

BEMIDJI CITY COUNCIL AGENDA

Monday, June 19, 2017

Council Chambers
City Hall – 317 4th Street NW
6:00 P.M.



➤ ROLL CALL

➤ PLEDGE OF ALLEGIANCE TO THE FLAG

➤ AMENDMENTS TO AGENDA

I. MINUTES

- 1) Regular Council: June 5, 2017

II. CONSENT AGENDA

Approval of Items in the Consent Agenda are with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.

- 2) Claims Submitted by Finance Officer in the amount of \$810,992.97
- 3) Claims Submitted by VenuWorks for the Sanford Center in the amount of \$32,741.16
- 4) Two - 1 day Temporary Consumption & Display Permits – Chamber
- 5) Service Corridor Repairs & Water Damage Repairs – Sanford Center (\$23,360)
- 6) Reapportionment of Special Assessments Parcel #'s 80.0143.00, 80.03320.00 and 80.03320.00 – Dale Cloose
- 7) Travel Authorization to attend the Coalition of Greater Mn Cities Summer Conference in Fergus Falls, August 2-4, 2017 - Johnson

III. CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA

Public Comment – Please give your name, address and state your concern/comment. Visitors may share their concerns with City Council on any issue, which is **not** already on the agenda. Each person will have **3 minutes** to speak. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. The Mayor may also limit the number of individual presentations on any issue to accommodate the scheduled agenda items. All comments will be taken under advisement by the Council. **PLEASE BE ADVISED THAT THE COUNCIL WILL TAKE NO ACTION AT THIS TIME.**

IV. REPORT(S)

- Heritage Preservation Commission

V. NEW BUSINESS

- 8) Consider a Resolution Designating 2-hour Parking on America Avenue NW Between 3rd Street and 4th Street NW

Bemidji—Regional Center Amenities with Small Town Character

- 9) Consider a Resolution Establishing Charge(s) for Connection to Sanitary Sewer and Water Utility Facilities Constructed Along Division Street West

VI. ORDINANCE

- 10) Public Hearing of An Ordinance Amending Chapter 14, Article V, of the Bemidji City Code Relating to Shade Tree Pest and Disease Control and Prevention

- Second Reading of Said Ordinance

VII. UPCOMING MEETINGS

- Monday, June 26 5:30 p.m. Work Session – 2018 FMP
- Monday, July 3 6:00 p.m. Council Meeting

VIII. MAYOR AND COUNCIL REPORTS

- Please limit your committee reports to 4 minutes

IX. ADJOURN

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Regular Meeting – June 5, 2017

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, June 5, 2017 at 6:00 p.m. in the Council Chambers of City Hall, Mayor Albrecht presiding.

Upon roll call, the following Councilmembers were declared present: Albrecht, Meehlhause, Hellquist, Johnson, Plemel, Erickson, Larson.

Staff Present: City Manager Nate Mathews, Public Works Director/City Engineer Craig Gray, Finance Director Ron Eischens, Parks & Recreation Director Marcia Larson, Deputy City Clerk Michelle Miller

PROCLAMATION

Mayor Albrecht declared June 16-17, 2017 as Bicycle Days in Bemidji.

AMENDMENTS TO AGENDA

Mayor Albrecht called for any amendments to the agenda. **Motion by Johnson, seconded by Larson, to approve the agenda as prepared. Motion carried by unanimous vote.**

MINUTES

The following minutes were presented for approval:

Regular Council	May 15, 2017
BEDA Meeting	May 15, 2017
Sp BEDA Meeting	May 22, 2017
Work Session	May 22, 2017

Motion by Johnson, seconded by Erickson, to approve the minutes as prepared. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Claims Submitted by Finance Officer in the amount of \$936,031.92
2. Claims Submitted by VenuWorks for the Sanford Center in the amount of \$62,474.70
3. Miscellaneous Business License Renewals for 2017
4. 1 to 4 day Temporary On-Sale Liquor License – Bemidji Jaycees (July 1-July 4)
5. 1 to 4 day Temporary On-Sale Liquor License – Bemidji State University (Sept. 9)
6. **RESOLUTION NO. 6080:** Approving the Site for the 2017 Knights of Columbus Walleye Classic
7. **RESOLUTION NO. 6081:** to Repair or Remove Structure(s) Located at 1122 3rd Street SE
8. **RESOLUTION NO. 6082:** Authorizing the City to Enter into a Master Partnership Contract with MnDOT
9. **RESOLUTION NO. 6083:** Declaring the Official Intent of the City of Bemidji to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City

- 10. **RESOLUTION NO. 6084:** Accepting a Donation from Midco Communications in the amount of \$1,000 for a Speaker System
- 11. **RESOLUTION NO. 6085:** Accepting a Donation from Headwaters Audubon Society in the amount of \$500 for Birds, Bees and Butterflies Promotion Material
- 12. Award Quote for Demolition of Building at 303 29th Street NW
- 13. Waive Various City Permit Fees for Northwoods Habitat for Humanity Project – 501 19th Street NW
- 14. 2017 Budget Modification No. 2
- 15. Reapportionment of Special Assessments for Parcel Nos. 80.02273, 80.02274 and 80.02275 (Tony Kuter)

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

No one appeared.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Annika Sletta, BYA representative, updated the Council on the J7 event and new recruitment interviews.

NEW BUSINESS

Consider a Resolution Authorizing Beltrami County to Revise County State Aid Designations on CSAH 17 (Birchmont Drive), CSAH 52 (Annebell Street) and CSAH 15 (Irvine Avenue) in the City of Bemidji

Gray stated that since annexation started in 2010 he has been working with the Beltrami County Engineer on various road changes. The proposed exchange at this time is approximately .91 miles of Birchmont Drive up to and including Annebell Street NE would become city roads and approximately 1.0 miles of Irvine Avenue from 197 to Anne Street would become a county road. The county will reconstruct Irvine Avenue from Anne Street to 30th Street in 2019. In turn, the city will reconstruct the rain water gardens along Birchmont Drive. The issue with the rain water gardens is that they have not been properly maintained so reconstruction is necessary in order to properly maintain them going forward. Gray has partnered with a group to help maintain those gardens after they are reconstructed. If the gardens are maintained, reconstruction of them in the near future should not be necessary.

RESOLUTION NO. 6086: Authorizing Beltrami County to Revise County State Aid Designations on CSAH 17 (Birchmont Drive), CSAH 52 (Annebell Street) and CSAH 15 (Irvine Avenue) in the City of Bemidji was offered by Councilmember Meehlhause, who moved its adoption, and upon due second by Councilmember Johnson, was passed by unanimous vote.

ORDINANCES

AN ORDINANCE Amending Chapter 14, Article V, of the Bemidji City Code Relating to Shade Tree Pest and Disease Control and Prevention was given a first reading.

UPCOMING COUNCIL MEETINGS

- Monday, June 12 5:30 p.m. Work Session – Lake Irving TMDL & Public Arts Commission
- Monday, June 19 6:00 p.m. Council Meeting

- Monday, June 26 5:30 p.m. Work Session – 2018 FMP

COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.
- Mathews stated that he has met with the department heads regarding strategic planning and is ready to schedule a council retreat in July. The council retreat will be scheduled for July 10 from 5:30-8:30 p.m. at a park facility.

ADJOURN

There being no further business, motion by Johnson, seconded by Larson, to adjourn the meeting. Motion carried. Meeting adjourned at 6:46 p.m.

Respectfully submitted,

Michelle R. Miller
Deputy City Clerk

Bill List Summary

June 19th, 2017

<u>Check /Wire</u>	<u>Vendor</u>	<u>Amount</u>
22137 - 22257	See Attached List	<u>810,992.97</u> \$ 810,992.97
	TOTAL	\$ 810,992.97

Accounts Payable

Blanket Voucher Approval Document

User: denisea
Printed: 06/15/2017 - 10:52AM
Warrant Request Date: 06/20/2017
DAC Fund:



COUNCIL BILL LIST

Line	Claimant	Voucher No.	Amount
1	A.L. Restaurant Supply	000022137	24.95
2	Accela, Inc. #774375	000000000	3,529.89
3	Acme Tools-Bemidji	000022138	83.99
4	AirCorps Aviation LLC	000022139	425.00
5	Albrecht, Rita	000000000	55.00
6	Ameripride	000000000	4,413.59
7	Amity Graphics	000022140	1,124.72
8	Anderson, Jannik	000000000	243.54
9	Anderson, Rick	000000000	320.39
10	Animal Care Clinic	000022141	242.00
11	Artisan Beer Company	000022142	629.60
12	Arvig	000022143	2,865.09
13	Bailey, Marlon	000022144	95.00
14	Baker & Taylor	000000000	44.38
15	Baker, Richard	000022145	134.82
16	Bellboy Corporation	000000000	426.00
17	Beltrami County Auditor/Treasurer	000022146	902.18
18	Beltrami County Dare Advisory	000022147	166.54
19	Beltrami County License Center	000022148	401.00
20	Beltrami County Recorder	000022149	46.00
21	Bemidji Bituminous Inc	000022150	223.60
22	Bemidji Brewing	000022151	119.60
23	Bemidji Coca-Cola Bottling Co, Inc	000022152	417.57
24	Bemidji Coop Ass'n, Inc.	000022153	329.77
25	Bemidji Paper Sales, Inc.	000000000	1,111.63
26	Bemidji Welders Supply, Inc.	000022154	140.00
27	Bernick's	000000000	32,792.60
28	Bertram, Jeff	000022155	55.64
29	Bessler Wiebolt Electric	000022156	1,929.35
30	Blackduck Co-op Ag-Service, Inc	000022157	695.00
31	Bluefin Payment Systems	000000000	1,198.75
32	Bonded Lock & Key of Bemidji	000022158	313.00
33	Books 'N More	000022159	9.00
34	Botzek, Luke	000000000	20.00
35	Boyer Mechanical Services	000022160	85.00
36	Breakthru Beverage Minnesota Wine & Spirits, LLC	000022161	11,967.19
37	BREC Operating Acct.	000000000	6,000.00
38	Buchanan, Jerome	000022162	10.00
39	Buckys Bar	000022163	72.00
40	Builders FirstSource	000022164	1,578.85
41	BW Distributing	000022165	186.97
42	Cabinet Corner, Inc.	000022166	774.90
43	Carquest Auto Parts-Bemidji	000022167	6.30
44	Certified Laboratories	000022168	288.15
45	City of Bemidji	000000000	15,066.32

Page Total: \$91,564.87

Line	Claimant	Voucher No.	Amount
46	Corner Sports	000022169	9.85
47	Crazy About Cleaning	000000000	881.25
48	Cross Nurseries, Inc.	000022170	300.00
49	Culligan	000000000	2,062.18
50	D & D Beverage, LLC	000000000	1,332.90
51	D-S Beverages	000022171	33,590.72
52	Dakota Supply Group, Inc.	000000000	78.72
53	DERO Playcore Company	000022172	1,834.95
54	Diamond Vogel Paints	000022173	4,297.30
55	Docu Shred	000022174	37.73
56	Dog Waste Depot	000022175	117.99
57	Earl F. Andersen, Inc.	000022176	1,080.21
58	Evergreen Youth & Family Services	000022177	5,000.00
59	Faegre Baker Daniels LLP	000022178	207.00
60	Ferguson Enterprises #3093	000022179	71.56
61	FleetPride, Inc.	000022180	31.24
62	Forestedge Winery	000022181	351.00
63	Forum Communications Company	000000000	3,190.24
64	Frenzel Fertilizer Inc.	000022182	200.00
65	Frenzel Overhead Door	000022183	1,412.40
66	Full Circle Group, LLC	000022184	2,800.00
67	Furshong, Peg	000000000	172.70
68	Galls, LLC	000022185	288.00
69	Gopher State One-Call	000000000	720.80
70	Grand Forks Fire Equipment LLC	000000000	466.21
71	Graphic FX	000022186	1,064.65
72	Grass Lake Plumbing Inc	000022187	464.00
73	Guardian Pest Control, Inc	000022188	93.47
74	Hawkins, Inc.	000000000	4,147.70
75	HD Waterworks Supply	000022189	2,859.73
76	Heimkes, Paul R.	000022190	2,331.00
77	Heisenfelt, Albert	000022191	150.00
78	Herzog Roofing	000022192	59,859.00
79	Honeywell International Inc.	000022193	1,872.00
80	Hulett, Mike	000000000	724.24
81	Ink Spot Press	000022194	189.92
82	Innovative Office Solutions, LLC	000022195	148.71
83	JFC Strategic Services	000000000	6,844.63
84	Jim Hirt Trucking, Inc	000022196	1,375.41
85	Johnson Bros., Inc.	000022197	29,406.89
86	Kaney, Joshua	000000000	60.00
87	Karpinski, Bobbi	000022198	75.00
88	Karvakko, P.A.	000000000	1,348.00
89	Kennedy & Graven Charter	000022199	489.02
90	Kennedy, Timothy	000000000	583.11
91	Kerby, Bryan	000000000	97.58
92	L & M Supply, Inc.	000022200	686.48
93	Lakeland Public Television	000022201	306.00
94	Lakes Auto Body Specialists	000022202	81.76
95	Lawson Products, Inc.	000022203	183.14
96	League of MN Insurance Trust	000022204	250,081.08
97	Locators & Supplies, Inc.	000000000	57.03
98	Luekens Village Foods South	000022205	28.05
99	Lundmark Construction	000022206	14,949.00
100	Macqueen Equipment, Inc.	000000000	108.29
101	Maney Int'l of Alexandria, Inc.	000022207	187.84
102	Mattice, Marc	000000000	36.38

Page Total: \$441,424.06

Line	Claimant	Voucher No.	Amount
103	McKinnon Co., Inc.	000022208	19,940.85
104	McMaster-Carr Supply Co.	000000000	26.51
105	Menards-Bemidji	000000000	375.44
106	MN Dept of Transportation	000022209	24,417.12
107	MN Pollution Control Agency	000022210	1,141.82
108	MN Valley Testing Lab, Inc.	000000000	105.00
109	NAPA Auto Parts	000000000	191.90
110	National Appraisal Guides	000022211	75.00
111	Naylor Heating & Refrigeration, LLC	000000000	1,577.34
112	Nei Bottling, Inc.	000022212	140.25
113	Nelson, Keith A.	000000000	273.81
114	Neopost USA , Inc	000022213	1,203.36
115	Northdale Oil Inc.	000022214	345.00
116	Northern Paving Inc.	000022215	62,000.00
117	Northern Safety Technology, Inc.	000022216	65.00
118	Northern Township	000022217	48,927.00
119	Northwoods Ice, Inc.	000022218	956.40
120	Occupational Development, Inc	000022219	227.22
121	Paul Bunyan Mini Storage	000022220	69.00
122	Paustis & Sons	000022221	3,115.50
123	Pederson, Jake	000000000	307.61
124	Phillips Wine & Spirits	000022222	12,420.92
125	Pike, Bryan	000000000	64.20
126	Port-O-Wild Security, Inc.	000000000	793.50
127	Postmaster	000022223	1,687.88
128	PowerPlan OIB	000022224	80.35
129	Praxair Distribution Inc	000022225	227.15
130	PS Mow & Snow Co	000022226	195.00
131	Quill Corporation	000022227	175.98
132	R & R Specialties, Inc	000022228	2,513.00
133	R.P. Broadcasting , Inc.	000022229	429.00
134	Raphaels Bakery Cafe	000022230	23.55
135	Rapid Renovations	000022231	10,360.00
136	Richards Publishing Company	000022232	266.00
137	RMB Environmental Laboratories, Inc.	000022233	728.00
138	Roger's Two Way Radio, Inc.	000022234	140.00
139	Ross Lewis Sign Co.	000022235	85.00
140	Sadeks Repair & Welding, Inc.	000022236	154.05
141	Sanford Center	000022237	1,552.21
142	Sanford Health Occupational Med.	000022238	159.00
143	Seibel, Shannon	000000000	150.00
144	Select Account -City of Bemidji	000000000	280.69
145	Senenfelder, Trent	000000000	125.00
146	Service One Truck Equipment	000022239	159.00
147	Sharp Guy Sharpening	000022240	220.00
148	Southern Glazer's of MN	000022241	23,999.22
149	Southside Tow & Rec, Inc	000022242	336.01
150	Spee-Dee Delivery Service, Inc.	000022243	178.77
151	Staples Advantage	000022244	152.63
152	Stearns, Joshua	000000000	80.52
153	Stonebrooke Engineering	000022245	1,491.00
154	Streicher's	000022246	2,964.00
155	T & K Outdoors, Inc.	000022247	3,300.00
156	TDS Metrocom-MN	000000000	923.71
157	Terry's Auto Electric	000022248	250.90
158	Tires Plus of Bemidji	000022249	891.65
159	TransUnion Risk and Alternative	000022250	25.00

Page Total: \$233,064.02

Line	Claimant	Voucher No.	Amount
160	Trinity Creek Consulting	000000000	8,832.78
161	True Brands	000022251	378.97
162	US Bank Merchant Billing	000000000	6,794.29
163	Vacker, Inc.	000022252	3,050.00
164	Valvoline Instant Oil Change	000022253	35.18
165	Vantiv Integrated Payments Solution	000000000	213.53
166	Vinocopia, Inc.	000000000	240.00
167	Wave3 Solutions	000022254	5,000.00
168	Wells Fargo-ACH	000000000	15,436.08
169	Wendorf, Barry	000000000	44.94
170	Wes Plumbing & Heating	000022255	220.05
171	Wetlaufer, Trevor	000000000	60.00
172	Wine Merchants	000022256	388.00
173	WW Thompson Concrete Products	000022257	4,246.20
Page Total:			\$44,940.02
Grand Total:			\$810,992.97

VenuWorks of Bemidji, LLC

Unpaid Bills Detail

As of June 14, 2017
Open Balance

AmeriPride Services	
	116.24
	169.68
	311.01
Total AmeriPride Services	<u>596.93</u>
Barb Vaughan	
	63.44
Total Barb Vaughan	<u>63.44</u>
Bemidji Cooperative Association	
	21.47
Total Bemidji Cooperative Association	<u>21.47</u>
Bemidji Welders Supply, Inc.	
	180.70
Total Bemidji Welders Supply, Inc.	<u>180.70</u>
Bonded Lock and Key	
	2.69
Total Bonded Lock and Key	<u>2.69</u>
City of Bemidji MN	
	420.00
Total City of Bemidji MN	<u>420.00</u>
Dakota Supply Group	
	35.19
Total Dakota Supply Group	<u>35.19</u>
DOCU Shred Inc	
	26.95
Total DOCU Shred Inc	<u>26.95</u>
Gladen Construction, Inc.	
	5,979.00
Total Gladen Construction, Inc.	<u>5,979.00</u>
Holmes Murphy	
	109.00
Total Holmes Murphy	<u>109.00</u>
Lueken's - North	
	96.99
Total Lueken's - North	<u>96.99</u>
Luekens - South	
	299.40
Total Luekens - South	<u>299.40</u>
Marco	
	367.22
	367.22
Total Marco	<u>734.44</u>
Midwest Meetings	
	500.00
Total Midwest Meetings	<u>500.00</u>
Minnesota Energy Resources Corp	
	2,628.23
Total Minnesota Energy Resources Corp	<u>2,628.23</u>
Nathan Anderson	
	100.00
Total Nathan Anderson	<u>100.00</u>
NLFX Professional	
	686.25
	400.00

VenuWorks of Bemidji, LLC

Unpaid Bills Detail

As of June 14, 2017
Open Balance

	<u>282.50</u>
	282.50
	110.00
Total NLFX Professional Office Depot	<u>1,761.25</u>
	104.83
	14.01
Total Office Depot	<u>118.84</u>
Raphaels Bakery Cafe	
	68.80
Total Raphaels Bakery Cafe	<u>68.80</u>
Schindler Elevator Corporation	
	244.11
Total Schindler Elevator Corporation	<u>244.11</u>
Supplyworks	
	142.04
Total Supplyworks	<u>142.04</u>
Sysco North Dakota, Inc.	
	653.72
	863.61
	540.17
	508.02
	162.38
Total Sysco North Dakota, Inc.	<u>2,727.90</u>
VenuWorks, Inc.	
(Ferguson Travel - Lions Convention)	1,564.00
(F&B Commissions)	3,961.25
(June Management Fee)	9,500.00
Total VenuWorks, Inc.	<u>15,025.25</u>
Waste Management	
	423.33
Total Waste Management	<u>423.33</u>
Manual Checks & Debits	
Merchant Services	340.21
Infinity	75.00
Longley	20.00
Total Manual Checks & Debits	<u>435.21</u>
TOTAL	<u><u>32,741.16</u></u>



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar St./Suite 133
 St. Paul, MN 55101-5133
 (651) 201-7507 FAX (651)287-5259 TDD (612)282-6555



**APPLICATION AND PERMIT
 FOR A 1 DAY TEMPORARY CONSUMPTION & DISPLAY PERMIT**

(City or county may not issue more than 10 permits in any one year)

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION Bemidji Chamber of Commerce	DATE ORGANIZED 1907	TAX EXEMPT NUMBER Fed ID 41-0192900	
STREET ADDRESS 300 Bemidji Ave N	CITY Bemidji	MN	56601
NAME OF PERSON MAKING APPLICATION Lori Paris	BUSINESS PHONE (218)(444)3541 x107	HOME PHONE	
DATE SET UPS WILL BE Dec 12, 2017 4-6PM	TYPE OF ORGANIZATION CLUB CHARITABLE RELIGIOUS OTHER NONPROFIT X		
ORGANIZATION OFFICER'S NAME Colleen Falk Chair	Fieldstone Financial, Bemidji, MN		
ORGANIZATION OFFICER'S NAME Chris Vacek Incoming Chair	RP Broadcasting Bemidji MN 56601		
ORGANIZATION OFFICER'S NAME Ryan Welle PastChair	First National Bank Bemidji, MN 56601		
Location where permit will be used. If an outdoor area, describe			
Choice Therapy PA 3835 Supreme CT NW STE 2			
Bemidji, MN 56601			

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO LIQUOR CONTROL

CITY/COUNTY <u>Bemidji</u>	DATE APPROVED _____
CITY FEE AMOUNT <u>\$15-</u> (Not to exceed \$25)	PERMIT DATE _____
DATE FEE PAID <u>5/22/17</u>	

SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____ APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT _____
NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the permit for the event



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar St./Suite 133
 St. Paul, MN 55101-5133
 (651) 201-7507 FAX (651)287-5259 TDD (612)282-6555



**APPLICATION AND PERMIT
 FOR A 1 DAY TEMPORARY CONSUMPTION & DISPLAY PERMIT**

(City or county may not issue more than 10 permits in any one year)

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION Bemidji Chamber of Commerce	DATE ORGANIZED 1907	TAX EXEMPT NUMBER Fed ID 41-0192900	
STREET ADDRESS 300 Bemidji Ave N	CITY Bemidji	MN	56601
NAME OF PERSON MAKING APPLICATION Lori Paris	BUSINESS PHONE (218)(444)3541 x107	HOME PHONE	
DATE SET UPS WILL BE Nov 14, 2017 4-6PM	TYPE OF ORGANIZATION CLUB CHARITABLE RELIGIOUS OTHER NONPROFIT X		
ORGANIZATION OFFICER'S NAME Colleen Falk Chair	Fieldstone Financial, Bemidji, MN		
ORGANIZATION OFFICER'S NAME Chris Vacek Incoming Chair	RP Broadcasting Bemidji MN 56601		
ORGANIZATION OFFICER'S NAME Ryan Welle PastChair	First National Bank Bemidji, MN 56601		
Location where permit will be used. If an outdoor area, describe			
Kraus Anderson Construction – 206 Beltrami Ave NW			
Bemidji, MN 56601			

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY ~~BEFORE~~ SUBMITTING TO LIQUOR CONTROL

CITY/COUNTY <u>Bemidji</u>	DATE APPROVED _____
CITY FEE AMOUNT <u>\$15</u> (Not to exceed \$25)	PERMIT DATE _____
DATE FEE PAID <u>5/22/17</u>	

SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____ APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the permit for the event

PS-09098(5/06)

COUNCIL AGENDA ITEM



Meeting Date: June 19, 2017

Action Requested: Authorize service corridor and water damage repairs at the Sanford Center

Prepared By: Ron Eischens, Finance Director

Reviewed By: Nate Mathews, City Manager *Nate*

The City pursued resolution of the water damage at the Sanford Center against various parties over the last year and a half. In January, the City received \$130,000 in settlement funds related to this issue, less consultant and legal fees of \$38,552, leaving \$91,000 available to remedy this matter.

Attached is a proposal from Christianson Construction Company to complete a number of tasks as follows:

- Repair damage, paint, prime corridor walls as well as doors and frames
- Provide continuous 2 x 8's at damaged locations
- Provide materials to replace water damages ceiling tiles
 - Venuworks staff will install the tiles
- Remove and replace damaged acoustical wall panels

The total cost of the above items is \$23,360

Recommendation:

Authorize Christianson Construction Company to provide necessary labor and materials to repair water damaged areas at the Sanford Center at a cost of \$23,360 with funding from previously received settlement payment.



CHRISTIANSEN CONSTRUCTION CO INC.

PO Box 456

Bemidji, MN 56601

218.751.4433 phone

218.444.4807 fax

DATE: June 8, 2017
PROJECT: Sanford Center – Bemidji
TYPE: SERVICE CORRIDOR REPAIRS & WATER DAMAGE REPAIRS

PROPOSAL

The following is our labor/material costs for REPAIRS to the SERVICE CORRIDOR at the Sanford Center. We also included REPAIR of items with noticeable WATER DAMAGE.

SERVICE CORRIDOR

Corridor Walls:

- Gyp Board necessary to repair damage, spot prime and apply two coats of paint to match existing finish. Clean up as required.

Doors and Frames:

Service Corridor Doors (13) and Frames (9)

- Prep, sand doors and feather out scratches, spot prime and apply two coats of paint to match existing finish. Clean up as required.

Continuous 2x8's:

- Provide continuous 2x8's at damaged top and bottom locations. Prime and paint to match existing finish. Clean up as required.

WATER DAMAGED CEILING TILES

- Provide materials to replace water damaged ceiling tiles.

ACOUSTICAL WALL PANELS AT BALLROOM:

- Remove and replace several acoustical wall panels that have been damaged by water, while using standard wall panels colors at random locations, placed to maintain Ballroom aesthetics. (6 panels of each size, total of 18 new panels)

TOTAL \$ 23,360.00

Please let us know if you need clarification on any of the items shown.

Thank you.

Chris Christiansen

Christopher Christiansen

President

Cc: Jeff Kossow, Executive Director
Bobby Anderson, Operations Manager

COUNCIL AGENDA ITEM



Meeting Date: June 19, 2017

Action Requested: Reapportionment of Special Assessments

Prepared By: Kay M. Murphy, City Clerk *Kay*

Reviewed By: Nate Mathews, City Manager

The City received a Lot Combination request from Dale Cloose for Parcel Nos. 80.03143.00, 80.03149.00 and 80.03320.00. There are special assessments on all three parcels as follows:

Parcel No. 80.03143.00	\$2,504.52
Parcel No. 80.03320.00	\$3,621.61
Parcel No. 80.03320.00	None

I have contacted Mr. Cloose who requested that the assessments be placed on the combined/new parcel number.

Recommendation:

Authorize reallocation of the special assessments as requested by the property owner.

RESOLUTION NO.

A RESOLUTION DESIGNATING 2-HOUR PARKING ON AMERICA AVENUE NW BETWEEN 3RD STREET AND 4TH STREET NW

WHEREAS, the Bemidji City Council of the City of Bemidji has amended its parking regulations by adding Section 9.20 entitled, "Calendar and Additional Parking Restrictions"; and

WHEREAS, the City Council has adopted calendar parking and other parking restrictions in order to enhance maintenance and snow removal as well as to improve public safety by providing better, quicker and safer access.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bemidji, Minnesota as follows:

1. Two-hour parking will be enforced with no parking from 12:00 midnight to 7:00 a.m.; and
2. City staff is directed to erect appropriate signage.

The foregoing resolution was offered by Councilmember _____, who moved its adoption, and upon due second by Councilmember _____, was passed by the following vote:

Ayes:
Nays:
Absent:

Passed: June 19, 2017

ATTEST:

APPROVED:

Kay M. Murphy, City Clerk

Rita C. Albrecht, Mayor

Proposed 2 Hour Parking on America from 3rd to 4th



0 50 100 200 300 Feet

COUNCIL AGENDA ITEM



Meeting Date: June 19, 2017

Action Requested: Division Street Utility Project – Consider Setting Water and Sewer Connection Fees

Prepared By: Craig J. Gray, City Engineer

Reviewed By: Nate Mathews, City Manager

Background:

The installation of city sanitary sewer and water mains in Division Street is underway and should be complete in the next 4-6 weeks. It is possible that we will have some of the property owners request connections to the city mains this year. This project is being done in cooperation with the School District and thus it was not done as a typical assessment project. However, if the parcels that are being served with new utility service lines and mains wish to connect they should be required to pay a City Connection Fee, so that they are not receiving the benefit of the system for free, while other city property owners are paying their assessments.

The City Council is authorized to establish a Connection Fee for a public utility project pursuant to Minnesota Statutes 444.075. Staff is recommending that the connection fee be established as follows for the 2017 Division Street Utility Project:

Sewer & Water Connection Fee: \$12,000

Property owners interested in connecting for either water and sewer services will pay the complete \$12,000 connection fee prior to service being established. This recommendation is based on assessments and connection fees for past utility projects along with the benefits provided to the properties from the current project. The two most recent projects are:

2002 South Lake Irving Utility Project:	\$ 8,000 total for both sewer and water
2005 Southeast 40 (Nymore):	\$ 6,836 sanitary sewer
	\$ 6,837 water

This connection fee would only apply to those parcels who wish to connect to the city utility system. There are 15 parcels that are being provided services from the Division Street project and these are shown on the attached spreadsheet.

Recommendation:

It is recommended that the City Council pass the attached resolution setting the above connection fees for the Division Street Utility project, City Project 17-07.

RESOLUTION NO.

A RESOLUTION ESTABLISHING CHARGE(S) FOR CONNECTION TO SANITARY SEWER AND WATER UTILITY FACILITIES CONSTRUCTED ALONG DIVISION STREET WEST

WHEREAS, pursuant to Minnesota Statutes Section 444.075, and as part of the Division Street Water and Sanitary Sewer Utility System Extension Construction (hereinafter the "Project"), the City has constructed and extended municipal sanitary sewer and water utility improvements both within City limits as well as extra-territorially into Grant Valley Township along Division Street (hereinafter referred to as "Facilities"); and

WHEREAS, pursuant to said Section 444.075, the City is authorized to establish and impose a reasonable charge or charges for connection to the Facilities by the owner, lessee or occupant of premises or a "connection unit" not otherwise previously the subject of a special assessment for construction of said Facilities; and

WHEREAS, a "connection unit" is defined as a residential or commercial building connection to the Facility(ies) or any independent sanitary sewer and water service line that would utilize a Facility and, in the case of a multiple-unit residential building or development, each individual residential dwelling unit may constitute a separate connection unit; and

WHEREAS, Section 444.075, Subd. 3d, provides that, "charges for connections to the Facilities may in the discretion of the governing body be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection"; and

WHEREAS, in determining the reasonableness of the charges to be imposed, consideration may be given to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the City, including the principal and interest to become due on obligations issued or to be issued and the costs of obtaining and complying with permits required by law; and

WHEREAS, in 2002, the Council extended municipal sanitary sewer and water utility improvements to the current utility terminus from which location the improvements described herein are being extended, and at that time established connections charges for said 2002 extensions which charges approximate those to be set by this resolution, subject, however, to those considerations described above; and

WHEREAS, the Council deems it reasonable and in the best interests of the City and its residents to establish charges for connection to the Facilities and to permit said charges to be paid in whole or in equal installments as is the case with special assessments, with the unpaid balance to be certified over to the County Auditor with taxes against the property served for collection as other taxes are collected, at an interest rate of 2.75%.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bemidji, Minnesota, as follows:

1. The following are hereby established as charges for connection to the newly constructed Division Street Municipal Utility System Facilities Improvements and Extension(s), which shall be due and payable prior to connection to said Facilities of or by a connection unit not otherwise the subject of a levied special assessment. Said charge shall be as follows:

\$12,000 for connection to Municipal Sanitary Sewer and Municipal Water

An owner requesting to connect to the Facilities may also request to pay the charges up to **fifteen** annual equal installments, with the unpaid balance certified to the County Auditor for collection as other taxes are collected.

2. In the event that a Connection Unit is not located within incorporated City limits the time of a request to connect, the premises must first be annexed into the City before connection(s) is/are permitted.
3. The City's fee schedule for such connection charges may be amended as needed by Council resolution, and, furthermore, the charges shall be reflected in the City's Fee Schedule Ordinance, as amended from time to time.

The foregoing resolution was offered by Councilmember _____, and upon due second by Councilmember _____, was passed by the following vote:

Ayes:
Nays:
Absent:

Passed:

ATTEST:

APPROVED:

Kay M. Murphy, City Clerk

Rita C. Albrecht, Mayor

2017 DIVISION STREET UTILITY PROJECT

CONNECTION CHARGE

ADDRESS	PROPERTY OWNER	PIN	CONNECTION FEE
3629 Division St W	Lillian Ann Huderle	15.00263.00	\$ 12,000
3559 Division St W	Richard Blomberg	15.00263.03	\$ 12,000
3469 Division St W	Construction, Consulting & Inspection Servies, LLC	15.01185.00	\$ 12,000
221 Adams Ave NW	Stuart Michalicek	15.01186.00	\$ 12,000
3203 Division St W	American Auto Glass	03.00037.00	\$ 12,000
2929 Division St W	Debbie Yates	03.00038.00	\$ 12,000
No address	Jerry Dobson	03.00049.00	\$ 12,000
2909 Division St W	Jerry Dobson	03.00039.00	\$ 12,000
2831 Division St W	Gregory Kleeb	03.00055.00	\$ 12,000
2815 Division St W	Olaus Thorson	03.00050.01	\$ 12,000
2725 Division St W	Kristopher Berndt	03.00050.02	\$ 12,000
No address	Loonesota Inc.	80.05225.00	\$ 12,000
189 & 234 Gerald Ln NW	Loonesota Inc.	03.00050.00	\$ 12,000
2605 Division St W	Darrell Carter	03.00051.00	\$ 12,000
137 Bush Ct NW	Darrell Carter	03.00057.00	\$ 12,000

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE V OF THE BEMIDJI CITY CODE RELATING TO SHADE TREE PEST AND DISEASE CONTROL AND PREVENTION

SECTION 1. Sections 14-141 through 14-153, inclusive, of Chapter 14, Article V, of the Bemidji City Code, entitled "Shade Tree Pest and Disease Control and Prevention", are hereby repealed, and Article V is amended as follows:

Sec. 14-141. Policy and Purpose.

The health of the trees in the City is threatened by shade tree pests including fatal diseases known as oak wilt and Dutch elm disease, as well as newly spreading diseases and pests, such as the Emerald Ash Borer. It has further determined that the loss of shade trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of these diseases and provide for the removal of dead or diseased trees as nuisances. In addition to and in accordance with Minn. Stat. §§ 89.001, 89.01, and 89.51-.64 (Shade Tree Pest Control Act), the provisions of this Article are adopted as an effort to control and prevent the spread of these shade tree pests.

Sec. 14-142. Jurisdiction.

The City shall have control of all trees, shrubs, and other plantings now or hereafter in any street right-of-way, park, public right-of-way or easement, or other public place within the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings therein.

Sec. 14-143. Declaration of a shade tree pest.

The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control or manage the shade tree pest, including necessary timelines for action.

Sec. 14-144. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public Nuisance means:

- (1) Any living or standing tree infected to any degree with a shade tree pest or disease;
- or
- (2) Any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the tree inspector.

Shade tree pest or disease means Dutch elm disease, oak wilt disease, emerald ash borer, or any pest, disorder or disease affecting the growth and life of shade trees.

Tree inspector means designated person(s) or such other employee(s) of the city within the Department of Parks and Recreation to carry out the enforcement of this article. Tree Inspectors shall be certified upon completion of a written test and an annual tree inspector certification workshop conducted by the State Commissioner of Natural Resources for the purpose of determining that the applicant possesses the necessary qualifications to be a tree inspector.

Boulevard Tree means trees, shrubs, bushes, and all other woody vegetation on land lying within public rights-of-way between property lines on either side of all streets, avenues, or ways within the City.

Park Tree means trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the city.

Sec. 14-145. Adoption of state law, rules and regulations.

Minn. Stat. §§ 89.001, 89.01, 89.51-64 are hereby adopted by reference, together with the rules and regulations of the state commissioner of natural resources relating to shade tree diseases, provided that this article shall supersede such statutes, rules and regulations only to the extent of inconsistencies.

Sec. 14-146. Unlawful public nuisance; reporting.

A shade tree pest or disease, as defined by Section 14-142, or as declared under 14-1412, occurring within the city is a public nuisance. It is unlawful for any person to permit any public nuisance as defined in this section to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this section.

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under subdivision 14-142 or as declared under 14-1412, shall report the same to the city.

Section 14-147. Boulevard tree species permitted.

No species other than those included in the official list maintained by the City Parks & Recreation Department, may be planted as boulevard trees without written permission of the City Parks Director.

(1) *Spacing.* Trees must be planted in the center of the boulevard. No boulevard tree or shrub shall be planted in such a manner that its eventual growth cannot be reasonably controlled. In addition, no boulevard trees may be planted closer than 15 feet from another tree.

(2) *Distance from curb and sidewalk.* No boulevard tree shall be planted closer than 3 feet from curbs or curblines and sidewalks.

(3) *Distance from street corners and fire hydrants.* No boulevard tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No boulevard tree shall be planted closer than 10 feet of any fire hydrant.

(4) *Utilities.* No boulevard tree other than those identified above shall be planted under or within 10 feet of any overhead utility wire. No boulevard tree may be planted closer than 5 feet from water, sewer and storm water utilities.

Sec. 14-148. Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of boulevard trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sec. 14-145 of this ordinance.

Sec. 14-149. Permit to plant, prune, or remove trees on rights-of-way.

(a) *Permit.* It is unlawful for any person to plant, remove, or prune any tree or shrub which is upon public property, including rights of way, without first obtaining from the city a permit in writing to do so. Applications for city permits shall be made to the City Parks Department, and the City Parks Director or designee shall determine whether the requested permit shall be issued or denied. All permits shall be subject to the requirements of Section 14-145. A permit may be issued subject to reasonable restrictions or conditions, which shall be provided to the permittee in writing at the time of issuance of the permit, and it is unlawful to violate such restrictions or conditions.

(b) *Tree topping.* It shall be unlawful for any person, firm, or tree service to top any boulevard tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city parks department.

(c) *Pruning, corner clearance.* Notwithstanding any other provision herein to the contrary, every owner of any tree on private property overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of twelve (12') feet of above a street or alleyway and allow eight (8') feet of above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

Sec. 14-150. Procedure for removal of inspection and application of control measures.

(a) The tree inspector is authorized to inspect premises and places within the city to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of public nuisances and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means.

(b) The tree Inspector and the employees of the City Parks Department are authorized and empowered to enter upon private premises at reasonable times and reasonable hours for the purpose of taking necessary action and performing the duties assigned to the tree Inspector by this section. The foregoing notwithstanding, except in situations where the tree inspector believes

there is imminent danger to human life and safety which necessitates immediate action, before entering private property for the purpose of inspecting or performing the duties hereunder, the tree inspector shall make a reasonable attempt to first secure permission of the owner, resident, or other person in control of the property. In the event that permission to enter is denied, the tree inspector shall obtain a warrant or order from a court of competent jurisdiction authorizing the entry.

(c) No person, firm, or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector's authority while engaged in activities authorized by this section.

Sec. 14 -151. Standard abatement procedure.

Except as provided in Sec. 14-152 and 14-154, whenever a tree inspector determines with reasonable certainty that a public nuisance, as described by this ordinance, is being maintained or exists on premises in the city, the tree inspector is authorized to abate a public nuisance according to the procedures in this subdivision.

(a) The tree inspector will notify in writing the owner of record or occupant of the premises that a public nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the city clerk.

(b) The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the city at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice will also state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the city clerk within seven (7) days after service of the notice, or before the date by which abatement must be completed, whichever comes first.

(c) If no timely appeal is submitted, and the control measures prescribed in the notice of abatement are not complied with within the time provided by the notice or any additional time granted, the tree inspector or designated person shall have the authority to obtain permission or an administrative search warrant, enter the property, and carry out abatement in accordance with the notice of abatement.

Sec. 14-152. High-cost abatement.

If the tree inspector determines that the cost of abating a nuisance will exceed \$5,000 based on a reasonable, good faith estimate, the written notice must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

Sec. 14-153. Appeal Procedure.

If the city clerk receives a written request for a hearing on the question of whether a public nuisance exists, the City Council shall hold a hearing within seven (7) calendar days following receipt by the clerk of the written request. At least three (3) days notice of the hearing shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance.

Sec. 14-154. Abatement procedure in event of imminent danger.

(a) If the tree inspector determines that the danger of infestation to other shade trees is imminent, and delay in control measures may put public health, safety, or welfare in immediate

danger, the tree inspector may provide for abatement without following Sec. 14-150 and 14-151. The tree inspector must reasonably attempt to notify the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

(b) Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Sec. 14-155. Recovery of cost of abatement liability and assessment.

(a) The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

(b) After notice and hearing, as provided in Minn. Stat. § 429.061 (which may be amended from time to time), the city clerk shall, on or before Sept. 1 next following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then certify the charges against the property to the county auditor for collection along with current taxes the following year or in annual installments as the city council may determine in each case.

Sec. 14-156. Licensure of tree service firms, insurance and bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the City without first applying for and procuring a license, showing proof of insurance and posting the required surety bond pursuant to City Code Sections 12-1221 to 12-1222. Moreover, any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota Commissioner of Agriculture under Minn. Stat. Sec. 18G.07.

Sec. 14-157. Transporting wood prohibited.

It is unlawful for any person to transport wood identified herein as a public nuisance to any location except approved disposal sites. No person shall transport within or through the city or into or through any designated "zone of infestation" as defined by Minn. Stat. §89.53, any bark bearing elm wood, bark bearing Emerald Ash Borer (EAB) infested Fraxinus (Ash) wood, or bark bearing oak wood from oak wilt infected trees, except to an approved wood disposal site authorized by Minn. Stat. §89.53.

Sec. 14-158. Diseased trees in boulevards.

The rights, duties and responsibilities of property owners set forth in this article shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under Sec. 20-4 pertaining to the regulation of grass, weeds and trees.

Sec. 14-159. Penalty.

(a) Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days, or a fine of not more than \$1,000, or both.

(b) Upon conviction of a misdemeanor, the costs of prosecution may be added. A separate

offense shall be deemed committed upon each day during which a violation occurs or continues.

(c) The failure of any officer or employee of the city to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.

(d) In addition to any penalties provided for in this section, if any person, firm, or corporation fails to comply with any provision of this section, the City Council or any official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Sec. 14-160. Severability.

Should any part of provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held be invalid.

SECTION 2. This Ordinance shall become effective thirty (30) days after its passage and publication according to law.

Ayes:

Nays:

Absent:

First Reading: June 5, 2017

Second Reading:

Final Reading:

ATTEST:

APPROVED:

Kay M. Murphy, City Clerk

Rita C. Albrecht, Mayor