

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Regular Meeting – March 19, 2007**

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 19, 2007 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

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

#### **AMENDMENTS TO AGENDA**

Lehmann called for any amendments to the agenda. The following additions were requested:

- First Reading of an Ordinance Amending the 2007 Fee Schedule
- Travel MinnCo Conference of Airports in Alexandria – April 11-13 - Johnson

Motion by Meuers, second by Markeson, to approve the agenda as amended. Motion carried by unanimous vote.

#### **MINUTES**

Minutes of the March 5, 2007 regular meeting and March 12, 2007 work session were presented for approval. Motion by Hellquist, second by Johnson, to approve the minutes of the March 5, 2007 minutes as presented. Motion carried by unanimous vote. Councilmembers Johnson and Hellquist noted corrections to the March 12, 2007 work session. The City Clerk will revise the March 12, 2007 work session minutes for consideration at the next regular Council meeting.

#### **CONSENT AGENDA**

The following Consent Agenda items were presented for approval. Motion by Markeson, second by Erickson, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$383,675.52.
2. Approved miscellaneous business licenses.
3. Authorized a Contract with Jensen Conservation Services, Inc., for Babe the Blue Ox Conservation Treatment.
4. Authorized Advertisement for Bids on the Nymore Warming House
5. Authorized Contract with Springsted to Study the Potential for Water and Sewer Access (WAC/SAC) Fees
6. Authorized Travel for MinnCo Conference of Airports – April 11-13 - Johnson

Motion carried by unanimous vote.

Downs asked if lockers were included in the Nymore Warming House as he felt they are important for security. Meuers stated that the Commission discussed installing smaller lockers at the warming house. Markeson noted that it will be bid as an alternate item.

#### **PUBLIC HEARINGS**

##### **Remediation Fund Grant Application**

Assistant Planner Rita Albrecht provided an overview of the two grant applications. The City proposes to acquire fee title to approximately 15 acres of land adjacent to the southeast shores of Lake Bemidji for the purpose of providing public parkland. The project site is adjacent to the proposed Paul Bunyan State Trail corridor and the Sea property that the City recently purchased. Preliminary plans call for protecting the natural features of the property including the plant and animal communities and wetland system bordering Lake Bemidji. Minimal betterment activities planned for the proposed park include limited facilities to support the passive outdoor recreation activities of nature observation, walking, birding, and photography. Grant applications are due by March 31, 2007 and funding announcements will be made in the summer/fall.

Pursuant to published notice, a Public Hearing was held to receive input regarding a Remediation Fund Grant application. Mayor Lehmann opened the Public Hearing at 7:10 p.m. and hearing no public comment closed the hearing.

Erickson commented that the estimated cost for the remaining property may have been underestimated and noted that these grants are vital to the continued purchase of the property.

**RESOLUTION NO. 5398: Accepting Responsibility as Sponsoring Agency (Remediation Fund Grant Application) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.**

Natural and Scenic Area Grant Application

Pursuant to published notice, a Public Hearing was held to receive input regarding a Natural and Scenic Area Grant application. Mayor Lehmann opened the Public Hearing at 7:11 p.m. and hearing no public comment closed the hearing.

RESOLUTION NO. 5399: Accepting Responsibility as Sponsoring Agency (Natural and Scenic Area Grant Program Application) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

4<sup>th</sup> Street SE Street Improvement (Pershing to Lake Avenue SE)

Erickson stated that she is in opposition to a special assessment for stormwater to residential property and the Public Works Committee was to look at this policy for a possible change. The special assessment role that is attached to this project has a stormwater assessment of \$19,935 which amounts to 8.2% of the total estimated stormwater costs. She stated that she intends to make a motion to delete that portion of the assessment until such time the Council decides whether or not to continue with the current policy and if so she would be amenable to placing it back on the roles. She opposes additional stormwater assessments as they are already on our property taxes as stormwater assessment. She stated that it is burdensome and unfair that we also assess residential property when the City is doing new stormwater in an area under street construction.

Chattin stated that the Public Works Committee has considered the stormwater assessment and is waiting for a report from one of our consultants to let us know if the fees that the City is collecting on an annual basis will fund our ongoing needs. The Public Works Committee will make a recommendation once they have reviewed the consultant's report.

Public Hearing opened at 7:15 p.m.

**RESOLUTION NO. 5400: A Resolution Ordering Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications, and Authorizing Advertisement for Bids on Improvement – City Project No. 07-07 (4<sup>th</sup> Street SE between Pershing Avenue SE and Lake Avenue SE) and excluding the stormwater utility portion from any assessment role and understanding that the stormwater charge may be added back in the future was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist carried with the following vote: Ayes: Johnson, Markeson, Lehmann, Meuers, Erickson, Hellquist. Nays: Downs. Absent: None.**

**PLANNING CASES**

Planning Case #2007-01

Mayor Lehmann reviewed Planning Case #2007-03, Menard, Inc., requesting a Planned Unit Development/Common Interest Community, Special Use Permit – Preliminary Plat. The Planning Commission noted that the five (5) findings of fact have been met and recommended approval.

**Motion by Downs, second by Johnson, to approve the Planning Unit Development/Common Interest Community, Special Use Permit – Preliminary Plat to Menard, Inc. with the following conditions:**

- 1. The Menards Addition Commercial P.U.D. shall include four parcels and one outlot as identified on the Preliminary Plat received on February 21, 2007. Outlot A will be used for tree preservation and parkland dedication purposes**

and it shall remain in Menards ownership and the preservation of the trees shall be addressed in the Developer's Agreement.

2. Proposed signage shall be approved and erected, as identified in the plan received on November 27, 2006.
3. The developer shall coordinate with the Airport Manager regarding lighting and light fixture varieties, lights relating to signs, and avagation easements.
4. The parking and landscaping plans shall be built as shown on the plans received on February 22, 2007.
5. The signalized intersection to Hwy #197 and the private roads within the P.U.D. shall be built as shown on the Preliminary Plat, received on February 21, 2007.
6. Engineering, including stormwater issues, shall be addressed as identified in the City Engineer's letters dated January 18, 2007 and February 22, 2007, in addition to the plans received on January 2, 2007 and February 22, 2007.
7. Items addressed in the Fire Chief's letter, dated January 18, 2007 and the MN/DOT letter, dated January 18, 2007, shall be addressed by the developer.
8. Utility easements and easements for the future traffic signal maintenance shall be provided.
9. Reciprocal easements shall be provided for access to all existing and proposed parcels.
10. The developer shall comply with all terms identified in the Developer's Agreement.
11. The approval of the PUD/SUP is contingent upon a successful Developer's Agreement being executed and negotiated.

**Motion carried unanimously.**

Planning Case #2007-03

Lehmann reviewed Case #2007-03 – Woytassek Custom Homes, Inc. and Guidestar Realty Services Company, requesting a Planned Unit Development/Common Interest Community, Special Use Permit. Planning Commission noted that the five (5) findings of fact have been met and recommended

**Motion by Hellquist, second by Downs, to approve a Planned Unit Development/Common Interst Community/Special Use Permit as requested by Woytassek Custom Homes, Inc. and Guidestar Realty Services Company with the following conditions:**

1. Shoreacres Gardens Condominium shall be developed with four, two-unit and one, four-unit structure for a total of 12 units as shown on the plan received in the Planning Office January 31, 2007.
2. A maximum of ten overnight mooring spaces will be provided for the benefit of residents.
3. The Final Plat shall show existing easements for existing City utilities within this plat and provide easements if the existing easements are unrecorded or incomplete.
4. The applicant shall pay cash in the amount of \$9,600 in lieu of parkland dedication. The cash payment shall be made prior to recording the final plat.
5. The agreement letter from City Attorney will be signed by Michael Ettesvold, Warren Woytassek and the Irvingboro Recreation Association and then returned to the City Attorney.

**Motion carried unanimously.**

City Attorney Felix noted that conditions 5 and 2 are tied together. These two conditions deal with all mooring spaces and address concerns expressed.

Planning Case #2007-04

Lehmann reviewed Case #2007-04, City of Bemidji, requesting a Special Use Permit for improvements to Diamond Point Park. The Shoreland Ordinance requires a Special Use permit for topographic alterations that exceed a threshold of the cumulative movement fifty (50) cubic yards of material. The Planning Commission noted that the five (5) findings of fact have been met and recommended approval.

**Motion by Markeson, second by Erickson, approving a Special Use Permit for topographic alterations as part of the improvements to Diamond Point Park. Motion carried unanimously.**

**NEW BUSINESS****RFP for Appraisals for Property for the Event Center**

Chattin stated that as part of the Event Center planning process, the City needs to identify the "Project Site". Possible boundaries have been identified but a final site cannot be determined without scheduled soil borings, further study, and negotiation. Before any additional steps can be taken, the City should secure appraisals of properties within a possible site. He suggested that the City prepare an RFP soliciting proposals for commercial appraisals on the project site. Funding would be through the grant administration dollars currently available.

Erickson asked what the timeline is for the RFP. Chattin stated that if the City waits until it identifies a site, property owners could argue inverse condemnation.

Felix stated that the Council needs to identify the site as it is important to the overall development of the project for the building site, road realignment and the parking lot. He stated that as a rule, appraisals are from past values and may not mean a whole lot when dealing with a particular property owner.

Erickson noted that \$25,000 has been identified for the appraisals. Felix replied that commercial appraisals tend to be higher than residential and the cost could be in the range of \$25,000 and \$30,000.

Erickson asked if it would be possible to request in the RFP an updated appraisal in the future. Felix responded that it could be requested.

Hellquist asked if the City's assessor could do the appraisal and wondered if this would be adequate. Felix stated that the assessor can do an estimate of value but not a commercial appraisal.

**Motion by Johnson, second Markeson, authorizing an RFP for commercial appraisal of property for the future Event Center site. Motion carried unanimously.**

**2007 Fire Truck**

Richard Sathers, Fire Chief, stated the Fire Department staff spent a considerable amount of time and effort in the preparation and analysis of the purchase of a fire truck. He concurred with the Committee's recommendation to award the fire truck bid to Clarey's Safety Equipment, Inc., as it complies closest with the specifications and meets application requirements of the NFPA.

Erickson stated that she contacted the Northwest Service Coop and they do cooperative purchases and asked why the City did not pursue this avenue. Sathers responded that he did not know that this service was available. Felix noted that the Fire Department personnel put together a collage of what they wanted on a fire truck which the Coop may not do. Erickson noted that there could be a savings to buy a vehicle in bulk with other cities. Lehmann noted that if the Northwest Service Coop would use the bid specifications from the City.

Eischens noted that funding sources include \$90,000 from 2007 the Fire Department budget and \$358,327 from the equipment escrow account.

**Motion by Downs, second by Johnson, to approve the purchase of a new fire truck from Clarey's Safety Equipment in the amount of \$408,525 (\$414,725 less the \$6,200 discount) including loose goods from Clarey's Safety Equipment and Grand Forks Safety in the amount of \$33,302 and radio equipment from Rogers Two Way for \$5,400, for a total price of \$448,327. In addition, authorized a down payment of \$208,752 within 90 days of completion to take advantage of a \$6,200 discount. Motion carried unanimously.**

**Chat-A-Bout Topic**

It was suggested that the April Chat-A-Bout topic will be bicycle safety and that the Police Chief and Roger Hellquist be the guests.

**ORDINANCE**

**AN ORDINANCE** Amending the 2007 Fee Schedule was given a first reading.

**UPCOMING MEETINGS**

- March 21            5:15 p.m.        GBJPB Meeting
- March 26           5:30 p.m.        Special Work Session –Year 2006 Financial Review
- April 2             7:00 p.m.        City Council Meeting
- April 9             5:30 p.m.        Work Session – OPEN
- April 16            7:00 p.m.        City Council Meeting

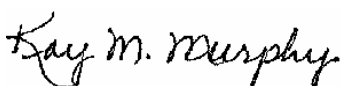
**COUNCIL/STAFF REPORT**

- Chaitin reported that a trail route has been identified for a snowmobile trail going south and we will be working with DNR for funding. He went on a field trip to the Allerus Center in Grand Forks and received good financial information. The City is close to a contract with Brad Sanitation and has had discussions with the County on the future of recycling and both items will come to a future City Council meeting. Phase 2 Environmental Assessment on the SE shore of Lake Bemidji will begin this week.
- Hellquist reviewed the Public Works Committee meeting and noted they are reviewing a number of items, i.e., stormwater assessment policy, amending the Policies for Public Improvements.
- Meuers commented that the Parks & Recreation Commission discussed the warming house and are considering making the restrooms available for the public all year round.
- Downs stated he was concerned about the process for the Diamond Point Park project and had some input for keeping the costs down. He commented that the Council is stealing money from other parks and the public will not be getting some of the improvements that they voted on. He noted several concerns with the Diamond Point Park plan, i.e., boat parking, safety issues, road location, parking for football games, walking distance from parking to picnic areas. He stated that the plan is aesthetically pleasing but not “user” friendly in his opinion.
- Johnson agreed with Downs and expressed concerns regarding the work session. He felt that it was a time to discuss the bids and not make a decision. He expressed concerns about the operation and maintenance costs for Diamond Point Park. He went on the field trip to the Allerus Center and felt it was worthwhile. The Coalition of Greater Minnesota Cities will be discussing cable access franchise resolution which could impact the City’s PEG access fees. He recently visited with Dan Bahr regarding keeping wine out of grocery stores and commented that the City needs to be more competitive and should consider creating a fund to expand our liquor retail business.
- Markeson stated that the BYAC met regarding the by-laws. Felix will be meeting with Leslie to review the by-laws. He reported that the BYAC has started work on June 7 day and getting things lined up. He reported that the Parks & Recreation Commission has started discussing prioritizing parklands and was very happy with the result of the Diamond Park Project which had much input by the community.

**ADJOURN**

There being no further business, motion by Downs, second by Markeson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:21 p.m.

Respectfully submitted,



Kay M. Murphy  
City Clerk