

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **April 21, 2003**

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, April 21, 2003, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Pro-tem Downs presiding.

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

#### **APPROVAL OF MINUTES**

Minutes of the April 7, 2003 Regular Council meeting and April 14, 2003 Work Session were presented. There being no additions or corrections noted, motion by Erickson, second by Hellquist, to approve the minutes as presented. All voted aye. Motion carried.

#### **AMEND AGENDA**

Mayor Pro-tem Downs called for any amendments to the agenda. There being none the agenda was approved as presented.

#### **CONSENT AGENDA**

The following consent agenda was presented for approval. Motion by Zachman, second by Meuers, to approve the Consent Agenda as presented. Motion carried by the following vote: Ayes: Meuers, Zachman, Hellquist, Erickson, Johnson, Downs. Nays: None. Absent: Lehmann.

- (A) Approved Temporary On-Sale Liquor License for Bemidji State University (September 26, 2003 – Foundation Annual Meeting)
- (B) Approved General Transient Merchant Permit for TNT Fireworks sales the Wall-Mart Parking Lot.
- (C) Approved Nine (9) Pages of Claims Submitted by the Finance Officer in the total amount of \$413,511.94.
- (D) Approved Appointment of Jody Benshoof to the Library Board to complete the term of John Arnez.
- (E) Approved Appointment of Nancy Erickson to represent the City on the Northwest Service Cooperative Advisory Committee.
- (F) Approved Elliot Road Maintenance Agreement with Northern Township for a term of four years (2003 – 2007).
- (G) Approved Purchase of Flushing Tank for Sewer Line Division from McQueen Equipment on the amount of \$10,520.07.
- (H) Approved Resolution No. 5051 Authorizing Bank Signatures.
- (I) Approved Resolution No. 5052 Condemning Structures at 1624 5<sup>th</sup> Street NE.
- (J) Approved Reapportionment of Assessments for Lot Division (Parcel #80.04264.00 - Ettesvold).
- (K) Authorized Acceptance of the Low Bid on City Project 02-14 (Robin Lane/Arch Lane cul-de-sac and street improvements)

#### **BEMIDJI YOUTH ADVISORY COMMISSION REPORT**

Therese Elhard noted that the “listening lunches” at the High School are going well. Plans for the Youth Rally in June are progressing. There has been some discussion about moving the street dance to Parking Lot #4 – near City Hall.

#### **BSU STUDENT SENATE REPORT**

Jason Swanson reported on current activities of the BSU Student Senate.

#### **SAFE/SOBER PRESENTATION BY POLICE DEPARTMENT**

Tom Kummrow, MN Department of Public Safety, commended the City of Bemidji Police Department for their participation in the Safe & Sober Program and awarded a LIDAR radar gun to Sgt. Paul Parthun for departmental use.

**PLANNING CASE #03-07:** Filed by Tom Lundberg, Marathon convenience store and gas station, situated at 2202 Division Street West requesting three sign variances as follow:

- (1) Add a second pylon sign to the property, one pylon sign is permitted on a B-2 zoned parcel. Planning Commission recommended approval with the condition that applicant relocate the existing pylon sign, which is proposed to be increased in size, to a conforming minimum 15 foot front yard setback.
- (2) Proposed height of 70 feet for the second pylon sign (increased from 59 feet proposed at the initial public hearing), 30 feet permitted, a 40-foot height variance is requested.
- (3) Proposed 16 feet by 16 feet (256 square feet) second pylon sign (increased from 14 feet by 14 feet, 196 square feet, at the initial public hearing) 125 square feet permitted for the parcel. Current signage and proposed addition to the first pylon sign are approximately 125 square feet, therefore, a 256 square foot variance is requested.

Planning Commission recommended denial, with a 4-2 vote, of both the second and third variance requests, based on three of the five required findings of fact not being met.

The property owner identified the uniqueness of this business location adjacent to the highway, noting that the 70 foot high, 256 square foot, sign is necessary to the success of the business because the structure elevation is low relative to the highway bypass.

City Attorney Felix noted that an economic hardship does not meet the criteria necessary for the findings, however, the elevation of the parcel in relation to the highway bypass is unique and would meet the required findings.

Councilmembers discussed the issue at length, particularly the proximity of the parcel to the bypass. It was also noted that surrounding property owners have expressed no opposition to the variance requests.

Motion by Hellquist, second by Meuers, to accept the recommendation of the Planning Commission to approve sign variance #1 to add a second pylon sign to the parcel with the condition that applicant relocate the existing pylon sign to a conforming minimum 15 foot front yard setback. Motion carried by the following vote: Ayes: Hellquist, Meuers, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: Lehmann.

Motion by Hellquist, second by Zachman, to grant a 40-foot height variance for the second pylon sign, allowing the proposed sign to be 70-feet in height; and to grant a size variance for the second pylon sign, allowing the proposed sign to be 16-feet by 16-feet, based on the five findings of fact being met. Motion carried by the following 4-2 vote: Ayes: Hellquist, Downs, Johnson, Zachman. Nays: Erickson, Meuers. Absent: Lehmann.

**CONSIDERATION OF THE LEC AGREEMENT**

A copy of the proposed Law Enforcement Center Agreement between the City and Beltrami County was presented for Council review. It was noted that the agreement includes a provision for ownership interest at the end of the 20-year lease agreement. City Manager Minke noted that the County Board has approved the proposed agreement. Motion by Meuers, second by Hellquist, to approve the agreement as presented. Motion carried by the following vote: Ayes: Hellquist, Downs, Johnson, Meuers, Zachman, Erickson. Nays: None. Absent: Lehmann.

**CONSIDERATION OF CHANGE ORDERS ON 30<sup>TH</sup> STREET PROJECT**

Three Change Orders were made on the 30<sup>th</sup> Street & Pine Ridge Avenue reconstruction project done in 2002. City Engineer Freeberg noted that the work done was essential and funding mechanisms are in place through the Interceptor project account, the stormwater account, adequate special assessments and MSA funding, however, the Council must take action before the City can process payment. Motion by Erickson, second by Zachman, to approve three change orders as follows:

Change Order #1	\$19,986.87
Change Order #2	\$12,838.42
Change Order #3	\$ 2,803.20

Motion carried by the following vote: Ayes: Downs, Erickson, Zachman, Meuers, Hellquist, Johnson. Nays: None. Absent: Lehmann.

**LAND ACQUISITION – (30<sup>TH</sup> Street)**

City Manager Minke suggested that this issue be tabled due to some new developments, which need to be considered. Motion by Zachman, second by Erickson, to table the issue until further notice. All voted aye. Motion carried.

**DISCUSSION OF HRDC INTERGOVERNMENTAL PROCESS**

City Manager Minke noted that the Headwaters Regional Development Commission is moving forward with the City/Township Joint Intergovernmental Process. The date of the first meeting to discuss expectations and establish ground rules, has yet to be determined. Minke suggested that some consideration be given to appointment of Council representatives and the at-large representative. Councilmember Zachman suggested appointment of Mayor and Councilmember Hellquist as the City's two elected officials. Councilmember Erickson noted that a committee was appointed in 2002, when the need for this process first emerged. At that time, the appointments were the Mayor, Councilmember Johnson and Councilmember South. Based on the history, she suggested that Mayor Lehmann and Councilmember Johnson retain their seats on that committee. Councilmember Johnson expressed his interest in serving on the committee. It was noted that Mayor Lehmann had also expressed his interest in serving on this committee. Council invited recommendations for the at-large appointment. The actual appointments will be made at a future meeting

**RESOLUTION ESTABLISHING EARLY RETIREMENT POLICY IN RESPONSE TO PROPOSED 2004 BUDGET CUTS (Tabled at the April 7, 2003 meeting)**

Motion by Erickson, second by Johnson, to table this issue until the Legislature has made a final decision on 2004 cuts to Local Government Aid. Motion carried by the following vote: Ayes: Erickson, Hellquist, Zachman, Meuers, Downs, Johnson. Nays: None. Absent: Lehmann.

**ORDINANCE NO. 337, 2<sup>nd</sup> Series:** AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2003-05, Bob Lowth Ford) was given a final reading and passed by the following vote: Ayes: Meuers, Hellquist, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: Lehmann.

**ORDINANCE NO. 338, 2<sup>nd</sup> Series:** AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2003-06, North Country Health Services) was given a final reading and passed by the following vote: Ayes: Hellquist, Meuers, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: Lehmann.

**2ND READING:** AN ORDINANCE AMENDING THE CITY OF BEMIDJI ZONING CODE (Pertaining to Special Uses in Business Districts in the City of Bemidji, Planning Case #2003-08) was given a second reading.

**2ND READING:** AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2003-11) was given a second reading.

**2ND READING:** AN ORDINANCE ANNEXING PROPERTY ALONG DIVISION STREET NW TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Duane/Sylvia Hadrava property – 1808 Division Street NW) was given a second reading.

**LEGISLATIVE UPDATE**

Joe Vene provided an update on the Local Sales Tax Initiative noting that the bill has received a C-1 classification.

**REPORTS – STAFF/COUNCIL**

Johnson reported on the Airport Symposium held April 15-17, noting that there was some discussion regarding the possibility of establishing a Bemidji Airport Authority. The issue will be discussed further by the Airport Commission to determine whether there is enough support to go to the legislature with a proposal.

**UPCOMING MEETINGS**

Thursday, April 24 5:30 p.m. Officials from surrounding cities have been invited to a meeting to discuss common issues and challenges.

**ADJOURN**

There being no further business presented for discussion, motion by Johnson, second by Zachman, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 8:50 p.m.

Respectfully submitted

Shirley Sherman