

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – May 18, 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, May 18, 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, Downs, Negard, Meuers

Staff Present: City Manager John Chattin, 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 items were requested to be added to the Consent Agenda:

- Award Bid for Installation of an Exhaust Removal System at Fire Hall
- Resolution Authorizing Execution of Agreement (Justice Assistance Grant Program)
- Award Bid for Demolition of House at 1013 1st Street SE

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

MINUTES

Minutes of the May 4, 2009 regular meeting, May 5, 2009 Board of Review and April 29, May 5 and May 11, 2009 work sessions were presented for approval. **Motion by Downs, seconded by Waldhausen, 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 Downs, to approve the Consent Agenda items as follows:**

1. Approved Claims submitted by the Finance Officer in the total amount of \$2,972,664.09
2. Approved miscellaneous business licenses for 2009
3. Approved two 1-Day Temporary Consumption & Display Permits: Art Center on May 30 and June 8
4. Approved 1-4 Day Temporary On-Sale Liquor License: Dragon Boat – July 30-Aug 1
5. **RESOLUTION NO. 5557:** Approving Site for the 4th Annual Dragon Boat Festival – July 30-Aug 2
6. Approved Request for Downtown Commercial Rehab Project #417-509
7. **RESOLUTION NO. 5558:** Supporting the Establishment of a Northern Minnesota Veterans Home
8. Set the Annual Public Hearing for NPDES Permit – Stormwater Pollution Prevent Program (SWPPP) for June 1, 2009
9. Authorized Council Travel for the LMC Conference in St. Paul, June 24-26 - Johnson
10. **RESOLUTION NO. 5559:** Authorizing Execution of Agreement (Recovery Act Edward Byrne Memorial Justice Assistance Grant Program)
11. Award Bid for Demolition of 1013 1st Street East to Gary Skime (\$4,333)
12. Award Bid for Exhaust System at Fire Hall to CPS Distributors (\$42,979)

Motion carried by unanimous vote.

COMMITTEE REPORT

Bemidji Youth Advisory Commission – Rachel Monson, BYA representative, stated the Commission has been focusing their attention on the June 7 Youth Event. Ms. Monson reviewed a list of activities that will happen that day at the waterfront.

NEW BUSINESS**Street Lights, Trees & Outlets – BREC Site**

Chattin stated that when the original site design was being finalized, several features that would be preferred on the site were deleted, to ensure that the City stayed within budget. Chattin commented that he has spoken with Mel Milender who informed him that the Joint Planning Board may require street lights as part of the Planned Unit Development. He stated that Widseth Smith Nolting needs to know as soon as possible if the City is going to add these features to the project. The cost for these additions would not exceed a total of \$241,400 and is likely to be much less. However, final design and bidding needs to take place before we have the final costs.

Negard stated that he felt that it would be fiscally prudent of the City not to spend the additional money for these features at this time.

Meuers stated that the City chose to not include the lights and trees to keep it within budget and would be voting no.

Lehmann commented that street lights are important to the ingress and egress into the Event Center and provide safety for the walking and driving public.

Hellquist stated that if the City does not install the lights, receptacles and trees at this point the cost will escalate in the future.

Meuers asked about the number of lights and concerned about the effect of the lights on the small town feel and the lake.

Chattin responded that there are 18 lights that will be added on the street going west of the BREC.

Johnson stated this is not about the event center but marketing the rest of the southshore development.

Chattin stated that the decision to add the lights, trees and receptacles needs to be done now as bituminous could be placed on the street within five weeks.

Motion by Johnson, seconded by Waldhausen, approving the addition of street lights, trees and electrical receptacles not to exceed \$241,400. The final cost is to be paid from project contingencies. Motion carried as follows: Ayes: Johnson, Downs, Hellquist, Waldhausen, Lehmann. Nays: Meuers, Negard.

ORDINANCES

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to Alley Vacation (North Country Hospital/Ours to Service House of Hospitality) was given a first reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending an Uncoded Section of the Bemidji City Code Pertaining to an Alley Vacation (Soukup). Mayor Lehmann opened the Public Hearing at 7:14 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to an Alley Vacation (Soukup) was given a second reading.

ORDINANCE NO. 36, 3RD SERIES, Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – BEDA) was given a final reading and passed by unanimous vote.

ORDINANCE NO. 37, 3RD SERIES, Amending an Uncoded Section of the Bemidji City Code (Authorizing the Transfer of Real Property – State of Minnesota DNR) was given a final reading and passed by unanimous vote.

EVENT CENTER UPDATE

Clint Gronhovd, Kraus Anderson, stated that they provided a financial report to the City Council and the project is on schedule. He reported that the dewatering permit was received last week and that work has started. The street grading has begun and is working toward the Green Mill.

Gronhovd stated that Kraus Anderson has submitted a Change Order Request to remove a woodchip pile by Reiersen Construction in the amount of \$42,000.

Chattin stated that the Change Order has been submitted to DEED for possible reimbursement at 75 percent.

Motion by Waldhausen, seconded by Johnson, approving a Change Order to remove the woodchip pile from the BREC site in the amount of \$42,000 (Reiersen Construction). Motion carried with the following vote: Ayes: Hellquist, Lehmann, Waldhausen, Johnson, Downs, Negard. Nays: Meuers.

CITIZEN NOT ON AGENDA

- Adam Steele, 189 Gemmel Avenue SW, submitted a Petition signed by residents on Gemmel Avenue. The petition stated that the residents have concerns over increased noise and traffic in the previously quiet residential area. He stated that they are concerned about maintaining the quality of Gemmel Avenue as a peaceful and quiet residential neighborhood, as well as values of their homes and asked the City to enforce the Bemidji Noise Ordinance. He brought two incidents to the Council’s attention whereby the neighborhood’s peace and quiet was disturbed. He commended the City for the Noise Ordinance.

Mayor Lehmann commented that the backup alarms on heavy equipment are required by OSHA and recommended that Mr. Steele contact them. He further stated that the Noise Ordinance allows for work to begin after 7 a.m. in the morning. He stated that the maintenance of the streets and sewerlines have to be done.

Downs commented that the freight train that goes by that area would create more of a disturbance than the installation of the dock.

Mr. Steele has spoken to the train companies and did not have a problem with the trains.

- Jon and Angela Casper, 1410 30th Street NE, Apt. 108, stated that as a result of flooding this spring at his home at 1601 3rd Street SE. He stated that he has significant damages and is seeking condemnation by the City of their home.

Chattin stated that no Certificate of Condemnation has been issued by the Building Official as he has determined that the flooding was due to an illegal holding tank in the backyard and the damage caused did not warrant demolition.

Mr. Casper stated that he believes that Mr. Carlson has better credentials than the City’s Building Official. He further stated that they want a condemnation from the City in order to get a loan from the SBA to build a new home.

Hellquist asked what the City’s liability would be in condemning the property.

Felix stated that the flooding in the basement was created by an illegal holding tank. The homeowners took further inaction by turning off the heat in the home and that there is cat urine smell in the home. Felix further stated that he had not seen the paperwork provided by Mr. Casper this evening.

Mrs. Casper stated that there is no cat and it was recommended that they turned off the heat because it created additional mold.

Lehmann asked that the Casper’s provide documentation from FEMA and Minnesota Department of Health to the City Attorney or City Manager to review.

UPCOMING MEETINGS

- Monday, June 1 7:00 p.m. Council Meeting
- Monday, June 8 5:30 p.m. Regular Work Session – Tyler Estates Update
- Monday, June 15 7:00 p.m. Council Meeting
- Monday, June 22 5:30 p.m. Regular Work Session – 2010 Budget/CIP

COUNCIL/STAFF REPORT

- Downs reported that the Parks & Trails Commission are discussing the condition of the bathhouse at Nymore Beach and reviewing options.
- Waldhausen stated that there will be a presentation on May 21 from 5:00 p.m. to 7:00 p.m. at the Depot regarding endangered historic structures in the State. He commented that the Parks & Trails Commission are considering other locations for the relocation of the Carrington Baseball Field. The Veterans Home Task Force will continue to meet in small committees throughout the summer.
- Negard stated that the Deer Committee has determined that the archery hunt has helped and the hunt will happen again this fall.
- Johnson commented that there are concerns about the outcome of the legislature. The CGMC is planning a media blitz regarding the line-item vetoing by Gov. Pawlenty on LGA.
- Chattin stated that the City has received three (3) proposals for BREC Facilities Management Firms and will be interviewing them the first or second week in June.
- Felix stated that he met with Bemidji Town Board regarding assisting with the Phase 2 modeling study for Tyler Estates. The Town Board tabled their decision until their June 8 meeting to see if the developer was participating in the cost of the study. Felix stated that he and Mr. Chattin have met with Steve Hill who is willing to participate. He stated that staff is working on several easements and the land exchange for the southshore development.
- Gray reported that the construction season has begun and the 1st Street Project has started. The City inspectors will be on the BREC site to oversee the dewatering. Gray has spoken with the DDA regarding Parking Lot #3 design and they have reaffirmed their desire for this design. Discussion continued regarding the design of Parking Lot #3 and staff was directed to place this on the June 1 agenda for further discussion.

ADJOURN

There being no further business, motion by Hellquist, seconded by Downs, to adjourn the meeting. Motion carried. Meeting adjourned at 7:58 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk