

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – June 15, 2015

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, June 15, 2015 at 6:00 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, Olson, Erickson, Larson

Staff Present: City Manager Nate Mathews, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, Finance Director Ron Eischens, Parks & Recreation Director Marcia Larson, Fire Chief Dave Hoefler, City Clerk Kay Murphy

PROCLAMATION

Mayor Albrecht proclaimed June 19-20, 2015 as Bicycle Days in Bemidji.

AMENDMENTS TO AGENDA

Mayor Albrecht called for any amendments to the agenda. Staff requested addition of the following item to the agenda under Old Business: 2015 Reconstruction Project (#15-02). **Motion by Hellquist, seconded by Johnson, to approve the agenda as amended. Motion carried by unanimous vote.**

MINUTES

The following minutes were presented for approval:

Council Meeting	June 1, 2015
Work Session	June 8, 2015

Motion by Hellquist, seconded by Meehlhause, to approve the minutes as prepared. Motion carried by unanimous vote.

CONSENT AGENDA

The following Consent Agenda items were presented for approval. Councilor Erickson requested that the Ice Resurfacer for Neilson Reise Arena be removed for discussion and a roll call vote. **Motion by Erickson, seconded by Meehlhause, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$513,141.19
2. Claims submitted by Venuworks for the Sanford Center in the total amount of \$9,065.97
3. Miscellaneous Business License Renewals for 2015
4. General Business Licenses for 2015
5. Liquor License (full and Sunday) for Cowboy Jack's Saloon at 929 Lakeshore Drive NE
6. Final Payment to Gareth Curtis for Shaynowishkung Statue (\$23,000)
7. **RESOLUTION NO. 5952:** Adopting the City of Bemidji's Performance Measures Results for 2014
8. Development Agreement with University Heights

Motion carried by unanimous vote.

CITIZEN(S) NOT ON AGENDA

- Joey Wade, Onigum, stated that there was not enough time allowed for review and discussion by the public of the text on the plaques at the Chief Bemidji statue site. He further stated that the historical information on the plaques do not reflect the character of our ancestors, nor tell the whole truth and do nothing to heal.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission – D'Andre Gordon, BYA representative, reported on the June 7 event stating that during peak times there were 200 participants. The event ended early due to rain. Councilor Meehlhause recognized Joe Czapiewski who has been the BYAC Advisor for 10 years.

2015 Legislative Session Update

Senator Tom Saxhaug and Representative John Persell provided a brief update of the 2015 Legislative Session. Councilmembers commented that they were disappointed that the State did not address transportation and hope that a transportation bill will be considered next year as the current 429 assessment process does not work.

OLD BUSINESS**Paul Bunyan Inclusive Playground**

Parks & Recreation Director Larson updated the Council on the Paul Bunyan Inclusive Playground project. She stated that the Rotary Club took on the project of fundraising for the playground and proceeded with an impressive fundraising campaign. Based on their fundraising efforts, the Rotary is willing to commit \$250,000-\$270,000 to complete work this summer/fall. The Parks & Trails Commission at their meeting on June 9, made a motion recommending the Council proceed with the Paul Bunyan Inclusive Playground Project and contract with WSB & Associates in the amount of \$39,250 to be funded through the City Paul Bunyan Park Project funds for the final design/construction documents.

Erickson expressed concerns about the amount of funds utilized for design fees and asked if this was the last design change. Larson stated that she hoped so and hoped to keep the change orders down to a minimum. Discussion continued regarding the various change orders on the project.

Johnson said he would like to see better concept drawings. Larson responded that she will attempt to have a meeting with Shane Inspiration and the Council to provide more information.

Motion by Olson, seconded by Meehlhause, to proceed with the Paul Bunyan Inclusive Playground Project contracting with WSB & Associates in the amount of \$39,250 utilizing funds from the Paul Bunyan Project for final design/construction documents, quoting process and construction administration. Motion carried unanimously.

Paul Bunyan Park Construction

Parks & Recreation Director stated that the construction started the end of April and it is 30% complete with a completion date of September. There are concerns about the construction, in particular, the plaza. In 2011, the master planning process for the City's park and trail system began and Paul Bunyan Park was identified as one of the City's top priorities. In 2012 the planning for improvements for the park began. There were 12 or 13 stakeholder meetings with groups that utilize the park. In addition, there were three public meetings and on June 4, 2012, there was a meeting to review the plans. There were a number of meetings with the Parks & Trails Commission and the City Council as the plans developed. She stated that they attempted to design a park from community input and create an intimate place with the Paul & Babe statues.

Erickson reviewed the number of people that attended the meetings noting that there was not a lot of community participation. Without participation by the community there is a small group of people making a big decision. Erickson stated that many stakeholders were contacted. She noted that she did not see that the Girl Scout flower bed was to be removed on the plan and would take responsibility for that oversight.

Don Heinonen, Chair of Parks & Trails Commission, discussed the planning process and effort that the Commission took to design a plan that everyone could be proud of. He stated that the Parks & Trails Commission took a vote at their meeting on June 9 and they stand behind the park plan that was approved by the Council. He had concerns that any changes at this time could delay the project.

Mary Auger, Parks & Trails Commission member, stated that the Commission members respect the vision of those people that planned the City's parks in the past. It was unfortunate that there was not more input from the broader community. She stated that the process that was used acknowledges the growth of our community, it is great to look back but Bemidji is growing and we need to look forward. She stated that the Commission listened carefully as they developed the plan which was a two year process. Auger asked the Council that if they felt there changes needed to the plan, that the Parks & Trails Commission work with the designer and bring those changes back for the Council's consideration.

The following people spoke in favor of returning the plaza area to pavers noting concerns about picture taking ability, handicap accessibility, proposed plant heights, winter maintenance, safety of boulders/rocks, the potential of insurance claims, removal of Girl Scout planter, the location of the Niimi sculpture and the view of the statues from Paul Bunyan Drive:

- Bill Batchelder, 2405 Carol Drive NE
- Dustin Enquist, 16634 Big Turtle Drive
- Jennifer Renollette, 605 4th Street SE
- Betty Hanson-Lehman, 2120 Birchmont Drive NE
- Kate Pearson, 419 Kay Avenue
- Rebecca Wold, 2615 Irvine Avenue
- Deb Rossman, 2615 Irvine Avenue
- Deni Winskowski, 5359 Scenic Hwy NE, Blackduck
- Jim Aakus, 5001 Oakdale Lane NE
- Janel Samuelson, 50060 219th Avenue
- RandiSu Tannem, 725 21st Street
- Joanna Dymond, 619 America Avenue
- Lloyd Lind, 3042 Birchmont Drive
- Katherine Granger, 714 14th Street NW
- Willie Stittsworth, 3117 Maple Leaf Court
- Derek Claypool, no address provided
- Susan Goudge, Executive Director of VisitBemidji, stated that VisitBemidji aggressively promotes Bemidji utilizing Paul Bunyan and Babe. She noted that it is the second most popular “roadside” view and the current plan does not, in her opinion, serve the visitor’s better interest.
- Lori Paris, Chamber President, stated that there was a wonderful space in front of the statues and it served as our “town square”. She commented the open area in front of the statues has been that way for 78 years and questioned the reason to change a good thing now.

The following people spoke in favor of proceeding with the project as designed:

- Kurt Wayne, 1301 Minnesota Avenue
- Hannah Sorenson, 4616 Brinkman Drive NE
- Sachel Josefson, no address provided

Olson stated that there is a contract with Reiersen Construction and the City does not have “all the time in the world” to postpone the project.

Jason Amberg, WSB & Associates, Inc., stated that if there is a desire to change the design would require negotiation and new plans. In his estimation it could take weeks. He noted that when the concrete is added it will change the elevation. He stated that to look at this phase of construction is the worse time possible to look at the site. Discussion continued regarding the cost of restoring the area to its original look.

Councilor Larson had asked why the Girl Scout planter was removed and the old foundation of the tourist center building. He stated that he is opposed to the boulders and can guarantee that children will climb on them and perhaps get hurt.

Parks & Recreation Director Larson responded that she will take full responsibility for removal of the garden and has had discussion with the Girl Scouts to remedy that situation. She stated that the basement was dilapidated.

Meehlhause stated that Paul & Babe statues are still here and will always be here and that people continue to take pictures. The idea of getting it right for the next generation, he believed that the message from the “younger” generation is that the project is right. Meehlhause would be more interested in discussing the changes to the park piece by piece.

Olson believed that by changing the project at this point would be setting up a precedent for contractors in the future.

Erickson disagreed with Councilor Olson as it is common to have change orders but not necessarily to this magnitude. She commented that the changes will not be inexpensive and was concerned about where the funds would come from and was one of the reasons she removed the ice resurfacer from the consent agenda.

Johnson commented the drawings that the Council saw were one dimensional and was not aware of the boulders. He noted that the public assembly area is very important for community events. He stated that there is a disconnect between the Parks & Trails Commission and the Council. The sooner the Council gets information, the sooner they can understand the process. He stated that the City needs to do a better job of communicating with the public.

Olson stated that the entire Council had an opportunity and access to learn what was on the plan. He asked if there was still meaningful work for the contractor to do if the pavers are to be restored. Mr. Amberg responded that there are other areas that the contractor can work; however, their concern is that they might work themselves into a corner.

Felix stated that the longer the project is delayed making a decision, the more expensive it will get. Hellquist apologized to the Parks Commission as he is recommending that the Council proceed without their review.

Motion by Hellquist, seconded by Johnson, to immediately remove the boulders, stump and mound in the plaza area. At some point, restore the Girl Scout flower garden and relocate the Niimi sculpture to the south side of the park. In order to not delay the project, get the cost to replace the pavers utilizing the design firm directly from the contractor. Motion carried with the following vote: Ayes: Johnson, Erickson, Larson, Albrecht, Hellquist. Nays: Olson, Meehlhause.

Hillside Avenue Vacation

Mayor Albrecht noted that the City received a petition from ten residents along Woodland Avenue regarding the recent ordinance to vacate Hillside Avenue.

Bert Mayberry, stated that some of the concerns she has heard from her neighbors include the traffic has nearly doubled on Woodland Avenue, concerns about not being able to get out with Hillside Avenue closed and larger vehicles to turnaround.

Erickson noted that the Police Department has had only four complaints on Hillside Avenue over a four year period.

Gray stated that the request to close Hillside Avenue was initiated by a property owner that abuts the street. The extra traffic is certainly due to not knowing that Hillside Avenue is closed and a solution would be erecting a dead-end sign on Woodland Avenue. The intent of City staff is to improve the turnaround on Woodland Avenue for vehicles, plows and emergency vehicles.

Indra Kenyon, 203 Park Avenue SW, stated that people drive around the barrier on the road repeatedly and come toward her property or drive on her property which creates ruts in their yard.

Brendan McManus, 203 Park Avenue SW, stated that they live at the end of Hillside on the curve and experience a majority of the problems. He further commented that it is unsafe when backing out of their driveway.

Olson stated that perhaps another public hearing could be held in order to hear from other residents. Felix stated that it took an ordinance and arguably an Ordinance to repeal the current ordinance which would include a public hearing.

Mayor Albrecht stated she did not support the ordinance to vacate Hillside Avenue because once a street is eliminated it cannot be restored.

Hellquist stated that if the City is keeping the road it needs to be improved. Gray stated that one of the reasons that staff did not object to the road vacation was because there were no driveways on it.

Motion by Olson, seconded by Albrecht, to begin an ordinance to repeal the ordinance to vacate Hillside Avenue. Motion carried with the following vote: Ayes: Johnson, Olson, Erickson, Albrecht, Larson, Meehlhause. Nays: Hellquist.

Council directed the City Clerk to notify the residents on Hillside and Woodland Avenue to Park Avenue for the second reading/public hearing of the ordinance.

2015 Reconstruction Project

Public Works Director Gray stated that on November 2014 a public hearing was held and the Council ordered the project. A bid opening was held on April 21, 2015 and due to problems with the bid submittals, all three bids were rejected by the Council on May 4 and the project was rebid. The following two bids were received on May 27:

Reierson Construction	\$1,935,060.68
Wagner Construction	\$2,102,807.88

Gray stated that if the project is awarded by the Council it should start within the next 2 to 3 weeks. The Irvine Avenue work is required to be completed in 2015 and the contractor has the option to complete the 30th Street work in 2016. Gray reviewed the funding, stating that the total project cost will be approximately \$2,325,000 once engineering and inspection services are included. He noted that federal and state aid funds will be sufficient to make up the \$85,000 difference between the estimate and the low bid.

RESOLUTION NO. 5953: Awarding the Bid for the 2015 Reconstruction of Irvine Avenue and 30th Street NW (City Project No. 15-02) to Reierson Construction in the amount of \$1,935,060.68 was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Meehlhause was passed by unanimous vote.

NEW BUSINESS

Lake Bemidji South Shore Restoration & Enhancement

Public Works Director Gray stated that a bid opening for the Lake Bemidji South Shore Restoration and Enhancement project (#13-08). Gray stated that staff is pleased with the number of bids and the prices. The following bids were received:

Aspen Construction Company	\$1,176,759.00
Gordon Construction	\$1,334,678.00
Gladen Construction, Inc.	\$1,425,845.00
Red Lake Builders, Inc.	\$1,508,830.00
Mn Utilities & Excavating	\$1,508,979.60
Veit & Company	\$1,549,000.00
Reierson Construction, Inc.	\$1,535,233.00
Wagner Construction	\$1,960,667.50

Landmark Environmental has reviewed the bids and recommended the Council award the project to Aspen Construction.

Gray stated that the Lessard-Sams Council has recommended a grant award of \$1,650,000 to the Legislature for this project. With our bid amount of \$1,176,759 the City should be covered for any contingencies that may arise during construction.

Councilor Hellquist stated that he could not support this project without a breakwater.

Motion by Erickson, seconded by Olson, to award the bid to Aspen Construction Company in the amount of \$1,176,759 contingent upon the final award of the full Lessard-Sams Outdoor Heritage Council grant. Motion carried with the following vote: Ayes: Erickson, Johnson, Albrecht, Meehlhause, Larson, Olson. Nays: Hellquist.

Design Services for Fire Station No. 2

Fire Chief Hoefler reviewed the plan to construct a satellite fire station in the southeastern portion of the City in 2016. The City has purchased a vacant lot and a conditional use permit has been granted by the Greater Bemidji Area Joint Planning Board for the project. The Fire Department went out for proposals/bids for professional design, architectural and engineering services for the Bemidji Fire Station No. 2. The following bids were received:

	<u>Fixed Fee</u>	<u>Reimbursable Expenses</u>	<u>Total</u>
Widseth Smith Nolting, Inc.	\$ 58,500	\$ 500	\$ 59,000
RRA (Subsidiary of Karvakko)	\$ 48,000	\$1,000	\$ 49,000
EAPC Architects Engineers	\$105,000	\$ 600	\$105,600
Lucachick Architecture, Inc.	\$ 78,200	- 0 -	\$ 78,200

A selection committee consisting of the Rural Fire Association Chairperson, City Manager, Deputy City Clerk, Assistant Fire Chief, Firefighter and Fire Chief independently reviewed, evaluated and ranked each proposal. The selection committee recommended that the City Council award professional design, architectural and engineering services for Fire Station No. 2 to Widseth Smith Nolting & Associates, Inc.

The Council discussed the selection of the second lowest bidder and heard from members of the selection committee regarding their recommendation.

Motion by Meehlhause, seconded by Olson, to award the professional design, architectural and engineering services for the Bemidji Fire Station 2 project to Widseth, Smith, Nolting & Associates, Inc in the amount of \$58,500 (fixed fee) plus estimated reimbursable expenses of \$500 for a total cost not to exceed \$59,000. Motion carried unanimously with Councilor Larson abstaining.

Neilson Reise Arena Ice Resurfacers

Councilor Erickson stated that she removed this item from the Consent Agenda to allow discussion and to allow for a roll call vote. She stated that the question becomes how much the Council is willing to spend to keep the City arena open.

Parks & Recreation Director Larson stated that the Arena budgeted \$100,000 in the 2015 CIP for the purchase of a new ice resurfacers. She stated that the Zamboni has over 6200 hours on it and is well beyond its useful life and is operating on 3 of 4 cylinders. Maintenance time and costs have dramatically increased over the last year. The following two bids were received for the ice resurfacers:

	<u>Cost</u>	<u>Trade In</u>	<u>Final Bid</u>
Frank J. Zamboni & Co., Inc.	\$95,683.50	\$19,250	\$79,933.50
CTM Services, Inc.	\$91,790.00	\$ 5,000	\$85,790.00

Motion by Olson, seconded by Meehlhause, authorizing the purchase of a Zamboni 546 from Frank J. Zamboni & Co., Inc., in the amount of \$79,933.50 to include the trade-in of the 1997 Zamboni 500. Motion carried with the following vote: Ayes: Olson, Meehlhause, Albrecht, Johnson. Nays: Hellquist, Erickson, Larson.

ORDINANCE

ORDINANCE NO. 117, 3RD SERIES, Amending Chapter 14 of the Bemidji City Code Article VII Relating to Erosion and Sedimentation Control was given a final reading and passed by unanimous vote.

Motion by Meehlhause, seconded by Hellquist, approving publication of a summary of Ordinance No. 117, 3rd Series. Motion carried unanimously.

Citizen Not On Agenda

- Adam Steele, 189 Gemmel Avenue, stated that the City has allowed a crucifix to be prominently displayed at the intersection of 2nd Street and Minnesota Avenue. It is the universal symbol of Christianity and its placement on public land gives the appearance of City endorsement of that religion and as such violates the First Amendment. He cited various case laws that he believed applied in this situation.
- City Council asked the City Attorney to provide them his opinion in writing regarding Mr. Steele's comments.

UPCOMING COUNCIL MEETINGS

- Tuesday, June 16 5:30 p.m. City/Northern Township Meeting at Northern Closed to Discuss Birchmont Assessments 7:00 p.m. Open Meeting to Discuss Birchmont Assessments
- Monday, June 22 5:30 p.m. Special Work Session – 2014 Audit Report 6:00 p.m. Special BEDA Meeting (Closed)


COUNCIL/STAFF REPORT

- Council members provided updates on upcoming meetings.
- Mathews reported that the Council has been asked to meet with the School District and Beltrami County to discuss the Upper Elementary School roundabouts on June 29.

ADJOURN

There being no further business, motion by Meehlhause, seconded by Hellquist, to adjourn the meeting. Motion carried. Meeting adjourned at 10:45 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk