

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

September 6, 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 Tuesday, September 6, 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, Meuers, Markeson, Johnson, Downs, Erickson.

Doug Peterson stated that in 1986 as part of the Mississippi River revival, as Mayor of Bemidji, he and the Mayor of New Orleans signed a document and exchanged keys to each others cities thereby becoming Sister Cities. He commented that both cities recognized their unique connection as the first and last cities on the "Father of Waters – the Great Mississippi River". With the renewed interest in that fact and because of the horrible tragedy in our Sister City, he considered it a great honor renew the relationship and display the historical document in the City Hall Council Chambers.

Mayor Lehmann asked for a moment of silence for the Hurricane Katrina victims.

AMENDMENTS TO AGENDA

Lehmann called for any amendments to the agenda. The following addition was requested:

23a. Off street Parking Requirements for Rentals

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

MINUTES

Minutes of the August 15, 2005 regular meeting and August 22, 2005 work session were presented for approval. Motion by Erickson, 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 Downs, second by Hellquist, to approve the Consent Agenda items as follows:

1. Approved Claims submitted by the Finance Officer in the total amount of \$1,181,416.69.
2. Approved miscellaneous business licenses.
3. Approved Temporary On-Sale Liquor License – BSU Foundation (Homecoming ~ 9/30 to 10/1/2005)
4. Approved Application to Conduct Excluded Bingo – Northwoods Coalition for Battered Women (October 20, 2005)
5. Approved **RESOLUTION NO. 5246** Authorizing Execution of Agreement with Office of Justice Programs
6. Authorized purchase of a commercial mower – Parks Department
7. Authorized purchase of replacement boiler – WWTF
8. Awarded bid for installation of flooring at the City Liquor Stores
9. Approved **RESOLUTION NO. 5247** the Increase of Tax Abatement Limit
10. Authorized the purchase of a road grader for 2006 – Street Department
11. Approved **RESOLUTION NO. 5248** Accepting a Donation (Rural Cellular Corporation)

Motion carried by unanimous vote.

COMMITTEE REPORTS

All School Reunion Committee: Anne Sand provided an update on the All School Reunion event and thanked City staff and Council for their assistance and support. Ms. Sand stated that the Committee met the goal of providing an opportunity for Bemidji graduates to get together and visit with their friends and their second goal to donate funds back to the school.

Parks & Recreation Commission: Meuers reported that the Commission met recently and will be focusing on improvements to Diamond Point Park and two trails with the sales tax dollars. The group will meet again on Sept. 13th. Minke stated that the Park Commission directed staff to draft a request for proposal for the design of Diamond Point Park.

PUBLIC HEARING

CITY PROJECT #05-05 – Extension of Water/Sewer Utilities along Birchmont Drive between Norwood Drive and Lakewood Drive

Freeberg provided an overview of the Birchmont Drive water and sewer extension project. He stated that the purpose of the meeting was to ask the City Council to consider a resolution that would take the project one step further. This resolution would order in the project from the City's perspective and formalize the issue that the Council is willing to extend water and sewer into this area outside City limits. However, the information is dependent upon an agreement with Northern Township who is the jurisdictional governing body of the area. Freeberg stated that the street widening is under the jurisdiction of the County and the Council has no jurisdiction on the roadway. He believed that the County would be considering road width based on the public participation. Freeberg reviewed the cost estimates for the project. Cost estimates include the sewer system in the street and a connection in the street to the individual homes. Homeowners are responsible to connect from their home to the street connection. There are some adjacent streets that are lower than Birchmont Drive which would require a pump to the sewer line in Birchmont Drive. He stated that if the Council decides to move forward construction will take place May 2007 to October 2007.

Public Hearing opened at 7:35 p.m.

David Erickson, 5300 Birchmont Drive, commented that the process has not been clear and that homeowners signed the petition thinking it was only for informational purposes. He stated that it is not a safe assumption to make that the homeowners that signed the petition wanted this service.

John Peterson, 4906 Birchmont Drive, stated that the original petition was a comparison to the proposal by Northern Township. He stated he was against the project. Mr. Peterson asked if there were some funding sources available to reduce the costs to residents. Further, he stated that widening the road was ridiculous.

Paul Welle, 3117 Birchmont Drive, asked if Birchmont Drive would become the City's road when it comes into the City.

Freeberg responded that Birchmont Drive will remain a county state highway.

Sharon Fruetel, 5633 Birchmont Drive, expressed concerns that the project was moving too fast.

Cassandra Robinson, 4509 Birchmont Drive, suggested that all the residents be asked again whether or not they want water and sewer extended. She felt that the City Council was not the body to make the decision for the residents.

David Erickson stated that Birchmont Drive is not inside the City limits and he had a "bone to pick" with the process that puts the Council in charge of making big decisions about the money and lives of people they do not represent. He stated that residents had no vote in this and it was "un-American" and asked that the Council take this into their deliberation.

Lehmann stated that the City has a Growth Management Agreement with Bemidji and Northern Townships which allows the extension of water and sewer into those areas that will be annexed in the future. He stated that the Council is not making decisions contrary to the Township's elected officials.

Pearl Freude, 5722 Birchmont Drive, commented that she was under the assumption that there were individuals that needed water and sewer along Birchmont Drive.

Sara Lewandowski, 6008 Shady Lane, commented that she would hate having Birchmont Drive torn up and repaved next summer. Lehmann responded that the County has delayed repaving Birchmont to coordinate with the water and sewer extension project.

Gregg Kotas, 4524 Birchmont Drive, stated the process for citizens has never been explained or discussed. He further stated that they have installed a \$100,000 state-of-the-art septic system and the City is asking them to scrap this and pay another \$204,000 for a new system.

Sharon Fruetel asked if the Northern Township representatives have input into this decision or have they turned that decision over to the City.

Minke replied that the Township has not turned that authority over to the City and there will need to be agreements between the Township and the City to proceed with the project. The Township has a role to play and is part of the decision-making.

Joe Ryan, 3728 Birchmont Drive, commented that environmentally a centralized water and sewer system around Lake Bemidji has merit. There were two sewer districts being formed by Northern Township but no hard and fast numbers. This system was for sewer only and did not include water. Mr. Ryan stated water and sewer around Lake Bemidji would be ideal. He stated that if it takes another survey of the residents, then that needs to be done.

John Peterson commented that he would like to see a survey of the residents again regarding the project. He also suggested that the City look into funding sources to assist with the project as it is a lot of money.

Tom Sunnarborg, 5818 Birchmont Drive, commented that septic systems and wells do not last forever. In the past 40 years, he has put in three wells and three septic systems. He suggested that individuals take a longer look at the cost and think long term.

Doug Lewandowski, 6008 Shady Lane, agreed with Mr. Sunnarborg and would like the project to go forward.

Robert Pfremer, 5228 Birchmont Drive, stated that they originally signed a survey of interest to consider a low pressure system and the City would provide gravity feed system and asked for clarification of cost. He also thought he would get a vote later when he signed the petition.

Freeberg stated that gravity system has to be deeper than a pressure system and there is a large area of high water table, therefore, more expense. The cost of four lift stations is significant.

Carl Jacobson, 6601 Bemidji Avenue N, asked several questions including if Bemidji Avenue was included, if the City wanted to be in the business of providing this service to the township, and the amount of the monthly utility bill. He stated that there are a number of things that should be considered by residents before a decision is made.

Freeberg responded that Bemidji Avenue was not included in the project. Monthly utility charge for a family of four is approximately \$40-\$45 a month and sewer is based on amount of water used.

Lloyd Lind, 3042 Birchmont Drive, asked what the city's policy was on public works projects. Does it still require 50% of the property owners?

Lehmann responded that traditionally the City uses 50%, however, 35% is required by State Statute.

Lind asked if there will be another petition sent to the property owners so they can place a yes or no vote. Lind stated that he signed the petition for information only.

Lehmann stated he was not sure about another petition but there will be a notice of the assessment.

Erin Erickson, 5300 Birchmont Drive, stated that residents need all information sent to them which includes all costs.

Pearl Freude, 5722 Birchmont Drive, commented that there seemed to be less maintenance to go with the more conventional method and asked if this was true.

Freeberg responded that he thought that the pumps worked well for 10 years or a little longer.

Lehmann stated since there was a fairly large group of residents from the area, he asked for a show of hands in favor of continuing the process and a show of hands of those that are opposed. Lehmann stated that it appeared there were more in favor of the project than opposed.

Jack Quistgaard, 6104 Lagoon Drive, commented that when the petition was sent around the gentlemen circulating it stopped when he got 65% of the property owners.

Public Hearing closed at 8:25 p.m.

RESOLUTION NO. 5249: Ordering Extrajurisdictional Water and Sewer Utility Improvement, Designating Project Engineer, Calling for Preparation of Plans and Specifications, and Authorizing Advertisement for Bids on Improvement (City Project No. 05-05) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Johnson was passed by unanimous vote.

NEW BUSINESS

Guide to City Council Meetings:

Consensus of the Council was that the proposed *Guide to City Council Meetings* will be helpful for citizens attending Council meetings. The Council asked that the Guide be made available in the Council Chambers and posted on the City's website.

RESOLUTION NO. 5250: Adopting the 2006 Preliminary City Budget was offered by Councilmember Hellquist, who moved its adoption, and upon due second by Councilmember Erickson was passed by unanimous vote.

RESOLUTION NO. 5251: Adopting the 2006 Preliminary Tax Levy was offered by Councilmember Hellquist, who moved its adoption, and upon due second Councilmember Meuers was passed by unanimous vote.

Establish TNT Hearing Date:

Motion by Downs, second by Erickson, establishing the Truth in Taxation Hearing Date on December 5, 2005 at 5:30 p.m. and continuation hearing, if needed, on December 12, 2005. All voted aye. Motion carried.

Northview Manor 2006 Budget:

Minke reviewed the 2006 budget for Northview Manor as prepared by Great Lakes Management Company. Eischens stated that despite the 3% rental rate increase the bottom line is still in the red by \$98,000. The bonds issued to finance this project require the budget provide for 105% of debt service payments. Eischens stated that the project has not required a subsidy in the past six years, but in order to meet the bond compliance requirements a budgeted transfer of \$107,600 should be included in the UDAG fund. If these funds are needed by Northview Manor, formal Council action would be required to transfer the money.

Motion by Hellquist, second by Markeson, to approve the Northview Manor 2006 budget as presented. Motion passed unanimously.

Travel Policy:

Minke stated that the Travel Policy was amended as a follow-up recommended in the 2004 audit management letter.

Motion Erickson, second by Meuers, to adopt the amended Travel Policy. Motion passed unanimously.

RESOLUTION NO. 5252: Revised Airport Joint Powers Agreement was offered by Councilmember Downs, who moved its adoption and upon due second by Councilmember Johnson was passed unanimously.

An Ordinance repealing prior Airport Joint Powers Agreement was given a first reading.

Off Street Parking Regarding Rentals:

Johnson stated that he has received comments and concerns regarding off street parking for rental units. He noted that the City's policy addresses single family units with two off street parking not for single family homes with four unrelated people. Rental units can be rented to four unrelated individuals and immediately there are four unrelated vehicles.

Johnson recommended that the policy be changed for rental with four unrelated people to require four parking spaces.

City Attorney Felix stated that the City cannot discriminate against single family homes occupied by rental or single family homes occupied by owner.

Lehmann directed the Public Works Committee to meet in this regard with input from staff. City Planner Oakes will define the problem so that the group proceeds in the right direction.

ORDINANCES

An Ordinance Implementing Sales Tax was given a first reading.

An Ordinance Annexing Property Adjoining the Plat of Industrial Park Second Addition to the Corporate Limits of the City of Bemidji (Bemidji Development Corporation Property) was given a first reading.

UPCOMING MEETINGS

- September 12 Work Session – Event Center
- Community Disaster Meeting at City Hall Council Chambers @ 6:30 p.m. on September 7 - State of Minnesota hotline is 1-800-657-3504

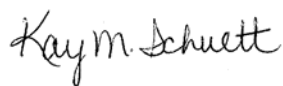
COUNCIL/STAFF REPORT

- Minke reported that effective Monday, September 12 Firefighter Richard Sathers will be appointed as the Interim Fire Captain. Per Fire Captain Kelly Skime's request he will be reappointed as a Firefighter/EMT.
- Erickson reported that the City has received a letter from Rochelle Gorum, Acting Area Wildlife Manager at DNR, which approved of the City of Bemidji's Deer Management Plan. Erickson stated that the Deer Management Committee will be meeting to discuss the next steps.
- Meuers reported that on August 10 she attended a County meeting regarding the Library. Beltrami County does not appear satisfied with the Kitchigami Regional Library (KRL) system and met with the director of the Northwest Minnesota Library System. On September 1, she met with Joanne Henningsgard and David Minke to discuss the KRL service increase which is 50% increase. This is not in the budget. Joanne suggested that the city pay what they can. Services will depend on how much money the City pays KRL. Meuers will keep the Council informed.

ADJOURN

There being no further business, motion by Hellquist, second by Downs, to adjourn the meeting. Motion carried. Meeting adjourned at 9:50 p.m.

Respectfully submitted,



Kay Murphy-Schuett
City Clerk