

CITY COUNCIL PROCEEDINGS

Bemidji, Minnesota

October 18, 2004

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 18, 2004, at 7:00 p.m. in the Council Chambers of the City Hall, Mayor Lehmann presiding.

Upon roll call the following Council members were declared present: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman.

APPROVAL OF AGENDA

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

MINUTES

Minutes of the October 4, 2004 Regular Council Meeting were presented for approval. Erickson noted a typographical error on page 2, and requested the following addition to the BSU Student Senate Report: Downs recommended that the students contact Hank Krigbaum to assist with clean up on Hwy. 197 (Bemidji Avenue). Motion by Erickson, second by Hellquist, to approve the minutes as amended. Motion carried by unanimous vote.

CONSENT AGENDA

The following Consent Agenda items were presented for approval. Motion by Meuers, second by Downs, to approve the following items on the Consent Agenda. Motion carried by unanimous vote.

- A. Approved ten (10) pages of claims submitted by the Finance Officer in the total amount of \$550,030.93.
- B. Approved Gambling Permits for No. Country Detachment #585-Marine Corps League (pull-tabs Nov. 11-14, 2004) and Bemidji Wrestling Club (Raffle Feb. 6, 2005)
- C. Approved Contract for Piping and Pump House Improvements for New Well #7

COMMITTEE REPORTS

Bemidji Youth Advisory Commission (BYAC)

Kristie Trisco noted that nine BYAC members attended a retreat on October 16-17, to develop friendships, review and revise ground rules, discuss plans and set group and personal goals for 2005. The group discussed the need to restructure the face of the commission to take advantage of a variety of resources. Plans are underway for a Halloween Bash on October 30, 2004 to be held at the Armory.

Lehmann noted that he met earlier this evening with two new BYAC members. They discussed the possibility of having the weekly newsletter e-mailed to each member of the Bemidji Youth Advisory Commission. Lehmann also agreed to check into the possibility of providing information about Council agenda items to BYAC members to encourage dialogue on those issues at BYAC meetings. He suggested that members might also want to share the youth perspective on certain issues during Council meetings.

BSU Student Senate

Jamie Roulette noted that the voter registration efforts went well. Other on-campus activities include:

- ◆ Students testified before the Higher Education Committee on Oct. 7th
- ◆ A mock election is scheduled for November 1
- ◆ Students expressing opposition to increased tuition by signing "tuition freeze" cards, which will be mailed to St. Paul
- ◆ Bounce for Cure fundraiser for breast cancer research
- ◆ Mayoral candidate debate scheduled for October 25

PLANNING CASE #2004-28: filed by Dick Lueben, requesting a Special Use Permit to place approximately 30 cubic yards of natural rock riprap, including associated grading of the shoreline and placement of a geotextile material at 2024 Birchmont Drive NE. The movement of more than ten cubic yards of material within shore impact requires a special use permit. Planning Commission recommended approval. Motion by Downs, second by Zachman, to accept the recommendation of the Planning Commission to approve the Special Use Permit as requested. Motion carried by unanimous vote.

PLANNING CASE #2004-29: filed by Tim Witschen, requesting a variance to build a detached garage on a vacant residential parcel he owns at 910 Arch Lane SW. The Zoning Ordinance requires the principal structure, or house, to be built prior to the construction of an accessory structure. A motion was made to recommend that the Council approve the variance, however, the motion failed due to the lack of a second. No additional motions were made by the Planning Commission.

Mr. Witschen noted that both the garage and residential structure on the parcel were dilapidated. He removed the house and had originally planned to use the existing garage, but due to the size and poor condition of the garage, he decided to also remove the garage and construct a new one. He was not aware of the ordinance that would prohibit him from having an accessory building prior to construction of a residential structure. He expressed the need to have storage for a boat, lawn mower, etc., but noted that he is not prepared to build a home for several years.

Downs felt Mr. Witschen enhanced the neighborhood by removing the existing dilapidated structures. He noted the property owner would have been in compliance had he constructed the new garage prior to demolition of the dilapidated structure.

Motion by Zachman, second by Downs, to approve the variance as requested. Felix suggested that the Council identify the Findings on which to base their approval.

Erickson agreed with the motion and felt that a hardship is created by the order in which the property owner removed the structures. She felt this should be an exception to the City's ordinance because there had been an existing home and garage.

City Attorney Felix noted that the hardship cannot be created by the applicant and cannot be economic. He noted that the hardship must be something that is unique to the property and suggested that the Council may need to consider an ordinance amendment to be more specific in addressing this type of request, where an individual may want to initially have the ability to store lawn mowers, building materials or other equipment before they actually build a residential structure.

Lehmann and Meuers noted they are inclined to vote against this issue because they are unable to find a hardship other than that which the applicant created for himself.

Erickson asked why the City discourages accessory structures standing alone on a parcel of land. Felix noted that he wasn't with the City when the ordinance was drafted, but suggested that the City probably expects that there will be residential structures in single family residential neighborhoods and not stand-alone storage buildings. He also cautioned that the use of storage structures is often extended to something other than storage when the property owner is only in the area over the weekend or other brief periods of time. The City feels that construction of stand-alone accessory or storage structures encourages such extended uses.

Councilmembers discussed the need to restructure the ordinance noting that, in this case, the existing ordinance prohibits an improvement to this property.

Hellquist felt that the Council could be faced with similar issues when the city begins to annex property in the surrounding township areas. He suggested the Council table the issue and direct the Planner to provide some options for dealing with such issues.

Planner Oaks suggested that if the Council feels strongly about restructuring the ordinance, they might want to consider a moratorium on future development.

Felix reminded the Council that they are nearing finalization of a joint powers agreement to deal with annexation and the creation of a joint planning and zoning board to cover future development in the City, Northern and Bemidji Townships. He suggested that rather than create a moratorium to do something that will probably be addressed with the joint powers board, the Council could simply instruct City staff to work with the joint powers board to

develop regulations that will address this and many other issues that will impact annexed areas as well as the outlying township areas.

Zachman restated his motion to approve the variance as requested based on a hardship of the circumstances in this particular instance and the idea that the issue of regulation will be addressed in the coming months under the new joint powers planning and zoning board. Second by Downs. Motion carried by the following 5-2 vote: Ayes: Zachman, Downs, Johnson, Erickson, Hellquist. Nays: Lehmann, Meuers. Absent: None.

PLANNING CASE #2004-33: filed by Carter and Marcia Williams, requesting to rezone one parcel totaling 3.35 acres, situated at 2003 Division Street West, from A/O (Agriculture / Open) to B-2 (Shopping Center / Highway). This parcel has recently been annexed into the City of Bemidji. Planning Commission recommended approval. Motion by Erickson, second by Johnson, to accept the recommendation of the Planning Commission to approve the rezoning request. Motion carried by unanimous vote.

CHAT-A-BOUT

Minke requested Council input regarding a topic for discussion and a Council representative to appear at the November 1st Chat-a-Bout session on KKBj radio. Meuers agreed to appear and preview the November 1st Council agenda.

Suggestions for future sessions included:

- ◆ Discussion regarding legislative initiatives (December 1)
- ◆ Leaf pick-up, sprinklers/water issues, snow removal, parking issues, parking ramp, noise abatement, deer management

It was also suggested that an invitation be extended to the League of MN Cities or the Coalition of Greater MN Cities to assist in the discussion regarding legislative initiatives, or to local organizations such as the Downtown Development Authority to provide information regarding the proposed parking ramp or other issues.

REVIEW MILEAGE ALLOWANCE POLICY

Councilmembers reviewed information regarding the City's current automobile allowance policy which provides for a \$125 monthly allowance to the City Engineer, Finance Director, MIS coordinator, Building Official, City Planner, Liquor Superintendent and City Attorney for use of their personal vehicle in the City. Travel outside of the City on city business is reimbursed at .37 per mile.

