

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

June 20, 2005

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 20, 2005, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Councilmembers were declared present: Downs, Meuers, Erickson, Johnson, Lehmann, Hellquist, Markeson.

AMENDMENTS TO AGENDA

Lehmann called for any amendments to the agenda. The following addition to the consent agenda was requested: approval of travel for Councilmember Meuers to Detroit Lakes on June 23.

Motion by Downs, second by Markeson, to approve the agenda as amended. Motion carried by unanimous vote.

MINUTES

Minutes of the June 6, 2005 regular meeting and June 13, 2005 work session were presented for approval. Erickson made an amendment to the June 6 minutes. Motion by Erickson, second by Markeson, to approve the minutes as amended. Motion carried by unanimous vote.

CONSENT AGENDA

The following Consent Agenda items were presented for approval. Motion by Downs, second by Meuers, to approve the remaining Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$551,956.18.
2. Approved fireworks application (Generous Jerry's).
3. Approved Temporary On-Sale Liquor License (Eagles Club – August 13th).
4. Approved off-premises liquor licenses for All-School Reunion.
5. Approved **RESOLUTION NO. 5235** Condemning a structure located at 1013 Irvine Avenue NW.
6. Approved donation of used cell phones to "Call to Protect".
7. Approved Non-Disturbance Agreement with Beltrami County.
8. Approved Small Cities Development Gap Financing Request for Lincoln South.
9. Approved travel for a workshop for Councilmember Meuers in Detroit Lakes on June 23, 2005.

Motion carried by unanimous vote.

COMMITTEE REPORTS

Bemidji Youth Advisory Commission: No report.

Bemidji Leads:

Mayor Lehmann reported that Bemidji Leads Stewardship Committee has been working diligently to formulate a destiny for the community. On June 30 there will be a Declaration of Interdependence and a ceremony on the Courthouse lawn at 5:00 p.m. Council should embrace the declaration as stewards and leaders in the community.

Motion by Hellquist, second by Johnson, to support the Declaration of Interdependence. Motion carried by unanimous vote.

Jim Benson, steward on the Bemidji Leads Committee, stated that Bemidji Leads sees the Declaration of Interdependence as exciting for the Bemidji Community. Bemidji must claim its destiny or get what it is handed. Rather than reacting to all the little things without any big picture, the stewards, Bemidji Leads and the whole community has stepped out and said

“we have a picture now of what this destiny looks like.” Following the Declaration of Interdependence there will be a roll out of seventeen destiny drivers. One of them is to reforest the City with the goal to plant 10,000 trees a year for the next ten years so that in 40 years from now when people come to Bemidji they will go home and say “you won’t believe where I was this weekend, it is the most beautiful community you could ever image.”

Dave Hengel, HRDC, commented that on June 30 there will be a community celebration with ice cream, music, singing and an opportunity to sign the Declaration. Individuals throughout the community as well as the Council will be encouraged to sign. There are 30 to 40 organizations that officially signing the Declaration. The City’s partnership with the townships is a good example of what it means to come together.

Public Works Committee:

Councilmember Hellquist reported that the Public Works Committee met on June 8 and asked for a letter from Youth Hockey outlining what it would take to cooperate with them and what is needed to complete the Bemidji Youth Hockey Arena. In their response, Bemidji Youth Hockey asked for 45 days to respond in full. The Public Works Committee will meet again on June 21 at the City Arena to review the results of a leak test on the facility. The individual hired will assess whether it will take a few thousand to several hundred thousand dollars to determine what it will take to repair the system. The cost for the testing is approximately \$1,500. Hellquist commented that hopefully a band-aid could be used to get the Arena to the point where it could be run for maybe ten more years.

Hellquist commented the Public Works Committee will meet at the Arena. The Committee will be able to see the recent \$120,000 remodeling project, which included updating the lobby, provide handicap accessible bathrooms, new facilities in bathrooms and minor modifications. The flooring in the lobby is uniform and easier to maintain.

Lehmann commented the Public Works Committee should look at the arena, proceed with caution and stay focused on our own facility and work at future options after the results of the test.

PUBLIC HEARINGS

Ordinance authorizing sale of tax forfeited lots - Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance authorizing the sale of tax forfeited lots to the Headwaters Housing Development Corporation.

Mayor Lehmann opened the Public Hearing at 7:18 p.m., hearing no comments the public hearing was closed.

AN ORDINANCE AUTHORIZING THE SALE OF TAX FORFEITED LOTS TO THE HEADWATERS HOUSING DEVELOPMENT CORPORATION was given a second reading.

Ordinance prohibiting deer feedings and imposing penalties for violation - Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance prohibiting deer feeding and imposing penalties for violation.

Meuers stated she has received a few calls with questions about feeding livestock, planting gardens and feeding birds which might be answered tonight.

Lehmann commented that he felt that those concerns were well covered by the ordinance.

Felix stated that Subd. 3 – Prohibition of the Ordinance is intended to address those concerns.

Mayor Lehmann opened the public hearing at 7:29 p.m.

David Mathison, 4620 Sherman Drive NE, felt that the livestock portion is addressed clearly in the ordinance. However, he does not feel the feeding ban ordinance is the answer. The wildlife was there long before the homes. Mr. Mathison stated that the deer herd needs to be reduced.

Discussion followed on what is a reasonable height for a fence. Felix stated that the ordinance is not dictating the height of the fence that is covered in the zoning ordinance. A fence may have to go as high as 8 feet to be effective but with a five foot fence some deer are going to get in.

Mr. Mathison asked what is meant by artificial food.

Lehmann commented this refers to corn or other food placed to feed the deer.

Lehmann stated that the City's proposed ordinance has been fashioned like other cities and that the DNR has been working with the City on the management of deer.

Downs stated that this is a place to start but certainly is not a fix.

Kelly Larson, 208 3rd Street NW and the owner of a wildlife bird store in Bemidji. She was surprised by the article in yesterday's paper regarding the bird feeding. She has never read that there was a ban feeding birds being considered.

Lehmann stated that this is not a ban feeding birds.

Ms. Larson is concerned with the five feet height requirement and believes it will eliminate many people from feeding birds.

Felix stated that if it is below five feet it has to be screened or protected to prevent the deer from feeding, therefore, a bird feeder could be at any height.

Ms. Larson believes that this feeding ban will affect some businesses economically. She would like to see more public education and a process of thinning the herd.

John Mathison, 1001 Miles Avenue, stated that he has had a fair amount of experience dealing with wildlife problems in the last 40 years. He does not feel that this ordinance will work and that it will cause a great deal of problems.

Dean Robertson, 2940 St. Onge Drive and a member of the Deer Management Committee, stated that the committee realized that there would be a number of issues with a feeding ban. The problem he has and the reason he was on the committee was to stop people feeding large amounts of corn.

Wesley Djonne, 1740 Chippewa Drive NE and a member of the Deer Management Committee, stated the deer population has increased in the last 4-5 years because of lack of snow. He use to raise a garden, raspberries, and strawberries and never lost a thing until recent years. He has tried to fence the deer out and has a five foot fence and keeps deer out until October or November. He stated that the deer population is intolerable. The ordinance will be expanded so there can be select sharpshooters to weed out the over population of deer. This will be an on-going project through the DNR so it is well-monitored and controlled.

Roger Pfannenstein, 2285 Carol Drive NE, has lived there for 30 years and believes it is a DNR problem and not the City's problem. The DNR should thin the deer herd.

Rod Witt, 4122 Brinkman Drive and a member of the Deer Management Committee. The Committee agrees the ordinance in and of itself will not take care of the problem. He stated that the committee is considering eliminating. He understands that the Sheriff and Chief of Police have concerns with enforcement. The intent of the ordinance is not to stop feeding the birds, but stop folks that spread 25 to 50 lbs of feed for the deer.

Brad Knight, lives 28 miles south of Bemidji, commented that the City should consider the possibility of bringing people to take care of the deer carcasses so as not to waste them. There are many people in need of alternative forms of meat.

Public hearing closed at 8:14 p.m.

AN ORDINANCE PROHIBITING DEER FEEDING AND IMPOSING PENALTIES FOR VIOLATION was given a second reading.

PLANNING CASES

Case #2005-08 ~ Stonebridge Development & Acquisition, LLC and Northern Star Properties, LLC, requesting a Subdivision / Common Interest Community – Preliminary & Final Plats to subdivide approximately 4.70 acres into two parcels. There are currently 30 apartment units being built on the north parcel and an additional 18 to 24 multi-family units are

proposed for the south parcel. The property is situated on the south side of 26th Street NW, west of Delton Avenue NW. Planning Commission recommended approval with conditions.

Ron Mehl, Stonebridge Development, is concerned with the condition that requires an easement to be provided on the plat. He stated that they are willing to sign an easement but the plat is finished and they would like to get it recorded so that they can record the mortgage, etc. The second item is the parkland dedication fee for the subdivision. Mr. Mehl stated that there is a vacant piece of property that will be subdivided, part of the common interest community, and they are not sure when it will be developed. It could be developed up to 28 units. His group proposes or would prefer that the developer pay the parkland dedication when they come in with a plan for approval with the number of units.

Lehmann asked if staff was comfortable with that the easement for the northwest stormwater and that this issue will be taken care of.

Felix stated that staff has no problem with the easement being recorded in a separate document.

Council discussed the requirement of the parkland dedication fee.

Mr. Mehl has concern paying for something that may not happen for years and asked if there would be a reimbursement of the fee?

Oakes stated that there would be a reimbursement if needed.

Erickson asked Oakes what the reason in the parkland dedication being paid prior to a plat being recorded. Is this for tracking?

Oakes commented yes.

Minke stated that it is fairly typical to pay the parkland dedication at the time the plat is approved. It is generally based on the number of lots being proposed. Once the plat is approved, if there is not a parkland dedication fee collected, then how it is collected in the future becomes difficult because there might be 50 lots and each one of them owned by a different owner, different building schedule or different builder.

Motion by Hellquist, second by Erickson, to accept the recommendation of the Planning Commission approving the Stonebridge Development & Acquisition, LLC, and Northern Star Properties, LLC, Subdivision / Common Interest Community – Preliminary and Final Plats, with the following conditions:

1. The Common Interest Community Number 31 – Kestrel Pines, A Planned Community, shall include three parcels as identified on the amended CIC Number 31 plan received on May 23, 2005.
2. Additional landscaping, grading/drainage, and utility plans shall be prepared, submitted, reviewed, and approved by the Planning Commission and City Council prior to development of Lot 2, Block 1.
3. All utilities and storm water management ponds shall be constructed to City specifications, as required by the City Engineer, and identified on the grading and utility plans received on May 12, 2005.
4. The landscaping shall be completed as identified on the plan received May 12, 2005.
5. An easement shall be provided to the City for stormwater purposes (flowage and ponding) on the southeast portion of Lot 2, Block 1. The City proposes to construct a fence in this area for safety purposes.
6. The City Council shall select the cash option in lieu of land for the parkland dedication requirement for this subdivision. This fee would apply to the proposed future development of Lot 2, Block 1, for approximately 24 multi-family units, and shall be paid to the City prior to the plat being recorded.

Motion carried by unanimous vote.

Case #2005-09 - City of Bemidji, requesting to rezone a 51.53 acre parcel, situated in the Bemidji Industrial Park directly north of Highway #2 and east of Highway #197, and owned by the Bemidji Development Corporation, from I-3 (Heavy Industry) to I-1 (Industrial Park) zone. Planning Commission recommended denial.

Minke stated that this was a planning case that originated with the City Council. The Planning Commission recommended maintaining the I-3 zone but also recommended that staff review the uses in all of the industrial districts and ensure that they are appropriate and staff is working on that for the Planning Commission. Minke stated that Planning Commission determined that #1, #4 and #5 of the five findings of facts were not met.

Downs commented that it is important to reconsider this issue as the town is growing at such a rapid rate and proceed cautiously. The concrete plant may be there 10-30 years. In 30 year, we must consider what that end of town will look like as it is the entrance into our community.

Lehmann agreed with Downs, however, trees are planted for buffer and aesthetics. There are many housing developments around Northstar Materials and he has heard no serious concerns about the location.

Johnson voted against the rezoning last time and his biggest problem was the tax free zones. Tax free zones were selected because they would most likely develop into good paying manufacturing jobs. In addition, he expressed concerns about the look of the entrance into the City with a gravel pit.

Hellquist commented that he would not classify the area as a gravel pit. The facilities and engineering makes them green friendly. The proposed business will be providing a viable product and operate for 7-9 months out of the year. It will produce high paying jobs with high paying benefits. Hellquist did not feel that it was an outlandish or poor use for the Industrial Park. Jobs will start at over \$10/hour and go up from there and many are skilled professionals.

Meuers stated that she voted against the I-3 zone because she does not believe that it belongs within the City limits. However, the Council did pass the I-3 zone and should not change.

Motion by Hellquist, second Meuers, to accept the Planning Commission's recommendation to deny the rezoning of 51.53 acre parcel in the Bemidji Industrial Park. Motion carried with the following vote: Ayes: Erickson, Markeson, Meuers, Lehmann, Hellquist. Nays: Downs and Johnson. Absent: None.

UNFINISHED BUSINESS

Downtown Parking Ramp:

Minke summarized that the City has been working with the DDA on the lease agreement for the parking ramp. The Insurance Trust recommended that there be a separate management agreement for the parking. The lease will commit the city to contributing \$350,000 from the sale of Parking Lot #9 toward the parking ramp, along with revenues derived from the parking lots currently in existence to the construction of the parking ramp and repayment of any debt. The DDA is required to get financing for the balance of the costs and to assume any financial risk.

Lehmann stated it was his understanding that the sale of the portion of the parking lot to the County would go towards more parking in the downtown area. The Council has not made a formal motion to specifically earmark the proceeds from the sale of Lot 9 to the County for the ramp.

Johnson commented that this might not be the best use of public money. The Council gave the direction that the City would be putting the money toward a parking lot and parking ramp. An effort has been started regarding a community event center. They are focusing on a site, specifically in the Union Station railroad corridor. Johnson is not suggesting that the parking ramp process be stopped; however, there may be a bigger picture and bigger need. The community events center is on a fast track. The City is a small part of this effort, BSU, DDA, JEDC, County, Chamber and everyone is convinced that if work together the event center may happen. Johnson suggested that the event center may be able to help with parking for downtown. Use the momentum for parking to make the event center happen.

Meuers asked if a site for the event center has been selected.

Johnson replied that the site has been narrowed to a downtown location. However, this site may be eliminated next week. The downtown location for the event center is peaking the interest of many of the key people.

Markeson expressed concerns about moving the parking lot further south which may leave some businesses downtown without the needed parking.

Hellquist stated that the Public Works Committee has been forthwith in providing information to the Council. The DDA has a parking problem and in all rights and purposes had the go ahead to proceed.

Mike Smith, DDA, stated that if an issue was this significant, the DDA should have been contacted. He does not believe that bank or federal employees will walk another two blocks to park if an event center is built. Currently, there are 85 vehicles parking in the Union Station parking lot and in excess of 90 parking lots were lost in Lot 9. With the replacement parking ramp, parking will be short 21 spaces.

Minke added that if the Council does nothing tonight, the staff will continue to develop the agreement and will bring it to the Council. At this point, if we delay the process with the DDA, construction may not occur this year.

Motion by Hellquist, second by Meuers, to commit the \$350,000 from the sale of Lot 9 to the parking ramp contingent upon a successful management agreement and lease agreement with the DDA. Motion passed by unanimous vote.

NEW BUSINESS

Charter Commission Appointment – Council discussed adding another member to replace the vacancy created by Rita Albrecht's resignation. Lehmann recommended that if anyone is interested in being on the Charter Commission, they should submit a letter of interest to the City.

Chat-a-Bout Program Topic – July 11, 2005 – Mayor Lehmann will have an open question and answer session or perhaps the Legislative session may be done and be able to talk about some of these issues.

ORDINANCES

ORDINANCE NO. 406, 2ND SERIES – AN ORDINANCE ESTABLISHING FEES FOR FIRE EMERGENCY SERVICES was given a final reading and passed by unanimous vote.

CITIZENS WITH BUSINESS BEFORE THIS COUNCIL

Brad Knight appeared before the Council regarding the condemnation of 1013 Irvine Avenue NW. Mr. Knight has met with the building office to discuss this property on several occasions with no results. He stated that he was representing the owner and was trying to expedite the communication with the owner. He felt staff did not cooperate with him.

Erickson stated that the Council has pictures of what the house looked like and the home is way beyond stuff laying in the yard.

Hellquist said that there are bare wires, foundation shored up by bricks and pieces of two by fours and electrical wiring that does not meet the code.

Mr. Knight agreed that the home is in need serious attention but did not feel that it had to be unoccupied while the home was being repaired. He has cleaned up the yard.

Lehmann stated that the condemnation procedure starts the process of updating the property.

Felix stated that the home is owned by First National Acceptance Company and Jeff Armstrong and Sarah Wind. They are the owners whether by contract vendor or vendee. Community Police Officer Scott Herr dealt with the exterior matter in getting it cleaned up.

Felix stated that child protection was called to the address and assured the Council that the staff is being fair and professional.

UPCOMING MEETINGS

- Tuesday, June 21 – 7:00 p.m. - Birchmont Drive Neighborhood Project @ HS Commons
- Monday, June 27 – 5:15 p.m. – Joint City/County Meeting @ Airport
- Tuesday, July 5 – 7:00 p.m. – Regular Council meeting

COUNCIL/STAFF REPORTS

Hellquist will be meeting with the DDA Taskforce on June 21 at 7:30 a.m. He will try to be present during the testing at the Arena. The Public Works Committee will be meeting at 5:30 p.m. on June 21, 2005 at the Arena.

Erickson and Markeson will be meeting with Mn/DOT at City Hall on June 21 regarding the TH197 Enhancement Project.

Downs will be meeting with Chamber of Commerce and the Bemidji Visitors & Convention Bureau.

Meuers suggested a work session on the Charter. She suggested that the Council go through it as a group and review the roles of the Council. Lehmann suggested that this be done as at a quarterly update meeting.

Lehmann commented that the Kraus-Anderson Walleye Tournament had a tremendous turnout. He and Downs gave the representative from Senator Coleman's office the tour of Bemidji and he also had an opportunity to visit with Toni Merdan from Collin Peterson's office on our trail needs. They will be trying to get it into the Transportation Bonding bill for next year. There is a high level of interest from both representatives to help Bemidji complete the trail process.

Minke reminded Council to let Kay know if they are attending the Coalition of Greater Minnesota Cities in Moorhead on Wednesday, July 27-Friday, July 29.

ADJOURN

There being no further business, motion by Downs, second by Erickson, to adjourn the meeting. Motion carried. Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Kay Murphy-Schuett
Deputy City Clerk