

CITY COUNCIL PROCEEDINGS BEMIDJI, MINNESOTA

August 15, 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, August 15, 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: Hellquist, Lehmann, Markeson, Johnson, Downs, Erickson. Absent: Meuers.

AMENDMENTS TO AGENDA

Lehmann called for any amendments to the agenda. The following additions were requested:

- 18a. Discussion on 24th Street
- 18b. Council Meeting schedule for work sessions

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

MINUTES

Minutes of the August 1, 2005 regular meeting and August 8, 2005 work session were presented for approval. Motion by Erickson, second by Johnson, to approve the minutes as presented. Motion carried by unanimous vote.

CONSENT AGENDA

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

1. Approved Claims submitted by the Finance Officer in the total amount of \$822,936.42.
2. Approved temporary on-sale liquor licenses: BSU Foundation (4/8/2006) and BSU (4/22/2006).
3. Approved membership in Coalition to Greater Minnesota Cities.
4. Approved membership on Coalition to Greater Minnesota Cities Labor & Employee Relations Committee for 2005-2006.
5. Approved **RESOLUTION NO. 5243** awarding bid for street/sidewalk Improvements on Pine Ridge Avenue and 34th Street NW (Project #04-13).

Motion carried by unanimous vote.

COMMITTEE REPORTS

Public Relations Committee: Johnson stated that the Public Relations Committee met on August 2 to talk about cable access. The Committee will start producing programs this year with the first to be aired in October. Johnson reported that the Committee discussed promoting the City of Bemidji and one of the ways is by inserting a flyer with the City's utility bills. The flyer could promote project pride and other City services. Lehmann asked how many neighborhoods participated in National Night Out on August 2. Johnson reported that approximately four neighborhoods participated.

PLANNING CASES

Planning Case #2004-31 ~ The Pines – Mark Dickinson, requesting approval of the Final Plat for The Pines Subdivision. Planning Commission recommended approval with 10 conditions as follows:

1. Up to three water-oriented accessory structures will be permitted with a combined maximum of 1,000 square feet, including one storage building and two gazebos with maximum heights of 12 feet (including the base / piers), the structures must not be designed or used for human habitation and must not contain or be connected to water supply or sewage treatment facilities, and "the structure must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation,

- topography, increased setbacks or color, assuming summer, leaf-on conditions” as required in the Shoreland Ordinance (Section 13.1207).
2. No motorized vehicles will be allowed to cross the Paul Bunyan State Trail without MN/DOT approval.
 3. The cul-de-sac street will be permitted to be built approximately 570 feet in length, 70 feet greater than the 500 feet permitted by Ordinance.
 4. Two flag lots (Lot 4, Block 1 and Lot 4, Block 2) will be allowed, even though they do not fully front onto the public street as required in the Subdivision Ordinance.
 5. The applicant shall apply for and receive wetland permits from the City and the Army Corp of Engineers prior to any development in Outlot A.
 6. Outlot A shall be developed as identified in the comprehensive site plan for Outlot A, received July 18, 2005.
 7. The applicant shall work with the Beltrami Soil & Water Conservation District regarding the additional removal of a portion of the existing ice berm, in addition to location of the trails, boardwalks, storage building, gazebos and picnic areas.
 8. One 10 slip multiple dock accommodating one boat per slip, will be permitted for use by the residents. The applicant will continue to work with the DNR staff regarding the possible future relocation of the dock to minimize the impact on the lake.
 9. The street shall be constructed as defined on the Preliminary Plat documents. Construction quality control shall be documented by a Professional Engineer prior to acceptance by the City.
 10. The applicant shall review his plan with the County Engineer, for water in the proposed retention pond to overflow to a catch basin on Lake Avenue NE.

Lehmann asked Mr. Dickinson about the work being done on Outlot A and if permits had been secured. Dickinson responded that they are constructing a boardwalk and no permit is needed and no construction has been started on buildings. Dickinson commented that they are cutting as few trees as possible for the boardwalk.

Hellquist asked if Dickinson had any permits yet. Dickinson responded that no permits have been secured yet.

Hellquist stated that the Army Corp of Engineers and DNR has commented to him that they are not happy about Mr. Dickinson’s proposed development. Hellquist stated that he had spoken to Kelly Urbanek and she says that the entire area is wetland. In addition, she is concerned about the trees being cut for the boardwalk. Tony Walzer has also expressed concerns to Hellquist.

Dickinson stated the Ms. Urbanek has been involved with this process and that he did not need a permit to build a boardwalk. He stated that he is not hauling in any fill but trying to get reasonable access to this property.

Hellquist stated that there was concern about the amount of fill removed from the ice berm. Dickinson stated that it was less than 400 feet and required no permit.

Erickson asked Oakes if there was any problem that he knew of. Oakes stated that initially, Chris Parthun from SWCD had concerns about the amount of fill removed on the ice berm but determined that it was less than the 400 feet allowed.

Hellquist commented that Ms. Urbanek told him there was no upland on the site. The dock area would have to be moved to the south edge to minimize the impact on the lake and fishery areas.

Dickinson stated that the approval of the plat and the layout of the lots has nothing to do with the development of the outlot. Discussion continued on permit requirements from the Corp of Engineers and Soil & Water Conservation District.

Motion by Erickson, second by Johnson, to accept the recommendation of the Planning Commission to approve the request with the ten conditions noted. Motion carried by unanimous vote.

Case #2005-13 ~ Nicole Nicklason, requesting to rezone her property from R-3 (Single-Family Residential) to R-5 (Multiple-Family Residential). The property is situated at 719 15th Street N.W. The public hearing for this application was held in abeyance by the Planning Commission on June 27, 2005. Planning Commission recommended denial with a 6 to 1 vote.

Erickson commented that there was a conflict between the staff recommendations and the Planning Commission recommendation for denial.

Oakes stated that there were several neighbors who had expressed opposition based on concerns with additional multiple dwellings in the neighborhood. The Planning Commission felt it was preferable not to encroach any further into the single family residential neighborhood with multiple family residents.

Richard Slinkman, Chair of Planning Commission, stated that one of the issues was that at the first meeting the applicants had indicated a willingness to split the lot and keep the house and two-thirds of the lot single family. The concerns of the neighbors were that if it was R-5 along with the other property, it would eventually be developed and they did not want this in the neighborhood. The abeyance was to allow time to work this out, but the applicants were no longer willing to split the lot. The Planning Commission agreed with the neighbors to preserve the single family neighborhood.

Hellquist commented that he has received several calls concerning rezoning to multiple family citing traffic and runoff concerns.

Motion by Hellquist, second by Johnson, to accept the recommendation of the Planning Commission to deny the request. Motion carried by unanimous vote.

Case #2005-15 ~ David and Cheryl Luadtke, requesting front yard and lakeside setback variances to build a new house on a parcel where an existing house will be demolished, at 706 Woodland Avenue S.W. The northwest corner of the new house is proposed to be situated on the front property line, in the same location as the existing house. A 30 foot front yard setback is required; therefore, a 30 foot front yard setback variance is being requested. A portion of the house is proposed to be situated 46 feet from the ordinary high water mark of Lake Irving. A 50 foot lakeside setback is required; therefore, a 4 foot lakeside setback is being requested. Planning Commission recommended approval with the condition that the existing structures are demolished as intended.

Motion by Hellquist, second by Markeson, to accept the recommendation of the Planning Commission to approve the request with the condition noted. Motion carried by unanimous vote.

Case #2005-16 ~ Whelan Properties, Inc./Todd Landa, requesting a Subdivision/Common Interest Community - Preliminary and Final Plats to subdivide one acre into three parcels. The property includes an existing single-family home and it is situated at 2425 Irvine Avenue N.W. Planning Commission recommended approval with the following conditions.

- 1) The Preliminary and Final Plats for the Subdivision/Common Interest Community Number 33, Monopoly Park shall include three units and one outlot as identified on the plans received July 25, 2005.
- 2) All streets and utilities shall be constructed to City specifications, as required by the City Engineer.
- 3) The applicant shall dedicate 9/25 (.36) of an acre or \$5,400, at the discretion of City Council, to be paid at time of the plat recording as required by the Parkland Dedication Ordinance.
- 4) The CIC documents will comply with City requirements.

Motion by Downs, second by Hellquist, to accept the recommendation of the Planning Commission to approve the request with the four conditions noted. Motion carried by unanimous vote.

Case #2005-17 ~ Eldercare Of Minnesota, Inc., requesting a special use permit to build a 54 unit assisted living facility for elderly residents on R-5 (Multiple-Family Residential) zoned property situated at 1633 Delton Avenue N.W. (NW corner of Delton Avenue N.W. and 15th Street NW). This parcel contains approximately 1.6 acres. Planning Commission recommended approval with the following conditions:

- 1) Tamarack Village Apartments shall include 54 assisted living units, as shown in the site plan, received on July 8, 2005.
- 2) Sixty-four off-street parking spaces shall be constructed as shown in the site plan, received on July 8, 2005.
- 3) Landscape screening shall be added on the south portion on the west side.

Motion by Downs, second by Markeson to accept the recommendation of the Planning Commission to approve the request with the three conditions noted. Motion carried by unanimous vote.

Case #2005-18 ~ Jeff Wiltse, requesting a variance to build an addition to his existing commercial building situated at 628 Paul Bunyan Drive SE. The addition is proposed to be built ten feet from the east, rear property line. A 20-foot rear yard setback is required in this B-2 (Shopping Center / Highway) district. Therefore, a ten foot rear yard setback variance is being requested. Planning Commission recommended approval.

Motion by Hellquist, second by Erickson to accept the recommendation of the Planning Commission to approve the request. Motion carried by unanimous vote.

UNFINISHED BUSINESS

RESOLUTION NO. 5244: Approving Special Legislation Authorizing Imposition of One-half of One Percent (half cent) Sales and Use Tax was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs was passed by unanimous vote.

Bemidji Development Corporation:

Motion by Downs, second by Johnson, to accept Bemidji Development Corporation's petition for annexation of public right-of-way to serve the Industrial Park. Motion passed by unanimous vote.

Senger Landscaping:

Motion by Hellquist, second by Downs, to approve a Development Agreement with Senger Landscaping, Inc. (Villas at Nature's Edge). Motion passed by unanimous vote.

RESOLUTION NO. 5245: Awarding a Contract of Water/Sewer to Supreme Estates/Senger Subdivision (City Project #05-04) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Hellquist was passed by unanimous vote.

NEW BUSINESS

24th Street:

Johnson stated that he has visited with Richard Chernugal (owner of MedSave) regarding the access off of Paul Bunyan Drive to enter MedSave, Thrifty White or UPS. The concern was whether or not this was a street. Thrifty White is adding a drive-thru that will direct people to 24th Street (east) which dead ends. The only direction the traffic can go on 24th Street is right.

Minke stated that the construction of Walgreens Drug Store has created several issues that the City is reviewing. The cost to purchase property to complete 24th Street has been appraised at \$345,000. Other options would require taking out one or two homes to the north. Lehmann commented that Walgreen's realty company was not interested talking with the City regarding the extension of 24th Street.

Erickson asked if there was good fire access to the homes on 24th Street. Minke responded that it is adequate.

Slinkman commented that he has been a resident of this neighborhood for 45 years and urged the Council to consider extending 24th Street to Irvine Avenue.

Discussion continued on the extension of 24th Street and the property located between MedSave and Thrifty White.

Motion by Hellquist, second by Erickson, directing staff to investigate both a possible extension east-west on 24th Street and north-south on Minnesota Avenue, between MedSave and Thrifty White. Motion carried unanimously.

City Council Work Session Schedule:

Johnson commented that the Council is meeting every Monday night whether there is a need to meet or not. He felt that having a set meeting every Monday does not provide flexibility. Discussion followed regarding the need to meet every Monday and past practices.

Erickson commented that the Council is losing their objective. The Council meets to get information on an issue and timeliness of the information for decision-making is needed. Erickson stressed that meetings should be flexible and keep the Council informed in a timely manner.

Minke commented that meeting every Monday night has put an unreasonable burden on staff. He appreciated that the Council is considering a schedule which is less rigid. However, he was concerned that there is a need for some number of regular work sessions because there are topics that need to be discussed.

Motion by Johnson, second by Downs, to meet on the 1st and 3rd Monday as regular meetings at 7:00 p.m. and the 2nd Monday as a regular work session at 5:30 p.m. Motion carried unanimously.

Chat-A-Bout Topic for September 12: Mayor Lehmann will discuss implementation of Sales Tax for Parks & Trails.

CITIZENS NOT ON AGENDA - None.

UPCOMING MEETINGS

- August 16 – High School Lumberjack Room to discuss Birchmont Drive project @ 7:00 p.m.
- August 22 – Parks, Trails & Sales Tax with Park Commission
- August 29 – No meeting needed

COUNCIL/STAFF REPORT

- Minke reported that Dan Dorman, Chair of House Capital Investment Committee, will be in Bemidji on August 17 at 9:00 a.m. regarding the event center and Paul Bunyan Trail. The City is working with DNR and HRDC on a presentation.
- Markeson reported that Green Up group has met and planted approximately 7,000 trees along bypass. Boys & Girls Club is having a grand opening event next week. Heritage Preservation Commission met with Michael Koop from Minnesota Historical Preservation Society. Mr. Koop recommended revising the preservation ordinance to establish a local certifying government. In doing so, the City would be eligible for additional grants, etc. Also discussed the Carnegie Library building being too close to the highway and Mr. Koop mentioned that in the past the Historical Society has been able to get funding for considering options available to the City.
- Erickson stated there will be a meeting with Mn/DOT Hwy 197 green space beautification project on August 16. Also, August 17 at noon SE Lake Bemidji community action team will meet at City Hall.
- Johnson commented that the Coalition of Greater Minnesota Cities recently received bad press. They lobby for issues and represent the City and it is a bargain. Johnson stated he attended the All School Reunion event and heard a lot of positive comments about Bemidji.
- Downs reported that Bemidji's Paul Bunyan Trail ride was a success and next year he hopes to involve more legislators.
- Lehmann noted that on August 24 the Northwest Technical College will be having a groundbreaking ceremony for their addition.

ADJOURN

There being no further business, motion by Hellquist, second by Downs, to adjourn the meeting. Motion carried. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Kay Murphy-Schuett
City Clerk