

BEMIDJI CITY COUNCIL

Work Session Agenda

Monday, June 12, 2017

**City Hall
Council Chambers
5:30 P.M.**



1. CALL TO ORDER / ROLL CALL

2. DISCUSS LAKE IRVING TMDL

3. PUBLIC ARTS COMMISSION UPDATE

4. CONSIDER SANFORD CENTER CONSTRUCTION AMENDMENT
AND RELATED FUNDING

5. ADJOURNMENT

NOTE: All cellular devices are to be switched to a non-audible function during Council and Committee meetings.

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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

Sec. 2-422. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

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.

Commission is the Bemidji Public Arts Commission.

Commissioner(s) is the person or those persons appointed as members of the commission.

Conflict of interest is the existence of any of the following conditions, which apply to a commission member:

- (1) A commissioner has a material or financial interest in a proposal or the proposal materially affects the commissioner's business, profession or occupation.
- (2) A commissioner is a director, trustee, officer, regular or contracted employee or agent of an institution directly involved in the issue or proposal.
- (3) 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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

Sec. 2-423. - Organization; composition.

- (a) The commission shall consist of seven members, two 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.
- (b)

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 consecutive terms. The mayor shall be considered an ex officio member of the commission.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

Sec. 2-425. - Compensation of members.

Commissioners will serve without compensation.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

Sec. 2-426. - Powers and duties.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The commission shall develop and maintain an inventory of existing public art on city and BEDA owned or controlled property(s).
- (e) 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.
- (f) Finding and evaluating funding sources for public arts projects.

(g) In accordance with policies and procedures developed by the commission and approved by the city council, the commission shall review and provide advisory recommendations to both the city council and the Greater Bemidji Area Joint Planning Board (JPB) regarding public art projects that require a conditional use permit, variance, or other permit or action requiring approval of and/or issued by the JPB.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

Sec. 2-429. - Meetings and bylaws.

- (a) 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 division. Meetings of the commission shall be open to the public.
- (b) 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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

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.

(Ord. No. 80, 3rd series, § 1, 3-19-2012)

BEMIDJI PUBLIC ART COMMISSION BY-LAWS

The purpose of the Public Arts Commission is to serve as an advisory board to the Bemidji City Council. The By-laws shall be constructed to assist the commission to make meaningful recommendations to the City Council, Mayor, City Manager, or department heads.

A. Commission Membership.

Commission shall consist of seven (7) members in accordance to Bemidji City Code, Division 10, Sec. 2-423(a). Commission members are appointed by the Mayor and City Council.

B. Attendance.

Attendance at regular commission meetings is expected from all commission members. Anyone unable to attend a meeting must contact an officer in order for his/her absence to be deemed excused. Three (3) consecutive unexcused absences by a commission member will result in a contact from an officer to determine the status of that commission member's interest and intent.

If that commission member is committed to remaining on the commission, his/her status will be maintained, unless an additional three (3) consecutive unexcused absences are documented, at which time that commission member will be removed from the Commission.

C. Officers.

1. Election of Officers.

The officers of the Commission shall be elected by nomination as soon as practicable after annual appointments and shall serve until their successors have been duly elected. The officers of the Commission shall be elected by a majority vote of the voting members present. No officer shall serve more than two consecutive one-year terms in a particular office.

2. Duties of the Officers.

Chair. The Chair of the Commission shall preside at the meeting of the Commission, and shall perform the other duties ordinarily performed by the officer. Chair may vote on any motion presented to the Commission.

Vice-Chair. The Vice-Chair shall assume the duties of the Chair during the Chair's absence.

- In the absence of both the Chair and Vice Chair, the Commission shall elect a Chair pro-tem who shall perform the duties of the Chair of the Commission.

D. Committees.

1. Ad-hoc Committees as needed shall be appointed by the Chair of the Commission and serve until their successors are appointed and qualified, or committee's work is completed. Ad-hoc committees shall be made up of Commission members and other individuals for resource and advisory purposes. It is recommended that the city department heads be consulted by committees.

2. A record of the action of each committee shall be kept by a member of said committee and reported to the Commission at its next meeting for action by the Commission if the Commission so desires.

E. Meetings

The annual organizational meeting of this commission shall be held as soon as practicable by majority consensus after annual appointments.

The order of business at the annual meeting shall include: Reading of the roll call, minutes of the previous meeting, officer's reports, establish time and frequency of regular meetings.

The chair or majority of the commission may call special meetings of the commission with at least 72 hours written notice. The call shall state the subject matter to be considered at the meeting and considerations shall be limited thereto.

F. General Rules.

1. All meetings shall be conducted in accordance with general parliamentary rules, as given in Robert's Rules of Order, as modified by rules and regulations of the Commission shall be observed in conducting meetings of the Commission.
2. The presence of a majority of the voting members shall constitute a quorum.
3. All recommendations of the Commission to the City Council shall be in the form of a resolution duly adopted by said Commission.
4. All recommendations to the City Council must be approved by a majority of the voting members present at any properly called meeting.
5. The Commission may, from time to time transmit data, findings, the results of studies, surveys, etc., to the City Council without recommendation.
6. Additions to the agenda, as prepared by the Chair, may be made by a majority vote of the Commission at any meeting.

G. Amendment of by-laws.

These by-laws may be amended at any regular meeting of the Commission by a majority vote of the Commission, providing further that the amendment is part of the agenda for the meeting and the membership has been notified in writing.

Adopted this 21st day of May, 2013, as required by the Bemidji City Code.

Chair, Public Arts Commission

ATTEST:

City Clerk

COUNCIL AGENDA ITEM



Meeting Date: June 12, 2017

Action Requested: Consider Sanford Center construction amendment and related funding

Prepared By: Ron Eischens, Finance Director

Reviewed By: Nate Mathews, City Manager *Nate*

The contractor completing the new Sanford Center entrance and remodel recently submitted a \$6,000 change order to modify office areas and interior walls. City staff recommend approval of the change order.

The change order cost was not part of funds transferred to the Sanford Center earlier this year. Therefore, additional funding is necessary. Staff recommend transferring an additional \$6,000 to the Sanford Center fund for this change order, allowing remodel costs to be in one place. The source for this transfer would come from reducing budgeted contingency funds and increasing the transfer line item. Transfers in/out between the City and Sanford Center must be equal in order to offset each other.

Recommendation:

Approve \$6,000 change order request for Sanford Center remodeling costs. Funding source will be \$6,000 transfer to the Sanford Center, with a corresponding reduction in the contingency line item budget, resulting in a zero net budget impact to the General Fund.



CHRISTIANSEN CONSTRUCTION CO INC.

PO Box 456

Bemidji, MN 56601

218.751.4433 phone

218.444.4807 fax

DATE: June 8, 2017
PROJECT: Sanford Center – Bemidji
TYPE: WALL RELOCATION at Ticket Area

PROPOSAL

The following is our labor/material costs to **RELOCATE WALL** near the Ticket Area offices. New wall shall be placed approximately 12' to the north, located between existing lights and or other materials.

SCOPE OF WORK includes:

- Demo
- Construct new wall (metal stud framing, sound insulation, drywall and taping)
- Remove and relocate existing door and frame
- Remove and reinstall door hardware (flip lockset)
- Patching of carpet tiles as needed
- Patching acoustical ceiling tile and grid
- Painting as necessary
- Electrical work to include relocate Exit sign and relocate existing data jack

Total Labor & Materials **\$ 5,996.00**

Please let us know if you have any questions or need any additional information.
Thank you.

Chris Christiansen
Christopher Christiansen
President

Cc: Jeff Kossow, Executive Director
Bobby Anderson, Operations Manager