

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

February 7, 2005

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, February 7, 2005, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Council members were declared present. Erickson, Hellquist, Markeson, Meuers, Lehmann, Johnson. Absent: Downs.

PROCLAMATION

Mayor Lehmann signed a proclamation declaring the first Monday in February as "DAY OF LANGUAGES" in Bemidji and urged all citizens to become familiar with the services and benefits offered by language education programs, such as those offered by Concordia Language Villages, in our community and to support and participate in these programs to gain proficiency not only in English, but in other languages as well.

Martin Graefe, Associate Director of Operations for Concordia Language Villages, distributed ethnic nametags to each Councilmember, and provided some current statistics relating to the learning facility.

AGENDA

Lehmann called for any amendments to the agenda. Motion by Meuers, second by Markeson to approve the agenda as presented. Motion carried.

MINUTES

Minutes to the January 18, 2005 regular meeting, January 18, 2005 BEDA meeting and January 31, 2005 work session were presented for approval. Motion by Erickson, second by Johnson, to approve all three sets of minutes as presented. Motion carried by unanimous vote.

CONSENT AGENDA

Motion by Johnson, second by Hellquist, to approve the following items on the consent agenda:

- 1) *Approved four pages claims submitted by Finance Officer in the total amount of \$424,900.44.*
- 2) *Approved a variety of annual business licenses.*
- 3) *Approved Gambling Permits for :*
Ruffed Grouse Society, Trek North High School, Junior Achievement
- 4) *Approved submission of the Bemidji Areas Growth Management Application to the Northwest Minnesota Foundation*
- 5) *Approved travel for Mayor to Red Lake for meeting with Tribal Chair and St. Paul for legislative hearing on Trail Connection.*
- 6) *Appointed Bill Batchelder to the Heritage Preservation Commission*
- 7) *Authorized purchase of a used belly dump trailer for Street Department*

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission (BYAC)

Kristie Trisco noted that the BYAC is considering the possibility of combining efforts with the Boys and Girls Club to share the new facility. They are currently working on an activities program. She also reminded the Council that the BYAC would hold an open forum on Tuesday, February 8, from 6pm – 8pm at the Elks Club.

Bemidji State University Student Senate

Jake Overgaard reported that the tuition freeze Bill went to the House and Senate last week. Approximately 100 students from BSU will be at the Capitol for Rally Day on Wednesday, February 9. Other on-campus issues included a review of the room and board rates for the 2005-2006 academic year, and a continuing effort to coordinate some community outreach activities.

Oak Hills Student Senate

Nancy Beer reported that 25 students are signed up to go on mission trips during Spring break. Other on-campus events include girls and boys basketball, community outreach projects and a spring concert in April.

Public Affairs Committee

Meuers reported that they had three meetings with BSU to talk about the proposed multi-purpose event center. The Committee did not commit the city to any particular role, but did brainstorming to better develop the concept and how the project might fit into the City. Some of the findings were that the size should be at least 3,000 seats with a convention center including at least eight meeting rooms. They determined that a facility of that size would fit on the former high school site and it would require approximately 750 parking spaces. The timeline is for BSU to acquire the property in 2005 and then proceed with development and construction sometime between 2006 and 2010. The preliminary discussions with Mn/DOT have indicated that the site could handle the amount of traffic that would be generated. One question left for the Council to consider is what the role of the city would be in such a project.

Public Relations Committee

Johnson reported that the Committee is moving forward with the idea of the City taking over the cable broadcast of the local government access, which currently broadcasts the City Council and the Planning Commission meetings.

Deer Committee

Erickson reported that the Deer Committee met last week and will probably recommend a feeding ban among other things when it makes its final report later this spring.

Paul Bunyan Trail Update

Lehmann updated the Council on his trip to St. Paul last week to testify in support of state bonding for the Paul Bunyan Trail completion. The trail has been acquired all the way from the Brainerd-Baxter area to Lake Bemidji State Park and then the Blue Ox Trail continues up to International Falls except for approximately one mile that runs through the City of Bemidji. The City has been pursuing state bonding funds for several years to complete the trail. This year we are making progress and feel optimistic because the committee gave a hearing on the Bill. The Mayor also had some meetings individually with key legislators who indicated there is a chance for some bonding this year to complete the trail.

PLANNING CASE #1998-34: Filed by Vista North Townhouses, LLC, requesting two approvals as follows:

- a. Common Interest Community Number 19, Vista North Townhomes, Amendment Number 2, A Planned Community. This property is situated south of 35th Street NW and west of Park Avenue NW. Several minor modifications are being proposed for the parcels within this area including increasing the footprints of four parcels, changing 12 lot numbers, and modifying the sizes of several of the lots on the north portion of this property, thereby increasing the total number of units by one, to 91 units.
- b. Common Interest Community Number 28, Vista North Townhomes, First Addition, A Planned Community. This property is situated north of 35th Street NW and west of Park Avenue NW. Sixteen lots are proposed for the area, which will include four, four-plex units.

Planning Commission recommended approval. Motion by Erickson, second by Hellquist, to accept the recommendation of the Planning Commission to approve both requests as presented. Motion carried by unanimous vote.

CONTRACT WITH FLAHERTY & HOOD FOR LOBBYING SERVICES

At the January 18th meeting, Council approved up to \$10,000 for a contract with Flaherty & Hood to provide lobbying services on behalf of the City for bonding to complete the Paul Bunyan Trail and, if possible, the sales tax initiative. Tim Flaherty provided a proposal for lobbying for trail bonding, but noted that lobbying for the sales tax would require another \$10,000 - \$15,000. Motion by Meuers, second by Johnson, to approve the proposed contract with Flaherty & Hood for lobbying services for bonding to complete the Paul Bunyan Trail in an amount up to \$10,000. Motion carried by unanimous vote.

CONSIDERATION OF PROPOSAL FOR ENGINEERING SERVICES – NYMORE 40 ACRES

Council reviewed a proposal from Freeberg & Grund to provide engineering services for extension of utilities to the recently annexed 40-acres in the Nymore area. The scope of the project includes:

- a. Topographical survey and design work for this project on an hourly basis, not-to-exceed \$14,700.
- b. If the sewer alignment is revised to follow the back yards between 5th and 6th Streets, an additional \$2700 in topographical and background drafting fees would be added to the proposal.
- c. Background Mapping, Design and Bidding Services - \$45,450 Lump Sum

Motion by Erickson, second by Markeson, to authorize a contract with Freeberg & Grund based on their proposal and scope of services for the extension of utilities to 40-acres in Nymore. Motion carried by unanimous vote.

RESTORATION OF BABE THE BLUE OX STATUE

Minke provided some background information on the Paul & Babe statues, which are “owned” by the City and are on the National Register of Historic Places. He noted that the statues have begun to show wear. The figure of Babe, particularly, has deteriorated to the point where the City needs to consider refurbishing it before the damage becomes irreversible and the statue is destroyed. In 2004 the City hired an engineering firm to investigate the damage and give an opinion of probable construction costs. The estimated costs were \$80,685, assuming no unforeseen circumstances.

The Chamber of Commerce and Rotary Club formed a committee to lead the restoration project. Fundraising efforts are underway with a goal of \$100,000 to completely restore Babe and also establish the beginning of an ongoing maintenance fund for the statues. The committee requested a donation of \$5,000 from the City to go towards the restoration. The Rotary Club and Chamber of Commerce have already committed \$5,000 each for this project. Minke suggested that the 2005 Parks budget has available funds in structure maintenance for this project.

Motion by Meuers, second by Hellquist, to approve the donation of \$5,000 for this project, with funding to be taken from the Parks budget for structure maintenance. Motion carried by unanimous vote.

