

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### September 2, 2003

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 2, 2003, at 7:00 p.m. in the City Hall Council Chambers, Mayor Lehmann presiding.

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

Mayor Lehmann called for any amendments to the agenda. Manager Minke requested addition of a Resolution accepting the feasibility report on a paving project on Wee Gwaus Drive & Irving Lane. City Clerk Sherman requested council action to establish the Truth-in-Taxation hearing dates for the 2004 budget. Motion by Erickson, second by Meuers, to approve the agenda as amended. All voted aye. Motion carried.

#### **APPROVAL OF MINUTES**

Minutes of the August 18, 2003 Regular Meeting and August 18, 2003 Work Session were presented. A correction was noted under "Planning Case #2003-21" – in the 9<sup>th</sup> paragraph, the last sentence was amended to read "A seven and one-half foot side-yard setback is required, therefore a seven-foot side yard setback variance is requested." Motion by Meuers, second by Erickson, to approve the minutes as amended. All voted aye. Motion carried.

#### **CONSENT AGENDA**

Mayor Lehmann called for approval of the items on the consent agenda. Motion by Downs, second by Hellquist, to approve the following consent agenda items. All voted aye. Motion carried.

- 1) *Approved general licenses for Classic Cuts (Massage Establishment) and Melissa Berg (Massage Therapist).*
- 2) *Approved nine pages of claims in the total amount of \$392,568.06.*
- 3) *Approved appointment of Rita Albrecht to the Planning Commission to complete the term of Elaine Peterson who recently resigned.*
- 4) *Approved the sale of Surplus Equipment – 1957 Chevrolet pickup truck from Airport.*

#### **COMMITTEE REPORTS**

##### Bemidji Youth Advisory Commission

Silas Bowman provided an update on the activities of the Youth Advisory commission. City Councilmembers were invited to attend their next meeting on September 7<sup>th</sup> as well as the Fall retreat on September 19-20. Bowman noted that he served on the youth panel at the "Underage Drinking and Gangs Task Force" community meeting on August 26<sup>th</sup>. Some youth commission members also attended the Boys and Girls Club dinner at the country club to provide support for that initiative. The commission is also discussing plans to hold a Halloween Dance for youth. Councilmembers expressed interest in receiving a schedule of events and activities for the coming months as well as an updated membership list.

#### **UNFINISHED BUSINESS**

##### Parkland Dedication

Minke noted that Parkland Dedication serves many purposes including ensuring that parks are developed as new areas of the city develop and that the development pays for providing those parks. In researching the issue, he learned that in 1994-95 the council held three readings of an ordinance on Parkland Dedication and then tabled the ordinance indefinitely. Given the length of time since this item was addressed, Minke requested some council direction as to whether it wants to continue pursuing a Parkland Dedication requirement.

City Attorney Felix noted that the city's proposed ordinance called for a specific percentage of land or value to be dedicated for park purposes in every new plat or subdivision. In 1995 at approximately the same time as the 3<sup>rd</sup> reading of the proposed ordinance, a US Supreme Court case raised questions about the ability of cities to require Parkland Dedication. At that time, it was recommended that a study be done showing that there was a proportionality between the amount that the city would be exacting and the benefit to property owners. The intent at that time was to use the new Comprehensive Plan that was to be undertaken as a means of putting together a study. The study was never accomplished.

It was suggested that in order to move forward, we need to establish whether a study is necessary to support our ordinance for Parkland Dedication in the format that was presented in the past or look at alternatives to what was proposed in 94-95 and verify the legal basis of alternatives for the idea of generating fees or setting aside land in new developments.

Some discussion followed and council agreed that based on the information from the City Attorney, the issue should be reassessed by the Planning Commission. It was further suggested that a tree preservation regulation be coordinated with the Parkland Dedication issue. Motion by Downs, second by Johnson, to send the Parkland Dedication issue to the Planning Commission for further discussion and recommendation. Motion carried by the following vote: Ayes: Meuers, Lehmann, Downs, Johnson, Erickson, Hellquist. Nays: None. Absent: Zachman.

Downs noted he has a copy of the Baxter area Parkland Dedication Plan available for review.

#### Administrative Penalties for Traffic Violations

Minke noted that the council discussed the potential of charging an administrative penalty for some offenses such as speeding tickets, rather than issue a citation. After discussing the issue with the City Attorney and Director of Public Safety, Minke recommended that the program is not in the best interest of the city at this time for a number of reasons, including:

1. The violation is not reported on the person's driving record, making it possible for the person to commit multiple violations and other law enforcement agencies/insurance companies would have no record of any previous violations.
2. The Minnesota Department of Revenue has already started to raise questions about the potential loss of revenue to the state. If the state faces a significant loss of revenue, it is likely the legislature will make changes to the law which will limit the city's ability to collect administrative penalties.
3. There are other ordinances such as revising the nuisance ordinance that are a higher priority.

He suggested that the Council put the issue on hold for approximately one year to see how things at the state level evolve and to get some tracking from other cities who have implemented the program.

Motion by Erickson, second by Downs, to accept the recommendation of the City Manager to not pursue administrative penalties at this time. Motion carried by the following vote: Ayes: Meuers, Hellquist, Johnson, Downs, Erickson, Lehmann. Nays: None. Absent: Zachman.

#### NEW BUSINESS

Minke noted that the Fire Department currently uses a pumper truck to respond to approximately 400 medical calls per year. The city has been evaluating low-cost options to acquire another vehicle for this purpose. He noted that the city recently impounded a 2000 Ford Ranger pickup truck on a drunk driving arrest. The vehicle has an estimated value of \$13,000-\$16,000. The cost to acquire the vehicle in question would be \$7,000 to satisfy the lien against it.

Minke requested Council authorization to acquire the vehicle for use by the city. He noted that the city currently has other impounded vehicles in use, and these vehicles have proven their value to the city. Motion by Erickson, second by Hellquist to authorize the purchase of the vehicle for use by the Department of Public Safety. Motion carried by

the following vote: Ayes: Hellquist, Meuers, Lehmann, Johnson, Downs, Erickson. Nays: None. Absent: Zachman.

Paving Project – Wee Gwaus Drive SW and Irvingside Lane SW

City Engineer Freeberg presented a report on the feasibility of paving Wee Gwaus Drive SW and Irvingside Lane SW and recommended that the council set a date for public hearing. He noted that because these streets are jointly owned by the City and Bemidji Township, the city and township will be expected to share equally in the cost of the project. An informational meeting has been scheduled for Wednesday, September 3, with affected property owners along Wee Gwaus Drive within city limits, to address any concerns.

RESOLUTION NO. 5077: A RESOLUTION ACCEPTING FEASIBILITY REPORT FOR WEE GWAUS DRIVE SW AND IRVINGSIDE LANE SW PAVING PROJECT was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs, was passed by the following vote. Ayes: Hellquist, Downs, Johnson, Erickson, Meuers. Nays: None. Abstain: Lehmann. Absent: Zachman.

Truth in Taxation Hearing

City Clerk Sherman suggested the date of December 1, 2003, at 6:00 p.m., prior to the regular council meeting for the public hearing on the proposed 2004 budget, and if a continuation hearing is necessary, she suggested the date of December 8<sup>th</sup> at 7:00 p.m. Motion by Meuers, second by Hellquist, to approve the selection of dates for the Truth in Taxation hearing. All voted aye. Motion carried.

**ORDINANCES**

ORDINANCE NO. 347, 2<sup>nd</sup> Series: An Ordinance Amending the Bemidji City Code Fee Schedule was given a final reading and passed by the following vote: Ayes: Downs, Erickson, Lehmann, Meuers, Hellquist, Johnson. Nays: None. Absent: Zachman.

AN ORDINANCE Annexing Property Along Division Street W to the Corporate Limits of the City of Bemidji (1815 Division Street W – Burnham Property) was given a second reading.

AN ORDINANCE Annexing Property Along Anne Street NW to the Corporate Limits of the City of Bemidji (814 Anne Street NW – Vista North Townhomes LLC) was given a second reading.

**NOTICE OF UPCOMING MEETINGS**

Mayor Lehmann acknowledged receipt of an invitation from Thief River Falls to attend the League of Minnesota Cities Regional meeting to be held in that city on September 30. He noted that the meeting locations closest to Bemidji are Thief River Falls and Detroit Lakes. Several council members expressed an interest in attending. Motion by Hellquist, second by Johnson, authorizing travel for councilmembers to attend one of the LMC Regional meetings in either Thief River Falls or Detroit Lakes. All voted aye. Motion carried.

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|--------------------|-------------|--------------------------|-------------------|
| September 8, 2003  | 5:30 p.m.   | Work Session             | Bemidji City Hall |
| September 9, 2003  | – 7:00 a.m. | Public Affairs Committee | Bemidji City Hall |
| September 15, 2003 | 7:00 p.m.   | Council meeting          | Bemidji City Hall |

**COUNCIL/STAFF REPORTS**

Minke highlighted a program that the Fire Department is implementing (received through a FEMA grant). The school-based program is called “RISK WATCH” and is being headed up by firefighter Dean Baggenstoss. Minke expressed appreciation to the schools and the teachers who actually do the work throughout the school year. The program provides an age appropriate curriculum including fire safety, bike safety, home safety, etc. as a way to improve risk awareness by youth and ultimately reduce accidents and injury. He noted materials are currently available for review at the Fire Hall.

Downs, Johnson and Erickson will attend the Blandin Leadership Program this fall.

Downs noted that the Department of Revenue is having a hearing on Sales Tax issues on September 16, 2003, in Brainerd. Lehmann suggested that Minke attend the hearing and encouraged other councilmembers to attend.

Johnson discussed some concerns expressed by a constituent on Cedar Lane, noting that he would like some assurance that the City is going to run sewer down Irvine Avenue. It was noted that the council approved the project earlier this year but the work will not be done until Beltrami County does the reconstruction work on Irvine Avenue. It was also noted that property owners who have benefit of accessing the sewer from either Cedar Lane or Irvine Avenue will be assessed a higher cost if they access the sewer from Irvine Avenue. The Cedar Lane resident also complained about loud mufflers, and boom boxes and he noted some resistance from the transfer station recently when he wanted to drop off some grass clippings. It was suggested that the resident address the transfer station issue with the County as the county contracts with Magnuson to operate the facility.

Meuers established Tuesday, September 9<sup>th</sup> at 7:00 a.m. as the meeting date for the Public Affairs committee. She also noted that the Boys and Girls Club program director interviews will be conducted later this week.

Meuers asked for a review of the calendar parking restrictions on Beltrami Avenue, Minnesota Avenue and America Avenue, given the fact that the streets in the old high school area are no longer burdened with student parking. It was noted that calendar parking was implemented for snow removal purposes. Minke will ask the Parking Committee to address the issue.

Hellquist stressed the importance of a nuisance ordinance to address the noise issues in our city. He related complaints about traffic problems in the Hwy 197 construction area. He also inquired about the roof and floor repairs at the Neilsen-Reise Arena.

Erickson echoed the need for some progress on an ordinance to address the noise issues.

### **ADJOURN**

There being no further business presented for discussion, motion by Downs, second by Hellquist, to adjourn the meeting. All voted aye. Motion carried. Meeting adjourned 8:40 p.m.

Respectfully submitted

Shirley Sherman, City Clerk