

➤ **5:30 p.m. Closed Special Work Session Re:
Sanford Center**

**BEMIDJI CITY COUNCIL
AGENDA**

Tuesday, September 8, 2015

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: August 17, 2015
- Special Meeting: August 17, 2015
- Special Meeting: September 1, 2015

II. CONSENT AGENDA

Items in the Consent Agenda are approved 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 \$1,244,511.99
- 3) Claims Submitted by Venuworks for the Sanford Center in the amount of \$20,417.63
- 4) Transfer of Wine, Beer and Restaurant Licenses to Poxleitner Hospitality, LLC, dba Country Kitchen
- 5) General Business Licenses for 2015
- 6) Consider Purchase of Water Tower Mixers

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. REPORTS

- 7) Bemidji Youth Advisory Commission –
 - AT&T Presentation & **PICTURE**
 - BYAC Introductions

Bemidji—Regional Center Amenities with Small Town Character

V. NEW BUSINESS

- 8) Consider a Resolution Restricting Parking on 7th Street SE Between Grant Avenue and Pershing Avenue SE
- 9) Consideration of Remaining Issues (Letter of Credit waiver/modification and Eminent Domain Exercise) in Proposed Development Agreement regarding New Upper Elementary School
- 10) Report from the City Attorney regarding the Closed Meeting held on 9/1/2015

VI. ORDINANCE(S)

- 11) Final Reading of an Ordinance Amending Chapter 4 of the Bemidji City Code Entitled, "Alcoholic Beverages" by Adding the Provisions Relating to Delivery of Liquor
 - Authorization to Publish Summary of Said Ordinance

VII. UPCOMING MEETINGS

- Monday, Sept. 14 5:30 p.m. Work Session – CIP / Utility Cashflow, Etc.
- Monday, Sept. 21 5:00 p.m. Council Picture
- Monday, Sept. 21 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 – August 17, 2015

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 17, 2015 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, Hellquist, Olson, Erickson, Larson

Staff Present: City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

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

MINUTES

The following minutes were presented for approval:

Council Meeting	August 3, 2015
Special Meeting	August 3, 2015
Work Session	August 10, 2015

Motion by Meehlhause, seconded by Hellquist, to approve the minutes as prepared. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Claims submitted by the Finance Officer in the total amount of \$989,750.95
2. Claims submitted by Venuworks for the Sanford Center in the total amount of \$29,209.49
3. General Business Licenses for 2015
4. 1 Day Temporary Consumption and Display Permit – Headwaters Science Center – 11/13/15
5. Declared Old Outdoor Siren Equipment Surplus and Authorize Disposal
6. Nominated Joint Planning Commission Member – Laurie Kramka
7. Changes to the City's Personnel Policy

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

- Eva Fisher, Bemidji Jaycees, provided an update on the 2015 Water Carnival. She stated that they received positive feedback on the site and that the carnival rides did very well. However, they suffered a 60% decrease in the entertainment tent which will impact their ability to give funds back to the community this year. The Jaycees will be taking a serious look at events for next year as well as the free amenities. The \$14,000

that they typically spend on fireworks has increased due to the need for a pontoon and storage. The only feasible location for the water carnival is the Sanford Center parking lot with the changes to the waterfront. She concluded by thanking the City Council, staff and several community supporters.

Hellquist noted that there were many positive comments on Facebook and liked the “family” atmosphere. Fisher stated that the Jaycees need to figure out the layout but overall the location, lighting and parking were an improvement at the Sanford Center parking lot.

Mayor Albrecht noted that the downtown businesses have indicated that they like the water carnival downtown and suggested that the Jaycees could do some of the events at the waterfront and the amusement rides at the Sanford Center parking lot.

CGMC Update

Elizabeth Wefel, Lobbyist with the Coalition of Greater Mn Cities, provided an overview of the outcomes of the 2015 Legislative session. In summary, they are:

- No funding increase for LGA due to Legislature’s failure to pass a tax bill
- \$1.8M for a new employer-driven job training program
- \$5.3M for workforce housing
- \$10.8M for broadband infrastructure grant program
- \$12.5M for small-city streets
- \$4.3M for the Greater Minnesota BDPI program
- Passed law requiring state to perform a cost impact analysis of all new and proposed water quality regulations

NEW BUSINESS

Rezone of former Rail Corridor

City Attorney Felix stated that in order to move the Center City Housing Project forward the Council should consider making an application to rezone the former Rail Corridor from B-2 (Business District) to Urban Renaissance District (UR). He noted that the Center City Project is in the process of applying for financing, i.e., tax credits and related funding sources through the Minnesota Housing Finance Agency (MHFA) and the viability of such project as a permitted use or at least as a Condition Use, is imperative to the success of the financing approval(s). He further recommended that the entire corridor, owned by the City, be included in the rezoning request.

Motion by Hellquist, seconded by Olson, authorizing staff to prepare and submit a rezoning application for the former Soo Line Rail Corridor from B-2 to Urban Renaissance to the Joint Planning Board. Motion carried unanimously.

ORDINANCE

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 Adding the Provisions Relating to Delivery of Liquor. Mayor Albrecht opened the Public Hearing at 6:42 p.m., hearing no comments the public hearing was closed.

Felix noted that he will have some minor changes to the ordinance for the Council to consider prior to the third reading.

AN ORDINANCE Amending Chapter 4 of the Bemidji City Code Entitled “Alcoholic Beverages” by Adding the Provisions Relating to Delivery of Liquor was given a second reading.

UPCOMING COUNCIL MEETINGS

- | | | |
|--------------------|-----------|-------------------------------------|
| • August 24 & 31 | | No meetings scheduled |
| • Tuesday, Sept. 8 | 6:00 p.m. | Council Meeting |
| • Monday, Sept. 14 | 5:30 p.m. | Work Session – CIP/Utility Cashflow |

COUNCIL/STAFF REPORTS

- Council members provided updates on current events and meetings.
- Councilor Johnson stated that the Airport Authority has been reviewing applicants and he believes close to making a recommendation to the City and County for appointment.
- Felix provided an update on a meeting with school district representatives regarding the developer’s agreement on the proposed upper elementary school.
- Felix noted that the Council met prior to this meeting as a special closed meeting to discuss matters with the City’s Attorney regarding Bemidji Township litigation.

ADJOURN

There being no further business, motion by Hellquist, seconded by Meehlhause, to adjourn the meeting. Motion carried. Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Kay M. Murphy
City Clerk

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Special Meeting/Work Session – August 17, 2015

Pursuant to due call and notice, a special meeting/work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, August 17, 2015, at 5:30 p.m. in the Conference Room of City Hall, Mayor Albrecht presiding.

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

Staff Present: City Attorney Alan Felix, Finance Director Ron Eischens, City Clerk Kay Murphy

Legal Counsel: Jim Thomson, Kennedy & Graven (via phone)

Mayor Albrecht stated that the purpose of the work session was to discuss threatened or pending litigation regarding Bemidji Township matter.

Motion by Meehlhause, seconded by Hellquist, to close this meeting in accordance with Minnesota Statute Section 13D.05, Subd. 3(b) for the purpose of discussing with the City's Attorney threatened or pending litigation with regards to Bemidji Township. Motion carried unanimously. Meeting Closed at 5:31 p.m.

Motion by Meehlhause, seconded by Olson, to reopen the meeting at 5:56 p.m. Motion carried unanimously.

ADJOURN

There being no further business the meeting adjourned at 5:57 p.m.

Respectfully submitted,

Kay M. Murphy
City Clerk

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Special Meeting/Work Session – September 1, 2015

Pursuant to due call and notice, a special meeting/work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, September 1, 2015, at 5:40 p.m. in the Conference Room of City Hall, Mayor Albrecht presiding.

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

Staff Present: City Manager Nate Mathews, City Attorney Alan Felix

Legal Counsel: Jim Strommen, Kennedy & Graven (via phone)

Mayor Albrecht stated that the purpose of the work session was to discuss threatened or pending litigation.

Motion by Meehlhause, seconded by Larson, to close this meeting in accordance with Minnesota Statute Section 13D.05, Subd. 3(b) for the purpose of discussing with the City's Attorney threatened litigation by the City with regards to issues at the Sanford Center. Public hearing closed at 5:40 p.m.

Motion by Meehlhause, seconded by Olson, to reopen the meeting at 6:00 p.m. Motion carried unanimously.

ADJOURN

There being no further business, motion by Olson, seconded by Larson, to adjourn the meeting. Motion carried. Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Nate Mathews
City Manager

Bill List Summary

September 8th, 2015

<u>Check /Wire</u>	<u>Vendor</u>	<u>Amount</u>
17470 - 17581	See Attached List	<u>1,244,511.99</u> \$ 1,244,511.99
	TOTAL	\$ 1,244,511.99

Accounts Payable

Blanket Voucher Approval Document

User: denisea
Printed: 09/03/2015 - 10:18AM
Warrant Request Date: 09/09/2015
DAC Fund:



COUNCIL BILL LIST

Line	Claimant	Voucher No.	Amount
1	Ace On The Lake	000017470	2,795.44
2	Advanced Eng. & Environ.Serv., Inc.	000017471	175.00
3	Albrecht, Rita	000000000	75.00
4	Alliance Benefit Group	000017472	110.00
5	ALTI SOURCE	000017473	30.62
6	Ameripride	000000000	726.10
7	Anderson, Jannik	000000000	248.32
8	Anderson, Rick	000000000	179.99
9	Artisan Beer Company	000017474	960.30
10	Auto Value Bemidji	000017475	138.46
11	Bahl, Matthew	000000000	205.00
12	Balbach, Jonah	000000000	1.73
13	Bargen Inc.	000017476	60,272.65
14	Baumgartner, Don	000000000	150.00
15	Beacon Athletics	000000000	174.00
16	Bellboy Corporation	000000000	3,492.72
17	Beltrami County Auditor/Treasurer	000017477	13,564.39
18	Beltrami County Dare Advisory	000017478	899.05
19	Beltrami County Recorder	000017479	92.00
20	Bemidji Bituminous Inc	000017480	15,231.50
21	Bemidji Coca-Cola Bottling Co, Inc	000017481	873.65
22	Bemidji Oil & Propane Inc	000000000	981.21
23	Bemidji Paper Sales, Inc.	000000000	2,336.81
24	Bemidji State University Hockey Cheer	000017482	250.00
25	Bemidji State University Foundation	000017483	25.00
26	Bemidji Steel Company	000000000	111.63
27	Bemidji Welders Supply, Inc.	000017484	10.66
28	Bernick's	000000000	49,469.99
29	Bessler Brother's Electric, LLC	000000000	6,245.40
30	Bobcat of Bemidji	000000000	310.00
31	Botzek, Luke	000000000	55.99
32	Boyer Mechanical Services	000017485	975.00
33	Bruins, William	000000000	110.00
34	Buchanan, Jerome	000017486	20.00
35	Cenex Fleetcard	000017487	16,267.38
36	City of Bemidji	000000000	11,088.12
37	City of Minneapolis	000017488	1,170.90
38	Coons, Josh	000000000	135.00
39	Country Kitchen	000017489	176.16
40	Crazy About Cleaning	000000000	640.00
41	D & D Beverage, LLC	000017490	2,027.00
42	D-S Beverages	000017491	62,709.28
43	Dakota Supply Group, Inc.	000000000	140.76
44	DEVOLDER, RUSSELL & RENAE	000017492	3.24
45	Digital Ally, Inc.	000017493	95.00

Page Total: \$255,750.45

Line	Claimant	Voucher No.	Amount
46	Dionne's OM Yoga Studio	000017494	687.50
47	Downtown Development Authority Permits	000017495	1,122.00
48	Evergreen Youth & Family Services	000017496	1,595.00
49	Fastenal Company	000017497	40.76
50	Federal Signal Corporation	000017498	49,900.00
51	Fenner, Kevin	000000000	90.28
52	First Data Global Leasing	000000000	39.95
53	FleetPride, Inc.	000017499	303.59
54	Flexible Pipe Tool Company	000000000	2,421.95
55	Forseth, John	000017500	5.00
56	Frenzel Construction, Inc.	000017501	3,025.00
57	Gale, Mary	000017502	20.00
58	Glazed & Amused	000017503	264.00
59	Grafix Shoppe	000017504	55.09
60	Grainger	000017505	159.80
61	Graphic FX	000017506	355.99
62	Guardian Pest Control, Inc	000017507	157.85
63	Hansen, David	000000000	60.00
64	Havis	000017508	398.00
65	Hawkins, Inc.	000000000	13,105.13
66	HD Waterworks Supply	000017509	5,382.36
67	Headwaters Science Center	000017510	235.00
68	HotsyMinnesota.Com	000017511	49.36
69	Houston Engineering, Inc	000000000	9,139.50
70	Hulett, Mike	000000000	432.89
71	Hunt, Jon	000000000	60.00
72	Huot, Mark	000000000	150.00
73	Ink Spot Press	000017512	281.67
74	Irish, Wendy	000000000	50.03
75	J. Gardner & Associates, Ilc	000017513	355.00
76	Jack Reddick Company, LLC	000017514	9,820.00
77	JFC Strategic Services	000000000	6,082.68
78	Jim Hirt Trucking, Inc	000017515	2,785.25
79	Johnson Bros., Inc.	000017516	48,222.08
80	Karvacko Engineering	000000000	25,953.93
81	Katzenmeyer, Martin	000000000	32.48
82	Kennedy & Graven Charter	000017517	5,251.40
83	Kennedy, Timothy	000000000	488.82
84	Knife River Materials	000017518	18,860.85
85	Lancaster, April	000000000	15.00
86	Larson Electric Inc	000017519	75.00
87	Law Enforcement Technology Group, LLC	000017520	150.00
88	Lawson Products, Inc.	000017521	152.47
89	League of MN Cities	000017522	12,536.00
90	Lieffort, Donald Al	000000000	865.91
91	Lundmark Construction	000017523	5,051.00
92	M&T Excavating, Inc.	000017524	117,857.78
93	Maid In Bemidji, Inc.	000000000	309.00
94	Maney Int'l of Alexandria, Inc.	000017525	74.90
95	Marco, Inc.	000000000	382.39
96	Mattice, Marc	000000000	51.80
97	Mattson, Renee	000000000	8,593.98
98	May, Wesley	000017526	2,000.00
99	McKinnon Co., Inc.	000017527	33,899.35
100	Menards-Bemidji	000000000	220.51
101	Midwest Playground Contractors, Inc.	000017528	2,800.00
102	Miller, Mike	000000000	20.00

Page Total: \$392,495.28

Line	Claimant	Voucher No.	Amount
103	MILLER, ROY	000017529	3.12
104	MN Dare Officer Association	000017530	175.00
105	MN Dept of Health	000017531	5,739.00
106	MN Dept of Natural Resources	000017532	750.00
107	MN Energy Resources	000000000	1,876.46
108	MN Municipal Beverage Assn	000017533	15.00
109	MN Pollution Control Agency	000017534	23.00
110	MN Pollution Control Agency	000017535	812.50
111	MN Valley Testing Lab, Inc.	000000000	717.00
112	Municipal Code Corporation	000017536	1,378.00
113	NAPA Auto Parts	000000000	94.26
114	Naylor Heating & Refrigeration, LLC	000000000	7.62
115	Nei Bottling, Inc.	000017537	371.06
116	Nelson Auto Center	000000000	235.00
117	Nelson, Keith A.	000000000	301.45
118	Neopost USA, Inc	000017538	82.70
119	Nolting, Katie	000017539	270.00
120	North Country Business Product	000000000	5,531.08
121	North Country Electrical Services, Inc.	000017540	1,328.00
122	Northdale Oil Inc.	000017541	90.00
123	Northern Rides Inc.	000017542	390.00
124	Northwoods Ice, Inc.	000017543	1,361.40
125	NW Tire, Incorporated	000017544	21.85
126	Otter Tail Power Company	000017545	48,356.04
127	Paskvan Real Estate LLLP	000017546	3,285.00
128	Paul Bunyan Communications	000017547	1,597.72
129	Paustis & Sons	000017548	4,270.94
130	Peterson Sheet Metal, Inc.	000000000	237.50
131	Phillips Wine & Spirits	000017549	29,059.39
132	Port-O-Wild Security, Inc.	000000000	630.00
133	Postmaster	000017550	2,229.72
134	Prairie Restorations, Inc.	000017551	9,032.00
135	Quality Flow Systems, Inc.	000000000	1,500.00
136	Quill Corporation	000017552	291.05
137	Railroad Management Co III,LLC	000017553	160.78
138	Red Power Diesel Service, Inc.	000017554	189.64
139	Reierson Construction, Inc.	000017555	305,602.50
140	RMB Environmental Laboratories, Inc.	000017556	989.00
141	Robertson, Jesse	000000000	70.00
142	Roger's Two Way Radio, Inc.	000017557	588.98
143	Rutledge, Sherry	000000000	69.00
144	Sadeks Repair & Welding, Inc.	000017558	2,249.11
145	Safe Sitter, Inc.	000017559	135.00
146	Schaeffer Mfg. Co.	000017560	336.00
147	Schmitz, Tom	000000000	11.00
148	Schoenbauer Consulting, LLC	000000000	2,951.86
149	Select Account -City of Bemidji	000000000	6.63
150	Settle, Kristy	000017561	110.00
151	Skumavc, Kori	000000000	15.00
152	Southern Wine & Spirits of Minnesota	000017562	15,404.35
153	Southside Tow & Rec, Inc	000017563	2,005.94
154	Spartz, Ron	000017564	13.00
155	Spee-Dee Delivery Service, Inc.	000017565	37.20
156	Staples Advantage	000017566	1,082.66
157	Streicher's	000017567	119.97
158	Superior Outdoor Solutions	000017568	830.00
159	Swenson, Joe	000000000	70.00

Page Total: \$455,110.48

Line	Claimant	Voucher No.	Amount
160	Taser International, Inc	000017569	380.96
161	TC Lighting Supplies & Recycling, Inc	000017570	189.53
162	Thane Hawkins	000017571	27,891.76
163	The Bemidji Pioneer	000000000	211.60
164	Tires Plus of Bemidji	000017572	1,293.09
165	US Bank Merchant Billing	000000000	10,481.76
166	Valvoline Instant Oil Change	000017573	52.68
167	VanTassel Proctor	000017574	1,000.00
168	Verizon Wireless	000017575	140.04
169	Vinocopia, Inc.	000000000	1,832.92
170	VisitBemidji	000000000	49,870.27
171	Waste Management of WI-MN	000017576	575.37
172	Wells Fargo-ACH	000000000	45.74
173	Wendorf, Barry	000000000	59.30
174	Wes Plumbing & Heating	000017577	202.40
175	Whelan Properties, Inc.	000017578	57.89
176	Widseth, Smith & Nolting	000017579	3,433.00
177	Wilcox, LuAnn	000000000	425.85
178	Wine Merchants	000017580	966.00
179	Wirtz Beverage Minnesota Wine & Spirits, Inc	000017581	42,045.62
Page Total:			\$141,155.78
Grand Total:			\$1,244,511.99

VenuWorks of Bemidji, LLC
Unpaid Bills Detail
As of August 21, 2015
Open Balance

Bemidji Coca-Cola Company

70.00

544.80

476.70

Total Bemidji Coca-Cola Company

1,091.50

Bemidji Rotary Club

467.64

Total Bemidji Rotary Club

467.64

BSU Athletic Dept - Nonprofit Groups

399.80

208.18

Total BSU Athletic Dept - Nonprofit Groups

607.98

Buy Line

300.00

Total Buy Line

300.00

Cable One Advertising

275.40

137.70

Total Cable One Advertising

413.10

City of Bemidji MN

140.00

Total City of Bemidji MN

140.00

ColePapers

544.21

223.87

Total ColePapers

768.08

Dennis Noska

200.00

Total Dennis Noska

200.00

DFC's Cutting Edge

35.00

Total DFC's Cutting Edge

35.00

Enterprise RAC of MT/WY

50.05

Total Enterprise RAC of MT/WY

50.05

VenuWorks of Bemidji, LLC
Unpaid Bills Detail
As of August 21, 2015
Open Balance

Holmes Murphy

114.00

21.00

Total Holmes Murphy

135.00

Hubbard Broadcasting

795.60

795.60

Total Hubbard Broadcasting

1,591.20

Johnson Brothers Liquor Co.

-123.32

-97.79

883.74

Total Johnson Brothers Liquor Co.

662.63

KOJB 90.1 FM

300.00

Total KOJB 90.1 FM

300.00

Meyers SignSource

53.69

102.48

107.88

173.03

Total Meyers SignSource

437.08

Minnesota Hoist Inspection, Inc.

900.00

Total Minnesota Hoist Inspection, Inc.

900.00

North Country Business Products

800.00

Total North Country Business Products

800.00

OfficeMax

58.63

Total OfficeMax

58.63

Paul Bunyan Communications

1,265.19

Total Paul Bunyan Communications

1,265.19

VenuWorks of Bemidji, LLC
Unpaid Bills Detail
As of August 21, 2015
Open Balance

Paul Bunyan Television

263.50

119.00

Total Paul Bunyan Television

382.50

Phillips Wine & Spirits

-45.95

-35.50

286.74

Total Phillips Wine & Spirits

205.29

R.P Broadcasting, Inc.

454.40

Total R.P Broadcasting, Inc.

454.40

Red Rock Radio Corporation

1,020.00

Total Red Rock Radio Corporation

1,020.00

Regent Broadcasting-St. Cloud

2,538.10

Total Regent Broadcasting-St. Cloud

2,538.10

Spectrum Reach

61.20

122.40

91.80

680.00

Total Spectrum Reach

955.40

Sysco North Dakota, Inc.

726.65

796.40

69.03

1,842.14

871.87

Total Sysco North Dakota, Inc.

4,306.09

Total Tap Services

60.00

Total Total Tap Services

60.00

US Foods

VenuWorks of Bemidji, LLC
Unpaid Bills Detail
As of August 21, 2015

	<u>Open Balance</u>
	<u>-39.98</u>
Total US Foods	-39.98
Waste Management	
	<u>312.75</u>
Total Waste Management	<u>312.75</u>
TOTAL	<u><u>20,417.63</u></u>

COUNCIL AGENDA ITEM



Meeting Date: September 8, 2015

Action Requested: Approve Transfer of Wine and On Sale Beer Licenses

Prepared By: Kay Murphy, City Clerk *Kay*

Reviewed By: Nate Mathews, City Manager

Damian Poxlietner (Poxlietner Hospitality LLC) is the new owner of Country Kitchen and has applied for the transfer of the 2015 wine and on sale beer licenses that were issued to the previous owners, Steve & Cheryl Kroeger.

Under the City Code (alcohol regulations), a change in ownership is considered to be a transfer of the wine and beer license and requires Council approval. The reason for this requirement is that it provides the Council an opportunity to review the eligibility of the new licensee and whether the change in ownership materially affects the integrity and character of the management of operation of the business in question.

Per City Code, all local taxes and City utilities must be current, and I have verified that to be the case. The applicant has also provided proof of the liability insurance required to hold the licenses. Moreover, a background investigation of applicant has been conducted by Police Captain Marcotte and based thereon he is recommending approval of the liquor license transfer application.

Recommendation:

Based upon the application requirements being in order, including the positive background investigation results, staff recommends approval of the transfer of the wine and on sale beer licenses to Poxlietner Hospitality, LLC dba Country Kitchen of Bemidji.

GENERAL BUSINESS LICENSES - 2015

Type of License	Business Name	Business Location	Fee Paid
Massage Therapist			
	DEBRA ANN GARRISON	WITHIN BEMIDJI CITY LIMITS The Skin Co & Spa	\$120.00
Restaurant/Food Service			
	COUNTRY KITCHEN	728 PAUL BUNYAN DR NW	\$35.00
Taxicab Driver			
	AYAN SHUKRI ASKAR	WITHIN BEMIDJI CITY LIMITS V042266563806	\$35.00
	SHUEB A. MOHAMED	WITHIN BEMIDJI CITY LIMITS E69501086420	\$20.00
Taxicab Service			
	NORTH BAND TRANS LLC	WITHIN BEMIDJI CITY LIMITS 1ST VEHICLE	\$95.00
	SHUEB A. MOHAMED	WITHIN BEMIDJI CITY LIMITS	\$95.00

COUNCIL AGENDA ITEM



Meeting Date: September 8, 2015

Action Requested: Consider Award of Quote for Water Tower Mixers

**Prepared By: Craig J. Gray, P.E.
Director of Public Works/City Engineer**

A handwritten signature in black ink, appearing to be "CJG", written over the printed name of the Director of Public Works.

Background:

The 2015 Water Capital Improvement Plan includes \$75,000 for the installation of mixers in two of the city's water towers – Nymore Tower and 5th & Norton Tower. The mixers will be installed to continual recirculate the water within the tank to prevent winter time freezing. The newest tower at 5th Street/Jefferson already has a mixer in it.

We received two quotes for the installation of the mixers and pumps from the following companies:

KLM Engineering, Inc.	\$ 27,725.00
Utility Service Company	\$ 49,604.00

KLM specializes in water towers and we have used them on numerous other projects in the last ten years.

Financing

The project will be financed from the water utility fund.

Recommendation:

It is recommended that the city council pass a motion awarding the quote for the 2015 Water Tower Mixers to KLM Engineering, Inc. in the amount of \$27,725.00.





Evergreen
Youth & Family Services
Strengthening Youth. Preserving Families.



Media Advisory

For more information, contact:

Jessica Erickson, AT&T
608-692-5340 (cell)
jessica.erickson@att.com

Evergreen Youth to Receive AT&T Donation to Support Youth Leadership Program

*AT&T Funding to Support Group that Provides Youth Voice to Bemidji City Council;
Donation to Be Announced During Tuesday's Council Meeting*

BEMIDJI, Thursday, September 3, 2015 – Evergreen Youth & Family Services will receive an AT&T donation to support youth leadership development during a presentation at the Bemidji City Council meeting on Tuesday, September 8, 2015.

The AT&T donation to Evergreen Youth will support youth leadership development through the Bemidji Youth Advisory Commission (BYAC). The BYAC is a high school group that provides a youth voice to the Bemidji City Council, coordinates listening lunches on youth issues at area high schools, and coordinates community-wide youth events.

AT&T has a long-standing commitment to helping advance education through contributions to local organizations and through the [AT&T Aspire](#) program.

- Who:** Becky Schueller, Executive Director, Evergreen Youth & Family Services
Joe Czapiewski and RandiSu Tanem, BYAC Facilitators
Youth from the Bemidji Youth Advisory Commission (BYAC)
Valerie Bruggeman, AT&T Minnesota
- What:** AT&T donation to Evergreen Youth to support youth leadership
- When:** **Tuesday, September 8, 2015**
5:45 p.m. – Photo opportunity
6:10 p.m. – Formal presentation
- Where:** Bemidji City Hall
Council Chambers
317 4th Street NW
Bemidji



Evergreen
Youth & Family Services
Strengthening Youth Preserving Families



News Release

For more information, contact:

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608-692-5340 (cell)
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Evergreen Youth Receives \$5,000 AT&T Donation to Support Youth Leadership Program

AT&T Funding Supports High School Group That Provides Youth Voice to Bemidji City Council; AT&T Also Expands Network in Bemidji

BEMIDJI, Tuesday, September 8, 2015 – Evergreen Youth & Family Services (YFS) received a \$5,000 AT&T* donation today to support youth leadership development. The donation was announced during the Bemidji City Council meeting.

The AT&T funds to Evergreen YFS will support youth leadership development through the Bemidji Youth Advisory Commission (BYAC). The BYAC is a high school group that provides a youth voice to the Bemidji City Council, coordinates listening lunches on youth issues at area high schools, and coordinates community-wide youth events.

“The Bemidji Youth Advisory Commission helps our teens build life skills and confidence, while also making sure the voices of Bemidji youth are heard in our community,” said Becky Schueller, Executive Director of Evergreen YFS. “We appreciate the support of the Bemidji City Council to maintain a standing seat for BYAC youth representatives. And we are thrilled to receive this donation from AT&T to help us advance youth leadership development and support the events youth identify as priorities.”

The BYAC provides a youth voice to the City Council, with youth alternating attendance to fill the designated youth seat on the City Council. The BYAC attends the twice monthly meetings, as well as BYAC planning meetings. BYAC members develop leadership capacity, meeting facilitation, and event planning and outreach skills.

“Evergreen Youth is a wonderful nonprofit that is strengthening our communities and helping our young people develop critical leadership and life skills,” said State Senator Tom Saxhaug. “It is great to see companies like AT&T supporting local efforts to develop the future leaders of Bemidji and Minnesota.”

Over the past 35 years, Evergreen YFS has developed a safety net of services to strengthen youth, preserve families, and help support successful transitions to adulthood. Evergreen YFS has been home to the BYAC for the past six years.

"We are very proud to support Evergreen Youth and its mission of strengthening Bemidji youth, families and the community," said Paul Weirtz, president of AT&T Minnesota. "This is a great organization that is promoting leadership and life skills and making a positive difference for so many young people in Bemidji."

As a company, AT&T is committed to advancing education, strengthening communities and improving lives. Through its philanthropic initiatives, the company has a long history of supporting projects that create learning opportunities, promote academic achievement and address community needs.

AT&T Expands Network in Bemidji

AT&T also announced today that it is improving service for its customers in the Bemidji area. A new 4G LTE cell tower near the intersection of Tyler Avenue and Mill Street NE will bring faster speeds to the area.

"In today's global world, connectivity is so important for residents and businesses alike," said State Rep Representative John Persell. "It is great to see companies like AT&T making investments in Bemidji to help our community continue to grow and thrive as the economic development center for Northern Minnesota."

From 2011 through 2014, AT&T invested nearly \$525 million in its networks in Minnesota. The company is continuing to expand its networks in 2015. This has given AT&T the most wireless coverage in Minnesota.

*AT&T products and services are provided or offered by subsidiaries and affiliates of AT&T Inc. under the AT&T brand and not by AT&T Inc.

About AT&T

AT&T Inc. (NYSE:T) helps millions around the globe connect with leading entertainment, mobile, high speed Internet and voice services. We're the world's largest provider of pay TV. We have TV customers in the U.S. and 11 Latin American countries. In the U.S., our wireless network offers the nation's strongest LTE signal and the most reliable 4G LTE network. We offer the best global wireless coverage*. And we help businesses worldwide serve their customers better with our mobility and secure cloud solutions.

Additional information about AT&T products and services is available at <http://about.att.com>. Follow our news on Twitter at @ATT, on Facebook at <http://www.facebook.com/att> and YouTube at <http://www.youtube.com/att>.

About Philanthropy & Social Innovation at AT&T

AT&T Inc. is committed to advancing education, strengthening communities and improving lives. Through its community initiatives, AT&T has a long history of investing in projects that create learning opportunities; promote academic and economic achievement; or address community needs. In 2013, more than \$130 million was contributed or directed through corporate-, employee-, social investment- and AT&T Foundation-giving programs. AT&T Aspire is AT&T's signature education initiative that drives innovation in education by bringing diverse resources to bear on the issue including funding, technology, employee volunteerism, and mentoring.

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Reliability and signal strength claims based on nationwide carriers' LTE. Signal strength claim based ONLY on avg. LTE signal strength. LTE not available everywhere.

*Global coverage claim based on offering discounted voice and data roaming; LTE roaming; voice roaming; and world-capable smartphone and tablets in more countries than any other U.S. based carrier. Coverage not available in all areas. Coverage may vary per country and be limited/restricted in some countries.

RESOLUTION NO.

A RESOLUTION RESTRICTING PARKING ON 7TH STREET SE BETWEEN GRANT AVENUE AND PERSHING AVENUE SE

WHEREAS, the City of Bemidji has received a request to restrict parking from property owners along 7th Street SE between Grant Avenue and Pershing Avenue SE; and

WHEREAS, in order to enhance maintenance and snow removal as well as to ease congestion and improve residential and public safety vehicle access to residential properties that border 7th Street SE between Grant Avenue and Pershing Avenue, City staff has identified a need to restrict parking; and

WHEREAS, based upon the recommendation of City staff and in the interest of public health, safety and welfare of the community, the City Council has recommended adoption of parking restrictions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BEMIDJI, MINNESOTA, that no parking of motor vehicles shall be permitted on 7th Street SE between Grant Avenue and Pershing Avenue SE.

BE IT FURTHER RESOLVED, that Public Works staff are directed to erect appropriate signage to give notice of no parking on said street.

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

Ayes:
Nays:
Absent:

Date:

ATTEST:

APPROVED:

Kay Murphy, City Clerk

Rita C. Albrecht, Mayor



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COUNCIL AGENDA ITEM



Meeting Date: June 15, 2015

Action Requested: Consideration of Remaining Issues (Letter of Credit waiver/modification and Eminent Domain Exercise) in Proposed Development Agreement regarding New Upper Elementary School

Prepared By: Nate Mathews, City Manager *nm*

In accordance with the School District's letter of August 21, 2015, a copy of which is attached hereto, the Council has been requested to consider waiving the requirement under the Project Development Agreement that the District secure and provide the City with an irrevocable Letter of Credit (LOC) for the cost of the public infrastructure improvements necessitated by the construction of the proposed new Upper Elementary School west of Middle School Drive directly across from the Middle School.

Additionally, the issue of the exercise of Eminent Domain to acquire necessary street right-of-way interests to construct a roundabout at the intersection of 23rd Street and Middle School Drive has become a consideration. Recall that the northwest corner of that intersection is occupied by a private business, and the owner of that business spoke at a recent School Board meeting voicing opposition both to the proposed roundabout improvement and to any school expenditure associated with construction of that improvement. To date, eminent domain has not been addressed in the draft Development Agreement, but obviously terms or language now needs to be incorporated in light of the landowner's recent revelation.

Briefly, a letter of credit is a commitment (document) issued by a bank that essentially acts as an irrevocable guarantee of payment to a beneficiary. In this instance, the City would be the beneficiary. It is financial security in an amount sufficient to ensure that the required improvements will be completed as specified, and which principal sum is usually equal to 110-125% of the estimated cost of the improvements. It is a desirable form of security in that it is immediately available to the beneficiary upon request without more.

Generally, the LOC entails a fee or premium cost ranging from a ¼ to 2% of the credit principal. For example, if the LOC is \$100,000, the cost or fee to secure it could range from \$250 to \$2,000. The amount of the fee typically is gauged upon the relationship of the Bank and the borrower. From the lending institution's perspective it is desirable if not a requirement that the borrower maintain customer deposit level(s) equal to the principal amount of the LOC.

In its letter, the School District expressed concern with this expected "deposit balance" requirement of its banking institution. The District maintains that such will deprive it of access to funds needed for and during construction of the school. However, the crux of the issue for the City is that the public infrastructure needs to get done as well, and gets done in a timely manner so as to be in place before a new school facility is opened. Moreover, in light of the implication of eminent domain maybe coming in to play, it seems prudent that the City not waive the LOC requirement, and instead work towards modifying the LOC requirements in such a way that the funds otherwise encumbered by the commitment become available in stages such as, for example, once the necessary public right-of-way is acquired, the public infrastructure construction contracts are let, and, finally, once public infrastructure construction has actually commenced.

It is Staff's position that the District's concerns can be accommodated in great degree as described above without a waiver of this contractual security.

Recommendation:

Direct Staff to pursue on-going discussion with the School District leading to mutually acceptable modification of the Letter of Credit requirements in the draft Development Agreement, and, generally, to discuss and include terms in the Development agreement addressing potential exercise of eminent domain to acquire necessary right-of-way interests for new Upper Elementary School Project.

DR. JAMES A. HESS, SUPERINTENDENT

218-333-3100 ext 31105

Fax 218-333-3129

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CURRICULUM & ADMIN SERVICES
218-333-3100 ext 31103
Fax 218-333-3148

August 21, 2015

Rita Albrecht, Mayor
City of Bemidji
1911 Norton Ave NW
Bemidji, MN 56601

Dear Mayor Albrecht:

In reviewing the Development Agreement proposed by City employees and the Joint Planning Board, we have identified several elements which are not supported by Bemidji Area Schools and would cause unnecessary financial burden or expense for Bemidji Area Schools as we proceed with plans to construct the Gene Dillon Elementary School.

We would like the City to waive the restriction that Bemidji Area Schools arrange for an irrevocable letter of credit for 125% of the required improvements which will eventually be turned over to the City for ownership and operation. This letter of credit has the effect of taking approximately \$400,000 out of the construction project until after all the terms of the agreement are satisfied and restricting our construction budget by that amount. We would be forced to reduce the footprint of our building or improvements to equal \$400,000, which is a substantial fee. We in Bemidji Area Schools prefer to keep the \$400,000 in our construction budget and not in a reserved fund.

Other elements of the Development Agreement that we propose be eliminated or modified include:

- Eliminate – Page 5 b.2. Enclosed bicycle parking and storage.
- Modify – Page 9 3.2. One Dynamic sign is permitted.
- Modify – Page 10 b. The school agrees to warrant the Conifer Ave public municipal water extension and sanitary sewer main service line against deficits in labor or materials for a period of one year from the date of acceptance. (All other two-year listed warranties will be modified to one year.)

- Page 1 d. The City will join the School District in seeking legislative assistance to approve the use of trained, School District trained employees to stop traffic at an approved transfer point. Thereby eliminating the need for a second roundabout to control traffic.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Hess". The signature is written in a cursive, flowing style.

James A. Hess, Ed.D.
Superintendent of Schools

cp

cc: Nate Mathews, City Manager
Mayana Rice, JPB
School District Facilities Committee

CITY OF BEMIDJI

ORDINANCE NO. ____, 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 4 OF THE BEMIDJI CITY CODE ENTITLED, "ALCOHOLIC BEVERAGES" BY ADDING THE PROVISIONS RELATING TO DELIVERY OF LIQUOR

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Bemidji City Code, Chapter 4, Article 3 entitled, "Intoxicating Liquors" is hereby amended to add the following:

Sec. 4-103. Delivery of Liquor

(a) *Prohibition.* Intoxicating liquor shall not be transported or be delivered by any means whatsoever by any person, firm, or corporation into or within the City of Bemidji except as may be permitted by Section 4-103(b).

(b) *Permitted Exceptions.* ~~Prohibition on Transportation.~~

(1) Delivery or transportation of intoxicating liquor by persons, firms, or corporations licensed to engage in the sale and delivery of intoxicating liquor at wholesale is hereby allowed and permitted within the City, provided that said deliveries are made only to those persons, firms, or corporations which are licensed to engage in the sale of intoxicating liquors and have been issued a Retailers Identification Card by the State Liquor Control Commissioner.

(2) Nothing in this Section shall prohibit the delivery of sacramental wines to churches within the City.

(3) Nothing in this Section shall prohibit the delivery of those products defined as intoxicating liquors in this section to drug stores for the use of said products in the preparation of drugs and medicines.

(4) This Section shall not be construed to prohibit or prevent the holder of a full year on sale intoxicating license issued by the City from transporting intoxicating liquor while providing intoxicating liquor catering services pursuant to a valid caterer's permit issued by the State of Minnesota.

(5) This Section shall not be construed to prohibit or prevent an individual from transporting liquor for his their own use, provided that said individual has obtained and is transporting said liquor as is otherwise permitted by law.

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

Ayes:
Nays:
Absent:

First Reading:
Second Reading:
Final Reading:

Attest:

Approved:

COUNCIL AGENDA ITEM



Meeting Date: September 8, 2015

Action Requested: Authorization to Publish a Summary of an Ordinance

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

Reviewed By: Nate Mathews, City Manager

I am respectfully requesting to publish the following summary of an ordinance as allowed by City Charter Section 3.09:

LEGAL ADVERTISEMENT

ORDINANCE NO. 118, 3RD SERIES: AMENDING CHAPTER 4 OF THE BEMIDJI CITY CODE ENTITLED, "ALCOHOLIC BEVERAGES" BY ADDING THE PROVISIONS RELATING TO DELIVERY OF LIQUOR.

This Ordinance was approved by the City Council on Tuesday, September 8, 2015. This Ordinance shall become effective 30 days after publication.

A complete copy of the Ordinance is available by contacting the City Clerk, 317 4th Street NW, Bemidji, MN 56601 (218-759-3570) or may be viewed on-line at www.ci.bemidji.mn.us.

Recommendation:

Authorize publication of Ordinance summary.