY VEHICULAR ACCESS SHALL BE THROUGH REAR ALLEYS WHERE SUCH REAR OF

PROPOSED STRUCTURES, INsofar AS THIS IS CONSISTENT WITH THE PREDOMINANT CHARACTER OF THE BLOCK FRONT.

- 3. ROOFS ON PROPOSED RESIDENTIAL STRUCTURES SHALL BE SIMILAR IN SLOPE AND STYLE TO EXISTING DEVELOPMENT AND SHALL INCORPORATE ANY OR ALL OF THE FOLLOWING FEATURES, INsofar AS SUCH FEATURES ARE COMPATIBLE WITH EXISTING DEVELOPMENT ON THE BLOCK FRONT:
 - A. DORMERS;
 - B. GABLED OR HIPPED ROOFS;
 - C. PITCHED ROOFS;
 - D. PARAPETS OR CORNICES.
- 4. UNLESS IT IS THE PREDOMINANT EXISTING STYLE ON THE BLOCK FRONT, FLAT ROOFS SHALL NOT BE ALLOWED.
- 5. HORIZONTAL FACADES LONGER THAN TWENTY-FIVE (25) FEET SHALL BE TREATED TO REDUCE BUILDINGS MASS AND VISUAL BULK USING AT LEAST ONE OF THE FOLLOWING TECHNIQUES:
 - A. BAYS OR RECESSES (MINIMUM DEPTH OF EIGHTEEN (18) INCHES);
 - B. WINDOW PATTERNS;
 - C. CONTRASTING MATERIALS OR COLORS;
 - D. UPPER STORY SETBACKS;
 - E. BALCONIES.

THE APPLICANT SHALL DEMONSTRATE THAT THE SELECTED TECHNIQUES ARE EITHER CURRENTLY PRESENT ON THE BLOCK FRONT OR ARE NOT SUBSTANTIALLY INCOMPATIBLE WITH EXISTING DEVELOPMENT.

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

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

- 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.	Maximum Allowable
	<u>Zoning District</u>	<u>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 SINGLE FAMILY

R-4

STRUTURE AND A duplex
STRUCTURE
30% of the gross floor area of the
multiple family structure

SECTION ELEVEN: All other provisions of Section 515-57 and 515-17 shall remain in full force and effect.

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

Adopted this ____ day of ____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of ____, 2019

EDWIN L. MENK
Mayor

ATTEST:

CASSANDRA TORSTENSON
City Administrator

Published: One Time, ____, 2019

SECTION 57
R-3, HIGH DENSITY RESIDENTIAL DISTRICT

Section:	
515-57-1:	Purpose and Intent
515-57-2:	Permitted Uses
515-57-3:	Accessory Uses
515-57-4:	Interim Uses
515-57-5:	Conditional Uses
515-57-6:	Uses by Administrative Permit
515-57-7:	Lot Area and Setback Requirements
515-57-8:	Lot Coverage and Building Height
515-57-9:	Building Performance Standards
515-57-10:	Lot Coverage

These are the changes to the R-3 District to permit single family dwellings as a permitted use. A change is needed to Section 17 to add single family dwellings to the accessory dwelling size limitations.

515-57-1: Purpose and Intent. The purpose of the High Density Residential District is to provide for areas of high density residential housing ~~in multiple family structures~~ including senior housing.

515-57-2: Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. **SINGLE FAMILY DETACHED DWELLINGS.**
- D. Public recreation areas and related accessory buildings and structures.
- E. Residential care facilities serving six (6) or fewer persons.
- F. Essential services as regulated by Section 36 of this Ordinance.

515-57-3: Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings for the storage of domestic **TOOLS, SUPPLIES AND** equipment ~~and supplies~~ and non-commercial recreational equipment as regulated by Section 17 ~~and 24~~ of this Ordinance.
- B. Fences as regulated by Section 19 of this Ordinance.

- C. Storage of recreational vehicles and equipment as regulated by Section 24 of this Ordinance.
- D. Private recreational facilities operated for the enjoyment of the on-site residents and their occasional guests.
- E. Noncommercial greenhouses as regulated by Section 17 of this ordinance.
- F. Rental offices.
- G. Garages and off-street parking for private residential use subject to provisions of Section 17 of this Ordinance.
- H. Solar energy systems and structures.
- I. Home Businesses as regulated by Section 26 of this Ordinance.
- ~~J. 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.~~
- K. Private recreational facilities for the enjoyment of the residents of the principal structure and their occasional guests.
- L. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- M. 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.
- N. NONCOMMERCIAL GREENHOUSES FORM 1 AND 2 FAMILY DWELLINGS AS REGULATED BY SECTION 17 OF THIS ORDINANCE.

515-57-4: Interim Uses.

~~A. None~~

- 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 IN ONE AND TWO FAMILY DWELLINGS 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.
4. THE PERMIT HOLDER SHALL POST EMERGENCY CONTACT INFORMATION (POLICE, FIRE, HOSPITAL) AND SHOW RENTERS THE LOCATION OF FIRE EXTINGUISHERS IN THE SHORT TERM RENTAL UNIT.
5. A PERMIT HOLDER MUST PROVIDE THE NAME, ADDRESS, AND PHONE NUMBER FOR THE MANAGING AGENT OR LOCAL CONTACT TO ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY. THE PERMIT HOLDER SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY WITHIN 10 DAYS OF A CHANGE IN THE MANAGING AGENT OR LOCAL CONTACT'S CONTACT INFORMATION.
6. A PERMIT HOLDER MUST DISCLOSE IN WRITING TO THEIR RENTERS THE FOLLOWING INFORMATION:
 - A. THE MANAGING AGENT OR LOCAL CONTACT'S NAME, ADDRESS, AND PHONE NUMBER.

- B. THE MAXIMUM NUMBER OF GUESTS ALLOWED AT THE PROPERTY.
 - C. THE MAXIMUM NUMBER OF VEHICLES, RECREATIONAL VEHICLES AND TRAILERS ALLOWED AT THE PROPERTY AND WHERE THEY ARE TO BE PARKED.
 - D. PROPERTY RULES RELATED TO USE OF EXTERIOR FEATURES OF THE PROPERTY, SUCH AS DECKS, PATIOS, GRILLS, POOLS, HOT TUBS, SAUNAS, RECREATIONAL FIRES AND OTHER OUTDOOR RECREATIONAL FACILITIES.
 - E. APPLICABLE SECTIONS OF CITY ORDINANCES GOVERNING NOISE, PARKS, PARKING AND PETS.
- 7. THE OCCUPANCY OF A SHORT TERM RENTAL SHALL BE LIMITED TO NOT MORE THAN 2 PEOPLE PER BEDROOM.
 - 8. ROOMS USED FOR SLEEPING SHALL BE PROVIDED WITH EGRESS WINDOWS AND SMOKE DETECTORS IN LOCATIONS THAT COMPLY WITH THE MINNESOTA STATE BUILDING CODE OR THE REQUIREMENTS OF THE BUILDING DEPARTMENT, WHICHEVER IS STRICTER.
 - 9. THE SHORT TERM RENTAL SHALL BE CONNECTED TO CITY SEWER AND WATER.
 - 10. A SHORT TERM RENTAL SHALL HAVE A FULL BATHROOM (SINK, TOILET AND TUB OR SHOWER).
 - 11. ADDITIONAL OCCUPANCY BY USE OF RECREATIONAL VEHICLES, TENTS, ACCESSORY STRUCTURES OR FISH HOUSES IS NOT PERMITTED.
 - 12. THE PERMIT HOLDER SHALL PROVIDE A PHYSICAL VISUAL DEMARCATION OF THE PROPERTY LINES.
 - 13. THE PERMIT HOLDER SHALL KEEP A REPORT, DETAILING USE OF THE SHORT TERM RENTAL BY RECORDING THE FULL NAME, ADDRESS, PHONE NUMBER AND VEHICLE LICENSE NUMBER OF GUESTS USING THE RENTAL. A COPY OF THE REPORT SHALL BE PROVIDED TO THE PLANNING DEPARTMENT UPON REQUEST.
 - 14. A SHORT TERM RENTAL SHALL BE A LICENSED RENTAL UNIT BY THE CITY AND SHALL MEET THE REQUIREMENTS OF ALL STATUTES, RULES, REGULATIONS, AND ORDINANCES INCLUDING, BUT NOT LIMITED TO THE CITY OF BRAINERD'S RENTAL HOUSING MAINTENANCE CODE.

EACH UNIT SHALL BE INSPECTED ANNUALLY BY THE RENTAL HOUSING INSPECTOR AND THE FIRE MARSHALL.

15. THE PLANNING COMMISSION MAY IMPOSE CONDITIONS THAT WILL REDUCE THE IMPACTS OF THE PROPOSED USE ON NEIGHBORING PROPERTIES, PUBLIC SERVICES, NEARBY WATER BODIES, PUBLIC SAFETY AND SAFETY OF RENTERS. SAID CONDITIONS MAY INCLUDE BUT NOT BE LIMITED TO – FENCING OR VEGETATIVE SCREENING, NATIVE BUFFER ALONG THE SHORELINE, NOISE STANDARDS, DURATION OF PERMIT, RESTRICTIONS AS TO THE DOCKING OF WATERCRAFT, AND NUMBER OF RENTERS.

16. A PERMIT HOLDER MUST POST THEIR PERMIT NUMBER ON ALL PRINT, POSTER OR WEB ADVERTISEMENTS.

17. A PERMIT HOLDER MUST APPLY FOR AND BE GRANTED STATE AND LOCAL SALES TAX NUMBERS, INCLUDING HOTEL AND MOTEL USE SALES TAX.

18. IN ADDITION TO AN INTERIM USE PERMIT, SHORT TERM RENTALS RENTED FOR LESS THAN 7 DAYS ARE CONSIDERED A HOTEL AND ARE REQUIRED TO HAVE A MINNESOTA DEPARTMENT OF HEALTH LICENSE.

19. ALL SHORT TERM RENTALS, OPERATING PRIOR TO THE EFFECTIVE DATE OF THESE STANDARDS, SHALL BE IN COMPLIANCE WITH THIS SECTION BY SEPTEMBER 1ST, 2017.

515-57-5: Conditional Uses.

- A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues provided that:
1. Side yards shall be double that required for the district.
 2. Screening from abutting residential uses in accordance with Section 20 of this Ordinance.
 3. Off-street parking and access must be provided on the site or on lots directly abutting or across the street from the principal use subject to the provisions of Section 22 of this Ordinance.
 4. Off-street loading and service entrances subject to Section 23 of this Ordinance.

- B. Nursing homes and similar group housing, not including hospitals, provided that:
1. Side yards are double the minimum requirements established for the district.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic that will be generated from the site.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
 4. Off-street parking is provided in compliance with Section 22 of this Ordinance.
 5. Off-street loading areas are provided in compliance with Section 23 of this Ordinance.
- C. Senior housing provided that:
1. Not more than twenty (20) percent of the occupants may be persons fifty-five (55) years of age or younger.
 2. To continue to qualify for the senior housing classification, the owner or agency shall annually file with the City Clerk and/or the Zoning Administrator a certified copy of a monthly resume of occupants, listing the number of tenants by age and clearly identifying all occupants age fifty-five (55) or under.
 3. Off-street parking in compliance with Section 22 of this Ordinance.
 4. Off-street loading space in compliance with Section 23 of this Ordinance.
 5. Parking areas shall be screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 20 of this Ordinance.
 6. Elevator service shall be provided to each floor of the building.
 7. Usable open space shall be at a minimum of twenty (20) percent of gross lot area.
- D. Residential Planned Unit Developments: townhomes and quadraminiums as regulated by Section 11 of this Ordinance.
- E. Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance.
- F. Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance.

G. Places of Worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

H. State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons provided that:

1. The facility is licensed by the State and the operator of the facility provides documentation of compliance with all applicable Federal, State and County regulations.
2. The entrance of the facility is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable by the City Council.

I. Public and private schools provided that:

1. The site accesses a major collector.
2. The site is landscaped in accordance with Section 20 of this Ordinance.
3. Off-street parking is provided in accordance with Section 22 of this Ordinance.
4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
5. Emergency vehicle access is provided to and within the site.

J. Senior center provided that:

1. Off-street parking is provided in accordance with Section 22 of this Ordinance.

2. Off-street loading is provided in accordance with Section 23 of this Ordinance.
3. The site is landscaped as regulated by Section 20 of this Ordinance.
4. The entrance to the senior center is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found to be acceptable by the City Council.

K. BOARDING HOUSES PROVIDED THAT:

1. ADEQUATE OFF-STREET PARKING AND ACCESS IS PROVIDED.
2. LANDSCAPING AND SCREENING IS PROVIDED IN ACCORDANCE WITH SECTION 20 OF THIS ORDINANCE.

L. BED AND BREAKFAST SUBJECT TO PROVISIONS OF SECTION 31 OF THIS ORDINANCE.

M. DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING CREATED PRIOR TO 1989 SUBJECT TO SECTION 515-54-11 DESIGN STANDARDS.

515-57-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-57-7: Minimum Lot Area and Setback Requirements.

- A. Lot Area Per Unit for lots created after June 15, 2009:

1. SINGLE FAMILY: Seven Thousand (7,000) square feet
1. 2. Two Family: Three thousand (3,000) square feet
2. 3. Multiple Family: Two thousand (2,000) square feet
3. 4. Multiple Family (senior): One thousand one hundred (1,100) square feet

A lot of record existing prior to June 15, 2009 is not required to meet minimum lot area requirements.

- B. Principal Building Setbacks:

1. SINGLE FAMILY AND TWO FAMILY:

A.	FRONT YARD:	TWENTY-FIVE (25) FEET
B.	SIDE YARD:	FIVE (5) FEET
C.	SIDE YARD (CORNER):	FIFTEEN (15) FEET
D.	REAR YARD:	TWENTY-FIVE (25) FEET

2. Multiple family:

- | | | |
|----|---------------------|-----------------------|
| a. | Front Yard: | Thirty (30) feet |
| b. | Side Yard: | Fifteen (15) feet |
| c. | Side Yard (corner): | Twenty (20) feet |
| d. | Rear Yard: | Twenty-five (25) feet |

C. Accessory building and structure setbacks:

1. SINGLE FAMILY AND Two Family:

- | | | |
|----|-------------|------------------|
| a. | Front Yard: | Thirty (30) feet |
| b. | Side Yard: | Three (3) feet |
| c. | Rear Yard: | Three (3) feet |

2. Multiple Family and Multiple Family (senior):

- | | | |
|----|---------------------|-------------------|
| a. | Front Yard: | Thirty (30) feet |
| b. | Side Yard: | Fifteen (15) feet |
| c. | Side Yard (corner): | Twenty (20) feet |
| d. | Rear Yard: | Fifteen (15) feet |

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

B. Lot Width Per Unit:

- | | | |
|----|------------------|------------------------|
| 1. | Single Family: | Fifty (50) feet |
| 2. | Two-Family: | Twenty-five (25) feet |
| 3. | Multiple Family: | One hundred (100) feet |

C. Principal Building Setbacks:

1. Single Family and Two Family:

- | | | |
|----|---------------------|-----------------------|
| a. | Front Yard: | Twenty-five (25) feet |
| b. | Side Yard: | Five (5) feet |
| c. | Side Yard (corner): | Fifteen (15) feet |
| d. | Rear Yard: | Twenty-five (25) feet |

D. Accessory Building and Structure Setbacks:

1. Single Family and Two Family:

- | | | |
|----|-------------|-----------------------|
| a. | Front Yard: | Twenty-five (25) feet |
| b. | Side Yard: | Three (3) feet |
| c. | Rear Yard: | Three (3) feet |

515-57-8: Building Height.

- A. **SINGLE FAMILY AND** two family dwellings shall not exceed thirty-five (35) feet in height. Multi family dwellings, permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.
- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-57-9: Building Performance Standards.

A. Minimum Floor Area per **MULTI FAMILY** Dwelling Unit:

- | | | |
|----|--|--|
| 1. | Efficiency: | Four hundred (400) square feet. |
| 2. | One bedroom: | Five hundred (500) square feet. |
| 3. | Two bedroom: | Six hundred fifty (650) square feet. |
| 4. | For each additional bedroom after two, | six hundred fifty (650) square feet plus one hundred (100) square feet per bedroom in excess of two. |

B. MINIMUM FLOOR AREA PER DWELLING UNIT (CONFORMING LOTS):

- | | | |
|----|----------------|---------------------------------------|
| 1. | SINGLE FAMILY: | SEVEN HUNDRED FIFTY (750) SQUARE FEET |
| 2. | TWO-FAMILY: | SEVEN HUNDRED FIFTY (750) SQUARE FEET |

C. MINIMUM WIDTH/LENGTH PER DWELLING UNIT (NONCONFORMING LOTS):
NONE

D. SINGLE FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET AND TWO-FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SIX HUNDRED FIFTY (650) SQUARE FEET ARE PERMITTED TO BE LESS THAN TWENTY-TWO (22) FEET WIDE.

- E. MINIMUM WIDTH/LENGTH FOR A DWELLING LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING LOTS: EIGHTEEN (18) FEET.

515-57-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-Residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-57-11: DESIGN REQUIREMENTS.

ALL DWELLINGS SHALL ADHERE TO THE FOLLOWING DESIGN REQUIREMENTS. WHILE CREATIVITY AND VARIATION IN ARCHITECTURAL DESIGN IS ENCOURAGED, THE PURPOSE OF THESE REQUIREMENTS IS TO ENSURE COMPATIBILITY OF INFILL DEVELOPMENT WITH THE CHARACTER OF NEARBY EXISTING RESIDENTIAL STRUCTURES.

DWELLINGS SHALL MEET THE FOLLOWING DESIGN CRITERIA, AS DEFINED BY THE PREDOMINANT CHARACTER OF THE EXISTING RESIDENTIAL BLOCK FRONT. THE BLOCK FRONT SHALL CONSIST OF ALL RESIDENTIAL PROPERTIES ALONG BOTH SIDES OF THE PUBLIC OR PRIVATE RIGHT-OF-WAY ON WHICH THE DEVELOPMENT FRONTS. THE BLOCK FRONT SHALL BE MEASURED FROM INTERSECTION TO INTERSECTION, TO THE ROAD END, OR TWO HUNDRED (200) FEET IN EITHER DIRECTION FROM THE DEVELOPMENT SITE, WHICHEVER IS NEAREST.

1. BUILDING ORIENTATION ON LOTS SHALL MATCH THE PREDOMINANT ORIENTATION OF OTHER BUILDINGS ALONG THE BLOCK FRONT.
2. ACCESS AND LOCATION OF OFF-STREET PARKING ON LOTS SHALL BE SIMILAR TO THE PREDOMINANT CHARACTER OF EXISTING DEVELOPMENT ALONG THE BLOCK FRONT. PRIMARY VEHICULAR ACCESS SHALL BE THROUGH REAR ALLEYS WHERE SUCH REAR OF PROPOSED STRUCTURES, INsofar AS THIS IS CONSISTENT WITH THE PREDOMINANT CHARACTER OF THE BLOCK FRONT.
3. ROOFS ON PROPOSED RESIDENTIAL STRUCTURES SHALL BE SIMILAR IN SLOPE AND STYLE TO EXISTING DEVELOPMENT AND SHALL INCORPORATE ANY OR ALL OF THE FOLLOWING FEATURES, INsofar AS SUCH FEATURES ARE COMPATIBLE WITH EXISTING DEVELOPMENT ON THE BLOCK FRONT:
 - A. DORMERS;

- B. GABLED OR HIPPED ROOFS;
- C. PITCHED ROOFS;
- D. PARAPETS OR CORNICES.

4. UNLESS IT IS THE PREDOMINANT EXISTING STYLE ON THE BLOCK FRONT, FLAT ROOFS SHALL NOT BE ALLOWED.

5. HORIZONTAL FACADES LONGER THAN TWENTY-FIVE (25) FEET SHALL BE TREATED TO REDUCE BUILDINGS MASS AND VISUAL BULK USING AT LEAST ONE OF THE FOLLOWING TECHNIQUES:

- A. BAYS OR RECESSES (MINIMUM DEPTH OF EIGHTEEN (18) INCHES);
- B. WINDOW PATTERNS;
- C. CONTRASTING MATERIALS OR COLORS;
- D. UPPER STORY SETBACKS;
- E. BALCONIES.

THE APPLICANT SHALL DEMONSTRATE THAT THE SELECTED TECHNIQUES ARE EITHER CURRENTLY PRESENT ON THE BLOCK FRONT OR ARE NOT SUBSTANTIALLY INCOMPATIBLE WITH EXISTING DEVELOPMENT.

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 SINGLE FAMILY STRUTURE AND duplex STRUCTURE
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.

PLANNING COMMISSION
Wednesday, October 17, 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, Headley, Gorham, Marohn, and Wussow; and Council Liaison Lambert. Commissioner Antolak was noted as absent. Also present was City Planner Ostgarden, and Administrative Specialist Bestul.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO AMEND THE AGENDA ELIMINATING 4D. DISCUSSION OF MORATORIUM ON DEMOLITION OF NON-CONDEMNED STRUCTURES.

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

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND MAROHN TO APPROVE THE AGENDA AS PRESENTED.

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

#3 Approval of Minutes of the Regular Meeting held on September 19, 2018

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 19, 2018.

#4 New Business

A. Public Hearing – Zoning Ordinance Text Amendment to Consider Draft Changes to Section 57-2

- R-3 (High-Density) Residential District – Permitted uses to Permit Single Family Dwelling

City Planner Ostgarden stated the R-3 District currently allows only multi-family dwellings. He explained there are several changes that must take place in order to add the permitted use to the ordinance such as setback changes, conditional use changes and accessory building use changes. The purpose and intent of the district would be modified to eliminate the requirement of multiple family structures. The following are other changes discussed:

515-57-2: Permitted Uses:	Adding C. SINGLE FAMILY DWELLINGS
515-57-3: Accessory Uses:	Adding TOOLS and SECTION 24 to A. Eliminate J. as shown Adding N. as shown
515-57-4: Interim Uses:	Adding A. – C. as shown
515-57-5: Conditional Uses:	Adding K., L., and M. as shown
515-57-7: Minimum Lot Area:	Adding A1. SINGLE FAMILY Adding B1. SINGLE FAMILY AND TWO FAMILY Adding C1. SINGLE FAMILY
515-57-8: Building Height:	Adding SINGLE FAMILY to A.
515-57-9: Building Perf Standards:	Adding MULTI FAMILY to A. Adding B. – E.
515-57-11: Design Requirements:	Adding 1. – 5. as shown
515-17-8: Accessory Buildings:	Adding SINGLE FAMILY DWELLINGS TO THE ACCESSORY DWELLING SIZE LIMITATIONS.

