

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – October 19, 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, October 19, 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.

- Added to Consent Agenda: Award Contract to Christiansen Industrial Developers Inc. for Hannah Avenue and 30th Street Storm Sewer Extension Project

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

MINUTES

Minutes of the October 5, 2009 regular meeting and October 12, 2009 work session were presented for approval. **Motion by Meuers, seconded by Waldhausen, to approve the minutes as presented. Motion carried by unanimous vote.**

CONSENT AGENDA

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

1. Claims submitted by the Finance Officer in the total amount of \$4,500,530.58
2. **RESOLUTION NO. 5585:** Approving the Grant Application to Department of Employment and Economic Development, Committing Local Match and Authorizing Contract Signature (Lake Bemidji South Shore Site – Beach and Public Access)
3. Awarded Bid for Quonset Building Located at 710 Railroad Street SE from M. Kingsley in the amount of \$1,000
4. Grade Crossing Agreement with BNSF Railway for Clausen Avenue Trail
5. Assigned the Agreement between Brad's and the City to Waste Management for Commercial Refuse Hauling within City limits
6. Approved Change Order No. 1 - Industrial Park Expansion Project, City Project 08-11
7. Awarded Contract to Christiansen Industrial Developers Inc. for Hannah Avenue and 30th Street Storm Sewer Extension Project

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Rachel Munson, BYA representative, provided an update on recent BYA Commission activities. Listening Lunches are being planned at both Bemidji High School and at Trek North.

BSU Student Senate - Leo Clark, Senate Co-Chair, stated that Senate members attended a Leadership Conference in the cities for 2 year and 4 year colleges in an attempt to bridge any gaps. Senate continues to work on educating students about the upcoming Census. He stated that students are looking at the tunnels at BSU and what updates can be made to them, i.e., art.

PRESENTATION

Mike Bredon, Executive Director of Upstream TV, provided a brief overview stating that Upstream TV is a Minnesota Corporation organized solely for the purpose of providing non-profit public access media to the citizens of Bemidji. He stated that on behalf of Upstream TV he is submitting a formal request for carriage on a public access cable channel under the

control of the City of Bemidji. There are more than 100 cities in Minnesota that have access channels. Upstream TV plans to make available a channel through which community members could produce their own shows or content for broadcasting. He noted that Paul Bunyan Telephone has indicated a willingness to run a cable to his home at no cost. The plan is to use his home as a temporary office. Mr. Bredon stated that eventually Upstream TV will be seeking a channel from Midcontinent as well.

Vincent Vonhout, associate professor of technologies studies at BSU, stated that some BSU students have gone on to work for Disney or Pixar studios for computer animation and public access could allow them a medium to display their talents.

Kathryn Lavelle, Outreach & Education for the NW Coalition for Family Safety, stated that Upstream TV will provide a voice for non-profits in our community as non-profits typically have little or no funding for education and advertising.

Discussion continued on programming and requirements of Paul Bunyan TV. Bredon noted that they will follow FCC guidelines.

Councilor Negard asked about funding. Mr. Bredon responded that they will be applying for grants for camera and editing equipment. In addition, there will be membership fees and rental fees. He further stated that they are not asking for funding from the City at this time.

City Attorney Felix stated he has contacted Bob Vose, Kennedy & Graven, who developed the City's cable franchise agreements/ordinances, for some guidance on this issue. Felix stated that he also needs to visit with Paul Bunyan's legal counsel regarding their requirements.

The City Council directed the City Attorney to review a proposed indemnification agreement with Paul Bunyan Telephone and report back to the council.

NEW BUSINESS

Administrative Citation(s)

Felix stated that pursuant to Minnesota Statutes §169.999, the City must adopt a resolution which authorizes the City to enforce select statutory traffic code violations by administrative citation.

RESOLUTION NO. 5586: Authorizing Use of Administrative Citation(s) for Select Traffic Offenses was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Negard was passed by unanimous vote.

National Flood Insurance Program

Chattin stated that the Joint Planning Board has taken primary responsibility for accomplishing the City's, as well as Bemidji and Northern Townships', participation in the National Flood Insurance Program (NFIP). However, each entity still must adopt a resolution.

Motion by Councilmember Hellquist, seconded by Councilmember Downs, approving a Memorandum of Understanding authorizing the Joint Planning Board (JPB) to proceed with the adoption of the appropriate Ordinance for participation in the National Flood Insurance Program and for the JPB to implement, administer and manage the ordinance as part of the zoning controls administered by the Board once the parties have been accepted into the Program and RESOLUTION NO. 5587 in Support of Application to Participate in the National Flood Insurance Program. Motion carried unanimously.

Memorandum of Understanding – Airport Zoning

Felix reviewed the proposed resolution in support of a Memorandum of Understanding between the Airport Commission and JPB leading to an agreement for the JPB's assumption of authority for airport zoning.

RESOLUTION NO. 5588: In Support of Proposed Memorandum of Understanding between the Bemidji Regional Airport and JPB for Airport Zoning was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.

ORDINANCES

Pursuant to published notice, a Public Hearing was held to receive input regarding mending Chapter 26, Article VII of the Bemidji City Code Relating to Stormwater Drainage Utility. Mayor

Lehmann opened the Public Hearing at 7:36 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending Chapter 26, Article VII of the Bemidji City Code Relating to Stormwater Drainage Utility was given a second reading.

AN ORDINANCE Adopting an Amended Fee Schedule for 2010 was given a first reading.

EVENT CENTER UPDATE

Gerry Domino provided an update on the progress at the event center site. Mr. Domino reviewed the change orders and noted that the change order for Mark & Sand Gravel was due to a mathematical error that was made when the contract was written.

Motion by Waldhausen, seconded by Johnson, to approve the Change Orders in the amount of \$123,817.25 for the Event Center project. Motion carried with the following vote: Ayes: Hellquist, Lehmann, Downs, Waldhausen, Johnson. Nays: Meuers.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING MEETINGS

- Monday, Oct. 26 5:30 p.m. Retreat –Council/Manager Holiday Inn Express
- Monday, Nov. 2 7:00 p.m. Council Meeting
- Monday, Nov. 9 5:30 p.m. Work Session – TBD
- Monday, Nov. 16 7:00 p.m. Council Meeting

COUNCIL/STAFF REPORT

- Meuers reported that the DWI Court has eleven graduates that are either working or attending school. The grant for this program ends in 2010.
- Johnson reported that the third phase of the airport will be completed by 2010. He attended a HRDC retreat where they discussed housing and rehabbing existing homes instead of building new homes.
- Hellquist reported that there will be several public meetings regarding the airport and recommended attending the public meetings. He met with the DDA and updated them on the projects within the city.
- Waldhausen reported that the Heritage Preservation Commission is researching funding sources for the Carnegie Building and the HPC asked what staff they would be working with in the future. The Boys & Girls Club will have an open house for the new teen center on October 29; 4-6 p.m. He reported that he and the Parks & Recreation Director met with school board members and discussed relocating Carrington baseball field. The Sustainability Committee will be holding a public meeting in City Hall on October 21 at 7 p.m. BYAC will be making a major announcement at the Council's next meeting.
- Lehmann reported that the House Capital Investment Committee heard presentations recently from the City, BSU, NW Tech and the County on funding needs. He attended the Civil Air Patrol dining out event.
- Chattin reported that staff will be meeting with the consultant regarding the job study. The Senate Bonding Committee will be in Bemidji on October 28 (3 p.m.) at City Hall.
- Gray stated that the Irvine Avenue project should be completed by the end of October depending on the weather.

ADJOURN

There being no further business, motion by Hellquist, seconded by Meuers, to adjourn the meeting. Motion carried. Meeting adjourned at 8:02 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk