

CITY COUNCIL PROCEEDINGS

Bemidji, Minnesota

December 6, 2004

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, December 6, 2004, at 7:00 p.m. in the Council Chambers of the City Hall, Mayor Lehmann presiding.

Upon roll call the following Council members were declared present: Hellquist, Meuers, Lehmann, Downs, Erickson, Zachman. Absent: Johnson.

APPROVAL OF AGENDA

Motion by Meuers, second by Erickson, to approve the agenda as presented. Motion carried by unanimous vote.

MINUTES

Minutes of the November 15, 2004 Regular Council Meeting, November 16, 2004 Special Meeting/Work Session, November 22, 2004 Special Meeting/Work Session, and November 29, 2004 Special Meeting were presented for approval.

Erickson requested corrections as follows: November 16th minutes – Internal Controls-Audit Review – (2nd to last paragraph), add *Erickson also felt that an audit of internal controls would protect employees from public accusation and negative public ascension.*

November 22 minutes – Remove Markeson from “staff” present.

Motion by Erickson, second by Downs, to approve the minutes as amended. Motion carried by unanimous vote.

CONSENT AGENDA

Motion by Downs, second by Zachman, to approve the Consent Agenda items as follows:

- A. Approved ten (10) pages of claims in the total amount of \$571,469.13
- B. Approved Off-Sale Beer License for Shopko Stores d/b/a Pamida, Inc. – 200 Paul Bunyan Drive S
- C. Approved Application for Temporary On-Sale Liquor License for BSU (1/22/05)
- D. Approved Miscellaneous Business License Renewals
- E. Held the First Reading for Beer License Renewals
- F. Approved Liquor License Renewals

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission (BYAC): Rebecca Crawford provided an update on the following:

- ◆ BYAC won a prize for the float that was entered into the “Night We Light” parade on November 26.
- ◆ Surveys to determine interest in a youth center were distributed to high school students on November 24th. Results will be tallied and made available at a later date.
- ◆ BYAC is planning a holiday party for December 22 – City Council members were invited to attend.
- ◆ A sledding party is scheduled for January 7 at Cameron Park in the evening.

BSU Student Senate: Jamie Rowlette provided updates on the following:

- ◆ Union Director position description was recently revised – requires student vote to adopt – goal is to fill the position by Fall, 2005
- ◆ Student Services committee is pursuing a smoking ban in residential halls on campus. A policy has been drafted – if passed it will go into effect Fall, 2005
- ◆ In response to some student complaints, the Health Department will conduct an inspection of the kitchen area at Walnut Hall.
- ◆ Safety Issues –
 - Some streetlights are out – need to be replaced
 - Need for increased lighting to address safety issues south of Bangsberg Hall (Minke met with BSU representative Bill Maki last week. Maki will follow up with a memo highlighting student concerns)
- ◆ Concerns were expressed regarding recent thefts on campus
- ◆ BSU students will participate in construction of a Habitat House in March, 2005 in North Carolina
- ◆ Consideration is given to locating an Advising Center on BSU campus to assist students in deciding on a major
- ◆ Criminal sexual conduct charges have been dismissed against three BSU students
- ◆ Request for information regarding reuse of the historic high school (Lehmann noted that the Council will meet with BSU representatives to hear a proposal for development at that site on December 13th at 5:30 p.m.)

Oak Hills Student Senate: Nancy Beer reported on the following activities:

- ◆ The clothing drive during the Thanksgiving holiday was successful
- ◆ Over 600 people turned out for the holiday musical presented at Oak Hills last weekend
- ◆ Two mission trips are planned for the spring –
 - One to Trinidad – prison ministry and visit public schools
 - One to North Africa (undetermined location) for ministry

PAUL BUNYAN TRAIL COMMITTEE UPDATE

In a memorandum to the Council, Minke highlighted the three trail options as follows:

- ◆ Option #1 – Split Trail (Non-motorized vehicles on lakefront, snowmobile trail on the back side of the properties.
- ◆ Option #2 – Follow railroad corridor (two options – purchase all of the corridor or purchase a 100 ft. wide strip for the trail)
- ◆ Option #3 – Follow 1st Street right of way to Grant Avenue right of way, northeast to the existing trail.

Downs provided an update on the November 24th meeting of the Paul Bunyan Trail Committee, noting that the committee preferred the split trail option but had some concerns about the cost. As an alternate, the committee favored the more cost-effective option #3. The committee is still hopeful for approval of the local sales tax option in 2005. There was no input from DNR as they were not represented at the meeting.

Minke noted he and staff would be meeting with Paul Swenson, DNR Regional Supervisor, on Thursday, December 9th. Swenson is working on bringing himself up to speed with the project and will hopefully be prepared to discuss DNR's participation and level of support on December 9th.

Discussion followed regarding the possibility of hazardous waste cleanup costs at the Georgia-Pacific site. It was noted that the City would probably assume some responsibility if the City acquires property. Enrollment in the VIC program would limit liability.

The Trail Committee will meet again on December 15th at 1:30 p.m.

NON-UNION PAY SCALE IMPLEMENTATION

Minke requested reconsideration of a COLA for non-union employees outside of the pay scale. He related that council recently approved the implementation of a new compensation plan, which resulted in some employees being outside the parameters of the pay scale for their grade. The Council agreed to freeze their wages until those employees were within the scale. Minke noted that although there are good arguments that can be made for freezing the pay for implementation purposes, when reviewing the situation in context, and considering the total "cost" involved (approximately \$2,000), and the fact that employees did not receive a COLA in 2004, he felt it is insensitive to freeze their pay for 2005. Minke also noted that the affected persons are veteran employees

and may be considering retirement in 2005. He recommended a 1.5 percent COLA increase for employees who are above the top step of the pay scale.

Erickson felt that the objective was to bring employee salaries into line with comparable cities with like positions. She felt that if some employees are already being paid above the pay scale for their grade, they should remain frozen.

Zachman supported the Manager's recommendation, noting that the freeze could do a lot to demoralize valuable long-term employees, having an adverse impact on production, attitudes, etc.

Motion by Hellquist, second by Zachman, to amend the compensation plan implementation policy to allow non-union employees who are above the top step of the pay scale to receive one-half of the COLA given to other employees until such time as they are within the pay scale. Motion carried by the following 5-1 vote: Ayes: Hellquist, Meuers, Lehmann, Downs, Zachman. Nays: Erickson. Absent: Johnson.

PARK PLAN AND LOCAL OPTION SALES AND USE TAX

Lehmann noted that this issue is on the agenda to confirm Council's commitment to the Parks & Open Space Plan presented to legislators to support the proposed one-half cent local sales tax.

Minke noted that Diamond Point Park is highlighted in the Plan as the marquee park, with some substantial improvements proposed if the sales tax is approved. He noted that at a recent meeting with the Chamber of Commerce, questions were raised about the City's commitment to Diamond Point Park.

In a memorandum to the Council, Minke also outlined some of the current staffing issues, noting that the Parks Department is one employee below the 2003 staffing level. Currently the void is filled by shifting employees from other departments. If the sales tax is approved, Minke noted the city would need to increase the park's staffing level – probably a mid-year position. He suggested that if the Council agrees, staff should be directed to develop a plan to use some of the 2004 savings to fund a parks employee.

Downs suggested that the City look at offering a portion of Diamond Point Park to BSU for parking. He further suggested that the Georgia Pacific site offers an opportunity for expansion of Nymore Park.

Zachman spoke in favor of holding Diamond Point Park as a priority, noting it is a valuable piece of land and deserves better treatment. He expressed opposition to allowing vehicle parking by BSU students.

Meuers agreed with Zachman, and noted that she received a suggestion regarding the possibility of developing a living history center in Diamond Point Park.

Minke noted the Park Plan recommends:

1. To reduce parking use by BSU as it is a detriment to other uses of the park
2. More parking areas closer to the street so they are not so intrusive into the park
3. Eliminate the boat launch

He noted the Park Plan was presented to the voters as representing what the City intends to implement with the sales tax. Minke suggested that if the city is going to be successful on the sales tax issue, the Council needs to be overt in the priority it puts on parks, and to consider the idea of using 2004 savings to increase parks staffing in 2005.

Erickson felt the Park Plan was intended to be a guide – it represented what was in the best interest of the city at that time as far as parks and trails. She felt there could be some flexibility while abiding with the outline. Erickson also agreed with the suggestion that surplus funds be dedicated to increase staffing in the Parks Department. However, she felt that should only happen if the City is successful in getting the sales tax passed.

Motion by Downs, second by Erickson, authorizing staff to develop a plan to use 2004 savings to fund a 2005 mid-year parks employee position contingent upon approval of the local sales tax option. Motion carried by unanimous vote.

AUTHORIZATION TO SUBMIT PLAN FOR PARKING LAYOUT ON MINNESOTA AVENUE IN FRONT OF THE NEW LAW ENFORCEMENT CENTER

Bruce Preece, Director of Public Safety, requested additional parking on Minnesota Avenue in front of the new Law Enforcement Center building. City Engineer Freeberg noted that the street is wide enough to accommodate diagonal parking on one side similar to several other downtown streets. However, due to the fact that this is a State Aid street with particular regulations as to allowable types of parking in relation to the amount of traffic, it requires concurrence from the Mn/DOT State Aid office for this type of parking configuration. A drawing of the proposal for parking on this block of Minnesota Avenue was submitted for Council approval.

Motion by Erickson, second by Meuers, to authorize submission of the parking layout plan on Minnesota Avenue in front of the new Law Enforcement Center. Motion carried by unanimous vote.

RESOLUTION NO. 5195: A RESOLUTION ACCEPTING RESPONSIBILITY AS THE SPONSORING AGENCY FOR THE ENHANCEMENT PROJECT IDENTIFIED AS TRAIL PAVING was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers, was passed by unanimous vote.

PUBLIC HEARING AND 2ND READING OR AN ORDINANCE RELATING TO NOISE/NUISANCES

Pursuant to published notice, a copy of which was placed on file in the City Clerk’s office, a public hearing was held to discuss the proposed ordinance relating Noise/Nuisance.

Mayor Lehmann opened the public hearing.

Council discussed the proposed ordinance and several minor adjustments were noted.

Erickson asked for some clarification on Subd. 10 Enforcement, noting that the penalty for the operation of a noisy vehicle is not to exceed \$100, while the penalty for things such as yelling, shouting, noisy animals, stereos, etc. can be up to \$700. Minke agreed to direct the issue to City Attorney Felix who was not present at the meeting.

Hellquist expressed the need to identify the necessary resources to enforce the proposed ordinance.

Mayor Lehmann invited anyone present at the meeting to address the issue. No one appeared. The public hearing was closed.

Motion by Hellquist, second by Meuers, to continue the 2nd reading of the proposed ordinance to the December 20th meeting to provide the City Attorney an opportunity to provide some feedback on the questions and recommended changes. Motion carried by unanimous vote.

ORDINANCE NO. 390, 2ND SERIES: AN ORDINANCE AMENDING THE BEMIDJI CITY CODE, ADOPTING AN AMENDED FEE SCHEDULE was given a final reading and passed by unanimous vote.

UPCOMING MEETINGS

Friday, December 10, 2004 – Noon @ City Hall	Meeting with legislators
Tuesday, December 7, 2004 – 5:30 p.m. @ City Hall	1 st Meeting of the Joint Powers Board

ADJOURN

There being no further business presented for discussion, motion by Downs, second by Meuers, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned 8:20 p.m.

Respectfully submitted,

Shirley Sherman, City Clerk