

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – March 3, 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, March 3, 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, Downs, Markeson, Hellquist. Absent: Erickson, 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 February 19, 2008 regular meeting was presented for approval. Motion by Downs, second by Johnson, 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 Hellquist, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$360,170.48.
2. Approved miscellaneous business licenses.
3. Approved Appointment of Karen Rivard to the Parks & Trails Commission
4. Approved Downtown Building Rehabilitation Project (Project #417-510)
5. Approved Appointment of Councilor Markeson to Active Living Minnesota Project
6. Authorized Purchase of Sewer Jetter for Sewerline Department from ABM in the amount of \$45,965
7. **RESOLUTION NO. 5474:** Approving the Site for the 2008 Fishing Has No Boundaries Event
8. **RESOLUTION NO. 5475:** Requesting Conveyance of Tax-Forfeited Lots (Parcel Nos. 80.001745.00, 80.01749.00 and 80.01874.00)
9. Awarded Carpet Bid for Bemidji Public Library to Larry's Carpet (\$48,566)

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Leslie Rith-Najarian, BYAC member, reported that the Commission is fine tuning the Commission representation on the various boards in the community. She reported that the Commission is developing a website that will provide students information. When the site is complete, they will provide the city a link. Ms. Rith-Najarian stated that the Listening Lunch events provide helpful feedback from students and are well attended.

Bemidji State University Student Senate – Cody Nelson, Student Senate President, reported that the green fee initiative bill will be coming forward and raise approximately \$45,000. With that fee it will allow a coordinator to be hired at BSU and half that money will be used for community projects. The Student government passed a legislative platform which was lobbied by BSU students at the Capitol last week. In addition, the Student Senate continues to work on restructuring their constitution.

PRESENTATION

2008 Bemidji Jaycees Water Carnival

Will and Carolyn Fisher, 2008 Water Carnival Co-Chairs, stated that on behalf of the Bemidji Jaycees they are seeking approval of the use of the Waterfront for the 64th Annual Jaycees Water Carnival event which will be held July 2 through July 6.

RESOLUTION NO. 5476: Approving the Site for the 2008 Jaycees July 4th Celebration was offered by Councilmember Markeson, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

NEW BUSINESS

Request for Senior Citizen Deferral of Special Assessment

Mayor Lehmann stated that the Council has received a request for a Senior Citizen deferral from the property owner at 1527 6th Street SE for a special assessment levied for City Project #03-13 (SE “Lost 40” Water & Sewer Extension). The applicant meets the requirements for the deferral. The assessment was levied in 2005 but the applicant did not come forward. To date, the owner has made the annual installment payments, but it has been a hardship to do so. Without a deferral, the owner may well be forced to default on the annual installment payment and, thereby, face tax forfeiture consequences. The City Attorney has researched the issue of deferment after the fact and advises that the City Council may grant the deferral even though the assessment has been levied.

Motion by Johnson, second by Downs, granting a Senior Citizen deferral of the remaining special assessment for City Project No. 03-13 at 1527 6th Street SE (Parcel No. 80.05592.00). Motion carried unanimously.

ORDINANCES

Street Vacation – Portion of 23rd Street NW

Markeson asked if there would be room for a sidewalk or trail in the area proposed for vacation in the future. City Engineer Gray stated that the utility easement on the north could include a sidewalk easement. City Attorney Felix stated that it might be counter productive as the applicant’s desire was to meet impervious surface requirements, however, there may be some flexibility. Felix stated that he will sit down with the Joint Planning Board Administrator regarding including the sidewalk and the impact on the impervious surface requirement.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of 23rd Street NW). Mayor Lehmann opened the Public Hearing at 7:15 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Street Vacation (Portion of 23rd Street NW) was given a second reading.

Street Vacation – Portion of 6th Street SE

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of 6th Street SE). Mayor Lehmann opened the Public Hearing at 7:17 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of 6th Street SE) was given a second reading.

Street Vacation - Portion of Second Street SW

Mayor reviewed the staff report and agreed that the street should not be vacated as it is needed for access to City property and trails located in this area.

Felix stated that staff is not in favor of this vacation and this information has been shared with the applicant, Citizen State Bank.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of Second Street SW). Mayor Lehmann opened the Public Hearing at 7:20 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of Second Street SW) was given a second reading.

EVENTS CENTER UPDATE

Mayor Lehmann reported that he attended the unveiling of the Senate bill and the event center was included in the amount of \$22 million and the House has included \$20 million in

their bill. Unfortunately, since that time Governor Pawlenty has stated that he will not support any of the “hockey rinks” but there is still hope. The City will continue to move forward on this project and hope for success.

LIBRARIAN REPORT

Paul Ericsson, Bemidji Public Librarian, thanked the Council for their support of the improvements to the Library. He provided an overview of upcoming library programs for spring and summer and stated that upcoming programs are available on the KRLS website.

CITIZENS NOT ON AGENDA

Terry and Mariam Smart, 514 Woodland Avenue SW, gave the Council a petition against the conveyance of property located in the North Lake Irving area. They and the petitioners are opposed to the development being planned in that neighborhood. Mr. Smart stated that it is one of the most unique neighborhoods in Bemidji and he felt it is safe neighborhood. He is concerned about the intention of the Council and does not like the type of housing planned for the area.

City Attorney Felix provided an update of events that have transpired regarding the parcels. The Council has passed a resolution to convey the parcels for the use of low to moderate income homes and other public uses. At this time deeds have not been received back from the State.

Mayor Lehmann stated that there has been no formal action taken by the Council as the City does not have ownership of the parcels.

Felix stated that no formal proposal has been received from the HHDC. However, he anticipates that if there is a request that permission would come before the Joint Planning Board and require a public hearing process.

Mr. Smart commented that the parcels were earmarked for a park.

Felix stated that one of the three parcels in this location had a condition on it that it be used for park purposes. The governmental agency can change the purpose as the owner of the property, and in September the Council directed staff to do that.

UPCOMING MEETINGS

- Monday, March 10 5:30 p.m. Work Session – Refuse & Event Center
- Monday, March 10 7:00 p.m. Birchmont Drive Public Hearing
- Wednesday, March 12 6:00 p.m. GBJPB
- Monday, March 17 7:00 p.m. City Council Meeting

COUNCIL/STAFF REPORT

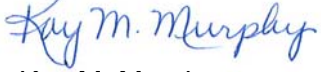
- Lehmann reported that he has attended the US National Speed Skating event which was held on Lake Bemidji.
- Downs provided a report regarding the Parks & Trails day on the hill that he attended. He stated that Paul Bunyan Trail paving between Guthrie and Walker will be in the bill. He stated that interviews of the two finalists for the position of Parks & Recreation Director will be this Friday.
- Johnson reported has received an announcement that Bemidji has received a Governor’s Award for the airport project on the runway extension. Johnson stated that Lakeland Television has been contacted by Anne Sand to help lobby the event center and the south shore project. Lakeland will be putting together a “minute man” piece to be featured on the “Almanac at the Capitol” program.
- Markeson attended the Citizens Patrol dinner and recognized the work the great deal of volunteer work that they do in our community. He stated that the RDG Planning & Design will be public meeting on March 13 at 7 p.m. at City Hall regarding the marketing of downtown and south end of Lake Bemidji.
- Gray stated that he attended the TH197 access management open house at MnDOT which was attended by 45-50 people. He will be meeting with the Chamber of Commerce and MnDOT regarding the TH197 project and will meeting with business owners regarding signage during the construction.
- Felix stated that staff has been working with the bond counsel to review the language of the sales tax bill to ensure that it enables the City and BEDA to move forward

regarding the south shore property. He advised the Council that the BEDA closed on the North Central Door property and staff has completed acquisitions as directed by the Council.

ADJOURN

There being no further business, motion by Downs, second by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 7:59 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk