

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – July 17, 2006

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, July 17, 2006 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 additions were requested:

- Council Travel for Markeson on August 8 to attend a LMC meeting in St. Paul and Lehmann on July 25 to attend a meeting of Mayor's in St. Paul.

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

MINUTES

Minutes of the July 3 regular meeting, July 10 work session and July 11, 2006 special work session were presented for approval. Motion by Meuers, second by Markeson, to approve the minutes as presented. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,050,198.05.
2. Approved gambling permit: Chamber of Commerce – Raffle on 9/12/06 at Northern Inn.
3. Approved **RESOLUTION NO. 5336** Accepting a Donation of \$200 from Wal-Mart (Bemidji Police Department for digital camera equipment).
4. Authorized **RESOLUTION NO. 5337** to Repair or Remove Structures at 1108 Irvine Avenue NW.
5. Authorized **RESOLUTION NO. 5338** Accepting a Feasibility Report and Calling for a Public Hearing on 1st Street SE (City Project No. 07-04).
6. Authorized **RESOLUTION NO. 5339** Accepting a Petition for Improvements to Fenske Street (City Project No. 06-04).
7. Council Travel:
 - St. Paul – July 25 – Lehmann (Mayor's Climate Control)
 - St. Paul – August 8 – Markeson (LMC)

Motion carried by unanimous vote.

PLANNING CASES

Planning Case #2005-01:

Mayor Lehmann reviewed the application filed by Brad and Luann Lissick, Deep Rock Townhomes, BTL Construction, stating that they have requested approval of a Final Plat CIC No. 30, Deep Rock Townhomes Planned Unit Development, First Supplement (Phases 2 and 3). The Supplement was presented to the Planning Commission for recommendation pursuant to condition number two of the Phase 1 approval. This Supplement includes Units 16-40 that will accommodate five twin home units and five tri-plex units for a total of 25 units. Phase 1 of Deep Rock Townhomes has been constructed as planned and in accordance with the conditions set forth in the Final Plat (Phase 1) approval. Nine units are currently constructed or under construction. Planning Commission recommends approval with two (2) conditions.

Motion by Hellquist, second by Meuers, to approve the Final Plat CIC No. 30, Deep Rock Townhomes Planned Unit Development, First Supplement (Phases 2 and 3) with the following two (2) conditions:

1. First Supplement will subdivide Outlots B and D of the original plat into:
 - 25 units
 - Outlots E and F; and
 - Includes the extension of Deep Rock Loop SW, a private Street
2. Trees shall be planted as identified on the landscaping plan received on February 11, 2005.

Motion carried unanimously.

Planning Case #2006-05:

Mayor Lehmann reviewed the request from Bemidji School District, ISD #31 stating they have submitted the Final Plat for the 21.46 acre parcel. As discussed at the Preliminary Plat hearing, the Final Plat identifies portions of 15th and 18th Streets NW rights-of-way being deeded and dedicated to the City. The School District's engineer is working with the City Attorney to amend the legal description for the easement for the existing watermain locations. Planning Commission recommends approval of the Final Plat with conditions.

Felix stated that the revised watermain easement will be included and dedicated directly on the plat.

Motion by Downs, second by Johnson, to approve Bemidji School District's Final Plat for a 21.46 acre parcel with the following five (5) conditions:

1. The "Old High School Addition", Subdivision-Preliminary Plat, received June 8, 2006, shall include four (4) parcels, as identified on the Preliminary Plat.
2. A copy of the abstracts for the existing properties shall be provided to the City, so the City Attorney may conduct title review and comment.
3. Grading, drainage, and utility plans shall be developed and submitted for review by the City Engineer, for each of the individual parcels as they are developed. The plans will also identify potential impacts and needs relating to the other parcels within the Subdivision. The Final Plat will identify easements for all existing utilities. Both of these issues were addressed in the City Engineer's memorandum dated February 24, 2006. In addition, the existing watermain easement will be added to the Plat.
4. One street access from Bemidji Avenue N will be allowed for Lot 2, and Lots 1 and 3 will utilize access onto 15th and 18th Streets respectively. If future redevelopment plans request access onto Bemidji Avenue N., Mn/DOT will need to review and permit the access prior to construction. Street accesses were addressed in the letter from Mn/DOT dated February 21, 2006.
5. No parkland dedication will be required if Lot 4 remains a playground or other park or recreational use and if Lots 1, 2, and 3 are purchased by Bemidji State University Foundation; if the J.W. Smith School property (Lot 4) is converted to any other non-playground, non-park or non-recreational use in the future, the City reserves the right to impose a parkland dedication of .86 acres (21.46 acres x .04 = .86 acres) within the Plat or an in-lieu payment of the equivalent based on the residential (or commercial, if applicable) parkland dedication valuation in place at the time of conversion.

Motion carried unanimously.

Planning Case #2006-09:

Mayor Lehmann reviewed Kim and Howard Marty, 915 Lake Blvd. NE., requesting stating that have applied for a Special Use Permit to re-open a Bed & Breakfast at 915 Lake Blvd. NE, with the following conditions.

Motion by Erickson, second by Markeson, approving a Special Use Permit at 915 Lake Boulevard NE with the following eight (8) conditions:

1. Parking is not permitted in the front yard; all off-street parking shall be provided in the rear yard, as identified in the site plan submitted with the application.
2. A Beltrami County Environmental Health Department Food, Beverage, and Lodging license shall be secured and copies are to be submitted to the City Planning office each year the bed and breakfast remains in operation.
3. The City Fire Captain shall inspect the house for fire safety.
4. The maximum number of days for a continual stay by an individual or group shall be 14.
5. A maximum of two people will be permitted in the smaller of the two bedrooms and three (3) people permitted in each of the larger two bedrooms, if approved by the City Fire Captain.

6. The bed and breakfast business shall be opened at 915 Lake Blvd. NE within one year and once opened, if it ceases to be used as a bed and breakfast, the Special Use Permit will be subject to review or revocation.
7. A registry identifying all guests and dates of their stay in the bed and breakfast shall be available for reference by the City Staff.
8. The Planning Commission shall conduct an annual review of the Special Use Permit after the first year of operation.

Motion carried unanimously.

NEW BUSINESS

Event Center Task Force Event Center Selection Committee

Felix stated that the Task Force is looking for direction from the City Council to appoint a subcommittee to select the architecture and engineering team to design the event center.

Motion by Hellquist, second by Downs, authorizing the Event Center Task Force to name a committee to select and recommend to the Council an architecture and engineering team to design the event center. Motion carried.

Heritage Preservation Commission

Felix stated that the Heritage Preservation Commission would like to have an independent heritage preservation consultant for the event center and have asked that the current RFQ for design services of the Bemidji Event Center be modified to eliminate the historic preservation component and instead request a separate, independent proposal for the consultant services. Felix suggested that the Event Center Task Force look into this and continue this item to the next Council meeting.

Downs commented that having a separate consultant could create undue extra costs.

Motion by Markeson, second by Erickson, to continue this discussion at the next meeting. Motion carried unanimously.

Board of Appeal

Motion by Downs, second by Meuers, to authorize Erickson, Markeson and Johnson to attend the Local Board of Appeal and Equalization Training on July 27. Motion carried.

Chat-A-Bout Topic – August 7

City Attorney Felix will appear on Chat-A-Bout to discuss the Paul Bunyan Trail ride scheduled on August 10, 2006.

ORDINANCES

AN ORDINANCE Adopting and Enacting a Recodification of the Code of Ordinances for the City of Bemidji, Minnesota; Pursuant to the Authority Granted in the City Charter and in Minnesota Statutes, § 415.021 Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective was given a first reading.

AN ORDINANCE Amending Chapter 10 (pertaining to Section 10-6, Property Maintenance Code) was given a first reading.

AN ORDINANCE Amending the City of Bemidji Council-Manager Charter by adding a Preamble was given a first reading.

AN ORDINANCE Amending Section 2.06 (The Mayor) of the City of Bemidji Council-Manager Charter was given a first reading.

AN ORDINANCE Amending Section 2.09 (Interference with Administration) of the City of Bemidji Council-Manager Charter was given a first reading.

AN ORDINANCE Amending Section 3.09 (Publication of Ordinances) of the City of Bemidji Council-Manager Charter was given a first reading.

AN ORDINANCE Amending Section 6.01 (The City Manager) of the City of Bemidji Council-Manager Charter was given a first reading.

AN ORDINANCE Amending Section 6.05 (Purchases and Contracts) of the City of Bemidji Council-Manager Charter was given a first reading.

OTHER BUSINESS NOT ON THE AGENDA

Felix reviewed an Agreement with The Group 106 for Professional Archaeological services for the Diamond Point project. In addition, part of this process is the creation of an Archaeological Advisory Committee. Suggested members on this Committee are Jim Jones, Joe Day, Lee Cook, Joe Aitken, Vince Beyl, Joe Johnson and Gina Papasodora.

Motion by Erickson, second by Markeson, approving an agreement with The Group 106 for the next phase of project and approving the members of the Archaeological Advisory Committee as noted. Motion carried unanimously.

UPCOMING MEETINGS

- July 18 – 5:30 p.m. – Budget

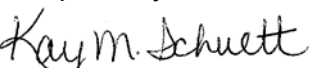
COUNCIL/STAFF REPORT

- Lehmann commented that August 1 is National Night Out and stated that individuals planning an activity should contact Scott Herr.
- Erickson stated that the Deer Committee will meet on July 27 at 6:00 p.m. to discuss the fall deer bow hunt.
- Johnson commented that there will be an open house on July 18 at 6:00 p.m. for the Joint Planning process. Johnson stated that the Charter Commission is looking at the amendment to the City Charter he had proposed regarding Council affirming hiring/firing of department heads. He expressed concerns about the timeline, however, noted that if needed a special city election regarding an amendment could be held at a later date.
- Hellquist met with the DDA and discussed a member to represent them on the Event Center Task Force and other downtown initiatives. Hellquist stated that the Paul Bunyan Transit student activity pass has turned out to be popular this summer.
- Markeson attended a LMC meeting regarding upcoming state legislative actions which include annexation, restoring state funding, workforce readiness, housing, and cable franchising protecting city's interests.

ADJOURN

There being no further business, motion by Downs, second by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:09 p.m.

Respectfully submitted,


Kay Murphy-Schuett
City Clerk