

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – December 20, 2010

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 20, 2010 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding. Presentation of the Colors was done by Northland Composite Squadron. Squadron Commander Robin Helgager thanked Mayor Lehmann for his years of service to Bemidji and for supporting the Northland Composite Squadron.

Upon roll call, the following Councilmembers were declared present: Lehmann, Waldhausen, Johnson, Hellquist, Downs, Negard, Meuers

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. The following item was requested to be added under New Business:

- Consideration of a Resolution Approving the Agreement between the City and United Food and Commercial Workers Union Local 1189 representing the Liquor Store employees for Calendar Year 2011

Motion by Meuers, seconded by Downs, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the December 6 regular meeting, December 3 special BEDA meeting, December 3 special work session and December 13 regular work session were presented for approval.

Motion by Meuers, seconded by Downs, to approve the minutes with minor corrections to the December 6 minutes. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Claims submitted by the Finance Officer in the total amount of \$593,923.20
2. Miscellaneous 2010 Business License Renewals
3. Final Reading of Beer License Renewals – 2011
4. Liquor and Wine License Renewals - 2011
5. 1 to 4 Day Temporary On-Sale Liquor Licenses:
 - Chamber on 1/20/2011
 - RP Broadcasting on 2/20/2011
6. 1 Day Temporary Consumption & Display Permit – Mn Public Radio – 2/12/2011
7. **RESOLUTION NO. 5655:** A Joint Resolution Amending the Orderly Annexation Agreement (OA-1117) entered into by the Communities in 2004

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Rachel Lash, BYA representative, updated the Council on the Commission activities.

PUBLIC HEARING

Capital Improvement Plan – 2011-2015

Pursuant to published notice a public hearing was held regarding input on the 2011 to 2015 Capital Improvement Plan. Mayor Lehmann opened the Public Hearing at 7:11 p.m., hearing no comments the public hearing was closed.

RESOLUTION NO. 5656: Adoption of the 2011-2015 Capital Improvement & Equipment Replacement Plan was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

NEW BUSINESS

Mayor Lehmann read the following summary of the Manager's Performance Review which was conducted on December 13, 2010:

Discussion centered on the five (5) priority issues identified at the Strategic Planning Session held in January 2010, which issues were:

- ✓ South Shore Redevelopment
- ✓ Development of Contingency Plan to deal with potential loss of LGA
- ✓ Annexation beyond current plan
- ✓ Ensure Quality Neighborhood Initiative Project Moving Forward
- ✓ Promotion and Marketing of the BREC

Respecting overall performance, Council members recognized the achievements associated with each issue, but expressed dissatisfaction with the status of annexation efforts generally, as well as with the minimal participation of Council in the QNI Study process. Several Council members were particularly critical of their communication with the City Manager, individually and the governing body as a whole, prompting them to propose and recommend that the Council meet with the Manager periodically to discuss matters and issues then currently involving the City.

Consensus was reached that "communication" is the key issue that split how individual Council members perceived the City Manager's overall performance.

RESOLUTION NO. 5657: Approving the 2011 Final Tax Levy was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Waldhausen was passed by unanimous vote.

RESOLUTION NO. 5658: Approving the 2011 Final Budget was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Negard was passed by unanimous vote.

Wastewater Treatment Digester Project – City Project 10-04

Gray stated that the approved Capital Improvement Plan includes \$2,930,000 for the construction of a new digester building for the WWTF in 2011. The average solids loading rate exceeds the design capacity of the existing digester building. The proposed additional primary digester will meet both existing and future growth conditions. Bolton & Menk, the project consultants, have completed the engineering plans and specifications. Based on the plans, the estimated construction cost of the project has risen and is currently \$3,581,000.

Gray stated that there are two reasons for the increase. First, it was noted that other plant items and processes should be upgraded with this project that will result in lower long-term costs. Secondly, the consultants have stated they are seeing an escalation in bid prices in the past four to six months; specifically on cast in place concrete, ductile iron piping and electrical components. Gray stated that he is still recommended that the project proceed as designed. The financing for this project will come from bond sales and the bond sale will not occur until after the bid opening at which time the City will have an accurate total project cost.

Negard questioned the need for another digester. Gray responded that one of the Council's top goals is to run the sewer around Lake Bemidji. This digester would provide the capacity for such a project.

Negard then asked if there is another way to fund the additional cost without borrowing. Gray responded that there is not.

Chattin stated that the Council may have to consider an increase to sewer fees to cover the debt.

Motion by Downs, seconded by Johnson, approving the engineering plans and specifications and authorizing the city engineer to advertise for bids for the construction of the Wastewater Treatment Plant Digester building (City Project #10-04). Motion carried unanimously.

Union Contracts

Chattin stated that it was a good year for bargaining and all units understand the financial concerns of the City. He noted that the total cost for the contracts is between \$3,000 and \$4,000.

RESOLUTION NO. 5659: Approving the Agreement between the City and Law Enforcement Labor Services Representing Police Patrol – Local 126 for Calendar Year 2011 was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Waldhausen was passed by unanimous vote.

RESOLUTION NO. 5660: Approving the Agreement between the City and Law Enforcement Labor Services Representing Sergeants – Local 227 for Calendar Years 2010 and 2011 was offered by Councilmember Negard, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

RESOLUTION NO. 5661: Approving the Agreement between the City and Bemidji Uniform Firefighters Association, Local 2302 of the International Association of Firefighters for Calendar Year 2011 was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

RESOLUTION NO. 5662: Approving the Agreement between the City and IUOE, Local 49 Representing the Public Works, Parks, Streets, Sanitation and Engineering Employee Bargaining Unit for Calendar Year 2011 was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Negard was passed by unanimous vote.

RESOLUTION NO. 5663: Amending the City's Policy for Public Improvements was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Waldhausen was passed by unanimous vote.

RESOLUTION NO. 5664: Approving the Agreement between the City and United Food and Commercial Workers Union Local 1189 representing the Liquor Store employees for Calendar Year 2011 was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Negard was passed by unanimous vote.

THE SANFORD CENTER

Bob LeBarron, Venuworks Executive Director, reviewed the proposed 2011 operating budget for the Sanford Center noting that the estimated deficit is \$338,718 which is a slight increase. He noted that the increase is due primarily to the underestimated cost of heating the building and snow removal. Discussion continued centering on the reasons for the deficit and possible measures to reduce operating costs.

Negard inquired as to the status of the fundraiser by community members to cover the deficit. Steve Johnson responded that he was uncertain as to the amount raised to date but the funds collected will be forwarded to the City at the time it is needed.

Motion by Johnson, seconded by Downs, to approve the 2011 Sanford Center operating budget. Motion carried with the following vote: Ayes: Lehmann, Downs, Johnson, Negard, Hellquist, Waldhausen. Nays: Meuers.

ORDINANCES

ORDINANCE NO. 61, 3RD SERIES, AN ORDINANCE Amending Chapter 4 of the Bemidji City Code entitled, "Alcoholic Beverages" by amending the provisions relating to permissible hours and days of sale of Liquor, 3.2 Percent Malt Liquor (Beer), and Wine was given a final reading and passed by the following vote: Ayes: Johnson, Negard, Waldhausen, Downs. Nays: Lehmann, Meuers, Hellquist.

Animals and Poultry

John Wilder, 1227 Norton Avenue NW, questioned the need for a petty misdemeanor.

Felix responded that the proposed penalty language will give enforcement "extra teeth" to get the result it desires. He further stated that the amendatory language must be adopted by unanimous vote of the Council before proceeding to the 3rd Reading.

Motion by Hellquist, seconded by Negard, to adding proposed Section 6-95 regarding penalties. Motion carried unanimously.

ORDINANCE NO. 62, 3RD SERIES, AN ORDINANCE Amending Chapter 6, Article III, of the Bemidji City Code Relating to Animals and Poultry was given a final reading and passed by unanimous vote.

Motion by Hellquist, seconded by Johnson, authorizing the City Clerk to publish a summary of Ordinance No. 62, 3rd Series. Motion carried unanimously.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING COUNCIL MEETINGS

- Monday, January 3 7:00 p.m. Council Meeting
- Monday, January 10 5:30 p.m. Work Session - TBD
- Tuesday, January 18 7:00 p.m. Council Meeting

COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.

ADJOURN

There being no further business, motion by Downs, seconded by Meuers, to adjourn the meeting. Motion carried. Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk