

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – August 21, 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, August 21, 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 August 7 regular meeting and August 14, 2006 work session were presented for approval. Motion by Erickson, second by Meuers, to approve the minutes as presented. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$872,642.61.
2. Approved **RESOLUTION NO. 5345** designating polling places and election judges for 2006.
3. Approved **RESOLUTION NO. 5346** Authorizing Application for and Execution of a Grant Agreement between the City of Bemidji and State of Minnesota, Department of Employment Economic Development (DEED) for \$3,000,000 Grant to Predesign and Design a Site for a Bemidji Regional Event Center
4. Adopted **RESOLUTION NO. 5347** Opposing the Proposed Motor Vehicle Sales Tax Constitutional Amendment.
5. Approved **RESOLUTION NO. 5348** Awarding a Contract to J.D. Hansen & Sons, Inc. for Comfort Drive Improvements (City Project #02-02).
6. Approved **RESOLUTION NO. 5349** Awarding a Contract to J.D. Hansen & Sons, Inc. for Fenske Avenue Water & Sewer (City Project #06-04).
7. Approved **RESOLUTION NO. 5350** Supporting Mn/DOT Grant Application for Funding Assistance for Hannah Avenue Improvements.
8. Approved **RESOLUTION NO. 5351** Awarding a Contract to Lawntech, Inc. in the amount of \$259,665.50 for the T.H .197 Enhancements (City Project #06-14).

Motion carried by unanimous vote.

PRESENTATION

Boys & Girls Club

Paul Benshoof, Board of Directors, stated that the infrastructure of Bemidji is just as much the youth in our community as the streets. The youth will be the adults of tomorrow. He questioned what the City of Bemidji does for the youth in Bemidji. He stated that the mission of Boys & Girls Club is to inspire and enable of all youth especially those that need them most, to be responsible young adults. The Club provides an environment for youth that is a safe place for after school. Mr. Benshoof stated that the Club is not just another non-profit organization looking for a handout.

Jennifer Roy, Program Director at the Boys & Girls Club, handed out a list of programs and activities available for children this fall. She stated that the Club works with the children on job skills, help with homework, prevent them from using drugs and alcohol which in turn will save the City money.

Sue Engel, Boys & Girls Club President, appreciates all the City Council does to make the Club possible and invited the Council to come to the Club and see the investment dollars at work.

Mayor Lehmann thanked the Boys & Girls Club for what they provide to the community. However, the Council has had to make the hard decision not to fund the Boys & Girls Club in their budget for next year.

OLD BUSINESS

Stormwater Fees for Rental Properties

Eischens stated that the Public Works Committee recently met with staff to discuss a stormwater policy issue. The stormwater fee has been successfully in place for nearly five years. Other than fee adjustments on a limited number of parcels there have been no “policy” issues until now. The policy issue will affect approximately 450 single family rental homes. Since the inception of the stormwater fee, the City has been charging single family rental homes the same stormwater rate as owner occupied (non-rental) homes. Duplexes, four-plex and other multi-family dwelling units are charged a stormwater fee based on the number of rental units they contain. In order to treat all rental units consistently, the Public Works Committee agreed that the stormwater fee for single family rental units should be charged using the same formula as other rental units. The increase in fees for a single family rental dwelling would be approximately \$36 per year.

Erickson stated that she will abstain from the vote because she is a landlord and owns two rentals. However, she stated the Council should ask themselves what is the reason that the City charges a stormwater utility fee. She believes that it is to cover the expenses that each individual homeowner creates with stormwater runoff. Erickson stated she does not see a difference in the amount of stormwater runoff created by a single family residential home and a single family non-homestead rental home. However, she stated that a multi-family unit may create more runoff. She stated she absolutely opposed the change in rate as a matter of fairness and believed that it creates an inequity in single family homes whether they are rental or owner occupied.

Eischens stated that the issue of whether residential rental units that are single family non-owner occupied generate more stormwater runoff was discussed at the Public Works Committee. The case was made by the City Engineer that in many cases the stormwater runoff would increase slightly due the additional parking requirements. If there are four unrelated parties living at a single family residence, more than likely there will be four vehicles on the parcel.

Mayor Lehmann commented that he has seen rentals where the vehicles park on the yard which creates runoff. He stated that most owner occupied homes do not allow parking on the yard because there is that sense of homeownership.

Erickson stated that parking on front yards is not allowed by the City ordinance and the City inspects the rentals.

Motion by Markeson, second by Johnson, to amend the stormwater language in the fee schedule to clarify rental units (non-homestead) will be charged a stormwater equal to 1.5 ERU for each parcel. Motion carried with the following vote: Lehmann, Meuers, Markeson, Johnson, Hellquist. Nays: None. Abstain: Erickson, Downs.

NEW BUSINESS

Downsizing of Paul Bunyan Amusement Park Operation

Meuers stated that the Public Affairs Committee has reviewed Mr. Trueblood’s request and agreed with his decision to downsize and recommend that the Council approve his request.

Mayor Lehmann stated that perhaps there will be another group with a request that will improve the area’s use.

Motion by Johnson, second by Downs, approving the downsizing of the Paul Bunyan Amusement Park to include the miniature golf, concession stand and railroad with the following conditions:

1. All foundations and lag-bolt mounts from discontinued rides and amusement devices must be immediately removed upon dismantling of said rides and amusement;
2. Upon removal of the discontinued rides and amusements the open areas may be used by the general public;
3. The Public Affairs Committee will conduct an annual review in August of each year remaining under the Lease; and

4. The City Attorney shall work with Trueblood to amend the Lease accordingly and bring back the proposed Lease amendment the full City Council for approval.
Motion carried unanimously.

Ballot Question for November

Lehmann read a draft ballot question to extend the half cent sales tax for the Event Center. The Council will need to approve a ballot question at the first meeting in September.

Chat-A-Bout – September 1

Council consensus was to have a representative from the Police Department on Chat-A-Bout to discuss Back to School Safety.

ORDINANCES

ORDINANCE NO. 1, 3RD SERIES, AN ORDINANCE ADOPTING AND ENACTING A RECODIFICATION OF THE CODE OF ORDINANCES FOR THE CITY OF BEMIDJI, MINNESOTA; PURSUANT TO THE AUTHORITY GRANTED IN THE CITY CHARTER AND IN MINNESOTA STATUTES, § 415.021 PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE was given a final reading and passed by unanimous vote.

ORDINANCE NO. 2, 3RD SERIES, AN ORDINANCE AMENDING CHAPTER 10 (PERTAINING TO SECTION 10-6, PROPERTY MAINTENANCE CODE) was given a final reading and passed by unanimous vote.

AN ORDINANCE Amending Section 2.06 (The Mayor) of the City of Bemidji Council-Manager Charter was given a final reading and failed by the following 5-2 vote: Ayes: Meuers, Hellquist, Markeson, Erickson, Lehmann. Nays: Downs, Johnson. Absent: None.

AN ORDINANCE Amending Section 2.09 (Interference with Administration) of the City of Bemidji Council-Manager Charter was given a final reading and failed by the following 4-3 vote: Ayes: Markeson, Meuers, Hellquist, Lehmann. Nays: Johnson, Erickson, Downs. Absent: None.

ORDINANCE NO. 3, 3RD SERIES, AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER BY ADDING A PREAMBLE was given a final reading and passed by unanimous vote.

ORDINANCE NO. 4, 3RD SERIES, AN ORDINANCE AMENDING SECTION 3.09 (Publication of Ordinances) OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

AN ORDINANCE Amending Section 6.01 (The City Manager) of the City of Bemidji Council-Manager Charter was given a final reading and failed by the following 5-2 vote: Ayes: Lehmann, Markeson, Hellquist, Downs, Meuers. Nays: Erickson, Johnson. Absent: None.

ORDINANCE NO. 5, 3RD SERIES, AN ORDINANCE AMENDING SECTION 6.05 (Purchases and Contracts) OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

UPCOMING MEETINGS

- August 22 – 5:30 p.m. – Special Work Session – Phase 1 Market Study for Event Center
- August 23 – 5:30 p.m. – Joint Planning Meeting – Northern Town Hall
- August 24 – 5:30 p.m. – Special Work Session – Budget
- Sept. 5 – 7:00 p.m. – Council Meeting

COUNCIL/STAFF REPORT

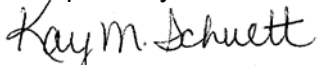
- Downs reported that the Paul Bunyan Trail ride was well attended. Next year's ride will be the 2nd Thursday in August.

- Markeson commented the Youth Advisory Committee will be attending the next meeting to introduce the new members. The Area Race Relations had a retreat recently and will bring information to a future Council meeting.
- Meuers reported that she is on the Public Input and Information Subcommittee for the Regional Event Center. There will be three venues available for public input and a mailer will be included with the next utility bills. The website is www.bemidjievts.com, phone number 333-9999 or the public can write a letter to P.O. Box 8, Bemidji 56619. A town meeting will be held on September 26 at City Hall 5-7 p.m. (This date may be changed due to a conflict with another City Council meeting.)
- Lehmann stated that he met a representative from Coleman's office and she toured several facilities in the City. He stated he put in a plug for the veterans facility to be in Bemidji because of the high quality of health care available in our community.

ADJOURN

There being no further business, motion by Downs, second by Markeson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:11 p.m.

Respectfully submitted,



Kay Murphy-Schuett
City Clerk