

## **City Council/ Park Board Joint Workshop Agenda**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Monday, February 27 @ 6:00 pm

The public is invited to attend these meetings in person

**1. Call to Order**

**2. Roll Call**

**3. Discussion on Lum Park Beach Facility**

**4. Discussion Alcohol in Parks**

**5. Discussion of Parks Operating Capital Budget Process**

**6. Adjourn**

\_\_\_ K. Terry  
\_\_\_ T. Stenglein  
\_\_\_ G. Johnson  
\_\_\_ J. Czczok  
\_\_\_ M. O'Day  
\_\_\_ K. Stunek  
\_\_\_ K. Bevans  
\_\_\_ D. Badeaux

\_\_\_ J. Miller  
\_\_\_ T. Rushmeyer  
\_\_\_ K. Schaefer  
\_\_\_ A. Shipe  
\_\_\_ K. Yeager

**Any individual needing special accommodations, please call 828-2307**



# Brainerd City Council Agenda Request

**MEETING DATE:** February 27, 2023

**TITLE OF ITEM:** Discussion of Lum Park Beach Facility

**AGENDA:** Main Agenda

**ACTION REQUESTED:** Discussion Item

**SUBMITTED BY:** City Eng/PW Director Dehn

**DEPARTMENT:** Public Works

**PRESENTER:** City Eng/PW Director Dehn

**ESTIMATED TIME (MIN):** 5 Minutes

**SUMMARY OF ISSUE:**

This item is for discussion by the City Council and Park Board to discuss the scope of the beach facility at Lum Park to be included in a potential MnDNR Outdoor Recreation grant application.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:**

A draft of the Lum Park Master Plan is included in this packet. The Master Plan shows a new location of the facility further south to accommodate additional beach expansion south. The Master Plan indicates a beach pavilion and restroom building with concessions under the Structures column. During discussion at the 2/21/23 SPW Committee meeting, there was some discussion regarding the necessity of a restroom facility closer to the existing restroom facility adjacent to the parking lot, generally used by the campground. The consensus from both boards on the scope of this building will be included in the agenda item for the Park Board at their 2/28/23 meeting. Request for approval for applying for the MnDNR grant with the consensus scope will also be presented to the City Council for their approval at the 3/6/23 meeting.

**RECOMMENDED ACTION/MOTION:**

Discussion item.

**FINANCIAL IMPACT:**

*Is there a cost associated with this request:* No

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

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





### Park Amenities :

#### Summer activity spaces

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

#### Winter activity spaces

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

#### Structures

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



PROPOSED MASTER PLAN

LUM PARK

12.21.22





# Brainerd City Council Agenda Request

**MEETING DATE:** February 27, 2023

**TITLE OF ITEM:** Discussion of Alcohol in Parks

**AGENDA:** Main Agenda

**ACTION REQUESTED:** Discussion Item

**SUBMITTED BY:** City Eng/PW Director Dehn

**DEPARTMENT:** Public Works

**PRESENTER:** City Eng/PW Director Dehn

**ESTIMATED TIME (MIN):** 20 Minutes

**SUMMARY OF ISSUE:**

This item is for discussion by the City Council and Park Board to discuss the potential allowance of alcohol in Parks and potential changes to the City Code as necessary.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:**

The subject of alcohol in parks was discussed in December when discussing the new amphitheater facility policies. That discussion raised questions regarding use/sale of alcohol in all parks. When this was brought to the City Council for their review in January, there were additional questions regarding considerations for adult softball at Memorial Park and the campground in Lum Park. It was recommended by the Council to discuss this matter at the Joint Workshop to get a general consensus on potential changes to the City Code regarding sale/consumption of alcohol in parks.

A copy of the originally proposed Ordinance is included in this packet. Staff has also collected some sample Ordinance language from comparable communities for review as well. Consensus of this discussion will be collected by staff and presented to both the Park Board and City Council at their regular meetings in the form of an Ordinance for approval.

**RECOMMENDED ACTION/MOTION:**

Discussion item.

**FINANCIAL IMPACT:**

*Is there a cost associated with this request:* No

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

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

**ORDINANCE  
NO. 1542**

**AN ORDINANCE AMENDING SECTION 1200 OF THE CITY CODE CONCERNING SALE  
AND CONSUMPTION OF LIQUOR IN PUBLIC PARKS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

**SECTION ONE:** Purpose.

The existing City Code prohibits the sale and consumption of liquor in public places, while non-intoxicating malt liquor is allowed in limited circumstances in Memorial Park. This amendment provides the opportunity for the sale and consumption of intoxicating liquor in public parks pursuant to temporary on-sale licenses approved by the State under Minnesota Statutes section 340A.404, subdivision 10.

**SECTION TWO:** Amendment. The following provisions of Section 1200 are amended as indicated, with deleted language struck out and new language underlined:

1200.17        Restrictions on Purchase and Consumption. Subdivision 1. Liquor in Unlicensed Places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor on-sale ~~or a permit from the Commissioner of Public Safety under Minnesota Statutes, Section 340.119~~ and no person shall consume liquor in any such place.

Subdivision 2. Consumption in Public Places. No person shall consume liquor on a public highway, public park except in compliance with Section 1205.03, Subd. 5, or other public places. Notwithstanding the foregoing, intoxicating liquor may be mixed, sold and consumed in a public park pursuant to a temporary on-sale liquor license, subject to the following conditions:

- a) Only a club or charitable, religious, or other nonprofit organization in existence for at least three years may apply for a temporary on-sale liquor license. The on-sale of intoxicating liquor must be in connection with a social event within the City sponsored by the applicant. The applicant shall also apply for an event permit as required by City Code. The applicant may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality.
- b) The license requires approval by the City Council. If approved, the license is subject to the terms set forth by the Council. Those terms include the following:
  - 1. The on-sale of intoxicating liquor is limited to four consecutive days or less as set forth in the license.
  - 2. If catered, the license shall provide the name and address of the catering entity that holds a full-year on-sale intoxicating liquor license.
  - 3. The license fee must be paid in full before the license is issued.
  - 4. The license must be reviewed and approved by the Commissioner of Public Safety before it is deemed in effect.
  - 5. The area within the park in which liquor is to be sold and consumed must be entirely contained within a building and/or within temporary fencing preventing sale and consumption of alcohol outside the approved area.

6. One or more City police officers shall be assigned to the event at licensee's sole cost. The number and nature of police presence shall be in the sole discretion of the Police Chief or the Chief's designee.
7. The licensee shall provide proof of liability and property insurance. The liability insurance shall be in an amount no less than the tort limits set forth in Minn. Stat. § 466.04. The property insurance shall be in an amount no less than \$500,000 per occurrence.

SECTION THREE: Effective Date. This ordinance becomes effective from and after its passage and publication pursuant to the City Charter.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

ATTEST: \_\_\_\_\_  
JENNIFER BERGMAN  
City Administrator

Publication date: \_\_\_\_\_, 2023

# MEMO



**TO:** City Council, Mayor, and Park Board

**FROM:** Dylan Edwards, Assistant Planner  
James Kramvik, Community Development Director

**DATE:** February 10, 2023

**RE:** Alcohol Policies in Municipal Parks in other Minnesota Cities

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## Introduction:

After recent discussions by City Council on the issue of permitting the consumption of Alcohol in public park spaces. Here is a summary of other Minnesota lake towns of a similar size to Brainerd for a comparison. Included is the code language for each of these cities related to the issues of “everyday alcohol usage in Parks”, “special event and facility rental usage”, “adult recreational league usage”, and “municipal campground alcohol usage”.

## Selected Cities:

### **Bemidji, MN – population 15,279**

The City of Bemidji’s City Code is reflective of the general state of the laws on alcohol in parks throughout the other towns chosen in this survey. Note the State of Minnesota has a ban on open containers in their state parks many cities fall in line with this at the municipal level. Here is how Bemidji treats the following situations in their Code:

- **“Everyday alcohol usage in Parks”**
  - Bemidji Code of Ordinances, Chapter 14 Article 2, Section 14-36 A.13
  - *“Alcoholic beverages in parks. It is unlawful for any person to consume or possess in an unsealed container beer, wine, or liquor, as those terms are defined in chapter 4 of this Code, on any streets or other public property except city parks and other public property when and where permission has been specifically granted by the city manager or licensed by the council.”*
- **“Special event and facility rental usage”**
  - Bemidji Code of Ordinances, Chapter 4 Article 3, Section 4-97 B
  - *“The council may authorize the holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor off premises at a community festival held within the city. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed and shall not be issued unless the licensee demonstrates that he has*

*liability insurance as prescribed by this article and state law to cover the event.”*

- **“Adult recreational league usage”**
  - Bemidji Code of Ordinances, Chapter 4 Article 3, Section 4-97 B
  - This would in theory be covered by the language in the above ordinance.
- **“Municipal campground alcohol usage”.**
  - The City of Bemidji does not own its own municipal campground thus it does not have code for this.

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## **Willmar, MN – population 21,045**

The City of Willmar’s City Code is reflective of the general state of the laws on alcohol in parks throughout the other towns chosen in this survey. However, the 5 exceptions to the Park alcohol ban are a simple means of limiting usage to special events.

- **“Everyday alcohol usage in Parks”**
    - Willmar Code of Ordinances, Chapter 11 Article 4 Section 11-88
    - *“No person shall bring within, sell, give away, possess or drink intoxicating or nonintoxicating alcoholic beverages at any time in any park except as provided in this section.”*
  - **“Special event and facility rental usage”**
    - Willmar Code of Ordinances, Chapter 11 Article 4 Section 11-88.1-5
    - *“No person shall bring within, sell, give away, possess or drink intoxicating or nonintoxicating alcoholic beverages at any time in any park except as provided in this section.*
      - (1) Alcoholic beverages may be sold in a park if the city has issued a license or permit for such sale and the sale occurs at the time and date specified in the license or permit.*
      - (2 )Alcoholic beverages may only be consumed and possessed in a park if purchased from the licensee or permittee authorized by the city to make the sales in the park .*
      - (3) All alcoholic beverages must be consumed within the area of the park specified by the city.*
      - (4) No alcoholic beverages shall be consumed or possessed more than one-half (½) hour after sales of alcoholic beverages have ceased.*
      - (5) All alcoholic beverages must be consumed from the container which they were in at the time of purchase.”*
  - **“Adult recreational league usage”**
    - The above language would cover recreational league games if they were using the city permit applications process noted in the Code language.
  - **“Municipal campground alcohol usage”.**
    - The city is not in possession of a Municipally owned campground.
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## **Detroit Lakes, MN – population 9,795**

- **“Everyday alcohol usage in Parks”**

- Detroit Lakes Code of Ordinances, Section 704 Subdivision 1 & 2
- *Subd. 1. Except as provided in Subd. 5 of this ordinance and Minnesota Statute 169A.35, Subd. 6, no person may possess any intoxicating liquor or 3.2 malt liquor in or on any City Beach, City Park, City Pavilion, portion of the public right of way or street designated for vehicular travel, sidewalk, parking lot, alley, highway, boulevard, vehicle or on the premises of a sports, convention or cultural facility owned by the City and located within the City. Violation of the subdivision shall be a petty misdemeanor.*
- *Subd. 2. Except provided in Subd. 5 of this ordinance and Minnesota Statute 169A.35, Subd. 6, no person may sell, serve or consume intoxicating liquor or 3.2 malt liquor while in, at, or on any public street, alley, highway, boulevard, sidewalk, vehicle, theatre, picture show, ball park, City Park, cafe, restaurant, hotel dining room, soft drink parlor, City Pavilion, dance hall, City Beach, or any public gathering for amusement or entertainment. This subdivision shall not apply to premises licensed pursuant to 702 or 703, for sales, possession and consumption in accordance with the establishment's license. Violation of this subdivision shall be a misdemeanor.*

- **“Special event and facility rental usage”**

- Detroit Lakes Code of Ordinances, Section 704 Subdivision 5
- *Subd. 5. Permits. The Council may, at its discretion, permit the sale, service, possession or consumption of intoxicating liquor or 3.2 malt liquor, or both, in at or on any place otherwise prohibited by Section 704.01 of this ordinance, provided such possession, sale, service or consumption otherwise complies with Sections 702 and 703 of this ordinance. Such permit shall be issued only upon written application filed with the City Administrator at least thirty days prior to the date of the proposed sale, service, possession or consumption. The Council may, by resolution, further regulate the manner and time of possession, sale, service or consumption and the persons or organizations who may be eligible for such permit and condition the issuance of any such Permit upon the applicant's agreement that it will pay the City's reasonable costs, disbursements and attorney fees incurred by the City in enforcing the provisions of the permit or any 700-21 violation of the permit.*

- **“Adult recreational league usage”**

- See the above language pursuant to the topic of permitting events where alcohol consumption and service is expected.

- **“Municipal campground alcohol usage”.**

- The city is not in possession of a Municipally owned campground.



Ely, MN – population 3,268

- **“Everyday alcohol usage in Parks”**

- Ely Code of Ordinances, Chapter 5 Section 17
- *It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.*

- **“Special event and facility rental usage”**

- Ely Code of Ordinances, Chapter 5 Section 42
- *“The Council may authorize any holder of an on-sale liquor license issued by the City or by an adjacent municipality to sell liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the City, or instrumentality thereof having independent policy-making and appropriating authority and located within the City. The licensee must be engaged to sell liquor at such an event by the person or organization permitted to use the premises, and may sell liquor only to persons attending the event. The licensee shall not sell liquor to any person attending or participating in any amateur athletic event. Such sales may be limited to designated areas of the facility. All such sales shall be subject to all laws relating thereto. The licensee shall provide proof of the extension of financial responsibility coverage to the premises on which such sales are to be made.”*

- **“Adult recreational league usage”**

- Ely Code of Ordinances, Chapter 5 Section 42
- Based on the above language alcohol is not permitted at the amateur sporting events in the above text.

- **“Municipal campground alcohol usage”.**

- The city is not in possession of a Municipally owned campground.
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Alexandria, MN – Pop. 14,335

- **“Everyday alcohol usage in Parks”**

- Alexandria Code of Ordinances, Chapter 3 Section 7-12
- *Subd. 12. Restrictions on Purchase and Consumption. No person shall consume liquor on a public highway, or in a public park, or other public place. Provided, however, that liquor may be consumed by persons at least 21 years of age on a public highway, or in a public place within the limited time and area designated in a Temporary Off-Premise Community Festival Liquor License duly granted by the City.*

- **“Special event and facility rental usage”**

- Alexandria Code of Ordinances, Chapter 3 Section 7-18
- **Subd. 1.** Pursuant to Minnesota Statutes §340A.404, Subd. 4(b), as the same may be amended from time to time, the City may grant to a holder of an on-sale intoxicating liquor licenses issued by the City a Temporary Off-Premise Community Festival Liquor License which shall authorize the licensee to dispense intoxicating liquor at a community festival held within the City.

*Subd. 2. No Temporary Off-Premise Community Festival Liquor License will be granted unless and until the applicant:*

*1. Specifies and the City Council approves the area in which the intoxicating liquor will be dispensed and the dates and times of dispensing;*

*2. Demonstrates that is has insurance, included the insurance required by Minnesota Statute §340A.409, to cover the event;*

*3. Demonstrates how it will satisfy any and all safety, security, sanitation and other conditions the City Council may impose; and*

*4. Pays any license fee imposed by the City Council.*

**Subd. 3.** The holder of a Temporary Off-Premise Community Festival Liquor License shall not dispense or allow the consumption of intoxicating liquor outside the area and time approved by the City Council.

**Subd. 4.** The license fee for Temporary Off-Premise Community Festival Liquor License shall be \$100.00.

**Subd. 5.** To obtain a Temporary Off-Premise Community Festival Liquor License, a holder of an on-sale intoxicating liquor license issued by the City must submit to the City Administrator or his/her designee a verified application containing the name of the licensee and the information specified in Subd. 2 of this Section, and said application will be considered by the City Council.

- **“Adult recreational league usage”**



- Alexandria Code of Ordinances covers this in the above language and outlines an exception for on-sale alcohol service at Junior league hockey games.
- **“Municipal campground alcohol usage”.**
  - The city is not in possession of a Municipally owned campground.

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Sauk Centre, MN – Pop. 4,555

- **“Everyday alcohol usage in Parks”**
  - Sauk Centre Code of Ordinances Chapter 113 Section 16.A
  - *It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any city park, street, public property, or private parking lot to which the public has access, except on premises when and where permission has been specifically granted or licensed by the Council. Permission to consume or possess alcohol in a city park is hereby granted by the city with the rental of a park shelter for a gathering or during an organized event with the exception of organized youth events. Intent to consume alcohol shall be indicated on the rental agreement. Permission is specifically granted to occupants of Sinclair Lewis Campground during his or her rental period.*
- **“Special event and facility rental usage” and “Adult recreational league usage”**
  - Note in the above ordinance language permission for alcohol consumption and possession in the park is allowed in rented spaces as part of the rental agreement.
- **“Municipal campground alcohol usage”.**
  - The ordinance language states that the rental of a campground space includes permission for alcohol usage and possession.





# Brainerd City Council Agenda Request

**MEETING DATE:** February 27, 2023

**TITLE OF ITEM:** Discussion of Parks Operating and Capital Budget Process

**AGENDA:** Main Agenda

**ACTION REQUESTED:** Discussion Item

**SUBMITTED BY:** City Eng/PW Director Dehn

**DEPARTMENT:** Public Works

**PRESENTER:** City Eng/PW Director Dehn

**ESTIMATED TIME (MIN):** 20 Minutes

**SUMMARY OF ISSUE:**

The City Charter states that “the Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards with in the City, also such streets and other public grounds as the City Council shall by proper resolution designate.” Further, it states that “the board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to approval of the City Council.” (See Attached – Chapter 7 of the City Charter)

After the presentation of the Park Budget for 2023 last fall, Council and the Park Board suggested that we have a work session to clarify the process since the Charter language is rather broad.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:**

The general philosophy of the Park Board regarding the planning and budgeting process has been centrally focused on the completion of the park’s master planning. To date, there are only 6 remaining master plans to be discussed by the Park Board. These are scheduled to occur during March and April. Once the master planning has been completed, it is intended to identify capital expenses throughout the parks system and schedule those expenses throughout their expected life. Once this has been completed, the 30-Year Capital Plan would be revised based on those expenses and priorities followed by presentation of the 2024 Capital budget request during the summer of 2023.

Discussion questions:

- 1) What should the Park Board present to the Council? (detailed? Line item?)
- 2) What is the budget process/timeline? (When does the Council approve the Park Boards budget? At the meeting when it’s presented? At the next regular City Council meeting?)
- 3) What authority does the Council and Park Board have after the Parks budget has been adopted? What is the role of the City Council? What is the role of the Park Board?

**RECOMMENDED ACTION/MOTION:**

Discussion item.

**FINANCIAL IMPACT:**

*Is there a cost associated with this request:* No

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

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



## **CHAPTER SEVEN**

### **THE PARK AND RECREATION BOARD**

1. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.
2. The said board shall organize by selecting a President and Vice-President from its members. A Clerk shall keep a full record of all proceedings of said board, and a Treasurer who shall keep books showing all monies received and disbursed and the management of the business committed to said board.
3. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure, or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.
4. The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the City Council.
5. The members of said board shall receive no compensation.