

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### March 21, 2005

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, March 21, 2005, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Councilmembers were declared present: Hellquist, Meuers, Lehmann, Johnson, Markeson. Absent: Erickson, Downs.

#### **AMENDMENTS TO AGENDA**

Lehmann called for any amendments to the agenda. City Clerk Sherman requested the following:

- Additional information was distributed for Consent Agenda Item #13 - Agreement by 100% of the property owners of City Project #05-04, accepting costs of the improvement and waiving any requirement for public hearings. Addition of a Resolution rescheduling the public hearing date for the Bardwell Park/HiWay Acres Project as Consent Agenda Item #15.
- Addition as #17a, request by Downtown Development Authority (DDA) for a Council representative to attend the DDA retreat.
- Addition as #22, 23 and 24, first reading of three ordinances pertaining to those planning cases.
- Addition of item #25a to award bids for Improvements to the Neilson-Reise Arena.
- Addition of item #25b authorizing travel for Councilmembers to attend out of town meetings on March 30 -31, 2005.
- Motion by Hellquist, second by Markeson, to approve the agenda as amended. Motion carried by unanimous vote.

#### **MINUTES**

Minutes of the March 7, 2005 Regular meeting and March 14, 2005 meeting/work session were presented for approval. Motion by Johnson, second by Meuers, to approve the minutes as presented. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

The following Consent Agenda items were presented for approval. Johnson requested removal of the bids for gasoline and diesel fuel for additional discussion. The item was removed and added to the agenda for discussion under New Business.

Motion by Johnson, second by Meuers, to approve the remaining Consent Agenda items as follows. Motion carried by unanimous vote.

1. *Approved Claims submitted by the finance officer in the total amount of \$264,118.04*
2. *Approved a Massage Therapist license for Corina Whiting*
3. *Approved Consumption & Display Permits for*
  - *Holiday Inn Express*
  - *AmericInn Lodge & Suites*
4. *Approved Gambling Permits for:*
  - *Eagles (May 5, 2005 - Raffle)*
  - *Minnesota Deer Hunters Association (April 30, 2005 - Raffle)*
5. *Awarded Bid for Equipment Cabinets for Fire Department Emergency Response Vehicle to ERC, Duluth*
6. *Authorized Purchase of GPS Equipment for Engineering Department*
7. *Authorized Purchase of High Resolution Digital Photography for Engineering Department*

8. *Authorized Reapportionment of Special Assessments on MinnITex Lot Division (AI Korpi)*
9. *Authorized Travel Reimbursement for Mayor Lehmann to meet with legislators in St. Paul on 3/16-17/05.*
10. *Approved **Resolution No. 5214**, Accepting Feasibility Report-Calling for Public Hearing on Proposed Improvements in Ward 1 Area (City Project #03-10, Streets/Storm Sewer)*
11. *Approved **Resolution No. 5215**, Accepting Amended Petition and Ordering Sewer Extension Project (Supreme Estates/Senger Subdivision - City Project #05-04).*
12. *Approved **Resolution No. 5216**, authorizing a cooperative Agreement with Mn/DOT for Improvements to Bemidji Avenue from its junction with T.H. 197 to the north City Limits.*
13. *Approved **Resolution No. 5217**, rescheduling the date for public hearing on extension of Water/Sewer to Bardwell Park/HiWay Acres area.*

### **COMMITTEE REPORTS**

#### Bemidji Youth Advisory Commission

No report.

#### BSU Student Council

Jake Overgaard reported that the trip to Washington DC during spring break was successful. He noted that representatives from approximately 20 states participated in lobbying and leadership development training.

#### Oak Hills Student Senate

Nancy Beer reported that the two mission trips (one to Trinidad - and one to North Africa) were successful. In addition to the prison ministry, they visited 11 schools and several orphanages. She also noted that the date for the Oak Hills Spring Concert is April 8.

#### Downtown Development Authority

Hellquist reported that the DDA is in the process of establishing plans and goals for 2005. Part of that process is formulation of a committee to look at Phase 2 development and downtown revitalization. They are currently seeking an outside consultant to work with them to add a fresh perspective. The HRDC is also involved in the process to help pull together some existing visions. The DDA requested two representatives from the City (one from the City Council) to attend a 2-day planning retreat.

Lehmann suggested that Hellquist attend the retreat as well as staff member Curt Oakes. Hellquist accepted, but requested an alternate. Markeson requested appointment as the alternate. He noted that he serves on the Heritage Preservation Committee and they have expressed the desire to work on a project with the DDA.

Motion by Johnson, second by Meuers, to appoint Hellquist as the Council representative, with Markeson as the alternate. The Council also suggested that a City staff member be designated to meet with the committee - perhaps City Planner Curt Oakes. Motion carried by unanimous vote.

#### Kitchigami Regional Library Master Agreement Update

Meuers and Minke met with the Kitchigami Regional Library (KRL) on March 1, 2005,

Meuers reported that KRL is proposing amendments to the Master Agreement. The changes most significant to the City were identified as:

- Cities would no longer be signatories to the Master Agreement with KRL.
- Cities would no longer levy directly for the operations of the library.
- Beltrami County's financial participation as a percentage of the total region is proposed to increase.

Under the current agreement the City has the authority to appoint a representative to the KRL Board. Under the proposed amendment, the City would rely on the County to appoint three representatives (a County Commissioner, a resident of the County and one from a list provided by the City Councils from cities that have libraries within the County).

The proposal would transfer the operating levy from the City to the County. The City would still be required to provide a facility for the library and would need to levy or otherwise secure funding for maintenance (approximately \$50,000 to \$60,000 per year).

Under the proposed amendment, Beltrami County along with four other counties would become the only members of the joint powers agreement and would assume all responsibility for operating levies of the regional library. The funding formula would be revised to include county population, registered borrowers and adjusted net tax capacity. Based on current population, tax capacity and borrowers, in 2009 Beltrami County would be paying 18.5% rather than the current 11 %.

Meuers suggested that the proposed amendments be referred to the Public Affairs Committee for review and discussion. The City's appointed board member, JoAnne Henningsgard, will be invited to the meeting to update the committee regarding the proposal. Meuers will make the necessary contacts and set the meeting date.

**PLANNING CASE #1994-16:** Filed by Bemidji Development Corporation, requesting a Subdivision, Preliminary and Final Plats, to subdivide property totaling 155.7 acres and zoned 1-1 (Industrial Park District) and 1-3 (Heavy Industrial District) into 58 industrial parcels and two outlots. The property is situated to the south of the existing developed portion of the Bemidji Industrial Park, south of County Road #404 (Carr Lake Road SE). The proposed plat has been amended since the Preliminary Plat was reviewed and recommended for Council approval by the Planning Commission on October 25, 2004. Planning Commission recommended approval by the City Council with the following conditions:

- (a) The Second Addition to Industrial Park, Preliminary and Final Plats, received February 17, 2005, shall include 58 parcels, two outlots, and seven new streets, as identified on the plat.
- (b) All streets, utilities, and storm water management ponds shall be constructed to City specifications, as required by the City Engineer. They may be built in phases, as the parcels are sold and developed.

Council member Johnson asked whether the property is being sold to Mark Sand & Gravel. Martin Sathre, Secretary of the Bemidji Development Corporation noted that Mark still has an interest in the lot.

Motion by Hellquist, second by Markeson to accept the recommendation of the Planning Commission to approve the request with the conditions noted. Motion carried by unanimous vote.

**PLANNING CASE #2005-01:** Filed by Deep Rock Townhomes (BTL Construction, Inc., Brad & Luann Lissick), requesting a Planned Unit Development / Common Interest Community, Special Use Permit - Preliminary Plat to subdivide 7.72 acres into 40 dwelling units in the form of twin homes and triplexes. The first phase will include a total of 15 units. Planning Commission recommended approval with the following conditions:

- (a) The Deep Rock Townhouses P.U.D./ CIC, SUP - Preliminary Plat shall include 40 townhouse units, as identified on the plans received February 10, 2005.
- (b) The approximate three phases of the Final Plats / Common Interest Communities will be reviewed individually by the Planning Commission and Council with public hearings for each phase.
- (c) All streets, utilities, and the storm water management pond shall be constructed to City specifications as required by the City Engineer. They may be built in phases, as the parcels are sold and developed. Deep Rock Loop SW shall be constructed to connect the Kaylee Court SW, to the southwest, as identified in the City Engineer's memorandum dated February 18, 2005.
- (d) Trees shall be planted as identified on the landscape plan, received on February 11, 2005.

Richard Slinkman, Planning Commission Chairperson, addressed the council regarding maintenance of an unpaved easement identified in the plat for emergency vehicles. City Engineer Freeberg noted that the easement is not a through street but is adequate for emergency vehicle access.

Kelly Booge, consultant for BTL Construction, confirmed that the easement is for utility purposes - not for roadway purposes.

Motion by Hellquist, second by Meuers to approve Planning Case 2005-01 with the four conditions recommended by the Planning Commission. Motion carried by unanimous vote.

**PLANNING CASE #2005-02:** Filed by City of Bemidji, requesting to rezone approximately 36 acres including 42 parcels situated in the southeast portion of the City, west of Lake Avenue SE, north of Roosevelt Road SE, and south of 5th Street SE from A-O (Agriculture - Open) to R-3 (Single-Family Residential). These properties were annexed into the City in 2003. Planning Commission recommended approval.

Motion by Meuers, second by Johnson to accept the recommendation of the Planning Commission to approve the rezoning. Motion carried by unanimous vote.

AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2005-02, Southeast Bemidji - Nymore 40-Acres property) was given a first reading.

**PLANNING CASE #2005-03:** Filed by James & Evelyn Aylesworth, requesting to rezone two parcels totaling 1.66 acres, from A-O (Agriculture - Open) to B-2 (Shopping Center / Highway). The property is situated at 3422 and 3426 Irvine Avenue NW and was recently annexed into the City of Bemidji. Planning Commission recommended approval.

Motion by Hellquist, second by Johnson to approve the request as presented. Motion carried by unanimous vote.

AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2005-03, James & Evelyn Aylesworth property) was given a first reading.

**PLANNING CASE #2005-04:** Filed by Kent & Mary Jo Christenson, requesting to rezone one vacant parcel totaling 1.52 acres, from A-O (Agriculture - Open) to R-4 (Multiple-Family Residential). The property is situated north of Algoma Street NW and west of Minnesota Avenue NW and was recently annexed into the City of Bemidji. Planning Commission recommended approval.

Motion by Meuers, second by Hellquist to approve the rezoning request as recommended. Motion carried by unanimous vote.

AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2005-04, Kent & Mary Jo Christenson property) was given a first reading.

#### **BIDS FOR GASOLINE AND FUEL PRICES**

The City solicited bids for gasoline and diesel fuel purchases for city vehicles for the two-year period beginning January 1, 2005 through December 31, 2006. One bid was received from Bemidji Cooperative (Cenex). Staff recommended acceptance of the bid.

Johnson asked about the possibility of purchasing fuel from the County at their location on County Road 11.

Minke noted that in the past City staff explored the possibility of purchasing fuel from the county and found it would not be advantageous to the City. He agreed to provide "a report regarding the information that was gathered at that time. He further noted that the proposed contract with Cenex is not based on a minimum amount of fuel and would not hinder the City's ability to make changes later if necessary.

Motion by Hellquist, second by Johnson, to accept the bid from Cenex for the period beginning January 1, 2005 through December 31, 2006. Motion carried by unanimous vote.

#### **CHAT-A-BOUT – April 4, 2005**

Lehmann will provide an update on the bonding bill and other legislative issues, and discuss items that are presented on the April 4th agenda.

The Pinnacle Mall was suggested for a future discussion topic.

### **IMPROVEMENTS TO NEILSON - REISE ARENA**

The Public Works Committee recommended improvements for the Neilson-Reise Arena. M.J. Architectural Studios, the City's consultant on this project prepared plans and specifications for the improvements including flooring in the lobby and locker room; improvements to restrooms; heating and ventilation in the lobby; lighting and ceiling in the lobby area.

Bids were opened on March 15, 2005 with the following results: J. P. Structures \$127,800.00 Kraus Anderson Construction \$138,000.00 Christiansen Construction \$138,809.00 R. A. Bristlin & Son Construction \$141,665.00 Diversified Builders \$147,350.00 Frenzel Construction \$149,000.00 Gustafson & Goudge, Inc. \$149,700.00 Zetah Construction, Inc. \$157,300.00.

Staff recommended-acceptance of the low bid from J. P. Structures.

Motion by Hellquist, second by Markeson, to accept the low bid from J. P. Structures in the amount of \$127,800 as recommended. Motion carried by unanimous vote.

### **OUT OF TOWN TRAVEL BY COUNCIL**

Lehmann, Johnson and Meuers will be traveling to various conferences and meetings on March 30-31, 2005. Council authorization was requested for reimbursement of travel expenses. Motion by Hellquist, second by Markeson to authorize travel reimbursement as requested. Motion carried by unanimous vote.

**ORDINANCE NO. 395, 2ND SERIES:** AN ORDINANCE AMENDING AN UNCODED SECTION OF THE BEMIDJI CITY CODE (Authorizing Sale of Real Property at 718 9th Street NW to Habitat for Humanity) was given a final reading and passed by unanimous vote.

### **UNATTENDED VEHICLE ORDINANCE**

City Attorney Felix recommended one additional exemption to be included in the Unattended Vehicle Ordinance - to exempt "automobile service station and repair facilities". He explained that these facilities on occasion may have unattended vehicles in the course of standard service station and/or automobile repair operations. He further noted that law enforcement is supportive of this recommended exemption. Councilmembers expressed no opposition to the recommended amendment and unanimously approved the third reading of the ordinance to include the exclusion of automobile service station and repair facilities.

**ORDINANCE NO. 396, 2ND SERIES:** AN ORDINANCE AMENDING CHAPTER 9 OF THE BEMIDJI CITY CODE ENTITLED "UNATTENDED VEHICLE", BY ADDING PROVISIONS RELATING TO THE PREVENTION OF MOTOR VEHICLE THEFTS, ALLOWING EXEMPTIONS FOR CERTAIN VEHICLES, AND BY IMPOSING PENALTIES FOR VIOLATIONS was given a final reading and passed by unanimous vote.

AN ORDINANCE AMENDING SECTION 2.04 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was presented for a final reading. Mayor Lehmann noted that an ordinance amending the Charter must be adopted by an affirmative vote of all its members. Due to the absence of Erickson and Downs, Lehmann suggested that the final reading of this ordinance be tabled to the April 4th meeting. Motion by Markeson, second by Meuers, to table the final reading to April 4th. Motion carried by unanimous vote.

### **COUNCIL/STAFF REPORTS**

Minke reported that the Northwest Minnesota Foundation has approved a grant to the City for the Joint Planning effort with Northern and Bemidji Townships. He also noted that the Charter Commission is sponsoring presentations by a representative from FairVote Minnesota (a non-profit organization that works to raise awareness of alternative voting systems). Presentations are scheduled for April 12 at noon and 6 pm and on April 13 at 1am. Public is invited.

Lehmann reported on his recent activity at the State Capitol and meetings with legislators.

Markeson noted that the Boys and Girls Club is moving into their new facility this week.

Hellquist reported that the Public Works Committee would meet in the near future to discuss liquor store operations.

Johnson reported that the Public Relations Committee will be meeting at 5:30 p.m. on Tuesday, March 22, to discuss Cable Broadcasting.

Meuers reported that she attended the Board of Review training. It appears that the City Council may not have to hold a Board of Review each spring if they elect to have open book meetings with the County Assessor. The Council requested more information on that subject.

**ADJOURN**

There being no further business, motion by Hellquist, second by Meuers, to adjourn the meeting. Motion carried. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Shirley Sherman  
City Clerk