

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – January 4, 2010

Pursuant to due call and notice, a regular meeting of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, January 4, 2010 at 7:05 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Councilmembers were declared present: Lehmann, Johnson, Hellquist, Downs, Negard Absent: Meuers, Waldhausen

Staff Present: City Manager John Chattin, City Attorney Alan Felix, City Engineer Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

Mayor Lehmann called for any amendments to the agenda. **Motion by Downs, seconded by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.**

MINUTES

Minutes of the December 21, 2009 regular meeting and December 21, 2009 special work session were presented for approval. **Motion by Negard, seconded by Johnson, to approve the minutes as prepared. Motion carried by unanimous vote.**

CONSENT AGENDA

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

1. Claims submitted by the Finance Officer in the total amount of \$375,573.07
2. Miscellaneous 2010 Business License Renewals
3. 1-4 Day Temporary On-Sale Liquor License – BSU Foundation – 1/30/2010
4. Designation of Mayor Pro-tem - Downs
5. Designate Official Newspaper of Publication for City – Bemidji Pioneer
6. **RESOLUTION NO. 5607:** Designating Depositories for City Funds in 2010
7. **RESOLUTION NO. 5608:** Entering into a Traffic Signal Agreement with MnDOT (Menards)
8. Change Order No. 1 in the amount of \$32,273.25 – City Park

Motion carried by unanimous vote.

Mayor Lehmann stated that he did not remove the item on the consent agenda regarding the traffic signal for Menards; however, he did want it noted that he was opposed to more traffic signals.

COMMITTEE REPORT(S)

Bemidji Youth Advisory Commission – Kaija Roy, BYA representative, reported on upcoming BYAC activities. The BYA and Boys & Girls Club are partnering on an event which will be held on February 19 at the Boys & Girls Club. Their next Listening Lunch will be held at the Trek North School on January 21. The BYA members continue to work on their plans for the June 7 Youth Day. They will be holding a t-shirt design contest and seeking sponsors for the June 7 event.

PUBLIC HEARING

Pursuant to published notice, a Public Hearing was held to receive input to consider a Grant Application to DEED to obtain funds to revitalize downtown Bemidji. Mayor Lehmann opened the Public Hearing at 7:15 p.m.

Greg Paquin, 1511 Roosevelt Road, suggested that perhaps more could be done downtown to promote Indian culture and native made products.

Tim Flathers, HRDC, stated that the City is requesting funds from the Mn Department of Employment and Economic Development to help finance two important community development activities. The City proposes to rehabilitate 14 commercial buildings in the downtown. The City also proposes the construction of infrastructure needed to support the development of a 20 unit rental housing project designed to provide housing for very low income homeless families and individuals. Owners of at least 17 buildings in the downtown have expressed interest in improving their buildings if the grant becomes available. If the

funds are awarded, a total of 14 buildings will be improved in addition to the 18 buildings improved over the past three years.

With no further comments, Mayor Lehmann closed the Public Hearing at 7:21 p.m.

RESOLUTION NO. 5609: Authorizing Grant Application to DEED and Accepting Responsibility as Grantee (Downtown Storefront/Commercial Rehabilitation) was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Negard, was passed by unanimous vote.

NEW BUSINESS

South Shore Bond Sale

Eischens stated that in January 2008 the Council authorized a bond sale of \$14.5 million to finance land purchases on the southeast shore of Lake Bemidji. These bonds mature in February. The City has funds to pay off nearly \$8.8 million of the original bonds and will need to transfer the funds to the BEDA to pay down the debt on the original bond.

RESOLUTION NO. 5610: Relating to the Bemidji Economic Development Authority Taxable General Obligation Temporary Bonds was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Johnson, was passed by unanimous vote.

Appointment to the Kitchigami Library Board

Motion by Downs, seconded by Hellquist, appointing Councilmember Meuers to the KRL Board and Library Board Member Betty Hanson-Lehman as the alternate. Motion carried unanimously.

49er Union Contract

Mayor Lehmann recognized staff and union groups for their efforts on the contract.

RESOLUTION NO. 5611: Approving the Agreement and Memorandum of Understanding between the City and IUOE, Local 49 Representing the Public Works and Park Department Employee Bargaining Unit for the Calendar Year 2010 was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

LEL Local #126 Union Contract

RESOLUTION NO. 5612: Approving the Agreement and Memorandum of Understanding between the City and LELS, Local #126, Representing the Police Officers Bargaining Unit for the Calendar Year 2010 was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

ORDINANCES

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation (Lindsey Request). Mayor Lehmann opened the Public Hearing at 7:28 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation (Lindsey Request) was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending Chapter 12, Article XIII of the Bemidji City Code Relating to Massage Establishments. Mayor Lehmann opened the Public Hearing at 7:35 p.m.

Felix stated that staff met with an ad hoc committee made up of massage therapists to discuss and review the massage ordinance. The proposed changes before the Council came from that meeting. In addition, a letter was received from Shylan Rose who expressed concerns that the current massage ordinance does not address mobile chair massage.

Rita Scholl, US 71, proposed additional changes to the massage ordinance regarding the requirement of providing proof of professional malpractice insurance as part of the licensing and to change the wording of Massage Therapist to include "Bodyworker".

Negard asked if there were any state laws governing massage businesses in the State of Minnesota. Ms. Scholl responded, not at this time.

Felix recommended that the public hearing be continued until the next Council meeting to allow time to incorporate the mobile chair language into the ordinance.

Motion by Hellquist, seconded by Downs, to continue the Public Hearing on the Ordinance amending the Massage requirements until January 19. Motion carried unanimously.

EVENT CENTER UPDATE

Gerry Domino provided an update on the progress at the event center site. He stated that the remaining balance for the contingency is \$2,542,988.

Councilor Negard expressed concerns about the change orders and some of the choices being made. Discussion continued regarding the change orders and future change orders.

Hellquist noted that Kraus Anderson does not profit when change orders are made.

Motion by Hellquist, seconded by Johnson, to approve the Change Orders in the amount of \$57,827.86 for the Event Center project. Motion carried unanimously.

LIBRARIAN’S REPORT

Paul Ericsson, Branch Manager, reviewed current programs available at the Public Library. He noted that there are events being planned using Legacy Amendment Funds. Last year 216,000 items were checked out making 2009 a record year.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING MEETINGS

- Monday, January 11 5:30 p.m. Work Session
- Wed., January 13 6:00 p.m. GBJPB
- Tuesday, January 19 7:00 p.m. Council Meeting

COUNCIL/STAFF REPORT

- Mayor Lehmann encouraged everyone to participate in the Census Count.
- Johnson complimented former Fire Chief Dick Sathers and former Community Director Rita Albrecht for their service to the City of Bemidji. He thanked the street department for their snow removal efforts.
- Chattin reported that the City has not received a proposal from Mr. Brimeyer for next week’s work session but will follow up with him this week. The City is closing with the DNR for the land sale in the south shore area on Thursday.
- Gray met with MnDOT regarding the second round of stimulus money that may be available for enhancement projects. He will be proposing the Midway Bridge or the Paul Bunyan Trail bridge as potential projects.
- Eischens stated that Finance staff will be preparing for the audit in January and February. He noted that the City will begin billing the stormwater fee as it can no longer be collected on property taxes.

ADJOURN

There being no further business, motion by Downs, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:29 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk