

**CITY COUNCIL PROCEEDINGS**  
**BEMIDJI, MINNESOTA**  
**Regular Meeting – October 16, 2006**

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, October 16, 2006 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, Markeson, Hellquist, Johnson, Erickson, Downs, Meuers.

**AMENDMENTS TO AGENDA**

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

**MINUTES**

Minutes of the October 2 regular meeting and September 26 and October 9, 2006 work session were presented for approval. Erickson noted the following two corrections: October 2 Council minutes: "She commended the WWTF employees for their good work and MPCA's recognition of the plant." October 9 Work Session regarding Refuse: "She recommended that the Council use an open bidding process if they decide to get out of the commercial refuse operations."

Motion by Erickson, second by Hellquist, to approve the minutes as amended. Motion carried by unanimous vote.

**CONSENT AGENDA**

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,230,009.83.
2. Approved Gambling Permit for North Country Det. 585 Marine Corps League (Pull-Tabs).
3. Approved **RESOLUTION NO. 5364** Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, & Establishing a Date for Public Hearing for Project #06-17.
4. Approved **RESOLUTION NO. 5365** Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, & Establishing a Date for Public Hearing for Project #06-19.
5. Approved **RESOLUTION NO. 5366** Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, & Establishing a Date for Public Hearing for Project #07-04.
6. Approved **RESOLUTION NO. 5367** Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, & Establishing a Date for Public Hearing for Project #02-02.
7. Approved **RESOLUTION NO. 5368** Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, & Establishing a Date for Public Hearing for Project #05-06.
8. Authorized purchase of digital video equipment for Police patrol vehicles.
9. Approved Amendment #1 to Vista North Developer's Agreement.
10. Approved Amendment to Engineering Agreement with Short Elliott Hendrickson Inc. for Engineering Work relative to Replacing Clarifier Mechanisms at the WWTF.
11. Approved Amendment to Engineering Agreement with Karvakko Engineering for Construction Related Services on the 24<sup>th</sup> Street Improvement and Storm Sewer Improvement Project (#06-17).

Motion carried by unanimous vote.

**COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Kathy Wilcox, BYA Commission representative, stated that the Commission hosted their first Listening Lunch on October 4 with a good

turnout. They handed out a survey to those in attendance to learn if students knew what the BYA Commission does. Surveys have not been tabulated yet. A petition has been circulated regarding a youth center and skate park which will be brought to the Parks & Recreation Commission. At their next meeting they will hear from an Event Center representative and they will be discussing a winter event for students. Mayor suggested that the BYA explore participating in the Polar Daze event.

### **PLANNING CASES**

Mayor Lehmann reviewed Planning Case #2006-15 stating that the Garden Grill & Pub has applied for a Special Use Permit for their establishment located at 517 2<sup>nd</sup> Street SE. The Planning Commission recommended approval.

Motion by Downs, second by Johnson, to approve the Special Use to the Garden Grill & Pub based on the five findings of fact being met and with the following condition: The proposed addition, parking lot, landscaping, and signage shall be built as identified in the site plan, received September 19, 2006. Motion carried unanimously.

Mayor Lehmann reviewed Planning Case #2006-16. The Garden Grill & Pub has applied for a zero lot line front yard setback variance to add a 12-foot wide addition onto the existing building located at 517 2<sup>nd</sup> Street SE. The Planning Commission recommended approval.

Motion by Erickson, second by Hellquist, to approve the front yard Variance for the Garden Grill & Pub with the following condition: The proposed addition shall be built to the front, or south property line as identified on the site plan, received September 19, 2006. The approval is for a 30 foot front yard setback variance. Motion carried unanimously.

### **NEW BUSINESS**

#### Liquor License – Garden Grill & Pub

Motion by Erickson, second by Meuers, to approve a liquor license for the Garden Grill & Pub located at 517 2<sup>nd</sup> Street South and authorize execution of the Development Agreement with the condition that the owner work with the Building Department to meet state and local building codes. Motion carried unanimously.

#### Chat-A-Bout Topic for November:

Downs suggested that Jean Humeniuk (Bemidji in Bloom), Brian Freeberg and someone from Mn/DOT discuss the plantings being done in the three locations along south TH197. Staff will follow-up.

### **ORDINANCES**

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 26-73 of the Bemidji City Code relating to Commercial Refuse Collection. Mayor Lehmann opened the Public Hearing at 7:12 p.m., hearing no comments the public hearing was closed.

**AN ORDINANCE** Amending Section 26-73 of the Bemidji City Code relating to Commercial Refuse Collection was given a second reading.

**AN ORDINANCE** Amending the Bemidji City Code, Adopting an Amended Fee Schedule for 2007 was given a first reading.

### **CITIZEN NOT ON AGENDA**

Hilma Cloud Erle, resident of Bemidji, stated that she is aware that the City Council has little or no authority in dealing in government regarding the Sovereign Nation. This does not and should not exclude the City from discriminating against Indigenous people. She asked the Council do make people aware that there is a problem in our community. She inquired about the Bemidji Race Relations Board meeting times. She also asked if anyone ever thought about having an Indigenous person on the Council much like the Bemidji Youth Advisory. She stated that the ACLU is sponsoring a social Pow Wow on October 27 and encouraged everyone to attend. Markeson responded that the Bemidji Area Race Relations meets the second to the last Thursday each month at the OIC office in the building next to Slumber Land.

**UPCOMING MEETINGS**

- October 23 5:30 p.m. Special Work Session – Labor Negotiations
- October 23 7:00 p.m. Historic Preservation Commission at Beltrami Electric
- November 6 7:00 p.m. Council Meeting
- *November 7* *General Election*
- November 9 5:30 P.M. Special Council Meeting - Canvassing Board

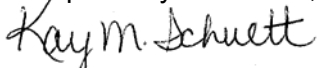
**COUNCIL/STAFF REPORT**

- Mayor Lehmann stated that the “Open Aire” meeting regarding Regional Events Center is at 6 p.m. on October 17. Mayor Lehmann commended the Fire Department for a very nice open house and fish fry on October 14.
- Erickson gave an update on the deer hunt in Ward 5 stating that 14 deer have been removed. Erickson stated that Pat Welle who is a member of the Events Center Finance Committee was at the forum on October 16 and made a correction to the operating deficit. She noted that CSL’s recommendation is that one half of one percent be held as capital reserve.
- Hellquist reported that the DDA met and discussed several items including parking and the amount of money collected. He stated that the DDA discussed maintaining the planters, Christmas lights and they drafted a letter of support for the proposed regional events center.
- Johnson commented that he felt it was premature that the event center finance committee used the CSL report as it has not been finalized.
- Markeson stated that the BYA Commission is a positive group and exciting. He attended the Best Practices for Parks and Outdoor Recreation in Northern Minnesota Workop put on by the Minnesota Recreation and Park Association at Itasca State Park. They discussed park needs and uses which have evolved over the years. He encouraged people to attend the historical preservation meeting with the State Historic Preservation group to be held on October 23.
- Felix handed out a 2007 Legislative Policies and asked that Councilmembers comment directly to the League. Staff will be reviewing the document and sending their comments on as well.

**ADJOURN**

There being no further business, motion by Downs, second by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 7:45 p.m.

Respectfully submitted,



Kay Murphy-Schuett  
City Clerk