

CITY COUNCIL PROCEEDINGS BEMIDJI, MINNESOTA

October 3, 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, October 3, 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: Lehmann, Markeson, Hellquist, Johnson, Downs, Meuers. Absent: Erickson.

AMENDMENTS TO AGENDA

Lehmann called for any amendments to the agenda. Motion by Meuers, second by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.

MINUTES

Minutes of the September 19, 2005 regular meeting and September 20, 2005 work session were presented for approval. Motion by Downs, second by Hellquist, to approve the minutes as presented. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$450,841.84.
2. Approved miscellaneous business licenses – Subway III
3. Approved **RESOLUTION NO. 5256** amending Fairgrounds Abatement District Extension Resolution No. 5247.
4. Approved **RESOLUTION NO. 5257** setting forth the terms of Interfund Loan from the City's General Fund to the Fairgrounds District.
5. Approved **RESOLUTION NO. 5258** increasing the membership on the Communications Committee.
6. Approved **RESOLUTION NO. 5259** awarding a contract for extending water/sewer to Supreme Estates and Senger Subdivision (City Project #05-04) in the amount of \$80,805.99.
7. Approved **RESOLUTION NO. 5260** awarding contract for the Park Avenue Storm Water District Project (City Project #02-01) in the amount of \$541,555.10.

Motion carried by unanimous vote.

COMMITTEE REPORTS

NTC – Deb Shofner, representing NTC, reported that recently completed elections for campus government. Four students traveled to Washington D.C. to advocate for higher education. October 13th planning a picnic and activities for the Sister City fundraiser. She stated they have several things they would like to accomplish at the school this year. Also started a new DEX program at the school.

UNFINISHED BUSINESS

Ratification of Findings of Fact – Simonson's Variance

Motion by Downs, second by Meuers, to ratify the findings of fact for the Simonson's variance. Motion carried by unanimous vote.

Ryan Property Stormwater Issue – Mike Ettesvold/Warren Woytassek

Mike Ettesvold, representing Warren Woytassek owner of the homes, stated that the berm was placed in the wrong location. The berm should have been placed on the far northeast corner of the property which would have required 5 feet of fill. He stated they did not realize the error until the home was built with a daylight basement in the northeast corner. After the error was discovered, they asked for an amendment to the plan from City staff. City staff approved the amendment and Woytassek proceeded to build the berm per the amendment.

Ettesvold stated the berm was designed to contain the water and direct it to runoff onto Rako Street. He believes they have solved the problem completely. He felt the Ryans could not show any appreciable water runoff from this house.

Freeberg stated he felt 15% of the water runoff is not caught by the berm. He stated that the water runoff from the property was approximately the same as it was prior to any development.

Downs asked if the current height of the berm was 2 feet high.

Ettesvold replied yes. He stated that if they had to build the berm around the entire northeast corner of the house it would have to be 5 feet high to contain water because the hillside drops off. He stated that there is not enough water coming off this side of the house to warrant the berm. He commented that the previous owner of the Ryan home, Ray Holter, had problems with a wet basement and water runoff.

Patricia Ryan, 1404 Roosevelt Road SW, stated that in regards to 329 Rako Street that they began approaching the city prior to the construction being completed and the city never bothered to get back to them. She stated that this is a hardship created by Woytassek. She stated the berm was supposed to be placed there because the developer was allowed to build denser with a Planned Unit Development. She stated that there are stormwater problems coming from the east, south and west. She asked when will the city staff and council hold the contractor accountable. This is not just a mishap, many things have been overlooked throughout the whole TIF contract.

Robert Ryan stated the berm construction was agreed upon by the developer so as to not adversely impact their neighbors.

Hellquist asked if all the downspouts went toward the front of the property.

Mr. Ryan responded that the downspouts do not go toward the front.

Hellquist asked if this house had a history of a wet basement and water problems previously. Mr. Ryan responded yes the house had some issues with water going into the basement and he has done a lot of corrections on the house and tapered the ground away from the house.

Hellquist stated that all the pictures show that all the downspouts slope into the berm are draining away from 329 Rako Street.

Mr. Ryan stated that in the back of the house the downspout does not drain away.

Ettesvold stated that the gutters on the northwest corner go to Rako Street and if they do not he would raise the elevation. There are no downspouts on the northeast corner.

Johnson asked what how much land it would take to construct the berm. Ettesvold stated that he does not have enough room to build the berm. Johnson asked how much land would be needed to build a berm and suggested that Ryans could work with the contractor.

Lehmann stated that perhaps a solution could be worked out between Ettesvold and the Ryans to satisfy both parties. Lehmann observed that if the Council decided either way someone will not be happy with the decision.

Motion by Johnson, second by Downs, to table the stormwater issue until the Council meeting on October 17 to allow time for the two parties to work out the problem. Motion carried unanimously.

NEW BUSINESS

Myron Knutson, Public Financial Management, Inc., reviewed the results of the bond sale. He stated that the bond rating from Moody's has gone from A3 to A2, which is beneficial for the City. He recommended that the City accept the low bid from Legg Mason Wood Walker for \$4,970,000 GO Water & Sewer Revenue Bonds, Series 2005A and Cronin & Company, Inc., for the \$770,000 GO Improvement Bonds, Series 2005B.

RESOLUTION NO. 5261: Awarding Sale of \$4,970,000 General Obligation Water and Sewer Revenue Bonds, Series 2005A, fixing the Form and Specifications Thereof, Providing for their Execution and Delivery, and Providing for their Payment was offered by

Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

RESOLUTION NO. 5262: Awarding Sale of \$770,000 General Obligation Improvement Bonds, Series 2005B Fixing the Form and Specifications Thereof, Providing for their Execution and Delivery, and Providing for their Payment was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.

RESOLUTIONS

RESOLUTION NO. 5263: Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, and Establishing a Date for Public Hearing for City Project #03-10 (2005 Street Improvements – Ward 1 Reconstruction Project) was offered by Councilmember Markeson, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

RESOLUTION NO. 5264: Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, and Establishing a Date for Public Hearing for City Project #04-13 (Pine Ridge Avenue Sidewalk Improvements) was offered by Councilmember Meuers, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

RESOLUTION NO. 5265: Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, and Establishing a Date for Public Hearing for City Project #03-13 (Southeast 40 Water & Sewer Connections) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers was passed by unanimous vote.

RESOLUTION NO. 5266: Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment Rolls, and Establishing a Date for Public Hearing for City Project #03-08 (Fairview Addition – Water & Sewer) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

ORDINANCES

ORDINANCE NO. 411, 2ND SERIES, An Ordinance Implementing Sales Tax was given a final reading and passed by unanimous vote.

ORDINANCE NO. 412, 2ND SERIES, An Ordinance Annexing Industrial Park Street a final reading and passed by unanimous vote.

ORDINANCE NO. 413, 2ND SERIES, An Ordinance Repealing prior Airport Joint Powers Agreement was given a final reading and passed by unanimous vote.

CITIZEN NOT ON AGENDA

Jarret Walton, 3815 Valley View Drive, stated he lives in the Tyler Estates Addition and was present with several of his neighbors. He stated they have concerns regarding the flooding caused from snow melt. There have been no measures to remedy the problem. The developer has brought a plan to build a holding pond. He commented that they wanted to know if anything will be done to fix the problem or if there were any plans in the works. Mr. Walton stated that they have concerns that if the problem is not fixed what will the City do to assist.

Minke agreed with Mr. Walton's that the City has not to remedied their problem. However, the City has been involved for quite sometime, in particular, meeting with the developer of the property. It was staff's intent to have a summary at the next Council meeting regarding this matter.

Freeberg stated that the developer, Steve Hill, has purchased 60 acres to the south and adjacent to Tyler Estates with the stated intent of dedicating approximately 20 acres for a stormwater management pond. The developer has taken a subdivision of the 60 acres including the area set aside for the pond to the township land use process and the County's subdivision process and has received approval from both. The developer has done engineering plans, has worked with contractors on pricing. Freeberg stated he has no reason that the developer is not going to proceed. The stated intent of the developer is to

begin the development of the stormwater pond area to include an area that would handle two to three times the amount of the water that ran into the area last year. When the pond is completed it will handle seven times that amount. Freeberg stated there is a long-term need for some land use controls for future subdivisions. This area receives snow melt from a 500 acre area.

Lehmann asked if Freeberg was satisfied with the developer's pond.

Freeberg stated that this will be a step in alleviating the Tyler Estates drainage problems.

Lehmann asked what the timeline of the building the pond. Minke stated that the developer is looking for financial assistance in the neighborhood of \$100,000, the City staff has offered approximately \$20,000.

Lehmann stated that this issue will be discussed further at the next Council meeting.

UPCOMING MEETINGS

- CGMC Fall Conference in Alexandria – November 16-17
- LMC Annual Conference in Rochester – December 1-3
- October 10, 2005 Work Session – Minke will review a decision-making model based on four values-liberty, community, prosperity, and equality.


COUNCIL/STAFF REPORT

- Lehmann attended a farewell event for the Bemidji National Guard who will be deployed for 18 months to Iraq which was attended by Governor Pawlenty and other representatives. Lehmann reminded everyone of the Sister City Fresh Start events on October 13-15.
- Markeson reported that 6,000 trees were planted this last weekend in Bemidji by many volunteers. Bemidji American Indian Center ad-hoc group are meeting on a bi-weekly basis and are organizing into committees.
- Hellquist reported that the Downtown Visioning Group met and discussed characteristics of mixed use zoning and smart growth principles.
- Meuers stated that the Parks & Recreation Commission met on September 27 and discussed trails in Bemidji.
- Downs stated he will be attending a meeting at Northwest Technical College regarding lake water quality on Tuesday, October 4.

ADJOURN

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

Respectfully submitted,



Kay Murphy-Schuett
City Clerk