

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

June 7, 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, June 7, 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, Hellquist, Zachman, Meuers, Lehmann, Downs, Johnson. Absent: None.

Mayor Lehmann called for amendments to the agenda. Motion by Downs, second by Zachman, to approve the agenda as presented. Motion carried by unanimous vote.

APPROVAL OF MINUTES

Minutes of the May 17, 2004 Regular Council Meeting and May 24, 2004 Work Session were presented for approval. Motion by Meuers, second by Hellquist, 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 Johnson, to approve the following Consent Agenda items as follows. Motion carried by unanimous vote.

- A. *Approved ten (10) pages of claims in the total amount of \$501,609.01.*
- B. *Approved eleven (11) Miscellaneous Business Licenses*
- C. *Approved **RESOLUTION NO. 5153** Amending the Employee Personnel Policy*
- D. *Approved **RESOLUTION NO. 5154** to Not Waive the Monetary Limit on Tort Liability Coverage*
- E. *Approved Reapportionment of Special Assessments on Lot Division Request (Crown Property Management)*
- F. *Approved **RESOLUTION NO. 5155** Awarding Bid for City Project #02-09 (Middle School Drive and 23rd Street Reconstruction Project)*
- G. *Authorized disbursement of \$85,000 to the City-County Airport as designated by Council on April 26, 2004*
- H. *Awarded Bid for Fire Truck to Clarey's Safety Equipment of Rochester, MN*

BEMIDJI YOUTH ADVISORY COMMITTEE REPORT

Dayna Landgrebe reported a successful turnout for the Youth Day activities beginning earlier today with the parade which originated at the Old High School, followed by a pie eating contest, Bar-B-Q, and live music at the Rotary Pavilion, an open forum at 5:00 at the Elks Lodge. The activities will continue with live music and a street dance until midnight tonight. Dayna expressed appreciation to the City Council their participation in planning for the event.

BSU STUDENT SENATE REPORT

No Report.

FINAL READING OF AN ORDINANCE AMENDING THE ZONING MAP ADOPTED IN CHAPTER 13, SECTION 13.08 OF THE BEMIDJI CITY CODE, I-1 (Industrial Park) to I-3 (Heavy Industry) (Pertaining to Planning Case #2004-10, Bemidji Development Corporation – 51.53 acres)

A public hearing was held and public comment received at the May 3, 2004 Council Meeting. The hearing was closed, and following Council discussion, a decision on the issue was tabled at that meeting to allow time for Council to review additional information provided by Mark Sand & Gravel.

Mayor Lehmann called for a decision by the Council.

Downs noted that in his opinion this parcel should remain I-1 to conform to the remainder of the Industrial Park, and based on the proposed development by Pinnacle Outlets and

opposition expressed by surrounding property owners, he motioned to table the rezoning request for one year, to see what other developers or businesses are interested in coming to that area.

Minke reminded the Council that they must either approve or deny a zoning request within 60 days, and to table the request for a year after the time period has elapsed, would result in automatic approval of the request. City Attorney Felix confirmed that failure to act on the request in a timely fashion (60-day rule) would result in approval of the requested rezoning.

Motion by Zachman, second by Hellquist, to accept the recommendation of the Planning Commission and have the final reading and approval of an Ordinance rezoning the 51.53-acre Industrial Park parcel from I-1 (Industrial Park) to I-3 (Heavy Industrial).

Johnson expressed concerns about the impact this rezoning might have on the City's relationship with Bemidji Township and the recent progress the committee has made toward Joint Planning and Orderly Annexation which could be in place as early as January, 2005. He also expressed disappointment that JOBZ hasn't been given a chance to work to create more jobs and industry.

Erickson noted that a month ago she voted to deny the rezoning request and expressed opposition for a bituminous plant to be located at the site. Since that time she received additional information from various sources regarding the rules of operation for ready-mix and bituminous plants. She also made visits to bituminous plants in Walker and Bemidji to watch the operations. In the final analysis, she determined that MPCA and OSHA closely regulate present day bituminous plants and she expressed no concerns about odor or air pollution. She stated that the Industrial Park was created to consolidate and encourage industry in the City of Bemidji, and that the I-3 designation proposed for a parcel located in the southernmost portion of the Industrial Park is appropriate. Erickson further noted that the calls and correspondence she received have been in opposition to a bituminous plant, with no opposition to a ready-mix plant. She acknowledged that the Industrial Park is preparing for continued expansion with 57 newly platted lots, which would benefit from the extension of utilities to the proposed Ready-Mix plant.

Downs commented on the need for the design to fit in with the green space and "Up North Lake and Woods" effect the city is trying to maintain. He noted that all the calls he received on the issue were opposed to the rezoning.

There being no further comment, Lehmann called for a vote on the motion to approve **ORDINANCE NO. 373, 2ND SERIES** rezoning of a 51.53-acre Industrial Park parcel from I-1 to I-3. Motion carried by the following 4-3 vote: Ayes: Zachman, Lehmann, Erickson, Hellquist. Nays: Meuers, Downs, Johnson. Absent: None.

PLANNING CASE #2004-17: Filed by Bemidji Development Corporation requesting a special use permit to allow a hot mix asphalt plant on the Industrial Park property. Planning Commission recommended approval with the following conditions: 1) the hot mix asphalt plant will be situated on the property as shown in the site plan dated April 19, 2004; 2) aggregate may be removed from the property as identified in the proposal received on April 20, 2004, from Mark Sand & Gravel; 3) the property must be rezoned to I-3 (Heavy Industry) to operate a hot mix asphalt plant on the proposed site; 4) a copy of any permits issued by the MPCA for the asphalt plant shall be provided to the City; 5) landscaping (trees) will be added along the south side of the property, north of Hwy 2, to create a visual buffer; 6) a bag house and deodorizers shall be added to the plant; and 7) the Planning Commission shall conduct annual reviews of the special use permit for at least the first two years after approval.

Erickson commented on a flyer opposing an asphalt plant in Bemidji. She expressed concerns that the flyer contained incorrect information and was distributed anonymously to the public. She also noted that because of the number of calls and written communication from the public, she would not be able to support an asphalt plant in the Industrial Park, even though her research indicates that the concerns and fears are unfounded.

Hellquist noted he received two telephone calls opposing a bituminous plant and seven supporting a plant.

Mayor Lehmann opened the public hearing and invited those present to comment.

Kermit Berg – 218 Irving View Drive SW – representing the Adult Day Services facility located at 620 Carr Lake Road SE, adjacent to the Industrial Park. Concerns were expressed about the noise and odor emanating from an asphalt plant as well as the

possibility of increased traffic. He noted that their remote site was selected because it is removed from traffic noise and particularly for the wildlife, birds and trees. It was noted that many of the 42 residents of the facility have some sort of respiratory problem that could be impacted by dust and air pollutants. He suggested the plant might best be located three miles out of the City.

Sarah Hayden – 503 4th Street SE, Nymore area, was disappointed that the rezoning was approved. Ms. Hayden noted that she was involved in the anonymous flyer which Councilmember Erickson referred to and acknowledged that it was intended to get the community riled up so that they would get involved in the issue. She presented a petition requesting that an Environmental Assessment Worksheet (EAW) be completed and approved before construction of an asphalt, aggregate and ready-mix cement plant by Mark Sand and Gravel Company in the Bemidji Industrial Park. Ms. Hayden expressed strong citizen concerns regarding environmental impacts on wildlife and humans, health risks, air pollution, harm to water systems, and destruction of wildlife habitat, and asked the Council to keep those concerns in mind.

Mark Thorson – Mark Sand & Gravel, noted that the flyer referred to earlier contains false information about the industry as well as his company. He discussed the need for continued local competition to provide construction materials including ready-mix, asphalt, gravel, etc. He clarified his intent to construct a commercial plant at the proposed site as opposed to his current highway plant located outside of the City, which is not considered long term. He suggested that if the Special Use request is denied, Mark Sand & Gravel will probably move out of the area, representing loss of jobs in the community. Mark noted that there are homes within 1200 feet of their plant in Fergus Falls, and building lots in that proximity are selling for \$70,000 - \$100,000 each. He also noted that there have been no complaints about the existing plant located West on 5th Street, just outside city limits, and new housing construction is ongoing in areas surrounding that location.

Zachman asked about the need for an Environmental Impact Study (EIS). Thorson noted the output in pollutants would be 50-ton or less per year and there is no requirement for an EIS on pollutant outputs of less than 100-ton per year.

Thorson appealed to the Council to approve the Special Use Permit, which would allow him to remain in the community.

William Hartwell – 16472 Grant Valley Road, Pinewood – one of the signers on the petition requesting an EAW. Commented on the proximity of the nearest residential structure to the proposed plant and suggested there must be another 50-acres outside city limits that would be more suitable for an asphalt business.

Kathleen Hallenger, 214 3rd Street NW, Apt. C – noted she has a severe allergy to fragrance and relocated from the cities to this area because of the allergy. She felt the deodorizer at the plant might cause extreme allergic reactions. Even a small amount of deodorizer could have an impact on her allergy.

Audrey Thayer – 835 Lake Ave NE – Nymore – asked the Council to consider the cost to the community when making decisions about economic development. Expressed the need to make decisions based on what is important to people in the community.

Carol Winans – Bemidji Township resident – owns property located south of the proposed site across the Hwy. 2 bypass. Expressed opposition to the plant, noting concerns about the noise from the grinders and crushers as well as the odor. She urged to Council to vote no to the Special Use Permit. She was disappointed with the decision for rezoning as she does not feel the I-3 is compatible for the area.

Mark Paulson – Bemidji Township Board Member, lives south of the proposed plant site across the Hwy 2 bypass. Encouraged the Council to not allow the bituminous plant in the Industrial Park and suggested that Mr. Thorson find another location. He spoke in favor of competition and acknowledged that the sole provider of concrete in Bemidji is higher than Park Rapids, Walker and Grand Rapids.

Joe Butler – Beltrami County resident – recently moved to this area year round after having a summer home here for many years. He suggested that the area is going to grow and evolve naturally and encouraged the Council to resist development of heavy industry. He related experience with the odor from a sugar beet factory in Grand Forks, noting that once the plant is there, nothing can be done about it.

Robert Chastain – 503 4th Street SE, was also involved in producing the flyer. Expressed disappointment for approval of the rezoning earlier on the agenda. Reminded the council that they are public employees. Suggested that the issue has ethical challenges creating a threat to the Council. He referred to poor ethics and “big money” pushing the community around and deals being made behind the scene.

Councilmembers refuted any allegations of deals or wrongdoing by the Council. When questioned, Mr. Chastin could provide no details of his allegations. Erickson noted that an extension of utilities to this location would provide some benefit to other platted sites in the Industrial Park. Minke explained that it is usual and customary for the developer to pay for infrastructure (streets, water, sewer) to serve their development. The City would assess improvement costs to the benefited properties - it is not unique to this project.

Thad Bowman – Nymore resident – Works at the high school, near the plant on 5th Street, and noted there have been some problems with that plant. He acknowledged that it is an older plant, and that some residents in the area can't use their deck when the plant is in operation. He encouraged growth and development but doesn't feel that an asphalt plant in the city is the best idea. He spoke in favor of competition.

Simone Senogles, 407 Wood Avenue SE – resident for six years. Expressed opposition to the proposed plant if there is any chance that being a neighbor to the plant will be detrimental to her son's health.

Martin Sathre – Secretary of the Industrial Park Development Corporation – Explained that the land is owned by the Development Corporation and they will be taking care of the cost for infrastructure through the Industrial Park. Mr. Thorson will pay for his portion. Sathre noted that the corporation is tax exempt and the Board serves voluntarily. To his knowledge the only “deal” is an option to purchase the land by Mr. Thorson.

Robert Schnook – Works for the Indigenous Environmental Network in Bemidji. Expressed concerns about air pollution from petroleum-based products, particularly when those products are heated. He noted that MPCA regulations protect human health and the environment, but only up to a point where the business can still be profitable. He questioned the difference between what is profitable and what is right in terms of human health and ecological health. He recently researched what has happened in other communities with these kinds of proposals and noted that operations are very contentious issues in some communities, numerous communities have denied similar requests, and plants have been shut down in other communities. He questioned the source of funding for Bemidji Development Corporation, who pays for engineering costs, etc. to extend services, whether some of the costs are subsidized, and whether he would be able to purchase land in the Industrial Park for some type of heavy industry and how much it would cost

Martin Sathre, Secretary of the Industrial Park Development Corporation. Responded to those questions by noting that the Development Corporation started out with a single building that was leased. Eventually that structure was paid off with revenue from the lease, the Original Industrial Park was platted and lots were sold, then the First Addition was platted and lots were sold. He explained that The Economic Development Authority helps to do the planning and engineering and the City assesses the costs back to the Development Corporation. Assessments are paid out of the revenues accumulated from the sale of lots. The corporation is non-profit and if the corporation folds, any accumulated assets must be given to a like organization. In response to the question regarding purchase of a parcel in the Industrial Park, Sathre noted that the land is appraised and priced accordingly. They are currently negotiating the price for the 51-acre parcel that Thorson has an option to purchase.

Thomas Anderson, 3670 Sherman Drive NE, suggested that Thorson have an EAW done voluntarily to put the community at ease, and further suggested that the Council approve the Special Use Permit conditioned upon the EAW being done. Thorson noted the proposed plat does not require an EAW but said he had no problem with that and asked whether Mr. Anderson would pay for the study.

Hellquist noted that some of the comments presented tonight are emotional issues and have little to do with the issue at hand. He provided a copy of a resolution from the Blue Earth County Board dealing with a similar request in that county. In that case, the Special Use Permit was issued based on findings that with proper management

- the proposed use conforms with the land use plan
- the proposed use will not degrade water quality of the county
- the proposed use will not increase the quantity of water run-off.
- The soil conditions are adequate to accommodate the proposed use

- The proposed use does not create a potential pollution hazard
- The conditional use will not be injurious to the use or enjoyment of the property within the immediate vicinity for the purposes already permitted
- The establishment of the conditional use will not impede normal and orderly development of the improved surrounding or vacant property for predominant use in this area.
- That adequate measures have been and will be taken to prevent and control any odors, fumes, dust or vibration so that none of these will institute a nuisance
- Control lighted signs and other lights so as not to disturb neighboring properties.
- Hours of use, etc.

Bill Batchelder – 2405 Carol Drive – Noted that the Industrial Park was built to consolidate industry. He expressed the need for planning and cited a number of junkyards located in swamps and areas in close proximity to the city. He further eluded to the possibility of a conflict of interest with one Councilmember being closely related to an individual who makes their livelihood in the same industry located in Beltrami County – a competitor of the petitioner. He asked the Mayor to comment.

Lehmann noted that the City is aware of the situation and the Councilmember in question does not stand to gain from the vote one way or the other. City Attorney Felix noted that he could find no conflict.

Tom Eidenschink, 612 35th Street NW – Noted that he was the operator at the plant located west of the high school. He felt the greatest concern with a plant at the proposed location would be noise from the steam, which can be drowned out with trees. The plant he operated did not have a deodorizer and there was no odor. He noted that the most hazardous material located at a hot mix plant was fuel for the burners and motors and solvent for clean up.

Camille Hurtado, Chairperson for the Beltrami Humane Society. Noted the shelter is located approximately 1,000 feet from the proposed plant location. Presented a resolution passed by the Board of Directors expressing opposition to the plant.

Harry Takhar – involved with commercial development immediately south of the proposed location. He had many questions relating to the sound and noise but feels those issues have been dealt with and he is satisfied with the response. He spoke in favor of the development.

Robert Schnook – Suggested that the Council get someone who knows about the chemicals that come out of these plants - whether masked with a deodorant or not. He noted that not everyone is in a middle-aged state of good health. He suggested that this issue may place an additional burden on those that are already compromised.

Curt Oakes, City Planner- commented on the Wenck Associates letter dated April 19, 2004 which referenced misinformation confirmed by the Pollution Control Agency staff in Duluth and Detroit Lakes that hot mix asphalt plants were de-listed in 1990 and the EPA determined that hot mix asphalt plants were not a major source of hazardous air pollutants requiring regulation under their program. He also noted that the MPCA Small Business Assistance Program would require air quality permits from the PCA for a hot mix plant.

Motion by Zachman, second by Hellquist to accept the recommendation of the Planning Commission to approve the special use permit with the 7 conditions noted.

Johnson noted that the City is at a critical point in working together with the Township and trying to build trust. He estimated that three-quarters of the telephone calls he received regarding the hot mix asphalt plant were from township residents. He expressed the need to continue to work with the townships on things like joint planning and orderly annexation – things the City depends on to make the community grow. He felt he could support the proposal for a hot mix asphalt plant if most of the township was in favor.

City Attorney Felix reminded the Council to address the five findings of fact, with respect to the special use application, as follows:

1. Whether proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;
2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;
3. Whether the proposed use adversely affects property in the surrounding area;
4. Whether the proposed use is in conformance with the City's Comprehensive Plan; and

5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.

Erickson noted that she is unable to vote in favor of the special use permit because the public perception is that a hot mix asphalt plant will adversely affect the public safety, health, morals, convenience and general welfare of the community.

The motion failed on the following 3-4 vote: Ayes: Zachman, Lehmann, Hellquist. Nays: Meuers, Downs, Johnson, Erickson. Absent: None.

Mayor Lehmann called a 5-minute recess at 9:00 p.m.

PRESENTATION BY THE BEMIDJI OUTDOORS COMMITTEE

Frank Moe, Chairperson of Bemidji Outdoors, gave a brief presentation regarding the Bemidji Outdoors Program. He discussed the collaborative efforts of Bemidji State University, Concordia Language Villages and School Craft Learning Community to coordinate and promote the wide variety of outdoor education and recreation opportunities in the greater Bemidji area.

Bob Milne provided information on the Bemidji Outdoors web site providing public access to the available resources and scheduled events.

HABITAT FOR HUMANITY – Request to Waive Building Permit Fees

At the March 15, 2004 meeting, the Council put a moratorium on any further donation requests excluding the ones that are already set up. Habitat for Humanity recently submitted a request to waive building permit fees for a house they plan to build at 713 9th Street NW. It was noted that the City has, in the past, waived the building permit fees but not the state surcharge.

Minke suggested that the Council determine whether this request is impacted by the March 15th moratorium, and determine whether the council wishes to make the requested donation. The fees are as follows:

Permit Fee	\$882.00
State Surcharge	\$ 42.00
Plan Review	\$287.00
Mechanical Inspection	\$140.00
State Surcharge	\$ 3.50

Motion by Erickson, second by Downs, to waive the building permit fees of \$1,390.00, but not the State Surcharges. The Building Department will absorb building permit fees. Motion carried by unanimous vote.

RESOLUTION NO. 5156: A RESOLUTION AUTHORIZING PURCHASE OF PROPERTY FOR MULTI-USE RECREATION TRAIL was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Meuers, was passed by unanimous vote.

PETITION FOR ANNEXATION (LILLEMO/NORVOLD)

A copy of a letter from Rebecca Anderson, Bemidji Township Attorney, was presented in opposition to the proposed annexation of these two parcels.

Lehmann suggested that these parcels will eventually be annexed to the City through orderly annexation, if that process is allowed to continue. He felt that annexation at this time may be detrimental to those discussions. Meuers agreed that this is a sensitive issue and the joint planning sessions should be allowed to continue.

Johnson noted that the townships were told at the beginning of the discussions that the City would not initiate annexations, but the City would not stop property owners from petitioning for annexation.

Discussion followed regarding the reason Lillemo split this five-acre parcel off of the original 60.82 acres in October/November 2003 when 55.82 acres of Lillemo’s property was annexed to the City.

Harry Takhar spoke in favor of the annexation noting that Bemidji Township represented to Ms. Lillemo that she would need 5-acres on which to build a home. Now she is being told

that she needs 5.2 acres. The two property owners – Norvold and Lillemo decided that these parcels offered them a business opportunity with the adjacent commercial development

RESOLUTION NO. 5157: A RESOLUTION ACCEPTING PETITIONS TO ANNEX CERTAIN PROPERTIES ALONG OAK HILLS ROAD TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Norvold/Lillemo Parcels) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Downs, was passed by the following 5-2 vote: Ayes: Hellquist, Johnson, Downs, Erickson, Zachman. Nays: Meuers, Lehmann.

AN ORDINANCE ANNEXING PROPERTY ALONG OAK HILLS ROAD TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Norvold/Lillemo Parcels) was given a first reading.

RESOLUTION NO. 5158: A RESOLUTION ACCEPTING PETITION TO ANNEX CERTAIN PROPERTIES ALONG WEST DIVISION STREET TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Williams Parcel) was offered by Councilmember Erickson, who moved its adoption, and upon due second by Councilmember Hellquist, was passed by the following 6-1 vote: Ayes: Lehmann, Hellquist, Downs, Johnson, Erickson, Zachman. Nays: Meuers.

AN ORDINANCE ANNEXING PROPERTY ALONG OAK HILLS ROAD TO THE CORPORATE LIMITS OF THE CITY OF BEMIDJI (Williams Parcel) was given a first reading.

AN ORDINANCE AMENDING SECTION 6.60 OF THE BEMIDJI CITY CODE PERTAINING TO MASSAGE PARLORS was given a first reading.

PUBLIC HEARING –

Pursuant to published notice, a public hearing was held to consider an ordinance amendment – Planning Case #2004-15 – Rezoning of two parcels from A/O (Agricultural/Open) to B-2 (Shopping Center/Highway). Mayor Lehmann opened the public hearing and invited those present to address the issue. No one appeared. The public hearing was closed.

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 second reading.

PUBLIC HEARING –

Pursuant to published notice, a public hearing was held to consider an ordinance amendment – Planning Case #2004-18 – Pertaining to Signs in the B-4 Zone. Mayor Lehmann opened the public hearing and invited those present to address the issue. No one appeared. The public hearing was closed.

AN ORDINANCE AMENDING CHAPTER 13 OF THE BEMIDJI CITY CODE (Pertaining to signs in the B-4 Zone) was given a second reading.

PUBLIC HEARING –

Pursuant to published notice a public hearing was held to consider an ORDINANCE AMENDMENT – Lodging Tax. Mayor Lehmann opened the public hearing and invited those present to address the issue. No one appeared. The public hearing was closed.

AN ORDINANCE AMENDING THE LODGING TAX ORDINANCE was given a second reading.

ORDINANCE NO. 374, 2nd SERIES: AN ORDINANCE AMENDING ORDINANCE NO. 323, 2ND SERIES (Correcting the Legal Description for Ward Boundaries) was given a final reading and passed by unanimous vote.

ORDINANCE NO. 375, 2nd SERIES: AN ORDINANCE AMENDING SECTION 2.08 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

ORDINANCE NO. 376, 2nd SERIES: AN ORDINANCE AMENDING SECTION 2.09 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

ORDINANCE NO. 377, 2nd SERIES: AN ORDINANCE AMENDING SECTION 4.04 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

ORDINANCE NO. 378, 2nd SERIES: AN ORDINANCE AMENDING SECTION 6.05 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

ORDINANCE NO. 379, 2nd SERIES: AN ORDINANCE AMENDING SECTION 12.14 OF THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER was given a final reading and passed by unanimous vote.

CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA

Richard Curtis, 3013 Golden Crest Court, presented two water samples from a location at Cottage Park Townhomes, and complained of a pollution problem in that area. Minke noted that the City Engineer, Public Works Director, Water Superintendent and Mn Dept. of Health have been involved in this issue and found no problem with the water. He suggested that the team provide a report of these actions. Council agreed and asked the City Manager to provide the Council with a report.

ADJOURN

There being no further business presented for discussion, motion by Downs, second by Meuers, to adjourn the meeting. Motion carried by unanimous vote. Meeting adjourned 10:38 p.m.

Respectfully submitted

Shirley J. Sherman, City Clerk