

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – December 6, 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, December 6, 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 November 15, 2010 regular meeting were presented for approval. **Motion by Meuers, seconded by Negard, to approve the minutes as prepared. Motion carried by unanimous vote.**

#### **CONSENT AGENDA**

Consent Agenda items were presented for approval. The following items were moved from the Consent Agenda to New Business for further discussion:

- Purchase of a 2011 Pickup Truck – WWTF
- Surplus Equipment – 2002 Elgin Street Sweeper
- Purchase of a 2010 Elgin Street Sweeper from MacQueen Equipment

**Motion by Hellquist, seconded by Waldhausen, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$1,830,153.35
2. Miscellaneous Business License Renewals - 2011
3. First Reading of Beer License Renewals – 2011
4. Liquor License Renewals – 2011
5. Appointment to the Charter Commission – Nancy Erickson
6. **RESOLUTION NO. 5652:** Approving an Application for a Gambling Permit for the Bemidji Baseball Association at the Backyard BBQ
7. **RESOLUTION NO. 5653:** Accepting Donations from Area Businesses/Organizations for the 2010 Special Recreation Events
8. Change Order No. 3 – City Park Phase Two Construction

**Motion carried by unanimous vote.**

#### **COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Inga Roen, BYA representative, reported that they recently had listening lunches and discussed volunteerism. She stated that the Commission supports the concept of the Solar Panels; however, they would like the City's priority to be on the development of the beach area and bathhouse on the southshore.

BSU Student Senate – No one appeared.

#### **TRUTH IN TAXATION PUBLIC HEARING**

Pursuant to published notice a public hearing was held regarding input on the 2010 Truth in Taxation.

Finance Director Ron Eischens stated the purpose of the Truth In Taxation Hearing was to review the 2011 City budget and tax levy and noted that it is required by State law. The percentage increase in the proposed property tax levy is 3% or \$111,382, which is a decrease in property tax rate from 42.36 to 42.30%. The tax increase is the result of Local Government Aid (LGA) cuts. The budget decrease of \$54 million is due to reduced bonding and construction activity related to development of southeast shore of Lake Bemidji. He

stated that the Council will approve the final budget at their regular meeting on December 20, 2010.

Mayor Lehmann opened the Public Hearing at 7:19 p.m. With no comments, Mayor Lehmann closed the Public Hearing at 7:20 p.m.

## **NEW BUSINESS**

### **Solar Panels**

Mayor Lehmann stated that the Sustainability Committee has requested that the City Council to consider dedicating \$100,000 of the remaining contingency funds to match a Renewal Energy Grant for Solar Panels. He stated that the Council should consider delaying any commitment of the contingency funds until the final number is known and a work session is held to consider all the possibilities. Erika Bailey-Johnson, Sustainability Committee representative, agreed that the request for the contingency funds could wait.

**Motion by Waldhausen, seconded by Negard, to table the discussion regarding utilizing contingencies funds for the Renewal Energy Grant until a future meeting. Motion carried unanimously.**

### **Neilson Foundation Grant**

Bailey-Johnson stated that the Sustainability Committee is close to obtaining a \$100,000 grant for a renewable energy project. The Committee is seeking Council support to apply for a Neilson Foundation grant to cover some of the remaining cost. She stated that this project would be the largest solar energy installation in Northern Minnesota and move Bemidji toward a secure energy future. She stated that Bemidji can set an example and lead the way to a more sustainable future. In addition, the solar project would be a great educational tool for the public and visitors to our City.

Discussion continued regarding the solar panels and educational opportunities. Councilor Negard asked what the return on the City's investment would be utilizing the solar panels. Felix will follow up with Boonestroo regarding the timeline for the grant and gather information regarding Councilor Negard's question.

**RESOLUTION NO. 5654: Approving an Application to the George W. Neilson Foundation for a Grant to partially fund the purchase and installation of a solar photovoltaic system (panels) at the BREC was offered by Councilmember Waldhausen, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.**

### **Pickup Truck – WWTF**

Downs stated he asked to have this item removed from the Consent Agenda to allow the Council to consider the second lowest quote from Dondelinger GM of Bemidji. The quote is \$345 more than the low quote from Burnsville Dodge. Downs suggested that the cost of sending two people to pick up the truck in Burnsville could be saved. Gray responded that Burnsville will be delivering the truck.

Council discussion continued regarding utilizing the local dealer. Gray commented that all three pickups meet specifications. Waldhausen noted that he does not get the best gas mileage with his Dodge and said the difference in gas mileage could make the difference.

**Motion by Downs, seconded by Negard, to purchase a 2011 pickup truck from Dondelinger GM of Bemidji in the amount of \$22,198 (not including sales tax and registration fees). Motion carried unanimously.**

### **Street Sweeper – Public Works**

Negard stated that times are tough and he did not see a reason to replace the sweeper at this time. He suggested delaying the purchase. He noted that the sweeper is not 10 years old and there is no indication that the sweeper has problems.

Lehmann stated that getting 10 years out of a sweeper is doing pretty well. He stated that one cannot compare hours on a sweeper to another vehicle as the sweeper hours are hard hours. He commented that when they wear out, they go fast.

Gray stated that the sweeper was inspected 3 months ago and it was estimated to cost \$45,000 to replace sweeping components. The City's mechanic has no way of knowing when the transmission or engine could have problems and estimates \$5,000 to \$6,000 if repairs are needed. Gray was agreeable to delay purchase one year but had concerns with delaying any longer.

Chattin stated that it has been the Council's budgeting philosophy not to delay capital expenditures. He commented that if the Council chooses to delay the purchase that the surplus budget it would create would also mean a deficit budget in the future.

