

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – October 15, 2007

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, October 15, 2007 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. Motion by Meuers, second by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.

MINUTES

Minutes of the October 1 regular meeting, October 3 special work session and October 8, 2007 work session 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 Johnson, second by Downs, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$2,517,243.79.
2. Approved 2007 & 2008 miscellaneous business licenses.
3. Approved 1-day Temporary Consumption & Display Permits: Headwaters Science Center on October 20, 2007 and Bemidji Chamber on December 11, 2007.
4. Approved Wal-Mart Stores Currency Exchange License Renewal for 2008.
5. Approved Change Order #2 for the Public Works Facility.
6. **RESOLUTION NO. 5437:** Amending Residential Parking Permit Requirements along the West Side of Lake Boulevard.
7. Accepted and Authorized Signature of Grant from Economic Development Administration (EDA) for Financial Assistance Award for Bemidji Industrial Park (\$1,200,000).
8. **RESOLUTION NO. 5438:** Adopting Assessment Roll for City Project #06-04 (Fenske Avenue Water & Sewer).

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Kali Sandmeyer, BYA Commission, reported that the Commission held their second listening lunch which was attended by approximately 75 students. The Commission has been contacting area coffee shops encouraging them to stay open later and have youth nights. The group continues to work on the skateboard park and will be meeting with the Parks & Recreation Commission. Ms. Sandmeyer stated that Jackie Hess wrote a youth column for an October Pioneer issue. Erickson asked about possible grants for the skateboard park. Ms. Sandmeyer responded that they have received some interest locally in supporting the skateboard park.

Bemidji State University Student Senate – Cody Nelson, President, reported on Student Senate activities. He stated that the Student Senate is involved heavily with the college reorganization.

PRESENTATION

Bemidji In Bloom

Jean Humeniuk stated that Linda Autrey represented Bemidji at the America In Bloom Conference recently held in Rockford, Illinois. She presented the Council with the America In Bloom 2007 award and stated that the City was recognized for its community involvement. She stated that the City's scoring increased in all eight categories. She stated that under the stewardship of Bemidji In Bloom the City looks better and there are many

opportunities for community involvement, i.e., Park Partners. The City should be proud of these improvements. She expressed special thanks to city staff for their part in this effort, in particular, Dan Haluptzok, Andy Mack and Kay Murphy. Mayor Lehmann expressed his heartfelt thanks to Ms. Humeniuk for her involvement in Bemidji In Bloom and for championing this project which brings a sense of pride to our community.

PUBLIC HEARING

City Engineer Craig Gray stated that the Minnesota Department of Transportation will be reconstructing Bemidji Avenue (TH197) from 3rd Street to 23rd Street in 2008. Assessments to benefitted properties are proposed for the new utility work and therefore the project needs to be undertaken as a Chapter 429 Special Assessment project. The estimated cost of the project is \$1,626,224. He recommended that the City Council hold the public hearing and adopt the resolution calling for the preparation of plans and specifications and authorizing the advertisement for bids.

Johnson asked if the traffic signals would have timers on them for pedestrians. Gray responded the traffic signals located at 3rd and 5th Street will be new and have pedestrian countdown timers on them. The other signal systems will just be updated and he believed they would have the countdown timers on them if the existing cabinetry would allow.

Markeson asked if the traffic signals will be LED. Gray stated that all new signal systems would have LED lights and there is a significant utility savings.

Pursuant to published notice, a Public Hearing was held to receive input regarding the Bemidji Avenue TH197 Utility Reconstruction Project (City Project #08-02). Mayor Lehmann opened the Public Hearing at 7:13 p.m.

John Carlson, 1403 Bemidji Avenue, asked when work was done on 14th Street if he paid special assessments for water and sewer. City Engineer Gray responded that 1403 Bemidji Avenue is currently proposed for an assessment for watermain and water service only and he assumed that the sanitary sewer was assessed at a different time or comes off the side street.

With no further comments, Mayor Lehmann closed the public hearing at 7:16 p.m.