Minke felt the current practice does not align with the current interpretation of state statute, which allows the payment of either a mileage reimbursement or a monthly automobile allowance. Council discussed the issue at length and ultimately recommended an amendment to the City's Personnel Policy.

Motion by Downs, second by Erickson to amend the City's Personnel Policy by deleting Subd. 7, relating to Monthly Car Allowance, effective January 1, 2005. The policy for mileage reimbursement to employees for use of their personal vehicles when on City business, shall be in conformance with state statute and based on actual miles driven. Motion carried by the following 4-3 vote: Ayes: Hellquist, Downs, Johnson, Erickson. Nays: Meuers, Zachman, Lehmann.

DISCUSSION – Metro Plains Request for Work Session with Council to Discuss the Old High School Redevelopment Project

A request was received from Metro Plains to meet with the City Council in a work session to discuss details of the Old High School Redevelopment Project. Council agreed to meet with Metro Plains on Monday, November 22, at 5:30 p.m. Minke noted that Dr. Jim Hess, Superintendent of School District #31, expressed an interest in attending the meeting. Council agreed. Minke will respond to Metro Plains and will extend an invitation to Dr. Hess to be a part of that meeting.

REVIEW MASTER AGREEMENT WITH KITCHIGAMI REGIONAL LIBRARY

Minke noted that the Kitchigami Regional Library hired a consultant to review the Master Agreements it has with various cities. A meeting has been scheduled for October 21st at 9am to discuss Bemidji's agreement. Minke asked the Council to let him know if there are any issues that need to be addressed at that meeting. Councilmember Meuers

noted that she is unable to attend the meeting. Hellquist agreed to attend the meeting in her place.

HEADWATERS SCIENCE CENTER REQUEST for Council to Review a 15-minute Video entitled “Water-A Condensed Version”

Councilmembers agreed to view a 15-minute video from the Headwaters Science Center entitled “Water-A Condensed Version” at the work session on Monday, October 25, 2004.

RESOLUTION NO. 5183: A RESOLUTION ADOPTING FIFTY CENT (\$.50) PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS FEE FOR CITY PEG PROGRAMING RELATED CAPITAL NEEDS was offered by Councilmember Johnson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

ORDINANCE NO. 388, 2ND SERIES: AN ORDINANCE AMENDING CHAPTER 13, ARTICLE XII, ENTITLED “CITY OF BEMIDJI ZONING ORDINANCE, SHORELAND OVERLAY DISTRICT”, TO PROVIDE SHORELAND REGULATION IMPLEMENTATION FLEXIBILITY REGARDING RESIDENTIAL STRUCTURE HEIGHT, COMMERCIAL PLANNED UNIT DEVELOPMENTS, RESIDENTIAL PLANNED UNIT DEVELOPMENTS, AND SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC USES; BY AMENDING MINIMUM LOT AREA AND WIDTH REQUIREMENTS IN AREAS SERVED BY MUNICIPAL SEWER; BY ADDING STORMWATER MANAGEMENT STANDARDS; AND, BY PERMITTING PRIVATE WATERCRAFT ACCESS RAMP, APPROACH ROAD AND ACCESS-RELATED PARKING FOR SURFACE WATER-ORIENTED COMMERCIAL USES WITH A SPECIAL USE PERMIT was given a final reading and passed by unanimous vote.

AUTHORIZATION TO PUBLISH SUMMARY OF SHORELAND ORDINANCE AMENDMENT

Motion by Erickson, second by Hellquist, to authorize publication of the Shoreland Ordinance Amendment by title and summary. 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 #2004-33, Carter & Marcia Williams Property) was given a first reading.

UPCOMING MEETINGS

October 19 th and 20 th	Candidate Forums	City Hall Council Chambers
October 20, 2004	Joint Powers-Growth Mgmt.	Final Review of Agreement

ADJOURN

There being no further business presented for discussion, motion by Hellquist, second by Meuers, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned 9:00 p.m.

Respectfully submitted,

Shirley Sherman, City Clerk