

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – April 19, 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, April 19, 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 Chatten, City Attorney Alan Felix, City Engineer Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

#### **AMENDMENTS TO AGENDA**

Mayor Lehmann called for any amendments to the agenda. **Motion by Johnson, seconded by Downs, to approve the agenda as presented. Motion carried by unanimous vote.**

#### **MINUTES**

Minutes of the April 5, 2010 regular meeting, April 5, 2010 BEDA special meeting and April 12, 2010 work session were presented for approval. **Motion by Waldhausen, seconded by Johnson, to approve the minutes as corrected. Motion carried by unanimous vote.**

#### **CONSENT AGENDA**

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

- 2) Claims submitted by the Finance Officer in the total amount of \$3,354,209.59
- 3) Business License Renewals for 2010
- 4) 1 Day Temporary Consumption & Display Permit – Chamber Event on 5/11/2010
- 5) Reapportionment of Special Assessments – Mark Dickinson
- 6) **RESOLUTION NO. 5626:** Restricting Parking on Park Avenue NW from 26<sup>th</sup> Street NW to 30<sup>th</sup> Street NW (SAP 105-115-104)
- 7) **RESOLUTION NO. 5627:** Approving a Construction Agreement with MnDOT for Trunk Hwy 71/197
- 8) 2010 Budget Modification No. 1
- 9) Purchase a 2007 Kenworth T300 Dump Truck (Sahling Kenworth for \$63,000) – Street Department

**Motion carried by unanimous vote.**

#### **COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Sam Bock, BYA representative, updated the Council on the June 7 Youth Day event.

BSU Student Senate – Leo Clark, Senate Co-President, reported on current activities at Bemidji State University. Andrew Spaeth was selected as the MSUSA State Chair.

#### **Bemidji Jaycees Water Carnival**

Shannon Perry and Ryan Thomas, Co-Chairs, requested the use of the Waterfront for the 66<sup>th</sup> annual Jaycee Water Carnival. Mr. Thomas asked the Council to consider waiving the fee for the City's costs of providing policy security during the event for the following reasons: 1) the Jaycees were the first and only organization to be charged the fee; 2) they donate time and proceeds to the community; 3) provide the tent that is used by Fishing Has No Boundaries; and 4) the event brings tourist dollars to Bemidji.

Motion by Downs, seconded by Johnson, to waive the policy security fee. Motion failed with the following vote: Ayes: Downs, Johnson. Nays: Lehmann, Meuers, Waldhausen, Hellquist, Negard.

**RESOLUTION NO. 5628: Approving the Site for the 2010 Jaycees Water Carnival and Approving a Temporary On-Sale 3.2 License – June 30, 2010 and the 1-4 Day Temporary Liquor License – July 1-4, 2010, was offered by Councilmember Meuers, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.**

2010 Dragon Boat Festival

**RESOLUTION NO. 5629: Approving the Site for the 2010 Dragon Boat Festival and Approving a 1-4 Day Temporary Liquor License – August 5-7, 2010, was offered by Councilor Hellquist, who moved its adoption, and upon due second by Councilor Downs was passed by unanimous vote.**

Easement Exchange with Edgewater Group

Chattin stated that the South Shore Design Review Committee has reviewed Rich Siegert's proposed Doubletree Hotel project plans and they are recommending that a 100 foot setback be approved, as that will keep parking south of the proposed hotel and not on the lake side. To accommodate the proposed parking plan, Mr. Siegert would like to obtain an easement from the city for a corner of the new boat landing site. In turn, the City would need an easement from Siegert to accommodate a redesigned storm water pond.

Felix stated that since the land is owned by BEDA, it would need to be approved by that group.

**Motion by Hellquist, seconded by Meuers, to move the approval of the easement exchange with the Edgewater Group to the BEDA Special Meeting agenda. Motion carried by unanimous vote.**

Interior and Exterior Signage to SignArt

Gerry Domino, Kraus-Anderson Construction, reviewed the bids for the interior and exterior signage at the Bemidji Regional Event Center. He stated that thirteen bids were received and were reviewed by Kraus, Leo A Daly and Signia Design, Inc. and recommended awarding the bid to SignArt Company of Mendota Heights, Minnesota, in the amount of \$169,378.17.

**Motion by Johnson, seconded by Waldhausen, awarding the bid for interior and exterior signage for the Event Center to SignArt Company in the amount of \$169,378.17. Motion carried with the following vote: Ayes: Waldhausen, Negard, Downs, Johnson, Hellquist, Lehmann. Nays: Meuers.**

**ORDINANCE(S)**

Fee Schedule Amendment

Hellquist expressed concerns about the proposed connection charge for Birchmont Drive utilities on the fee schedule. Felix stated that the attorney for Northern Township has been made aware of the connection charge and he recommended that the Council leave the fee as is.

Pursuant to published notice, a Public Hearing was held to receive input regarding amending the 2010 Fee Schedule. Mayor Lehmann opened the Public Hearing at 7:58 p.m.

Susan Foster, 115 Mississippi Avenue SW, stated that she has contacted several of the individuals that used the yellow garbage bags. There were approximately 30 people and they were primarily on low-fixed incomes, single and/or elderly women. She stated that she realized the city has staff shortages but suggested that the Christmas lights be cutback. She stated that every community offers something unique and this is not a reason to eliminate this service. She commented that the ability to have garbage service allows these people to remain in their homes.

Adam Steele, 819 Gemmel Avenue SW, stated he would like the yellow bag system to continue. He noted that the refuse truck comes down the block anyway.

Mayor Lehmann closed the Public Hearing at 8:11 p.m.

- **AN ORDINANCE** Amending the 2010 Fee Schedule was give a second reading.

Amending Chapter 6 (Dogs/Cats)

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending Chapter 6, Article II relating to dogs by adding restrictions limiting the total number of dogs and cats that may be kept on the premises of an individual residential occupancy unit in the city, and prohibiting the running at large of cats as well as dogs in the city. Mayor Lehmann opened the Public Hearing at 8:25 p.m.

Linda Lemmer, 143 Gemmel Avenue SW, stated she has ten cats that are strays that she has acquired and all cats have been spayed and neutered. She was concerned that with the economy there may be more cats abandoned and this could impact the Humane Society.

Steve McGuirk, 1318 2<sup>nd</sup> Street SE, supported the proposed ordinance.

Karen Kimborough, 2902 Bixby Avenue NE, stated that cats are not the nuisance but people are the problem. She had several concerns with the proposed ordinance.

Kit Blecher, Director of the Humane Society, encouraged people to spay or neuter their pets. She stated that she works closely with the Community Service Officer regarding feral animals. She stated that cats should be kept indoors.

Dennis Grace, 410 Pershing Avenue SE, has more than four dogs and suggested that when one of the dogs dies that it not be replaced (attrition). Felix stated that Brainerd’s ordinance addresses “grandfathering” and suggested that this could be added to the ordinance.

Michael Dean, 1311 3<sup>rd</sup> Street SE, lives next to a lady with too many cats and was in favor of the proposed ordinance.

Arthur Gullette, 3408 Cedar Lane NW, stated that perhaps the ordinance could recognize life changing events. He has additional pets due to the death of a family member.

Camille Hurtado, 719 Beltrami Avenue NW, stated that the ordinance was not going to solve the problem. Perhaps the City could encourage or develop a spaying and neutering program.

Rebecca May-Waukey, 2801 Bixby Avenue NE, supported the proposed ordinance.

Adam Steele, 189 Gemmel Avenue SW, stated that people should not be penalized for the actions of others.

Elizabeth Edwards, 1704 3<sup>rd</sup> Street SE, commented that people need to be responsible pet owners.

Mayor Lehmann closed the public hearing at 9:12 p.m.

**Motion by Negard, seconded by Waldhausen, directing staff to provide language for the Council’s consideration regarding the requirement to license cats, grandfathering and annexation. Furthermore, continue the 2<sup>nd</sup> reading until the next regular Council meeting on May 3, 2010. Motion carried unanimously.**

Alley Vacations

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

**CITIZEN NOT ON AGENDA**

No one appeared.

**UPCOMING COUNCIL MEETINGS**

- Tuesday, April 20                      5:30 p.m.                      Joint Meeting with Northern & Bemidji Twps at Bemidji Town Hall
- Monday, April 26                      5:30 p.m.                      Work Session – Bemidji Town Homes Development - Kuepers
- Monday, May 3                          7:00 p.m.                      Council Meeting
- Tuesday, May 4                          5:30 p.m.                      Board of Review

**COUNCIL/STAFF REPORT**

- Council members provided updates on current events and meetings.
- Chatten provided a Strategic Plan Update for the Council. He stated that he and the Council could discuss it further at a work session.
- Waldhausen asked for a revised timeline from Bonestroo for the QNI Study.

**ADJOURN**

There being no further business, motion by Downs, seconded by Negard, to adjourn the meeting. Motion carried. Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Kay M. Murphy  
City Clerk