AUTHORIZING JOINT POWERS AGREEMENT – AUTO THEFT

In December 2003, the Council authorized a Grant Agreement with the Department of Public Safety to continue the implementation and operation of the Bemidji-Beltrami County Auto Theft Prevention Program. At the same time, the Council authorized a Joint Powers Agreement between the City and county as required by the terms of the Grant Agreement. That Joint Powers Agreement requires a resolution by each of the participating jurisdictions. Staff requested Council consideration and approval of a resolution authorizing the Joint Powers Agreement.

RESOLUTION NO. 5206: A RESOLUTION AUTHORIZING JOINT POWERS AGREEMENT FOR OPERATION OF BEMIDJI-BELTRAMI COUNTY AUTO THEFT PREVENTION PROGRAM was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Meuers, was approved by unanimous vote.

ORDINANCE

AN ORDINANCE Amending Chapter 2 of the Bemidji City Code (Pertaining to Elected officials Participation in Employee Group Health Insurance Program) was given a first reading.

AN ORDINANCE Amending Chapter 11 of the City of Bemidji Zoning Code by Adding a Provision for Dedication of Parks, Open Space, Trails and Public Sites was given a first reading.

ORDINANCE relating to Noise Control: At the January 18th Council meeting, City Attorney Felix provided two versions of an ordinance to reduce, control and prevent loud, raucous and unnecessary noise within city limits. The Council was asked to provide feedback on the preferred composite for the second and final readings of the proposed ordinance. During discussion Councilmembers reached consensus to use Option B (the shorter rendition), but wanted to include a section on controlling animal noises as well as the addition of a section relating to placing the burden of proof for vehicle modifications on the vehicle owner. Motion by Erickson, second by Hellquist, directing staff to use Option B with the two additional provisions for animal noises and burden of proof. Motion carried by unanimous vote.

AN ORDINANCE Amending Chapter 10 of the Bemidji City Code entitled, "Public Protection, Crimes and Offenses, By Adding Section 10.46 Relating To Noise, Providing For The Elimination And Prevention Of Prohibited Noise And Imposing Penalties For Violation; By Repealing Section 10.12, Subds. 1(F) And 1(G), Relating To Disorderly Conduct Due To Noise; And By Repealing Section 8.10, Entitled "Honking Horns" was given a second reading as noted above.

ORDINANCE NO. 391, 2nd Series: An Ordinance Amending the Zoning Map Adopted in Chapter 13, Section 13.08 of the Bemidji City Code (Pertaining to Planning Case #04-32, Norvold/Davidson Properties) was given a final reading and passed by unanimous vote.

UPCOMING MEETINGS

Tuesday, February 8, 2005	7:00 am	Joint Powers (Law Enforcement) Mtg. @LEC
Tuesday, February 8, 2005	6:30 pm	Charter Commission Meeting @ City Hall
Tuesday, February 8, 2005	6-8 pm	BYAC Open Forum @ Bemidji Elks Club
Monday, February 14, 2005	5:30 pm	Work Session (Audit Prep) @ City Hall

COUNCIL/STAFF REPORTS

Minke asked the Council to consider the possibility of scheduling for work session topics for the remainder of 2005. He suggested the list include joint meetings with the school board, county board and BSU to discuss topics of mutual interest, and expressed the need to maintain some flexibility to address topics as they develop throughout the year.

Lehmann encouraged staff and council members to contact the City manager with particular items of interest. Erickson suggested a work session to discuss the proposed deer management ordinance.

During his attendance at the Twins caravan in Bemidji (a fundraiser for the boys & girls Club) Lehmann received a banner on behalf of the City of Bemidji. The Bemidji Youth Baseball Association requested use of the banner to be flown at the youth fields during baseball season. Council agreed to allow the Association to fly the banner, but suggested that it be taken down when the field is not in use, to preserve the banner.

ADJOURN

There being no further business, motion by Meuers, second by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Shirley Sherman, City Clerk