Commissioner Burslie asked the reason for having different setback requirements for single family dwellings as opposed to multi family dwellings. City Planner Ostgarden replied scale and height of the buildings are determining factors.

The Chair opened the public hearing at 6:08 p.m.

No one came forward.

The Chair closed the public hearing at 6:08 p.m.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING ORDINANCE TEXT AMENDMENT TO ADD SINGLE FAMILY DWELLINGS AS A PERMITTED USE IN THE R-3 (HIGH-DENSITY) RESIDENTIAL DISTRICT.

B. Public Hearing – Zoning Ordinance Text Amendment to Consider Draft Changes to Section 57-2

- R-3 (High Density) Residential District - Permitted Uses to Self (Mini) Storage Facilities

City Planner Ostgarden indicated a request has been received to consider amending the R-3 (High-Density) Residential District to allow the construction of mini-storage facilities. A Mini (Self) Storage facility is defined as: *An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household or commercial goods or personal belongings.*

City Planner Ostgarden explained the property proposed is an approximate twelve-acre parcel of land north of the commercial center along Washington Street, that include the Chamber/BLAEDC offices and Ace Hardware. The property can be accessed from the west via a platted undeveloped Jackson Street right-of-way and from the south via a platted undeveloped NW 2nd Street right-of-way off James Street. Over the years, (re)development and street locations have created a very difficult and unsafe access to the property, which may be a reason the property has not been developed. The owners have looked at many options to develop the site.

They believe there is a need for additional self (mini) storage in the City and feel this site would be a good location for this use. The Planning Department has contacted three local storage companies and two were willing to tell us that they were full and had a waiting list.

City Planner Ostgarden viewed and explained the zoning map indicating the surrounding zones and locations. There are three zoning classifications that affect this property: R-3 (High-Density) Residential, R-2 (Medium Density) Residential and B-4 General Business District. The amount of property proposed for the use is not the issue – the decision to be made is if mini (self) storage facilities are an appropriate use in an R-3 District.

City Planner Ostgarden indicated several Minnesota communities were contacted regarding their zoning requirements and none of them allow mini storage facilities in their residential districts. There are many reasons that mini storage development has opposition when proposed near residential areas. Some may include:

- Aesthetics
- Crime
- Lights
- Traffic
- Incompatible land use
- Lack of job creation
- Outdoor Storage
- Occupancy

City Planner Ostgarden explained the zoning ordinance criteria for text amendment review as follows:

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

The site is identified as Business Park on the Future Land Use Plan.

2. The proposed use's compatibility with present and future land uses of the area.

Tyrol Hills to the east is an isolated residential development with apartments on NW 4th Street. The site design and access does not function well for the area.

3. The proposed use's effect upon the area in which it is proposed.

See #2, #4 and #5.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

Based on the Institute of Traffic Engineers, this would impose 5.4 vehicle trips/day. A typical single-family dwelling would generate 9-10 vehicle trips/day.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

Self (mini) storage would have no effect on any of the areas identified above.

City Planner Ostgarden stated this use could be allowed “by right” or by Conditional Use Permit in R-3 Districts and identified several development standards that could be considered as follows:

- Maximum:
 - Facility size
 - Site coverage
 - Building height
- Access requirements
- Design
- Screening
- Exterior storage
- Hours
- Separation
- Occupancy
- Storage pods

City Planner Ostgarden indicated a zoning ordinance text amendment is not subject to the 60-day rule because it is not an approval of an “action” under Minnesota statute.

Commissioner Lambert asked if the property could be split and rezone that parcel to B-4.

City Planner Ostgarden explained the initial purpose this area was zoned in this manner was to transition from a high-density residential area, to a medium-density residential and then to a single-family district. The focus must not be on this request or this parcel of property; it needs to be on the issue of amending all R-3 Districts to have the ability to construct mini storage facilities.

Commissioner Burslie asked City Planner Ostgarden if he feels this is an appropriate use for an R-3 District. City Planner Ostgarden stated with design standards, an opportunity to review the proposal limiting the size and with proper design, the use could be a compatible use near higher density residential.

Commission discussion took place.

The Chair opened the public hearing at 6:37 p.m.

The Chair recognized Mr. Brad Person, attorney representing the Gustafson family who own the land north of the strip commercial center in Tyrol Hills and are interested in constructing the self-storage facility. Mr. Person stated from his experience, the need in this area seems to be for storage of recreational items for either seasonal residents or for someone with not enough storage at their residence. The proposal is for ownership of a unit and not for rental purposes. Mr. Person replied to the statement that jobs would not be created from this type of use of the property. However, industrial areas they are allowed on should be for manufacturers that create jobs and not for storage facilities. He stated a mini storage facility would be a less intense use than an apartment building for example. Mr. Person indicated with a Conditional Use Permit, the City can make the proper requirements for each application received.

The Chair closed the public hearing at 6:47 p.m.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND WUSSOW TO RECOMMEND DENIAL BASED ON THE FINANCIAL CALCULATIONS PROVIDED BY

COMMISSIONER MAROHN AND THE CONCERNS OF INAPPROPRIATENESS THROUGHOUT ALL R-3 ZONES.

Commissioner Burslie stated it is a compatibility issue and would not like to see storage units being constructed in neighborhoods.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND WUSSOW, DULY CARRIED, TO AMEND THE MOTION TO ADD INCOMPATIBLE USE IN NEIGHBORHOOD DISTRICTS.

C. Comprehensive Plan Update Presentation

The Chair recognized Mr. Tad Erickson and Mr. Matthew Kallroos, Regional Development Planners with Region Five and Ms. Ashley Kaisershot, Planning Specialist with Sourcewell. They gave an update of the Comprehensive Plan progress with a summary of the community engagement process that is taking place. The importance of public participation is a main leading element to creating a Comprehensive Plan. The current goal is to intentionally involve citizens and stakeholders throughout the community and to make people feel heard. Mr. Erickson indicated the Steering Committee consists of thirteen strong citizens whose role is to gather information about and from the community and then summarize and prioritize the information they receive. Mr. Kallroos reviewed the Community Engagement Plan, community engagement that has been done to date, and ward meetings. He reviewed the online community survey that ended in September and some of the survey responses. Mr. Erickson explained the next steps in the process and the timeline. They thanked the commission for the opportunity to present.

D. Discuss a Moratorium on Demolition of Non-Condemed Structures (Buildings that are Structurally Sound)

Commissioner Marohn requested the discussion start with determining what is the role of Planning Commission. The commission is defined as an advisory group to the City Council regarding planning and zoning issues and other land use matters. Mr. Marohn stated the conversion from buildings to parking lots is a land use matter. He asked if this is a topic the commission is interested in discussing.

Commission discussion took place.

Commissioner Marohn explained the idea and reasons of an interim ordinance. He stated some city codes need to be updated or a situation arises that was not anticipated and is moving at a fast pace. The issue should be paused to review the long-term impact it could have. A moratorium could be issued, which would only be done under certain circumstances and it must meet certain requirements. He indicated the issue at hand is with the final plans from the school district to acquire properties for the purpose of expanding and to make parking lots. He feels there needs to be time to discuss the best way to accommodate and lessen the long-term negative impact to the neighborhoods in the City.

Commissioner Lambert stated she thinks it is time to review the ordinance. The news from the school district shocked many residents and would like to see a 6-month moratorium.

Commissioner Wussow indicated he is not aware of an interim ordinance for a moratorium and requested clarification.

Commissioner Marohn stated it is an interim ordinance to enact a moratorium, in which he used a template from the League of MN Cities. He requested it be sent to the city attorney for direction and questioned if a reply was received.

Commission discussion took place.

The Chair recognized Mr. Rod Knowles, 723 S 5th Street who resides across from the high school. He stated he was notified by a phone call from a consultant from ICS representing the school district. Mr. Knowles met with them and they talked about the long-range planning for his property and relocation services they offer. He questioned them about imminent domain, and they replied they had never heard any discussion about it. At the open forum for the candidates for the school board, he spoke with the superintendent who stated no one used imminent domain in their talks. There is lack of conversations afterward and it was clear to him they wanted him to vacate his property by October 2019. Mr. Knowles indicated he has a greenhouse to grow orchids and it takes many years to acclimate them to their surroundings. He stated he did not expect this to happen after seeing the referendum and wonders what happened for them to tell him he needs to vacate so they can pave over it. He stated the entire community needs to have their say in the matter. There are other options and ideas for this concern that can be addressed.

The Chair recognized Mr. Ed Shaw, 722 S 6th Street who expressed displeasure in the referendum as it did not indicate there would be two large city blocks of parking lot constructed and that is just the plan for the high school. Mr. Shaw stated he has been trying to make contact directly with the school district and was not told about his property acquisition until the Friday prior to a Monday meeting. Apparently, it was in their plans for months, but no one bothered to contact him. He has received no response from the district or willingness to address his requests for information. He believes the City needs to step in on behalf of its residents, their concerns and for the best interests of the City.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE TO RECOMMEND A MORATORIUM BE ENACTED FOR A ONE YEAR TIMEFRAME TO ALLOW TIME TO REVIEW AND AMEND THE ORDINANCE.

City Planner Ostgarden stated the city attorney did receive a copy of the draft request and did not indicate any language amendments to the ordinance. He recommends having the research compiled on this topic for the Council prior to bringing it to them. The council will need a good record of facts and past findings to back up why this is necessary.

Commissioner Wussow stated he would like to discuss the following from the draft ordinance:

1.04 *“...The section does not address instances where there is excess parking or instances where the construction of additional off-street parking would be deleterious to the public good.”*

1.05 *“The City requires a demolition permit for the removal of a structure...”*

1.06 *“...demolished for purposes of constructing off-street parking.”*

2.01 *“~~Research done~~ Discussion by the Planning Commission in 2017...”*

2.02 *“~~Research done~~ Discussion by the Planning Commission in 2017...”*

- 2.03 ~~“Research done~~ *Discussion by the Planning Commission in 2017...*”
- 2.04 *“...During the meeting, Planning Commission members voiced specific concerns on potential negative impacts from these expansions.”*
- 2.05 *Speaks about the “Minnesota Department of Education as part if a public referendum...”*
- 2.06 *“The City does not require any parking at any school sites within the municipal boundaries.”*
- 2.08 *“While the City has removed parking mandates for school buildings from its official controls, neither planning documents nor any official controls contemplate a maximum amount of parking allowable, a point above which additional parking undermines the health, safety and welfare if residents and the City’s capacity for provisions of services.”*
- 3.04 *“Structures that are to be demolished as part of a commercial or residential reconstruction project where a building permit for a new structure has been issued, are likewise exempted from these provisions.”*

Commissioner Wussow does not agree with the memo provided to the commission by Commissioner Marohn.

Commission discussion took place on the concerns above.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURSLIE TO RECOMMEND ADOPTING THE INTERIM ORDINANCE ESTABLISHING A MORATORIUM AMENDING 2.01, 2.02, 2.03 FROM RESEARCH DONE TO DISCUSSION AND ADDING THE ORDINANCE NUMBER TO 2.06.

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

E. Discuss Ordinance Provisions for the Expansion of Parking Lots Greater than 20 Stalls

Commissioner Marohn stated he does not believe having a maximum amount of parking is a good policy. He would like input from the commission on what provisions would go into a revised ordinance to ensure that off-street parking added to the general prosperity of the community.

Commissioner Lambert indicated she agrees with the idea of shared parking lots between businesses.

Commissioner Marohn suggested the idea of shared parking be a part of the permit review process and if there is an opportunity for shared parking with another facility where the timing of demand does not overlap.

Commission discussion took place about the memo provided by Commissioner Marohn.



Brainerd City Council Agenda Request

Requested Meeting Date: January 22, 2019

Title of Item: Variance Request - 214 2nd Ave NE - To Construct 20'x24' Garage

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: David Chanski	Department: Community Development
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: Mr. William John Cory, 214 2nd Ave NE, has submitted an application for a variance on his property to construct a 20' x 24' garage. The Planning Commission recommends approval of the variance request with the amendments that the maximum size of the garage be 20' x 17.5' to conform with lot coverage requirements and that the applicant install gutters on the north side of the structure, which drain toward the alley and away from the adjoining neighbor's property.	
Alternatives, Options, Effects on Others/Comments: Approval of this variance will allow the applicant to: 1) Construct a 20' x 17.5' accessory structure (garage). 2) Construct the accessory structure with only a 20" setback on the north side of the property. 3) Construct the accessory structure approximately 1.5' higher at the midpoint than the midpoint of the principle building (the home).	
Recommended Action/Motion: The Planning Commission recommends the approval of the variance request with the aforementioned amendments.	
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>	

Members of the Planning Commission,

On Wednesday, January 2, 2019, a Notice of Hearing was drafted, informing the public of a request by Mr. William Cory to construction a 24' x 20' accessory building (garage) on his property at 214 2nd Avenue NE, Brainerd, MN 56401. This notice contained a few errors that this letter will now correct.

First, Mr. Cory is seeking the following variances from SECTION 515-17 GENERAL BUILDING, USE AND DESIGN PROVISIONS

3. A. Building Design Standards

2. a. *Single Family Standards. An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft.* The proposed size of the garage and storage building is 20'x24'.

8. B. Residential Accessory Buildings, Structures and Uses

3. a. *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:*

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-2	10% of lot area

The lot is 3,500 sq. ft., limiting accessory building area to 350 sq. ft. The proposed garage and storage building totals approximately 480 sq. ft., which is approximately 13.7% of the lot area.

3. c. *Height. Detached accessory buildings shall not exceed the height of the principle building or fifteen (15) feet, whichever less.* The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' garage at the midpoint is approximately 13.5'.

4. b. *Setbacks. Side and rear setbacks shall be as provided for in the respective Zoning District.* Accessory Building and Structure side yard set backs are three feet and a 20" side yard setback along the north property line is proposed.

Second, the correct legal description of the property is:

N. ½ OF LOT 10 BLOCK 6

P.I.N. No. 09122006010A009

Section 19 Township 45 Range 30

If you have any questions regarding these clarifications, please contact me at 218-454-3409 or dchanski@ci.brainerd.mn.us.

David C. Chanski
Community Development Director

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that William John Cory, PO Box 123 Crosslake, MN 56442, has submitted a plan to construct a 24' x 20' accessory building (garage) with an 11/12 roof pitch on his 140' x 25' lot located on his property at 214 2nd Avenue NE, Brainerd, MN 56401. The property is in an R-2 (Medium Density Residential) District.

Variances from the following Zoning Ordinance sections are requested: *SECTION 515-17 GENERAL BUILDING, USE AND DESIGN PROVISIONS*

B. 3. Residential Accessory Buildings, Structures and Uses.

a. 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:

Area

Zoning District

R-2

Maximum Allowable Floor Area

10% of lot area

The lot is 3,500 sq. ft. limiting accessory building area to 350 sq. ft. The garage and existing storage building total approximately 430 sq. ft.

c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' garage at the midpoint is approximately 13.5'.

4. Setbacks. Detached accessory buildings shall comply with the following setbacks:

b. Side and rear setbacks. shall be as provided for in the respective Zoning District.

Accessory Building and Structure side yard setbacks are three feet and a one-foot side yard setback along the north property line is proposed.

The property is legally described as follows:

Lot 6 East Brainerd Addition

P.I.N. No. 09122006010B009

Section 19 Township 45 Range 30

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, January 16, 2019 to consider the request for the Variance.

An application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations, please call (218) 828-2309.

Dated this 2nd day of January, 2019

David Chanski

Community Development Director

Publication date: January 4, 2019

**City Planning Department**

City Hall – 501 Laurel Street
 Brainerd, MN 56401
 218-828-2309/Fax 218-828-2316
 www.ci.brainerd.mn.us

RECEIVED**DEC 03 2018****CITY OF BRAINERD
ADMINISTRATION**

Receipt #	2018-90053
Check #	3434
Date Paid:	12/3/18

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 214 2ND AVE NE

LEGAL DESCRIPTION: Lot(s): ^{N 1/2 LOT 10} Block: 6 Addition: EAST BRAINERD
 (attach description if lengthy)

Property Owner Name: WILLIAM JOHN CORY

Street Address: PO BOX 123 City: CROSSLAKE State: MN Zip Code 56442

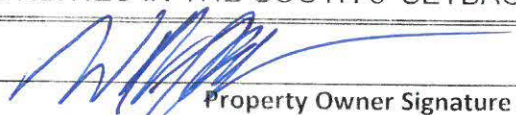
Phone Number: 218-232-5697 Fax: E-mail: JMCORY24@YAHOO.COM

Applicant Name: (If different than Property Owner)

Street Address: City: State: Zip Code:

Phone Number: Fax: E-mail:

Description of Request: I WANT TO BUILD A 20'X24' 2 CAR GARAGE ON MY 25' WIDE LOT WITH AN 11/12 PITCH ROOF FOR SOLAR 20" FROM THE NORTH PROPERTY LINE. EXISTING HOUSE IS LOCATED 18" FROM NORTH PROPERTY LINE. THE VARIANCE WOULD BE BOTH SIZE AND LOCATION. PER ORDINANCES, CAN ONLY BUILD 16'X20' BECAUSE OF HOUSE SIZE. NEED THE SETBACK VARIANCE DUE TO GARAGE SIZE AND WANT IT TO THE NORTH DUE TO BURIED UTILITIES IN THE SOUTH 3' SETBACK. NOTHING IS BURIED IN THE NORTH SETBACK.


 Property Owner Signature

WILLIAM JOHN CORY

(Please print name)

12/3/18
 Date

Applicant Signature

Date

(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805;
corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: Chris Pence; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; chris.pence@state.mn.us

CITY OF BAXTER

Attn: Josh Doty; Community Development Director, 13190 Memorywood Dr; Baxter, MN 56425; 218-454-5100

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.org

CROW WING COUNTY SURVEYOR'S OFFICE

322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Steve Voss; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5779; steve.voss@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

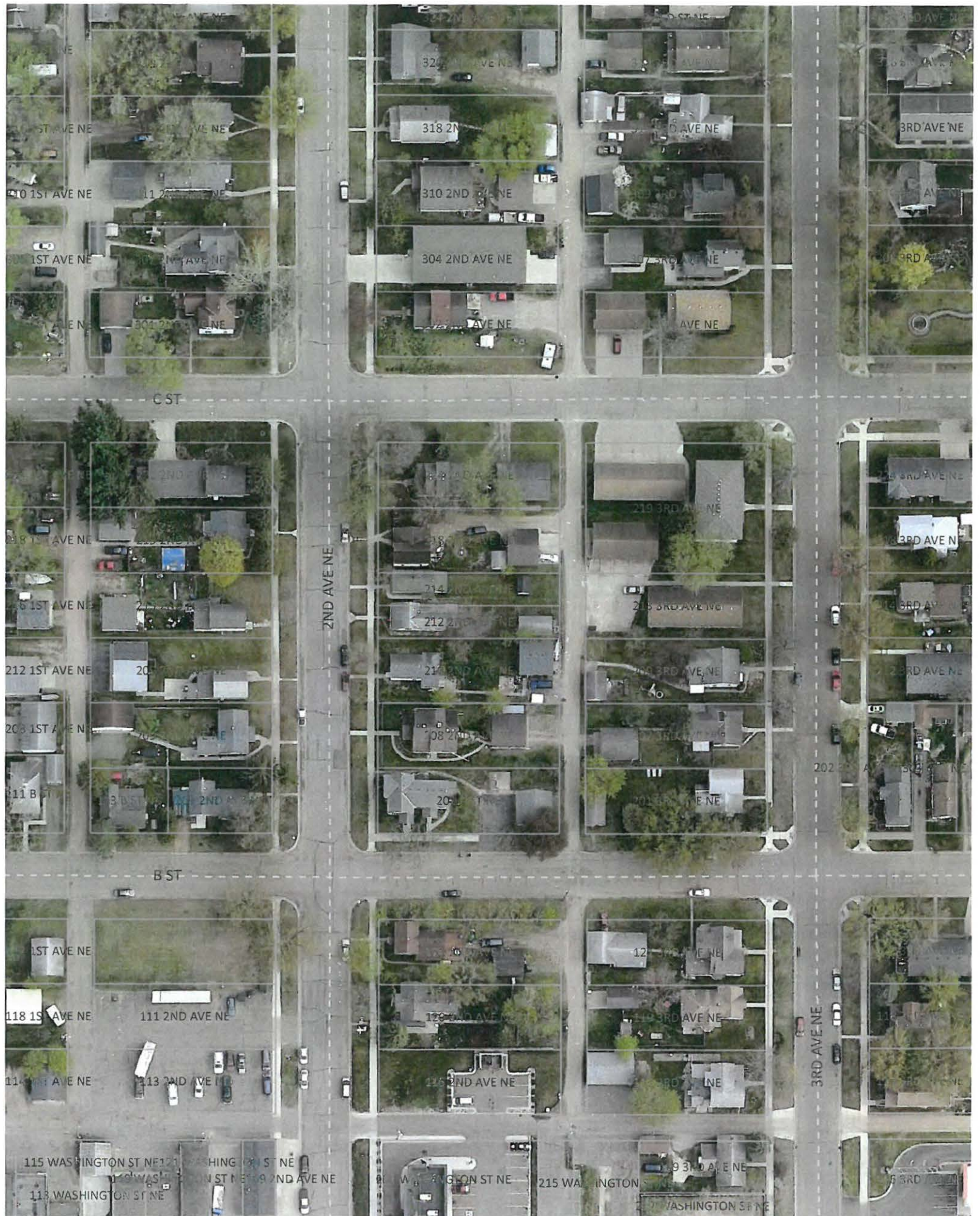
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402





N ↑
Scale: 1"=20'

Street

Sidewalk

House 4' N of line
& 14' E of sidewalk

Shed
1' N
of line

Garage 5' N of line
& 16.5' W of alley

House
40.75' x 14.5'
18" S of line & 13.5' E sidewalk

Shed
8'x12'

Shed 5.5' S
of Line &
22' W of
alley

22'

Stoop
9' x5'

Water

Gas – 2.5'-3.5' N of South Line

Sewer – 212 Demolition cap 1'-2' N of South Line, Old books list 160' S of C street center (2' S of South Line)

Alley

Existing 214 2nd Ave NE – 140'x25'

N ↑
Scale: 1"=20'

Street

Sidewalk

House 4' N of line
& 14' E of sidewalk

Shed
1' N
of line

Garage 5' N of line
& 16.5' W of alley

House
40.75' x 14.5'
18" S of line & 13.5' E sidewalk

Garage
24' x 20'
20" S of line &
16.5' W of alley

22'

Stoop
9' x5'

Water

Gas – 2.5'-3.5' N of South Line

Sewer – 212 Demolition cap 1'-2' N of South Line, Old books list 160' S of C street center (2' S of South Line)

Alley

Proposed 214 2nd Ave NE – 140'x25'

Height Calculation for Accessory Buildings

- Standard 8 foot wall height

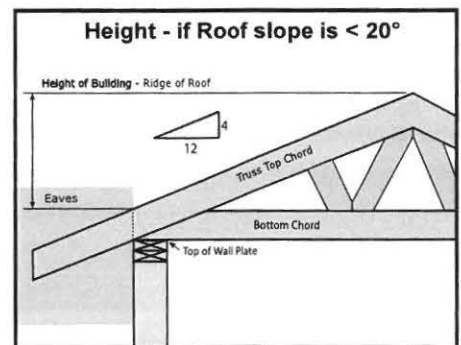
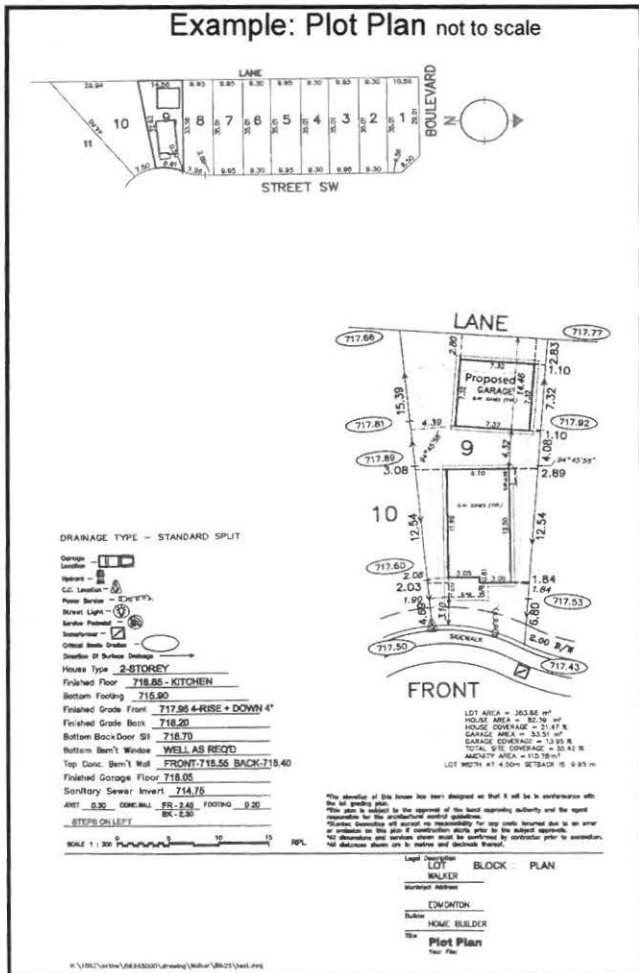
		Slope of Roof									
		Ridge of roof	Mid Point of roof , if slope is greater than 20° (20° = 4.37 slope)								
			4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	
Width	12'	10.80'	10.07'	10.33'	10.59'	10.86'	11.12'	11.39'	11.65'	11.92'	12'
	14'	11.13'	10.28'	10.58'	10.88'	11.19'	11.50'	11.80'	12.11'	12.42'	14'
	16'	11.46'	10.49'	10.83'	11.18'	11.52'	11.87'	12.22'	12.57'	12.92'	16'
	18'	11.80'	10.70'	11.08'	11.47'	11.86'	12.25'	12.64'	13.03'	13.42'	18'
	20'	12.13'	10.90'	11.33'	11.76'	12.19'	12.62'	13.05'	13.49'	13.92'	20'
	22'	12.46'	11.11'	11.58'	12.05'	12.52'	13.00'	13.47'	13.94'	14.42'	22'
	24'	12.80'	11.32'	11.83'	12.34'	12.86'	13.37'	13.89'	14.40'	14.92'	24'
	26'	13.13'	11.53'	12.08'	12.63'	13.19'	13.75'	14.30'	14.86'	15.42'	26'
	28'	13.46'	11.74'	12.33'	12.93'	13.52'	14.12'	14.72'	15.32'	15.92'	28'
	30'	13.80'	11.95'	12.58'	13.22'	13.86'	14.50'	15.14'	15.78'	16.42'	30'
							over allowable height				

Note:

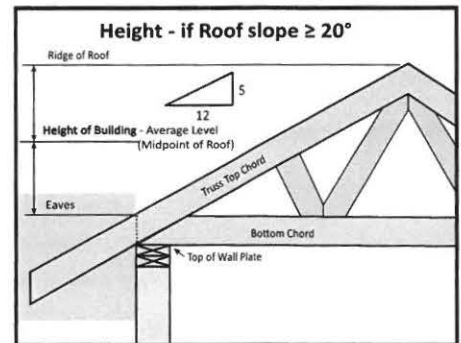
- If the wall is higher than 8', add the difference to the building height provided on the chart above.
- If the truss top chord does not sit on the top wall plate, at the exterior wall face (as in Example 3), the distance from the top of the wall plate to the underside of the truss top chord is to be added to the building height on the chart above, and a Building Section is required.

Height:

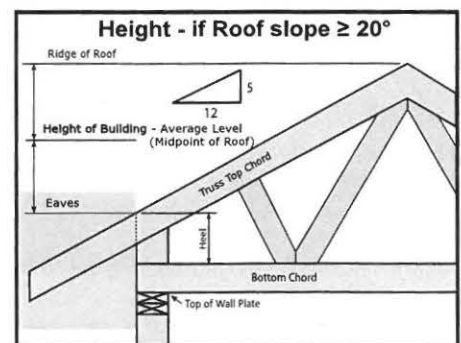
The allowable height is less than or equal to 4.3m (14'1"), calculated between grade (6" below the top of slab) and either midpoint of roof or ridge of roof, depending on the slope of the roof. (see Examples to the right)



Example 1



Example 2



Example 3

Why do I need to disclose information about abandoned wells on my parcel?

New Requirements

Effective November 1, 2012 the Subdivision and Development Regulation (Alberta Regulation 160/2012) has changed. The changes relate to the Subdivision and Development requirements around abandoned well sites. The new provisions require some changes to our business practices. In addition to our current application submission requirements, all new Development Permit and Subdivision Applications must include the following:

Development Permit Application

An application for a development permit for **a new building that will be larger than 47 square meters, or an addition to or an alteration of an existing building that will result in the building being larger than 47 square meters**, must include:

- information provided by the Energy Resources Conservation Board (ERCB) identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed, or, in the case of an addition, presently exists.
- This information can be obtained by either contacting the Energy Resources Customer Care Centre at 1-855-297-8311 (toll free) or using the GeoDiscover Alberta Map at: www.geodiscoveralberta.ca to confirm whether an abandoned well is located on your property.
 - If you **do not have an abandoned well site on your property**, you must fill out the “*Abandoned Wells Confirmation Form – Proposed Development*” and provide a copy of the map that was used to confirm the absence of abandoned wells on your property. This information must be included with your development application.
 - If you **do have an abandoned well on your property**, you must first meet the requirements as set out in ERCB’s Directive 079 before you can apply for a permit. Once ERCB’s Directive 079 requirements have been met, you must fill out the “*Abandoned Wells Confirmation Form – Proposed Development*” and include a copy of the map used to confirm well location(s) with your development application.

The information is not required if it was submitted to the same development authority within the last year.

The following links provide further information on the added provisions.

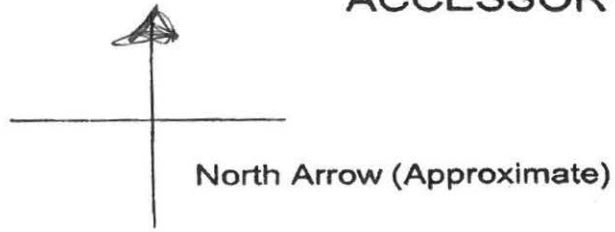
Information Bulletin, Alberta Municipal Affairs -

http://www.municipalaffairs.alberta.ca/documents/msb/Information_Bulletin_05_12.pdf

ERCB Directive-

<http://www.ercb.ca/directives/Directive079.pdf>

ACCESSORY BUILDING PLAN VIEW



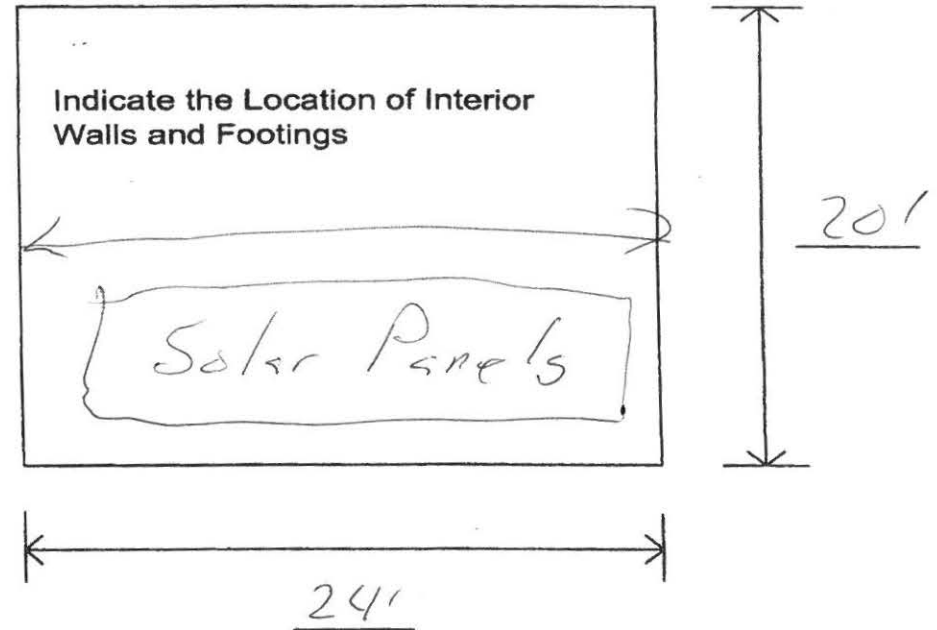
Building Width and Length

Indicate Direction of Roof Ridge with an Arrow

Provide Door Locations – Include Distances from Corner of Structure

Indicate Door and Window Sizes

Indicate Header Sizes



12/14/18

0912 2006010309

ACCESSORY BUILDING CROSS SECTION

Circle Selections

Roofing Material: Asphalt Specify Other _____

APA Roof Sheeting: OSB or Plywood / 7/16" or 1/2"

Roofing Framing: Trusses Hand Frame

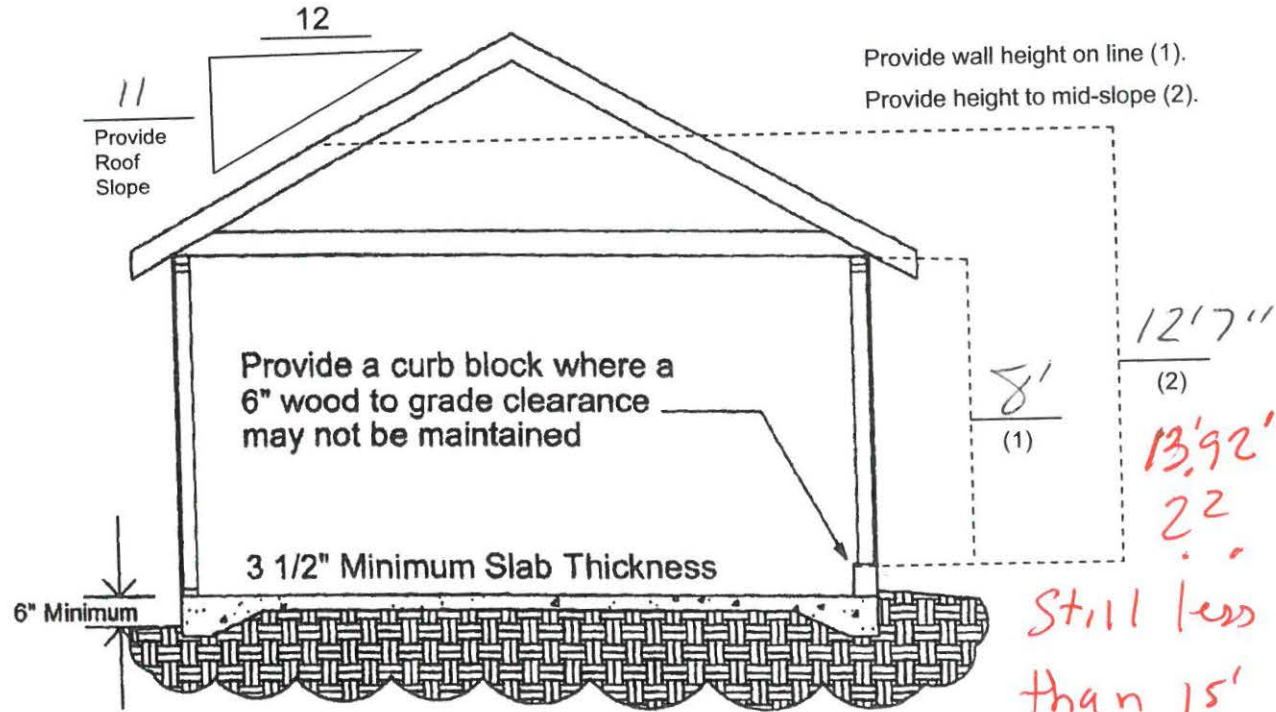
Roof Frame Spacing: 16" O.C. 24" O.C. (comment line below)

Siding Type: _____

Wall Sheathing: OSB or Plywood / 7/16" or 1/2"

Wall Framing Members and Spacing: 2 x 4 or 2 x 6
16" O.C. or 24" O.C.

Anchor Bolts – 1/2 Dia. / 6' O.C. / 7" into Concrete

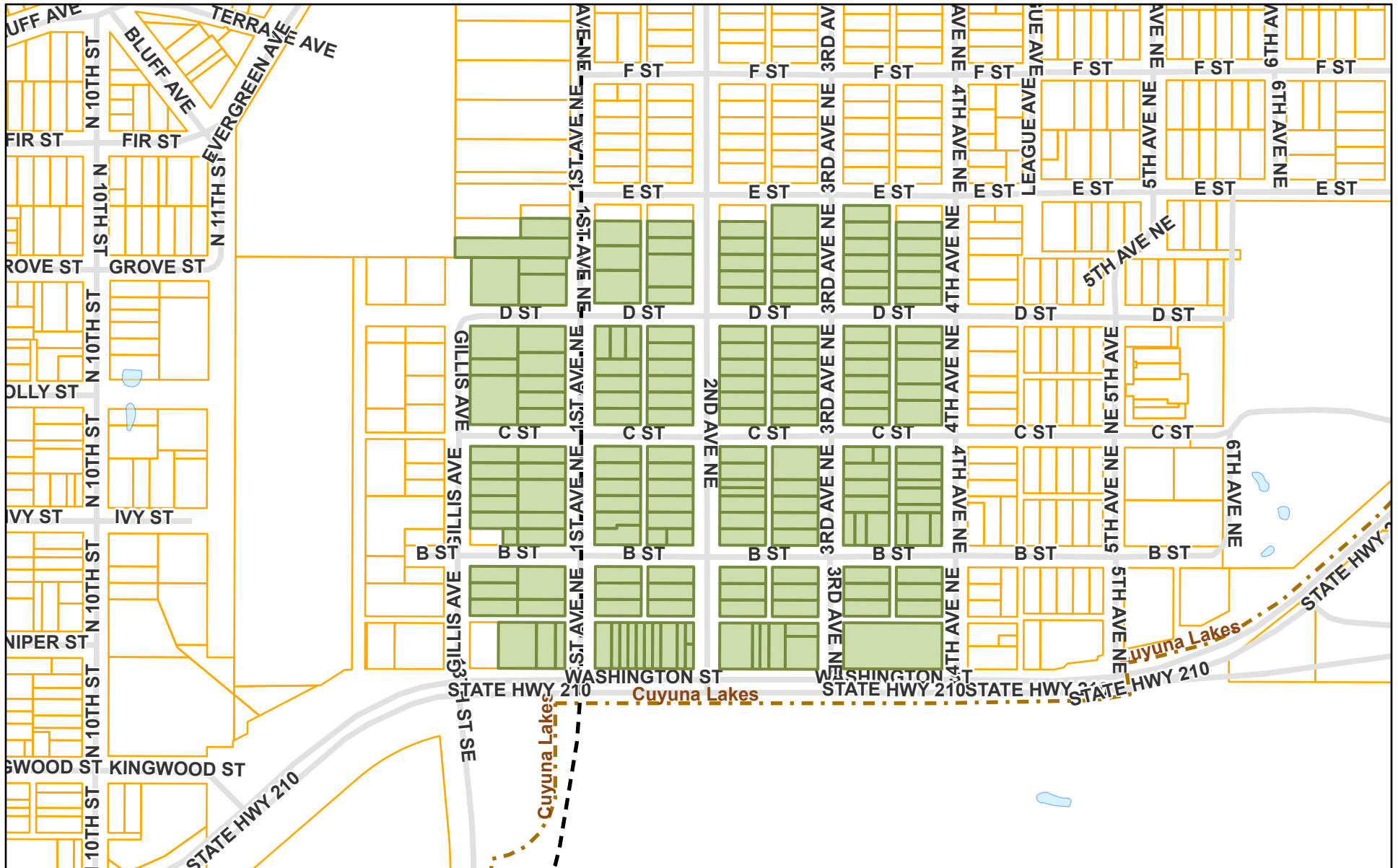


Submit overhead door wind limitations meeting Minnesota wind loading of 90 mph for three seconds.

House midpoint
12'

12/14/18

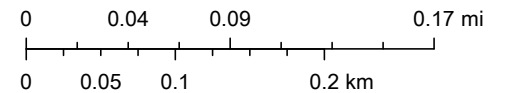
214 2nd Ave NE



12/31/2018 11:27:50 AM

- Select Parcels _Query result
- Trails
- Parcels Crow Wing
- City Limits
- Roads
- Water
- Railroad

1:7,335



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user

PIN	Owner Name	Owner Address	OWADR2	OWADR3	OWADR4	Physical Address	PHYSICITY	PHYSZIP
91270000000000	ANDERSON, LLOYD T	201 1ST AVE NE	BRAINERD MN 56401			201 1ST AVE NE	BRAINERD	56401
09122005007Z009	AUSTIN, NANCY	111 B ST NE	BRAINERD MN 56401			111 B ST NE	BRAINERD	56401
09122012011Y009	BANKS, TRAVIS	15359 SHELLISA LN	BRAINERD, MN 56401			106 D ST NE	BRAINERD	56401
91220100000000	BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401			201 B ST NE	BRAINERD	56401
09122012011X009	BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401			110 D ST NE	BRAINERD	56401
09122004005B889	BARRETT'S HOLDINGS LLC	PO BOX 933	BRAINERD, MN 56401			105 WASHINGTON ST NE	BRAINERD	56401
09122004006B009	BARRETT'S HOLDINGS LLC	PO BOX 933	BRAINERD, MN 56401			101 WASHINGTON ST NE	BRAINERD	56401
91220000000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			118 3RD AVE NE	BRAINERD	56401
91220000000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			122 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			209 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			207 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			201 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			224 2ND AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			224 D ST NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			317 3RD AVE NE	BRAINERD, MN	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			309 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			303 3RD AVE NE	BRAINERD	56401
09127003003Z009	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			209 1ST AVE NE	BRAINERD	56401
91280200000000	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			404 3RD AVE NE	BRAINERD	56401
09122006001Z009	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401			219 3RD AVE NE	BRAINERD	56401
91220100000000	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401			213 3RD AVE NE	BRAINERD	56401
91270000000000	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401			219 1ST AVE NE	BRAINERD	56401
91270000000000	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN 56401			223 1ST AVE NE	BRAINERD	56401
91220100000000	BENDER, CLYDE & NOTES INC	18016 HARTLEY LAKE RD	BRAINERD, MN 56401			213 2ND AVE NE	BRAINERD	56401
09122005006A009	BETCHER, PAT	13569 SYLVAN DAM RD	PILLAGER, MN 56473			201 2ND AVE NE	BRAINERD	56401
91220000000000	BLUEFROG RENTALS LLC	14320 SHOREVIEW DR	BAXTER MN 56425			113 3RD AVE NE	BRAINERD	56401
91220100000000	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401			304 2ND AVE NE	BRAINERD, MN	56401
91270000000000	COLD NORTH PROPERTIES LLC	C/O WILLIAM & LISA DESJ	16032 MCKAY RD	BRAINERD MN 56401		25 WASHINGTON ST NE	BRAINERD	56401
09122006010A009	CORY, WILLIAM J	P O BOX 123	CROSSLAKE, MN 56442			214 2ND AVE NE	BRAINERD	56401
91220100000000	CULLINANE, JOHN D & TAMYRA	315 3RD ST N	BRAINERD MN 56401			306 1ST AVE NE	BRAINERD	56401
91270000000000	DALE, LAURA & ROBERT &	COLVIN, WAYNE F & OLE	205 1ST AVE NE	BRAINERD MN 56401		205 1ST AVE NE	BRAINERD	56401
91220100000000	DEGEN, MICHAEL S & JULIE L	8595 DOROTHY AVE	BRAINERD MN 56401			219 4TH AVE NE	BRAINERD	56401
91220100000000	DEGEN, MICHAEL S & JULIE L	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401			320 2ND AVE NE	BRAINERD	56401
09122010004Z009	DOUST, PEGGY L	309 4TH AVE NE	BRAINERD, MN 56401			309 4TH AVE NE	BRAINERD	56401
91280100000000	DUBOIS, LORI J	403 3RD AVE NE	BRAINERD, MN 56401			403 3RD AVE NE	BRAINERD	56401
09122007005X009	EBERLY, PEARL & PATRICIA DAVIS	323 B ST	BRAINERD, MN 56401			323 B ST NE	BRAINERD	56401
91220000000000	ENGHOLM, ROGER	2145 MARION RD SE	ROCHESTER, MN 55904			118 1ST AVE NE	BRAINERD	56401
91220100000000	FARGO, JANE FRANCES	324 3RD AVE NE	BRAINERD MN 56401			324 3RD AVE NE	BRAINERD	56401
91220000000000	FIRST FEDERAL BANK OF MINNESO	NO VALID ADDRESS 1997	DLQ			122 1ST AVE NE	BRAINERD	56401
91220000000000	FLEISCHHACKER, TIMOTHY R	114 3RD AVE NE	BRAINERD MN 56401			114 3RD AVE NE	BRAINERD	56401
91270100000000	FOSS, JARED D	918 GROVE ST	BRAINERD MN 56401			303 1ST AVE NE	BRAINERD	56401

9122000000000	FULLERTON, AARON L & JENNIFER	119 4TH AVE NE	BRAINERD, MN 56401	119 4TH AVE NE	BRAINERD	56401
9122010000000	FUSSY, MELISSA	221 2ND AVE NE	BRAINERD, MN 56401	221 2ND AVE NE	BRAINERD	56401
9122000000000	GOTTSCH, JAYME & HALEY	10719 E SHORE DR	MERRIFIELD MN 56465	114 1ST AVE NE	BRAINERD	56401
09122003001Y009	GOULD, WILLIAM	109 3RD AVE	BRAINERD, MN 56401	109 3RD AVE NE	BRAINERD	56401
9122010000000	GRECULA, BRETT M	315 3RD AVE NE	BRAINERD, MN 56401	315 3RD AVE NE	BRAINERD	56401
09122007003A009	H & H PROPERTIES OF MN LLC	4689 ASHLEY RD	BAXTER, MN 56425	215 4TH AVE NE	BRAINERD	56401
09122007003B009	H & H PROPERTIES OF MN LLC	4689 ASHLEY RD	BAXTER, MN 56425	211 4TH AVE NE	BRAINERD	56401
9122010000000	HABERLE, TAMARA K	318 3RD AVE NE	BRAINERD, MN 56401	318 3RD AVE NE	BRAINERD	56401
9122010000000	HACK, AMBER	323 2ND AVE NE	BRAINERD, MN 56401	323 2ND AVE NE	BRAINERD	56401
9122000000000	HANNAHS, DONALD C JR & MARY I	119 3RD AVE NE	BRAINERD, MN 56401	119 3RD AVE NE	BRAINERD	56401
9122010000000	HAYES, PAMELA A	301 2ND AVE NE	BRAINERD MN 56401	301 2ND AVE NE	BRAINERD	56401
9128010000000	HEATON, LYNETTE R & PHILLIP W	402 2ND AVE NE	BRAINERD, MN 56401	402 2ND AVE NE	BRAINERD	56401
9128020000000	HENDERSON, TODD	2716 WILDERNESS DR SW	PILLAGER MN 56473	408 3RD AVE NE	BRAINERD	56401
9128010000000	INNES, JEFFERY S	409 2ND AVE NE	BRAINERD MN 56401	409 2ND AVE NE	BRAINERD	56401
9127010000000	JENKINS, JAMES A & JUDITH A	309 1ST AVE NE	BRAINERD MN 56401	309 1ST AVE NE	BRAINERD	56401
9122010000000	JENTSCH, MICHAEL & BRENDA	14190 MEMORYWOOD D	BAXTER MN 56425	224 1ST AVE NE	BRAINERD	56401
9122010000000	JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	316 D ST	BRAINERD, MN	56401
09122010003Z009	JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	315 4TH AVE NE	BRAINERD	56401
9122010000000	JOHNSON, BETTY J	315 2ND AVE NE	BRAINERD MN 56401	315 2ND AVE NE	BRAINERD	56401
9122010000000	JUSTIN, RYAN M	810 10TH ST S	BRAINERD, MN 56401	324 2ND AVE NE	BRAINERD	56401
09122007005Z009	KAMPEN, TROY J	14936 WELTON RD	BAXTER, MN 56425-8227	309 B ST NE	BRAINERD	56401
9122010000000	KARLSON, MICHAEL B & DEBORAH	208 2ND AVE NE	BRAINERD MN 56401	208 2ND AVE NE	BRAINERD	56401
09122005008A009	KERAN, SHANE P & CHRISTINE M	208 1ST AVE NE	BRAINERD, MN 56401	208 1ST AVE NE	BRAINERD	56401
09122007004B009	KOEHLER FAMILY REV LIVING TRUST	313 B ST NE	BRAINERD, MN 56401		BRAINERD	56401
09122007005Y009	KOEHLER FAMILY REV LIVING TRUST	313 B ST NE	BRAINERD, MN 56401	313 B ST NE	BRAINERD	56401
9122010000000	KOTH, GARY D	205 2ND AVE NE	BRAINERD, MN 56401	205 2ND AVE NE	BRAINERD	56401
912700500200009	KOWALCZYK, RONALD	11524 STATE HIGHWAY 2	BRAINERD, MN 56401	305 1ST AVE NE	BRAINERD	56401
9128010000000	KREBSBACH, MATTHEW D	10624 LEISURE LN	BRAINERD, MN 56401-4707	405 3RD AVE NE	BRAINERD	56401
09122010005Z889	LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401	313 C ST	BRAINERD, MN	56401
9122010000000	LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401		BRAINERD	56401
9122010000000	LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401	308 3RD AVE NE	BRAINERD	56401
9122010000000	LARSON, ROBERT K	315 C ST	BRAINERD, MN 56401	310 3RD AVE NE	BRAINERD	56401
9122000000000	LEETCH, RAY V & BARBARA J	121 4TH AVE NE	BRAINERD MN 56401	121 4TH AVE NE	BRAINERD	56401
9122000000000	LOEFFELBEIN, JERRY E & PAMELA F	111 4TH AVE NE	BRAINERD MN 56401	111 4TH AVE NE	BRAINERD	56401
09122005006B009	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	113 B ST NE	BRAINERD	56401
9122010000000	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	214 3RD AVE NE	BRAINERD	56401
9122010000000	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	310 1ST AVE NE	BRAINERD	56401
9122010000000	LOTZER, ANDREW J	209 2ND AVE NE	BRAINERD, MN 56401	209 2ND AVE NE	BRAINERD	56401
09122003001Z009	LUNCH BOX PROPERTIES LLC	1303 S LE HOMME DIEU CT	ALEXANDRIA MN 56308	217 WASHINGTON ST NE	BRAINERD, MN	56401
9122000000000	LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	215 WASHINGTON ST NE	BRAINERD	56401
9122000000000	LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308		BRAINERD	56401
09122003004A009	LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308			

09122003005Z009	LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	201 WASHINGTON ST NE	BRAINERD	56401
91220000000000	LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	116 2ND AVE NE	BRAINERD	56401
09122004005A009	LUTTER, ANDREW J & KATHLEEN L	16396 STATE HWY 371	BRAINERD, MN 56401	107 WASHINGTON ST NE	BRAINERD	56401
91220100000000	MAKI, DEREK	307 2ND AVE NE	BRAINERD, MN 56401	307 2ND AVE NE	BRAINERD	56401
09122004003B889	MATTHEWS, KEVIN	113 WASHINGTON ST NE	BRAINERD, MN 56401	113 WASHINGTON ST NE	BRAINERD	56401
09122004001C889	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	123 WASHINGTON ST NE	BRAINERD	56401
09122004001D009	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	121 WASHINGTON ST NE	BRAINERD	56401
91220000000000	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	119 WASHINGTON ST NE	BRAINERD	56401
09122004003A009	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	115 WASHINGTON ST NE	BRAINERD	56401
91220000000000	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401		BRAINERD	56401
91220000000000	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	111 2ND AVE NE	BRAINERD	56401
91220000000000	MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	113 2ND AVE NE	BRAINERD	56401
09122004001A889	MATTSON, FRANK	PO BOX 137	BRAINERD MN 56401	109 2ND AVE NE	BRAINERD, MN	56401
91220000000000	MEYER, JOSEPH	23270 133RD ST	PIERZ, MN 56364-2562	121 3RD AVE NE	BRAINERD	56401
91220100000000	MILES, SYLVAN FOREST	8090 WHITSTROM RD	NISSWA, MN 56468	319 2ND AVE NE	BRAINERD	56401
09122007007Y009	MILLOCH, ROBERT F & RUTH	14082 INGLEWOOD DR	BAXTER, MN 56425	303 B ST NE	BRAINERD	56401
91220100000000	MONASMITTH, RYAN J	216 1ST AVE NE	BRAINERD, MN 56401	216 1ST AVE NE	BRAINERD	56401
91220100000000	NEDBERG, JOANNA M & JEDD B & JAMI F VANFELT		C/O ERLING NEDBERG	22989 LONE C ESTERO, FL 318 2ND AVE NE	BRAINERD	56401
09122007012A889	NELSON, SHIRLEY G TESTAMENTA F TRUST		C/O DEBBIE KUMMET	1820 S 8TH ST BRAINERD	310 C ST NE	BRAINERD
09122004004A009	NORTH CENTRAL STATES REGIONAL COUNCIL OF CARPENTERS		N2216 BODDE RD	KAUKAUNA, WI 54130	111 WASHINGTON ST NE	BRAINERD
91220100000000	O'DAY, JAMES T	316 1ST AVE NE	BRAINERD MN 56401	316 1ST AVE NE	BRAINERD	56401
912700000000000	OSCARSON, TROY A & KIMBERLY K	115 1ST AVE NE	BRAINERD, MN 56401	115 1ST AVE NE	BRAINERD	56401
91220100000000	PALMER, VENETTIE	317 4TH AVE NE	BRAINERD MN 56401	317 4TH AVE NE	BRAINERD	56401
09122002004X889	PBJ RENTALS LLC	PO BOX 60	ABERDEEN, SD 57401	106 3RD AVE NE	BRAINERD	56401
09122011007Z009	PIKUS, HANNAH MARIE	121 WASHINGTON AVE S	MINNEAPOLIS MN 55401-2127	302 2ND AVE NE	BRAINERD	56401
91220100000000	REINKE, MARJORIE L & ANDREA K	212 1ST AVE NE	BRAINERD MN 56401	212 1ST AVE NE	BRAINERD	56401
91220100000000	RICHTER, LAURA	307 - 3RD AVE NE	BRAINERD MN 56401	307 3RD AVE NE	BRAINERD	56401
91220100000000	RILEY, JEANNE	218 3RD AVE NE	BRAINERD, MN 56401	218 3RD AVE NE	BRAINERD	56401
91220100000000	RIVERS, RYAN F	218 DELOACH RD NE	LUDOWICI, GA 31316-3246	212 3RD AVE NE	BRAINERD	56401
09128013007Z009	ROHL, SHARON L	PO BOX 928	BRAINERD, MN 56401	103 D ST NE	BRAINERD	56401
91220100000000	RUNBERG, JAMES P REVOCALBE TR	1205 LAKEVIEW LN N	BRAINERD, MN 56401	223 4TH AVE NE	BRAINERD	56401
91220100000000	SCHMIDT, TIMOTHY J & SAMANTH	219 2ND AVE NE	BRAINERD, MN 56401	219 2ND AVE NE	BRAINERD	56401
09127005004Z009	SCHWENDEMAN, JEFFREY & MELIS	313 1ST AVE NE	BRAINERD, MN 56401	313 1ST AVE NE	BRAINERD	56401
09127005005Z009	SCOTT, GEORGE M & PATRICIA	323 1ST AVE NE	BRAINERD MN 56401	323 1ST AVE NE	BRAINERD	56401
09127001012Z009	SMART, SARAH M & MAATTALA, R	121 1ST AVE NE	BRAINERD, MN 56401	121 1ST AVE NE	BRAINERD	56401
91220000000000	STANGLER PROPERTIES LLC	7384 LONE OAK RD	BRAINERD MN 56401	124 2ND AVE NE	BRAINERD	56401
91220100000000	STANGLER PROPERTIES LLC	7384 LONE OAK RD	BRAINERD MN 56401	316 3RD AVE NE	BRAINERD	56401
91280100000000	STARR, BENNY	C/O PATRICIA DUROSE	602 POPLAR ST	CROSBY, MN 56441	401 2ND AVE NE	BRAINERD
91220100000000	STODDARD, JESSICA	310 2ND AVE NE	BRAINERD, MN 56401	310 2ND AVE NE	BRAINERD	56401
91270100000000	STRECK, SUSAN J	NO VALID ADD 2012 LAND SALE		305 1ST AVE NE	BRAINERD	56401
91220100000000	STUART, DEON V & MARGARET	218 FIRST AVE NE	BRAINERD MN 56401	218 1ST AVE NE	BRAINERD	56401
09122007007Z009	SZUDY, NICOLE M	202 3RD AVE NE	BRAINERD, MN 56401	202 3RD AVE NE	BRAINERD	56401

91220100000000 TAP, LLC	17668 JOHNSON ROAD	BRAINERD MN 56401	210 2ND AVE NE	BRAINERD	56401
09122004004C009 TAX FORFEITED	CROW WING COUNTY LAI	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590	BRAINERD	56401
09122006010B009 TAX FORFEITED	CROW WING COUNTY LAI	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590	BRAINERD	56401
91220100000000 THELEN, MICHAEL J & CARMON K	4117 SUNSET VIEW RD	NISSWA, MN 56468	212 2ND AVE NE	BRAINERD	56401
09122004004D009 TJ SPECIALTY CONSTRUCTION LLC	109 E WASHINGTON ST	BRAINERD MN 56401	218 2ND AVE NE	BRAINERD	56401
91280100000000 VEITH, STEVEN H	9797 LEGIONVILLE RD	BRAINERD, MN 56401	109 WASHINGTON ST NE	BRAINERD	56401
09122012011Z009 WARREN, HAROLD L & MONA R	4643 CINOSAM RD	BRAINERD, MN 56401	408 2ND AVE NE	BRAINERD	56401
09122007012B009 WEIDEMAN, PATRICK V	13982 CHERRYWOOD DR	BAXTER, MN 56425	104 D ST NE	BRAINERD	56401
91220100000000 WIECZOREK, STEPHANIE LYNN	311 2ND AVE NE	BRAINERD, MN 56401	224 3RD AVE NE	BRAINERD	56401
91220000000000 WILT, RICHARD E & DAVID A	5389 PIONEER TRL	BRAINERD, MN 56401	311 2ND AVE NE	BRAINERD	56401
09122007007X009 YOUNG, MARILYN T	305 B ST NE	BRAINERD MN 56401	120 2ND AVE NE	BRAINERD	56401
91220100000000 YOUNG, SHELLEY A &	JOHNSTON, KIM MARIE	6756 BARROWS AVE	305 B ST NE	BRAINERD	56401
			BRAINERD, MN 56401	302 1ST AVE NE	BRAINERD
					56401

PLANNING COMMISSION
Wednesday, January 16, 2019

#1 Call to Order

Planning Commission Vice-President Marohn 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, Duval, Gorham, and Marohn; and Council Liaison Lambert. Community Development Director Chanski was noted as present. Also present was City Administrator Torstenson and Administrative Specialist Bestul.

#2 Welcome New Community Development Director – Mr. David Chanski

The Chair welcomed Mr. David Chanski, the new Community Development Director in the City of Brainerd. Mr. Chanski gave a brief update of his first two weeks with the City in the newly created position which combined city planning with community development.

#3 Election of Chairperson and Vice Chairperson

Commissioner Lambert nominated Commissioner Gorham as Chair for 2019 and 2020.

Commissioner Duval seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER GORHAM AS CHAIR FOR 2019 AND 2020.

Commissioner Gorham nominated Commissioner Marohn as Vice-Chair for 2019 and 2020.

Commissioner Burslie seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER MAROHN AS VICE-CHAIR FOR 2019 AND 2020.

#4 Approval of Agenda

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

#5 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES AS PRESENTED.

#6 New Business

A. Public Hearing – Variance Request at 214 2nd Ave NE to Construct a 24' x 20' Accessory Building (garage)

CD Director Chanski stated that Mr. William John Cory has submitted a variance application for constructing a 20' x 24' garage on his property. The lot size is 140' x 25' and is located in an R-2 (Medium Density) Residential District. Based on Section 515-17; General Building Use and Design Provisions are as stated below:

3. A. Building Design Standards

2.a. Single Family Standards. An attached or detached garage is limited in size to sixteen (16) ft. by twenty (20) ft.

The proposed size of the garage and storage building is 20' x 24'.

8. B. Residential Accessory Buildings, Structures and Uses

3.a. 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:

Zoning District

R-2

Maximum Allowable Floor Area

10% of lot area

The lot is 3,500 sq. ft., limiting the accessory building area to 350 sq. ft. The garage and existing storage building total approximately 430 sq. ft.

3.c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' proposed garage at the midpoint is approximately 13.5'.

4.b. Setbacks. Side and rear setbacks shall be as provided for in the respective Zoning District.

Accessory Building and Structure side yard setbacks are three feet and a 20" side yard setback along the north property line is proposed.

The Chair opened the public hearing at 6:10 p.m.

The Chair recognized the petitioner, Mr. William John Cory, 214 2nd Ave NE Brainerd. Mr. Cory stated he is requesting to build a larger size than what is currently allowed on his property in order to have a two-stall garage. The utilities are located underground in the south three-foot section, thus the reason to request the setback of 20" on the north side.

Commissioner Duval stated under the evaluation criteria for issuing a variance, subdivision four related to Practical Difficulties reads as shown below:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner; and*
3. *The variance, if granted, will not alter the essential character of the locality.*

Commissioner Duval asked Mr. Cory to describe what practical difficulty he has to make his application valid.

Mr. Cory indicated having a two-car garage, as the current size allowed is too narrow to accommodate two vehicles. He stated he intends on removing the current shed on the property to allow for the garage.

Commissioner Marohn asked the relation of the lot lines to the existing fence line.

Mr. Cory stated the fence is located inside the lot lines.

Commissioner Marohn then asked if the intended garage would be located closer to the neighbor on the north side lot line. Mr. Cory confirmed this is true. Commissioner Marohn asked if Mr. Cory has communicated with that neighbor regarding his request. Mr. Cory indicated he has not, but the lot has been surveyed and marked clearly. Mr. Cory stated he plans on constructing the garage with 12" eaves so the overhang will not extend past the property line. The house is located 18" from the line and the proposal for the garage would be 20" from the line.

Commissioner Marohn asked about the current situation with storm water in the alley behind the property. Mr. Cory indicated the water remains in the alley and runs north to the street. There have been no issues with storm water even in heavy rains.

Commissioner Gorham asked CD Director Chanski if he had a chance to visit the property and neighborhood. Overall, there are many homes in the neighborhood that are very close to one another.

CD Director Chanski indicated the property is located in an older neighborhood. In researching the property, it was discovered that it was originally a full lot which had been reduced to half a lot at some point. He stated most of the homes in this neighborhood do have two-stall garages and Mr. Cory's request would not change the character of the neighborhood.

The Chair closed the public hearing at 6:20 p.m.

Commissioner Lambert expressed a two-stall garage would be more appropriate on the lot rather than the current storage shed. The lot size itself could be considered a practical difficulty.

Commissioner Burslie stated having a small lot with a small house, it makes sense to have a single garage, rather than a two-stall garage. He indicated in subdivision 3 it states, "*Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance*". He feels it is not a practical difficulty, as a single garage could be built to follow the current ordinance as it is stated and should be followed.

Commissioner Marohn stated he is looking at the four separate requests in the application and has no concerns with the first three listed. He stated he is more concerned with the setbacks and the closeness to the north side neighbor.

Commissioner Marohn requested Mr. Cory come forth for additional questions. He asked Mr. Cory to expand on his intentions regarding storm water drainage and how it would impact adjacent properties in being so close to other structures.

Mr. Cory stated the garage will be constructed to slope towards the alley for all overflow. The existing property already drains through the backyard to the alley. He said he would be willing to install gutters on the northside of the garage to direct the rain towards the alley.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL TO RECOMMEND APPROVAL OF THE VARIANCE BASED ON THE FOLLOWING CONDITIONS: 1) INSTALL GUTTERS ON NORTH SIDE OF GARAGE 2) MODIFYING THE SIZE OF THE STRUCTURE TO 17 ½' DEPTH (EAST TO WEST DIRECTION) X 20' WIDTH AND BASED ON THE FOLLOWING FINDINGS OF FACT: 1) THE NARROWNESS OF THE LOT MAKES CONFORMANCE WITH THE CURRENT CODE UNFEASIBLE 2) THE SMALL SIZE OF EXISTING HOUSE MAKES CONFORMING TO THE SIZE REQUIREMENT OF THE GARAGE DIFFICULT 3) UTILITIES ALONG THE SOUTH SIDE OF THE LOT MAKE ENCROACHMENT UNFEASIBLE AND JUSTIFIES A NORTHERN ENCROACHMENT 4) PROPOSED STRUCTURE IS CONSISTENT IN DIMENSION AND CHARACTER TO THE NEIGHBORHOOD.

Commissioners Duval, Gorham and Lambert voted "aye". Commissioners Burslie and Marohn voted "nay". The Chair declared the motion carried.

#7 Public Forum

The Chair opened public forum at 6:49 p.m.

No one came forward.

The Chair closed public forum at 6:49 p.m.

#8 Old Business

None

#9 Commissioner's Questions/Comments

Commissioner Lambert expressed thanks to Commissioner Marohn for arranging the guest speaker at the December meeting.

Commissioner Marohn indicated he would like to have discussion with the commission of what direction to take in 2019 and the concerns and topics that need to be addressed.

It was determined after Commission discussion and input from City Administrator Torstenson that scheduling a retreat is the best option for gathering outside of the scheduled Planning Commission meetings.

#10 Community Development Director's Report

CD Director Chanski gave a brief update to the Comprehensive Plan. He stated the process is moving forward into the second half of the plan with the next Steering Committee meeting scheduled for Monday, February 4, 2019. The public input stage has been completed with the next step of assembling the goals and policies. He indicated that one of the goals presented to him to complete for 2019 is to review all the City's current ordinances for clarity and transparency to the residents.

#11 Adjourn

The Chair adjourned at 7:28 p.m.

David Chanski
Community Development Director