RESOLUTION NO. 5439: Ordering Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications, and Authorizing Advertisement for Bids on Improvement (City Project No. 08-02) was offered by Councilmember Markeson, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

NEW BUSINESS

Art Request

Paula Swenson, Great River Gallery, reviewed her request to stencil footprints from the statue of Paul Bunyan down to 3rd Street to Minnesota Avenue and then to Headwaters School for Music and the Arts. Then return to the statue down 6th to Beltrami to 5th and back to the waterfront. The intent is to use Aervoe Spray Chalk which is environmentally safe and disappears in 10-20 days or faster if exposed to rain, snow or traffic. She would be working with students who would do the actual spray painting. She is not concerned about longevity and they would do the stenciling on a dry day.

Mayor Lehmann asked how long it would take to spray the footprints.

Ms. Swenson stated that they would start at 7 a.m. and perhaps do it on a weekend day. She stated that the intention of this art project is to generate interest in the arts in our community.

Mayor Lehmann asked if information has been shared with the businesses downtown and recommended that she let them know. Ms. Swenson responded she has not considered it at this time. She further stated that she hopes to have art projects for students and seniors.

Motion by Downs, second by Hellquist, to approve the request from the Great River Gallery to spray footprints as indicated. Motion carried unanimously.

Habitat for Humanity Request

Mayor Lehmann stated that the City has received a request from Habitat for Humanity to have the Building Permit fee waived for a home that is being built at 1004 12th Street NW. The City has previously waived building permit fees for Habitat for Humanity; however, recently the Council has continued its moratorium on donations.

Erickson stated that Habitat for Humanity creates affordable housing in Bemidji which adds to our tax rolls.

Geri Hickerson, Executive Director for Habitat for Humanity, requested that all City-related fees be waived.

Motion by Erickson, second by Johnson, to waive the City fees for a building permit totaling \$1,313.50 for Habitat for Humanity. Motion carried with the following vote: Ayes: Downs, Meuers, Erickson, Johnson, Markeson. Nays: Lehmann, Hellquist.

Paid Time Off Policy

City Manager Chattin stated that the Labor Management Committee recently reviewed the paid time off (PTO) policy. The LMC recommended the PTO maximum accrual limit be calculated from the first paycheck in January for pay period including December 31 of the previous year and elimination of the annual 100 hour minimum time off requirement as PTO already contains a maximum accrual provision.

Erickson stated that the PTO policy creates better productivity when staff takes time off. She stated she visited with the Beltrami County which allows a maximum accrual of 460 hours. Removing the 100 hour requirement would result in faster accrual of the 800 hour maximum and could allow hours earned at a current pay rate to be paid out at a future pay rate which creates an accelerated liability for the City. She felt this would be difficult to budget. She stated that she did not support removing the 100 hour minimum time off requirement.

Chattin stated that the concern is that new employees are unable to accumulate PTO and this is one of the reasons that this change was requested. Discussion continued on comparing Bemidji's policy with other cities.

Motion by Hellquist, second by Downs, to discuss the Paid Time Off Policy at a future work session. Motion carried unanimously.

Parks & Recreation Commission

Mayor Lehmann reviewed a request from staff regarding appointments to the Parks & Recreation Commission. Currently, residency is not required by City Code or the Commission By-laws. Discussion continued regarding grandfathering the current member who no longer is a City resident.

Meuers stated that she received a call from a former Commission member that had moved outside the city and the caller stated that she was not given the option to be grandfathered in by Mr. Haluptzok.

Motion by Hellquist, second by Meuers, to set the policy that members of the Parks & Recreation Commission must be city residents. Motion carried unanimously.

City Attorney Felix stated that the requirement for City residents on the Parks & Recreation Commission will come back to the Council in the form of an amendment to the Bemidji City Code.

Chat-A-Bout Topic for November

Council directed Public Works Director Andy Mack and City Engineer Craig Gray to discuss the new Public Works Facility and snow removal rules/regulations.

ORDINANCES

ORDINANCE NO. 18, 3rd Series, Amending an Uncoded Section of the Bemidji City Code (Authorizing the Sale of Real Property) – Trustar was given a final reading and passed by unanimous vote.

ORDINANCE NO. 19, 3rd Series, Amending an Uncoded Section of the Bemidji City Code (Authorizing the Exchange/Sale of Real Property) – DeMarchi's was given a final reading and passed by unanimous vote.

AN ORDINANCE Amending the Bemidji City Code, Adopting an Amended Fee Schedule for 2008 was given a first reading.

EVENTS CENTER DISCUSSION

Michael Beard, store manager of JC Penney in the Paul Bunyan Mall, and incoming President of the Chamber, turned in a petition signed by more than 90 business representatives in Bemidji. He stated that the Bemidji business community, as stewards of the community, committed to moving forward with the Regional Events Center. Mr. Beard read the petition which stated that “We respectfully request the Bemidji City Council to: 1) Continue to proceed with due diligence on what the electorate asked during the extension of the half cent sales tax referendum, including pursuing the agreement between BSU and the City. 2) Continue the relationship with Headwaters Regional Development Commission and enable and empower them to do the job they were contracted to do. 3) Go back to the architects and ask them to value engineer the project with the understanding that the City has \$50 million to spend. Challenge them to see what we can do with \$50 million. 4) We expect our community leadership to meet the December 15, 2007 legislative deadline.” He further stated that the Bemidji businesses are willing and ready to help.

Mayor Lehmann stated that the Council has heard from a number of people in the community. He commented that a summary of the actions taken by the Council to date is available for viewing on the City’s website.

Howard Baxter, 1312 Minnesota Avenue, stated he has visited with a number of folks and the majority of the people in Bemidji do not want the Events Center. He presented a petition with 32 signatures from residents along America and Minnesota that are opposed to the events center in Bemidji.

Mayor Lehmann stated the City Council has to continue in the process as directed by the electorate. The process needs to take its course.

Downs stated that the Council appreciates the business sector’s support and the Council will continue to work on the partnership with Bemidji State University.

Johnson stated that there have been two years of meetings on this particular project. This certainly is not the Bemidji Leads idea and vision in 2000. He stated that the hard part is making a vision happen which can be frustrating. He further commented that it was frustrating that the Council does not trust the HRDC after they hired them to facilitate this process.

Meuers stated that most calls and e-mails have been very polite and thanked the public.

UPCOMING MEETINGS

- Monday, October 22 5:15 p.m. Work Session – Budget/CIP
- Monday, November 5 7:00 p.m. Council Meeting
- Thursday, November 15 5:30 p.m. Work Session – Leo A Daly

COUNCIL/STAFF REPORT

- Chatten stated that most of his time has been spent on the events center answering many phone calls and e-mails. He will be meeting with the Fire Department Executive Board on Tuesday, October 16 and attending the League of Minnesota Cities meeting on Thursday, October 18.
- Mayor Lehmann attended the Fire Department Fish Fry and Open House held on Saturday, October 13. On Saturday, October 20 the Bemidji Public Library will be holding their 100th Anniversary open house.
- Erickson attended a fly around tour of other airports with the Airport Commission on October 11. They left at 7:30 a.m. and went to several cities to look at other airport operations; in particular Fixed Based Operations. Erickson commented that when a hunter shoots a deer and it does not fall, the hunter is supposed to call Law Enforcement. Erickson commended the students from St. Phillips that helped clean up the community. There will be 15 to 20 new Maples planted in Nymore Park as part of Bemidji Green Up.
- Hellquist attended the DDA meeting on October 10 and the agenda was again membership, marketing and downtown maintenance of the projects.

- Markeson apologized for raising his voice at the Council's work session. He reported that he attended the Parks & Recreation Commission meeting and the group reviewed the waterfront project which included a number of groups.
- Johnson stated that there is an Airport Commission meeting on Wednesday. Johnson handed out to the Council an article written by Jim Miller, "Importance of Capital Projects".
- Downs attended the Parks & Trails meeting which was facilitated by Cliff Tweedale. He commented that he would like to see HRDC continue to facilitate the Events Center process.
- Meuers stated she received a call from an individual who is concerned about the traffic rerouting onto Irvine Avenue.

ADJOURN

There being no further business, motion by Hellquist, second by Meuers, to adjourn the meeting. Motion carried. Meeting adjourned at 8:26 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk