

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – June 1, 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, June 1, 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, Negard, Meuers. Absent: Downs

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. **Motion by Meuers, seconded by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.**

MINUTES

Minutes of the May 18, 2009 regular meeting were presented for approval. **Motion by Negard, seconded by Johnson, to approve the minutes as presented. Motion carried by unanimous vote.**

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$571,501.47
2. Miscellaneous 2009 Business License Renewals
3. Denied Precious Metal Dealer Permit Application – Duke Coin
4. Approved Change Order 1 and 2 for City Hall HVAC Project
5. Waived Building and Mechanical Permit Fees for 3908 Valley View Drive NE
6. Awarded Quote for Storm Sewer Repair – Minnesota Avenue

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Councilor Waldhausen reported that the Youth Commission is working on the last minute details for June 7 Youth Day to be held at the Waterfront.

PRESENTATION

Commissioner Steve Sviggum, Department of Labor & Industry, presented the City with the Governor's Fit City Award. The Governor's health care cabinet addressed health care reform and changed it to that of prevention and taking care of people in a cost efficient way. This program began 3 years ago in Minnesota. Commissioner Sviggum stated that the City of Bemidji has provided opportunities in the community for citizens to become healthier. Examples of that are the development of trails, park improvements, making schools accessible for bikers and walkers and enhancing bicycle safety.

PUBLIC HEARING

NPDES Permit - Storm Water Pollution Prevent Program (SWPPP)

City Engineer Gray stated that one of the requirements of the City's National Pollutant Discharge Elimination system (NPDES) permit is that an annual hearing must be held to update the Council and allow the public to make oral and/or written comments on the adequacy of the City's Storm Water Pollution Prevention Program (SWPPP). The City has several accomplishments in the past year which include: minor repairs to manholes and catch basins, cleaned sump structures of sediment material, drainage ditch cleaning and removal of debris from beavers, etc.

Pursuant to published notice, a Public Hearing was held to receive comments regarding the NPDES Permit – Storm Water Pollution Prevention Program (SWPPP). Mayor Lehmann opened the meeting at 7:16 p.m. and with no public comment the hearing was closed.

NEW BUSINESS

Reallocate Public Works Building Construction Funding

Finance Director Eischens stated the Public Works Facility has been in use for several months and recently all expenditures and punch lists were completed. The total cost for the facility and related equipment amounted to \$7.7 million. The construction fund has a remaining balance of \$500,863 because the project came in under budget. City water, sanitary sewer and storm water funds contributed over \$1.5 million toward the project. He recommended that the surplus funds from the construction be transferred equally to the storm water and sanitary sewer funds.

Motion by Hellquist, seconded by Johnson, authorizing the transfer of \$500,863 from the Public Works Facility construction fund equally to the storm water and sanitary sewer fund. Motion carried unanimously.

Discussion - Irvingside Lane SW to Aragon Lane SW

Council discussed the request by Don Schmeckpeper to change Irvingside Lane SW to Aragon Lane SW. Felix stated that there is no state or city law process for changing the name of a street. Waldhausen commented that the interest should come from the residents that reside on the street.

Motion by Hellquist, seconded by Waldhausen, directing staff to send a letter to the residents on Irvingside Lane SW regarding their wishes on changing the street name to Aragon Lane SW. Motion carried with the following vote: Ayes: Waldhausen, Meuers, Hellquist, Negard, Johnson. Nays: Lehmann.

Paul Bunyan State Trail – South Lake Bemidji Segment.

City Attorney Felix stated that this is one of three joint powers agreements being negotiated between the Minnesota Department of Natural Resources (DNR) and the City/BEDA. He stated that this agreement addresses the DNR and BEDA/City's relationship once the South Shore Trail Corridor is conveyed to the DNR. It addresses our ability to not only work in the trail corridor but to have, in essence, easements/permits to construct pedestrian crossings and storm water infrastructure within and as part of the trail corridor. The agreement also calls for the parties' mutual participation in the decisions regarding trail landscaping, trail construction materials, trail maintenance and related matters. The agreement will not be fully executed until after the DNR takes ownership of the South Shore Trail segment.

RESOLUTION NO. 5560: Authorizing Joint Powers Agreement with the MN Department of Natural Resources for the Paul Bunyan State Trail – South Lake Bemidji Segment was offered by Councilmember Meuers, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

Nymore Beach Public Water Access

Felix stated that the City and DNR entered into a JPA in 1982 for construction of the current boat access improvements at Nymore Beach. The proposed agreement now calls for the expansion of that access which will include upgrade of the access and construction of a new expanded parking area for boaters using the access.

Hellquist asked about the size of the landing. Gray stated that he is unsure of the size but there will be more parking.

Negard asked about the potential development of a marina. Chattin responded that there is a placeholder for a future marina but the exact location is yet to be determined and unlikely that it would be in adjacent to the current boat launch area. Staff will be looking into that in the future. Discussion continued regarding the current Nymore Beach.

RESOLUTION NO. 5561: Authorizing Joint Powers Agreement with the MN Department of Natural Resources for the Lake Bemidji Nymore Beach Public Water Access was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

Paul Bunyan State Trail Bridge over TH 197

Chattin commented that approximately two weeks ago the City was notified by DNR that it would receive stimulus funding for the bridge over Paul Bunyan Drive. This Joint Powers Agreement is in anticipation that we will receive the funds. The City will have a very short time

line to design the bridge. The Agreement includes being reimbursed for the design by the DNR.

Felix noted that this land is owned by the City and not by the BEDA.

