

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – August 5, 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, August 5, 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, Olson, Erickson, Thompson

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

AMENDMENTS TO AGENDA

Mayor Albrecht called for any amendments to the agenda. Councilor Erickson requested the addition of the following: discussion on an article in the Pioneer regarding detachment and Bemidji Township. **Motion by Meehlhause, seconded by Johnson, to approve the agenda as amended. Motion carried by unanimous vote.**

MINUTES

The following minutes were presented for approval:

Council Meeting	July 15, 2013
BEDA Meeting	July 15, 2013
Sp Work Session	July 22, 2013
Sp Work Session	July 29, 2013

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

CONSENT AGENDA

Consent Agenda items were presented for approval. Mayor Albrecht requested the addition of the following: 1) Letter of Support for the 2013 USDA RUS DLT application; and 2) Approval for Participation in partnership with MnDOT. Councilor Olson requested the removal of the Fall Protection System for further discussion.

Motion by Hellquist, seconded by Johnson, to approve the Consent Agenda items as amended:

1. Claims submitted by the Finance Officer in the total amount of \$1,011,961.74
2. Claims submitted by Venuworks for the Sanford Center in the total amount of \$35,034.48
3. Miscellaneous Business License Renewals for 2013
4. Awarded the Bid for Demolition of Building(s) located at 1018 America Ave NW to Gary Skime in the amount of \$7,777
5. Waived Various City Permit Fees totaling \$1,334 for Habitat for Humanity - 714 12th Street NW
6. Adopted Changes to the City's Personnel Policies
7. Approved Letter of Support of the 2013 Bemidji State University, Northwest Technical College and Tribal Collaborative RUS DLT Application
8. Approved Mayor Albrecht's participation to join a Transportation Stakeholder Group (Partnership with MnDOT and Smart Growth America)

Motion carried by unanimous vote.

CITIZENS NOT ON AGENDA

No one appeared.

COMMITTEE REPORTS

Librarian's Report - Paul Ericsson, Branch Manager, reported that the library now offers e-magazines. The annual book sale is August 7 and 8. He stated that the Legacy Grant looks good for Bemidji and the community should see lots of great programs next year. He reviewed the staffing at the library which supports the need for an additional staff person.

NEW BUSINESS**Archeological Survey**

Parks & Recreation Director Larson stated that a Request for Proposal for Archaeology Services – Phase I for Library and Paul Bunyan Parks was sent out. Of the four firms contacted, only one proposal was received. She stated that a Phase I archaeological study will need to be completed in order to develop the park as well as installation of the platform for the Chief Bemidji Statue and the Carnegie Library project. The 106 Group's proposal to conduct this survey is estimated to not exceed \$28,820.

Motion by Olson, seconded by Meehlhause, authorizing the hiring of the 106 Group to provide Phase I Archaeological Services for the Paul Bunyan and Library Park Master Planning Park Development Project. Motion carried unanimously.

Discussion – Detachment/Bemidji Township

Councilor Erickson stated that she wanted to discuss a recent article that appeared in the Bemidji Pioneer regarding the detachment and the letter sent to Bemidji Township. She stated the Council received the map showing those parcels identified and was surprised that this document was released as she did not feel it was for "public consumption". She further stated that it was "insulting" to Northern Township who is a full partner and voted to not release Bemidji Township from the Orderly Annexation Agreement. She believed that the article would give the Judge the impression that the City is moving ahead to release Bemidji Township. She asked who sent the letter to the paper and if there are current discussions with Bemidji Township or negotiations about this issue?

Chattin responded that development and supplying of the detachment map to Bemidji Township was part of the requirements under the negotiated settlement. Chattin stated that all the actions taken by the City staff have been in consultation with Jim Thomson.

Felix stated that there was a court hearing held two days after the Northern Township vote and the Court continued the hearing for 30 days allowing Bemidji Township the opportunity to pursue other avenues, i.e., approaching Northern Township. He stated the City of Bemidji fulfilled its obligation under the mediated agreement in providing a map identifying what properties the City believed would not be eligible for detachment. He stated that the map is a public document. He stated that there have been no discussions going on with Bemidji Township concerning detachment. He also stated that our attorney, Jim Thomson, was very clear at the hearing that the settlement agreement required Northern Township's approval.

Johnson stated that perhaps a meeting with Mr. Thomson was needed to make the Council's position clear. He further suggested that the Council have another vote on how they feel about the mediated agreement.

Mayor Albrecht commented that it would be ill-advised for the Council to have any kind of a vote at this time as the matter is in litigation.

Erickson stated that if Craig Gray had not produced the maps it would not have existed. She honestly does not know why this was made public because it has no bearing at this point on the court case.

Gray stated that the Pioneer article was poorly timed, as the list was sent to Bemidji Township before Northern Township's vote.

Felix reiterated that the matter is still pending and the mediated settlement is in essence still pending, the City of Bemidji fulfilled its obligation to identify those properties it believes, if in fact the mediated settlement moves forward, would not be eligible for detachment. Felix stated that Mr. Thomson told Judge Melbye at the court hearing that "the City does not believe that the mediated settlement can move forward without Northern Township".

Hellquist commented that he believed this to be a communication problem and the City did what it had to do as part of something that was dictated by the court before Northern Township voted no.

Fall Protection System – Sanford Center

Councilor Olson stated that he asked that this item be removed from the Consent Agenda for further discussion. In particular, he was interested in the amount in the contingency fund.

Chattin stated that this item was planned for when the Sanford Center was designed but Leo A Daly included it as a FF&E. However, it was not handled in a timely fashion by Venuworks. He indicated there is \$105,000 reserved for this item.

Eischens stated that there is \$151,000 remaining and undesignated in the contingency fund.

Motion by Johnson, seconded by Olson, to award the bid for a Horizontal Fall Protection System at the Sanford Center to Evan Fall Protection Inc., Jamestown, RI, in the amount of \$98,860. Motion passed unanimously.

UPCOMING COUNCIL MEETINGS

- Monday, August 12 5:30 p.m. Work Session – 2014 Budget; South Shore and Paul Bunyan Park Priorities
- Monday, August 19 7:00 p.m. Council Meeting
- Tuesday, August 20 5:30 p.m. Joint Meeting with Beltrami County Commissioners

COUNCIL/STAFF REPORT

- Council members provided updates on current events and meetings.
- Chattin stated that he is seeking another person to serve on the Design Review Committee for the South Shore. Typically, this person would be someone that is a developer that owns property and has completed construction in the south shore, but at this time there are none.

ADJOURN

There being no further business, motion by Meehlhause, seconded by Thompson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:23 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk