

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – August 15, 2016

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, August 15, 2016 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, Johnson, Olson, Erickson, Larson Absent: Hellquist

Staff Present: City Manager Nate Mathews, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

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

MINUTES

The following minutes were presented for approval:

Council Meeting	August 1, 2016
Work Session	August 8, 2016
Sp. BEDA Meeting	August 8, 2016

Motion by Meehlhause, 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 Olson, seconded by Johnson, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$1,069,223.62
2. Claims Submitted by VenuWorks for the Sanford Center in the amount of \$75,923.80
3. Business License Renewal – 2016
4. **RESOLUTION NO. 6021:** Approving Temporary Off-Premises Liquor Permit and Street Closure for the Bemidji Brewing Company Oktoberfest (9/17/16)
5. **RESOLUTION NO. 6022:** Approving Temporary Off-Premises Liquor Permits and Street Closures for the 2016 BSU Homecoming Street Dance (10/15/16)
6. **RESOLUTION NO. 6023:** Entering into a Grant Agreement with MN Department of Public Safety for Toward Zero Deaths Campaign

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

Bill Batchelder, 2405 Carol Drive NE, stated that the Council's pay should be higher and they should receive per diem when attending meetings.

PUBLIC HEARING

Revocation/Suspension of the On-Sale Intoxicated Liquor License(s) issued to Modern Operations LP, d/b/a Toasty Beavers Sports Bar & Grill

City Attorney Felix stated that the City Clerk received a call from one of the interested parties who stated that they would not be attending the tonight's hearing. He further advised the Council that the total number of days that the license can be revoked is 60 days.

Mayor Albrecht opened the public hearing at 6:08 p.m.

City Attorney Felix reviewed the basis for the hearing and proposed revocation/suspension:

1. Licensee's violation of the Alcoholic Beverage Licensing provisions in the Bemidji City Code, Chapter 4, Section 4-44(e), in particular:
 - a. Licensee's delinquency in payment of State Liquor Taxes owed to the Minnesota Department of Revenue pursuant to Minnesota Statutes Section 270C.725. Said failure to pay and delinquency has resulted in the prohibition of the Licensee receiving delivery of any product from wholesalers, manufacturers and brewers. Moreover, said failure has resulted in allegations that Licensee has been purchasing product illegally from non-permitted sources.

- b. Licensee’s failure to maintain its Food and Beverage License for the current year 2016, issued by the Minnesota Department of Health (license having been canceled effective January 1, 2016).
- 2. Licensee’s violation of Bemidji City Code Sections 4-55 and 4-56, by its failure to maintain proof of financial responsibility imposed by Minnesota Statutes Section 340A.409 (Liquor Liability Insurance), and its failure to notify the City when said insurance was canceled or terminated (canceled effective April 5, 2016).
- 3. Licensee’s violation of Bemidji City Code Section 4-50, by its failure to pay the first half of 2016 real property taxes, as well as its failure to timely pay (delinquency) municipal water and sewer utility charges (delinquency dates back to June 22, 2016).
- 4. Licensee’s failure to appoint in writing a resident manager or agent of the Licensee, or to appoint in writing a successor when the original agent or manager ceased to act in such capacity for the Licensee, pursuant to Bemidji City Code Section 4-47.

A brief discussion followed regarding the difference between suspending and revocation.

Hearing no further comments, Mayor Albrecht closed the public hearing at 6:18 p.m.

Motion by Olson, seconded by Meehlhause, to revoke the on sale liquor licenses issued to Modern Operations LP d/b/a Toasty Beavers Sports Bar & Grill for 60 days. Furthermore, directing staff to notify the owner in writing of the 60-day revocation. Motion carried unanimously.

NEW BUSINESS

Paul Bunyan Trail/Rako Street Property

City Manager Mathews reviewed a request from Minnesota DNR asking if the City was still interested in acquiring a 3.98-acre parcel from them. He noted that the Council have discussed this previously purchasing to add to the Rako Street property.

Felix stated that the discussion on purchasing the property began when a local developer had made an offer conditioned on acquisition of this strip of land. He noted that the selling price has remained the same since 2011. Felix suggested that if the Council wishes to purchase the property, to do so as a resolution.

RESOLUTION NO. 6024: A Resolution to Purchase a 3.98-acre parcel (Paul Bunyan Trail/Rako Street) from the Minnesota DNR in the amount of \$27,546.96 utilizing the City’s contingency fund budget line item was offered by Councilmember Johnson, and upon due second by Councilmember Meehlhause was passed by unanimous vote.

ORDINANCES

AN ORDINANCE Amending Ordinance No. 75, 3rd Series, Chapter 12, Article XXV, Sec. 12-1442 of the Bemidji City Code Relating to Lodging Tax Extension was given a first reading.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to the Vacation of a Paper Street (Wagner Avenue NW) was given a first reading.

UPCOMING COUNCIL MEETINGS

- Monday, August 22 5:30 p.m. Special Work Session – VisitBemidji
- Monday, August 22 7:00 p.m. Joint Meeting with Northern Township
- Tuesday, Sept. 6 6:00 p.m. Council Meeting

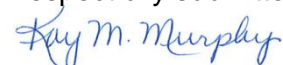
COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.

ADJOURN

There being no further business, motion by Meehlhause, seconded by Olson, to adjourn the meeting. Motion carried. Meeting adjourned at 7:00 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk