

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – January 22, 2013

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, January 22, 2013 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Albrecht presiding.

Upon roll call, the following Councilmembers were declared present: Albrecht, Meehlhause, Johnson, Hellquist, Erickson, Thompson

Staff Present: City Manager John Chattin, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

#### **STATE OF THE CITY ADDRESS**

Mayor Albrecht gave the annual State of the City Address stating that the budget is sound, employees are dedicated and the council is unified in their commitment to a better Bemidji.

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

Minutes of the January 7, 2013 regular meeting, January 7, 2013 BEDA meetings and January 14, 2013 work session were presented for approval. **Motion by Erickson, seconded by Johnson, to approve the minutes as prepared. Motion carried by unanimous vote.**

#### **CONSENT AGENDA**

The following Consent Agenda items were presented for approval. Mayor Albrecht recommended adding the bills submitted by Venuworks for the Sanford Center and a 1-4 day temporary permit for RP Broadcasting on February 24. **Motion by Hellquist, seconded by Meehlhause, to approve the Consent Agenda as amended as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$4,065,588.11
2. Claims submitted by Venuworks for the Sanford Center in the total amount of \$39,625.63
3. Miscellaneous Business License Renewals for 2013
4. 2013 Committee/Commission Appointments or Reappointments
5. 1-day Temporary Consumption & Display Permit – Headwaters Science Center Event on 2/23/13
6. 1-day Temporary Consumption & Display Permit – Chamber Event on 2/12/13
7. 1-4 day Temporary On-Sale Liquor License – RP Broadcasting Event on 2/24/13
8. Consider Memorandum of Understanding with Beltrami County for 15th Street Project
9. Purchase of a 2013 ¾ Pickup from Thane Hawkins in the amount of \$28,412.31 and a Boss V-Plow from Southside Towing in the amount of \$5,805.77 – Street Dept.

**Motion carried by unanimous vote.**

#### **CITIZENS NOT ON AGENDA**

No one appeared.

#### **PUBLIC HEARING**

Pursuant to published notice a public hearing was held regarding input on Street Renewal Project #13-01. Mayor Albrecht opened the Public Hearing at 7:20 p.m.

City Engineer Gray reviewed the proposed street renewal project for 2013. He stated that of the ten streets recommended for improvement, 50 percent are currently graveled surfaced roads. The other 50 percent are older bituminous pavement with various storm sewer, drainage and utility needs. Gray stated that a neighborhood meeting was held on December 13 and there were 11 residents that attended. He stated that the total assessments for the project are approximately \$264,000 or 22 percent of the project cost.

The following property owners spoke to the matter:

- Kevin Williamson, owner of Super 8 and Peppercorn, stated his opposition to the paving of 28<sup>th</sup> Street. Mr. Williamson presented a letter to the Council from Mark Gazelka, State Farm, who was also opposed to the paving of 28<sup>th</sup> Street. Both Williamson and Gazelka observed that 28<sup>th</sup> is hardly traveled and did not see a benefit for paving it at this time.
- Jodee McClellan, 1612 5<sup>th</sup> Street SE, provided the City Council a petition opposing the paving of their street which was signed by the majority of the property owners that live along 5<sup>th</sup> Street SE, Richards Avenue SE and Stoner Avenue SE. She stated that they are still paying for the water and sewer extension and to add another assessment would create a financial hardship for many of the residents.
- Brian McClellan, 1612 5<sup>th</sup> Street SE, stated his opposition to the paving of 5<sup>th</sup> Street.
- Norm Carlson, 401 Richards, opposed to the project. He stated that another assessment will create a hardship as he already has one for the 4<sup>th</sup> Street project. He noted that the road is a dead-end and not heavily traveled.
- Leon Nelson, 1526 5<sup>th</sup> Street SE, commented that the road is currently Class 5, not much traffic and did not see a need to pave it. He stated that another assessment at this time would be a hardship.

With no further comments, Mayor Albrecht closed the public hearing at 7:34 p.m.

Mayor Albrecht asked how 5<sup>th</sup> Street SE was selected.

Gray responded that there are no utility improvements needed to 5<sup>th</sup> Street just adding curb, gutter and paving. Gray stated that the City has acquired an additional 1 to 1 ½ miles of gravel roads to grade with the recent annexation and there will be another 2 ½ to 3 miles in the next annexation slated for 2015. Discussion continued regarding grading of gravel streets. Gray observed that the street department does not make a special trip to grade the streets in Nymore as they have other streets and alleys in that area that they maintain.

Hellquist asked how 28<sup>th</sup> Street was chosen to be paved as it is not used much.

Gray responded that it was chosen because it was gravel and there are no utilities that need to be replaced. He further commented that there is a fair amount of foot traffic on 28<sup>th</sup> Street heading toward Hannah Avenue and Walmart. Gray noted that there are only businesses and vacant parcels along the street.

Mayor Albrecht asked if the 5<sup>th</sup> Street or 28<sup>th</sup> Street were removed, when would they come back on the list for paving? She commented that if those streets are not paved now the cost will most likely increase.

Gray responded that if streets come off, it will most likely be more than 5 years as there are other streets on the five year plan, i.e., Sherman and Elliot.

Erickson stated that the combination of multiple assessments at the lower of two interest rates was found to be prohibited by State Statute.

**RESOLUTION NO. 5813: A Resolution Ordering Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications and Authorizing Advertisement for Bids on Improvement (City Project #13-01) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Meehlhause, was passed with the following vote: Ayes: Meehlhause, Thompson, Johnson, Erickson, Albrecht. Nays: Hellquist.**

#### **COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Wyatt Miller, BYA representative, stated that the February Lunch-n-Learn topic is active living. He stated that planning for June 7 day has begun in earnest. The Commission has become a member of Upstream TV for the purpose of advertising.

BSU Student Senate – Councilor Meehlhause reported that BSU students are now returned from winter break and a representative should be at the next meeting. He reported that BSU is currently working on a text book reserve program at the campus library. BSU Student Senate members will be participating in the MN State University recruitment rally day to supports higher education and funding.

**NEW BUSINESS****Public Improvement and Assessment Policy**

Gray reviewed the proposed Public Improvement and Assessment Policy. The Council adopted the city's policies for public improvements in 1998 and staff has determined that many sections of the policy are no longer applicable to how the city currently finances and constructs city projects. Gray stated that the new policy will replace the old one. The Public Works Committee reviewed and recommended approval of the new policy with a few amendments. He noted the following items in the proposed policy:

1. Page 7, Item 4 Sidewalks: All sidewalks required for development approval shall be paid for by the developer/property owner.
2. Page 7, Section III: Subsurface Improvements (Water/Sewer/Storm) – If the improvement is accomplished as required by the subdivision regulations the entire cost of the improvements is a developer cost. Any upsizing requested by the city shall be paid for by the city.
3. The option to defer assessments on vacant parcels has been removed.

City Attorney Felix stated that due to the proposed change in deferred assessments on vacant parcels, the Joint Powers Agreement for Orderly Annexation requires that the Joint Planning Board be given the opportunity to review and comment on the proposed changes prior to final city council adoption.

**Motion by Hellquist, seconded by Thompson, to approve the Policy as revised by the Public Works Committee and send it to the Greater Bemidji Joint Planning Board for their review prior to adoption by the Council. Motion carried unanimously.**

**ORDINANCE**

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending Chapter 2 (Administration), Chapter 4 (Alcoholic Beverages) and Chapter 12 (Business and Licensing) of the Bemidji City Code by Adding Criminal History Background Requirements for City Employment and Certain City License Applicants. Mayor Albrecht opened the Public Hearing at 8:10 p.m., hearing no comments the public hearing was closed.

**Motion by Hellquist, seconded by Erickson, to amend the proposed ordinance by striking the words “and Bemidji Area Community Center” at the end of Sec. 2-86 (a). Motion carried unanimously.**

**AN ORDINANCE** Amending Chapter 2 (Administration), Chapter 4 (Alcoholic Beverages) and Chapter 12 (Business and Licensing) of the Bemidji City Code by Adding Criminal History Background Requirements for City Employment and Certain City License Applicants was given a second reading.

**UPCOMING COUNCIL MEETINGS**

- Monday, January 28 6:00 p.m. Special Council Meeting – Ward 4 Vacancy
- Monday, February 4 7:00 p.m. Regular Council Meeting
- Monday, February 11 5:30 p.m. Work Session – Joint Planning Board Funding

**COUNCIL/STAFF REPORT**

- Council members provided updates on current events and meetings.

**ADJOURN**

There being no further business, motion by Meehlhause, seconded by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 8:40 p.m.

Respectfully submitted,



Kay M. Murphy  
City Clerk