

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – September 21, 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, September 21, 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, Meuers. Absent: Negard

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

MINUTES

Minutes of the September 8 regular meeting and August 10 and September 14 work sessions were presented for approval. **Motion by Downs, seconded by Hellquist, to approve the minutes as corrected. Motion carried by unanimous vote.**

CONSENT AGENDA

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

1. Claims submitted by the Finance Officer in the total amount of \$4,909,296.14
2. Approved New Licenses for The Tavern on Moberg (T. Lowth): Full Liquor License, Sunday Liquor License and Food Service License
3. Amended Contract with City's consultant, Forecast Public Art, to Subcontract with the Six Finalists for Design Phase of the Artist Selection Process (BREC)
4. Awarded Quote for Boulevard Tree Planting to Palmer Nursery (\$6,518)

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission- Kali Sandmeyer, BYAC President, reported that the Commission discussed 2010 goals and schedule of events. Introductions were made of Commission members present at the meeting.

BSU Student Senate - Leo Clark, Senate Co-Chair, reported that 871 students voted for student senate to fill 30 of 32 seats. Thirteen (13) Student Senate members participated in a highway cleanup project on 71 North. In addition, BSU students are being encouraged to print on both sides of paper to reduce paper waste.

NEW BUSINESS

Audit Contract

Eischens stated that the City recently solicited proposals from qualified firms and four firms submitted proposals. Eischens recommended that Miller McDonald be selected for the following reasons: 1) evaluation criteria rates them highest; 2) their audit hours reflect more time spent reviewing City financial records, procedures and internal controls; 3) Miller McDonald is a local firm which has demonstrated their skills in completing previous City audits and are flexible in meeting City needs on short notice; and 4) lower hourly billing rates are beneficial if additional services are needed outside of the normal audit.

Motion by Meuers, seconded by Downs, to award the three year audit contract to Miller McDonald, Inc. Motion carried unanimously.

VenuWorks Management Agreement

Chattin stated that the Agreement before the Council was the culmination of several weeks of work with VenuWorks, the Facility Management Group and staff. He further stated that he believed that it was a good agreement.

Mayor Lehmann inquired that if the Event Center becomes unusable and something is scheduled, what would VenuWorks' responsibility be?

Steve Peters, President of VenuWorks, responded that there are individual user contracts and if the Event Center were to become unusable, ticket money could be returned. He stated that the user contract will be reviewed by the advisory committee.

Hellquist asked for clarification on snow removal and who is responsible. Mr. Peters responded that more detail will have to be worked out with the City and suggested a map showing areas could be developed. Discussion continued on the parking lot and requirement for snow removal. It was noted that the City's Public Works Department does not have the staff or equipment to clear the parking lot or sidewalks.

Johnson asked if VenuWorks has a non-compete clause for their employees.

Mr. Peters responded that generally VenuWorks has a non-compete with the manager. He stated that he is willing to discuss not having a non-compete with the manager, however, they are protecting their brand.

Waldhausen asked Mr. Peters how soon the manager could be in Bemidji going to work for us.

Mr. Peters stated that they have a number of strong candidates and could have them for the City to interview in a week to 10 days. However, if a national search is conducted, it would take longer.

Felix stated that some language regarding hold harmless for subcontractors will be added to the agreement. He stated that a draft of the agreement has been submitted to the State and Bond Counsel for their review. He recommended that the Council approve the agreement as presented and give staff the authority to make minor changes, as may be required by the State Department of Revenue and other edits as needed.

Motion by Johnson, seconded by Hellquist, approving the agreement with VenuWorks to manage the Event Center. In addition, provide a non-compete clause for staff. Motion carried with the following vote: Waldhausen, Johnson, Hellquist, Johnson, Downs. Nays: Meuers.

ORDINANCES

Pursuant to published notice, a Public Hearing was held to receive input regarding amending Chapter 1 of the Code of Ordinances (Part II), by Adding a Section Pertaining to the Establishment of Administrative Citations and Civil Penalties. Mayor Lehmann opened the Public Hearing at 7:40 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending Chapter 1 of the Code of Ordinances (Part II), by Adding a Section Pertaining to the Establishment of Administrative Citations and Civil Penalties was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding amending the City Fee Schedule adding Administrative Fines. Mayor Lehmann opened the Public Hearing at 7:41 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending the City Fee Schedule adding Administrative Fines was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding amending an Uncoded Section of the Bemidji City Code Authorizing the Transfer of Real Property (Paul Bunyan Transit). Mayor Lehmann opened the Public Hearing at 7:42 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Authorizing the Transfer of Real Property (Paul Bunyan Transit) was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of 2nd Street SE - Keith Andersen). Mayor Lehmann opened the Public Hearing at 7:43 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to Street Vacation (Portion of 2nd Street SE – Keith Andersen) was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding amending an Uncoded Section of the Bemidji City Code Pertaining to Easement and Street Vacations (Vista North). Mayor Lehmann opened the Public Hearing at 7:44 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending an Uncoded Section of the Bemidji City Code Pertaining to Easement and Street Vacations (Vista North) was given a second reading.

EVENT CENTER UPDATE

Gregg Judge, Project Superintendent, provided an update on the progress of the event center. He stated that the project is on schedule.

Gerry Domino, Project Manager, reviewed the change orders noting that two are credits. In addition, BSU will be reimbursing the City for dasher boards. He noted that there are still code issues to address, however, there is over \$2 million remaining in contingency funds.

Motion by Waldhausen, seconded by Downs, to approve the Change Orders in the amount of \$2,441.77 for the Event Center project. Motion carried with the following vote: Ayes: Hellquist, Lehmann, Downs, Waldhausen, Johnson. Nays: Meuers.

CITIZEN(S) NOT ON AGENDA

Linne Lindquist, 812 Beltrami Avenue NW, expressed concerns with the growth of institutions, i.e., churches in her neighborhood. She stated that homes are being bought by institutions and they are expanding or building parking lots. She suggested that the City Council consider designating the area between 7th and 15th; between Bemidji and Beltrami Avenues, as an historic area and stop the erosion of the residential neighborhoods.

UPCOMING MEETINGS

- Wednesday, Sept. 23 6:30 p.m. Joint Work Session w/ Bemidji & Northern Twp
Re: Annexation @ Northern Town Hall
- Monday, Sept. 28 5:30 p.m. Work Session w/ Heritage Preservation Comm.
@ Bemidji Art Center
- Monday, Oct. 5 7:00 p.m. Council Meeting
- Monday, Oct. 12 5:30 p.m. Work Session – Budget 2010

COUNCIL/STAFF REPORT

- Mayor Lehmann reported that there will be a Coalition press conference meeting on Friday, September 25 at 2 p.m. in the Chambers.
- Waldhausen reported that the Boys & Girls Club has had their largest number of children participating and the teen center will be open the end of October. He reported that the Sustainability Committee has a community meeting scheduled on October 21 at 7 p.m. in City Hall and more information will be available as that date approaches.
- Meuers reported that the Bemidji Race Relations will meet on Wednesday, September 23.
- Chattin stated he will be attending the League Regional meeting in MacIntosh on Friday, September 25.
- Gray reported that the 3rd Street Parking lot should be completed in approximately 2 weeks, the Irvine Avenue project work continues and should be paved by Columbus Day.
- Felix stated that there is a meeting scheduled at 4:00 p.m. on Wednesday, September 23 at Northern Town Hall regarding the Birchmont Drive project assessment. He stated that the Council is invited to attend.

ADJOURN

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

Respectfully submitted,


Kay M. Murphy
City Clerk