

# ***CITY COUNCIL PROCEEDINGS***

## ***BEMIDJI, MINNESOTA***

### ***April 19, 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, April 19, 2004, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

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

Mayor Lehmann called for amendments to the agenda. There were none. Motion by Erickson, second by Downs, to approve the agenda as presented. Motion carried by unanimous vote.

#### **APPROVAL OF MINUTES**

Minutes of the April 5, 2004 Regular Council meeting was presented for approval. Motion by Erickson, second by Meuers, to approve the minutes as presented. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

The following consent agenda items were presented for approval. Motion by Johnson, second by Hellquist, to approve the items listed on the Consent Agenda as follows. Motion carried by unanimous vote.

- A. Approved twelve (12) pages of bills in the amount of \$1,199,539.01.
- B. Approved a Gambling Permit for the BSU Foundation (raffle to be held 6/16/04).
- C. Approved miscellaneous business licenses.
- D. Awarded bid for construction of Well #7 to the low bidder, LTP Enterprises, in the amount of \$113,410.00.
- E. Approved **RESOLUTION NO. 5140** revoking Municipal State Aid Street (Old Midway Road - TH 197 - 0.59 miles).
- F. Approved **RESOLUTION NO. 5141** establishing Municipal State Aid Street (4<sup>th</sup> Street SE from TH 197 to Lake Avenue and Lake Avenue from 1<sup>st</sup> Street to 4<sup>th</sup> Street SE - 1.21 miles).
- G. Approved **RESOLUTION NO. 5142** authorizing execution of Grant Agreement for 2004 Juvenile Accountability Block Grant Project.
- H. Approved **RESOLUTION NO. 5143** adopting City / Mn/DOT Agreement for Middle School Drive and 23<sup>rd</sup> Street Project.

#### **BEMIDJI YOUTH ADVISORY COMMITTEE REPORT**

Zach Kern provided an update on the events planned for the Youth Day on June 7. This year there are 10 slots for bands and the Committee is working with the Downtown businesses in this regard. In addition, there will be a skateboard competition. He asked for councilmembers to participate by barbecuing or sitting in the "dunk tank" this year.

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

Jason Swanson commented that they just got done with elections for the President and Vice President. Judy Gronquist was elected as the President and Jake Odegard is Vice President. He noted that tuition is going up but not as much as last year. Has been working with Roger Allen, Director of Paul Bunyan Transit and Erle Steigauf, BSU security, on a park and ride program at BSU and hope to relieve some parking pressure. Swanson noted that he and his fellow Senate members are watching the Legislature closely on the RIOT bill.

#### **PRESENTATIONS**

##### **DARE Essays Presentation**

Jon Hunt, DARE Officer and school liaison, introduced three Middle School students who read their DARE essays to the City Council.

Library Board Update

Jody Benshoof, Library Board, provided an update on activities at the Bemidji Library. She noted that the hours have been shortened to meet budget constraints. In addition, the Friends of the Library now have a used bookstore in the Library. The Library Board and Friends of the Library are taking monetary donations called "Bucks for Books" in hopes to raise additional income for new books and materials for the Library.

**RESOLUTIONS**

**RESOLUTION NO. 5144:** A RESOLUTION ACCEPTING PETITION FOR PAVING 2<sup>ND</sup> STREET SE FROM RICHARDS TO LAKE AVENUE was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Zachman, was passed by unanimous vote.

Motion by Councilmember Erickson, second by Zachman, directing staff to do a feasibility study on paving the remaining gravel streets in southeast Bemidji (Nymore). Motion passed unanimously.

**RESOLUTION NO. 5145:** A RESOLUTION SUPPORTING HELP AMERICA VOTE ACT (HAVA) GRANT APPLICATION FOR HANDICAPPED ACCESSIBLE DOORS ON CITY HALL was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Meuers, was passed by unanimous vote.

**UNFINISHED BUSINESS**City Council Goals/Priorities Update

City Manager Minke reviewed the Council goals outlined at their retreat earlier this year. He noted that the Council should review their progress made towards the goals and ensure that the goals and strategies are still appropriate and that adequate progress is made. Mayor Lehmann commented that it was important to keep on task.

**NEW BUSINESS**Authorize Purchase of Vehicle for Director of Public Safety

City Manager Minke reviewed the request from the Director of Public Safety to purchase a Chevrolet Tahoe noting that the City currently reimburses Chief Preece for mileage at approximately \$500 per month. Councilmembers expressed concerns about the size of the vehicle and the cost to operate the same. It was further noted that perhaps a lower profile vehicle would be more appropriate.

Motion by Councilmember Hellquist, second by Councilmember Zachman, to table the purchase of a vehicle for Director of Public Safety, to allow further research. All voted aye. Motion carried.

Review Ordinance Adoption Process

Minke reviewed the ordinance adoption process currently used and proposed the following changes:

1. Meeting #1 - First reading which would include a staff report on the proposed ordinance. At the first reading the Council would be encouraged to ask questions about the ordinance and its impact.
2. Meeting #2 - Public Hearing, Council discussion, amendments if required, and second reading of the ordinance.
3. Meeting #3 - Final Council discussion, amendments if required (only by unanimous vote of the Council), third reading and final consideration of the ordinance.

Councilmembers reached a consensus to follow the proposed process to adopt ordinances.

**ORDINANCES**

Pursuant to published notice a public hearing was held on an ordinance to amend the zoning on a newly annexed property located at the southeast corner of State Hwy 2 and 71 (Wiebolt Properties, Inc.).

City Manager Minke stated that initially staff believed that newly annexed property enters the City with an R-1 (Single-Family Residential) zoning designation. However, upon further research of the City Code, it was determined that annexed property with an A/O (Agriculture/Open) designation.

Zachman expressed concerns about the property being rezoned, however, he noted that the property would probably be commercial in the future. It is very dynamic and can change the entire business concept in Bemidji, at least with the downtown area.

Meuers expressed opposition to the rezoning. She observed that we are planning ourselves into a regular community instead of a unique community. She is concerned that this outlet mall will spawn other malls.

Hellquist is in favor the rezoning and hopes to see a well designed outlet mall.

Erickson stated that if the rezoning fails, it would be an opportunity lost for Bemidji. The developer has presented a solid plan to the Council. If they follow the plan, she believes it will enhance the City and tourism. Bemidji is a regional retail center and this adds to that. Erickson felt that either the City grows or deteriorates it cannot stand still. The placement is perfect, as it is located at the intersection of two highways.

Johnson stated that he is in favor of the rezoning. He noted that he saw the petition and there were several downtown business owners that had signed it. Zachman commented that he had not seen the petition. At this point, Takhar again provided copies of the petition to the Council. Erickson commented that 567 people have signed the petition.

Downs is in favor of the rezoning. He felt that this is an opportunity to manage growth instead of growth managing us.

Zachman commented that he intends to vote in favor of the rezoning based on the petition. His concern was protecting the downtown area because \$38 million is going to change the complexion of our area.

Lehmann stated that he has consistently voted in opposition to this development. He felt the proper planning by the developer had not been done. Last Monday, the Council met with the developer and had the opportunity to ask questions. In particular, he was concerned about law enforcement issues as a result of the expanding retail trade. The developer indicated that there would be covenants built into the leases. In addition, Lehmann emphasized the need for green space and to keep this outlet mall aesthetically pleasing. The outlet mall has planned buffer zones between them and the neighbors. Another concern he had was traffic and traffic control flow. Mn/DOT is planning a 2007 project to reconstruct Washington Avenue from Luekens South to the outlet mall location, which will give a better and smoother flow into Downtown. He intends to vote in favor of this rezoning.

Mayor Lehmann opened the public hearing.

John Henningsgaard, 1520 Bixby Avenue NE, is opposed to the proposed mall. He feels that we need to rethink our vision and felt that was what Bemidji Leads was about. He commented that progress is necessary but we need to develop the integrity of this town. Who is doing anything for downtown? How can we develop the quality of this community and build community? He does not feel that putting another development down there will do anything to build community. He commented it was suburban sprawl, more traffic lights, more congestion and more driving.

Meuers felt that the City needs a strong community and that Bemidji needs to build strong neighborhoods first and Bemidji Leads is part of that process.

Cecil Chilson, 1414 Minnesota Avenue NW, expressed concerns about the downtown deterioration and is opposed to any new development until something happens to improve downtown.

Brian Grund of Freeberg & Grund, stated that he owns and operates a business in downtown and he supports the downtown businesses. He is in favor of the proposed mall and said it was a well-planned development. It would be nice if all developments were planned with a vision up front.

Harry Takhar, developer, commented that he has made some personal commitments and stated that this is going to be an "award winning project". It will compliment the city and lifestyle of the people.

Joe Vene, 1415 Bixby Avenue NE, feels there needs to be a common vision built by Bemidji Leads. It is important that the community work together.

Mark Dickinson commented that this property is not agricultural as currently zoned and it will never be developed as single family residential. There are a couple of individuals, private landowners, that want to pursue a project and this is going to be commercial property. He stated that the city should not stand in their way.

Mike Smith, MJB Home Center and DDA President, not here to speak on behalf of the DDA. He encouraged the Council look carefully at what is placed on the property. He feels that the development reaches beyond the City limits and has a greater impact outside the City limits and is concerned that the township residents have the opportunity express their views. He further commented that the DDA is working with BSU and will be coming up with some ideas for downtown.

Mark Paulson, Bemidji Township, not opposed to the rezoning as a portion was zoned commercial previously. However, he stated that it was not necessary for the entire parcel to be commercial. He is concerned about the proximity to the homes that exist on adjacent property. Mayor Lehmann commented that the developer has assured the Council that there would be a buffer built along the eastside of the property to screen residences.

Bill Batchelder, DDA board member also on Bemidji Development Corporation which represents the Industrial Park, stated that uses in the Industrial Park should not be limited because of this proposed mall. He further cautioned the Council to make sure the infrastructure is sufficient for the future. In addition, Mr. Batchelder commented that the downtown needs help and needs it bad. He encouraged the Council not to forget their roots and challenged the Council to do as much or more for the original townsite because that is what people are asking for. The public wants a quaint downtown, arts, nice restaurants, Paul Bunyan Playhouse, and nice small town amenities.

City Planner Oakes commented that the north approximately one-third of the property was previously zoned commercial while in Bemidji Township. The County Comprehensive Plan does identify this interchange as a future commercial site as opposed to residential or agricultural. In a letter from Planning Commission Member Rita Albrecht submitted this evening, she referenced the County Comprehensive Plan which was prepared two years ago by the HRDC, and it recommended commercial development occur in clusters as nodes or intersections. He believes from a planning perspective that this is not a traditional strip type of commercial because of the proximity of the two highways.

The public hearing was closed.

**ORDINANCE NO. 369, 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 #2004-09, Wiebolt Properties, Inc.) was given a final reading and passed by the following vote: Ayes: Zachman, Erickson, Hellquist, Johnson, Downs, Lehmann. Nays: Meuers. Absent: None.

Pursuant to published notice a public hearing was held on an ordinance adopting the assessment policy. Mayor Lehmann opened the public hearing. No one appeared. The public hearing was closed.

**ORDINANCE NO. 370, 2<sup>ND</sup> SERIES:** AN ORDINANCE ADOPTING THE ASSESSMENT POLICY was given a final reading and passed by unanimous vote.

AN ORDINANCE AMENDING CHAPTER 6 OF THE BEMIDJI CITY CODE RELATING TO THE SALE OF PERMITTED FIREWORKS was given a 2<sup>nd</sup> reading.

Councilmember Erickson expressed concerns about the smell from the asphalt plant to be placed in the Industrial Park. Mark Thorson, Mark Sand & Gravel, stated that the odor could be mitigated with deodorizers in the asphalt. Discussion followed about the plant and the types of activities to take place there.

AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE (Pertaining to Planning Case #2004-10, Bemidji Development Corporation) was given a 2<sup>nd</sup> reading.

**CHARTER COMMISSION RECOMMENDATIONS**

AN ORDINANCE AMENDING SECTION 2.08 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a 2<sup>nd</sup> reading.

AN ORDINANCE AMENDING SECTION 2.09 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a 2<sup>nd</sup> reading.

AN ORDINANCE AMENDING SECTION 4.04 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a 2<sup>nd</sup> reading.

AN ORDINANCE AMENDING SECTION 6.05 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a 2<sup>nd</sup> reading.

AN ORDINANCE AMENDING SECTION 12.14 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a 2<sup>nd</sup> reading.

**UPCOMING MEETINGS**

- April 26 - 5:30 p.m. - Work Session - Airport Budget
- May 24 - 5:30 p.m. - City Council Tour - 2005 Budget Preparation

**ADJOURN**

There being no further business presented for discussion, motion by Downs, second by Erickson, to adjourn the meeting. Motion carried by unanimous vote. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Kay Murphy-Schuett  
Deputy City Clerk