

BEMIDJI CITY COUNCIL AGENDA

Monday, March 5, 2012

Council Chambers
City Hall – 317 4th Street NW
7:00 P.M.



➤ ROLL CALL

➤ PLEDGE OF ALLEGIANCE TO THE FLAG

➤ AMENDMENTS TO AGENDA

I. MINUTES

- 1) Regular Council: February 21, 2012

II. CONSENT AGENDA

Items in the Consent Agenda are approved with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item. If no items are to be remove, the Mayor will then ask for a motion to approve the Consent Agenda.

- 2) Claims Submitted by Finance Officer in the amount of \$750,666.15
- 3) Resolution Approving the Site for the 2012 Jaycees Water Carnival
- 4) Appointment to the Bemidji Regional Airport – Marshall Froyd (3 years)
- 5) Travel Authorization – March 21-22, 2012 Legislative Conference, St. Paul - Albrecht

III. CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA

Public Comment – Please give your name, address and state your concern/comment. Visitors may share their concerns with City Council on any issue, which is **not** already on the agenda. Each person will have **3 minutes** to speak. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. The Mayor may also limit the number of individual presentations on any issue to accommodate the scheduled agenda items. All comments will be taken under advisement by the Council. **No action will be taken at this time.**

IV. REPORTS

- Bemidji Youth Advisory Commission
- Bemidji State University Student Senate
- Librarian's Report – Paul Ericsson, Branch Manager

V. ORDINANCES

- 6) Public Hearing of an Ordinance Amending Chapter 2, Article V, of the Bemidji City Code Relating to Boards, Commissions and Committees, by adding Division 10, entitled "Public Arts Commission"
 - Second Reading of the Ordinance Amending Chapter 2, Article V, of the Bemidji City Code Relating to Boards, Commissions and Committees, by adding Division 10, entitled "Public Arts Commission"

VI. UPCOMING MEETINGS

- Monday, March 12 5:30 p.m. Work Session - TBD
- Monday, March 19 7:00 p.m. Council Meeting

VII. MAYOR AND COUNCIL COMMENTS

- Please limit your comments to 4 minutes

VIII. ADJOURN

**CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Regular Meeting – February 21, 2012**

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, February 21, 2012 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Larson presiding.

Upon roll call, the following Councilmembers were declared present: Larson, Waldhausen, Johnson, Hellquist, Albrecht, Thompson. Absent: Negard

Staff Present: City Manager John Chattin, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, Deputy City Clerk Michelle Miller

AMENDMENTS TO AGENDA

Mayor Larson called for any amendments to the agenda. The following items were requested to be added to the consent agenda:

- Claims Submitted by Sanford Center in the amount of \$725,027.67
- 1-4 day Temporary On-Sale Liquor License – BSU on 3/31/12

Motion by Thompson, seconded by Albrecht, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the February 6, 2012 Council Meeting and February 13, 2012 Work Session were presented for approval. **Motion by Waldhausen, 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 Johnson, seconded by Thompson, to approve the Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the amount of \$351,656.35
2. Business License Renewals for 2012
3. **RESOLUTION NO. 5749:** Accepting Grant or Devise of Real Property (JMD Investments LLC for Clausen Avenue Trail Purposes)
4. **RESOLUTION NO. 5750:** Authorizing Execution of a Grant Agreement with the Office of Justice Programs
5. Sponsorship of Bemidji Day at the Capitol 2012 in the amount of \$250
6. Claims Submitted by Sanford Center in the amount of \$725,027.67
7. 1-4 day Temporary On-Sale Liquor License – BSU on 3/31/12

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

No one appeared.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – Hannah Lash, BYA Member, provided a summary of the successful event held on February 17 at the Boys & Girls Club for high school age students. They raised \$400 which will be used for the annual summer event held on June 7.

BSU Student Senate – No one appeared.

NEW BUSINESS

Sanford Medical Bond

Pursuant to published notice, a Public Hearing was held to receive input regarding the Issuance of Revenue Bonds by the South Dakota Health and Educational Facilities Authority for Sanford and Authorizing the Execution of Certain Documents in Connection Therewith. Larson opened the Public Hearing at 7:05 p.m.

Craig Boyer, Chief Financial Officer for Sanford Medical, spoke to their request to refinance the 2002 bonds. He stated that it is a good environment for lower interest rates.

Hearing no additional comments the public hearing was closed at 7:08 p.m.

RESOLUTION NO. 5751: Authorizing Issuance of Revenue Bonds on behalf of Sanford Medical was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Albrecht was passed by unanimous vote.

Lake Bemidji West Shore Trail Lights – City Project 12-06

Gray commented that the City received two quotes for the installation of four lights along the Lake Bemidji West Shore Trail. The lights will be installed in a dark area where the trail traverses down the wooded slope behind BSU. BSU has committed to funding 50% of the project costs, up to \$20,000. The following quotes were received:

| | <u>Base Price</u> | <u>LED Lamps</u> |
|---------------------------|-------------------|------------------|
| Bessler Brothers Electric | \$17,640 | \$3,150 |
| Wiebolt Electric, Inc. | \$23,765 | \$3,250 |

Gray recommends awarding the project to Bessler Brothers Electric and including the LED lamps in the project, bringing the low contractor quote to \$20,790. Hellquist expressed concern regarding the cost of the bulbs versus the lumens per square foot in the LED bulbs than compact fluorescent or high pressure sodium bulbs.

Motion by Waldhausen, seconded by Johnson, authorizing staff to award the contract to Bessler Brothers Electric in the amount of \$20,790 and authorized the city engineer to evaluate the most cost effective alternative in regards to the LED lamps. Motion carried unanimously.

Fire District Funding

Chattin stated that one of the issues that will be lobbied for at Bemidji Day at the Capital will be statewide LGU funding options for fire districts and recommended the Council consider a resolution of support.

RESOLUTION NO. 5752: Supporting Assessment Authority from the Minnesota State Legislature for Local Units of Government and Fire Districts to Fund Fire Departments

was offered by Councilmember Thompson, who moved its adoption and upon due second by Councilmember Hellquist was passed by unanimous vote.

Appointments to City Boards & Commissions

City Council requested that Staff prepare a policy Establishing Procedures for Appointments to City Boards & Commissions. A policy was presented to Council for their approval and adoption. In the policy it sets forth the general policy statement, general guidelines, advertising guidelines, application process, appointment process, residency requirements, terms and vacancies/resignations.

Motion by Waldhausen, seconded by Thompson, adopting the Policy Establishing Procedures for Appointments to City Boards & Commissions. Motion carried with the following vote: Ayes: Waldhausen, Hellquist, Johnson, Albrecht, Thompson, Larson. Absent: Negard.

Joint Planning Commission Appointments

Council discussed the process for appointments to the Joint Planning Commission. The consensus was that the Public Affairs Committee would review the seven applications, select three to interview and conduct the interviews.

ORDINANCES

An Ordinance Amending Chapter 2, Article V, of the Bemidji City Code Relating to Boards, Commissions and Committees, by adding Division 10, entitled “Public Arts Commission” was given a first reading.

ORDINANCE NO. 78, 3RD SERIES, AN ORDINANCE Establishing New Ward Boundaries Pursuant to 2010 Census and 2012 Congressional/Legislative Redistricting Plan of the Bemidji City Code was given a final reading and passed by unanimous vote.

Motion by Hellquist, seconded by Waldhausen, authorizing the City Clerk to publish a summary of Ordinance No. 78, 3rd Series. Motion carried unanimously.

Pine Ridge Street Vacation

Motion by Albrecht, seconded by Hellquist, accepting the revised Ordinance regarding the street vacation. Motion carried unanimously.

ORDINANCE NO. 79, 3RD SERIES, AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to a Street Vacation (Portion of Pine Ridge Avenue NW) of the Bemidji City Code was given a final reading and passed by unanimous vote.

Motion by Waldhausen, seconded by Thompson, authorizing the City Clerk to publish a summary of Ordinance No. 79, 3rd Series. Motion carried unanimously.

UPCOMING COUNCIL MEETINGS

- Monday, March 5 7:00 p.m. Regular Council Meeting
- Monday, March 12 5:30 p.m. Work Session

COUNCIL/STAFF REPORT

- Council members provided updates on their commission/committee assignments.

ADJOURN

There being no further business, motion by Waldhausen, seconded by Thompson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Michelle R. Miller
City Clerk

Bill List Summary

March 5, 2012

| <u>Check /Wire</u> | <u>Vendor</u> | <u>Amount</u> | |
|--------------------|----------------------|---------------|---------------|
| 70034 | Cenex Fleetcard | 16,595.77 | |
| 70035 | Mobile Music Machine | 250.00 | |
| | | <hr/> | |
| | | 16,845.77 | |
| 70044-70151 | See attached list | 733,820.38 | |
| | | <hr/> | |
| | | 733,820.38 | |
| | TOTAL | | \$ 750,666.15 |

Accounts Payable

Blanket Voucher Approval Document

er: monicae
rinted: 02/28/2012 - 3:53PM
Warrant Request Date: 03/06/2012
DAC Fund:



COUNCIL BILL LIST

| Line | Claimant | Voucher No. | Amount |
|------|-----------------------------------|-------------|------------|
| 1 | 3D Specialties, Inc | 000070044 | 1,861.16 |
| 2 | ABM Equipment, Inc | 000070045 | 311.94 |
| 3 | Ameripride | 000000000 | 447.88 |
| 4 | Anderson, Todd | 000070046 | 75.00 |
| 5 | Auto Value Bemidji | 000070047 | 347.85 |
| 6 | Automatic Systems Co. | 000070048 | 34,773.35 |
| 7 | Baker & Taylor | 000070049 | 136.93 |
| 8 | Becker Arena Products, Inc | 000070050 | 167.75 |
| 9 | Beltrami Co. Court Administration | 000070051 | 420.00 |
| 10 | Beltrami County Court Admin. | 000070052 | 100.00 |
| 11 | Beltrami County License Center | 000070053 | 136.75 |
| 12 | Beltrami Industrial Service, Inc. | 000070054 | 360.71 |
| 13 | Bemidji Area Chamber Commerce | 000070055 | 250.00 |
| 14 | Bemidji Building Center Inc | 000070056 | 33.41 |
| 15 | Bemidji Paper Sales, Inc. | 000000000 | 1,155.76 |
| 16 | Bernick's | 000070057 | 21,275.56 |
| 17 | Blackstone Audio, Inc. | 000070058 | 65.00 |
| 18 | Bolton & Menk, Inc. | 000070059 | 7,396.73 |
| 19 | Bonded Lock & Key of Bemidji | 000070060 | 247.66 |
| 20 | Bound Tree Medical, LLC | 000070061 | 875.05 |
| 21 | Braun Intertec Corporation | 000070062 | 541.00 |
| 22 | Brilliance Audio, Inc. | 000070063 | 44.30 |
| 23 | Brothers Fire Protection Co. | 000070064 | 477.00 |
| 24 | Cargill, Incorporated | 000070065 | 24,271.94 |
| 25 | Carquest Auto Parts-Bemidji | 000070066 | 291.83 |
| 26 | Cascade Engineering | 000070067 | 18,859.00 |
| 27 | Cateo | 000070068 | 26.44 |
| 28 | City of Minneapolis | 000070069 | 933.00 |
| 29 | Dakota Supply Group | 000070070 | 301.20 |
| 30 | Department of Labor & Industry | 000070071 | 25.00 |
| 31 | Department of Public Safety | 000070072 | 1.50 |
| 32 | Eagle Construction Co., Inc. | 000070073 | 340,027.80 |
| 33 | Earl F. Andersen, Inc. | 000070074 | 123.82 |
| 34 | Emergency Apparatus Maint., Inc. | 000070075 | 833.89 |
| 35 | Era Laboratories, Inc. | 000070076 | 938.00 |
| 36 | Faegre Baker Daniels | 000070077 | 618.00 |
| 37 | Fastenal Company | 000070078 | 64.54 |
| 38 | Forestedge Winery | 000070079 | 117.00 |
| 39 | G & K Services Inc | 000070080 | 55.50 |
| 40 | Gale | 000070081 | 193.41 |
| 41 | Grand Forks Fire Equipment LLC | 000070082 | 9,171.96 |
| 42 | Graveline, Scott | 000070083 | 14.99 |
| 43 | Gray, Craig | 000070084 | 11.00 |
| 44 | Guardian Pest Control, Inc | 000070085 | 152.99 |
| 45 | H&L Mesabi | 000070086 | 1,378.79 |

Page Total: \$469,912.39

| Line | Claimant | Voucher No. | Amount |
|------|---|-------------|-----------|
| 46 | Hawkins, Inc. | 000070087 | 5,036.63 |
| 47 | HD Waterworks Supply | 000070088 | 11,612.22 |
| 48 | Hirshfields | 000070089 | 315.96 |
| 49 | Hoefer, David | 000070090 | 437.16 |
| 50 | Hokuf, Chad | 000070091 | 171.48 |
| 51 | HSBC Business Solutions (Northern Tool) | 000070092 | 87.01 |
| 52 | ILEETA | 000070093 | 45.00 |
| 53 | Ink Spot Press | 000070094 | 934.73 |
| 54 | Johnson Bros., Inc. | 000070095 | 17,113.19 |
| 55 | Kenny's | 000070096 | 34.37 |
| 56 | Larson, Marcia | 000070097 | 29.00 |
| 57 | Luekens Village Foods South | 000070098 | 38.15 |
| 58 | Maid in Bemidji | 000070099 | 362.30 |
| 59 | MARC/Mid-American Research | 000070100 | 155.06 |
| 60 | Mass Marketing, Inc. | 000070101 | 230.00 |
| 61 | Mathison Company, Inc | 000070102 | 845.23 |
| 62 | McKinnon Co., Inc. | 000070103 | 12,175.05 |
| 63 | Menards-Bemidji | 000070104 | 3,082.31 |
| 64 | Midamerica Books | 000070105 | 478.33 |
| 65 | MN Dept of Health | 000070106 | 5,875.00 |
| 66 | MN Dept of Labor & Industry | 000070107 | 200.00 |
| 67 | MN Energy Resources Corporation | 000070108 | 26,667.70 |
| 68 | MN Pollution Control Agency | 000070109 | 45.00 |
| 69 | MN Pollution Control Agency | 000070110 | 400.00 |
| 70 | MN Valley Testing Lab, Inc. | 000070111 | 97.25 |
| 71 | MoeCo Fire & Safety | 000070112 | 66.81 |
| 72 | Moody's Investors Service | 000070113 | 9,350.00 |
| 73 | NAPA Auto Parts | 000070114 | 38.92 |
| 74 | NCL of Wisconsin, Inc | 000070115 | 586.83 |
| 75 | Neopost-ACH | 000000000 | 2,823.00 |
| 76 | Nerburn, Kent | 000070116 | 100.00 |
| 77 | North Country Business Product | 000000000 | 288.87 |
| 78 | Northern Township | 000070117 | 630.00 |
| 79 | Olson, Blue | 000070118 | 10.00 |
| 80 | Otter Tail Power Company | 000070119 | 67,450.27 |
| 81 | Paul Bunyan Communication | 000070120 | 358.03 |
| 82 | Penworthy Company | 000070121 | 2,133.42 |
| 83 | Phillips Wine & Spirits | 000070122 | 10,144.55 |
| 84 | Poster Compliance Center | 000070123 | 621.00 |
| 85 | Postmaster | 000070124 | 368.46 |
| 86 | Pros, Inc. | 000070125 | 756.00 |
| 87 | Quality Wine & Spirits Co | 000000000 | 16,833.49 |
| 88 | Quill Corporation | 000070126 | 406.46 |
| 89 | Road Runner Delivery | 000070127 | 50.00 |
| 90 | Roger's Two Way Radio, Inc. | 000070128 | 9.61 |
| 91 | Rohlfing of Brainerd, Inc. | 000070129 | 430.65 |
| 92 | Sadeks Repair & Welding, Inc. | 000070130 | 1,204.58 |
| 93 | Select Account | 000070131 | 113.46 |
| 94 | SGC Horizon LLC | 000070132 | 162.75 |
| 95 | Skumave, Kori | 000070133 | 111.24 |
| 96 | Southern Wine & Spirits of Minnesota | 000070134 | 7,799.74 |
| 97 | Southside Tow & Rec, Inc | 000070135 | 5,855.31 |
| 98 | Spee-Dee Delivery Service, Inc. | 000070136 | 16.12 |
| 99 | Streicher's | 000070137 | 1,256.18 |
| 100 | Sunny Hill Distr., Inc. | 000070138 | 8,002.99 |
| 101 | TDS Metrocom-MN | 000070139 | 849.77 |
| 102 | Team Laboratory Chemical Co. | 000070140 | 750.80 |

Page Total:

\$226,047.44

| Line | Claimant | Voucher No. | Amount |
|------|--|-------------|-----------|
| 103 | Tires Plus of Bemidji | 000070141 | 250.03 |
| 104 | Treuer, David | 000070142 | 200.00 |
| 105 | USA Bluebook | 000070143 | 964.05 |
| 6 | Vacuum & Sew Center | 000070144 | 17.06 |
| 107 | Verizon Wireless | 000070145 | 104.19 |
| 108 | VisitBemidji | 000000000 | 16,389.28 |
| 109 | Wallwork Truck Center | 000070146 | 31.49 |
| 110 | White Rabbit Vineyards & Winery | 000070147 | 117.00 |
| 111 | William's Fastener & Supply | 000070148 | 561.73 |
| 112 | Wine Merchants | 000070149 | 693.89 |
| 113 | Wirtz Beverage Minnesota Wine & Spirits, Inc | 000070150 | 15,919.52 |
| 114 | Zee | 000070151 | 2,612.31 |

Page Total: \$37,860.55

Grand Total: \$733,820.38

RESOLUTION NO.

A RESOLUTION APPROVING THE SITE FOR THE 2012 JAYCEES JULY 4TH CELEBRATION

WHEREAS, the Bemidji Jaycees, hereinafter referred to as "Jaycees", have for the past 67 years sponsored an annual 4th of July Celebration in the City of Bemidji; and

WHEREAS, this celebration is of economic and cultural benefit to the Bemidji area; and

WHEREAS, the City of Bemidji, hereinafter referred to as "City" has graciously given consent for the use of the waterfront area and an area located on Old Midway Drive to provide parking of campers for the carnival employees for this celebration; and

WHEREAS, the Jaycees are again planning to hold this celebration beginning June 29 and ending the evening of July 4, 2012 (setup beginning on 6/28/12 and removal by 7/5/12); and

WHEREAS, the area to be used during this celebration will be the waterfront area including the parking lots in the vicinity of Paul and Babe statues, the Library Park, the Rotary and Jaycees pavilions, **Nymore Beach (July 4th)** for fireworks, and certain designated City streets for the parade; and

WHEREAS, the Jaycees agree to abide by all city rules and regulations in the use of the designated areas, to clean and restore the areas used to the satisfaction of Parks Department staff, and to submit appropriate applications and user and permit fees to the City Clerk, including \$2,000 to the City towards the City's costs of providing police security during the event; and

WHEREAS, the Jaycees will provide the City with a Certificate of Insurance naming the City as an "additional insured" for the duration of the event.

NOW, THEREFORE, be it resolved by the Bemidji City Council that the requested use of the aforementioned areas by the Jaycees commencing June 28 (for setup) through July 5 (cleanup) for the purpose of the annual Bemidji Jaycees Water Carnival, is hereby authorized on the conditions noted above.

BE IT FURTHER RESOLVED by the Bemidji City Council that the Jaycees are permitted to use the railroad corridor behind Blue Ox Bar & Grill as a place for carnival workers to camp while in Bemidji.

The foregoing resolution was offered by Councilmember _____, who moved its adoption, and on due second by Councilmember _____, was passed by the following vote:

Ayes:
Nays:
Absent:

Passed:

ATTEST:

APPROVED:



3824 Moberg Dr. NW
Suite 101
Bemidji, Minnesota
56601

Mr. John Chafin
Bemidji City Manager
317 4th Street NW
Bemidji, MN
56601

02/21/12

Dear Mr. Chafin

The Bemidji Regional Airport Authority completed its application, review and selection process for the Chairman's position on the Authority. There was one applicant for the position, that being the current Chair, Mr. Marshall Froyd. At the Authority's February 15th, 2012 meeting his application was considered and approved for forwarding to the County Board and City Council for approval of Mr. Froyd for the 3 year term as chairman of the Authority. Please submit this to the Bemidji City Council for their action.

Thank you

Sincerely

A handwritten signature in cursive script, appearing to read "Harold M. Van Leeuwen, Jr.", is written over a light gray background.

Harold M. Van Leeuwen, Jr.
Executive Director
Bemidji Regional Airport Authority

Harold M. Van Leeuwen, Jr.
3824 Moberg Dr. NW Suite 101
Office (218) 444-2438

Executive Director
Bemidji, Minnesota
Fax (218) 444-2473

Bemidji Regional Airport Authority
56601
Call (218) 209-9531

CITY OF BEMIDJI
ORDINANCE NO. __, 3RD SERIES

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, OF THE BEMIDJI CITY
CODE RELATING TO BOARDS, COMMISSIONS AND COMMITTEES,
BY ADDING DIVISION 10, ENTITLED PUBLIC ARTS COMMISSION**

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Chapter 2, Article V, of the Bemidji City Code, relating to Boards, Commissions and Committees is hereby amended to add Division 10 entitled "Public Art Commission" as follows:

Division 10. Public Arts Commission

Sec. 2-421. Creation and purpose.

A public arts commission is hereby established as an advisory body to the City Council. Its purpose is to promote public appreciation, accessibility and patronage of public art in the Bemidji community, and to review and recommend to the City Council public art activities on City owned or controlled property, as well as property owned or controlled by the Bemidji Economic Development Authority (BEDA), and to advise the City Council generally on public art related matters.

