

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – August 6, 2007

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 6, 2007 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, Markeson, Hellquist, Johnson, Erickson, Downs, Meuers.

#### **AMENDMENTS TO AGENDA**

Lehmann called for any amendments to the agenda. The following additions/corrections were requested:

- Add: Resolution Approving Site for the Beaver Pride Tailgate event
- Add: Authorize Certification by Local Unit of Government for Evergreen House Grant Application
- Add: Travel Authorization for the Mayor to attend a meeting in St. Paul (LMC) on August 9
- Remove: Bemidji Jaycees presentation regarding Oktoberfest

Motion by Johnson, second by Markeson, to approve the agenda as amended. Motion carried by unanimous vote.

#### **MINUTES**

Minutes of the July 16 regular meeting and July 23, 2007 work session were presented for approval. Motion by Meuers, second by Markeson, to approve the minutes as amended. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,387,959.93.
2. Approved miscellaneous business licenses.
3. Approved Gambling Permit – Raffle – Prevent Child Abuse Mn – 12/7/07.
4. Approved 2007 Budget Changes #11 and #12 .
5. **RESOLUTION NO. 5421:** Awarding Contract for the Minnesota Avenue NW (5<sup>th</sup> Street NW to 8<sup>th</sup> Street NW) City Project #07-13, Bituminous Milling & Overlay.
6. Approved Appointments to HRA Board:
  - Joanna Dymond (retroactive to May 2007)(Note: Ms. Dymond has resigned effective July 31, 2007)
  - Randy Matthew (replace Ms. Dymond)
  - Nancy Erickson (as a voting member)
7. **RESOLUTION NO. 5422:** Authorizing Execution of Agreement (Auto Theft Prevention 2008 Project).
8. Approved Grant Match of 10% for the Purchase of Miscellaneous Fire Department Equipment (\$11,631).
9. Declared Equipment Surplus – 2005 Freightliner Refuse Truck with Packer
10. Authorized Certification by Local Unit of Government for Evergreen House Grant Application.
11. **RESOLUTION NO. 5423:** Approving the Site for the Beaver Pride Tailgate Parties (September 8 and October 13).
12. Authorized Travel to St. Paul on August 9 – Mayor Lehmann.

Motion carried by unanimous vote.

## **COMMITTEE REPORTS**

### Bemidji Youth Advisory Commission

Shawn Campbell, BYA representative, reported that the Commission recently elected three new members to the BYAC, they are planning their retreat which will be either August 21 or August 22 and the Commission is preparing for the upcoming school year.

## **PRESENTATION**

### First Annual Nymore Days Street Dance

Mark Wilcox, Garden Grill & Pub, stated that the event will be on September 7. This event will not only serve as a fundraiser for the Shriners Children's Hospital, but it will also bring a large number of people to the Nymore area and a great source of revenue for surrounding businesses. Mr. Wilcox has spoken to 70% of the neighbors and they have indicated no problem with the event. He stated that he will continue to work with the neighbors.

Joe Dunn, Chairman of the Headwaters Shrine Club Football Committee, stated that this is the 10<sup>th</sup> Anniversary of the event in Bemidji. The Shriners have a great agreement and a successful union with BSU and the City. In addition, they have been fortunate to have Shiner dignitaries present for the event. He reported that the Headwaters Shrine Club has more children attending the Children's Hospital than any other area in the state.

Erickson stated that she has spoken with the Chief of Police and he has no problem with the event. She is anxious to see what calls we get after the event. This is a one night event and she supports it. She stated that Chief Johnson commented to her that as the city sees more and more of the events, the City may need to look at a way to cover overtime costs for the police department.

Johnson asked if there will be a shuttle service. Mr. Wilcox responded that they are providing two shuttles and limousine service for the event. Mr. Dunn stated that he is working with BSU regarding parking and plans for other parking with shuttle service.

**RESOLUTION NO. 5424: Approving the Site for the Nymore Days Street Dance was offered by Councilmember Erickson who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.**

## **NEW BUSINESS**

### Menard's Development Agreement

**Motion by Councilor Hellquist, second by Councilor Meuers, to approve the draft Development Agreement with Menards, Inc. in substantially the form presented. Motion carried unanimously.**

### Bemidji Baseball Youth Baseball

Councilor Erickson stated that she reviewed other building permit applications and noted some of the fees that were not waived for other non-profits. She commented that the City wants the building department to be self-supporting. She stated that the proposed building will be built on BSU property and will be used by many groups and she is concerned about opening a door regarding waiving permit fees for other non-profits.

