

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – February 16, 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 Tuesday, February 16, 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, Hellquist, Downs, Meuers. Absent: Negard

Staff Present: City Manager John Chatten, City Attorney Alan Felix, City Engineer Craig Gray, City Clerk Kay Murphy

AMENDMENTS TO AGENDA

Mayor Lehmann called for any amendments to the agenda. The following items were added to the agenda:

- Travel Authorization for Council – Bemidji Day at the Capitol – Johnson, Lehmann, Downs, Waldhausen
- Travel Authorization for Mayor as needed during Legislative session
- New Business: Video Display System for BREC

Motion by Downs, seconded by Johnson, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the February 1, 2010 regular meeting, February 1, 2010 BEDA meeting, February 8, 2010 work session and February 9, 2010 special joint meeting 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 Downs, seconded by Johnson, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$3,082,455.77
2. Miscellaneous 2010 Business License Renewals
3. On Sale Liquor License – 114 3rd Street NW (Toasty Beavers)
4. On Sale Liquor License – 128 1st Street West (Whisky Depot)
5. On Sale Liquor License – 801 Washington Avenue S (El Mariachi)
6. Letter of Support for the Grant Application – Bemidji Community Busking (musicians performing) Project in Downtown Bemidji – Aaron Tank
7. Engineering Plans and Authorizing the Advertisement for the Menards' Traffic Signal – City Project 07-15
8. Execute a Joint Powers Agreement with State of Minnesota for Paul Bunyan Trail Bridge over TH197
9. Quotes for Lift Station Pumps awarded to Electric Pump for 4-10 hp pumps (\$20,000 +tax) and Quality Flow for 3-20 hp pumps(\$26,038 +tax)
10. Council Travel Authorization - Bemidji Day at the Capitol, March 9 – Johnson, Lehmann, Downs, Waldhausen
11. Council Travel Authorization – Mayor Lehmann as needed during Legislative session

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Alle Bowman, BYAC representative, reported that members of the BYAC will be going to Bemidji Day at the Capitol. The Commission is focusing on the upcoming event at the Boys & Girls Club on February 19.

BSU Student Senate – No one appeared.

PUBLIC HEARINGS

2010 Street Renewal Project (City Project #10-01)

Pursuant to published notice, a Public Hearing was held to receive input regarding the 2010 Street Renewal Project (#10-01). Mayor Lehmann opened the Public Hearing at 7:15 p.m., hearing.

Dorothy Boe, 311 23rd Street NE, stated she was in opposition to the proposed improvements to the street in front of her home as 23rd Street is not a “typical” residential street but more a thoroughfare. Furthermore, she does not believe that it will be an improvement to her property.

Gray stated the watermain on 23rd was installed in 1942 and should be replaced and did not recommend a mill and overlay.

Todd Miller, 704 2nd Street SE, asked why he was assessed and did not believe it would impact his property. However, he was in favor of paving the dirt street on the side of his property.

Gray responded that within the next 2-4 years many of the dirt streets will be paved. The assessment to Mr. Miller is for 40 feet of his lot.

Ross Lodehoff, 2300 Calihan NE, expressed his opposition to the proposed improvements to 23rd Street.

With no further comment, Mayor Lehmann closed the Public Hearing at 7:28 p.m.

Considerable discussion followed regarding the assessments proposed for the 23rd Street portion of the project. It was noted that BSU may be demolishing Maple Hall. Gray stated that he had no problem delaying work on 23rd Street.

RESOLUTION NO. 5614: Ordering Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications, and Authorizing Advertisement for Bids on Improvement (City Project #10-01) excluding 23rd Street, Calihan Avenue NE to Birchmont Drive NE, was offered by Councilmember Waldhausen, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

Possible Revocation/Suspension of the On-Sale Liquor License issued to Bada Bing
Motion by Waldhausen, seconded by Hellquist, to cancel the Public Hearing on suspending the on-sale liquor license issued to Bada Bing as the liquor license has been transferred to a new restaurant. Motion carried unanimously.

OLD BUSINESS

Annexation

Mayor Lehmann stated that the Council needs to give direction to staff as to whether it wanted to proceed with Phase 1 annexation or postpone that action pursuant to consensus reached at the joint meeting with Northern and Bemidji Townships.

Johnson suggested that the Council should delay making the decision a bit longer in order to further research the impact on LGA that the City receives. Johnson stated that one of the factors in determining LGA is population and Bemidji's population would be increased through annexation and the City may be able to recapture some lost dollars. Johnson stated that the Council should think about “our own taxpayers”.

Waldhausen stated that the Council should take a longer look at this before making a final decision and suggested that Bemidji Township Phase 1 could be possibly be annexed at this time.

Felix responded that if the City wants to expedite the tax distribution stated in the joint agreement, all three local government units would have to agree. He commented that obtaining Bemidji Township's signature on the agreement might be more difficult if the City chooses to pursue annexation of Bemidji Township separately.

Motion by Johnson, seconded by Waldhausen, to delay making a decision on the Phase 1 Annexation until the March 1 Council meeting. Motion failed with the following vote: Ayes: Johnson, Downs, Waldhausen. Nays: Meuers, Lehmann, Hellquist.

Motion by Hellquist, seconded by Meuers, to postpone Phase 1 Annexation until 2012 and work through the JPB on the amending of the Joint Powers Agreement to develop an accelerated property tax distribution formula. Motion carried unanimously.

NEW BUSINESS**Wastewater Treatment Plant Digester Building**

Gray stated that the Capital Improvement Plan includes \$2.5 million for the construction of a new digester building for the wastewater treatment plant in 2011. He stated that an additional primary digester is needed to meet both existing and future growth conditions. Requests for Proposals were sent to five firms that specialize in the design of wastewater treatment plants/systems. Staff have reviewed the proposals and met with the representatives from each firm. Based on the prices received, Gray recommended that Bolton & Menk be hired to provide the professional engineering services on the project.

Mayor Lehmann asked why Bonestroo was not selected given that their estimated cost was substantially lower for the construction services.

Gray responded that he believed they were too low to complete inspections required for the construction phase of the project.

Motion by Downs, seconded by Hellquist, authorizing the City Engineer to enter into a professional services contract with Bolton & Menk for the design (\$121,000) and construction (estimate of \$125,000) of the Wastewater Treatment Plant Digester Building (Project #10-04). Motion carried unanimously.

BREC – Video Display System

Motion by Johnson, seconded by Downs, authorizing staff to seek bids on a video display system for the Event Center and designating construction contingency funds for the system. Motion carried with the following vote: Johnson, Downs, Hellquist, Waldhausen, Lehmann. Nays: Meuers.

ORDINANCE(S)

ORDINANCE NO. 52, 3RD SERIES, AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Street Vacation (Citizens State Bank) was given a final reading and passed by unanimous vote.

EVENT CENTER UPDATE**BREC Seating**

Gerry Domino, Kraus Anderson, stated that the low bidder was unable to provide a sample of one of the three chairs they are bidding but would have one available at next week's work session.

Motion by Hellquist, seconded by Waldhausen, to delay awarding the BREC seating bids until the work session on February 22, 2010. Motion carried unanimously.

Change Orders

Domino provided a summary of change order requests to give the Council a better idea of how the contingency money is being spent. He noted that upgrades have been made to the building to make it a better product, but sites issues deal with contaminated soils.

Steve Parker, Leo A Daly, indicated that there is a rebate from the State for the contaminated soils.

Domino noted that the change orders before the Council were due to health inspector requirements.

Motion by Waldhausen, seconded by Hellquist, to approve the Change Orders in the amount of \$73,669 for the Event Center project. Motion carried with the following vote: Ayes: Lehmann, Waldhausen, Hellquist, Johnson, Downs. Nays: Meuers.

CITIZEN NOT ON AGENDA

Tom Hanson, owner of Zorbaz Restaurants, stated he is unable to make the Council's work session on Monday, February 22, 2010 regarding the discussion about amending the City Code to allow 2:00 a.m. optional bar closing. He gave the Council a handout outlining his reasons why he would like a 2:00 a.m. closing for his proposed restaurant in Bemidji.

UPCOMING COUNCIL MEETINGS

- Monday, February 22 5:30 p.m. Work Session – BREC Seating & Liquor Closing Hours

- Monday, March 1 7:00 p.m. Council Meeting
- Monday, March 8 5:30 p.m. Work Session - TBD

COUNCIL/STAFF REPORT

Council members provided updates on current events and meetings.

ADJOURN

There being no further business, motion by Johnson, seconded by Waldhausen, to adjourn the meeting. Motion carried. Meeting adjourned at 8:46 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk