

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

July 5, 2005

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 5, 2005, 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. The following addition was requested: Add Councilmember Markeson to Item #6.

Motion by Downs, second by Hellquist, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the June 20 BEDA and June 20 regular meetings were presented for approval. Lehmann noted a correction to the June 20 minutes. Motion by Erickson, second by Markeson, to approve the minutes as amended. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$659,275.96.
2. Approved miscellaneous business licenses.
3. Approved Application for Temporary On-Sale Liquor License (Lakeland Public TV on August 17, 2005).
4. Approved Gambling Permit for Boys & Girls Club (Raffle on August 25).
5. Authorized Council Travel to CGMC Conference on July 27-29 – Johnson, Hellquist, Erickson and Markeson.
6. Approved **Resolution No. 5236** Designating a Percentage of the Revenues from Paul Bunyan Amusement Park to the Jaycees for the 2005 July 4th Celebration.
7. Authorized an Agreement with S.E.H. for Engineering Work on Rehabilitation of the Primary Clarifiers at the WWTF.
8. Approved **Resolution No. 5237** Accepting Feasibility Report and Ordering Project – Minnesota, Algoma to Anne Street (Project #05-16).
9. Approved time period extension of Final Plat for Shorequest (Zacher).

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission: No report.

UNFINISHED BUSINESS

Discussion - City Arena:

Hellquist reviewed the bid from Commercial Refrigeration Systems recommending that if the City proceeds with the repair of the arena that it use an independent engineer to assist with the specifications needed for this project. He noted there are not many people that perform this type of direct refrigeration system. He stated that the rough costs were approximately \$296,000 and that is with Commercial Refrigeration Systems doing all the work. There is a possibility that if city staff is utilized to cut the floor and remove cement, then we can remove and reuse sand in the floor, as long as it is not contaminated. This may reduce the cost by approximately \$55,000. Hellquist stated that to get the City arena up and running, if everything goes right, would cost approximately \$250,000. He further commented that we would be taking a small chance in allowing City staff to remove the sand to be reused.

Lehmann commented that if the Arena had a concrete rink floor, Alternative #1 adds approximately \$80,000 to the cost.

Hellquist responded that if the Arena is only used as a skating arena, there is no reason to have a concrete floor. A concrete floor would be needed if the ice was removed to hold a car show or some other type of event within the arena area. This has only been done once or twice in the arena's history. Hellquist recommended the sand floor to save money and also if a small leak develops it may be easier to repair.

Hellquist recommended that the City repair the arena and get it back on-line. He further observed that the City has already invested \$140,000 in the arena. Hellquist has talked with the Bemidji Community Arena and any immediate cooperation with them does not seem likely. Hellquist stated that John Carlson and he have talked about developing a consortium over the next several years to look at future ice needs in the community. Hellquist further stated that the Public Works Committee has tried to include all ice skating groups in the process and contacted the school. In addition, Mr. Welle has done quite a bit of work on behalf of youth hockey.

Downs stated that he felt that the Bemidji Community Arena is a great opportunity for a partnership. He further stated that this is a modern facility and would serve the Bemidji community in a better fashion.

Hellquist commented this would not be the best time to form a partnership with the youth arena because of the amount of money needed to complete the youth arena. Hellquist observed that every rink has a certain amount of maintenance and debt that they must carry each year.

Discussion continued on the use of the arenas in the community. The City Arena provides ice for figure skating, hockey groups and open skating to our community.

Meuers asked what would happen to the current building if the City chose not to repair the arena. Is there enough activity that would require the City's arena to continue to operate?

Lehmann stated that it is not easy to find ice time in the winter and the City's arena is the only arena that provides summer ice in the area. The Bemidji Community Arena is only used during the winter.

Markeson commented that the City should consider increasing the rental fees for the use of the City Arena - that is just for when the city had a monopoly on the arena during the wintertime if one should exist again.

Johnson asked if the new ice making system will decrease the City's subsidy to the Arena.

Hellquist responded that he was uncertain on how much would be saved. Hellquist stated he understands that it is the most efficient type of ice making system for an indoor rink.

Haluptzok stated that there would be no reduction in cost to run the rink.

Hellquist commented that summer ice is currently provided by BSU and our clients are renting with them until August 14, 2005.

Johnson commented that he has heard that Nymore Gardens is on its "last legs".

Hugh Welle, Bemidji Community Arena, stated that the concept for Community Arena on the high school campus is to be a two rink facility. The long term goal is provide an arena where the high school teams can practice and play games. Currently, the School District is not using the Community Arena. It was developed on this site because youth hockey needed another facility ten years ago. There have been a lot of changes in the past 10 years, particularly in the number of participants. Currently, there are 200-300 fewer kids in the programs. Welle felt that some of the reduction in numbers was due to the parents managing the building and not focusing on increasing participants. Welle stated that even with the decrease in participants all four rinks are utilized. He suggested the Council consider talking to a few groups before making any decision on what to do next. Welle stated he sees this as an opportunity to complete what the Community Arena started and to place two rinks on the same campus which could be operated more efficiently, i.e., staffing, equipment usage (one Zamboni). Welle would like the City to consider getting more in the ice business than they are today. He commented he envisions putting the same staff currently overseeing the City arena at the Community Arena, which would become a two rink complex. There would need to be agreements from several parties in order to accomplish this goal. Currently, the Community Arena is run by volunteers.

Markeson asked Welle how many sheets of ice he felt were needed in Bemidji.

Welle stated that in his opinion the City only needed three sheets of ice.

Discussion followed regarding what types of users were at the Community and City arenas. The Bemidji Figure Skating Club is a primary user of the City Arena as it is a warmer facility. In addition, youth hockey, church groups, open skating and other groups rent ice.

Lehmann reminded the Council that the City recently spent \$140,000 to upgrade the concession and locker room facilities.

Council discussed touring both the City arena and the Community Arena before making a decision.

Markeson asked how soon ice is required. If needed by this fall, the City will need to make a decision quickly.

Welle stated there is a supply and demand issue. Our community has operated with three buildings for over 20 years. He felt that the buildings and ice available will meet the current ice demand, however, not for an extended period of time.

Lehmann asked why there is no ice in the summer at Community Arena.

Welle replied that the Community Arena is larger than John Glas Fieldhouse and it requires a lot of dollars to buy electricity and a dehumidification system to make ice to provide summer skating. There are youth hockey programs in the summer which typically rent from the City. Welle stated that a second sheet of ice with dehumidification at the Community Arena could be built with a smaller practice facility which could operate in the summer.

Hellquist commented that they have talked substantially about where the Community Arena sits now and what costs are involved in order to finish the arena. The locker rooms currently have sand floors. The Community Arena is not a finished facility and it will be a great facility when completed. Hellquist stated that this is probably the best long-term solution; however, it comes with a bigger price tag. In order to get two sheets of ice and finish the Community Arena, it would cost approximately \$3.1 million.

Welle stated that currently there is approximately \$2.2 million invested in the building. To complete the spectator building and add the practice building will cost approximately \$2.5 million.

Lehmann asked Eischens where the funding would come from in the event the City was to make the necessary repairs to the City's arena.

Eischens replied that there are two options, the City could internally finance the improvements or issue debt.

Minke commented that over 20 years the \$300,000 would cost approximately \$15,000 a year to amortize.

Hellquist stated that when the City raised their fees, the City lost a couple of tenants to BSU.

Erickson commented the City is still supplementing the rink.

Hellquist responded that he does not know of any rinks that are not supplemented.

Lehmann stated that there are some critical questions by the Council that remain unanswered. In particular, what does the School District plan to do with Nymore Gardens? Lehmann suggested that the Council send a letter to the School District requesting their plans for the Nymore Gardens. If something happens to the Nymore Gardens and the City does not repair its arena, then the community could be down to two sheets of ice.

Discussion continued regarding a Council meeting regarding the City arena with the school district and other users of the facility as soon as possible.

ORDINANCES

ORDINANCE NO. 407, 2ND SERIES, AN ORDINANCE AUTHORIZING THE SALE OF TAX FORFEITED LOTS TO THE HEADWATERS HOUSING DEVELOPMENT CORPORATION was given a final reading and passed by unanimous vote.

Ordinance Prohibiting Deer Feeding:

Motion by Erickson, second by Downs, to approve the amendments to the proposed Ordinance Prohibiting Deer Feeding as follows: 1) delete the “(including feed for birds”) in Subd. 3; 2) Add exception #4 in Subd. 4 to read: “persons feeding birds using self-enclosed feeding devices or containers”; and 3) Add exception #5 in Subd. 4 to read: “the use of hay, straw or related materials for erosion control, mulching, gardening or other landscape purposes”. Motion passed by unanimous vote.

ORDINANCE NO. 408, 2ND SERIES, AN ORDINANCE PROHIBITING DEER FEEDING AND IMPOSING PENALTIES was given a final reading and passed by unanimous vote.

Erickson requested that the Council consider setting aside \$4,000 from the contingency fund to implement the Deer Management Plan. There will be a need to create exclosures and/or hire sharpshooters. Downs suggested that BSU may be able to assist with the City with the exclosures. Lehmann requested that this item be added to next Council meeting agenda.

Pawnbroker Ordinance Amendment:

Felix reviewed with proposed amendments to the pawnbroker ordinance. Assistant City Attorney Brand suggested a number of changes which included the following:

- 1) Number of reportable transactions needed in order to require a business to report the transactions automatically (through APS) be 400 per year.
- 2) Eliminate the \$20 minimum transaction that would qualify as a “reportable transaction.”
- 3) Other suggested language changes.

Felix reported that the County Board proceeded with first reading at their meeting today. The County does have a concern regarding the minimum holding period for pawned items, proposed as 90 days, state statute is 60 days. Task Force Representatives suggested 90 days because of seasonal homeowners.

Markeson expressed concerns regarding the \$1.50 fee. He felt that it was an undue burden on the users of pawnshops. Markeson stated that this fee is a tax. It should be funded in a way that is fair to everyone as it is for the community good to provide police protection.

Lehmann commented that pawnbrokers in our community have become an increased cost for law enforcement to manually process slips.

Motion by Markeson to remove Subdivision 7 regarding the definition of billable transaction fee from the Pawnbroker Ordinance. Motion failed on lack of a second.

Motion by Erickson, second Hellquist, to adopt the 4th draft recommended by staff amending the Pawnbroker Ordinance. Ayes: Lehmann, Hellquist, Johnson, Erickson, Downs, Meuers. Nays: Markeson. Absent: None. Motion failed as any amendments after the 2nd Reading require a unanimous vote.

Don Whitman, Pawn USA, recommended that the City adopt the ordinance that will be the same as the County’s.

ORDINANCE NO. ____, 2ND SERIES, an Ordinance amending the Pawnshop ordinance was given a final reading and failed by the following vote: Ayes: Erickson, Downs, Lehmann. Nays: Markeson, Meuers, Hellquist, Johnson. Absent: None

Motion by Hellquist, second by Erickson, to give an Ordinance (4th draft) amending the Pawnbroker, Secondhand Goods and Junk Dealers a first reading. Motion carried by the following vote: Ayes: Downs, Meuers, Erickson, Johnson, Lehmann, Hellquist. Nays: Markeson. Absent: None.

ORDINANCE NO. 409, 2ND SERIES, an Ordinance amending the 2005 Fee Schedule was given a final reading and passed by the following vote: Ayes: Erickson, Downs, Meuers, Lehmann, Hellquist, Johnson. Nays: Markeson. Absent: None.

CITIZEN NOT ON AGENDA

- Kelly Larson, 208 3rd Street NW, expressed concerns about the requirement for enclosed feeders for feeding of birds on the ground. She would like the Council to consider an amendment to the newly adopted Deer Feeding Ordinance limiting the volume of bird seed being offered.

UPCOMING MEETINGS

- July 7, 2005 – 5:30 p.m. – Manager’s Review
- July 11, 2005 – 5:30 p.m. – Audit Report
- July 19, 2005 - 5:30 p.m. – Parking Ramp - DDA

COUNCIL/STAFF REPORTS

Johnson reported that the Public Relations Committee met and the first program will be produced in the fall to be aired on Channel 2. In addition, Andra Vaughn and Michael Meuers have agreed to organize the National Night Out on Tuesday, August 2. Johnson suggested that Andra Vaughn be on Chat-A-Bout with Mayor Lehmann on July 11, Mayor concurred. Johnson also reported that the Airport Commission met with Collin Peterson on July 5 and reviewed the master plan for airport expansion.

Hellquist reported that during a Public Works Committee meeting issues about maintenance and security of the proposed parking ramp were not fully addressed to everyone’s satisfaction. These are legitimate questions that need answers. After discussion, the Council set a special meeting on July 19, 2005 at 5:30 p.m. to meet with DDA regarding the parking ramp.

Hellquist reported that he attended an emergency meeting of the Transit Board. There is a funding shortfall due to a cut from the state. The Transit Executive Director has a plan to offset all of the reduction. Those cuts could be a reduction in staff and elimination of routes. County Commissioners Vene and Fairbanks are asking the County to put \$15,000 toward the running of the transit to make up the difference for 2005 and challenges the City to match this amount. Mayor Lehmann asked that the Transit Executive Director Negard come to the next Council meeting to discuss the funding.

Markeson reported the following:

- Mn/Dot has TH197 Enhancement funding in the amount of \$125,000 (\$100,000 Mn/DOT and \$25,000 Local) to upgrade the south of Lake Bemidji along Paul Bunyan corridor, which includes: stabilization of stone walls, pave a couple of the bump out areas, benches and general landscaping.
- Heritage Preservation has been contacted regarding the Carnegie Library maintenance and there is a possibility to apply for a matching 50% grant from the State Historic Society to assist with those costs.
- The “Green Up” group recently planted 400 trees with SWCD along Hwy 2 coming in from the East of Bemidji.
- The Downtown Task Force is developing a vision for the downtown area in the future.
- He recently attended a meeting regarding an urban Indian Center in Bemidji, which is in the developing ideas stage.

Meuers reported that she had received an e-mail from Dr. Ludeman, BSU Dept. of Residential Life, asking for suggestions to welcome BSU and Tech students to Bemidji this fall. Meuers will meet with the Public Affairs Committee in this regard.

Lehmann met with Congressman Collin Peterson to discuss airport economic development. They discussed in depth the trail situation and the need to complete the trail.

ADJOURN

There being no further business, motion by Downs, second by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Kay Murphy-Schuett
Deputy City Clerk