

**CITY COUNCIL PROCEEDINGS**  
**BEMIDJI, MINNESOTA**  
**Regular Meeting – August 7, 2006**

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 7, 2006 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 addition was requested:

- Council Travel – Add Downs, Markeson and Johnson – August 16

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

**MINUTES**

Minutes of the July 17 regular meeting and July 17, July 18 and July 31, 2006 special work sessions were presented for approval. Motion by Erickson, second by Markeson, 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, second by Erickson, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$866,753.03.
2. Approve Temporary On-Sale Liquor License – BSU – October 6, 2006
3. Council travel – Grand Rapids – August 16 – Lehmann, Hellquist, Erickson, Downs, Markeson, Johnson.

Motion carried by unanimous vote.

**PUBLIC HEARING**

**1<sup>st</sup> Street East Reconstruction Project (City Project #07-04)**

Pursuant to published notice, a Public Hearing was held to receive input regarding proposed improvements to 1<sup>st</sup> Street East. Mayor Lehmann opened the Public Hearing at 7:02 p.m.

Richard Carter, 1513 1<sup>st</sup> Street East, stated that he did not feel it was fair that they have to pay for the street improvement as this street is an arterial street.

Richard Perrault, 1316 1<sup>st</sup> Street East, commented that the street initially was developed as a through street and residents along it were not charged for the improvement and did not agree with the assessment. Mr. Perrault asked why Otter Tail Power was not being charged for the improvement and felt that this was unfair. Freeberg responded that the property cannot be developed and is not directly on 1<sup>st</sup> Street East.

Steve Holley, owner of North Central Door located on 1<sup>st</sup> Street East, asked if sanitary sewer was being added. Freeberg responded no that sanitary sewer will come from another direction.

With no further comments, Mayor Lehmann closed the Public Hearing at 7:10 p.m.

Johnson observed that Mr. Perrault made a good point and he stated that the City could use a street utility fund to give relief to the City for street repairs.

**RESOLUTION NO. 5340:** Ordering Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications, and Authorizing Advertisement for Bids on Improvement (City Project #07-04) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs, was passed by unanimous vote.

## **PLANNING CASE**

Mayor Lehmann reviewed Planning Case #2004-26. The final plat approval was recommended with four conditions. Felix stated that Condition #4 should be amended to include reference to recently amended Minnesota Statutes, Section 360.065, Subd. 3, regarding a real estate sellers statutory requirement to disclose to a buyer in writing the existence of airport zoning regulations that affect the real property. Also, the disclosure should disclose that the property is impacted by noise from incoming and outgoing aircraft. Felix noted that an abstract already contains reference to the existence of the Airport Ordinance and the general property descriptions impacted by the regulations. Felix further noted that the disclosure typically occurred either in the purchase agreement or some other standalone written disclosure, which disclosure includes other statutory notices or disclosures required of a seller.

Johnson asked why the cul-de-sac length has been extended an additional 526 feet allowed by ordinance. Discussion followed regarding the length of the cul-de-sac and access for fire trucks.

Motion by Erickson, second by Hellquist, approving the Subdivision, Final Plat for Whispering Pines with the following conditions:

1. The Whispering Meadows – Subdivision, Final Plat shall include 16 parcels and one outlot, as identified on the Final Plat, received July 7, 2006.
2. The proposed cul-de-sac street, Whispering Meadows Court N.W., may be built about 1,026 feet in length, or 526 feet longer than the 500 feet allowed by Ordinance.
3. Two fire hydrants shall be installed within the Subdivision, as identified on the Final Plat reviewed by the Fire Captain.
4. A written disclosure shall be provided to buyers of any parcel within the plat regarding notice of existence of airport zoning regulations that affect the real property, that the disclosure should disclose that the property is impacted by noise from incoming and outgoing aircraft, and is located in Airport Safety Zone C.

## **OLD BUSINESS**

### **Deer Bow Hunt – Ward 5**

Lehmann asked if the deer entrails would be cleaned up after the deer is killed. Erickson responded that this is one of the rules of the hunt. In all cases, hunters must meet a proficiency test, be 18 years old and will have a criminal background check. Erickson further stated that there are 22 available hunting sites, 11 public and 11 private. The deer hunt will start September 30 and end December 31.

Foster Hudson, 3520 Riverside Drive NE, representing the DNR stated that a Pioneer article alluded to possible state park sites. He clarified that there may be a possibility of 3 or 4 sites in the south unit of the state park, only that portion along Lake Avenue, and the remainder of the State Park is not part of this deer hunt.

**RESOLUTION NO. 5341:** Authorizing a Controlled Deer Harvest in Ward 5 was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

## **ORDINANCES**

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Adopting and Enacting a Recodification of the Code of Ordinances for the City of Bemidji, Minnesota; Pursuant to the Authority Granted in the City Charter and in Minnesota Statutes, § 415.021 Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective. Mayor Lehmann opened the Public Hearing at 7:31 p.m. and hearing no public comment closed the hearing at 7:32 p.m.

City Attorney Felix stated that he was aware that a letter was hand delivered that day (August 7) to some but not all Councilmembers, which letter stated that the City should stay with a Department of Public Safety. The letter was signed by Bob Tell (former Police Chief), Beltrami County Sheriff Keith Winger and J. Bruce Preece (former Public Safety Director). The letter had not been provided to City Hall or to City Administration prior to the meeting.

Erickson stated that this letter was troubling to her and made her ask why we are going back a Chief of Police format. Meuers commented that the current firefighters and officers want to see the division and she supports them. Discussion continued generally on the proposed change to the City Code eliminating the Public Safety Department and the resulting personnel impacts.

**AN ORDINANCE** Adopting and Enacting a Recodification of the Code of Ordinances for the City of Bemidji, Minnesota; Pursuant to the Authority Granted in the City Charter and in Minnesota Statutes, § 415.021 Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Amending Chapter 10 (pertaining to Section 10-6, Property Maintenance Code). Mayor Lehmann opened the Public Hearing at 7:48 p.m. and hearing no public comment closed the hearing at 7:48 p.m.

**AN ORDINANCE** Amending Chapter 10 (pertaining to Section 10-6, Property Maintenance Code) was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to the City of Bemidji Council-Manager Charter by adding a Preamble. Mayor Lehmann opened the Public Hearing at 7:48 p.m. and hearing no public comment closed the hearing at 7:48 p.m.

**AN ORDINANCE** Amending the City of Bemidji Council-Manager Charter by adding a Preamble was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 2.06 (The Mayor) of the City of Bemidji Council-Manager Charter. Mayor Lehmann opened the Public Hearing at 7:49 p.m. and hearing no public comment closed the hearing at 7:49 p.m.

**AN ORDINANCE** Amending Section 2.06 (The Mayor) of the City of Bemidji Council-Manager Charter was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 2.09 (Interference with Administration) of the City of Bemidji Council-Manager Charter. Mayor Lehmann opened the Public Hearing at 7:49 p.m. and hearing no public comment closed the hearing at 7:49 p.m.

**AN ORDINANCE** Amending Section 2.09 (Interference with Administration) of the City of Bemidji Council-Manager Charter was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 3.09 (Publication of Ordinances) of the City of Bemidji Council-Manager Charter. Mayor Lehmann opened the Public Hearing at 7:49 p.m. and hearing no public comment closed the hearing at 7:49 p.m.

**AN ORDINANCE** Amending Section 3.09 (Publication of Ordinances) of the City of Bemidji Council-Manager Charter was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 6.01 (The City Manager) of the City of Bemidji Council-Manager Charter. Mayor Lehmann opened the Public Hearing at 7:50 p.m. and hearing no public comment closed the hearing at 7:50 p.m.

**AN ORDINANCE** Amending Section 6.01 (The City Manager) of the City of Bemidji Council-Manager Charter was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed amendment to Section 6.05 (Purchases and Contracts) of the City of Bemidji Council-Manager Charter. Mayor Lehmann opened the Public Hearing at 7:50 p.m. and hearing no public comment closed the hearing at 7:50 p.m.

**AN ORDINANCE** Amending Section 6.05 (Purchases and Contracts) of the City of Bemidji Council-Manager Charter was given a second reading.

### **UPCOMING MEETINGS**

- August 14 – 5:30 p.m. – Regular Work Session
- August 21 – 5:30 p.m. – Special Work Session (Brimeyer)
- August 22 – 5:30 p.m. – Special Work Session (Phase 1 of Market Study/Event Ctr)
- August 24 – 5:30 p.m. – Special Work Session (Budget)

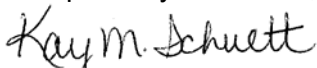
### **COUNCIL/STAFF REPORT**

- Public Affairs Committee will meet at 5:15 p.m. on August 15.
- Felix stated that the Kitchigami Regional Library support from Bemidji is increased 5% for 2007. County and City staff are looking at ways to reduce the increase in services for next year. City and County are scheduled to meet on August 28 with Kitchigami.
- Felix has been contacted by Tony Murphy regarding setting up a joint city/county meeting. Perhaps the end of September.
- Felix commented that four firms will be interviewed for the Event Center. Johnson commented that a number of the architect firms are using local firms. Council consensus was to interview four firms.
- Lehmann stated that on August 3 the Joint Planning held a Growth Management Open House. There appeared to be no problems and it was received positively. Lehmann commented that the Dragon Boat Festival was held on August 5 and had a great turnout. Event Center Task Force is continuing to meet and things are moving forward on the Event Center. The Task Force recognizes that this is a City Event Center and another group will promote a “yes” vote. The effort is to provide good information to the public to assist them when they vote on November 7.
- Erickson provided feedback from the Coalition of Greater Minnesota Cities that she attended. The Coalition is taking the position that city’s should oppose the motor vehicle sales tax constitutional amendment. There is a concern on the part of the Coalition that the tax will not be available for the greater Minnesota city highways. Staff will add resolution for Council’s consideration at their next regular Council meeting.
- Johnson suggested a city hold a debate with the candidates. Mayor Lehmann directed the Public Affairs Committee to discuss a possible debate with the candidates for the state offices.
- Hellquist stated that the DDA will be reviewing the parking and parking agreement along with other community events at their meeting on Wednesday, August 9.
- Paul Bunyan Trail Ride is on Thursday, August 10 starting at 1:30 p.m. at the Pioneer.

### **ADJOURN**

There being no further business, motion by Downs, second by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 8:44 p.m.

Respectfully submitted,



Kay Murphy-Schuett  
City Clerk