

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

May 19, 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, May 19, 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. Absent: None.

APPROVAL OF MINUTES

Minutes of the May 5, 2003 Regular Council meeting, May 6, 2003 Board of Review, February 10, 2003 Work Session and May 12, 2003 Work Session were presented. Motion by Meuers, second by Downs, to approve the minutes as amended. All voted aye. Motion carried.

AMEND AGENDA

Mayor Lehmann requested approval to add two items to the agenda: Appointment of the at-large position on the City/Township Joint Planning Group, and discussion regarding the mediation hearing regarding the "Lost 40" annexation. Motion by Zachman, second by Meuers, to approve the amendments as items 15A and 15B. All voted aye. Motion carried.

Councilmember Johnson requested approval to add an item to discuss police calls to rental units in the City. Motion by Hellquist, second by Johnson, to approve the amendment as item 15C. All voted aye. Motion carried.

CONSENT AGENDA

The following consent agenda was presented for approval. Councilmember Zachman asked that item C – Resolution Approving General Fund Balances be removed from the consent agenda. Motion by Hellquist, second by Johnson, to approve the remaining items on the Consent Agenda. Motion carried by the following vote: Ayes: Erickson, Hellquist, Zachman, Meuers, Lehmann, Downs, Johnson. Nays: None. Absent: None..

- (A) Approved General Business Licenses and Permits including an Application for Exempt Gambling Permit for North Country Health Services (Aug. 7, 2003).
- (B) Approved twelve (12) pages of claims submitted by the Finance Officer in the total amount of \$987,825.28.
- (C) Removed
- (D) Approved Resolution 5059 Accepting Petition to Annex Certain Property in Bemidji Township to the Corporate Limits of the City of Bemidji Pursuant to M.S. 414.033, Subd. 2(3) (1603 Roosevelt Road, Sathre)
- (E) Approved Resolution 5060 Accepting Petition to Annex Certain Property Along Irvine Avenue to the Corporate Limits of the City of Bemidji Pursuant to M.S. 44.033, Subd. 2(3422 Irvine Avenue, Chmielewski Property)
- (F) Approved Resolution 5061 for Detachment of Certain Land Pursuant to M.S. 414.06 (Thomas Sorenson Property)

BEMIDJI YOUTH ADVISORY COMMISSION REPORT

The Bemidji Youth Advisory Commission presented a multi-faceted request relative to their June 7th Youth Rally, including authorization to hold a march at 11:30 a.m. with police escort, use of the waterfront from 10 a.m. until 5 p. m. for activities such as live bands, food, prizes, games etc., and authorization to close off 3rd Street NW between Beltrami and Minnesota Avenues from 7 p.m. to midnight for a street dance. It was noted that a live band will play from 7 – 10 p.m. for the street dance and a DJ from 10 – midnight. Motion by Erickson, second by Meuers, to approve the request as presented. Motion carried by the following vote: Ayes: Zachman, Meuers, Lehmann, Downs, Johnson, Erickson, Hellquist. Nays: None. Absent: None

BSU STUDENT SENATE REPORT

No Report – Classes are dismissed for summer.

PLANNING CASE #1998-34 - Filed by Rick Gordon for Vista North Townhouses requesting a Planned Unit Development, Special Use Permit for Common Interest Community Number 19. The Planning Commission recommended approval with two conditions:

- 1) The property will continue to be developed as shown on the preliminary development plan and final plat, received on April 24, 2003. The development will either include 318 residential units without the commercial development or 280 units with the commercial development, in addition to a tot lot and several landscaped green space areas and the proposed public and private streets identified on the final plat; and
- 2) Final grading, drainage, and utility plans shall be reviewed and approved by the City Engineer.

Motion by Hellquist, second by Downs, to accept the recommendation of the Planning Commission to approve the request with the two conditions noted. Motion carried by the following vote: Ayes: Meuers, Hellquist, Johnson, Downs, Erickson, Zachman, Lehmann. Nays: None. Absent: None.

PLANNING CASE #2003-12 - Filed by City of Bemidji rezoning Cedar Lane NW neighborhood from R-1 to R-3 (Single Family Residential). Planning Commission recommends rezoning of the Cedar Lane properties to R-3. Motion by Erickson, second by Johnson, to accept the recommendation of the Planning Commission to approve the rezoning. Motion carried by the following vote: Ayes: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson, Zachman. Nays: None. Absent: None.

PLANNING CASE #2003-13 - Filed by Church of Jesus Christ of Latter Day Saints requesting a special use permit to build a 5,352 square foot sanctuary and classroom to the front, or East End of their existing church. Planning Commission recommends approval of the special use permit to allow the construction of the addition with the condition that the 5,352 square foot addition be built as shown on the site plan received on April 9, 2003, and also to permit the new steeple to be relocated above the new front addition not exceed the height of the existing steeple. Motion by Zachman, second by Downs, to accept the recommendation of the Planning Commission to approve the request. Motion carried by the following vote: Ayes: Lehmann, Hellquist, Downs, Johnson, Erickson, Zachman, Meuers. Nays: None. Absent: None.

PLANNING CASE #2003-14 - Filed by Carol Wynne, 2416 Irvine Avenue NW, requesting a five-foot front yard setback variance to construct a new front porch. Planning Commission recommends approval of the requested five-foot front yard setback variance allowing construction of the five foot by six-foot front porch. Motion by Downs, second by Zachman, to accept the recommendation of the Planning Commission to approve the request. Motion carried by the following vote: Ayes: Hellquist, Downs, Johnson, Meuers, Zachman, Lehmann, Erickson. Nays: None. Absent: None.

PLANNING CASE #2003-15 - Filed by Larry & Laurie Kramka, 4650 Sherman Drive NE, requesting a height variance to build a new two-story garage a total of 20 feet in height. The height of the house is 17 feet, therefore, a three-foot accessory structure height variance is requested. Planning Commission recommends approval of the requested three-foot accessory structure height variance permitting a maximum 20-foot tall detached accessory structure (garage). Motion by Hellquist, second by Erickson, to accept the recommendation of the Planning Commission to approve the request. Motion carried by the following vote: Ayes: Downs, Erickson, Zachman, Lehmann, Meuers, Hellquist, Johnson. Nays: None. Absent: None.

DESIGNATION OF FUND BALANCES FOR GENERAL FUND

Councilmember Zachman expressed concerns about the designation of \$50,000 for two investigator vehicles with 4-wheel drive. Given the current budget crunch, he felt the City could put the funds to better use by purchasing smaller, more economical vehicles. Manager Minke noted that the proposed resolution designating fund balances for the General Fund is not an authorization to purchase anything – it simply designates the money. The vehicles will be plugged into the Capital Improvement Program and will come before the council for a vote. Zachman expressed satisfaction with the Manager's explanation.

RESOLUTION NO. 5062: A RESOLUTION DESIGNATING 2002 FUND BALANCES was offered by Councilmember Zachman, who moved its adoption, and upon due second by Councilmember Erickson, was passed by the following vote: Ayes: Lehmann, Meuers, Zachman, Hellquist, Erickson, Johnson, Downs. Nays: None. Absent: None.

PUBLIC HEARING ON HADRAVA ANNEXATION (1808 Division Street)

Pursuant to mailed and published notice, a public hearing was held to consider annexation of property at 1808 Division Street. Mayor Lehmann opened the public hearing and invited anyone present to speak to the issue. No one appeared. The public hearing was closed.

ORDINANCE NO. 341, 2ND SERIES: 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 final reading and passed by the following vote: Ayes: Zachman, Meuers, Lehmann, Downs, Johnson, Erickson, Hellquist. Nays: None. Absent: None.

AN ORDINANCE ANNEXING PROPERTY ALONG ROOSEVELT ROAD TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (1603 Roosevelt Road – Sathre) was given a first reading.

AN ORDINANCE ANNEXING PROPERTY ALONG IRVINE AVENUE TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Chmielewski Property) was given a first reading.

City Clerk Sherman noted some amendments to the fee schedule presented for consideration by the City Council. There being no objections to the amendments, AN ORDINANCE AMENDING THE BEMIDJI CITY CODE, ADOPTING AN AMENDED FEE SCHEDULE was given a second reading.

APPOINTMENT OF AT-LARGE REPRESENTATIVE FOR THE CITY/TOWNSHIP JOINT PLANNING GROUP

Mayor Lehmann recommended appointment of Herb South as the at-large representative on the Joint City/Township Planning Group. There were no other recommendations presented for consideration. Motion by Zachman, second by Meuers, to approve the appointment of Herb South to the at-large position. All voted Aye. Motion carried.

MEDIATION HEARING FOR “LOST 40” ANNEXATION

Manager Minke reported that a mediator has been appointed to work with the City and Bemidji Township on the contested annexation of the “Lost 40”. He explained that the Boundary Adjustments of the State Department of Administration ordered the parties to go to mediation. Any potential solution resulting from the mediation is voluntary. If the parties don’t find a solution they can live with through mediation, the next step is arbitration.

Minke recommended appointment of Attorney Chris Hood, Mayor Lehmann and himself to represent the City in the mediation process. He noted that from time to time they might also need the expertise of other staff members such as the Engineer, Finance Director, City Attorney or Planner. Motion by Hellquist, second by Zachman, to accept the City Manager’s recommendation as noted above. All voted aye. Motion carried.

DISCUSSION OF POLICE CALLS TO RENTAL UNITS

Councilmember Johnson generated some discussion regarding the number of police calls to rental units throughout the City. He noted that he documented in excess of twenty-four calls to one location during the past year and suggested that the City may need to be more aggressive in making landlords more accountable for their rental properties. City Attorney Felix noted that some of the problems are with owner-occupied units. He explained that property owners are selling former rental units on contract-for-deed to relieve themselves of landlord responsibilities. Other Councilmembers expressed similar concerns and suggested that the issue be discussed at a work session. In preparation for a work session, the Council asked Manager Minke to obtain information from the Police Department on every residence within the City that has generated more than six police calls in the last year.

LEGISLATIVE UPDATE

Joe Vene Chairperson of the Parks & Trails Sales Tax Initiative reported that the issue is still alive in the Senate but in limbo on the House side. He explained that the Senate moved all sales tax requests to the Omnibus Bill but the House determined that they wanted more research on sales tax requests. Supporters in the Senate have repeatedly voiced that this is a matter of local control – that the voters of Bemidji have spoken, therefore the project should move forward. The House, on the other hand, questions such things as O & M, the impact on those paying the sales tax, and how we did not have the vote of the people in the townships, even though there was not a process to have such a vote. He expressed regret that our own local representative Doug Fuller has not been an advocate of our cause – not only on the parks and trails issue, but also with respect to the bonding bill and grant for the trail connection. Vene expressed willingness to continue to work with the City in this regard and commended the Council for due diligence.

Mayor Lehmann and Councilmembers commended City Attorney Felix on his letter to Representative Fuller regarding the sales tax issue.

REPORTS – STAFF/COUNCIL

Minke noted that the draft results of the Council Self-Evaluation Survey are done. The results will be discussed at a work session in June.

Mayor Lehmann noted that National Night Out is August 5th. He encouraged individual neighborhoods to participate in “getting to know you” gatherings and other planned activities.

Meuers encouraged Councilmembers to participate in the Youth Rally on June 7

Zachman suggested that customers on City refuse service needed more information regarding use of the new trash containers. Manager Minke noted that customers should begin using the new containers as soon as they receive them.

Hellquist noted that the deadline for RFP’s for the old high school reuse is at the end of May.

Councilmember Erickson offered congratulations to Christopher Norton of Bemidji on his achievement of the rank of Eagle Scout. She also reported on her recent attendance at the Beltrami Area Task Force on Underage Drinking and Drug Use/Youth Gang Activities retreat.

City Planner Oakes noted that the Shoreland Ordinance recommendations would go to the Planning Commission on Tuesday, May 27.

ADJOURN

There being no further business presented for discussion, motion by Downs, second by Zachman, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 8:40 p.m.

Respectfully submitted

Shirley Sherman, City Clerk