

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

June 16, 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, June 16, 2003, at 7:00 p.m. in the City Hall Council Chambers, Mayor Lehmann presiding.

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

APPROVAL OF MINUTES

Minutes of the June 2, 2003 Regular Council meeting, and June 9, 2003 Work Session were presented. There being no additions or corrections, motion by Erickson, second by Johnson, to approve the minutes as amended. All voted aye. Motion carried.

AMEND AGENDA

Mayor Lehmann called for any amendments or additions to the agenda. There were none.

CONSENT AGENDA

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

- Approved three general business licenses and the 1st reading of an on-sale beer license for Bardwell Park
- Approved Transfer of Liquor License (Knock Outs Cafe) from Jerry Fontaine to Bonnie & Gerald Wright (business renamed to Stat's)
- Approved ten pages of claims in the total amount of \$825,545.23
- Approved Special Meeting Date for CGMC Update 6/25/03 – 5:30 PM

COMMITTEE REPORTS

Bemidji Youth Advisory Commission

Tricia Andrews reported on the 4th annual Youth Rally held on June 7th. In addition to the food, music and dance, participants completed a survey identifying some of the issues they regularly deal with. Andrews noted that the surveys will be evaluated and results will be reported to the City Council at a later meeting. She also noted that the Commission received several new applications for membership during the rally.

PLANNING CASES

Case #2003-17 - Filed by Todd Guntzel, 406 Pershing Avenue SE, requesting an exterior (north sideyard setback variance to build a new detached garage on his 100 foot by 100 foot parcel situated on the southeast corner of Pershing and 4th Street. The applicant proposes to build a 24 foot wide, double garage, 12 feet from the north property line. Planning Commission recommended approval of the 8-foot exterior side yard setback variance. City Planner Oakes reported that the petitioner modified his application to increase the size of the structure from 24-wide to 26-foot wide. He noted however that the modification would not change the request for an 8-foot exterior side yard setback variance. Motion by Erickson, second by Hellquist to accept the recommendation of the Planning Commission to approve the 8-foot setback variance. Motion carried by the following vote: Ayes: Zachman, Meuers, Lehmann, Downs, Johnson, Erickson, Hellquist. Nays: None. Absent: None.

Case #2003-16 - Filed by the City of Bemidji amending Shoreland Overlay District, a portion of the City of Bemidji Zoning Ordinance. Planning Commission recommended approval.

In a memorandum to the City Council, City Attorney Felix provided an overview of the proposed Shoreland Ordinance amendments respecting, among other things, flexible Planned Unit Development density standards essentially adopting the state minimum standards for

sewered areas, with an exception/option for Commercial PUD's and Residential PUD's. He also provided a comparison between the existing Shoreland Overlay Regulations, the Minimum DNR standards and the proposed flexibility amendment.

Some concerns were expressed by Councilmembers regarding density, increased height restrictions, need for green space need to maintain water quality, and lack of support by the DNR.

Larry Krampka, Regional Hydrologist for DNR Waters, discussed the proposed amendments, expressing the need for clarification as to why the statewide standards don't work for the City.

City Attorney Felix noted that because Bemidji is an urban center with storm sewer, sanitary sewer and water we would like to have the flexibility to encourage development as we deem appropriate without impacting the lake.

Mayor Lehmann invited those present to speak to the issue.

Lisa Wisekoff, representing Citizens for Responsible Development, inquired about the make up of the committee. City Attorney Felix noted that the committee was made up of representatives of the city council, City Planning Commission, private citizens and business owners. She also questioned the council's basic understanding of the existing ordinance and how it affects density and suggested that the Council take a longer look before approving an amendment.

Robert Schmick, Indigenous Environmental Network, noted that the Mississippi River and Lake Bemidji are on a list of impaired waterways and asked the Council to consider how this amendment will improve or at least not further impair the water quality of Lake Bemidji.

Larry Stember, Business Owner, suggested that the southeast lakeshore area probably has contaminated matter, which needs to be dealt with. He asked the Council to consider green space, which is visually, pleasing, and water quality in their discussions, noting there is a direct correlation between water quality and property value.

Dr. Welle, BSU Social Scientist, expressed the need consider the risks to the lake and to write an ordinance to protect against what could be conflicting uses – to achieve a public purpose – prevent permissiveness that could have one land use degrade the values of other property owners in that same class.

Joe Vene, Chairperson of the Shoreland Committee and the Planning Commission, reiterated that the meetings were all advertised and open to the public and input was invited. He also noted the committee and the City of Bemidji are concerned about the environment and preservation of the lake.

Motion by Erickson, second by Meuers, to deny the recommendation of the Planning Commission to adopt the Shoreland ordinance amendment and also re-establish the committee to take another look at this issue.

City Manager Minke suggested that if the Council chooses to reject the recommendation and return the document to the committee, that the Council also give some thought as to what the expectations are for the committee and provide some guidance.

Mayor Lehmann was asked to clarify the question. He noted that a yes vote would support denying the recommendation of the Planning Commission & Shoreland Ordinance Committee. A no vote would support moving forward to have the first reading of the ordinance.

City Attorney Felix suggested that if the Council is comfortable with the ordinance and wants to see the DNR's response, they could have the first reading and then submit the proposed amendment to the DNR for response. If the DNR rejects the amendment, they must provide reasons for the denial and suggest appropriate language or solutions that would be acceptable to the Commissioner.

Mayor Lehmann called the vote. Motion failed on the following 4-3 vote: Ayes: Johnson, Meuers, Erickson. Nays: Hellquist, Downs, Zachman, Lehmann. Absent: None.

Mayor Lehmann confirmed that the ordinance will receive the first reading tonight and be submitted to the DNR for comment.

UNFINISHED BUSINESS

Police Response Update

Councilmembers received a report identifying residences within city limits that have had at least four (4) repeat nuisance calls during 2002. Director of Public Safety Preece commented on the data and noted that a number of cities have adopted nuisance ordinances which allow the police department to fine property owners \$250-\$275 for in excess of 3-5 nuisance calls.

Preece is in the process of gathering information on those ordinances and will report to the Council at a later date.

RESOLUTION NO. 5063: A RESOLUTION RE-ESTABLISHING A PUBLIC AFFAIRS COMMITTEE was offered by Councilmember Zachman, who moved its adoption, and upon due second by Councilmember Downs, was passed by the following vote: Ayes: Johnson, Hellquist, Meuers, Lehmann, Zachman, Erickson, Downs. Nays: None. Absent: None.

Appointment of Public Affairs Committee

Mayor Lehmann recommended appointment of Councilmembers Johnson, Meuers, and Hellquist to the Public Affairs Committee. Motion by Zachman, second by Erickson, to accept the Mayor’s recommendation. Motion carried by the following vote: Ayes: Lehmann, Meuers, Zachman, Hellquist, Erickson, Johnson, Downs. Nays: None. Absent: None.

Potential Committee Assignments

Manager Minke provided a list of assignments for the Public Works Committee and Public Affairs Committee as follows:

Public Works	Improvements at Neilson Reese Arena Special Assessment Interest Rate
Public Affairs	Local Cable Access & Increased Franchise Fees Law Enforcement costs study

Motion by Erickson, second by Johnson, approving the list of assignments as noted. All voted aye. Motion carried.

NEW BUSINESS

Presentation by Jim Otterkill for Kestrel Pines Townhomes

Jim Otterkill provided an overview of the proposed rental housing development at 820 26th Street NW and requested a resolution of support from the Council.

RESOLUTION NO. 5064: A RESOLUTION SUPPORTING AN APPLICATION TO MHFA FOR AN ALLOCATION OF HOUSING TAX CREDITS was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by the following vote: Ayes: Meuers, Hellquist, Johnson, Downs, Erickson, Zachman. Nays: Lehmann. Absent: None.

ORDINANCES

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 12 OF THE CITY OF BEMIDJI ZONING CODE (Pertaining to Shoreland Overlay District) was given a first reading.

ADJOURN

There being no further business presented for discussion, motion by Downs, second by Johnson, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 9:35 p.m.

Respectfully submitted

Shirley Sherman, City Clerk