RESOLUTION NO. 5562: Authorizing Joint Powers Agreement with the MN Department of Natural Resources for the Design and Construction Documentation for Paul Bunyan State Trail Bridge over TH197 was offered by Councilmember Waldhausen, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

Housing Development Project

Mayor Lehmann commented that the housing development proposed by the HHDC fits a need in our community.

Tim Flathers, HRDC - representing the Headwaters Housing Development Corporation, stated that the HHDC is attempting to put together a project that would provide services to very low income individuals in our community. He stated this is a long standing need in our community. The Beltrami County HRA has agreed to provide the building site which consists of just over five acres directly north of the Bi-County CAP offices on 15th Street. The housing project includes the construction of a temporary street from the northern boundary of the proposed supportive housing site to 23rd Street estimated at \$165,000. Flathers requested that the City consider partnering in the project and assist with financing the building of the temporary street and infrastructure.

Hellquist asked if there would be any way to recoup the funds that would be spent on the temporary street.

Gray responded that the temporary street would have 2 or 2½ inches of bituminous and there would not be much salvageable material left.

Hellquist inquired about where the funds for the temporary street come from. Chatten responded that the only funds available as a possible source are UDAG funds with a balance of approximately \$1 million and this project would be an appropriate use.

Johnson suggested that the parkland that was going to be used previously for this housing could possibly be sold to recoup some of the UDAG funds.

Negard stated that the project is very good but building a temporary road is a problem and he would prefer that the permanent road be built.

Meuers responded that there are a lot of “ifs” in the event center project also and there is a great need for housing in our community.

Felix stated that this week HHDC granted the City an easement and donated an outlot to the City. He noted that the HRDC has been a partner with the city on a number of projects.

Motion by Hellquist, seconded by Meuers, to proceed with a partnership with the HHDC to construct a temporary street for their project at an estimated cost of \$165,000, from UDAG funds, with the condition that a permanent City road be constructed within 8 to 10 years. Motion carried unanimously.

OLD BUSINESS

Reconstruction of Parking Lot No. 3 – Evaluate Parking Lot Design Options (#09-01)

Mayor Lehmann noted that there have been several members in the community that have supported an alternative design of Parking Lot 3, differing from the design approved by the Council at their January meeting.

Lloyd Lind, Lloyd's Furniture, stated that he represented a number of business owners downtown that were in favor of diagonal parking in Parking Lot 3. He gave the following reasons: retains maximum amount of parking spaces, more user friendly especially for senior citizens, expands parking spaces by one foot in width over present spaces, evens drive through lanes to 15 feet in width and allows the user to enter and exit at anytime onto 3rd Street.

Mitch Rautio, Keg 'N Cork owner and DDA President, stated that the DDA supports the City's efforts to reconstruct Parking Lot 3 to the configuration agreed upon in cooperation with the City's engineering department. He stated that Parking Lot 3 is perhaps one of the most visible parking lots downtown, with its close proximity to the Waterfront and Paul Bunyan Park. He

stated that the parking lot design greatly enhances the appearance of the parking lot and achieves numerous goals outlined in the RDG plan.

Mayor Lehmann commented that either of these plans done right would be an improvement to the downtown.

Mayor Lehmann asked for a show of hands to get the feel of those that were in favor of the two plans. It was noted that 11 were in favor of the “C” design and 5 were in favor of the diagonal parking design. Discussion continued regarding the showing of hands and whether that should be the determining factor for parking lot selection.

Steve Patterson, Patterson Clothing, previous DDA member stated that saving parking spaces was very important. He urged the Council to consider the diagonal design.

Motion by Meuers to approve the Drawing # 3 Diagonal Parking which meets engineering standards and provides more parking spaces. Motion failed for lack of a second.

Hellquist stated he does not like losing the parking spaces; however, the design already approved by the Council was part of the RDG Plan. He stated that he preferred the diagonal parking, however, this is one of the first small steps in beautifying the downtown.

ORDINANCES

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending an Uncoded Section of the Bemidji City Code Pertaining to Alley Vacation (Ours to Serve House of Hospitality). Mayor Lehmann opened the Public Hearing at 8:41 p.m.

Craig Boyer, VP North Country Health Services, requested that the City continue the hearing until the final reading until July which would give the Hospital Board an opportunity to discuss this at their June 22 meeting.

Rebecca Hoffman, Director of Our to Serve House of Hospitality, stated that the Hospital needs the opportunity to consider the request and was in agreement with the continuation of the public hearing. She commented that this is a critical project for the City.

Gray stated that the Medical Equipment parcel will no longer be served by any improved alley or public street; however, there is right-of-way on the north end.

Motion by Negard, seconded by Meuers, to continue the public hearing until July 6 meeting. Motion carried unanimously.

ORDINANCE NO. 38, 3RD SERIES, AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation (Soukup) was given a final reading and passed by unanimous vote.

LIBRARIAN’S REPORT

Paul Ericsson, Librarian, provided an overview of the programs available at the Library this summer.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING MEETINGS

- Monday, June 8 5:30 p.m. Work Session – Tyler Estates
- Monday, June 15 7:00 p.m. Council Meeting
- Monday, June 22 5:30 p.m. Work Session – 2010 Budget/CIP
Cashflow

COUNCIL/STAFF REPORT

- Waldhausen stated that the Boys & Girls Club has been busy getting their teen center up and running.
- Johnson stated that there is a Chamber Legislative wrap-up on Tuesday, June 2 at City Hall.
- **Motion by Waldhausen, seconded by Johnson, to authorize travel for Hellquist to attend the LMC Conference on June 24-26. Motion carried unanimously.**
- Negard stated that the Paul Bunyan Transit provides free rides during the summer.

ADJOURN

There being no further business, motion by Waldhausen, seconded by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk