

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### August 4, 2003

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 4, 2003, at 7:00 p.m. in the City Hall Council Chambers, Mayor Lehmann presiding.

Upon roll call, the following Council members were declared present: Downs, Erickson, Zachman, Lehmann, Meuers, Hellquist, Johnson. Absent: None.

#### **APPROVAL OF MINUTES**

Minutes of the July 14, 2003 Work Session, July 21, 2003 Regular meeting and July 28, 2003 Work Session were presented. There being no additions or corrections noted, motion by Downs, second by Erickson, to approve the minutes as presented. All voted aye. Motion carried.

#### **CONSENT AGENDA**

The following consent agenda was presented for approval:

- Authorize Reapportionment of Special Assessments for Parcel at 402 Rako St.
- Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Rolls for City Project #02-03 (15<sup>th</sup> Street Portion of 2002 Street Improvements)
- Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Rolls for City Project #03-09 (15<sup>th</sup> Street Water – America to Minnesota)
- Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Rolls for City Project #03-05 (Rako Street & South Water & Sewer)
- Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Rolls for City Project #02-14 (Irving Oaks Street Improvements)
- Authorization to Exercise Two-year Extension Option for Auditor Services
- Approve “Lost 40” Annexation Agreement Amendments
- Approve Appointment of Rita Albrecht to the Charter Commission
- Approve Claims Submitted by Finance Officer

Mayor Lehmann called for any amendments to the agenda.

City Manager Minke recommended that the four (4) resolutions declaring costs to be assessed on projects completed in 2003 be removed from the consent agenda and moved to Unfinished Business for the Council to determine how they want to handle a discussion regarding interest rates for special assessments. Motion by Zachman, second by Meuers, to authorize removal the four resolutions from the consent agenda for discussion under Unfinished Business. All voted aye. Motion carried.

Councilmember Johnson requested that the “Lost 40 Annexation Agreement Amendments” be removed from the consent agenda for further discussion.

Councilmember Erickson requested that the “Two-year Extension Option for Auditor Services” be removed from the consent agenda for further discussion.

Motion by Erickson, second by Johnson, to remove those two items from the consent agenda and placed under Unfinished Business for further discussion. All voted aye. Motion carried.

Minke requested removal of the following bills from the bill list:

|                   |              |            |
|-------------------|--------------|------------|
| Police Department | Bruce Preece | \$1,455.00 |
| Parks Department  | BSU Football | \$1,400.00 |

Minke explained that there was an error in calculation of the Bruce Preece bill and there was no invoice to support the BSU Football payment.

Lehmann recommended an addition to the Consent Agenda: Appointment of Michael Meuers to the Charter Commission, in addition to Rita Albrecht, to fill the two vacancies.

Minke requested to add one item under New Business: Authorization to execute deed to Bemidji Development Corporation for Industrial Park land .

Motion by Erickson, second by Downs, to approve the amendments to the agenda as noted above, and to approve the remaining items on the consent agenda as follows:

- Authorization to reapportion special assessments for Parcel at 402 Rako St
- Approved appointment of Rita Albrecht and Michael Meuers to the Charter Commission to fill the two vacancies.
- Approval of eight pages of claims (less two claims totaling \$2,855.00 which were removed). The amended total amount is \$344,864.70.

All voted aye. Motion carried.

## **COMMITTEE REPORTS**

### **Bemidji Youth Advisory Commission**

Dana Langrebe reported that nine (9) commission members and two (2) chaperones will be leaving for a retreat on the North Shore later this week.

### **Public Works Committee**

Councilmember Hellquist provided a brief review of the July 30<sup>th</sup> Public Works Committee meeting. He noted that the focus of the meeting was to address needed upgrades and repairs relating to the exterior and interior of the Neilson-Reise Arena in an effort to prolong the life of the facility and to make it more user friendly. The committee identified the most critical areas in need of immediate attention as the roof and flooring for locker rooms and lobby area. Preliminary cost estimates were obtained for the roof repair (\$40,000) and replacement flooring (\$35,000). It was noted that there are funds in the current arena reserve for these critical maintenance items. The committee also identified upgrades such as the addition of showers, the need to develop a separation between male and female dressing areas, replacement of ceiling in the lobby area and discussed an operating reserve for the arena. Hellquist suggested the use of some skilled volunteer labor to assist with some of the amenities which could be done in phases. There was some discussion about the possibility of a joint concession stand with the Softball Association. Hellquist noted that improving the facility would make the arena more marketable for ice related activities and could encourage more softball tournaments to be held in Bemidji. The committee recommended moving forward by obtaining quotes on the most critical maintenance items at this time.

Motion by Erickson, second by Johnson, authorizing solicitation of quotes for roof repair and flooring replacement. Motion carried by the following vote: Ayes: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: None.

## **UNFINISHED BUSINESS**

### **Resolutions Declaring Costs for 2003 Improvements (Removed from the Consent Agend)**

Minke explained that there was no urgency to discuss this issue tonight, but the Council needs to identify the interest rate for unpaid assessments prior to sending out notice of public hearing to property owners. It was suggested that the Public Works Committee discuss this issue and provide feedback for a decision at the August 18<sup>th</sup> council meeting. Motion by Meuers, second by Hellquist to direct this issue to the Public Works Committee for discussion and a recommendation. All voted aye. Motion carried.

### **Authorization to Exercise Two-year Extension Option for Auditor Services (Removed from the Consent Agenda)**

Erickson inquired about having the state auditor come in to do the City audit. She felt it might be more economical. Some council members were opposed to the state auditor doing the audit. Minke noted that the city's auditor (Miller-McDonald-Erickson-Moller) has the benefit of having worked with the City Finance Officer for the past several years in preparation for the GASB transition, and have developed some electronic procedures to make it easier for them to do their work and complete an audit. Minke agreed to get input from the state auditor and report back at the August 18<sup>th</sup> council meeting. Motion by Zachman, second by Downs, to table the audit issue to the August 18<sup>th</sup> meeting

pending a response from the state auditor's office. Motion carried by the following 6-1 vote: Ayes: Erickson, Meuers, Johnson, Zachman, Lehmann, Downs. Nays: Hellquist.

Approve "Lost 40" Annexation Agreement Amendments (Removed from the Consent Agenda)

Johnson questioned what changes were incorporated into the agreement presented in the council packet. Minke noted that Bemidji Township approved the agreement at their July 21<sup>st</sup> meeting (the same night the Council approved the agreement), but the township directed their attorney to work with Chris Hood, the city's attorney, to make some language revisions. Due to some scheduling conflicts, the two attorneys have had a difficult time getting together.

A copy of the final agreement (with amendments) was included in tonight's council packet for council review. Minke recently received confirmation from the Township attorney that the amended agreement meets with the satisfaction of each of the township board members. Hood advised that the final draft had no substantive changes as far as the actual administration of the annexation and extension of services, assessments, hook up charges, etc. He confirmed that the amended agreement doesn't give any special advantage to the "Lost 40" over any other area of the city, and is in line with the discussions during mediation. Lehmann, who was a member of the negotiating team agreed with that analysis.

Johnson noted that one of the things that the city agreed to because the mediation went so smoothly, was to pick up the Township's half of the mediator. He inquired about additional mediator expenses incurred because of the township's delay in approving the agreement. It was noted that the cost for the mediator has not changed – the additional costs are related to attorney fees. Minke suggested that the added costs are substantially less than going to a contested case hearing.

Motion by Meuers, second by Hellquist, to approve the amendments to the "Lost 40" Annexation Agreement. Ayes: Johnson, Hellquist, Meuers, Lehmann, Zachman, Erickson, Downs. Nays: None. Absent: None.

**NEW BUSINESS**

Authorize Special Council Meeting to Discuss Proposed Amendments to Shoreland Ordinance with DNR.

Minke noted that he had initially suggested a meeting for the 25<sup>th</sup> of August but did not realize that City Attorney Felix will be out of town at a training on that date. Minke suggested that Felix is a very important player in this process and should be at the meeting to help the Council to understand the proposal as well as to explain the process that was used to get there. He recommended meeting instead on August 11<sup>th</sup> at 5:30 p.m. at City Hall. DNR representatives have confirmed their availability for that date. Minke also recommended rescheduling the previously scheduled August 11<sup>th</sup> Budget Meeting to August 18<sup>th</sup> at 5:30 p.m. before to the Council Meeting.

Motion by Erickson, second by Meuers, to authorize a special council meeting for Monday, August 11, 2003, at 5:30 p.m. for the purpose of discussing proposed Shoreland Ordinance amendments with DNR representatives. All voted aye. Motion carried.

Notice of 2004 Municipal Contribution to Fire Relief Association

The Council was provided a copy of Schedule II from the Fire Relief Association which identifies the required municipal contribution required in 2004 as \$33,329. Minke noted that the Fire Relief Association is required to notify the city clerk (by August 1) of the Fire municipal contribution, and the clerk is required to notify the Council at the next regular council meeting. The required contribution will be included in the 2004 budget.

Public Safety Semi-Annual Update

Bruce Preece, Director of Public Safety, provided a report on Fire/Police calls for service for the first six months of 2003. Councilmembers discussed the report and received clarification of various issues from Preece.

Deed to the Bemidji Development Corporation for the Industrial Park (Addition to the Agenda)

City Attorney Felix noted that this portion of the Industrial Park lying south of Carr Lake Road was outside city limits. The Development Corporation wanted the benefit of utility services to develop the land further but was concerned that piecemeal annexation might be costly and time consuming. The Development Corporation deeded the land to the City with the understanding that at some time in the future the land would be deeded back to them for economic development. City Attorney Felix noted that the Development Corporation is now anxious to have the land deeded back to them and that a deed has been prepared for signature by the Mayor and City Manager. Motion by Zachman, second by Hellquist, authorizing the Mayor and City Manager to execute the deed returning ownership of this parcel to the Bemidji Development Corporation. Motion carried by the following vote: Ayes: Zachman, Meuers, Lehmann, Downs, Johnson, Erickson, Hellquist. Nays: None. Absent: None.

**ORDINANCE NO. 345, 2<sup>nd</sup> Series:** An Ordinance Adopting The Most Recent Update Of The Minnesota State Building Code, Including The 2000 International Building Code, The 2000 International Residential Code And The Minnesota Accessibility Code; Providing For The Application, Administration, And Enforcement Of The Minnesota State Building Code By Regulating The Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, And Maintenance Of All Buildings And/Or Structures In The City Of Bemidji; And Providing Penalties For Violation Thereof And Repealing All Ordinances And Parts Of Ordinances That Conflict Therewith. was given a final reading and passed by the following vote: Ayes: Meuers, Hellquist, Johnson, Downs, Erickson, Zachman, Lehmann. Nays: None. Absent: None.

AN ORDINANCE Amending Chapter 5 Of The Bemidji City Code Entitled, "Beer, Wine And Liquor Licensing And Regulation" By Amending The Provisions Relating To Permissible Hours And Days Of Beer And Liquor Sales, And By Adding A Provision Prohibiting The Off-Sale Of Malt Liquor Produced On The Licensed Premises Of A Brewer Licensed Under Minnesota Statutes §340a.301, Subd. 6(d) was given a second reading.

AN ORDINANCE Amending the Bemidji City Code Fee Schedule was given a first reading.

**NOTICE OF UPCOMING MEETINGS**

|                                     |   |
|-------------------------------------|---|
| Wednesday, August 6, 2003 1:30 p.m. | Paul Bunyan Trail Crossing Committee Mtg.                                 |
| Friday, August 8, 2003 7:30 a.m.    | Public Works Committee Meeting  |
| Monday August 11, 2003 5:30 p.m.    | Special Meeting w/DNR to discuss proposed Shoreland Ordinance amendments. |
| Monday August 18, 2003 5:30 p.m.    | Budget Session  |
| Monday August 18, 2003 7:00 p.m.    | Regular Council Meeting   |

**ADJOURN**

There being no further business presented for discussion, motion by Downs, second by Hellquist, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 8:20 p.m.

Respectfully submitted

Shirley Sherman, City Clerk