

# CITY COUNCIL PROCEEDINGS BEMIDJI, MINNESOTA

October 17, 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 17, 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. Motion by Downs, second by Johnson, to approve the agenda as prepared. Motion carried by unanimous vote.

## MINUTES

Minutes of the October 3, 2005 regular meeting and October 10, 2005 work session were presented for approval. Motion by Meuers, second by Markeson, to approve the minutes as presented. Motion carried by unanimous vote.

## CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$953,467.40.
2. Approved application for gambling permit – Wrestling Club (raffle on 1/14/06).
3. Approved **RESOLUTION NO. 5267** approving an application for a gambling permit – Eagles Club.
4. Approved renewal of Wal-Mart Currency Exchange Annual License (2006).
5. Approved **RESOLUTION NO. 5268** declaring firefighter status for two new part-time firefighters and requesting PERA membership.
6. Approved **RESOLUTION NO. 5269** declaring cost to be assessed and ordering preparation of proposed assessment rolls for City Project #05-15.
7. Approved Council travel for Coalition of Greater Minnesota Cities Fall Conference on November 16-17 (Johnson and Erickson).

Motion carried by unanimous vote.

## COMMITTEE REPORTS

Bemidji State University Student Senate - Tessa Hoganson, Senior Environmental Studies Major and the Vice President for BSU Student Senate, stated that the main goal this year of the BSU Student Senate has been recruiting new members and conducting elections. This year they will be working on several campaigns with the other six state schools that are in Minnesota State University Student Association. The three campaigns are a textbook prices

campaign developing different ways to get publishers to lower textbook prices, a campaign to reduce college debt and improve financial aid opportunities and a caucus campaign focusing on getting students more involved in local politics.

### **UNFINISHED BUSINESS**

#### **Extension of time for Final Plat – ShoreQuest:**

Minke stated that the developer, Mr. Zacher, has submitted a request to extend the final plat for Shorequest submission date for six months. The date has been extended once before and staff recommends extending the date again. The Developer continues to work with the City as there are issues that need to resolved.

Motion by Erickson, second by Johnson, to extend the submission date for the Shorequest Final Plat to May 31, 2006. Motion carried unanimously.

#### **Ryan Property Stormwater Issue:**

Brian Grund, Freeberg & Grund Engineering, stated that after the last Council meeting Mr. Ettesvold contacted him to be an independent third party to review the on-site draining. Mr. Grund visited with the Ryans to find out what the issues were. He stated that in his opinion leaving out the small section of the berm had a minimal effect. Because this home sits lower than the rest of the area they are susceptible to water from the area. There are water issues at this property and there always will be. However, the site will see less water than before the development primarily because of the berm that was constructed. He identified where the water is coming from that is impacting the Ryan property. Mr. Grund suggested several items that can be done to improve the drainage conditions for this home thereby reducing the amount of runoff received by the Ryan property than would the completion of the berm. Suggested improvements:

1. The existing culvert which crosses Rako should have a backflow preventer placed on the downstream end. Mr. Ryan indicated that during significant rain events this culvert can introduce water to his yard which is flowing backward through the culvert pipe.
2. The same culvert can be extended northeasterly, utilizing two bends, on to the adjacent property to the east which has been developed by Mr. Ettesvold. This will not lower the water level on the adjacent townhome property, but will eliminate the need to drain this water across the Ryan property to get to the culvert.
3. In the street there are two catch basins which are located in close proximity to the entrance apron for the Ryan's driveway. During significant rain events or in the event that the catch basin castings are plugged with leaves and cannot adequately deal with the amount of runoff to them, the water can pond at this location and when it reaches 3 inches or so in depth, it can run down the Ryan's driveway. This could be solved by removing and re-pouring the concrete apron to a greater angle to provide 6 inches or more in depth, thus making it equal in height to the adjacent curbs, or by relocating the apron to the west and pouring a full curb at the entrances current location.

Grund stated that Mr. Ettesvold has indicated a willingness to pay for these improvements if he does not have to complete the berm as currently required to do by the recent decision by

the Council. The Ryans have agreed to withdraw the request for the berm construction when the items are completed.

Erickson asked what Mr. Ettesvold has agreed to pay. Grund stated he has discussed with Mr. Ettesvold the cost and he is agreeable to pay the cost.

Motion by Downs, second by Hellquist, directing staff to work with Mr. Ettesvold and the Ryans to make repairs as outlined by Freeberg & Grund and completed by the fall of 2005. Upon completion of the repairs the berm requirement will be nullified. Motion carried unanimously.

Thrifty White/Med Save & 24<sup>th</sup> Street:

Minke stated that staff has identified three options for extending 24<sup>th</sup> Street. Option A is the most direct route, no intrusion into a residential neighborhood and best alignment at a cost of \$350,000 from a realtor representing the property owner. Option B offsets the intersection with Irvine Avenue and cost is estimated between \$250,000-\$300,000. Option C is least direct route, intrudes into residential neighborhood, involves three landowners and the cost is estimated between \$200,000-\$300,000.

Downs suggested an Option D and the City do nothing. He commented that he did not feel that this is the City's problem.

Johnson stated that it makes good sense for the City to develop this street and there is no time better than now before property is more expensive. Developing 24<sup>th</sup> Street would eliminate some of the traffic congestion on Paul Bunyan Drive.

Markeson commented that he does not understand why there is a dead-end street behind a well-developed area.

Erickson stated that the Council needs to look at the cost involved in extending the street, traffic congestion and potential safety hazard of having the end of 24<sup>th</sup> Street come out by Paul Bunyan and Irvine Avenue. Erickson asked where the money will come from to do this project.

Eischens stated that there currently is no money available; however, staff can develop options if requested.

Lehmann commented that staff may be able to negotiate a lower price for the street extension.

Motion by Johnson, second by Meuers, to direct staff to begin the process of negotiating with the property owners as outlined in Option A, B and C. In addition, consult with Mn/DOT on safety concerns. Motion carried by the following vote: Ayes: Meuers, Johnson, Hellquist, Markeson, Lehmann. Nays: Erickson and Downs. Absent: None.

Sale of Northview Manor:

Minke stated that the Public Works Committee met in September and directed staff to prepare an advertisement for bid to sell the Northview Manor apartment complex. The

advertisement includes a minimum bid of \$3.1 million which, combined with escrow deposits currently on hand, would be sufficient to retire the bonds outstanding.

Downs commented that perhaps the Northview Manor apartments could be turned into condos and individuals would own their own property.

Johnson commented that the appraisal seemed low and perhaps another appraisal should be done.

Erickson stated that individuals who occupy the residents should have first option on the purchase and then the City could condo the remainder as they become available. She observed that the City would be in the rental business longer than the City Council would want. Erickson stated she was not opposed to exploring a sale but the \$3.1 million just gets us out of debt and at that amount the apartments are selling at \$51,666 each and she felt it was a gift. She observed that this would be a loss to the City citizens of \$900,000.

Motion by Downs, second by Erickson, directing staff to poll the residents at Northview Manor regarding purchasing their apartments as condominiums. Motion carried unanimously.

Chat-A-Bout Topic for November 7, 2005:

Erickson will go on Chat-A-Bout to discuss the deer management process and share new information.

**NEW BUSINESS**

Stormwater Pond – Steve Hill (Tyler Estates):

Freeberg stated that he has been wrestling with this problem since last spring when the flooding occurred. The long term solution includes an area be set aside as a stormwater pond for unusual weather events. Freeberg discussed benefits of the stormwater pond and how to pay for it. He recommended that the City pay \$138,000 which includes engineering and construction cost but subtracts the cost of the land.

Hellquist asked if there was adequate time to complete the pond this fall.

Freeberg stated that it is a one construction season project, however, because of the time of the year it will not be completed this year.

Hellquist asked is needs to be a Developer's Agreement.

Felix stated that this is not the City's property but the City is partnering under the stormwater fund and we would develop an agreement that addresses engineering standards, how the City would reimburse costs and on what basis. Felix stated that the work done must meet the engineering requirements and be completed before reimbursement.

Downs asked if the City has any legal obligation to install a stormwater pond.

Felix commented that the City has established a stormwater utility fund and the purpose of the fund is to address or readdress stormwater problems. The issue is that the City has created a policy in the past whereby the City attempts to deal with stormwater problems like this. The City has an opportunity to act proactively to deal with a scenario now that not only addresses Tyler Estates but future development that will be coming into the City.

Hellquist stated that he understood the cost estimates as Erickson outlined but this area is poised for more development. Hellquist commented that an extra \$40,000 now will go to solving problems down the road. He believed that it would be money well spent.

Johnson stated that the joint planning agreement with the two townships, in particular Bemidji Township, that it was unfortunate when deciding how parcels will be coming into the City that this area was not looked at closer and brought in sooner. He stated that some of the biggest areas that contribute to this stormwater are not slated to come into City limits for 15 years.

Meuers asked how much Mr. Hill expects the City to contribute.

Steve Hill, developer, stated his request is for \$180,000 or 46.8 percent of the total while he contributes the balance or \$204,219. The \$98,294 is not acceptable; however, he would consider \$138,000.

Grund stated that the project will start immediately and they will continue until freeze up.

Motion by Erickson, second by Downs, that the City contributes 30% of \$327,000 of the pond construction or \$98,294 whichever is less. Motion failed with the following vote: Ayes: Erickson, Downs, Lehmann. Nays: Meuers, Hellquist, Johnson and Markeson. Absent: None.

Motion by Hellquist, second by Markeson, motion that the \$138,000 to Steve Hill for construction of a stormwater pond at Tyler Estates and that necessary agreements be signed with the City. Motion carried with the following vote: Lehmann, Markeson, Hellquist, Johnson, Downs, Meuers. Nays: Erickson. Absent: None.

Audit Contract:

Meuers reported that the Public Affairs Committee recommended the City continue to contract with the local firm, Miller McDonald Erickson & Moller, Ltd for their audit services at a total cost over four years of \$125,600.

Motion by Meuers, second by Downs, to award the audit for the next four years to Miller McDonald Erickson & Moller, Ltd. Motion carried unanimously.

Request for Waiver of Building Permit Fees – Headwaters Science Center:

Motion by Erickson, second by Downs, to waive the building permit fees for the Headwaters Science Center less the state surcharge and the amount come from the contingency fund. Motion carried unanimously.

### **CITIZEN NOT ON AGENDA**

Bruce Atwater, resident of Northview Manor, commented that he was pleased that the Council will contact Northview Manor residents regarding the disposition of the building. He would like to invite the Council to coffee at Northview Manor which is every morning at 10:00 a.m. and on Wednesday there are sweet rolls. Mr. Atwater commented that the residents at the Manor are very concerned and anything the Council can do to keep them informed is welcome.

### **UPCOMING MEETINGS**

- November 14 Work Session – Utility Franchise Fees

### **COUNCIL/STAFF REPORT**

Minke stated that Tweedale is interested in working with the Council again in January or February for their annual retreat.

Lehmann commented that this past weekend a Sister Cities event was held at the Northern Inn and thanked the individuals who worked to develop the fundraiser event. Lehmann read a Proclamation declaring National Red Ribbon Week, October 23-31.

Hellquist stated he will be attending a Downtown Bemidji Task Force meeting on Tuesday, October 18. Dick Rose will present conceptual drawings.

Johnson reported that the event center committee met last week and is moving forward on the public relations process and putting the package together to sell it at the state legislation. Johnson stated that the Public Works Committee met regarding parking and developing a plan to address parking and rentals. Johnson suggested that looking at seasonal parking during the winter in the cul-de-sacs may be helpful. In addition, the Anchor Marketing firm from Grand Forks will be marketing Bemidji and the Airport to attract business and industry to the city of Bemidji.

Erickson provided an update on the deer management committee. Fencing for the enclosures has been purchased. DNR and BSU have assisted in placement of enclosures. Erickson stated that the City as contracted with an individual to create three 30' by 30' enclosures which will just about exhaust the \$4,000. Starting this week, Janice Moberg and Erickson will be counting deer five times, weather permitting from East Avenue to Elliot Road. The first counts will be at 6:30 p.m. on Wednesday and Thursday this week. The information gathered will be sent to the DNR. Staff will send out a news release.

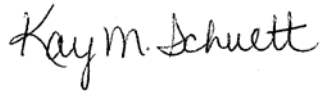
Downs met last week with DNR on the Paul Bunyan Trail Committee and discussed \$2.235 million DNR bonding request, etc. Downs encouraged outdoor and trail enthusiasts to contact him to get on the mailing list for the trail committee.

Meuers has met with the County regarding other library systems and it has been determined at this time going with another system will not work. There will be a need to set up a meeting regarding funding cuts for the library in 2006. Meuers reported that the Parks & Rec Committee has met and RFP are being accepted until October 28 to hire a firm to redevelop Diamond Point Park.

**ADJOURN**

There being no further business, motion by Downs, second by Meuers, to adjourn the meeting. Motion carried. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kay M. Schuett".

Kay Murphy-Schuett  
City Clerk