

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Regular Meeting – March 20, 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, March 20, 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: Lehmann, Markeson, Hellquist, Johnson, Erickson, Downs, Meuers.

#### **AMENDMENTS TO AGENDA**

Lehmann called for any amendments to the agenda. The following addition was requested:  
9a Raffle on 4/22/06 - Bemidji Wrestling Club

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

#### **MINUTES**

Minutes of the March 6 regular meeting, March 2, 2006 special work session and March 13, 2006 work session were presented for approval. Motion by Meuers, second by Downs, to approve the minutes as presented. Motion carried by unanimous vote.

#### **CONSENT AGENDA**

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$374,525.87.
2. Approved miscellaneous business licenses.
3. Approved Transfer of Liquor License – Tutto Bene to new owner.
4. Approved Wine License – Wild Hare Bistro & Coffee (523 Minnesota Avenue NW).
5. Awarded Quote for Re-roof at WWTF Process Building
6. Declared Police/Fire Vehicles Surplus Equipment – 1968 Chevrolet Spartan Fire Truck, 1994 Ford F-350 XLT 4x4 pickup and 1989 GMC pickup
7. Approved Extension of Time for ShoreQuest Final Plat to August 31, 2006.
8. Approved Council Travel – Airport Symposium in Willmar – April 19-21 – Erickson, Johnson.
9. Approved Raffle on April 22, 2006 for Bemidji Wrestling Club.

Motion carried by unanimous vote.

#### **PRESENTATION**

Beryl Wernberg, Beltrami County Emergency Management Director, gave a presentation on the local plans to handle emergencies such as a bird flu pandemic. She assured the Council that the City of Bemidji and County are prepared. They have done a great deal of planning and preparation not only for pandemic flu but a situation that would involve a large number of people. If there was a pandemic flu it could result in a 30-40% workforce reduction. Businesses need to plan for this type of event. The plan should include a common message to be given to the public. The public should prepare by having plenty of groceries on hand, water, a generator or means for light, public should wash their hands frequently, stay healthy, have two months worth of prescription medication on hand, and have a communication plan for their family.

#### **COMMITTEE REPORTS**

Bemidji Youth Advisory Commission – Jackie Hess, BYA Vice President, updated the Council on Youth Day event which is planned for June 7. The Commission has met with City staff to plan the event. There will be a town hall meeting on Tuesday, March 28. In addition, several Commission members will be attending Bemidji Day at the Capitol.

Heritage Preservation Commission – Markeson reported that the Commission met with Wanda Hoyum at the Depot and discussed how to work better with the Commission. Also,

the Commission discussed the option of starting a group to review possible reuses for older buildings as they become available.

Library Board – Meuers reported that she attended a KRL Board meeting with Tim Faver, David Minke and Marilyn Heltzer. KRL has decided to restore the library levels to 2005. On March 23, the hours and staff will be restored. Meuers stated that there is a long way to go with a few sticking points. According to the State Librarian the timetable to change systems might take up to two years.

Airport Commission – Erickson reported that commercial jet service will begin at the Bemidji Regional Airport on May 2. Currently, the Airport has three flights coming into Bemidji each day and will be increasing to four and then five flights in the summer months. If Northwest Airlines goes out of business, the Airport would lose some service perhaps for two to three months. However, this would not be a permanent loss. There are four potential bidders to continue to provide service out of the cities. She reported that construction at the Airport this year for redoing the airport's secondary runway is approximately \$4.4 million (federally funded 95% and 5% local). The runway will have an instrument landing system which will make the runway safer to use. The Airport is working with a business called Dream Catcher to locate in JOBZ zone at the Airport. They are expected to have 45 skilled trade workers as the business grows.

Charter Commission – Minke reported that the Charter Commission continues to meet and will be meeting with the Council sometime this spring or summer.

## **PUBLIC HEARINGS**

### Natural and Scenic Area Grant

Assistant Planner Rita Albrecht provided an overview of the two grant applications. The City proposes to acquire fee title to approximately 17.6 acres of land for the purpose of protecting the natural features of the property including the plant and animal communities and wetland system bordering Lake Bemidji. The property is located approximately 300 feet from the southeast shore of Lake Bemidji in the east central portion of the City. The property proposed for acquisition is adjacent to the Paul Bunyan Trail at Gould Avenue NE and 5<sup>th</sup> Street NE. This property will be preserved as a City park and be designated as a natural and scenic area. She stated that the two grant applications are due by March 31, 2006. If the City receives a grant award, it will move forward with this project in the fall of 2006.

Mayor Lehmann opened the Public Hearing at 7:32 p.m. and hearing no public comment closed the hearing.

**RESOLUTION NO. 5309:** Accepting Responsibility as Sponsoring Agency (Natural and Scenic Area Grant Program Application) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

### Remediation Fund Grant Application

Mayor Lehmann opened the Public Hearing at 7:34 p.m. and hearing no public comment closed the hearing.

**RESOLUTION NO. 5310:** Accepting Responsibility as Sponsoring Agency (Remediation Fund Grant Application) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Markeson was passed by unanimous vote.

## **PLANNING CASES**

### Planning Case #2006-04

Lehmann reviewed Planning Case #2006-04 stating that the Minnesota Department of Natural Resources, Trails & Waterways Division, has requested a special use permit to address shoreline erosion along the abandoned railroad grade on Mn/DOT railbank property and DNR property adjacent to the Paul Bunyan State Trail on the southeast portion of Lake Bemidji. They propose to stabilize about 3,355 feet of shoreline by adding about 2,244 cubic yards of granular sand fill and about 6,479 cubic yards of rock riprap, including associated grading of the shoreline and placement of geotextile material. The movement of more than 10 cubic yards of material within the shore impact zone requires a special use permit. Planning Commission recommended approval with one condition.

Motion by Downs, second by Hellquist, to approve a Special Use Permit to Minnesota Department of Natural Resources to address shoreline erosion along the abandoned railroad grade on Mn/DOT railbank property and DNR property adjacent to the Paul Bunyan State Trail on the southeast portion of Lake Bemidji with the condition that DNR and SWCD staff meet to discuss addressing possible additional revegetation for the area disturbed by the project. Motion carried unanimously.

#### Planning Case #2006-05

Lehmann reviewed Planning Case #2006-05 stating that the Bemidji School District is requesting a Subdivision, Preliminary Plat, to subdivide 21.46 acres and zoned R-3 (former high school property) into four parcels. Planning Commission recommends approval with five conditions.

Motion by Downs, second by Markeson, to approve Subdivision, Preliminary Plat, to subdivide 21.46 acres and zoned R-3 (Single-Family Residential) into four parcels for property situated at 201 15<sup>th</sup> Street NW with the following five conditions:

1. The "Old High School Addition", Subdivision-Preliminary Plat, received February 7, 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;
4. One street access from Bemidji Avenue N will be allowed for Lot 2, and Lots 1 and 3 will utilize access onto 15<sup>th</sup> and 18<sup>th</sup> 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 school and if Lots 1, 2, and 3 are purchased by the BSU Foundation; and that the City Staff will develop language addressing the Parkland Dedication Ordinance prior to Final Plat approval by the City Council.

Motion carried unanimously.

#### Planning Case #2006-07

Lehmann reviewed Planning Case #2006-07 stating that TruStar Federal Credit Union is requesting a Subdivision, Preliminary and Final Plats, to subdivide 7.37 acres into seven parcels including six commercial parcels and one residential parcel. Planning Commission recommends approval with four conditions.

Motion by Markeson, second by Meuers, to approve the Subdivision, Preliminary and Final Plats, TruStar Federal Credit Union, to subdivide 7.37 acres into seven parcels including six commercial parcels and one residential parcel. The property is situated south of State Highway #197 (Paul Bunyan Drive NW), and east of the Norton Avenue N.W. right-of-way and west of Delton Avenue NW with the following four conditions:

1. The TruStar Subdivision, Preliminary and Final Plats, received February 7, 2006 and amended February 27, 2006, shall include seven (7) parcels and two (2) streets as identified on the Final Plat;
2. A copy of the abstracts for the properties in question shall be provided to the City so the City Attorney may conduct title review and comment;
3. A Development Agreement shall be executed by the developer as a condition of Final Plat approval by the City Council. Said Agreement shall include:
  - Items articulated in the City Engineer's memo dated February 23, 2006;
  - Non-residential parkland dedication in the amount of \$10,318 will be accomplished through in-lieu payments and be according to the following calculation:
    - 7.37 acres x .04 = .2948 acres x \$35,000 = \$10,318
  - Deferred water connection fees shall be paid for the following underlying parcels:
    - Parcel Number 80.00080.00--\$2,710.16
    - Parcel Number 80.00104.00--\$5,499.95
    - Other items as identified in the draft and execution of such Agreement.
4. Sanitary sewer mains not in the street right-of-way shall have 30 feet wide easements dedicated on the final plat.

Motion carried unanimously.

**UNFINISHED BUSINESS**

Voluntary Contribution – Johnson attended the Coalition of Greater Mn Cities Board meeting and they discussed the shortfall resulting from St. Cloud's withdrawal. The Coalition has indicated that they are running out of money for some of the areas they are lobbying. Motion by Johnson, second by Meuers, to contribute \$2,294 to help make up the shortfall at Minnesota Coalition of Greater MN Cities and direct staff to find the source. Motion carried unanimously.

**NEW BUSINESS****RFP – Financial Consultant – Event Center**

Minke stated that the City is inviting proposals for the purpose of selecting a firm to serve as independent financial consultant to the City. The financial consultant will be responsible for completing a feasibility study for the proposed Bemidji Regional Event and Convention Center, which will be owned by the City. He stated that the timeline for selection of consultant is tight. He commented that Assistant Planner Rita Albrecht will serve as the contact person for this project. The Proposal should be reviewed by a committee consisting of representation from City Staff, City Council and Bemidji State University. Minke recommended that the committee be made up of the City Finance Director Ron Eichens, Assistant Planner Rita Albrecht and himself and Councilmember Erickson and Bill Maki from Bemidji State University.

Motion by Meuers, second by Markeson, to approve the Request for Proposals for a Financial Consultant to complete a feasibility study analysis and designate Councilmember Erickson as the Council's representative on the committee to review the proposals. Motion carried unanimously.

**Chat-A-Bout Topic**

Lehmann and Downs will go on Chat-A-Bout on April 3 to report on Bemidji Day at Capitol.

**ORDINANCES**

Downs commented that he still has issues allowing an asphalt plant in the Industrial zone as a special use.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending Chapter 13 of the Bemidji City Code by Repealing Sections 13.570 through 13.587 Relating to Industrial Zone Classifications, and Adding New Sections 13.570 through 13.581, Entitled "Division 13. I-1 Industrial Park/Light Industrial District" and "Division 14. I-2 General Industrial District." Mayor Lehmann opened the Public Hearing at 7:56 p.m.

Lanae Paulson, Bemidji Township, commented that the change does not need to be made by the City at this time. The Joint Powers Committee has been meeting and will be developing an ordinance within the next two months. She requested that the Joint Planning Committee be asked to find zones for asphalt plants and sawmills in the rural area.

Mark Paulson, Bemidji Township, commended the Planning Commission for their work on revising the Ordinance but encouraged the City Council to pass this information to the Joint Planning Committee. Again, expressed concerns about the asphalt plant location suggesting that there is a better location in the rural area.

Assistant Planner Albrecht noted a minor correction to Section 13.576.

Hearing no further public comment, Mayor Lehmann closed the Hearing at 8:07 p.m.

Discussion continued on asphalt plant being included under special uses stating that the community is growing, asphalt plant is needed somewhere in the area to provide reasonable cost bituminous, gateway to the City. Johnson suggested not listing it as a special use and have the joint planning board review and suggest locations for an asphalt plant.

Motion by Markeson, second by Downs, amending the ordinance to remove Section 13.578, #3 regarding Asphalt Plant. Motion carried with the following vote: Ayes: Markeson, Johnson, Downs, Meuers. Nays: Lehmann, Erickson, Hellquist.

Mayor requested that the Joint Planning Committee review the asphalt plant issue.

**AN ORDINANCE** Amending Chapter 13 of the Bemidji City Code by Repealing Sections 13.570 through 13.587 Relating to Industrial Zone Classifications, and Adding New Sections 13.570 through 13.581, Entitled “Division 13. I-1 Industrial Park/Light Industrial District” and “Division 14. I-2 General Industrial District” was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending the Zoning Map Adopted in Chapter 13, Section 13.08 of the Bemidji City Code (Pertaining to Planning Case #2006-01). Mayor Lehmann opened the Public Hearing at 8:27 p.m., hearing no public comment the hearing was closed.

**AN ORDINANCE** Amending the Zoning Map Adopted in Chapter 13, Section 13.08 of the Bemidji City Code (Pertaining to Planning Case #2006-01) was given a second reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding a proposed Ordinance Amending Section 2.09, pertaining to City Council Salary. Mayor Lehmann opened the Public Hearing at 8:28 p.m.

Chuck Stombaugh, Bemidji resident, commented that information was given to the Charter Commission and he noted that the Council was underpaid. He stated he was shocked that the Council had not had a raise since 1982 and noted that it was about time that the Council received an increase in wages. He was not in favor of the Council receiving per diem for out of town travel.

Richard Slinkman, Bemidji resident, stated that he was in favor of the Council being paid per diem for out of town travel.

With no further comment, Mayor Lehmann closed the Public Hearing at 8:32 p.m.

**AN ORDINANCE** Amending Section 2.09, pertaining to City Council Salary was given a second reading.

**AN ORDINANCE** Amending the Fee Schedule to include Industrial Revenue Bond fees was given a first reading.

#### **UPCOMING MEETINGS**

- Minke stated that the Public Works Committee and Public Affairs Committee need to reschedule their meetings.
- March 27 @ 5:30 p.m. – Special Work Session – Labor Negotiation Strategy
- April 3 @ 7 p.m. – BEDA – Northview Manor
- May 2 @ 5 p.m. – Board of Equalization
- May 22 @ 5:30 p.m. – Public Utility Cashflow Rate Study

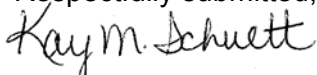
#### **COUNCIL/STAFF REPORT**

- Meuers reported that the Curling Ceremony Committee put together a good program which was well attended. Local library meeting at 5:00 p.m. on March 21.
- Downs stated that the Paul Bunyan Trail Committee will meet at 1:30 p.m. on Wednesday, March 22 to discuss progress on Paul Bunyan trail connection.
- Markeson reported that the Diamond Point Park Open House had a good turnout and a lot of input was received.

#### **ADJOURN**

There being no further business, motion by Downs, second by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:44 p.m.

Respectfully submitted,



Kay Murphy-Schuett  
City Clerk