

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Regular Meeting – November 6, 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, November, 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.

Mayor Lehmann welcomed the new City Manager John Chattin.

AMENDMENTS TO AGENDA

Lehmann called for any amendments to the agenda. The following addition was requested:

- Authorize \$22,992 Storm Sewer Expenditure in the Industrial Park

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

MINUTES

Minutes of the October 16, 2006 regular meeting and October 10 and October 23, 2006 special work sessions were presented for approval. Markeson noted the following correction to the October 16, 2006 minutes: Add the words "to the last" between second and Thursday on Page 3. Motion by Markeson, second by Erickson, to approve the minutes as amended. Motion carried by unanimous vote.

CONSENT AGENDA

The following Consent Agenda items were presented for approval. Motion by Erickson, second by Hellquist, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$956,008.
2. Approved miscellaneous business licenses: 2006 and 2007.
3. Approved one day Temporary Consumption & Display Permit: Chamber (11/14/06).
4. Approved Gambling Permit – Mn Deer Hunters Association – Eagles (3/24/07 Raffle).
5. Approved Policy on Use of Credit Card(s) with amendment to the language as follow: replace the word should with must and the word may with will throughout the Policy.
6. Approved **RESOLUTION NO. 5369** Allowing Electronic Funds Transfer Transactions.
7. Approved Application and Authorization for Delayed Payment of Special Assessment for Senior Citizen (421 4th Street SE).
8. Authorized \$22,992 Storm Sewer Expenditure in the Industrial Park.

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Leslie Rith-Najarian, Vice President of BYA, reported that the Commission recently held a Listening Lunch at the High School which was attended by approximately 60 students discussed the Event Center. The Commission has been discussing a collaboration event with the Boys & Girls Club for a winter event. Ms. Rith-Najarian stated that the Commission is in the process of revising the Commission's by-laws and will bring them to the Council at a future meeting.

PUBLIC HEARINGS

24th Street & Storm Sewer Improvement (#06-17)

Pursuant to published notice, a Public Hearing was held to receive input regarding City Project #06-17 (24th Street & Storm Sewer Improvement). Mayor Lehmann opened the Public Hearing at 7:08 p.m., hearing no comments the Public Hearing was closed.

RESOLUTION NO. 5370: Adopting the Assessment Rolls for City Project #06-17 was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

4th Street SE Street Improvement (#06-19)

Pursuant to published notice, a Public Hearing was held to receive input regarding City Project #06-19 (4th Street SE – TH197 to Pershing Avenue SE). Mayor Lehmann opened the Public Hearing at 7:10 p.m., hearing no comments the Public Hearing was closed.

Mayor Lehmann read for the record a telephone call received by the City Engineer from Evangeline Locke, 823 4th Street SE, who stated she is opposed to any special assessments. She further stated that these costs should be covered by property taxes.

RESOLUTION NO. 5371: Adopting the Assessment Rolls for City Project #06-19 was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

1st Street SE Street Improvement (#07-04)

Pursuant to published notice, a Public Hearing was held to receive input regarding City Project #07-04 (1st Street SE – TH197 to Lake Avenue NE). Mayor Lehmann opened the Public Hearing at 7:11 p.m.

Steven Scherling, 101 Stoner Avenue NE, stated that he is opposed to the 1st Street Assessments for the following three reasons: 1) the project was unnecessary; 2) citizens affected by the assessment were against the project; and 3) charging only a few is morally wrong. He further stated that if the Council examines the traffic data, he believed over 90% of the traffic is not due to the residents living along 1st Street but others driving through to the eastside of the Lake.

With no further comments Mayor Lehmann closed the Public Hearing closed at 7:17 p.m.

Erickson commented that Mr. Scherling is not the only resident that has been concerned about the assessment and she understood his concerns about it being a burden. Erickson then explained the City's policy for charging assessments on projects.

RESOLUTION NO. 5372: Adopting the Assessment Rolls for City Project #07-04 was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

Comfort Drive Improvement (#02-02)

Pursuant to published notice, a Public Hearing was held to receive input regarding City Project #02-02 (Comfort Drive Improvement). Mayor Lehmann opened the Public Hearing at 7:20 p.m.

Doug Williams, 110 4th Street NW, asked for a review of the special assessment for Lot 1, Williams Addition, related to the development of Comfort Drive. He stated that this is a corner lot but appears not to have been afforded a reduction in the special assessment as is customary for a lot with multiple potential frontages.

Mayor Lehmann directed City Engineer Freeberg to make necessary adjustments if needed.

With no further comments, Mayor Lehmann closed the Public Hearing at 7:21 p.m.

RESOLUTION NO. 5373: Adopting the Assessment Rolls for City Project #02-02 was offered by Councilmember Erickson, who moved its adoption pending the City Engineer's correction to the Williams parcel, and upon due second by Councilmember Markeson was passed by unanimous vote.

Bardwell Park Sewer & Water Extension (#05-06)

Councilmember Downs asked the City Engineer if there were any delays on this project.

Freeberg responded that some of the equipment was back ordered and it was extended some weeks before individuals could hook up and use the system. However, as of today all equipment is in and systems are being hooked up.

Pursuant to published notice, a Public Hearing was held to receive input regarding City Project #05-06 (Bardwell Park Sewer & Water Extension). Mayor Lehmann opened the Public Hearing at 7:23 p.m., hearing no comments the Public Hearing was closed.

Mayor Lehmann read into record a letter dated November 6 from Darwin Wiebolt regarding Parcel #80.05527.00. Mr. Wiebolt stated that this lot is being charged two hookups and he only requires one hookup at this parcel. Mr. Wiebolt requested that one of the hookup assessments be deferred until it is needed.

Council directed the City Engineer to review Mr. Wiebolt's request and make any necessary adjustments to the assessment roll.

RESOLUTION NO. 5374: Adopting the Assessment Rolls for City Project #05-06 was offered by Councilmember Erickson, who moved its adoption pending the City Engineer's correction to the Wiebolt parcel, and upon due second by Councilmember Johnson was passed by unanimous vote.

OLD BUSINESS

Kitchigami Regional Library

City Attorney Felix reviewed a draft letter of response that he had prepared for the Council as a response to Kitchigami Regional Library's (KRL) written proposed Budget Policy Statement. He stated that KRL has asked for comments to be submitted by November 10, 2006.

Mayor Lehmann commented that he has reviewed the KRL budget and he felt that the draft letter prepared by Felix captured it well. He stated that the City is on track and is moving forward in a positive direction. He noted that there is still a lot of concern in the community about the Library and the Council must stay diligent.

Felix commented that the Marian Ridge, KRL Director, will be attending the November 20 Council meeting to discuss the budget further.

Erickson asked about the technical support and/or technical personnel for KitchiCat and how much does it cost to run the mobile library.

Marilyn Heltzer, Beltrami County appointed representative to the KRL Board, commented that the question posed by Councilmember Erickson should be directed to Marian Ridge. She stated that the City should make it clear that both the City and the County still have concerns and this is the part of the process. Ms. Heltzer hoped that the Council would move ahead on the letter and ask the specific questions when Ms. Ridge attends the meeting.

Felix and Erickson will meet to discuss Erickson's budget questions further so they can be relayed to Ms. Ridge prior to the November 20 meeting.

Markeson referred to Tony Murphy's letter to KRL and asked if the Beltrami County got a larger share than other counties. Ms. Heltzer responded that she believed so and the County should be getting its share in services.

Felix stated that the KRL headquarters would not be able to function without the County's 36% and we must keep reminding KRL of that fact so that the State contribution will be proportional, not just to the regional library's operation but is proportional to the services that the Bemidji Library receives.

NEW BUSINESS

Nymore Warming House

Mayor Lehmann stated that this item was removed from the Consent Agenda for further discussion and asked Councilmember Erickson for her comments.

Erickson stated that Mr. Lucachick of Lucachick Architectural looked at Nymore Park warming house and made recommendations. Mr. Lucachick donated his time and the

Council thanked him for that service. She felt this was premature for the City to be looking at this item because the City is in a “pay as you go” situation with the sales tax and Diamond Point Park is the first priority. She would like to call a special meeting of her ward to discuss the parks in Ward 5.

The consensus of the Council was to have the Parks & Recreation Commission review the replacement of the Nymore Warming House and make a recommendation to the Council.

PLANNING CASE

Mayor Lehmann reviewed Planning Case 2006-17 stating that Mike Ettesvold, Apartments of Irvingboro, LLP, has applied for a Subdivision/Common Interest Community and Special Use Permit for the Common Interest Community, Number 48, Marina Villa Condominium, received October 6, 2006 to convert a total of 24 existing apartment units in three buildings to condominiums be approved with building #401 being converted this year, and #403 and #405 in subsequent years. The Planning Commission recommended approval.

Erickson stated that there was a discussion at the Planning Commission meeting regarding whether Mr. Ettesvold would allow the tenants out of their leases. She noted that more than 60% of the tenants in the building are 62 years of age and older. She urged Mr. Ettesvold to consider releasing long-term renters from their lease.

Felix commented that the condition placed on the zoning approval relating to Mr. Ettesvold giving tenants six weeks to consider being released from their lease is beyond the City's ability to legally enforce. He pointed out that the City cannot interfere in a private contractual relationship.

Ettesvold stated that as each building is being converted at one time and sold over a number of years, this will give the tenants plenty of time to plan to move or purchase the unit. He stated that the Council has his word that he is agreeable to give a six week period to release tenants from their leases.

Richard Slinkman, Chair of the Planning Commission, commented that the Findings of Fact #1 from the Planning Commission would change by eliminating the condition regarding the six weeks release from leases.

Motion by Downs, second by Johnson, to approve the Subdivision/Common Interest Community and Special Use Permit for the Common Interest Community, Number 48, Marina Villa Condominium with the following condition: that the Parkland Dedication Ordinance does not apply to this C.I.C. since these are existing buildings with no plans to add additional structures, and the marina and picnic area to the north on Lake Irving currently exist and are available to the residents of these units. Motion carried unanimously.

ORDINANCES

ORDINANCE NO. 6, 3RD SERIES, AN ORDINANCE AMENDING SECTION 26-73 OF THE BEMIDJI CITY CODE RELATING TO COMMERCIAL REFUSE COLLECTION was given a final reading and passed by the following vote: Ayes: Erickson, Johnson, Lehmann, Hellquist. Nays: Downs, Meuers, Markeson. Absent: None.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending the Bemidji City Code, Adopting an Amended Fee Schedule for 2007. Mayor Lehmann opened the Public Hearing at 8:01 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Amending the Bemidji City Code, Adopting an Amended Fee Schedule for 2007 was given a second reading.

AN ORDINANCE Amending Chapter 22 of the Bemidji City Code relating to Parkland Dedication Fee was given a first reading.

Felix stated that the language for the Parkland Dedication Fee Ordinance will be modified as the Council moves to the second reading.

CITIZEN NOT ON AGENDA

- John Zacher, ShoreQuest, stated that ShoreQuest would like to make an opening bid for naming rights of the Event Center in the amount of \$50,000 a year for a minimum of 5

years. Secondly, he is representing fifteen area businesses who have signed pledges to help fund part of the operating deficit. They have committed \$66,000 per year for a total of \$330,000. Mr. Zacher stated that this is a good indication of the commitment of the business people of Bemidji and the strong support they have for the Bemidji Regional Event Center. He stated that others have offered support but needed more time to get a dollar amount. He submitted an offer to purchase the naming rights and the pledges to the Mayor. Mayor Lehmann accepted the offer and pledges and will forward them to the Event Center Finance Subcommittee for their consideration.

- Mike Wallner stated that he is in favor of the proposed Event Center for many reasons and pledged \$50 for 5 years.

UPCOMING MEETINGS

- November 9 5:30 p.m. Canvassing Board
- November 13 5:30 p.m. BEDA Work Session – TIF Bircham
- November 13 Special Work Session – Closed (Appraisal Values)
- November 20 7:00 p.m. Regular Council Meeting

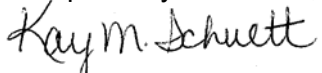
COUNCIL/STAFF REPORT

- Lehmann stated that on November 10 there will be a Veterans Day activity at the Senior Center. On Tuesday, November 14 there will be a National Hunger & Homelessness Awareness Week Fundraiser Chicken Dinner at the Moose Lodge.
- Downs stated that he received a letter regarding the use of tribal identification at pawnshops as a legitimate identification for the State of Minnesota. Felix stated that the Assistant City Attorney is working on this issue.
- Meuers reviewed the memo received from the Assistant City Planner regarding homelessness and accessible housing in our community. She stated that there will be a housing summit in this regard and volunteered to be on this committee on behalf of the Council. Motion by Markeson, second by Downs, appointing Councilmember Meuers to be the Council's representative on the Housing Summit Committee regarding homelessness and accessible housing in Bemidji. Motion carried unanimously.
- Downs stated that the Rako Street property should be sold to offset the property tax increases.
- Johnson commented that for the past two years virtually every organization, group and government entity has come together on the Event Center project and has been a positive experience.
- Erickson reported that the bow hunt has removed twenty-five deer in Ward 5 to date. Erickson stated she has concerns about grading of Elliot Road which is shared with Northern Township. The road is not being maintained to City standards when Northern is responsible for the grading. She asked that the City Manager to make a phone call to the Township Clerk in this regard.
- Erickson stated she has received several complaints about the lack of enforcement of the noise ordinance by the Police Department. She asked that the City Manager follow up on this issue.
- Markeson stated that the Heritage Preservation Commission had a series of meetings recently and met with the State Historic Preservation and others. He stated that it is important as a community to recognize and embrace its history.
- Hellquist recently attended GTS training for combining the City/Township zoning and it was excellent training. He stated he has not given up on enforcement of the noise ordinance and suggested that a saturation effort be made, perhaps in conjunction with DWI enforcement.
- Eischens stated that the City Manager will be attending two meetings this week one regarding mediation with Patrol officers and on Thursday a long-range planning meeting with Rural Fire Association.
- Felix reviewed the two memos handed out prior to the meeting regarding homelessness and accessible housing in Bemidji and South Lake Bemidji Project meeting.
- Felix commented that no decision has been made by the Masons regarding the Masonic Lodge. The logical next step would be an environmental assessment of the Masonic Lodge property which would give the City a better understanding of the potential cost to demolish and redevelop the property as a parking lot. Felix will be meeting with the DDA on Wednesday, November 15 to discuss this further. Felix stated that the preliminary cost for the assessment may be in the range of \$5,000.
- Freeberg commented that the City received \$350,000 from DEED for Industrial Park project.

ADJOURN

There being no further business, motion by Downs second by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 8:39 p.m.

Respectfully submitted,

Handwritten signature of Kay M. Schuett in cursive script.

Kay Murphy-Schuett
City Clerk