

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – July 21, 2008

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, July 21, 2008 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Councilmembers were declared present: Lehmann, Johnson, Erickson, Downs, Meuers, Markeson, Hellquist

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

AMENDMENTS TO AGENDA

Mayor Lehmann called for any amendments to the agenda.

- Item Removed - Discussion on Residential Refuse – requested by Mayor Lehmann

Motion by Johnson, seconded by Markeson, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the July 7, 2008 regular meeting and July 14, 2008 work session were presented for approval. Motion by Erickson, seconded by Meuers, to approve the minutes as corrected. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,486,135.16.
2. Approved miscellaneous business licenses for 2008.
3. Approved A 1-4 Day Temporary Liquor License for BSU Alumni: 9/25-9/27
4. **RESOLUTION NO. 5493:** Approving an Application for a Gambling Permit for the Bemidji Baseball Association at the Elks Club
5. Approved a Liquor License – Sparkling Waters at 824 Paul Bunyan Drive S.
6. Approved Appointments to the City Library Board – Beth Duncan & Marilyn Heltzer
7. **RESOLUTION NO. 5494:** Approving the Street Closures - 2008 Crazy Days Event on August 2, 2008
8. **RESOLUTION NO. 5495:** Approving a Temporary Off-Premises Liquor Permit and Site of the 2008 Eagles State Horseshoe Competition on 7/26/08
9. **RESOLUTION NO. 5496:** Authorizing Controlled 2008 Deer Harvest in Ward 5
10. **RESOLUTION NO. 5497:** To Not Waive the Monetary Limits on Tort Liability Established by M.S. 466.04 for Insurance Coverage for the Paul Bunyan Drug Task Force
11. Approved a Tower Lease Agreement with T-Mobile Central LLC
12. Declared Equipment Surplus – 1996 Chevrolet Tandem Pickup – Street Dept.
13. Accepted Bid for Purchase of Park Building (former Cameron Warming House)
14. Awarded Demolition Contract to Low Bidder for the 1st Street SE Houses
15. Approved Purchase of Above Ground Storage Tank – WWTF (\$7,343.38)
16. Approved the Purchase of a Floor Scrubber – Public Works Building

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Leslie Rith-Najarian, BYA Representative, reported that a new commission has been chosen for 2008-2009 and they recently had a transition meeting. The BYAC continues to work on a website and identify resources for next year. Highlighting accomplishments by the area youth will be in an upcoming Pioneer article to help build trust between youth and adults in our community.

NEW BUSINESS**Evergreen Recovery House Request**

Randy McKain, Director of Evergreen Recovery House, reviewed their request for a Community Appreciation Day/Rock Sober Concert to be held at the Rotary Pavilion on August 6, 2008. They have done a picnic at the Pavilion for a number of years. There will be bands in the afternoon with pizza and pop available. He stated that Evergreen staff will be available for security and for clean-up. They are expecting approximately 150 youth to attend the event.

RESOLUTION NO. 5498: Approving the Community Appreciation Picnic and Rock Sober Concert on August 6, 2008 at the Rotary Pavilion was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

BSU Homecoming

Marla Patrias, Director of BSU Alumni Relations, reviewed their request to host a street dance in conjunction with BSU Homecoming on the evening of Saturday, September 27, 2008. The Alumni Chapter and Alumni Association would like to create a signature event at Homecoming that provides a venue for the community and returning alumni to mingle in a group location. For the event they would like to block off Beltrami Avenue between 3rd and 4th Streets and set up tents on the street for a band and dancing. In addition they would like permission for participants to be able to carry their alcoholic beverages within the barricaded area. Ms. Patrias stated that a private security firm will be hired to patrol the event area and the Street Dance Committee will be responsible for providing portable toilets within the event area, as well as set up and clean up of the entire space.

RESOLUTION NO. 5499: Approving Temporary Off-Premises Liquor Permits and Street Closure for the BSU Homecoming Event was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

DWI Court Steering Committee

Kristy Burdick, Assistant City Attorney, stated that the Beltrami County DWI Court represents a collaborative effort between the judiciary, prosecutors, defense attorneys, law enforcement, probation and chemical dependency treatment to reduce DWI recidivism. Participants in DWI Court attend chemical dependency treatment and are held accountable by intensive supervision and bi-weekly court appearance.

Judge Shari Schluchter stated that DWI court is deferent than regular court and asked to appear before the Council for two reasons: first, to thank the Bemidji City Council and the City of Bemidji for their commitment to the program and secondly, to request that the Council appoint a councilor as a representative to the DWI Court Steering Committee. She stated that she would be willing to sit down with any councilmember to discuss the success of DWI Court as well as any member of the committee. In addition, Beltrami County is a pilot program for ignition interlock and there is currently one person using it. She stated that there are a limited number of people who can participate in the program and the individual has to make the commitment. The program lasts about two years.

Captain Bob Lehmann discussed compliance checks and stated that members of the police make random checks. He stated that a hanger is placed on the door if the individual is not at home and they are expected to call the LEC.

Discussion continued on cost savings, the percentage of success and increasing the number of participants in the program.

Motion by Hellquist, seconded by Johnson, appointing Councilor Barb Meuers to the DWI Court Steering Committee. Motion carried unanimously.

Site Development

Chattin reviewed a request to approve an interim contract with Widseth Smith & Nolting (WSN) for site development. The site development has been under Leo A Daly with subcontractor work marked up 10%. He stated that as the City moves into the next phase of the project, it should separate site work from the event center building development contract. This accomplishes two goals: eliminate the 10% subcontractor markup and separate that portion of the project (event center building) that will require a construction manager.

Motion by Hellquist, seconded by Erickson, to postpone discussion of the WSN Interim Contract until the Monday, July 27 work session so additional information could be provided to the Council regarding the hourly rates and contract. Motion carried unanimously.

ORDINANCE

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending Chapter 16, Article II of the Bemidji City Code Relating to Fire Code. Mayor Lehmann opened the Public Hearing at 7:55 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending Chapter 16, Article II of the Bemidji City Code Relating to Fire Code was given a second reading.

AN ORDINANCE Amending the City of Bemidji 2008 Fee Schedule was given a first reading.

ORDINANCE NO. 29, 3RD SERIES, AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation (McKenzie Place) was given a final reading and passed by unanimous vote.

ORDINANCE NO. 30, 3RD SERIES, AN ORDINANCE Amending the City of Bemidji Council-Manager Charter Adding Section 12.16 Pertaining to Administrative Penalties was given a final reading and passed by unanimous vote.

EVENT CENTER UPDATE

Meuers asked about the status of a hotel partner and the DNR trail on the southshore site. Chattin stated that five different hotel developers have been interviewed. Bill Kruger, CSL, is putting together a draft RFP based on information gathered from the five hotel developers. RFP's should be sent out by the end of the month. Chattin stated that the trail is still in the plan. He toured the site with the DNR's appraiser today and an appraisal will be provided within 30-60 days. Discussion continued regarding the memorandum of understanding with DNR.

UPCOMING MEETINGS

- Monday, July 28 5:30 p.m. Work Session – HHDC/Rako Street
- Monday, August 4 7:00 p.m. City Council Meeting
- Monday, August 11 5:30 p.m. Work Session – 2008 Budget
- Wednesday, August 13 6:00 p.m. GBJPB
- Monday, August 18 7:00 p.m. City Council Meeting

COUNCIL/STAFF REPORT

- Erickson stated she received a complaint regarding noise created at the motorcycle testing site located near T'Juans. The HRA Director has informed the HRA Board that Federal funding has been cut for next year which will affect the budget.
- Hellquist stated that the Greater Bemidji Joint Planning Board will be having a joint meeting with the Planning Commission to review the southshore AUAR / P.U.D.
- Downs stated he has received petitions from North Lake Irving Lake Association against the proposed four 4-plex transient housing.
- Markeson provided an update regarding the RDG Marketing study on downtown and the southshore. Many ideas were discussed which included a parking ramp, location of the science center.

ADJOURN

There being no further business, motion by Downs, seconded by Markeson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:23 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk