

# **CITY COUNCIL PROCEEDINGS BEMIDJI, MINNESOTA**

**November 7, 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, November 7, 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, Erickson, Downs, Meuers.

## **AMENDMENTS TO AGENDA**

Lehmann called for any amendments to the agenda. The following addition to the consent agenda was requested:

- 11b. Approve a Resolution Rescheduling the Date for Continuation of a Public Hearing on City Project No. 05-16 (Extension of Sewer Along Minnesota Avenue NW, Between Algoma and Anne Street)

Motion by Johnson, second by Downs, to approve the agenda as amended. Motion carried by unanimous vote.

## **MINUTES**

Minutes of the October 17, 2005 regular meeting were presented for approval. Motion by Erickson, 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. Motion by Hellquist, second by Johnson, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,127,054.71.
2. Approved miscellaneous business license – Wildhare Bistro Coffeehouse.
3. Approved gambling permits:
  - Minnesota Darkhouse & Angling Association (Raffles on 3/26/06 at Eagles and 3/25/06 at Waterfront Area)
  - Chamber of Commerce (Raffles on 1/19/06 at Northern Inn & 8/5/06 at Waterfront Area)
  - Northwoods Coalition for Battered Women (Bingo on 12/29/05)
  - BSU Alumni (Raffle on 02/02/06)
  - Kabekona Free Methodist Church (Raffle 02/04/06 @ Eagles Club)
4. Approved Temporary On-Sale Liquor Licenses – BSU on February 11 and March 24, 2006.
5. Approved request for reapportionment of special assessments for Charles O'Connor, Parcel #80.05106.00.

6. Approved **RESOLUTION NO. 5270** accepting a donation from North Country Snowmobile Club.
7. Approved **RESOLUTION NO. 5271** amending special assessment policy pertaining to deferment.
8. Approved **RESOLUTION NO. 5272** adopting Assessment Rolls for City Project #05-15.
9. Approved **RESOLUTION NO. 5273** adopting Assessment Rolls for City Project #04-13 (North Country Health Services & Meritcare Clinic – waived public hearing).
10. Approved Council travel – CGMC in St. Paul on October 27 and LMC Annual Conference in Rochester on December 1 – December 3 (Johnson).  
Approved **RESOLUTION NO. 5274** rescheduling the Date for Continuation of a Public Hearing on City Project No. 05-16 (Extension of Sewer along Minnesota Avenue NW, Between Algoma and Anne Street)

Motion carried by unanimous vote.

### **COMMITTEE REPORTS**

#### Bemidji Youth Advisory Commission:

Leslie Rith-Najarian, sophomore at Bemidji High School, stated that the BYA has held one event this year which was successful. There will be a Listening Lunch at Bemidji High School where students can talk about ideas or ask questions with the guest speaker.

#### Student Senate Reports:

Tessa Hoganson, BSU, reported that the BSU Senate took 9 members to Arden Hills for a MSU State conference and discussed cultural diversity and campaigns. She reported that the HR609, Budget reconciliation resolution, passed in the Senate. She stated they are continuing to work on a book list enabling students to purchase books on-line. Student Senate will be meeting with the Public Works Committee to discuss parking issues.

Deb Shofner, NTC Campus Government President, reported that a few weeks ago had a general assembly for the Minnesota State College Student Association and had approximately 350 technical students doing training seminars and voting on by-laws.

#### Boys & Girls Club Update:

Lenore Potter, Bemidji Boys & Girls Club, expressed their thanks to the Council for their support. She stated that Officer Hanson has been spending time at Club developing relationships with the kids. The purpose of building is a tool to get kids in but what they are trying to accomplish is to build character. She stated that the daily attendance is between 80 and 100 children and membership continues to increase.

### **PUBLIC HEARINGS**

#### **City Project #03-10:**

Pursuant to mailed and published notice, a copy of which was placed on file in the City Clerk's Office, a public hearing was held to consider and adopt the proposed assessments for City Project # 03-10, Ward 1 improvements. Engineer Freeberg provided an overview of the project costs and assessments.

Mayor Lehmann opened the public hearing opened at 7:20 p.m., hearing no comments the hearing was closed.

**RESOLUTION NO. 5275:** Adopting Assessment Roll for City Project #03-10 – Ward 1 was offered by Councilmember Markeson, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

**City Project #04-13:**

Pursuant to mailed and published notice, a copy of which was placed on file in the City Clerk's Office, a public hearing was held to consider and adopt the proposed assessments for City Project #04-13, Pine Ridge Avenue and 24<sup>th</sup> Street (between Meadows and Cottage Park homes) upgraded with a sidewalk. Engineer Freeberg provided an overview of the project costs and assessments.

Mayor Lehmann opened the Public Hearing at 7:21 p.m.

Gwen Covert, 3002 Silver Birch Court NW, stated that the Meadows objected to being assessed for this sidewalk. She stated that it was a meaningless sidewalk and felt that Hospital and Clinic should pay for it.

Freeberg responded that the first notices were sent to the Meadows and no comments were received at that time. Therefore, the project was continued.

Mayor Lehmann closed the Public Hearing at 7:28 p.m.

**RESOLUTION NO. 5276:** Adopting Assessment Roll for City Project #04-13 – Pine Ridge Avenue and 24<sup>th</sup> Street Sidewalk was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

**City Project #03-13:**

Pursuant to mailed and published notice, a copy of which was placed on file in the City Clerk's Office, a public hearing was held to consider and adopt the proposed assessments for City Project #03-13, Southeast 40 water and sewer improvements. Engineer Freeberg provided an overview of the project costs and assessments.

Freeberg stated that a letter was received from Dr. Leon Nelson, 1526 5<sup>th</sup> Street SE, which raised the issue of disproportionate cost of street reconstruction on various properties in this project area. Fifth Street SE is the only street on this project that was not previously paved. Therefore, the actual cost for the water and sewer construction on this street was less than the other streets. He recommended that the assessment roll be decreased by \$18,000 for residents on 5<sup>th</sup> Street SE.

Mayor Lehmann opened the Public Hearing at 7:31 p.m.

Jackie Ryder, 6<sup>th</sup> Street SE, stated that the assessment is \$800 more than estimated. She expressed concerns about the detour on Roosevelt and the impact on 6<sup>th</sup> Street stating that this was a hardship.

Mayor Lehmann closed the Public Hearing at 7:34 p.m.

**RESOLUTION NO. 5277:** Adopting Assessment Roll for City Project #03-13 – SE 40 Water and Sewer improvements with adjustments as noted was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.

**City Project #03-08:**

Pursuant to mailed and published notice, a copy of which was placed on file in the City Clerk's Office, a public hearing was held to consider and adopt the proposed assessments for City Project #03-08, Fairview Addition water and sewer improvements.

Mayor Lehmann opened the Public Hearing at 7:40 p.m.

John Colford, 523 27<sup>th</sup> Street NW, stated he received the notice of assessment, however, the notice did not include the deferral information for septic system connection. Colford asked why there was a difference between the original roll and the final assessment roll, noting that there were less people on the final.

City Clerk Schuett responded that the septic system deferral information will be sent with the final assessment bill.

Freeberg responded that some of the system was not constructed which resulted in fewer properties to divide the cost among.

Hearing no further comments, Mayor Lehmann closed the Public hearing at 7:50 p.m.

**RESOLUTION NO. 5278:** Adopting Assessment Roll for City Project #03-08 – Fairview Addition Water & Sewer improvements pending staff review was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

**PLANNING CASE**

Planning Case #98-34: Planned Unit Development Amendment – Common Interest Community Number 28 Vista North Townhomes, First Addition, Amendment Number 2.

Motion by Hellquist, second by Meuers, to approve the planned community for 40 additional townhouse units which will include 10, four-unit townhouses. Motion carried unanimously.

**UNFINISHED BUSINESS**

Northview Manor Survey Results – Minke stated that staff has completed a survey of Northview Manor residents and the residents showed a preference for the City to continue owning the Manor.

Meuers asked what the next step is for the City.

Mayor stated that the City can do nothing and continue to own the building.

Erickson commented if the City continues to own Northview Manor, the citizens will have to subsidize this building and the debt will not be covered by the city. She stated that she has

a difficult time asking individuals on fixed incomes to support this building. She stated that the City should not be in the rental business.

Meuers stated that there is a certain anxiety amongst the residents at the Manor and would like the city to visit this further at a work session.

Discussion continued regarding the debt service schedule, management fees and market comparison with other rental properties within the City.

Bruce Atwater, Northview Manor resident, stated that in the long term the City will have an investment after the building is paid for. A housing survey was done a number of years ago which identified a lack of rental housing for individuals in middle income. Northview Manor was built to fill this need. He commented that he felt there still a lack of housing for middle income individuals.

Ken Dunlap, resident, stated he is very happy as a resident at Northview Manor and the management takes wonderful care of the facility. However, each year residents are assessed an increase to their rent.

Mayor Lehmann set a work session on Monday, November 28 to discuss Northview Manor.

Overnight Parking on Beltrami Court NW:

Johnson discussed problems with rental parking and the policy that the City has with rental versus family units. Johnson proposed the City create an ordinance or policy banning overnight parking during the winter months so the city plows can get in to do their work. He has heard support from residents.

Mayor asked if this policy would apply to other cul-de-sacs in the City and suggested that it be looked at further.

Erickson stated she has received complaints from cul-de-sacs in her ward regarding the snow plow going around vehicles.

Minke suggested that each councilperson look at their ward to identify the cul-de-sacs that need to be signed. He stated the street department will always advocate less parking on the street, however, this could displace a lot of parking.

Oakes stated that new cul-de-sacs are large lots of subdivision with one acre parcels and have off-street parking available.

Kristen Drexler, 1800 Beltrami Court, asked if they could park on the street by J.W. Smith.

Mayor Lehmann replied that this is not in the cul-de-sac but it will still be subjected to calendar parking if it is posted there.

Motion by Johnson, second by Erickson, directing staff to develop a policy to prohibit overnight parking during the winter months on Beltrami, America and Minnesota Courts. Motion passed unanimously.

**NEW BUSINESS**

Wetland Replacement Plan for the Pines Subdivision:

Oakes stated that Mr. Dickinson has applied to mitigate 4,320 square feet of wetland proposed in the completion of The Pines plat. Mr. Dickinson has entered into an agreement with Mr. Ray Berger of northern Beltrami County for the purchase of wetland credits that are deposited in an account in the Minnesota Wetland Bank and administered by Minnesota BWSR. Under the plan, Mr. Dickinson will replace wetland at a ratio of 1.56:1 (1.56 square feet of wetland for every one square foot of impacted area), for a total of 6,750 square feet. The Technical Evaluation Panel (TEP) unanimously recommended approval of the wetland replacement plan.

Chris Parthun, Beltrami County Soil & Water Conservation District, stated that the berm will be reduced in height and the fill removed will be used to fill the wetland. Total accumulative fill is 4,320 square feet but 720 square feet is for the structure. Even though the structure is built on pylons off the ground, the agencies and permitting entities still considered that wetland impact. Therefore, even though it is off the ground and there is no fill on the ground, Mr. Dickinson is still required to do mitigation for that. The actual impacts in the wetland fill itself is less.

Lehmann commented that Mr. Dickinson is purchasing wetland credits from the Red Lake area. Lehmann stated the Mr. Berger's wetland does not necessarily reflect the same ecosystem that is sitting on Mr. Dickinson's parcel that will be disrupted by this change in the wetlands on Lake Bemidji. He stated that there are two completely different ecosystems for mitigation purchases.

Parthun responded that the Technical Panel considered the aspects of the law as it was written in 1991 amended in 1996, the Wetland Conservation Act provides for a 1:1 replacement ratio and in Beltrami County because we have 94.5% of the original wetlands still remaining. Because of this status, Beltrami County landowners have the opportunity to replace wetlands anywhere in the state of Minnesota. This proposal does meet all the requirements of the Wetland Conservation Act.

Parthun commented that Beltrami County has passed a wetland ordinance which takes into account watershed based impacts and tries to replace those wetland impacts within the same watershed. The City has not adopted the County ordinance; therefore, the City has more flexibility in administering the wetland conservation.

Hellquist observed that at least 80-90% has no impact and in some instances it improved the situation. He asked if in Mr. Parthun's opinion this mitigation will affect that wetlands area detrimentally.

Parthun responded that the Technical Panel's collective opinion was it would not.

Downs would like to see the City consider adopting of the County's wetland ordinance.

Motion by Erickson, second by Johnson, approving Mr. Dickinson's wetland replacement plan as recommended by the TEP on October 26, 2005. Motion passed with the following vote: Ayes: Markeson, Erickson, Hellquist, Lehmann, Johnson, Downs. Nays: Meuers. Absent: None.

Chamber of Commerce Request for Increased 2006 Maintenance Funds:

Minke stated the Chamber has submitted a request for an increase of \$2,000 for 2006 for restroom supplies. The City has a lease agreement with the Chamber and as part of that lease the city contributes water and sewer for the building and an amount of money for janitorial services and supplies for the public restroom.

Motion by Downs, second by Meuers, to increase the amount for maintenance at the Chamber from \$4,000 to \$6,000 for 2006 and directed staff to find a source for the money. Motion carried unanimously.

Rural Fire Contract Extension:

Minke recommended that the Council extend the contract with the Rural Fire Association for six months. This time extension will allow the jurisdictions to consider alternatives.

Motion by Erickson, second by Hellquist, approving the six month extension for 113,520. Motion passed unanimously.

**ORDINANCES**

An Ordinance amending Chapter 16 entitled “Sales and Use Tax” was given a first reading.

An Ordinance amending the Fee Schedule for 2006 was given a first reading.

**UPCOMING MEETINGS**

- November 8 – Public Affairs Committee
- November 8 – Charter Commission
- November 9 – Public Works Committee meeting at BSU
- November 9 – Joint Powers Board
- November 15 – City will be hosting a group of Russian visitors

**COUNCIL/STAFF REPORT**

Lehmann reported that on October 21 a Mocktail party at Maple Hall was held in recognition of Alcohol Awareness.

Erickson provided an update on the deer count which was recently conducted and planned by DNR. She stated that potential bow hunt areas have been identified by Conservation Officer Mike Rusa, Chief Preece and Officer Herr. Exclosures are being constructed and will be completed in the next couple of weeks. BSU will do the monitoring of the vegetation inside the exclosures.

Johnson reported that the Event Center Committee has met and discussed marketing and the City’s contribution which will be considered at the Public Affairs Committee.

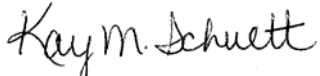
Markeson reported that the Downtown Visioning Task Force met last week with Dick Rose.

Meuers stated that the Parks & Recreation Commission did a tour of the City parks at their last meeting. At the next meeting the P&R meeting will review the RFP's for a consultant for Diamond Point Park.

**ADJOURN**

There being no further business, motion by Hellquist, second by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Handwritten signature of Kay M. Schuett in cursive script.

Kay Murphy-Schuett  
City Clerk