

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### July 7, 2003

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, July 7, 2003, at 7:00 p.m. in the City Hall Council Chambers, Mayor Lehmann presiding.

Upon roll call, the following Council members were declared present: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman. Absent: None.

#### **APPROVAL OF MINUTES**

Minutes of the June 16, 2003 Regular Council meeting were presented. One correction was noted in the vote on the motion for Planning Case #2003-16 (page 2) change from 41-3 to 4-3. There being no other additions or corrections, motion by Zachman, second by Erickson, to approve the minutes as amended. All voted aye. Motion carried.

#### **AMEND AGENDA**

Mayor Lehmann called for any amendments or additions to the agenda. There were none.

#### **CONSENT AGENDA**

The following consent agenda was presented for approval. Motion by Meuers, second by Hellquist, to approve the Consent Agenda as presented. Motion carried by the following vote: Ayes: Lehmann, Meuers, Zachman, Hellquist, Erickson, Johnson, Downs. Nays: None. Absent: None.

- Approved three General Business licenses and an on-sale beer license for Bardwell Softball Park
- Approved ten pages of claims in the total amount of \$883,086.99.
- Approved a four year (2003-2007) road maintenance agreement with Northern Township for Elliot Road
- Approved **RESOLUTION NO. 5065** Appointing and Designating the Commissioner of Transportation as Agent for the City of Bemidji for Airport Projects (AIP grants)

#### **COMMITTEE REPORTS**

##### Bemidji Youth Advisory Commission

No Report

#### **PRESENTATIONS**

##### Safe & Sober Award

Director of Public Safety Bruce Preece announced that the City of Bemidji is the recipient of an award from the State of Minnesota for the work that Sgt. Paul Parthun and officers of the Bemidji Police Department and the Beltrami County Sheriff's Department performed during the second quarter Safe & Sober Campaign in the City. Sue Palmer, representing the State of Minnesota presented the award, a portable radar board, and acknowledged the work of area law enforcement officers. She also expressed appreciation to Public Safety Director Preece and the Bemidji City Council for their support of the program. Tom Kummarel of the Minnesota Department of Public Safety demonstrated the equipment.

##### Excellence in Work

Officer Parthun expressed appreciation for the radar board, noting that the Bemidji Police Department is committed to the safety of people who are using our streets. He also recognized Bemidji Police Officer Michael Mastin for exemplary performance, particularly during the Safe & Sober Program, noting that he is unparalleled in his efforts toward traffic safety in the department. Parthun presented Officer Mastin with a plaque in recognition of his leadership and excellence in work.

**PUBLIC HEARINGS****Annexation of Property at 1503 Roosevelt Road SE (Sathre)**

Pursuant to mailed and published notice, a public hearing was held to consider annexation of a parcel of land located at 1603 Roosevelt Road SE into the corporate limits of the City of Bemidji. The property owners petitioned for annexation, noting a dire need to connect to city sewer and water due to a failing septic system. Mayor Lehmann opened the public hearing and asked for comments from those present. No one appeared. The public hearing was closed.

**Annexation of Property Along Irvine Avenue (Chmielewski)**

Pursuant to mailed and published notice, a public hearing was held to consider annexation of three (3) parcels of land located along Irvine Avenue to the corporate limits of the City of Bemidji. The property owners petitioned for annexation, noting the need for city sewer in order to develop the land.

Mayor Lehmann acknowledged receipt of a resolution from Northern Township opposing annexation of these parcels on the grounds that the petitioner's proposal circumvents the city's proposal to have uniform annexations based on need of services; it creates an unwarranted irregular annexation; the proposed development density exceeds the limitations of the township's Land Use Ordinance and does not conform to the current surrounding commercial development and township park; and the annexation does not appear to serve a purpose and the need and basis for annexation does not meet the statutory criteria.

Mayor Lehmann opened the public hearing and asked for comments from those present. No one appeared. The public hearing was closed.

**NEW BUSINESS****Presentation by Sand Companies for Legacy Village Housing Project**

Jim Sand of Sand Companies, Inc. provided an overview of a 30-unit rental housing development (Legacy Village) proposed to be located along Norton Avenue. Sand requested a resolution from the Council in support of the proposed development.

**RESOLUTION NO. 5066:** A Resolution Supporting an Application to MHFA for an Allocation of Housing Tax Credits was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Meuers, was passed by the following vote: Ayes: Hellquist, Meuers, Johnson, Downs, Erickson, Zachman. Nays: Lehmann. Absent: None.

**RESOLUTION NO. 5067:** A Resolution Authorizing Transfer of Tax-Forfeited Lands was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs, was passed by the following vote: Ayes: Lehmann, Hellquist, Downs, Johnson, Erickson, Zachman, Meuers. Nays: None. Absent: None.

**ORDINANCE NO. 343, 2<sup>ND</sup> SERIES:** AN ORDINANCE ANNEXING PROPERTY ALONG ROOSEVELT ROAD TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (1603 Roosevelt Road – Sathre) was given a final reading and passed by the following vote: Ayes: Hellquist, Downs, Johnson, Meuers, Zachman, Lehmann, Erickson. Nays: None. Absent: None.

**ORDINANCE NO. 344, 2<sup>ND</sup> SERIES:** AN ORDINANCE ANNEXING PROPERTY ALONG IRVINE AVENUE TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Chmielewski Property) was given a final reading and passed by the following vote: Ayes: Downs, Erickson, Zachman, Lehmann, Meuers, Hellquist, Johnson. Nays: None. Absent: None.

The 2<sup>nd</sup> reading of AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 12 OF THE CITY OF BEMIDJI ZONING CODE (Pertaining to Shoreland Overlay District) was tabled, pending a response from the DNR regarding the proposed amendments.

AN ORDINANCE ADOPTING THE MOST RECENT UPDATE OF THE MINNESOTA STATE BUILDING CODE, INCLUDING THE 2000 INTERNATIONAL BUILDING CODE, THE 2000 INTERNATIONAL RESIDENTIAL CODE AND THE MINNESOTA ACCESSIBILITY CODE; PROVIDING FOR THE APPLICATION, ADMINISTRATION, AND

ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF BEMIDJI; AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH was given a first reading

Liquor Licensing Amendment – 2:00 a.m. Closing

In a memorandum regarding the 2003 legislative amendment to liquor licensing laws allowing a 2:00 a.m. bar closing time, City Attorney Felix noted that most of the restaurant/bar closing hour provisions in our City Code reflect state law. However, there are a few exceptions such as Sunday liquor sales which are restricted after 1:00 a.m. and on-sale wine licenses and consumption and display permits restrict sales/activities after 1:00 a.m. Felix noted that if the Council desires to allow Sunday liquor sales until 2:00 a.m. as well as on-sale wine and consumption and display activities, an ordinance amendment is in order. A proposed ordinance amendment was presented for Council consideration.

During discussion, Council expressed a lack of support for the 2:00 a.m. bar closing based on the increased cost to the city for law enforcement. The City Attorney was directed to draft an ordinance amendment that would maintain a 1:00 a.m. closing time in the City of Bemidji for establishments selling beer, wine, and alcoholic beverages.

Felix also related information regarding new legislation that would allow brew pubs to sell 64-ounce containers of malt liquor called "Growlers". He noted that the city has one brew pub and they have expressed an interest in selling growlers. Felix explained that the city is a split-liquor city and has the exclusive ability to sell off-sale liquor within city limits. He noted that he contacted the Minnesota Department of Public Safety, Alcohol Division, for an interpretation respecting the sale of growlers in the city given our split-liquor status. The state found nothing that would prohibit the sale of growlers by brew pubs in the City if the Council approved it. He suggested the Council discuss whether they want to permit brew pubs in Bemidji to sell off-sale.

During the brief discussion that followed, the Council did not express support for the sale of growlers by brew pubs in the City unless they are interested in selling through our off-sale liquor stores.

ADJOURN

There being no further business presented for discussion, motion by Downs, second by Johnson, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 9:35 p.m.

Respectfully submitted

Shirley Sherman, City Clerk