

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **May 17, 2004**

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, May 17, 2004, at 7:00 p.m. in the Council Chambers of City Hall, Mayor Lehmann presiding.

Upon roll call, the following Council members were declared present: Hellquist, Zachman, Meuers, Lehmann, Downs, Johnson. Absent: Erickson.

Mayor Lehmann called for amendments to the agenda. There were no amendments. Motion by Meuers, second by Johnson, to approve the agenda as presented. Motion carried by unanimous vote.

#### **APPROVAL OF MINUTES**

Minutes of the April 26, 2004 Special Meeting, May 3, 2004 Regular Council Meeting, May 4, 2004 Board of Review and May 10, Council Work Session were presented for approval. Councilmember Hellquist noted that Ms. Hagge's name was misspelled under the Bemidji Youth Advisory Committee Report. Motion by Downs, second by Zachman, to approve the minutes as corrected. 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 items listed on the Consent Agenda as follows. Motion carried by unanimous vote.

- A. *Approved nine (9) pages of claims in the total amount of \$296,650.79.*
- B. *Approved eleven (11) miscellaneous Business Licenses and Permits.*
  - Approved one Temporary Liquor License for the Jaycees*
  - Approved one Wine License for Country Kitchen*
- C. *Approved 3.2 On-Sale Beer Licenses for Bardwell Softball Park and Country Kitchen*
- D. *Approved a Gambling Permit for Bemidji Central Labor Body AFL-CIO (Raffle 9/6/04)*
- E. *Approved **RESOLUTION NO. 5150** Establishing Municipal State Aid Streets*
- F. *Authorized purchase of Replacement Dock on 3<sup>rd</sup> Street & the waterfront.*

#### **BEMIDJI YOUTH ADVISORY COMMITTEE REPORT**

Georgia Welle highlighted some of the Youth Day activities taking place on June 7<sup>th</sup> beginning at noon. She invited Councilmembers to participate in the pie-throwing event, the dunk tank and other activities throughout the day.

#### **BSU STUDENT SENATE REPORT**

No Report.

#### **PUBLIC WORKS COMMITTEE**

A copy of the minutes of the May 13<sup>th</sup> Public Works Committee meeting were provided. Hellquist gave a brief overview of the meeting, which included discussion of biodegradable trash bags for leaf and grass pick up; alternates to a parking ramp for parking lot #4; impact of Project Pride on the city's refuse costs and the city's ability to compete with private refuse haulers on commercial rates; the timeline for the arena project including some new ideas for the lobby area floor; and some suggestions for tree planting near the wastewater treatment plant and on Bemidji Avenue. Hellquist expressed appreciation to City Employee Larry Latulippe for his suggestion regarding the use of biodegradable trash bags for pick up of leaves and grass. Some concerns were expressed about the limited hours of operation at the demolition site (near Maple Ridge Golf Course) – particularly the 1 p.m. closing time on Saturday. It was noted that the hours of operation are negotiated between the operator and Beltrami County.

Downs suggested that the City pursue options other than tiered (ramp) parking to relieve downtown parking problems, including replacing some old buildings in the downtown with parking.

**PLANNING CASE #2004-01** filed by ShoreQuest (John Zacher) – Subdivision-Preliminary Plat for Development of twenty-five (25) commercial parcels (41.4 acres) on SE Lake Bemidji. Planning Commission recommended denial.

Lehmann acknowledged receipt of a letter from ShoreQuest requesting that the Council delay a decision for another sixty (60) days to allow the property owner and City staff to continue working together on a Developer's Agreement.

Motion by Zachman, second by Meuers, to table the issue to the July 19, 2004 Council meeting. Motion carried by unanimous vote.

**PLANNING CASE #2004-14** filed by Evergreen House, requesting a Special Use Permit for an existing group care facility situated at 820 Beltrami Avenue NW. They propose to increase the number of youth, ages 12 to 18, residing in the Transitional Living Program (TLP) house from six to nine. Planning Commission recommended approval, with the following conditions:

- (a) Confirmation by the State of Minnesota Department of Human Services that the new license has been approved for the T.L.P. house.
- (b) (b) The total number of youth served and residing in the house shall not exceed nine (9).
- (c) (c) Off-street parking shall be provided for all employees and clients with vehicles, with a minimum of five (5) parking spaces.

Motion by Hellquist, second by Downs, to approve the special use permit with the conditions noted. Motion carried by unanimous vote.

**PLANNING CASE #2004-15** filed by Leisure Time Land Company (John Zacher), requesting to rezone two parcels, 0.21 acre and 0.28 acre, situated west of Jefferson Avenue SW and south of Division Street W from A/O (Agricultural/Open) to B-2 (Shopping Center/Highway). These properties have recently been annexed into the City of Bemidji. Planning Commission recommended approval.

Motion by Zachman, second by Hellquist, to approve the rezoning request as presented. Motion carried by unanimous vote.

**PLANNING CASE #2004-18** filed by City of Bemidji, requesting to amend Article IX of the Bemidji Zoning Ordinance (Sign Ordinance) to address permitted wall mounted signage in the B-4 (Heavy Business) zone, for multi-tenant commercial buildings. Planning Commission recommended approval.

Motion by Downs, second by Meuers, to accept the recommendation of the Planning Commission to approve the amendment to the sign ordinance as requested. Motion carried by unanimous vote.

### **SE LAKE BEMIDJI DEVELOPMENT**

Lehmann acknowledged receipt of a letter from the property owner requesting to table the issue for sixty (60) days.

Minke provided an update regarding recent discussions with the property owner regarding the redevelopment of this site. He noted the following elements of the city's perspective relating to redevelopment of this site:

1. Pedestrian/bicycle trail along the lakeshore (either in ownership or as an easement).
2. Snowmobile trail corridor (through North Central Door property and other properties distant from the actual lake).
3. Lake bottom and shoreline clean-up.
4. Acquisition of the storm water pond and improvement as it relates to its configuration and function, its own shoreline clean-up, and its possible park-like setting.
5. Park/green space for public enjoyment.
6. Public confidence in the environmental evaluations and remediation of the site.

John Zacher, owner of ShoreQuest Properties, currently the key property owner and option holder in this redevelopment area expressed concerns in the following areas:

1. Density on the north end of the redevelopment area. If it is developed as single family residential, the trail is probably less compatible. If it is developed as multi-family, the trail could be an enhancement.
2. Parkland Dedication requirements for plats. It is Mr. Zacher's hope that this issue can be taken care of in a developer's agreement in which the process of establishing green space, trails, and storm water ponds takes care of any future Parkland Dedication requirements.
3. It is recognized that there is value for the property that makes up the elements that the City (public) wants to see in this area. The property owner needs to be compensated either through cash or other concessions.
4. Mr. Zacher recognizes the public concern and environmental process required for any development on this site, and proposes that he organize a public meeting with MPCA officials on hand to explain to the public the concept of working in a brown field situation and the course of action underway to remediate the site in an effective way.

Minke suggested that in order to proceed with any meaningful negotiations, actual land values need to be established by appraisal of the land parcels and/or easements desired for public use as well as certain parcels with and without trails and other improvements of mutual interest.

Lehmann expressed the need to authorize city staff to move forward during the next sixty days to determine what it will take to make this proposal come together.

Motion by Meuers, second by Hellquist, to authorize City staff to continue discussions with the property owner, to obtain necessary land and/or easement appraisals, and to develop a final concept with costs, funding options, etc. for Council review. Motion carried by unanimous vote.

#### **DISCUSS DDA PARKING LOT**

DDA representative Mike Smith provided an update on the continuing discussions regarding a multi-level parking ramp proposed for the downtown area to provide some relief for what Smith noted is the #1 problem for downtown businesses. He noted that a survey of downtown businesses was done to get a perspective of how the businesses feel about a multi-tiered ramp. The results were overwhelmingly in favor of a multi-tiered ramp and also supported an increase in the fee structure. Smith also noted that the feedback supported the development of a three-tier ramp rather than a two-tier ramp, to allow for growth.

Downs emphasized the need to focus on increased green space and noted concerns about the run-down image of the downtown with too many secondhand stores, used shops, and vacant buildings. He suggested that removing a few buildings to create parking may not be a bad idea. Smith noted that the committee is not ready to close the door on any options but expressed the need to look at the long-term perspective and what is best long-term for downtown.

The next step: The DDA Parking Committee is preparing for a series of meetings open to the public and downtown businesses to get some grass roots direct feed back on this issue.

**RESOLUTION NO. 5151:** A RESOLUTION ACCEPTING PETITION AND ORDERING PREPARATION OF A FEASIBILITY REPORT FOR EXTENSION OF WATER/SEWER TO PINNACLE OUTLETS was offered by Councilmember Zachman, who moved its adoption, and upon due second by Councilmember Downs, was passed by unanimous vote.

#### **PUBLIC HEARING – 23<sup>rd</sup> Street/Middle School Drive Improvements**

Pursuant to mailed and published notice, copy of which was placed on file in the City Clerk's office, a public hearing was held to consider improvements to 23<sup>rd</sup> Street and Middle School Drive (City Project #02-09). Mayor Lehmann opened the public hearing and invited anyone present to address this issue.

Richard Olafson, 1820 15th Street NW, asked whether his property would be assessed for any of this improvement. Engineer Freeberg responded that all special assessments will be limited to those properties adjacent to either Middle School Road or 23<sup>rd</sup> Street.

There being no further comments or questions, the public hearing was closed.

**RESOLUTION NO. 5152:** A RESOLUTION ORDERING IMPROVEMENT, DESIGNATING PROJECT ENGINEER, CALLING FOR PREPARATION OF PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT FOR BIDS ON IMPROVEMENT was offered by Councilmember Zachman, who moved its adoption, and upon due second by Hellquist, was passed by unanimous vote.

**ORDINANCES**

An Ordinance Amending the Zoning Map Adopted in Chapter 13, Section 13.08 of the Bemidji City Code (Pertaining to Planning Case #2004-10, Bemidji Development Corporation).

Mayor Lehmann presented a letter from Bill Batchelder of the Bemidji Development Corporation to postpone the final reading on this ordinance until June 7<sup>th</sup>.

Ward Boundaries - Public Hearing/2<sup>nd</sup> Reading:

Pursuant to published notice, a public hearing was held to consider an amendment to City Ordinance #323, 2<sup>nd</sup> Series pertaining to Ward Boundaries. Mayor Lehmann opened the public hearing and invited comment from those present. No one appeared.

AN ORDINANCE AMENDING ORDINANCE NO. 323, 2<sup>ND</sup> SERIES (Correcting the Legal Description for Ward Boundaries) was given a second reading.

Rezoning – Planning Case #2004-15

AN ORDINANCE AMENDING CHAPTER 13, Section 13.08 of the Bemidji City Code (Pertaining to Planning Case #2004-15, Leisure Time Land Company) was given a first reading.

Sign Ordinance Amendment – Planning Case #2004-18

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE IX OF THE CITY OF BEMIDJI ZONING CODE (Pertaining to Signs in the B-4 Zone, Planning Case #2004-18) was given a first reading.

Lodging Tax Ordinance Amendment

Minke noted that during an audit of the lodging tax collections in September 2003, auditors recommended some changes to improve the accuracy and administration of the lodging tax program. Those amendments were presented for Council review and discussion. There being no questions or concerns expressed, AN ORDINANCE AMENDING THE LODGING TAX ORDINANCE was given a first reading.

**UPCOMING MEETINGS**

- May 24            5:30 p.m. Budget work session
- May 25            6:00 p.m. Meeting with consultant regarding Tree, Park, Open Space Dedication
- June 7            5:30 p.m. (prior to Council Meeting) Special Meeting to meet with the consultant regarding the compensation study

**ADJOURN**

There being no further business presented for discussion, motion by Hellquist, second by Meuers, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned 8:47 pm.

Respectfully submitted

Shirley J. Sherman, City Clerk