**Motion by Negard, seconded by Downs, to delay the purchase of a new street sweeper one year. Motion carried with the following vote: Ayes: Downs, Negard, Waldhausen, Johnson. Nays: Meuers, Hellquist, Lehmann.**

### **ORDINANCES**

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending Chapter 4 of the Bemidji City Code entitled, "Alcoholic Beverages" by amending the provisions relating to permissible hours and days of sale of Liquor, 3.2 Percent Malt Liquor (Beer), and Wine. Mayor Lehmann stated that the Council has heard from the Police, County Sheriff and their concerns with the proposed change in the bar closing time. Mayor Lehmann opened the Public Hearing at 8:10 p.m.

The following individuals spoke in opposition of the 2 a.m. bar closing amendment:

- Pastor Stan Nelson, 2715 Arrowwood Circle NW, appealed to the Council to look after the community by voting against the excesses of alcohol consumption extending the bar closing time to 2 a.m. it would further encourage the drunk drivers.
- Doug Lewandowski, 6008 Shady Lane, stated that he is an educator, works with BHS counselors, a psychologist, and an instructor of DWI classes for the County. He commented that Zorbaz was a bit arrogant last summer when they asked for the 2 a.m. closing. He stated that Bemidji's law enforcement is professional and when they speak we should listen to them and they believe that the 2 a.m. closing is not a good deal. Alcohol consumption is the number one problem in this community. The problems happen not just in the bar or the driving but what happens after. He stated that even bar owners question the desirability of the later bar closing time. If the product is desirable, no matter what the closing time, people will come.
- Steve Fogleson, 13878 Damon Drive SE and owner of property within city limits, stated that as a former school board member he recognized the difficulty in making the right decisions and living with those decisions later. He stated that the only positive thing he heard about the 2 a.m. closing is that it might help sell land in the south shore. He stated that the City should focus on the positive things Bemidji has to offer, i.e., trails, parks, fishing, etc.
- Mitch Rautio, owner of Keg 'n Cork (51080 County 29), stated that a later bar time would only shift the schedules of the bar patrons who would just drink that much later at a house party before making it to the bars before closing time. He further stated that the bars themselves are not going to see an increase in revenue because customers still have the same budget.
- Karl Jacobson stated he is the owner of Slim's Bar (6601 Bemidji Avenue) and the President of the Beltrami Area Beverage Association (BABA). He provided a letter signed by members BABA that are opposed to the ordinance amendment.
- Brian Freeberg, 2211 S. Lake Irving Drive SW, stated that it is his understanding that the City is further ahead than planned on the development of the south shore and not in the "dire straits" that many of the people in our community feared. He stated that one of the things that was expressed to the people that were against it was that this was going to enhance our cultural and business setting. He stated that by changing the bar closing time to 2 a.m. would not do that.
- Derek Kringen, owner of Lazy Jacks (6607 Queens Lane NW), commented that the added expense of an additional hour would not make sense.
- Kathy Johnson, 1424 Wee Gwaus Drive SE, stated that the community support for the event center would not have been there if the public had known about the possible change in bar closing time. She noted that Alexandria recently did not allow a change in closing time for Zorbaz. She stated that the Council needs to stand up and say no to 2 a.m. bar closing as we have family values and the city has more going for it.
- Davey Mills, owner Bar 209 (319 Majestic Pines Lane NW), stated that the local business owners are responsible and promote a safe ride taxi to transport people after drinking at their business. He further stated that the liability of an additional hour would not be worth it to him.
- Arlo Feiock, 5750 Elliott Road NE, commented that there are budget concerns for both the police and sheriff departments and yet the Council is considering extending the bar closing time an additional hour.

Mayor Lehmann asked if there was anyone in attendance that wished to speak in support of the ordinance amendment. No one responded. With no further comments, Mayor Lehmann closed the public hearing at 8:32 p.m.

AN ORDINANCE Amending Chapter 4 of the Bemidji City Code entitled, “Alcoholic Beverages” by amending the provisions relating to permissible hours and days of sale of Liquor, 3.2 Percent Malt Liquor (Beer), and Wine was given a second reading.

Mayor Lehmann re-opened the continued Public Hearing of an Ordinance Amending Chapter 6, Article III, of the Bemidji City Code Relating to Animals and Poultry at 8:32 p.m. No one appeared and the public hearing closed at 8:32 p.m.

AN ORDINANCE Amending Chapter 6, Article III, of the Bemidji City Code Relating to Animals and Poultry was given a second reading.

Felix noted that in the Council Agenda item he had recommended that the Council adopt an amendment to the draft ordinance regarding penalties. He asked Councilmembers to consider adopting the new language prior to the third reading.

**EVENT CENTER UPDATE**

**Motion by Waldhausen, seconded by Johnson, to approve the Change Orders in the amount of \$205,344.21 for the Event Center project. Motion carried with the following vote: Ayes: Lehmann, Waldhausen, Hellquist, Johnson, Negard, Downs. Nays: Meuers.**

**LIBRARIAN’S REPORT**

Paul Ericsson, Branch Manager, reported on events at the public library.

**CITIZEN NOT ON AGENDA**

No one appeared.

**UPCOMING COUNCIL MEETINGS**

- Monday, Dec. 13      5:30 p.m.      Work Session – Manager’s Performance Review
- Monday, Dec. 20      6:00 p.m.      Open House for Mayor Lehmann and Councilors  
Down & Meuers
- Monday, Dec. 20      7:00 p.m.      Council Meeting
- Monday, Jan. 3        7:00 p.m.      Council Meeting

**COUNCIL/STAFF REPORT**

- Council members provided updates on current events and meetings.

**ADJOURN**

There being no further business, motion by Downs, seconded by Waldhausen, to adjourn the meeting. Motion carried. Meeting adjourned at 9:10 p.m.

Respectfully submitted,

  
 Kay M. Murphy  
 City Clerk