

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – October 7, 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 Monday, October 7, 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 Absent: Olson

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

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

The following minutes were presented for approval:

Work Session	September 9, 2013
Council Meeting	September 16, 2013
Sp Work Session	September 30, 2013

Motion by Erickson, seconded by Thompson, to approve the minutes as prepared. Motion carried by unanimous vote.

CONSENT AGENDA

The following Consent Agenda items were presented for approval. **Motion by Meehlhause, seconded by Johnson, to approve the Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the amount of **\$1,349,771.42**
2. Claims Submitted by VenuWorks for the Sanford Center in the amount of **\$59,200.23**
3. **RESOLUTION NO. 5853:** Adopting Assessment Roll for Delinquent Utility Accounts Reflecting Costs for Services Provided During the Year 2013
4. **RESOLUTION NO. 5854:** Accepting Donation from Enbridge Energy to the Bemidji Fire Department in the amount of \$1,000 for a new fire hose
5. Nominate Kellie Dixon to the Greater Bemidji Joint Planning Commission for Appointment
6. Declare a 1996 Ford Pickup as Surplus – Parks Dept.
7. **RESOLUTION NO. 5855:** Temporary Off-Premises Liquor Permit for the Sanford Center – Blue Ox Marathon on October 12, 2013 (Noon to 4 p.m.)
8. Travel Authorization – Mayor Albrecht to attend the Greater MN Regional Parks and Trails Commission meeting. The meeting will be sometime between Oct 21 and 31 in St. Paul.

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

Aaron Chirpich, 1521 Calihan Avenue NE, updated the City Council on the Southshore Landing project. Northridge has completed soil borings which indicate issues with the lot that they are purchasing from the B.E.D.A. However, rather than withdrawing their purchase agreement, Northridge is working to find a solution and have hired Braun Intertec to further investigate the site. A final report should be available within a couple of weeks.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Grace Hayle, BYA representative, reported that a recent Listening Lunch was held at both BHS and Trek North. The speaker was from Rock Sober which gives kids fun alternatives to drinking and/or drugs.

BSU Student Senate – Councilor Meehlhause reported that the Senate discussed the recent stabbing which happened during homecoming. Meehlhause stated that students are smoking on the trail that runs behind the campus along Lake Bemidji. Gray indicated that

this portion of the trail belongs to BSU and they can post it “no smoking” if they are so inclined.

Librarian’s Report - Paul Ericsson, Branch Manager, reported that the Library hosted a meeting regarding homelessness in Bemidji which included interested parties who are looking for solutions. Future meetings are planned and the public is welcome to attend. He then went on to report on upcoming events at the Library.

NEW BUSINESS

Archaeological Services for Paul Bunyan and Library Parks

Parks & Recreation Director Larson stated that the City entered into a contract with the 106 Group for archaeological investigation of Paul Bunyan and Library Parks to determine if there are any archaeological properties within the parks. During the field work, artifacts associated with an existing site were uncovered. After discussions with the State Archaeologist, the National Register Archaeologist at the State Historic Preservation Office, City staff and the 106 Group, it was determined to proceed with a testing and data recovery program for the statue and library sites. She stated that the continuation of the archaeological work in the park is required in order for the City to move forward with the construction of the Chief Bemidji platform (next spring), the Carnegie Library project and any other park improvements.

Larson stated that the total estimated not to exceed cost of the professional services amendment is \$130,750. The 106 Group has estimated the breakdown for the Chief Bemidji Statue and the remainder of the park at \$51,960 and the Carnegie Library project at \$78,790. Larson stated she has submitted a grant application to the Northwest Minnesota Foundation in the amount of \$25,000 to help cover the additional work and noted that the Carnegie Library will contribute \$20,000 for that as well as assist with other grants.

Councilor Thompson asked if the cost was comparable to other similar projects. Larson responded that staff looked at the cost for Diamond Point Park and it was similar.

Councilor Erickson asked for clarification on what types of artifacts were uncovered by the 106 Group and felt that the cost was too high.

Larson responded that there is a list of the artifacts recovered which she has and available for those interested. She further stated that in planning for park improvements the plan will be to avoid areas identified with artifacts rather than disturbing them.

Mayor Albrecht stated that the City must be sensitive and cultural resources are important. In particular, to those that inhabited this area for thousands of years. She noted that the 106 Group are one of the best organizations in the State of Minnesota to work with and that Jim Jones, Minnesota Indian Affairs, has been very good to work with and instrumental in managing this process.

Councilor Meehlhause stated that this is an opportunity for us to study our history and find evidence that can be shared with students.

Grace Hayle stated that the Youth Advisory Commission supports the archaeological services as it is the responsible and respectful thing to do.

Mayor Albrecht asked the Finance Director if there were other resources that the Council could consider to assist with the cost of the archaeological service.

Eischens stated that there is \$134,000 remaining from last year’s budget surplus that the Council could choose to allocate towards the survey costs.

Councilor Hellquist stated that the Save the Carnegie Committee should be responsible for the entire \$78,000 as the Council gave them the opportunity to fundraise and save the building from demolition.

Motion by Thompson, seconded by Meehlhause, to approve the contract amendment with the 106 Group at a cost not to exceed \$130,750 to provide archaeological services for Paul Bunyan and Library Parks to be funded as follows: \$20,000 from the Save the Carnegie Committee fund, \$51,960 utilizing half cent sales tax and \$58,970 from City surplus. Motion carried with the following vote: Ayes: Meehlhause, Albrecht, Johnson, Thompson. Nays: Erickson, Hellquist.

Otter Tail Power – Power Line Easement

Leon Kremeier, OTP, stated that they are continuing to upgrade their electric line in the City and a new easement is necessary in part to assure OTP's compliance with clearance requirements. The upgrade is for an area from the Mississippi River to Park Avenue. The easement will impact anywhere from a 10 foot to 20 foot wide swath of City property, but the line and pole placements are not expected to change or differ from their current location(s).

City staff noted that the price negotiated for the easement rights/right-of-way is set forth in the payment agreement, which negotiated price is \$35,000.

Motion by Erickson, seconded by Thompson, authorizing the Mayor and City Manager to execute the Otter Tail Power Electric Line Easement and Easement Payment Agreement as presented. Motion carried unanimously.

Proposal Review Committee

Mayor Albrecht stated that the City received four applications for appointment to the Proposal Review Committee. She stated that the Council could consider appointing three of the applicants or change the makeup of the Committee to include all four candidates. The candidates are: Patrick Welle, Dana Schnortz, Jon Duncan, and Ronald Kuznia.

Motion by Erickson, seconded by Meehlhause, to appoint all four applicants to serve on the Proposal Review Committee. Motion carried unanimously.

Private Easement

City Attorney Felix stated that the property owner at 1006 Arch Lane SW will be demolishing an older residence to construct a new residential home. It was discovered by JPB and City staff that a former owner of the property in 1957 had conveyed a private driveway access easement over the northerly 40 feet of the property to Phyllis and Roger Lehmann. Felix stated that it is in the City's best interest as well as the private property owner that the City agree to release and quit claim any property interest that the City could otherwise claim in the private access easement.

Felix recommended that staff prepare the necessary conveyance releasing and quit claiming any property interest the City may have inherited as part of the Roger Lehmann Park property donation (1999) in the private driveway easement burdening the private residential property at 1006 Arch Lane SW and to take such further additional steps as are necessary to achieve the Council's intention to resolve the matter.

RESOLUTION NO. 5856: Authorizing Release of Interest in Private Driveway Easement for property located at 1006 Arch Lane SW (T. Brue) was offered by Councilmember Thompson who moved its adoption, and upon due second by Councilmember Meehlhause was passed by unanimous vote.

OLD BUSINESS

Felix stated that staff have and will spend a significant amount of time pre-construction to develop the Lakeland lease agreements. Felix is working with the State Attorney General on a lease that will put Lakeland Public TV in the "driver's seat". Felix stated that in the beginning it was proposed that the City would be the owner of the building and responsible in contract. However, the State has recognized that Lakeland receives funding to provide government services that benefit the public.

Chattin stated that staff time on this project is estimated between \$5,000 and \$10,000. He stated it is a policy decision for the Council to decide if Lakeland should pay for this time.

Bill Sanford, Manager of Lakeland Public TV, thanked the council and staff for their assistance through the process. He commented that they will be paying in excess of \$40,000 on a building permit and did not feel that they should have to pay for staff time.

No action was taken by the City Council.

ORDINANCE

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Vacating/Revoking Ordinance No. 90, 3rd Series, and Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation. Mayor Albrecht opened the Public Hearing at 8:26 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE Vacating/Revoking Ordinance No. 90, 3rd Series, and Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacation was given a second reading.

UPCOMING COUNCIL MEETINGS

- Monday, October 14 5:30 p.m. Work Session – CIP/Cashflow
- Monday, October 21 7:00 p.m. Council Meeting
- Monday, October 28 5:30 p.m. Work Session – Mgr's Performance Review

COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.
- Eischens reported that Honeywell has begun the Energy Savings Audit on City buildings.

ADJOURN

There being no further business, motion by Meehlhause, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:50 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk