

# **CITY COUNCIL PROCEEDINGS**

## **Bemidji, Minnesota**

### **November 15, 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, November 15, 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: Downs, Erickson, Zachman, Lehmann, Meuers, Hellquist, Johnson. Absent: None.

#### **APPROVAL OF AGENDA**

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

#### **MINUTES**

Motion by Downs, second by Meuers, to approve the minutes of the October 25, 2004 Work Session/Special Meeting, November 1, 2004 regular Council meeting, and November 4, 2004 Canvassing Board meeting. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

Erickson requested removal of the Agreement with MJ Architect for Arena Improvements from the Consent Agenda for further discussion.

Motion by Meuers, second by Hellquist, to approve the remaining Consent Agenda items as follows:

- A. Approved ten (10) pages of claims in the total amount of \$1,026,449.49
- B. Approved Gambling Permits for Bemidji Curling Club (Raffles 3/12/05 & 4/9/05) and Northwoods Coalition for Battered Women (Bingo 12/30/04)
- C. Approved New Business License for Healing Hands Massage & Mobile
- D. Held the first reading of an off-sale Beer License for Shopko Stores d/b/a Pamida, Inc., 200 Paul Bunyan Drive So.
- E. Approved Lot Realignment Request by Woytassek Custom Homes

Motion carried by unanimous vote.

#### **COMMITTEE REPORTS**

##### **Bemidji Youth Advisory Commission (BYAC)**

Dayna Landgrebe reported on the following BYAC activities:

- ◆ Planning a community forum to be held on November 22 – 7:00 p.m. at the Headwaters School of Music & The Arts – topic of discussion is Drugs & Alcohol - use and solutions.
- ◆ Visited the Ground Floor Youth Center in Grand Rapids on an information-gathering mission. The concept will be shared with Bemidji area youth to determine whether there is any interest in a similar facility for the Bemidji area.
- ◆ Designing a float for the Night We Light Parade to be held on November 26<sup>th</sup>.

##### **BSU Student Senate**

Jamie Rowlette noted the Student Services Committee discussed the need to accelerate the smoking ban in the residence halls on BSU campus from taking effect in 2007 to effective when classes begin in 2005. Other issues of concern include:

- ◆ Increased room & board rates in fall 2005.
- ◆ Tuition costs
- ◆ Bonding bills from 2004 legislative session

- ◆ Safety issue – need for increased lighting in the area of Bangsberg Complex to 10<sup>th</sup> Street

### **AGREEMENT WITH MJ ARCHITECTURAL STUDIOS FOR ARENA IMPROVEMENTS**

This item was removed from the consent agenda for further discussion. Councilmembers reviewed the proposed agreement, which detailed the scope of project and projected cost. It was noted that funds are currently available in the arena reserve to do the project.

Motion by Zachman, second by Meuers, to approve the proposed agreement with MJ Architectural Studios in the amount of \$116,364 for arena improvements. Motion carried by unanimous vote.

### **PUBLIC HEARINGS**

#### Extension of Utilities to 40-Acres located in SE Bemidji (City Proj. 03-13)

Pursuant to mailed and published notice, copies of which were placed on file in the City Clerk's Office, a public hearing was held to consider the extension of utilities to 40-acres located in SE Bemidji. City Engineer Brian Freeberg provided an overview of the project. Mayor Lehmann opened the public hearing and invited anyone present to address the Council regarding this issue.

George Hede, 907 Stoner Avenue presented a petition representing nine (9) out of thirteen (13) property owners on Stoner Avenue SE who were opposed to the extension of water and sewer to that area.

Jackie Ryder, 1625 6<sup>th</sup> Street SE asked the council to consider running the utilities along the back property lines of the residences along 5<sup>th</sup> and 6<sup>th</sup> Street SE. She noted that each of these properties is plumbed to connect to services in back of the house. It would be more costly to tunnel under the residence to connect to services located in the street in front of the house.

Engineer Freeberg noted that the proposal has merit and agreed to meet with the property owners in that neighborhood as soon as possible to discuss the issue further. Freeberg also noted that this configuration would have little impact on the remainder of the project.

There being no further comments, the public hearing was closed.

Erickson offered a resolution to order the improvement with the elimination of the portion of the project along Stoner Avenue south of Roosevelt Road, based on the petition signed by nine of thirteen property owners in that area.