Mayor Lehmann stated that a number of years ago the Council passed a moratorium on contributions. This is a waiving of fees not seeking a contribution of cash. He stated that the Council has been criticized in the past for their lack of funding youth programs, i.e., lifeguards have been cut, recreation programs have been cut. There are some ways we can support youth activities in our community and this is a relatively small amount which does show that the City supports our youth.

Chattin stated that the Council should consider setting a policy so staff can review requests.

**Motion by Councilor Hellquist, second by Councilor Erickson, to postpone the Bemidji Youth Baseball request until the Council can discuss a policy regarding waiving of building permit fees at a work session. Motion carried unanimously.**

### Bemidji Avenue TH197 Project

City Engineer Craig Gray stated that the MN/DOT will begin reconstruction of Bemidji Avenue to TH197 in 2008 from 3<sup>rd</sup> Street to 23<sup>rd</sup> Street. As part of this project, the City will need to update all of its sanitary sewer and watermains. There will also be improvements to

the signals at 5<sup>th</sup> Street and 15<sup>th</sup> Street of which the City will pay a portion of those costs. The numbers are not finalized and staff will present a feasibility report in the future along with various agreements with Mn/DOT. The original plan for this project did just include sewer improvements but in reviewing the area all of the watermains in the area dated back to the early 1900's. It is important to replace those watermains and those costs will be updated and Gray will be working with the Finance Director regarding financing. Gray stated that there will be assessments to property owners for water and sewer improvements and staff is working on those amounts.

Discussion continued regarding construction timeline and detour routes.

**RESOLUTION NO. 5425: Authorizing Cooperative Construction Project (Bemidji Avenue N.) was offered by Councilmember Erickson who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.**

#### Irrigation System at Diamond Point Park

Mayor Lehmann stated that the City has received two quotes for installation of an irrigation system at Diamond Point Park. The quotes are Lawntech of Fosston in the amount of \$32,379 and T&K Outdoors of Bemidji in the amount of \$29,294.92.

Parks Superintendent Dan Haluptzok reported that there is a 10% contingency fund and as of today \$57,613 of which a portion has been used for archaeological purposes. After the approval of the irrigation, the City will have used only 33% of the contingency funds. The project is moving along nicely and should be completed on schedule.

Discussion continued regarding the parking along Birchmont Drive along Diamond Point Park. City Engineer Gray stated that staff can take a look at marking and posting the area.

**Motion by Erickson, second by Hellquist, to authorize T&K Outdoors of Bemidji to do the installation of a sprinkling system at Diamond Point Park in the amount of \$29,294.92. Motion carried unanimously.**

#### Water Sprinkling Rate

Mayor Lehmann reviewed the request from Councilmember Markeson regarding the City's current water sprinkling policy. He stated that the Finance Director has recommended that the Council continue to support the current policy. However, if the Council is considering a policy change, staff recommended the Council consider the following option: "the city furnish the sprinkling meter at no cost while installation costs would continue to be paid by the customer."

Hellquist stated that the Public Works Committee has discussed water sprinkling rates a couple of times and chose the current method. Previously the City used an "honor system" method. The option now is to buy a meter and have that separate meter installed and that amount would be subtracted from the sewer rate.

Markeson stated that he has received a complaint from an individual who was quoted approximately \$500 to install a separate meter and a lot of senior citizens would not care to spend that much to install a second meter. He stated that the City is not encouraging folks to keep their yard green. He suggested that the City needs to find another alternative for charging water usage during the summer and that a computer program be designed to compute water usage. The City is currently charging for a service that we are not rendering.

Hellquist commented that he lived in the cities and ran into the problem of the water tower getting low and wondered if this was a concern in Bemidji. Discussion continued on the water table and watering. Markeson stated that water concerns should not be a reason not to look at the water sprinkling policy.

Eischens stated that the current policy requires the citizen or business to purchase a water meter from the City at a cost of \$125 and installed by a plumber. The second meter accurately measures the use of services rendered. The suggestion is for the City to absorb the cost of the meter.

Chattin stated that there may be a program available to estimate the water rates based on winter rates. The computer would average that amount and not charge the sewer rate when water usage was in excess of the normal usage. Having a second meter is obviously the best way to bill for what is used and not billing for what is not used. The idea of giving away

the meter was a compromise to help those that could not afford the cost of installing a second meter.

Erickson asked how many individuals have purchased the meter. Eischens replied that 171 customers have purchased a second water meter to date.

**Motion by Markeson, second by Hellquist, directing staff to investigate a possible computer program that will adjust water rates for sprinkling and any potential grant programs to assist in the installation of water meters for residents. Motion carried unanimously.**

#### Road Maintenance Agreement

Erickson stated that this agreement provides that the city do general road maintenance in the summer and Northern Township will maintain it in the winter. She suggested that the agreement give specific dates for the maintenance responsibility, i.e., City covers May 1 through October 31 and Northern Township covers November 1 through April 30. She commented that she has received several complaints about the condition of Elliott Road.

Chattin stated that the road agreement is separated by function not dates and suggested that until it is proven that it does not work let it stay as it is.

**Motion by Erickson, second by Hellquist, approving the Road Maintenance Agreement for Elliot Road with Northern Township and to include the City's maintenance dates of May 1 through October 31 and Northern Township's maintenance dates of November 1 through April 30. Motion carried unanimously.**

#### EVENT CENTER UPDATE

Chattin asked what the Council's expectations regarding the HRDC's role as they are the coordinator for the Event Center. Chattin asked if the Council would like the HRDC to give an update at their two regular meetings or is a weekly written report adequate?

Meuers commented that she would like the HRDC to give an update at Council meetings as it would provide the public an opportunity to hear about the progress on the Event Center. Downs stated that it is important to keep the discussion transparent.

Council asked that a representative from the HRDC provide the Council at an update regarding the Event Center at future regular Council meetings.

#### UPCOMING MEETINGS

- August 8        6:00 p.m.        Greater Bemidji Joint Planning Board @ Northern Hall
- August 13      5:30 p.m.        Work Session – 2008 Budget/Discuss Building Permit Fee Waiver Policy
- August 20      7:00 p.m.        Council Meeting
- August 27      5:15 p.m.        Work Session

#### COUNCIL/STAFF REPORT

- Chattin reported that he attended the following meetings: Northwest Technical College to discuss the possible fire substation, Airport on August 7 to discuss the DreamCatcher project and a trail meeting at DNR regarding Clausen Avenue connection. He will be participating in the Paul Bunyan Trail Ride on August 9. In addition, he will be meeting with the County to discuss continuing the 2008 technical support.
- Mayor Lehmann commented that the Dragon Boat Festival was a great event for our community. National Night Out is on Tuesday, August 9. Met with LMC reported that the special session may happen to deal with the transportation issue.
- Meuers reported that the Parks & Recreation Commission will be meeting on Tuesday, August 14.
- Downs stated that the Paul Bunyan Playhouse is performing "Chicago". He reported that Jim Oberstar will be attending the Paul Bunyan Trail Ride on August 9 which starts at 1:30 p.m. In addition, the first 30 people that arrive for the ride will receive a t-shirt from Gayle Quistgard from the Visitor Convention Bureau.
- Erickson gave an overview of the Coalition of Greater Mn Cities Conference that she attended recently in Detroit Lakes. Bemidji Green Up has been discussing a tree giveaway program that Ottertail Power has discontinued. Erickson reported that the HRA Director has had her six month review and is doing an excellent job. Deer hunt

applications are being taken and a proficiency test will be held on August 16. Erickson offered her condolences to Dick Sathers and his family regarding the Hwy 35W bridge collapse.

- Johnson stated he attended the Coalition and commented that Detroit Lakes is doing a lot of economic development. Their community center is a converted high school which was what the City of Bemidji had tried to accomplish.
- Hellquist reported that the DDA will be meeting with Mn/DOT officials regarding the detour on Bemidji Avenue.
- Markeson reported that the Bemidji Youth Advisory Commission had their end of the year meeting and had a successful year. The Commission is well received throughout the community.
- Eischens stated that he received a report from the Department of Revenue and the City will be receiving \$70,000 less in LGA than what the City was previously informed.

**Motion by Downs, second by Hellquist, to adjourn the meeting at 8:45 p.m. Motion carried.**

After a five minute break, Mayor Lehmann called the meeting to order for the purpose of discussing labor negotiations. The following were in attendance: Lehmann, Markeson, Hellquist, Johnson, Downs, Erickson, Meuers. Staff present: Chattin, Eischens, Murphy.

**Motion by Councilor Erickson, second by Councilor Johnson, to close the meeting in accordance with Minnesota Statute Section 13D.03, Subd. 1 for the purpose of discussing strategies for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals. Motion carried unanimously.**

**Motion by Meuers, second by Downs, to reopen the meeting. Motion carried unanimously.**

**ADJOURN**

There being no further business, motion by Downs, second by Markeson, to adjourn the meeting. Motion carried. Meeting adjourned at 9:26 p.m.

Respectfully submitted,



Kay M. Murphy  
City Clerk