Sec. 2-422. Definitions.

Subd. 1. Public Art means physical artwork which is viewable by the general public, whether on public or private land or buildings, whether owned by an individual, legal business entity or the City or its BEDA.

Subd. 2. "Commission" is the Bemidji Public Arts Commission.

Subd. 3. "Commissioner(s)" is the person or those persons appointed as members of the Commission.

Subd. 4. "Conflict of Interest" is the existence of any of the following conditions, which apply to a Commission member:

- (a) A Commissioner has a material or financial interest in a proposal or the proposal materially affects the Commissioner's business, profession or occupation.
- (b) A Commissioner is a director, trustee, officer, regular or contracted employee or agent of an institution directly involved in the issue or proposal.
- (c) A Commissioner is related as a spouse, child, parent or has some other significant relationship to an individual directly affected by the issue or proposal.

Sec. 2-423. Organization; composition.

- (1) The Commission shall consist of seven (7) members, two (2) of which may be non-City residents, with demonstrated experience and expertise in visual art or related fields, and holding no official position with the city.
- (2) Commission members shall be appointed by the Mayor with City Council approval. The original term of two Commissioners shall be for one year, the original term for two Commissioners shall be for two years, and the original term for three Commissioners shall be three years until their respective successors are appointed. Subsequent terms of Commissioners shall be for three years, and all terms will expire on December 31 of the appropriate year. A member may serve a maximum of three (3) consecutive terms. The Mayor shall be considered an ex officio member of the commission.

Sec. 2-424. Filling of vacancies.

When a vacancy occurs in the membership of the Commission, by means of resignation, death, removal from the community or removal for failure to perform the duties of a Commissioner, the vacancy shall be filled in the same way as an appointment for a full term, except that the appointment shall be for the unexpired term of the member vacating.

Sec. 2-425. Compensation of members.

Commissioners will serve without shall compensation.

Sec. 2-426. Powers and duties.

- (1) The Commission shall advise the City Council on matters relating to public art on city owned or controlled property, as well as property owned or controlled by the BEDA; shall recommend to the City Council acquisition or deaccession of works of art, and shall perform such other duties as the City Council may direct.
- (2) The Commission shall develop and implement policies and procedures as necessary, with approval by the City Council, to meet the purpose and objectives of the Commission including, but not limited to, acquisition and location of artwork, artist selection and public art signage.
- (3) The Commission shall establish standards and guidelines for donations of public art to the City, and recommend to the City Council the acceptance of contributions and gifts of art offered to the City.
- (4) The Commission shall develop and maintain an inventory of existing public art on City and BEDA owned or controlled property(s).
- (5) The Commission shall forward to the City Council an annual Public Arts Plan and budget for consideration, including a current list of arts projects throughout the City and a report regarding the activities of the Commission and recommended projects.
- (6) Finding and evaluating funding sources for public arts projects.

Sec. 2-427. Financial matters.

The Commission shall have no authority to incur expenses or obligate the City in any financial matter without specific authorization from the City Council.

Sec. 2-428. Conflict of interest.

If a member of the Commission has a conflict of interest with regard to any applicant or proposal, that conflict is to be declared when the applicant or proposal is first discussed. When a conflict of interest occurs, the Commissioner shall refrain from ranking or voting on the applicant or proposal and shall refrain from advocating for the applicant or proposal in any discussion by the Commission.

Sec. 2-429. Meetings and bylaws.

- (1) The Commission shall meet with such frequency as the Commission deems appropriate, but at least annually. The Chairperson or any two members may schedule additional meetings to effectuate the purposes and policies of this ordinance. Meetings of the Commission shall be open to the public.
- (2) The Commission shall adopt bylaws to govern all other matters relating to the Commission including art acquisition policies and procedures and amendment of the bylaws. The bylaws shall be submitted to the City Council for approval, and a copy thereof shall be filed in the office of the City Clerk.

Sec. 2-430. Arts Fund.

A special fund shall be established by the City for the purpose of collecting and retaining funds from public and private sources for public arts projects. The general tax levy of the City of Bemidji shall not be a revenue source for this special fund.

SECTION 2. This Ordinance shall become effective thirty (30) days after passage and publication according to law.

Ayes:
Nays:
Absent:

First Reading:
Second Reading:
Final Reading:

ATTEST:

APPROVED:

Kay Murphy, City Clerk

David A. Larson, Mayor