**RESOLUTION NO. 5192:** A RESOLUTION ORDERING IMPROVEMENT, DESIGNATING PROJECT ENGINEER, CALLING FOR PREPARATION OF PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT FOR BIDS ON CITY PROJECT #03-13 (Extension of Utilities to 40-acres in SE Bemidji) but eliminating the Stoner Avenue portion south of Roosevelt Road, was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Johnson, was passed by unanimous vote.

#### Miscellaneous Assessments for Work Done During 2004

Pursuant to mailed and published notice, copies of which were placed on file in the City Clerk's Office, a public hearing was held to consider assessments for unpaid charges for miscellaneous work done on private property during the year 2004. Mayor Lehmann opened the public hearing and invited anyone present to address the Council regarding this issue.

No one appeared. The public hearing was closed.

**RESOLUTION NO. 5193:** A RESOLUTION ADOPTING ASSESSMENT ROLLS FOR COSTS ASSOCIATED WITH LOT MAINTENANCE AND OTHER MISCELLANEOUS WORK DONE BY THE CITY ON PRIVATE PROPERTY IN

2004 was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Zachman, was passed by unanimous vote.

Planning Case #2004-16 – Filed by Bemidji Development Corporation, requesting a Subdivision, Preliminary Plat, to subdivide property totaling 155.7 acres into 53 industrial parcels and outlots. The property is situated to the south of the existing developed portion of the Bemidji Industrial Park, south of County Road #404 (Carr Lake Road SE). The proposed plat has been amended since the initial public hearing at the April 26, 2004, Planning Commission meeting. Planning Commission recommended approval with the following conditions: (1) The Second Addition to Industrial Park, Preliminary Plat, received on October 12, 2004, shall include 53 parcels, two outlots, and five new streets as identified on the preliminary plat; and (2) All streets, utilities, and storm water management ponds shall be constructed to City specifications, as required by the City Engineer. They may be built in phases as the parcels are sold and developed.

Motion by Zachman, second by Erickson, to accept the recommendation of the Planning Commission to approve the request with conditions noted. Motion carried by unanimous vote.

Planning Case #2004-34 – Filed by William Laitala, requesting three variances for a third accessory structure (detached garage) on a residentially zoned parcel situated at 5117 Power Dam Rd NE. The Bemidji Zoning Ordinance permits one accessory structure on a single residentially zoned parcel. The structure is proposed to be 2,160 square feet in size. The Ordinance permits a maximum 1,000 square foot accessory structure, therefore, a 1,160 square foot variance is being requested as the second of three variances. The third variance involves structure height. The Zoning Ordinance requires that accessory structure height be the same or less than the house. The applicant is proposing to build the accessory structure two feet higher than this house, therefore, a two-foot variance is being requested. Planning Commission recommended approval of all three variances.

Motion by Erickson, second by Meuers, to accept the recommendation of the Planning Commission to approve all three variances.

Lehmann noted that several years ago the Council denied a similar request by a property owner in the same general area. Felix reminded the Council of the need to identify the hardship before granting a variance.

Motion carried by the following 6-1 vote: Ayes: Erickson, Hellquist, Zachman, Meuers, Downs, Johnson. Nays: Lehmann. Absent: None.

Planning Case #2004-35 – Filed by Matt Sparby / Harold Gordon, requesting to rezone a 40-acre parcel situated on the northwest corner of 15<sup>th</sup> Street NW and Middle School Drive NW from A/O (Agriculture / Open) to R-3 (Single-Family Residential – Sewered). Planning Commission recommended approval.

Motion by Downs, second by Erickson, to accept the recommendation of the Planning Commission to approve the rezoning. Motion carried by unanimous vote.

#### **APPOINTMENT OF COUNCIL MEMBERS TO THE BEMIDJI AREA JOINT POWERS PLANNING BOARD**

Mayor Lehmann recommended appointment of Ron Johnson and himself to keep continuity with the joint task force which developed the City/Townships Joint Powers Agreement and Orderly Annexation Agreement; Roger Hellquist because of his recent membership on the City Planning Commission; and Barb Meuers because of her representation of the entire city as the at-large member of the Council. Motion by Zachman, second by Meuers, to approve the appointments as recommended. Motion carried by unanimous vote.

#### **CONSIDERATION OF HRDC PLANNING DESIGN PROPOSAL FOR LAKE BEMIDJI BICYCLE LOOP**

Earlier this year the HRDC sponsored some meetings involving City, County, University, State Park and other interested entities in developing an official bicycle path around Lake Bemidji. Council reviewed a proposal by HRDC to assist the

various relevant jurisdictions with the development of their section of the path by conducting a design study for key undeveloped sections.

Council suggested that the HRDC work in concert with the City Parks and Recreation Commission as well as the City Department of Public Safety in designing the bicycle path.

Motion by Downs, second by Johnson, to accept the proposal from HRDC. Motion carried by unanimous vote.

#### **CHAT-A-ABOUT SUBJECT/SPEAKER FOR DECEMBER 6, 2004**

Subject: Deer Management Issues  
Speaker: Nancy Erickson with Steve Caron

#### **COUNCIL RETREAT**

Minke recommended that the Council consider a retreat in 2005 to review its decision making process, educate its members on topics of interest and consider the direction for the coming year. He noted Cliff Tweedale from the Headwaters Regional Development Commission is available to facilitate the retreat. Johnson suggested that consideration be given to inviting the facilitator at the 2004 retreat back for continuity purposes. Other recommendations included:

- ◆ Date: Later part of January – middle February 2005
- ◆ Content: Revisit priorities set last year and make adjustments if necessary  
Evaluate progress on established goals  
Include discussion time with members of the BYAC

Lehmann asked Councilmembers to give further thought to items for discussion at the retreat. In the meantime, Minke will make arrangements for a facilitator and organize a process for receiving Council input.

**RESOLUTION NO. 5194:** A RESOLUTION ADOPTING ASSESSMENT ROLL FOR DELINQUENT UTILITY ACCOUNTS REFLECTING COSTS FOR SERVICES PROVIDED DURING THE YEAR 2004 was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs, was passed by unanimous vote.

**ORDINANCE NO. 389, 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 #2004-33, Carter & Marcia Williams Property) was given a final reading and passed by unanimous vote.

#### **AN ORDINANCE AMENDING THE BEMIDJI CITY CODE, ADOPTING AN AMENDED FEE SCHEDULE.**

Pursuant to published notice, a public hearing was held to discuss adoption of an amended fee schedule for City services. Mayor Lehmann opened the public hearing and invited those present to speak to the issue. No one appeared. The public hearing was closed.

The ordinance was given a 2<sup>nd</sup> reading.

**AN ORDINANCE AMENDING THE BEMIDJI CITY CODE BY ADDING SECTION 10.46 RELATING TO NOISE RELATED ISSUES** was presented for a first reading. During discussion Council suggested the following additions:

- ◆ Sale/installation of equipment that would cause vehicles to be out of compliance with the ordinance
- ◆ Operation of motor vehicles in disrepair as to create loud grating, grinding, rattling or other loud noise (refer Subd. 9 of the Brainerd ordinance)
- ◆ General consequences providing that if an officer hears a loud party or receives a complaint, the fact that he was there shall be prima facie evidence of a violation

City Attorney Felix noted that the Brainerd Ordinance was used as a guide in developing the ordinance before the Council at this time. He acknowledged the

recommendations from the Council and agreed to provide a revised draft for the December 6<sup>th</sup> meeting.

Johnson suggested that the most important thing the Council can do at this time is to allocate the resources to enforce existing or proposed ordinances.

The Council heard the first reading of the proposed ordinance.

**UPCOMING MEETINGS**

Tuesday, November 16, 2004	9:30 a.m. @City Hall	DDA open Forum to gather citizen input regarding the future of the community
Tuesday, November 16, 2004	5:30 p.m. @City Hall	Meeting with Auditor/Internal Controls
Monday, November 22, 2004	5:30 p.m. @City Hall	Work Session with Metro Plains
Tuesday, November 23, 2004	6:30 p.m. @City Hall	Deer Management Meeting
Wednesday, November 24, 2004	1:30 p.m. @City Hall	Trails Committee Meeting

**ADJOURN**

There being no further business presented for discussion, motion by Downs, second by Meuers, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned 8:45 p.m.

Respectfully submitted,

Shirley Sherman, City Clerk