

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Work Session – January 10, 2011**

Pursuant to due call and notice, a work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, January 10, 2011, at 5:30 p.m. in the Council Chambers of City Hall, Mayor Larson presiding.

Upon roll call, the following Councilmembers were declared present: Larson, Waldhausen, Hellquist, Johnson, Albrecht, Negard, Thompson

County Commissioners Present: Fairbanks, Vene, Lucachick, Frost (via phone), Heltzer (joined meeting at 5:40 p.m.)

Staff Present: City Manager John Chattin, City Attorney Alan Felix, Chief of Police Gerald Johnson, Finance Director Ron Eischens, City Engineer Craig Gray, Beltrami County Attorney Tim Faver, Sheriff Phil Hodapp, City Clerk Kay Murphy

Mayor Larson stated that the purpose of the work session was to discuss with the Beltrami County Commissioners the 2:00 a.m. bar closing time. He stated that in view of the recent actions by the Beltrami County Board of Commissioners he felt that it was necessary and appropriate to have interactive dialog on the issue with all available and interested parties. He asked that the discussion focus on the issue on hand, namely, whether it is advantageous to the communities we represent to coordinate the bar closing times and be in concert with one another.

Johnson stated that in 2003 when the State changed the law to allow 2:00 a.m. closing, the City Council stayed with 1:00 a.m. He observed that the City does not allow just bars but they must be restaurants and there are standards to follow, i.e., food requirements. Johnson stated that the later bar closing time would be an economic development tool similar to that in other regional centers, i.e., St. Cloud, Moorhead and Detroit Lakes.

Fairbanks stated he was a former state trooper in the Duluth area and Duluth, like Bemidji, is a college town. He saw a lot of problems in that community because Wisconsin had a later time bar closing time and people crossed the bridge to take advantage of that. He stated that he sees no need for having a 2:00 a.m. closing time, outside of the need to sell a piece of property in Bemidji. Fairbanks stated that one death out there is not worth it. He commented that it is not social drinking at that time but party time.

Thompson stated that the City and County should have the same closing time.

Waldhausen stated that time is irrelevant as Bemidji is a 24-hour society. Not everyone works the same shift. He stated that the peaks for police calls would shift on the graphs provided by law enforcement based on the change in bar closing time. He then reviewed a study which was done in 2007 by the Dept. of Criminal Justice and Political Science North Dakota State in Fargo and published in the Journal of Criminal Justice regarding the impact of the 2:00 a.m. closing in Minnesota. The study stated that there was no significant increase after the initial implementation and there was no significant difference in the characteristic of those individuals stopped. He asked what makes Bemidji different than other communities in Minnesota. Waldhausen stated that he spoke with two other police departments that saw no increase in problems. He further stated that Bemidji has tools in place to deal with establishments that do not control their patrons.

Vene provided a handout from Mary Marchel, Beltrami County Director of Human Services and Public Health regarding County programs that are impacted by alcohol related issues. Vene stated that alcohol consumption is the number one problem in our community. He stated that problems with the misuse of alcohol is not just limited to what goes on in bars or driving behavior after closing but there is a spillover that lasts for hours afterwards when the gasoline of alcohol is tossed on the fire of domestic violence and physical or sexual assaults occur. He further stated that the Beltrami Area Beverage Association also voiced their concerns about the advisability in extending the bar closing an additional hour. Many of them felt that the last hour before closing is frequently ugly and they are concerned about liability issues. He commended the bar owners stating that they are watching out for the safety of their customers by providing opportunities for safe rides home. Vene stated that it is important to listen to the concerns expressed by our Sheriff and Police Chief. He stated

that it is noteworthy to pay attention to what happens in other communities but it may not be in our best interest.

Chief Johnson commented that there are three things to consider when dealing with alcohol in Bemidji: 1) high poverty; 2) college town; and, 3) border town to reservations with alcohol problems. He further stated that whatever the Council decides it is his job to go with that and do the best job he can.

Sheriff Hodapp agreed with Chief Johnson. The County does have an interest in what the City of Bemidji does as they operate the County jail. He further stated that allowing an additional hour would only extend the alcohol related activity. He stated that many of the bars will not apply for the 2:00 a.m. closing as it costs money, however, he anticipates that the bars that do will be located within city limits.

Albrecht stated that she is not convinced that changing the bar closing time will be an economic tool. She commented that the people that have contacted her have not been in favor of the change as they did not feel it was a reasonable idea. She stated that public safety is important to our community and yet the City has allowed our police force to have a reduced budget and currently they are down two police officers. She commented that if the City is supporting the police department, it should listen to the concerns expressed by the police chief.

Lucachick commented that the County is still going through the public process and interested in what the general public has to say at the County's February 1st public hearing. He has not heard an overwhelming cry that the community needs a 2:00 a.m. closing. He agreed that City and County need to be on the same page on this item.

Hellquist commented that the City has already voted on this item and with any 4:3 vote there are issues left on the table. He stated that not everyone was convinced that this was an economic tool or a way for the City to go. He commented that everyone at the public hearing spoke against the 2:00 a.m. closing. He further commented that Bemidji Leads has as one of its "Destiny Drivers" that Bemidji will have the lowest incident of alcohol and drug abuse in the State of Minnesota by the year 2015. He stated that the later bar closing time will not help with this goal.

Heltzer commented that he did not understand the passion for extending the bar closing hours. He stated that he has spent most of his life doing economic development and this would not pass his test. He stated that according to the Director of Human Services and Public Health there are many Beltrami County Health Services programs impacted by alcohol issues. He stated that it is our responsibility to protect vulnerable families and vulnerable children. He did not see how extending that bar closing time would serve that purpose.

Frost compared it to the smoking ban debate. Nonsmoking venues felt they had the potential of losing business to competitors that allowed smoking unless there was a level playing field. He commented that businesses will have to choose if they are going to be 1 a.m. bar close in an environment where there is a 2 a.m. bar close. They have a choice but it might put a business at a distinct business disadvantage. He believed that time is relevant and that the cost of operation for that additional hour increases. Frost stated that Bemidji has a unique and distinct demographic that does not compare to an Alexandria or Detroit Lakes. He stated when he makes a decision he looks to the subject matter experts and to him those are the County Attorney, Sheriff and Police Chief. In his opinion, all those experts have said that this is not good for Bemidji. He agreed that the City and County should be the same. He stated that he would like the "pro people" to make a compelling argument on why a 2:00 a.m. closing is needed.

Mayor Larson stated that the purpose of City and County government is to be responsible for the safety, health, and well-being of its constituents which means that we provide police, fire, street maintenance, etc. Mayor Larson does not find that there is any compelling or rationale reason to be in favor of the 2:00 a.m. closing.

County Attorney Faver stated that it is important that the decision reached should be consistent between the City and County.

City Attorney Felix reviewed options available for the City if it chooses to go back to 1:00 a.m. He stated that a moratorium is generally for zoning related cases. The City would have to pass another ordinance to repeal the 2:00 a.m. closing time.

Mayor Larson opened up the meeting to hear comments from others in attendance.

Steve Fogelson stated that the City has a bond and how much interest does it cost. Fogelson commented that he felt it was a minimal impact to the taxpayers. He felt that it was important that the public know the impact.

Henry Krigbaum stated that there are people in the room missing the issue completely. He stated there is an alcohol problem in our community and he would like to know what is being done and suggested that the same amount of energy be put toward a solution.

Vene suggested that in the future the County and City get together for more regular discussions instead of waiting for it to become a “hot button” issue.

Waldhausen commented that the Council changed its ordinance and now is in sync with the County’s ordinance. He commented that he reads the blogs and Facebook and there are a lot in support of the 2:00 a.m. closing. Waldhausen stated that trends around the state indicate that it does not add in any significant amount to problems. Waldhausen wondered if the County Board was going to discuss the 2:00 a.m. closing issue with the towns of Funkley, Blackduck and Wilton as well.

Jerry Downs stated that there is an economic hole that needs to be filled. He commented that it is estimated to cost \$338,000 to operate the event center.

Johnson commented that the idea for the south shore is to have an entertainment center.

Mayor Larson concluded by stating that a detox center in the Bemidji area is desirable, the City of Bemidji should consider going to a 1:00 a.m. closing if the County does and continue discussions with the County and come up with possible solutions for these issues.

**ADJOURN**

There being no further business, motion by Waldhausen, seconded by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 7:15 p.m.

Respectfully submitted,



Kay M. Murphy  
City Clerk