

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

August 2, 2004

Pursuant to due call and notice, a regular meeting of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, August 2, 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: Erickson, Johnson, Hellquist, Lehmann, Downs, Zachman, Meuers.

Mayor Lehmann called for approval of the agenda. Johnson requested addition of a report from Coalition of Greater Minnesota Cities (CGMC) meeting held on July 28-29, 2004. Motion by Zachman, second by Johnson, to approve the agenda with the addition noted. Motion carried by unanimous vote.

APPROVAL OF MINUTES

Minutes of the July 19, 2004 Regular Council meeting and July 19, 2004 BEDA meeting were presented for approval. Hellquist noted a correction on the name of the Bemidji Youth Advisory Commission representative – change from Beth to Becca Crawford. Motion by Meuers, second by Downs, 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 Johnson to approve the Consent Agenda. Motion carried by unanimous vote.

- A. Approved nine (9) pages of claims in the total amount of \$540,809.81 as submitted by the Finance Officer.

BEMIDJI YOUTH ADVISORY COMMISSION

Meuers reported that there were 45-50 youth at the beach bash and barbecue on July 23. The event was very successful and received front-page coverage in The Pioneer Newspaper as well as a “Thumbs Up” on the editorial page. The Commission is currently working on plans for the August 22 retreat to be held in the Duluth area on the north shore

PUBLIC HEARING: Paving 2nd Street SE (Richards Ave to Lake Ave)

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 paving of 2nd Street SE, between Richards Avenue and Lake Avenue. City Engineer Freeberg provided a brief overview of the project. Mayor Lehmann opened the public hearing.

No one appeared. The public hearing was closed.

RESOLUTION NO. 5167: A RESOLUTION ORDERING IMPROVEMENT, DESIGNATING PROJECT ENGINEER, CALLING FOR PREPARATION OF PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT FOR BIDS ON CITY PROJECT #04-07 (2ND Street SE, Richards to Lake Avenue) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

MARK SAND & GRAVEL COMPANY

At the June 7th Council meeting, the Council considered the request of the Bemidji Development Corporation/Mark Sand & Gravel for a special use permit to operate an asphalt plant at a location in the Industrial Park. The request was denied by a 4-3 vote based on public perception relating to environmental concerns.

On July 28th the City received a request from the Bemidji Development Corporation/Mark Sand & Gravel to reconsider that decision, offering to have an Environmental Assessment Worksheet (EAW) completed by a qualified independent environmental engineering firm.

Motion by Downs, second by Meuers, to deny the request for reconsideration.

Erickson questioned how the EAW would address issues such as noise, odor and dust created by truck traffic.

City Attorney Felix explained that an independent engineering firm would assess the impacts that would potentially be created by this proposed land use.

Erickson asked what involvement Minnesota Pollution Control Agency (MPCA) would have in the process, since they do not require an EAW for an asphalt plant, and questioned whether they would evaluate the results of the EAW.

Felix noted that the materials provided for Council review discusses four categories as follows:

- 1) Mandatory EAW required under MPCA guidelines
- 2) The Responsible Governmental Unit (RGU) orders the EAW
- 3) Petition by citizens to have an EAW done
- 4) Voluntary EAW proposed by the applicant for the Special Use Permit

In this case the petitioner is proposing to do a voluntary EAW to provide feedback to assist the Council in their decision relating to a Special Use Permit for an asphalt plant. It was further noted that doing an EAW would not guarantee an approval of the Special Use Permit.

Minke explained that the City is uncertain as to the involvement by MPCA. He suggested that the Council might want to be involved in establishing the scope of the EAW to ensure that the items that are most important, as identified by the Council and the community, are covered in greater depth.

Downs noted that the Council received considerable opposition on this issue from the community and a decision was made in June to deny the request. He felt the issue should not be addressed again.

Some discussion followed regarding the benefit of having another asphalt plant in the area.

Mark Thorson was asked if there were another location outside the city that would be more compatible. He noted that they have researched the area and find that there are concerns about proximity to rivers, housing, lakes, etc. wherever you look. The proposed location is a desolate pit bottom with a sand bed of 10-12 feet, approximately 2,000 feet from the nearest residential structure. He further noted that asphalt is the most recycled product in the world and location of the plant too far from the city, will negate much of the recycling ability. He offered the EAW as additional information from an unbiased source.

Johnson noted that Bemidji Town Board has expressed opposition to the asphalt plant at this location, and based on the current working relationship with the Township, the current level of trust, and the fact that the two entities are at a critical juncture right now in their efforts to develop a Joint Powers Agreement, he felt he would not be able to support an asphalt plant at the proposed location.

Hellquist supported this as an optimum location, noting that an asphalt plant in the Industrial Park seems reasonable. He asked the Council to consider the fact that the environmental issues have not been substantiated and the city needs the service in the area. He also noted the job creation aspect. He suggested that the EAW would provide necessary facts.

Downs noted that the proposed plant is not compatible with Bemidji Leads, Bemidji Outdoors, and the Council's priority of "City as a Park" – all grass roots entities trying to "green up" Bemidji and keep the air clean.

Erickson felt the EAW would not satisfy the public and if there are issues once the plant is up and running, it will be too late to do anything about it.

The motion carried by the following 5-2 vote: Ayes: Zachman, Hellquist. Nays: Meuers, Lehmann, Downs, Johnson, Erickson. Absent: None.

COALITION OF GREATER MINNESOTA CITIES ANNUAL MEETING

Councilmember Johnson reported on the Coalition of Greater Minnesota Cities (CGMC) meeting held on July 28-29, 2004 in Austin, MN. There were no promises as far as further Local Government Aid (LGA) cuts, and no prospect for restoration. There are more cuts

proposed for 2006. The Legislature is looking at using LGA to fund schools. He expressed the importance of the CGMC in their lobbying efforts on behalf of the City. He also expressed the importance of candidate forums as an opportunity to ask questions about LGA, sales tax, annexation, parks and trail funding, etc.

RESOLUTION NO. 5168: A RESOLUTION ACCEPTING FEASIBILITY REPORT FOR STREET IMPROVEMENTS AND EXTENSION OF UTILITIES ON 23RD STREET WEST OF JOHANNESON AVENUE NW was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by unanimous vote.

ORDINANCE NO. 386, 2ND SERIES: GRANTING A CABLE FRANCHISE TO MIDWEST CABLE COMMUNICATIONS, INC. d/b/a CHARTER COMMUNICATIONS IN THE CITY OF BEMIDJI; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR CERTAIN SERVICE REGULATIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN was given a final reading and approved by unanimous vote.

AUTHORIZATION TO PUBLISH A SUMMARY OF THE CABLE FRANCHISE RENEWAL ORDINANCE

City Clerk Sherman presented a request to publish the Charter Communications Cable Franchise Ordinance by summary. Motion by Erickson, second by Downs, to authorize publication of the recommended summary. Motion carried by unanimous vote.

UPCOMING MEETINGS

August 9	Work Session – 5:30 p.m.	BSU Area Street Reconstruction Project
August 30	Work Session – 5:30 p.m.	2005 Utility and Liquor Budgets

COUNCIL/STAFF REPORTS

Minke reported that he met with BSU representatives regarding parking issues. He will summarize that discussion and forward to the Public Works Committee for their review.

Minke also noted that he met with Larry Young (JEDC) and Tim Flathers (HRDC) to discuss redevelopment of the old MN/DOT building and the recently acquired MN/DOT storage yard on Rako Street. It was agreed that we probably do not have the expertise to develop a plan in-house. As a result, Minke suggested retaining a development consultant to help put together a package which would include a needs assessment for both the fire substation which is currently in the old MN/DOT building and the police training Center, which is next to the MN/DOT storage yard.

Minke is working on a revision to the LCMR grant. The original proposal was for \$5.2 million – the City was awarded \$400,000. The task is to reduce the project to \$400,000 and show that it is still viable. It was decided that the most viable option was to take the \$400,000 and apply it to acquisition of land north of 197 from the Wye to the current trailhead near Lincoln School.

Hellquist met with concerned residents regarding the transitional housing facility at 1208 America, which has been a burden on that neighborhood. The Northern Cradle Board has agreed to develop a more formal mentoring program and establish a list of protocol to go along with it. Neighbors understand that they need contact the law enforcement center if there is any illegal activity at that location.

Meuers requested an update on the Georgia-Pacific site. Felix noted that the City hired an appraiser to update the appraisal for the railroad acquisition and is now working on various options for the Georgia-Pacific site and the railroad property – the whole SE Lake Bemidji picture – keeping in mind the concept that was developed by City Engineer Freeberg and Project Engineer Brian Grund. He noted that the City anticipates something preliminary during the month of August.

Meuers also report that the BSU neighborhood meeting resulted in improved communication and a willingness to share future plans with the City.

Erickson encouraged the public to attend neighborhood watch meetings and noted that the Deer Committee will meet on Thursday, August 5th to discuss the results of the survey.

Johnson noted that the next Joint City/Township meeting is scheduled for August 31st for an in depth discussion on growth management strategies. He also noted that once the city is involved in the process of annexation under the Joint Powers Agreement, there might be some funding available from the McKnight Foundation or 1000 Friends of Minnesota to cover some of the legal expenses, etc.

Zachman was pleased to hear that consideration is being given to redevelopment of the old MN/DOT building and suggested that the Council should also take a good look at the Carnegie building.

Downs expressed thanks to all participants in the bike ride on July 27th along the Paul Bunyan Trail with Senator Carrie Rude and Representative Doug Fuller.

Lehmann welcomed Dr. Charles Giammona, the new provost of Northwest Technical College.

ADJOURN

There being no further business presented for discussion, motion by Hellquist, second by Downs, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned. 8:45 p.m.

Respectfully submitted

Shirley Sherman, City Clerk