

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – May 1, 2006

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 1, 2006 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 Downs, second by Hellquist, to approve the agenda as presented. Motion carried by unanimous vote.

#### **MINUTES**

Minutes of the April 17, 2006 regular meeting were presented for approval. Motion by Erickson, second by Johnson, 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, second by Hellquist, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$327,811.18.
2. Approved miscellaneous business licenses.
3. Authorized **RESOLUTION NO. 5314** condemning structure(s) at 321 Central Avenue SE.
4. Waived building permit and mechanical permit fees on Habitat for Humanity homes – 718 9<sup>th</sup> Street and 1412 Park Avenue.
5. Authorized the City to enter into a contract with Widseth, Smith & Nolting as engineers for Project #06-19 (4<sup>th</sup> Street SE and 1<sup>st</sup> Street SE Reconstruction).
6. Authorized **RESOLUTION NO. 5315** awarding a contract for Project #05-06 (Bardwell Park) in the amount of \$1,043,142.60.
7. Appointed Tim Flathers to the HRA Board.

Motion carried by unanimous vote.

#### **COMMITTEE REPORT**

Joint Powers Board – Lehmann reported that the Joint Powers Board met recently. The Joint Planning Board is developing one set of regulatory ordinances that will be administered within the 72 square mile jurisdiction which includes the City, Townships of Bemidji and Northern. It was felt that this process should be completed by the end of the year.

#### **PRESENTATION**

Bob Fitzgerald, Kraus-Anderson, representing Walleye Classic stated that the 2006 Walleye Classic will be held on June 16. There will be 100 2-person teams. First prize will be \$10,000 and the top teams will qualify for Cabela's national fishing contest. Money raised from the Classic go to charities in the Bemidji community, i.e., Special Olympics, Fishing Has No Boundaries, Take a Kid Fishing, Let's Go Fishing (for seniors), Scouts, Boys & Girls Club, etc. Mr. Fitzgerald stated that they will continue to contribute to DNR for fishing management on Lake Bemidji. This year the Classic is working in partnership with the DDA and Chamber to make it a larger community wide event.

**RESOLUTION NO. 5316:** Approving the site for the 2006 Kraus-Anderson Walleye Classic was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

## **PUBLIC HEARING**

### Public Hearing – 24<sup>th</sup> Street (Project #06-17)

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed project. Mayor Lehmann opened the Public Hearing at 7:18 p.m., hearing no comments the public hearing was closed.

**RESOLUTION NO. 5317:** Ordering improvement, designating project engineer, Calling for Preparation of Plans and Specifications and Authorizing Advertisement for Bids on Improvement (Project #06-17 – 24<sup>th</sup> Street) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

## **OLD BUSINESS**

### Public Works Facility

City Engineer Brian Freeberg stated that a Committee of five interviewed architectural firms for the proposed Public Works Facility. Three firms were interviewed and TKDA was chosen as the firm by a three to two vote. The main reason for this selection was a proposed aggressive schedule with bidding to take place this December, plus the presentation of extensive public works facility design experience with innovative features which our Public Works staff wants to consider as much as possible in a new facility. The first step is to hire this firm to give a preliminary report that would spend time with the Public Works Department which will define the scope of the project and updated estimate. The proposed fee for the report phase is \$7,500.

Lehmann commented that TKDA is not a local firm and asked if there was any consideration given to local firms.

Freeberg responded that the committee interviewed local firms; however, TKDA was the preferred firm.

Lehmann stated that he hears criticism that when there are local firms they tend not to get the bid.

Freeberg commented that the statement of the fees were in a separate envelope. The three firms that were interviewed and, assuming that they were talking about the same building project, their bids were TKDA - \$395,000, Richard Rude Architectural - \$285,000 and EAPC's proposal was 5% of the construction costs and if applied to the same building costs as the TKDA their fee would have been in the range of \$250,000.

Lehmann commented that if it was based on the fee schedule alone a local firm would have been chosen.

Hellquist stated that TKDA had the most innovative firm and this will be the only Public Works Facility that will be built. He commented that the only local person was Richard Rude.

Markeson asked what TKDA's innovative ideas were.

Freeberg responded that TKDA had ideas regarding spacing of equipment, utilization of space in the shop and lighting options to increase work environment.

Amy Rutten, EAPC Architects of Bemidji, commented that she is an architect and lives in Bemidji. She stated that every person at EAPC Architects is a Bemidji resident.

Motion by Hellquist, second by Meuers, to authorize an architectural report by TKDA for the Public Works Facility. Motion failed with the following vote: Ayes: Hellquist, Meuers, Markeson. Nays: Lehmann, Erickson, Downs, Johnson.

Freeberg suggested that the Committee should take another two weeks and come back to the next Council meeting with more information.

Johnson expressed concerns about the \$150,000 difference between the firms and that the committee was split on the choice of the firm.

Lehmann directed staff to meet with the Committee and bring its findings to the next Council meeting.

#### Diamond Point Project Update

Felix reviewed a proposal letter from The 106 Group Ltd. for cultural resources planning for the master planning phase of the Diamond Point Park redevelopment project. This is a planning phase service and the Council should consider ratifying the hiring of the firm recommended by Brauer & Associates, Ltd.

Motion by Downs, second by Markeson, to ratify the selection of The 106 Group Ltd. in the amount of \$6,820 for cultural resources planning for the master planning phase of the Diamond Point Park redevelopment project. Motion carried unanimously.

#### Pinnacle Outlet Mall

Lehmann stated that Felix has provided a memo regarding Pinnacle Outlets Development Agreement/Mutual Agreement to Terminate.

Felix stated that the protections are still there which require EPA and NPDES permits, Mn/DOT right-of-way permits, a conditional use permit from Bemidji Township for construction of stormwater pond and that the Preliminary Plat approval still stands. Though the Developer's Agreement would be terminated, the City could mutually agree to:

1. Extend a one (1) year time period to file the final Plat (still preserving desired protection from recently adopted regulatory measures, such as the Parkland Dedication Ordinance).
2. The petition for extension of water and sewer submitted by the prior landowner could be confirmed by the current landowner, Ron Davidson. Extension(s) to be at Developer's expense.
3. On condition that Developer reimburses the City for special legal consultant costs incurred prior to termination.
4. Agree to reimburse future consultant costs with respect to Project review and approval when the Final Plat is filed.
5. Secure all required permits and otherwise comply with all applicable local, State and Federal laws respecting the Project.

Felix stated that staff believes that through the normal permitting requirements and process, the Council will still have the control to protect the public interest. If the Council is agreeable to this, the Council would generate a letter that would mutually terminate the Developer's Agreement.

Motion by Hellquist, second by Johnson, to terminate the Developer's Agreement with Pinnacle Outlet Mall. Motion carried by unanimously.

#### Compensation for Interim Management Team

Motion by Erickson, second by Markeson, to authorize compensation to Al Felix and Ron Eischens in the amount of \$1,500 per month each until such time a new City Manager is hired. Motion carried.

### **NEW BUSINESS**

**RESOLUTION NO. 5318:** Accepting Feasibility Report and Calling for a Public Hearing – Cross Streets – 8<sup>th</sup> to 14<sup>th</sup>, Bemidji to Irvine Avenue (Project #06-08) was offered by Councilmember Markeson, who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.

**RESOLUTION NO. 5319:** Accepting Feasibility Report and Calling for a Public Hearing – Comfort Drive (Project #02-02) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Erickson was passed by unanimous vote.

### **ORDINANCES**

**ORDINANCE NO. 427, 2<sup>ND</sup> SERIES,** RELATING TO IMPLEMENTATION OF COMPENSATION FOR CITY APPOINTED MEMBERS ON THE BEMIDJI AREA GROWTH MANAGEMENT PLANNING COMMITTEE was given a final reading and passed by unanimous vote.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance amending the Zoning Map adopted in Chapter 13, Section 13.08 of the Bemidji City Code. Mayor Lehmann opened the Public Hearing at 8:07 p.m., hearing no comments the public hearing was closed.

**AN ORDINANCE** Amending the Zoning Map Adopted in Chapter 13, Section 13.08 of the Bemidji City Code (Planning Case #2006-03 – Bemidji Development) was given a second reading.

**CITIZENS WITH BUSINESS BEFORE THIS COUNCIL**

Mike Bakke, 1925 Anne Street, asked what the assessment amount will pay for in the Bardwell Park project. Freeberg responded that the assessment is for the pipe in the street and that the homeowner would have to connect from the property line to their home.

Mr. Bakke asked what the intended use of Bardwell Park. He stated he has commercial property on three sides and has a good septic system and water for his home.

Lehmann responded that Bardwell Park is a mixed use.

Jim Haskell, Anne Street, asked for clarification about hooking up to the septic system. Freeberg explained the City's policy for sewer hookup.

**UPCOMING MEETINGS**

- May 2 @ 5:00 p.m. – Board of Review
- May 8 @ 5:30 p.m. – Work Session City Manager Hiring
- May 11 @ 5:15 p.m. – Special Work Session – Event Center Update
- May 22 @ 5:30 p.m. – Special Work Session – Utility fund cash flow analysis
- May 23 @ 5:30 p.m. – Special Work Session – Labor strategy

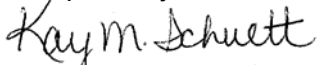
**COUNCIL/STAFF REPORT**

- Lehmann commented that there will be a energy meeting at City Hall presented by Senator Coleman's office on May 2 in the Council Chambers 11:30 to 12:30.
- Erickson reported that the Director of HRA, Al Kiehne, has resigned. In addition, Ilyne Struthers has resigned from the Board. She stated that both of these individuals are a loss to Housing and Redevelopment Authority.
- Erickson stated that she recently attended the Airport Symposium in Willmar with Councilmember Johnson.
- Markeson reported that the Youth Commission has organized about ten bands to play at their Youth Day on June 7. Markeson stated he recently attended a Bemidji business conference held at the Hampton Inn on April 27.

**ADJOURN**

There being no further business, motion by Downs, second by Markeson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:40 p.m.

Respectfully submitted,



Kay Murphy-Schuett  
City Clerk