

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – April 20, 2009

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, April 20, 2009 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, Waldhausen, Johnson, Hellquist, Downs, Negard, Meuers

Staff Present: City Manager John Chatten, 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. The following items were requested to be added to the agenda:

- Reapportionment of Special Assessments for 1900 Division Street SW
- First Reading of an Ordinance Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – BEDA)
- First Reading of an Ordinance Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – State of Minnesota/DNR)

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

MINUTES

Minutes of the April 6, 2009 regular meeting were presented for approval. **Motion by Johnson, seconded by Waldhausen, to approve the minutes as corrected. 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. Approved Claims submitted by the Finance Officer in the total amount of \$359,502.37
2. Approved 1-Day Temporary On-Sale Liquor License on 6/13/2009 for VFW
3. Approved Transfer of Liquor License for T'Juans Restaurante & Cantina to Cedric Meixell and Julie Quanrud
4. **RESOLUTION NO. 5553:** Authorizing Execution of Joint Powers Agreement (Child Sexual Predator Program Agreement #3000-1375)
5. Approved Reapportionment of Special Assessments - 1900 Division Street SW

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – No one appeared.

Bemidji State University Student Senate – Ryan Schwingler, Senate Co-President, reported that the Senate is planning a trip to lobby the legislature on Thursday. They are moving forward with their elections and have unofficially elected next year's president. Mr. Schwingler then read a resolution from the Student Senate regarding City Ordinance No. 98, 2nd Series, prohibiting the use of skateboards, roller skates, and roller blades on Bemidji State University property. The Student Senate supports students' choices to use skateboards, etc., to travel to and from class on BSU property and will work to encourage the Council to reconsider its current ordinance.

City Attorney Felix commented that the section regarding banning the use on BSU property was at the request of Bemidji State as there was concern about property damage and

safety. He stated that discussion should be held with the Student Senate, Bemidji State Administration and the Council.

NEW BUSINESS

Irvine Avenue Reconstruction – City Project #09-10

City Engineer Gray reported that in January he submitted a number of projects for economic stimulus funding, the American Recovery & Reinvestment Act (ARRA). Irvine Avenue from 3rd Street to Paul Bunyan Drive (TH197) was selected to receive \$1,600,000 of federal funds under the ARRA program. He stated that staff (Todd Djonne and Jim Freer) have been working continuously since receiving the award letter in March on engineering plans and specifications. Staff have saved the City approximately \$200,000 in design fees by doing the work in-house.

Lehmann commented that this is timely as there are people along Irvine Avenue that have had reoccurring problems with freeze ups.

Gray stated that the plan includes the addition of insulation around individual water services that have had freeze-up problems this past winter. In addition, the sanitary sewer from 14th Street to 16th Street was installed in the 1950's and has been deteriorating and failing and risers need to be replaced. The watermain from 3rd Street to 12th Street was installed in the early 1900's and also needs replacement.

Negard asked about access in and out of the post office during construction.

Gray stated that staff will be working with the post office and possibly find another location for mail drop boxes. He further noted that the work on the block by the post office will be completed in four weeks.

Hellquist expressed concerns about access for those homes located on the 1800 block of Irvine as there is no alley and there are a couple of handicapped individuals that live there. Gray stated that this is a difficult section on Irvine Avenue and access will be maintained as much as possible.

Chattin asked Eischens how much was in the capital equipment fund as the Council may want to consider using these funds in lieu of the liquor store funds. Eischens stated that there is \$680,000 in the capital improvement fund and it is not designated. Discussion continued on funding sources for the portion of the cost not covered by the ARRA and it was decided to wait until the bids came in before designating which funds to use.

Motion by Downs, seconded by Negard, to approve the Irvine Avenue Reconstruction plans and authorize advertisement for bids (City Project #09-10). Motion carried unanimously.

Budget Changes – No. 2

Downs asked for a clarification regarding the budget changes requested. Eischens stated that the budget modifications were required in order to balance transfers in and out of various funds.

Motion by Meuers, seconded by Waldhausen, to approve Budget Change Request No. 2. Motion carried unanimously.

ORDINANCES

Felix stated that the Council has two ordinances before them for first readings.

- The first ordinance is for the transfer of several parcels from the City to the BEDA that are held in the City's name. These parcels need to be transferred to the BEDA to permit the "Quiet Title" action to proceed to completion. There are five (5) parcels to be transferred, including the Sea, Waslaski, Grant Avenue, Watertower/Utility Main and Nymore Beach parcels.
- The second ordinance is for the conveyance of City property to the DNR. The City accepted DNR's offer to purchase a number of parcels in an effort to complete the Paul Bunyan State Trail south of Hwy 197. Other than a small parcel situated directly north of Hwy 197, the majority of the parcels are located south of TH197 and include a portion of the "Wye". The other parcels lie along Clausen Avenue. The closing must occur by June 30 or the DNR risks losing its funding.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – BEDA) was given a first reading.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – State of Minnesota/DNR) was given a first reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – Paul Bunyan Transit). Mayor Lehmann opened the Public Hearing at 7:29 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – Paul Bunyan Transit) was given a second reading.

Motion by Meuers, seconded by Negard, to table Final Reading of an Ordinance Amending Chapter 26, Adding Article VIII to the Bemidji City Code Pertaining to the Operation and Maintenance of the Street Lighting System in the City of Bemidji until the regular City Council meeting on June 22, 2009. Motion carried unanimously.

Motion by Waldhausen, seconded by Johnson, to table the Final Reading of an Ordinance Amending the Bemidji City Code, Adopting an Amended 2009 Fee Schedule (adding Street Light Utility Fee) until the regular City Council meeting on June 22, 2009. Motion carried unanimously.

LIBRARIAN REPORT

Paul Ericsson, Librarian, reported on activities at the Library. He noted children programs, reading programs, Senior Surf, and various efforts by Friends of the Library. The summer reading program will begin June 8 to encourage children to read throughout the summer.

EVENT CENTER UPDATE

Chattin stated that Kraus-Anderson did not have anything to report to the Council.. They will provide reports at the Council’s regular second meeting. Johnson asked about the status of the virtual tour of the BREC. Chattin stated that the design review committee met and saw a preview of the tour, however, nothing further has been received. The virtual tour was to be completed in time for BSU to use for their presentation to the WCHA.

CITIZEN NOT ON AGENDA

Andrew Spathe, 1805 Birchmont Drive NE, stated that he is in support of the change of the ordinance regarding banning the use of skateboards, etc., on BSU property. He stated that the community should encourage individuals to be recreating. In addition, he is in support of the street light ordinance which was tabled and believes that there is support in the community for the ordinance. He suggested that the Council consider conducting a study regarding street lights and violence and keep the lights on.

Katrina Reynolds, Minnesota Avenue NW, stated that Officer Travis Amsted was very helpful and compassionate when he came to see her when she was in the hospital for domestic violence. In addition, she complimented and thanked Officers Mistemacher, Otness and Winkowski for their professionalism and assistance.

UPCOMING MEETINGS

- Wednesday, April 22 5:30 p.m. Special Work Session – Manager Goals
- Monday, April 27 5:30 p.m. Work Session – Tyler Estates
- Monday, May 4 7:00 p.m. Council Meeting
- Tuesday, May 5 5:00 p.m. Board of Review
- Monday, May 11 5:30 p.m. Work Session – TBD
- Monday, May 18 7:00 p.m. Council Meeting

COUNCIL/STAFF REPORT

- Lehmann stated that the 2nd Annual Kids with Heart event will be held on Friday, April 24, which recognizes youth for their efforts in our community. Also, the Bemidji Ecology Expo will be this weekend and Lehmann will be sharing efforts by the City to reduce energy use in City-owned buildings. He stated that April 27 to May 3, 2009 is MS Awareness Week in Bemidji.
- Johnson attended the airport conference in St. Cloud. He noted that the airport conference will hopefully be held in Bemidji’s event center in the year 2011 or 2012.
- Waldhausen reported that the Parks & Trails Commission had a preview to this year’s Sculpture Walk. He stated that the Boys & Girls Club is selling picnic tables which are assembled by them and sales will assist with organization. On May 2 the Veterans Homes initiative will meet on May 2 at 10:00 a.m. at County Administration Building.

He also thanked Commissioner Vene and Lucachick who lobbied for the home to be located in northern Minnesota.

- Meuers reported that the Library Board meets at 5 p.m. on Tuesday, April 28.
- Gray stated that he has received a proposal from Barr Engineering regarding Tyler Estates.
- Chattin stated that Department Heads are participating in Strength Quest training and will be meeting with DeAnna Murphy on Wednesday, April 22.

Motion by Hellquist, seconded by Downs, to close the meeting in accordance with Minnesota Statute Section 13D.05, Subd. 3 for the purpose of reviewing confidential or non-public appraisal data relating to the acquisition of real property, as well as to develop or consider offers or counter-offers for the purpose of said property. Motion carried unanimously. Meeting closed at 7:58 p.m.

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

Motion by Meuers, seconded by Waldhausen, to reopen the meeting at 8:11 p.m.

Motion by Meuers, seconded by Downs, appointing Council members Johnson, Negard and Waldhausen to work with City staff to develop a strategy and response to the negotiation for the purchase of potential property. Motion carried unanimously.

ADJOURN

There being no further business, motion by Downs, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk