

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Tuesday - Feb 22, 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, February 22, 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: Lehmann, Hellquist, Markeson, Erickson, Johnson, Meuers, Downs

#### **AMENDMENTS TO AGENDA:**

Lehmann called for any amendments to the agenda. Item #10 on the agenda was changed from Public Affairs Committee to read Public Relations Committee. There being no further additions, motion by Downs, second by Johnson to approve agenda as amended. Motion carried by unanimous vote.

#### **MINUTES:**

Minutes of the February 7, 2005 Regular meeting and February 14, 2005 Work Session were presented for approval. It was noted that the Clerk corrected some typographical errors that were brought to her attention earlier. Motion by Erickson, second by Hellquist, to approve the minutes as corrected. Motion carried by unanimous vote.

#### **CONSENT AGENDA:**

Motion by Meuers, second by Markeson to approve the following items on the consent agenda:

1. Approved Claims submitted by the finance officer in the total amount of \$739,016.01
2. Approved Miscellaneous Licenses/Permits
3. Approved Gambling Permit for:
  - a. Paul Bunyan Chapter, Rocky Mountain Elk Foundation (April 9 Raffle)
  - b. American Legion Auxiliary (March 18-20 Pull-tabs)
4. Approved purchase of replacement pickup truck for wastewater treatment facility.
5. Approved request by Bi-CAP and HRDC to extend administrative contract relating to the Lincoln Neighborhood redevelopment project to September 30, 2005.

Motion carried by unanimous vote.

#### **COMMITTEE REPORTS:**

##### Bemidji Youth Advisory Commission

Georgia Welle reported that the committee has begun planning for the 2005 Youth Rally on June 7, 2005. She requested information on the possibility of having a skateboard competition during the rally. Lehmann reminded her that the city has an ordinance prohibiting skateboarding in the downtown area, and suggested that Council action would be necessary. He directed the BYAC to present a written request to the City Clerk providing details for the proposed event. The Clerk will determine what needs to be done regarding insurance, etc. and put the request on the agenda for Council consideration.

Ms. Welle further noted that the results are available on the survey done in December relating to interest in teen activities at the Boys & Girls Club. BYAC members have been discussing teen programming with Lenore Potter, Director of the Boys and Girls Club.

It was also noted that the Youth Forum held on February 8<sup>th</sup> was successful and the class project (videos) were well done.

##### BSU Student Council

Jamie Rowlette reported the following:

- The student body passed a Bill in support of tuition freeze
- A group of BSU students will be lobbying in St. Paul on March 3
- The ballot for Student Senate elections included a smoking referendum that would make residence halls smoke free by fall, 2005.
- BSU will not have a spring concert due to lack of funds
- Discussed concerns regarding declined enrollment

### Oak Hills Student Senate

No report

### Public Relations Committee

Councilmember Johnson noted that the City is preparing to take control of the cable access channel and hopes to have the government access station originating from City Hall beginning in April. The Public Relations Committee has met with Charter Communications and Paul Bunyan Telephone to review their cable operations and evaluate their equipment. Committee members will meet again on March 1 to discuss what is needed to move forward on the project. He noted that the City would probably need to purchase pieces of equipment from both providers. Johnson expressed appreciation to the cable providers for their assistance in this transition.

### Deer Committee

Nancy Erickson noted that the committee has completed a rough draft of the Deer Management Plan. She suggested that the Council review the Plan at a work session when the document has been properly formatted and fine-tuned, prior to placing it on the agenda for adoption. Erickson expressed appreciation to committee members for their hard work and dedication during the process.

### **ESTABLISH SPECIAL REVENUE FUND (Redevelopment of Former Mn/DOT properties)**

Ehlers & Associates have recently been hired to assist the City in planning and redevelopment of two former Minnesota Department of Transportation properties (the former Mn/DOT headquarters and yard on Rako Street). Minke noted that the City is beginning to incur in-house costs in the redevelopment of these properties and will eventually incur costs from Ehlers & Associates for the environmental review, etc. He recommended that a separate fund be established to more easily track costs and allow for reimbursement to the City after the sale of the properties.

Motion by Hellquist, second by Downs authorizing a new special revenue fund within the City's financial system to track revenue and expenses related to the redevelopment of the former Mn/DOT properties. Motion carried by unanimous vote.

### **TRANSFER FUNDS FROM DEBT SERVICE FUND TO GENERAL FUND**

In 2000, the City issued bonds for \$530,000 to purchase equipment. In 2004 the final payment was made to retire these bonds. Eischens suggested that since the bonds are paid and the City does not intend to issue debt to purchase equipment, this debt service fund should be closed out. He noted that the funds were accumulated primarily from the property taxes and interest earnings on the fund, and suggested transferring the balance to General Fund. Erickson asked whether these funds were included as part of the reserves. Eischens noted they are unbudgeted funds. Erickson also asked where the funds would show up in the general fund. Eischens noted that they would show up as a transfer line item amount and the Council will determine how they want to allocate the use of those funds at the March 13<sup>th</sup> work session.

Motion by Downs, second by Markeson, authorizing close out of debt service fund (#306) and transfer of the residual balances to the General Fund effective 12/31/04. Motion carried by unanimous vote.

### **CHAT-A-BOUT PROGRAM TOPIC FOR MARCH 7, 2005**

Johnson will appear on Chat-a-bout on March 7<sup>th</sup> to discuss the proposed take over of the cable access channel.

### **Extension of Sewer/Water to Senger Development (4240 Irvine Avenue NW)**

Property owner Larry Senger presented a petition requesting extension of water/sewer to his new development located at 4240 Irvine Avenue NW. This area is located outside City limits, but within the 5-year annexation area under the Joint Powers Agreement. Staff recommended council acceptance of the petition and move forward with a feasibility report to extend utilities in conjunction with the Supreme Estates project, which abuts this property.

**RESOLUTION NO. 5207:** A RESOLUTION ACCEPTING PETITION AND ORDERING PREPARATION OF A FEASIBILITY REPORT (Extension of Sewer/Water Utilities to 4240 Irvine Avenue NW) was offered by Councilmember Downs, who moved its adoption, and upon due second by Councilmember Erickson, was passed by unanimous vote.

**Extension of Sewer/Water to Properties Along Birchmont Drive**

Property owner Jim Humeniuk filed a petition with 85 signatures requesting extension of water/sewer to properties along Birchmont Drive. Minke noted that the area is located outside City limits, but within the 5 to 15-year annexation area under the Joint Powers Agreement. Staff recommended council acceptance of the petition and move forward with a feasibility report for this improvement.

Ron Gangeness, 5304 Bemidji Avenue N, requested an expansion of the feasibility report to include areas along Bemidji Avenue where housing is dense. Minke noted that the study for the Birchmont Drive area might include areas that are not adjacent, but may reasonably be served by this improvement. He suggested that the City could probably do a preliminary evaluation for the Bemidji Avenue area but suggested that a separate petition signed by the affected property owners would be more appropriate.

Jim Humeniuk, 6002 Shady Lane, requested some assurance regarding City policies relating to the improvement. Lehmann suggested that the discussion should take place once the feasibility report has been prepared.

**RESOLUTION NO. 5208:** A RESOLUTION ACCEPTING PETITION AND ORDERING PREPARATION OF A FEASIBILITY REPORT (Extension of Sewer/Water Utilities to properties located along Birchmont Drive NE) was offered by Councilmember Erickson , who moved its adoption, and upon due second by Councilmember Johnson , was passed by unanimous vote.

**ORDINANCES**

- An Ordinance Amending an Uncoded Section of the Bemidji City Code (Authorizing Sale of Real Property at 718 9<sup>th</sup> Street NW to Habitat for Humanity) was given a first reading.
- An Ordinance Amending Chapter 9 of the Bemidji City Code Entitled “Unattended Vehicle”, by Adding Provisions Relating to the Prevention of Motor Vehicle Thefts and allowing Exceptions for Emergency and Law Enforcement Vehicles, and by Increasing the Penalty for Violations was given a first reading
- Pursuant to published notice, a public hearing was held on a proposed Ordinance Amending Chapter 2 of the Bemidji City Code (Pertaining to Elected Officials Participation in Employee Group Health Insurance Program). Mayor Lehmann opened the public hearing and invited those present to comment. No one appeared. The public hearing was closed.

An Ordinance Amending Chapter 2 of the Bemidji City Code (Pertaining to Elected Officials Participation in Employee Group Health Insurance Program) was given a 2<sup>nd</sup> reading.

- Pursuant to published notice, a public hearing was held on a proposed Ordinance Amending Chapter 11 of the Bemidji City Code Entitled “Subdivision Regulations (Platting)” by Adding Section 11.05 Relating to Dedication of Parks, Open Spaces, Trails and Public Sites. Mayor Lehmann opened the public hearing and invited those present to comment.

Councilmember Markeson expressed concerns that the evaluation for land at \$15,000 per acre might be low based on current market. He suggested that a minimum of \$20,000 per acre might be more in line with current property values in the City. Erickson expressed concerns that the \$15,000 might be too high, based on a recent discussion with the City Assessor. She used Vista North as an example, noting that the developer would need to provide one acre of property for each 25 units or \$15,000 per acre of development. The 300 unit (40-50 acre) development would either need to provide 12 acres of land or \$180,000, which could be a hardship and possibly deter future development in the city.

During discussion, it was suggested that the ordinance go back to the 10% of land requirement. City Attorney Felix noted that the nexus report and the consultant's recommendation were based on units because the consultant looked at demographic history for parks. Felix recommended that the Council err on the side of caution. He expressed the need to strike a balance and reminded the Council of the joint planning with Northern and Bemidji Township in the next 18 months, and the desire to incorporate parkland dedication in that process. He recognized the possibility that the issue may need to be revisited at a future date. Councilmembers agreed to leave the per acre valuation at \$15,000 at this time.

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

An Ordinance Amending Chapter 11 of the Bemidji City Code Entitled "Subdivision Regulations (Platting)" by Adding Section 11.05 Relating to Dedication of Parks, Open Spaces, Trails and Public Sites was given a 2<sup>nd</sup> reading.

- **Ordinance No. 392, 2<sup>nd</sup> Series:** An Ordinance Amending Chapter 10 of the Bemidji City Code Entitled "Public Protection, Crimes and Offenses" by adding Section 10.46 Relating to Noise, Providing for the Elimination and Prevention of Prohibited Noise and Imposing Penalties for Violation; by Repealing Section 10.12, Subds. 1(F) and 1(G), Relating to Disorderly conduct due to Noise; and by Repealing Section 8.10, Entitled "Honking Horns", was given a final reading and passed by unanimous vote.
- An Ordinance Amending Section 2.04 of the City of Bemidji Council-Manager Charter was given a 1<sup>st</sup> Reading.

#### **UPCOMING MEETINGS**

Tuesday, March 8 – CGMC Lobby Day in St. Paul

Monday, March 14 – 5:30 p.m. – City Hall Conference Room

2004 Preliminary end of year budget summary and fund balance

Thursday, March 31 – LMC State of the Cities Legislative Update in St. Paul

Mayor requested authorization for travel reimbursement for himself and Councilmember Downs to travel to St. Paul for hearings on the bonding bill. Motion by Meuers, second by Johnson, to authorize the requested travel reimbursement. Motion carried by unanimous vote.

#### **ADJOURN**

There being no further business, motion by Downs, second by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Shirley Sherman, City Clerk