

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – May 3, 2010

Pursuant to due call and notice, a regular meeting of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, May 3, 2010 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Councilmembers were declared present: Lehmann, Waldhausen, Johnson, Hellquist, Downs, Negard, Meuers

Staff Present: City Manager John Chattin, City Attorney Alan Felix, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

Mayor Lehmann called for any amendments to the agenda. The following item was requested by the City Clerk to be added to the Consent Agenda:

- Annual Public Hearing for NPDES Permit – Stormwater Pollution Prevent Program (SWPPP) on May 17, 2010

Motion by Meuers, seconded by Johnson, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the April 19, 2010 regular meeting and special B.E.D.A. meeting and April 26, 2010 work session were presented for approval. **Motion by Downs, seconded by Negard, to approve the minutes as prepared. Motion carried by unanimous vote.**

CONSENT AGENDA

The following Consent Agenda items were presented for approval. **Motion by Johnson, seconded by Waldhausen, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$380,527.46
2. Miscellaneous 2010 Business License Renewals
3. 1-day Temporary Consumption & Display Permit – Art Center on 5/26/2010
4. Council Travel Authorization:
 - CGMC Board Meeting, St. Paul – May 6 – Johnson
 - League of MN Cities Annual Marketplace/Conf., St. Cloud – June 23-25 – Johnson
5. Annual Public Hearing for NPDES Permit – Stormwater Pollution Prevent Program (SWPPP) on May 17, 2010

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Waldhausen stated that the Commission will be hosting a Listening Lunch on Friday, May 6.

BSU Student Senate - Leo Clark, Co-President, introduced the 2010-2011 Senate Co-Presidents, Michael Meehlhause and Kyle Moellering.

PRESENTATION

DWI Court Update

Shari Schlucter, Beltrami County District Judge, provided an update on the Beltrami County DWI Court. Judge Schlucter stated that the program is in danger of being cut and they have suspended taking new participants. It costs \$92,700 to operate DWI court for one year. She stated they are seeking funding from all sources, i.e., grants.

Captain Bob Lehmann, Bemidji Police, stated that he is very involved with the program and oversees random compliance checks. These checks keep participants from drinking. He stated he hoped that the City may find some funding to help keep DWI Court operating.

Sheila Fontaine, Probation Officer, stated that the “accountability factor” is what helps participants change their behavior. The job is to move them from external motivation to internal motivation. She stated that there have been many successes and the program has proven to reduce recidivism from 64 to 14 percent.

ORDINANCES

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending an Uncoded Section of the City Code Pertaining to Alley Vacations (Smith/Seitz Request). Mayor Lehmann opened the Public Hearing at 7:32 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the City Code Pertaining to Alley Vacations (Smith/Seitz Request) was given a second reading.

Amending Chapter 6 (Dogs/Cats)

Mayor Lehmann stated that staff has provided new language for the Council to consider for the Ordinance Amending Chapter 6, relating to dogs. He stated that unless the Council wanted to, he was not reopening the public hearing.

Motion by Negard, seconded by Downs, to reopen the public hearing of an Ordinance Amending Chapter 6, Article II relating to dogs. Motion carried with a 4:2 vote and one abstaining.

Mayor Lehmann reopened the public hearing at 7:42 p.m.

Linda Lemmer, 143 Gemmel Avenue SW, was concerned about licensing her cats as she may not be able to catch them.

Joan Bernstrom, 415 America Avenue NW, urged the Council to vote against the ordinance amendment as there are many responsible pet owners and the City should go after those that are not responsible.

Zada Shindelar, 1601 Norton Avenue NW, stated she has 14 dogs and was opposed to the ordinance. She does license all her dogs and keeps them in a fenced yard on her property.

Denise Summerford, 819 21st Street NW, stated that the ordinance will result in unnecessary deaths of animals. She was concerned about people having the ability to foster animals for the Humane Society. She encouraged mandatory spaying or neutering.

Kit Belcher, Humane Society, stated that there are spaying and neutering clinics available at the Humane Society.

William Shindelar, 1601 Norton Avenue NW, asked the council to consider a “legacy” clause.

Arthur Gullette, 3408 Cedar Lane NW, agreed with Mr. Shindelar.

Steve McGuirk, 1318 2nd Street SE, stated concerns about letting people keep excess animals for two years or longer.

Eric Alvin, 1124 1st Street East, opposed to the ordinance and presented a petition signed by approximately 20 people to that affect.

Adam Steele, 189 Gemmel Avenue SW, not in favor of enforcement by complaint as it becomes a matter of politics.

Hearing no further comments, Mayor Lehmann closed the public hearing at 8:25 p.m.

Discussion continued regarding allowing the grandfathering of existing dogs and cats, legacy language.

Motion by Negard, seconded by Downs, to allow dogs and/or cats in excess of 4 if licensed 30 days after the ordinance becomes law to be grandfathered-in. Motion carried unanimously.

AN ORDINANCE Amending Chapter 6, Article II relating to dogs, by adding provisions requiring, among other things, the licensing and registration of cats, by adding restrictions limiting the total number of dogs and cats that may be kept on the premises of an individual occupancy unit in the city, and prohibiting the running at large of cats in the city was given a second reading.

Felix stated he will provide language regarding legacy.

Fee Schedule Amendment

Mayor Lehmann suggested that the Council consider reinstating the yellow bag service to only the current customers and charge \$1/month can rental.

Motion by Downs, seconded by Meuers, to not delete the yellow bag system \$2 fee to allow those currently on the system to continue. Furthermore, that no new customers be added to this service and to charge a \$1/month can rental fee. Motion carried unanimously.

Discussion continued regarding the fee for licensing of dogs and cats. Staff will bring a recommendation for the Council’s consideration at their next meeting.

Motion by Johnson, seconded by Waldhausen, to table the 3rd and Final Reading of the Ordinance Amending the 2010 Fee Schedule until the May 17 Council meeting in order to consider fee increases for dog/cat licensing. Motion carried unanimously.

LIBRARIAN’S REPORT

Paul Ericsson, Branch Manager, provided an update of activities and events at the Bemidji Public Library.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING COUNCIL MEETINGS

- Tuesday, May 4, 2010 5:00 p.m. Board of Review
- Monday, May 10 5:30 p.m. Work Session - Leo A Daly
- Monday, May 17 7:00 p.m. Council Meeting
- Monday, May 24 5:30 p.m. Work Session – Ridgeway Park RFP

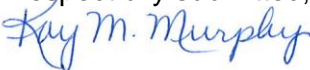
COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.
- Downs suggested that the Carnegie Building at Library Park be sold to the Region II Arts. Waldhausen responded that Cindy Serratore of the Heritage Preservation Commission has approached Region II Arts in this regard and has heard nothing to date.
- Filing Dates for Candidates – May 18 through June 1

ADJOURN

There being no further business, motion by Johnson, seconded by Downs, to adjourn the meeting. Motion carried. Meeting adjourned at 9:14 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk