



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

# MEMO



**TO:** Mayor & Council

**FROM:** Cassandra Torstenson, City Administrator  
Connie Hillman, Finance Director

**DATE:** March 13, 2019

**RE:** Proposed Ordinance No. 1492

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Liquor licenses renew July 1<sup>st</sup>. We need to have the ordinance establishing the fees in place by the middle of April to send out the renewal packets.

## **On-Sale License Fee:**

The City can issue twelve on-sale liquor licenses per state statute. Bowling centers, hotels, clubs and restaurants are excluded from the state maximum number of licenses allowed to be issued. The City has twelve on-sale liquor licenses issued for 7/1/18-6/30/19:

1. O'Neary's
2. Pit Stop
3. Shep's on 6<sup>th</sup>
4. Yesterday's Gone
5. The Local 218
6. Last Turn
7. 612 Station
8. SE'Z
9. The Parlor
10. Senor Patron
11. Sage on Laurel
12. 9<sup>th</sup> Street Social Club

Staff believes six out of the twelve would qualify as a restaurant per the qualifications established in Ordinance 1483 - can serve more than 30 guests at one time and have a category 3 food license.

For the same license period of 7/1/18-6/30/19, the City also has one bowling center, no hotels, and four club on-sale licenses.

The table below captures, the historical, initial proposal, Council's recommendation, and two additional optional fee structures:

	<b>Current</b>	<b>Initial Proposal</b>	<b>Council Proposal</b>	<b>Alternative (a)</b>	<b>Alternative (b)</b>
Class 1	\$3,000	\$5,000	\$3,300	\$3,500	\$4,000
Class 2	\$3,000	\$2,000	\$2,700	\$2,500	\$2,000
Class 3	\$3,000	\$2,000	\$3,000	\$3,000	\$3,000

Both the Council’s proposal and the 2 alternatives keep the revenue as budgeted for 2019 assuming the six entities that are eligible to be a restaurant choose a class 2 license at renewal. There are many combinations that can be established. The goal of having the three different classes was to provide an incentive for more entities to be restaurants rather than bars.

**Club On-Sale License Fee:**

Currently the on-sale license fee for clubs is set at \$500 per year. As explained at the last council meeting, we noticed that several other cities had a fee for clubs based upon membership that were all the same. MN Statute 340A.408 Subd. 2(b) states: The annual license fee for an on-sale intoxicating liquor license issued by a municipality to a club **must be no** greater than:

- (1) \$300 for a club with 200 members;
- (2) \$500 for a club with 201 and 500 members; and so on as listed in the proposed ordinance.

Staff does not know the memberships of our clubs, however by keeping the fee at \$500 we could be violating statute if a club has 200 members or less. If we change the application and if they mark the box for being a Club, they would need to list their number of members and they would be charged accordingly, it would be “on the honor” system.

**Other Fees:**

There were a couple other fees that needs to have council direction. They are:

- Food Truck License
- Decks

Please feel free to contact us if you have any questions.

/clh

**ORDINANCE  
No. 1492**

**AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 LICENSE FEES, SECTION 1015 PERMIT PROCEDURES AND FEES, SECTION 425 RENTAL HOUSING MAINTENANCE CODE, SECTION 421 UNIFORM FIRE CODE AND OTHER FEES**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1010.01 Fees Set. Shall be amended as follows:

Subdivision 2. Amusement and Entertainments.

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Bowling	1100	\$20 per alley	Remove-obsolete
Pool Tables	1100	\$25	Remove-obsolete

Subdivision 3. Building, Planning and Zoning.

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Food Trucks	515-66	\$500 annual	Needs discussion

Subdivision 5. Liquor and Cigarettes.

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
On-Sale Liquor Bars, Pubs, Taverns	1200	\$3,000	\$5,000
On-Sale Liquor Restaurants	1200	\$3,000	\$2,000
On-Sale Liquor Bowling Centers, Hotels	1200	\$3,000	\$2,000
Sunday On-Sale Liquor	1200	\$100	\$150
On-Sale Liquor Club Membership (Based on MN Statute 340A.408 Subd.2)	1200	\$500	\$300; 200 or less \$500; 201-500 \$650; 501-1,000 \$800; 1,001-2,000 \$1,000; 2,001-4,000 \$2,000; 4,001-6,000 \$3,000; 6,000 or more

Subdivision 7. Miscellaneous. To Be Added

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Assessment Search Fee	Police Adopted July 1995	\$5	\$10
NSF Check Fee	-	\$9	\$20
E99 Addressing Fee	Adopted in 2010	\$50	\$75 (sign \$25 + 1 hour staff time)

Subdivision 8. Fire Sprinkler System Installation and Remodeling

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
New Construction	1010.01	\$25 + \$1 for each sprinkler head	\$100 + \$1 for each sprinkler head

SECTION TWO: That Section 1015 – Permit Procedures and Fees be amended as follows:

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Decks	1015.11	Based on Valuation	<b>Discuss a Set Fee</b>
Mobile Home Installation	1015.13	\$150 + \$1 State Surcharge	\$250
Street Vacation	1015.13	\$50	\$150 (recording fee is \$46 + 2 hours staff time)
Digital Mapping	1015.13	\$25 per acre - \$200 minimum	Remove-obsolete

SECTION THREE: That Section 425 – Rental Housing Maintenance Code

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Rental License Fee	425.1880	\$32 per unit	Referred to the Rental Housing Review Committee
Rental License Re-Instatement Fee	425-1945	\$15 per unit	\$32 per unit

SECTION FOUR: That Section 421 – Uniform Fire Code be amended as follows:

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Fire Extinguisher Training	421	\$5 per person up to \$100	\$5 per person up to \$250
Natural Gas Hits (if proper procedures are not followed)	421	\$100	\$175 per hour – Billed in full hours
Emergency Services per Accident per Vehicle Rescue	421	\$200	\$0
Extrication per Vehicle per Incident	421	\$500	\$0
Training Room Rental 4 hours or less	421	\$35	\$75

Training Room Rental 4-8 hours	421	\$60	\$125
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Miscellaneous Fees to be Added to Section 1010.01 Fees Set Subdivision 7. Miscellaneous

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
Assessment Search Fee	Policy adopted July 1995	\$5	\$10
NSF Check Fee	-	\$9	\$20
E911 Addressing Fee	Adopted in 2010	\$50	\$75 (Sign \$25 + 1 hr staff time)

SECTION FIVE: All other provisions of Sections 1010.01, 1015, 425, and 421 shall remain in full force and effect.

SECTION SIX: This ordinance shall take effect and be in full force one 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