

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – May 17, 2010

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 17, 2010 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, Downs, Negard, Meuers Absent: Hellquist

Staff Present: City Manager John Chatten, City Attorney Alan Felix, City Engineer Craig Gray, Parks & Recreation Director Marcia Larson, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

Mayor Lehmann called for any amendments to the agenda. **Motion by Downs, seconded by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.**

MINUTES

Minutes of the May 3, 2010 regular meeting, May 4, 2010 Board of Review and May 10, 2010 work session were presented for approval. **Motion by Downs, seconded by Negard, to approve the minutes as prepared. Motion carried by unanimous vote.**

CONSENT AGENDA

The following Consent Agenda items were presented for approval. Johnson requested that the item regarding Credit Card Processing Contract be moved to new business for discussion. **Motion by Johnson, seconded by Waldhausen, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$3,357,717.95
2. Miscellaneous 2010 Business License Renewals
3. **RESOLUTION NO. 5630:** To Not Waive the Monetary Limits on Tort Liability Established by MS 466.04 and Appointing Insurance Agent of Record
4. **RESOLUTION NO. 5631:** Approving Temporary Off-Premises Liquor Permits and Street Closures for the 2010 BSU Homecoming Street Dance – October 2, 2010
5. **RESOLUTION NO. 5632:** Authorizing Grant Application to DEED and Accepting Responsibility as Grantee (Evergreen House Supportive Housing Project)
6. Purchase of Mower for Parks Department

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Sam Bock, BYA representative, reported that work continues on the June 7 day events.

PUBLIC HEARING

NPDES Permit - Storm Water Pollution Prevention Program (SWPPP)

City Engineer Gray noted that one of the requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit is that an annual meeting must be held to update the council and allow the public to make oral and/or written comments. He noted that the permit requires that over the 5-year life of the permit, the city address the following control measures: 1) public education and outreach; 2) public involvement and participation; 3) illicit discharge detection and elimination; 4) construction site storm water controls; 5) post construction storm water management for new development and redevelopment; and 6) pollution prevent/good housekeeping for municipal operations. He stated that the city has accomplished a number of items over the past year, in particular, 12,000 LF of storm water pipe has been cleaned, a total of 700 miles (511 hours) of street sweeping in 2009 and every structure with a sump was cleaned of sediment material (1,000-1,500 CuYds).

Pursuant to published notice, a Public Hearing was held to receive input regarding NPDES Permit – Storm Water Pollution Prevention Program. Mayor Lehmann opened the Public Hearing at 7:05 p.m., hearing no comments the public hearing was closed.

OLD BUSINESS

Mayor Lehmann stated that the Council recently heard a presentation from Steve Kuepers requesting reductions in building permit and WAC/SAC fees.

Negard cautioned that other agencies may come forward requesting assistance on similar projects.

Downs asked what percentage of the building permit fees and/or SAC/WAC fees are being sought. Chattin responded that the minimum amount will be recommended.

Steve Kuepers, Developer, stated that they are no longer seeking Tax Increment Financing for this project.

RESOLUTION NO. 5633: Supporting a Tax Credit Application for a Multi-Family Housing Project (Pine Haven Townhomes) was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

NEW BUSINESS

2010 Street Renewal

Gray stated that the City held a bid opening for the project on May 6 and six bids were received. The low bid was from Douglas-Kerr Underground LLC of \$1,119,735.98 which will result in a total project cost of approximately \$1,350,000. This is approximately \$200,000 under staff's estimate. He reviewed the funding sources and stated that total assessments for the project are \$202,600 or 15% of the total project cost.

RESOLUTION NO. 5634: Awarding Bid to Douglas-Kerr Underground LLC in the amount of \$1,119,735.98 for the 2010 Street Renewal (Project #10-01) was offered by Councilmember Meuers, who moved its adoption, and upon due second by Councilmember Negard was passed by unanimous vote.

City Park Phase 2 – Park Infrastructure and Multi-Purpose Building

Marcia Larson, Parks & Recreation Director, stated that five bids were received for the Phase 2 Construction at City Park. The low bid was received from Gordon Construction of Mahnommen in the amount of \$2,393,101.55 (base bid). She noted that there are elements such as the playground structures and signage that are not included in the bid package, but are part of the project and will be built separately as a cost savings measure. Larson stated that the bid is \$200,000 over budget and recommended a number of items to cut in order to keep the project on budget.

Council discussed the following:

- Field Lighting – Larson stated that the lighting is according to standards for softball fields.
- Dugouts – could be eliminated and added at a later date.
- Hockey Association – Larson noted that she has spoken with them and they have no funding at this time.
- Shifting money from another park project that the Parks & Trails Commission has identified as a lower priority. Downs expressed concerns about taking money from other park projects.
- Other funding options to make up the shortfall, i.e., liquor store funds or surplus funds. Chattin noted they are all City funds.

Motion by Downs, seconded by Waldhausen, to accept the base bid from Gordon Construction in the amount of \$2,393,101.55 and use surplus funds to make up the difference of \$200,000. Motion carried unanimously.

Dedicate ice rink portion of the BREC

Bob LeBarron, VenuWorks Executive Director, stated that the concrete floor for the Bemidji Regional Event Center ice rink portion of the arena was poured. In the spirit of this occasion, and with unanimous support of both the BREC Advisory Board and Bemidji State University, LeBarron recommended that the ice rink portion of the facility be dedicated to legendary BSU Hockey Coach Robert H. Peters.

Motion by Downs, seconded by Johnson, dedicating the ice arena portion of the BREC to Coach Robert H. Peters. Motion carried unanimously.

Credit Card Processing Contract

Johnson requested that this item be removed from the Consent Agenda as he wanted to know if Discover Card could be taken by the City. Chattin responded that the City will now be able to take Discover Card.

Motion by Johnson, seconded by Downs, approving a Credit Card Processing Contract with US Bank for three years. Motion carried unanimously.

ORDINANCES

AN ORDINANCE Repealing Sec. 4-51 of the Bemidji City Code Relating to Limitation of Ownership of more than one Beer, Wine or On-Sale Intoxicating Liquor License was given a first reading.

ORDINANCE NO. 53, 3RD SERIES, Amending an Uncoded Section of the City Code Pertaining to Alley Vacations (Smith/Seitz Request) was given a final reading and passed by unanimous vote.

Motion by Waldhausen, seconded by Downs, approving publication of a summary of an Ordinance Amending an Uncoded Section of the City Code Pertaining to Alley Vacations (Smith/Seitz Request). Motion carried unanimously.

Amending Dog Ordinance

City Attorney Felix reviewed proposed language changes to the Ordinance as discussed by the Council at the last Council meeting. In particular, language has been incorporated to address a grandfather clause plus a clause to address people moving into the City with their pets. Felix noted that he added language to address “invisible fencing”. In addition, he suggested that the City Council consider legacy provisions that address military deployment and qualified shelter.

Mayor Lehmann noted a few minor changes/typos; in particular, he asked that under Sec. 6.37 (impoundment) that the City’s website be listed as another location for posting notice.

Meuers stated that she would not be voting in favor of the ordinance as the city should not make rules that it cannot enforce thereby eroding government.

Negard stated that the city’s current rules only address dogs and it “handcuffs” the community service officer from taking care of feral cats in our city.

Motion by Negard, seconded by Downs, to incorporate the “legacy” provision, language for military deployment/other exceptions and qualified shelter into the ordinance amendment. Motion carried unanimously.

Motion by Negard, seconded by Waldhausen, to approve the additional revisions as proposed by the City Attorney. Motion carried unanimously.

ORDINANCE NO. 54, 3RD SERIES, Amending Chapter 6, Article II relating to dogs, by adding provisions requiring, among other things, the licensing and registration of cats, by adding restrictions limiting the total number of dogs and cats that may be kept on the premises of an individual occupancy unit in the city, and prohibiting the running at large of cats in the city was given a final reading and passed by the following vote: Ayes: Negard, Johnson, Lehmann Downs. Nays: Waldhausen, Meuers.

Motion by Downs, seconded by Negard, approving publication of a summary of an Ordinance Amending Chapter 6, Article II relating to dogs, by adding provisions requiring, among other things, the licensing and registration of cats, by adding restrictions limiting the total number of dogs and cats that may be kept on the premises of an individual occupancy unit in the city, and prohibiting the running at large of cats in the city. Motion carried unanimously.

ORDINANCE NO. 55, 3RD SERIES, Amending the 2010 Fee Schedule was given a final reading and passed by unanimous vote.

Motion by Waldhausen, seconded by Downs, approving publication of a summary of an Ordinance Amending the 2010 Fee Schedule. Motion carried unanimously.

EVENT CENTER UPDATE

Gerry Domino provided an update on the progress at the event center site noting that the project is on schedule.

Motion by Johnson, seconded by Waldhausen, to approve the Change Orders in the amount of \$260,147.68 for the Event Center project. Motion carried with the following vote: Ayes: Lehmann, Waldhausen, Johnson, Negard, Downs. Nays: Meuers.

CITIZEN NOT ON AGENDA

No one appeared.

UPCOMING COUNCIL MEETINGS

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| • Monday, May 24 | 5:30 p.m. | Work Session - Ridgeway Park RFP |
| • Monday, June 7 | 7:00 p.m. | Council Meeting |
| • Monday, June 14 | 5:30 p.m. | Work Session – TBD |

COUNCIL/STAFF REPORT

- Council members provided updates on current events and upcoming meetings.
- Negard reported that the Deer Committee has recently met and are discussing the hunt for 2010. Discussing with the Chief of Police to lengthen the hunt and possibly expanding to other locations within the City.
- Downs reviewed the proposed annual Paul Bunyan Trail Ride tentatively scheduled on August 21. Plans include a ride between Walker and Bemidji.
- Chattin noted that the salary study has been returned and will be reviewed by the Labor Management Committee. The intent is to bring a recommendation to the Council in the near future.

ADJOURN

There being no further business, motion by Downs, seconded by Waldhausen, to adjourn the meeting. Motion carried. Meeting adjourned at 8:20 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk