

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **November 3, 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, November 3, 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: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman. Absent: None.

Mayor Lehmann called for any amendments to the agenda. There being no additions, motion by Meuers, second by Hellquist, to approve the agenda as presented. All voted aye. Motion carried.

#### **APPROVAL OF MINUTES**

Minutes of the October 20, 2003 Regular Meeting were presented. Motion by Erickson, second by Downs, to approve the minutes as presented. All voted aye. Motion carried.

#### **CONSENT AGENDA**

Mayor Lehmann called for approval of the items on the consent agenda. Motion by Downs, second by Hellquist, to approve the consent agenda. All voted aye. Motion carried.

- 1) *Approved four (4) pages of General Business Licenses.*
- 2) *Approved Gambling Permit Application for St. Philip's Church to have Bingo on November 22, 2003.*
- 3) *Approved six (6) pages of Claims in the total amount of \$403,015.51.*
- 4) *Approved Purchase of Infield Groomer for Parks Department from MTI Distributing Inc. in the amount of \$6,895.00 plus tax.*
- 5) *Approved Rental Agreement with John Deere of Bemidji for rental of a Street Department Front End Loader at the rate of \$1,750 per month for the period November 2003 through April 2004.*

#### **BEMIDJI YOUTH ADVISORY COMMISSION**

No Report.

#### **BSU STUDENT SENATE REPORT**

Jason Swanson reported on recent activities including the MSUSA conference; a meeting with BSU President and Cabinet to set goals; and a meeting on Thursday with an architect to discuss future plans for upgrading/new construction of residential halls.

#### **PUBLIC WORKS COMMITTEE**

Hellquist reported that the Public Works Committee met on Tuesday, October 28. The Committee discussed the use of Curling Club Building Maintenance Funds and the status of the arena remodeling project. Roof repairs are complete. Quotes are being solicited on ceiling repairs, which were included in the 2003 budget. Flooring repairs were included in the 2004 budget.

#### **PARKING COMMITTEE**

No report. The meeting will be rescheduled.

#### **PUBLIC HEARINGS**

Pursuant to mailed and published notice, a copy of which was placed on file in the City Clerk's Office, a public hearing was held to consider and adopt the proposed assessments for City Project # 98-15, South Lake Irving Area Water/Sewer Extensions. Engineer Freeberg provided an overview of the project costs and assessments. Mayor Lehmann opened the public hearing, and acknowledged receipt of two letters from residents in the project area, both objecting to the proposed assessment amount. The

property owner at 1912 So. Lake Irving Drive SW also complained about a drainage problem, which he felt resulted from this utility project and the paving of Irvingside Drive. He requested a deferment of the assessment until such time as the drainage problem has been resolved. Freeberg reported that city staff previously met with the property owner in this regard and were of the opinion that the drainage problem has been addressed. He agreed to visit again with the property owner in this regard. The property owner at 1903 So. Lake Irving Drive SW also complained about the manhole covers being lower than the paving. Freeberg also reported that the issue is being addressed.

Mayor Lehmann asked if there was anyone present who wanted to address the Council regarding the proposed assessments. No one appeared. The public hearing was closed.

**RESOLUTION NO. 5097:** A RESOLUTION ADOPTING ASSESSMENT ROLLS FOR CITY PROJECT #98-15 (South Lake Irving Area Water/Sewer Extension) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Zachman, was passed by the following vote: Ayes: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: None.

**RESOLUTION NO. 5098:** A RESOLUTION AMENDING THE CITY OF BEMIDJI PERSONNEL POLICY BY ADOPTING A HEALTH CARE SAVINGS ARRANGEMENT FOR ACTIVE EMPLOYEES (VEBA Plan) was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Downs, was passed by the following vote: Ayes: Lehmann, Hellquist, Downs, Johnson, Erickson, Zachman, Meuers. Nays: None. Absent: None.

### **CITY COUNCIL PLANNING**

Minke noted that at the June 9<sup>th</sup> Work Session the Council reviewed a self-evaluation survey and determined that it desired to do "organizational planning and to establish a list of priorities." He asked how the Council would like to proceed with this process. The consensus was to set the date of January 26<sup>th</sup> from mid-afternoon to approximately 8:00 p.m., with a break for dinner. Minke will check into the availability of meeting facilities and make arrangements for a facilitator. Downs suggested the facilitator used recently by the Visitor's & Convention Bureau. In the meantime, Minke asked for some feedback from Council regarding their expectations – what the outcome of the session should be.

### **HRDC CITY/TOWNSHIP JOINT PLANNING PROCESS**

Minke noted that the next meeting of the joint planning process is scheduled for November 19. As part of that meeting, the city was to provide information relating to budgets and growth management policies. Mayor Lehmann asked for Council input regarding the following questions:

1. What are the most significant growth challenges facing the City?  
*Decide whether we want to grow and if so, how to plan for organized growth*  
*Maintain small-town – Up North lakes & woods feel - "City as a Park"*  
*Involve people from all aspects of the community*
2. What are the most significant service delivery challenges?  
*Limited tax base and financial resources to fund infrastructure and other services*  
*Substantial amount of tax exempt land*  
*Bulk of users of many city facilities live outside city limits*
3. What is the city's policy regarding annexation and the basis for the policy?  
*Annexation by petition for city utility services*
4. What is the city's policy regarding the extension of services (sewer and water) within the city limits and the basis for the policy?  
*The city has a written policy in place, which provides for extension of utilities by petition*
5. What is the city's policy regarding the extension of services (sewer and water) outside the city limits and the basis for the policy?  
*The city has a written policy in place, which denies extension of sewer and water to locations outside city limits*

**AUTHORIZE TRAVEL FOR COUNCILMEMBERS TO ATTEND THE COALITION FALL CONFERENCE**

Motion by Meuers, second by Hellquist, to authorize reimbursement for travel expenses for Councilmembers wishing to attend the fall conference of the Coalition of Greater Minnesota Cities. All voted aye. Motion carried.

**Amendments to Ordinance relating to Nuisance Service Calls**

City Attorney Felix reviewed a number proposed changes to the ordinance including the reference to local, State or Federal laws; use of alcoholic beverage as a violation; and incorporating the fee schedule. Councilmember Erickson expressed some concerns about the fee being imposed against an owner or occupant without regard for the fact that the occupant may have changed in any given 365-day period. She felt this might place an undue burden on the landlord. City Attorney Felix noted that ordinance could be reviewed on a regular basis and any problematic areas should be revisited.

Motion by Hellquist, second by Zachman, to accept the proposed changes to the proposed ordinance. Motion carried by the following vote: Ayes: Hellquist, Downs, Johnson, Meuers, Zachman, Lehmann, Erickson. Nays: None. Absent: None.

**ORDINANCE NO. 351, 2<sup>ND</sup> SERIES:** AN ORDINANCE AMENDING CHAPTER 10 OF THE BEMIDJI CITY CODE BY ADDING A SECTION RELATING TO FEES AND PENALTIES FOR LAW ENFORCEMENT RESPONSE TO REPEAT NUISANCE SERVICE CALLS was given a final reading and passed by the following vote: Ayes: Downs, Erickson, Zachman, Lehmann, Meuers, Hellquist, Johnson. Nays: None. Absent: None.

**ORDINANCE NO. 352, 2<sup>ND</sup> SERIES:** AN ORDINANCE AMENDING THE BEMIDJI CITY CODE FEE SCHEDULE (Effective January 1, 2004) was given a final reading and approved by the following vote: Ayes: Johnson, Hellquist, Meuers, Lehmann, Zachman, Erickson, Downs. Nays: None. Absent: None.

AN ORDINANCE AMENDING SECTION 14.17 OF THE BEMIDJI CITY CODE (Pertaining to Lodging Tax) was given a first reading.

**CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA**

Robert & Patricia Ryan addressed the Council regarding a storm water problem at their recently acquired property at 329 Rako Street. Minke noted that the issue was brought to his attention several weeks ago and he responded in writing to the property owner on October 21, 2003. He discussed the issue of elevations surrounding the property, which seem to create the problem, and offered options to improve the drainage. Ryan felt a storm water drain under Rako Street located at the lower end of the lot would provide necessary drainage. Freeberg was directed to draft a plan, which would provide for drainage from this parcel to the south side of Rako Street.

Ryan also inquired about the location of the sanitary sewer service line for his parcel located at 424 Roosevelt Road SW. Freeberg reviewed a copy of the "as built" drawing provided by Ryan, which revealed that the service line was extended to the Ryan's property line for future connection. Ryan had no further questions.

**NOTICE OF UPCOMING MEETINGS**

November 10, 2003 – Work Session – 5:30 p.m. Discuss Cable Access

**ADJOURN**

There being no further business presented for discussion, motion by Downs, second by Zachman, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 8:50 p.m.

Respectfully submitted

Shirley Sherman, City Clerk