

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Regular Meeting – April 16, 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, April 16, 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. The following correction was requested:

- Move Member to Fill Vacancy on Merit Hearing Board from Consent Agenda to New Business

Motion by Hellquist, second by Meuers, to approve the agenda as amended. Motion carried by unanimous vote.

#### **MINUTES**

Minutes of the April 2 regular meeting and April 9, 2007 work session were presented for approval. Motion by Erickson, second by Markeson, to approve the minutes as amended. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$720,405.93.
2. Approved miscellaneous business licenses.
3. Approved One-Day Temporary Consumption & Display Permits for:
  - Chamber Event on May 8 at Edward Jones Office
  - Chamber Event on July 10 at Community Arts Center
4. Approved a Gambling Permit: Paul Bunyan Vintage Auto Club – Raffle on July 22 at Bemidji High School
5. Awarded Quote for Sanitary Sewer Repair (Cured in Place)
6. Awarded Quote for Lift Station Control Panel Replacements
7. Authorized Refuse Contract with Brad's Sanitation
8. Discontinued Curbside Recycling Pickup
9. Ratified Written findings for Menards, Inc.

Motion carried by unanimous vote.

#### **COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Kathy DeKrey reported that plans continue for June 7 Youth Day and the Commission is working with the Boys & Girls Club to open gyms for teenagers.

#### **PRESENTATION**

Chris Nelson, President of Club Redline, outlined his proposal for an event in Bemidji using the Waterfront area. He stated that there are a lot of automotive enthusiasts in the Bemidji area. The Club Redline Street Show is being called a street show instead of a car show as it is not simply an enclosed area that is set up to charge admission but a community-based event. They plan on inviting approximately 75 cars to be part of the show. In addition, there will be vendors and sponsors that will take part in the event. He requested the use of Lot 8 and the rest of the parking along the waterfront area on Sunday, June 10 and the event will take place between 11:00 a.m. to 6 p.m.

Mayor Lehmann commented that it is good anytime when there is an event that utilizes the waterfront and brings business into Bemidji. He recommended that there be an effort to educate the public regarding the noise ordinance and thought this would be a good opportunity to distribute information to the public. It was noted that a letter of support for the event was received from the DDA.

Nelson stated that he spoke with Police Chief Johnson who relayed his concern about the noise from the vehicles and Nelson agreed to hand out a copy of the noise ordinance to those participating. He asked that the DARE vehicles be available and officers on hand during the event.

Erickson asked if a modified vehicle meant modified mufflers.

Nelson replied it could be modified engine, muffler, suspension, interior or exterior of the vehicle. The vehicle is basically modified by the owner to personalize the vehicle.

Erickson asked for clarification of the area intended to be used for the event. Nelson responded that they would like to use Lot 8 and nothing will be placed in front of Paul & Babe, on the pavers, lawn or sidewalks.

Erickson stated concerns that vendors may be promoting items that conflict with the noise ordinance and people will come into town with loud vehicles and get a ticket. Nelson responded that most of the vehicles comply with the noise ordinance but he will inform participants that they may risk getting a ticket if their vehicle is loud.

Erickson suggested the event be held at the Beltrami County Fairgrounds where there is more room and participants will not run the risk of getting a ticket. Downs asked if vehicles could be brought into town on a trailer, perhaps staging outside of town. Nelson responded that this was a possibility.

Erickson commented that Mr. Trueblood has a lease to use the waterfront and the event may affect his business adversely. Nelson responded that he plans to contact Mr. Trueblood and encourage him to take advantage of this opportunity as he felt that this would bring business to Mr. Trueblood's concession stand and train.

Markeson stated he has visited with Lori Paris at the Chamber and she indicated to him that she was unaware of the event and asked that Mr. Nelson talk with her. Nelson responded that he will contact Ms. Paris.

Freeberg commented that Babe will be refurbished this spring which will require moving the statute while a new foundation is built. There may be other vehicles and equipment on the site which may affect some of the parking lot space. He stated that the project should be completed by June 10; however, this may not happen and Mr. Nelson may have to adjust the use of the parking lot.

Hellquist stated that noise is not a reason to not allow the event and that the event will probably be too big for the waterfront area next time.

**Motion by Hellquist, second by Markeson, to approve the Redline Club Car Show on June 10 from 8 a.m. to 8 p.m. with regulations that apply. Motion carried with the following vote: Ayes: Hellquist, Lehmann, Meuers, Markeson, Johnson, Downs. Nays: Erickson. Absent: None.**

## **NEW BUSINESS**

### Appointment to Merit Hearing Board

**Motion by Erickson, second by Johnson, to appoint Michael Herbert to the Merit Hearing Board. Motion carried unanimously.**

### Chat-A-Bout Topic

Markeson recommended the Youth Commission representatives be on the Chat-A-Bout on May 7 to discuss June 7 Youth Day Event.

## **ORDINANCES**

**ORDINANCE NO. 13, 3<sup>RD</sup> SERIES**, AN ORDINANCE Amending City of Bemidji Fee Ordinance No. 7, 3<sup>rd</sup> Series, by Adopting Planning and Zoning Fees Approved by the Greater Bemidji Area Joint Planning Board was given a final reading and passed by the following vote: Ayes: Johnson, Markeson, Lehmann, Downs, Meuers, Hellquist. Nays: Erickson. Absent: None.

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending Chapter 16 of the Bemidji City Code (Pertaining to Burning of Leaves). Mayor Lehmann opened the Public Hearing at 7:38 p.m., hearing no comments the public hearing was closed.

**AN ORDINANCE** Amending Chapter 16 of the Bemidji City Code (Pertaining to Burning of Leaves) was given a second reading.

**AN ORDINANCE** Amending Compensation for City Appointed Members on the Bemidji Area Growth Joint Planning Commission was given a first reading.

## **CITIZENS NOT ON AGENDA**

Dave Stevens, 600 Pershing Avenue SE, expressed concerns about the boathouse at Diamond Point Park and the boat landing. He would like to see the park be open and available for the public all the time. He questioned the amount of money that will be spent on the Diamond Point Park improvements.

Jerry Solheim, 215 Swedmark Drive SW, stated that he is opposed to the Diamond Point Park project for the following reasons: 1) accessibility problems for people with limited mobility; 2) safety concerns, i.e., patrol cars will no longer be able to patrol the park, the park will not be as safe as it is now; 3) costs way too much money; 4) planning by an out of town architect is unconscionable; 5) stadium parking – the park does not need the stadium but the stadium needs the parking; 6) boat landing has no parking for vehicles and trailers; 7) Bemidji tradition – of driving through the park and felt that it did not need this improvement; and 8) people like to drive to the park and have a sandwich. He suggested that the project is not a done deal and could still be changed.

Jim Wizner, 2120 South Lake Irving SW, agreed with the Mr. Solheim's comments.

Erickson commented that there were seven public hearings and the plans were developed by those that attended.

Downs commented that if the amount had been kept reasonable he would have been in favor of the project. He stated that he submitted a Letter to the Editor as a transparency issue. Erickson stated she attended at least four of the seven public hearings and heard what those that attended wished and not everything that was suggested was approved.

Downs commented that fine tuning can be done to the contract. Erickson asked Freeberg what happens if there is a change order. Freeberg stated that a typical change order has a negotiated price either a plus or a minus. Erickson asked what it would cost to make a change order. Felix stated that there are remedies that the contractor can enforce and from a practical perspective the contractor has ordered the materials, etc., and he has or may have incurred a liability. The cost incurred by the contractor could potentially become a claim under the contract that the City may have to pay.

Brice Ronnander, 209 Irving Avenue SW, inquired about the trail along the "old Midway Drive". He stated that after the new highway construction there is no where to ride bikes on that side as no sidewalk or shoulder is available. At the time the street was built, MnDOT stated that there would be a bike trail and he would like to see the bike trail built. Downs stated that development of the bike trail has been delayed due to the event center. Freeberg responded that the City has gotten federal funds for a project that would pave a trail from 5<sup>th</sup> Street going west through downtown to the lights at 1<sup>st</sup> Street/Shevlin Avenue. This is a federal project which has been designed for 2008 and, hopefully, next year we will have a defined route through downtown and get full funding.

## **UPCOMING MEETINGS**

- April 30      5:30 p.m.      Special Council Meeting

- May 7            7:00 p.m.      City Council Meeting
- May 8            5:00 p.m.      Board of Review
- May 14          5:30 p.m.      Work Session
- May 21          7:00 p.m.      City Council Meeting

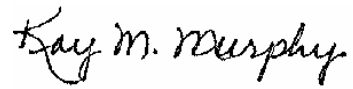
### **COUNCIL/STAFF REPORT**

- Chattin reported that several meetings were held with the Leo A Daly group on the Event Center and they will be coming to Bemidji for public meetings and a work session with the full Council in the near future. Last week a pre-construction meeting was held with contractors on the Diamond Point Park project and construction will begin soon. Getting close to finalizing the lease agreement with BSU on the outdoor program center. Negotiating a memorandum of understanding for additional parking with BSU. He attended a Joint Planning Board meeting and discussed operations. He attended the Bemidji Leads meeting and their two priorities for 2007 are cultural diversity and housing. Meeting with the DNR regarding trails discussion especially the corridor on Clausen Avenue. At the May 7 meeting the Council will need to form a design review committee for the downtown revitalization grant.
- Johnson reported that he attended the Airport Symposium last week and had encouraging news that there is legislation moving along which would allow an airport taxing authority. He stated that this will be better for the Bemidji taxpayers who currently pay more than half of the airport through city and county taxes. He stated that he received a number of negative calls regarding the Diamond Point Park project. He commented that the loop road was out of the discussion from the beginning by the park designer due to safety reasons. He further stated that he did not feel that it was a public process and that the plan was already designed. He stated he would not be able to support any part of the Diamond Point Park project as it moves forward.
- Erickson stated the layout of the proposed plan for Diamond Point Park was available in the paper in color and people were given ample opportunity to make their wishes known. The Council needs to hear from the public while the process is going on. The project has been let and she stated that the entire council needs to stand by the project. Erickson congratulated the Wastewater Treatment Plant for their recent commendation. They do excellent work at the plant. She attended a Library open house for the new Librarian Paul Ericcson and recognizing the volunteers. Attended a Global Warming presentation, as this next week is Earth Week, and there are programs scheduled all week long.
- Markeson attended the open house with Leo A Daly who was complimentary of the general location of the event center and agreed with the downtown location. He attended the Parks Commission and they will be reviewing the Warming House bids for Nymore Park. The Heritage Preservation Commission is getting together an application to get an opinion regarding placement of the Masonic Lodge on the Historic Register. He stated the Council based their opinion on feedback from the public regarding Diamond Point Park and did a very good job.
- Hellquist reported on the DDA monthly meeting and upcoming summer events. Chris Keenan reported the Paul Bunyan Playhouse is back on its feet and looking forward to a good season. DDA heard an Event Center update and the council was taken to task for their lack of leadership on the event center and he was asked when the City would take ownership of the project. Hellquist stated that he polled the DDA regarding the Diamond Point Park plan and they unanimously supported the plan.
- Downs attended the Oberstar breakfast event at the Tech school and invited Oberstar to the Paul Bunyan Trail ride. Downs stated it would be great to get some people to join the Paul Bunyan Trail Ride in Brainerd – it starts at Crow Wing State Park and ends at the Bemidji State Park on June 2. He attended the Best Practices for Parks & Trails which was very informative. He suggested that there may be ways to cut costs on the Diamond Point Park project and the Council should discuss this at a work session with Freeberg & Grund.
- Mayor Lehmann reported that the League of Women Voters is sponsoring a Lake Bemidji water quality forum with the MPCA on April 21 at Beltrami Electric. He stated he will be attending a Volunteer Recognition banquet on April 17.
- Felix clarified that the taxpayers in Bemidji do not pay two times on their taxes for the Airport. He reported that he had spoken to Becca Anderson and that there does not need to be an amendment to the Joint Planning Board Agreement for alternates to serve on the Board.

### **ADJOURN**

There being no further business, motion by Meuers, second by Downs, to adjourn the meeting. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kay M. Murphy".

Kay M. Murphy  
City Clerk