

**BEMIDJI TOWNSHIP TOWN BOARD  
REGULAR BOARD MEETING  
Tuesday, May 8, 2012  
MINUTES**

**PRESENT:** Jan Heuer, Pete Fredrickson, John Rowles, Lowell Vagle, Brian Merschman, Michelle Anderson and Tim Wang.

**CALL TO ORDER:** The regular meeting of the Bemidji Township Town Board was called to order at 6:03 p.m. by Chairperson Jan Heuer and the pledge of allegiance was recited.

**AGENDA:** Lowell Vagle made a motion, seconded by Pete Fredrickson, to approve the agenda after adding the Treasurer's Report before Other Business. Motion carried unanimously.

**MINUTES:** Brian Merschman made a motion, seconded by Pete Fredrickson, to approve the minutes of April 24, 2012, (regular meeting) as printed. Motion carried unanimously.

**COMMITTEE REPORTS**

**Roads:**

**Annual Road Review:** A report on the annual road review, completed on April 30, 2012, was submitted by the Road Supervisors. A Board member stated Little Norway Ave SE was overlaid and the finished job looks good, however, traffic control during the procedure could have been handled better.

**Stripping Town Hall Parking Lot Update:** No update on this issue at this time. The item will be placed on the May 22, 2012 agenda.

**Calcium Chloride Update – Fox Dr NW:** Road Supervisor, Pete Fredrickson contacted EnviroTech and received an estimate on the cost for calcium chloride application to Fox Dr NW at approximately \$45 per 100' at which Fox Dr NW is approximately 7/10<sup>th</sup> of a mile. A few weeks notice from EnviroTech is needed in order to make sure JD Hansen can grade and apply at least 5 loads of class 5. JD Hansen does not need to come back for Board approval.

The Road Supervisor will follow-up with the Beltrami County Engineer regarding the turn back of a township road and adoption of a county road (road swap).

**BATO:** Lowell Vagle attended the BATO meeting on April 24, 2012. Information discussed at the meeting included the Aquatic Invasive Species decal and information about aquatic invasive species. A Beltrami County Commissioner stated market values are on the rise. Bemidji Township received 50 trees because the township was second overall in residents ordering the most trees through the SWCD Spring Tree Order campaign. Grant Valley being first. Another topic of discussion was on impervious surfaces. It was also mentioned HRDC Executive Director, Cliff Tweedale, will be leaving the HRDC sometime this year.

**BRACO:** Lowell Vagle was unable to attend the April BRACO meeting, however, he was able to provide some statistics. In 2011, there were 15 complaints and seven impounds as compared to 14 complaints and 10 impounds for the first quarter of 2012.

**Rural Fire Association:** Lowell Vagle attended the April Rural Fire Association meeting for John Rowles. A long-range plan, which would include a southeast corridor fire station, was discussed. The location is unknown at this time, but somewhere along Roosevelt Rd SE is a possibility. There is an 11% rate increase from the current rate the township pays. In the past four years, there have been no increases as the Rural Fire Association was using reserves. A Board member noted the Fire Department does bill insurance companies if a homeowner has insurance. Another Board member said all LGU's had signed off on the fire district, but to the Board's knowledge, Bemidji Township had not done so. A Board member clarified what a fire district is.

**CONSTITUENTS** (see attached attendance sheet): A constituent asked if it were possible to move the starting time of Board meetings back to accommodate residents better. A Board member suggested this topic should be on the May 22, 2012 agenda.

Another constituent had a concern over who he should contact regarding an expired building permit as he has now been annexed. A Board member told the constituent to contact the Joint Planning Office but if there were any issues, he should contact a Board member. Assistant Planner, Andrew Mack, mentioned he has worked with this constituent before and will be available to help him in the future if needed.

A constituent asked when the Board was going to discuss annexation and a Board member stated Phase 1 of the Orderly Annexation Agreement was approved today and is moving forward. An action is being filed with a district court and it will include Phase 1 properties. The Administrative Law Judge had to sign the annexation petition as his discretion on the subject is non-existent. There was some discussion regarding detachment and concern over not receiving any benefit from annexation. A Board member said even though residents in Phase 1 are now part of the city, they are still welcome at township meetings and should attend city council meetings. It was noted Phase 2 of annexation is listed for 2015.

#### **JPC REPRESENTATIVES:**

**Bemidji Township Board Expectations of Appointed JPC Members Representing the Township:** Discussion of this subject was combined with the expectations of the elected JPB member representing the township under JPB Agenda and Representatives.

#### **April 26, 2012 Planning Case Reports:**

**Thorson - Variance:** A Board member asked the JPC Representatives for more information as to why the JPC voted to allow the variances in this case. The JPC Representatives stated how they voted and noted it was not a unanimous decision for the variances to be granted. Concerns from Board members regarding potential safety issues, the lack of discussion of concerns at the JPC meeting and the consistency in allowing variances were brought up. A JPC Representative felt the JPC reviewed all the information pertaining to the request and the recommendation for allowing the variances will be presented to the JPB.

**DeMarchi – Variance:** The JPC recommended the variance be allowed. Several Board members asked the JPC Representatives for more information on why the variance was allowed. The JPC Representatives stated staff reports and a public hearing played a part in the decision. Board members were concerned with potential encroachment onto a neighbor's property in order for this home to be finished.

**North Homes – IUP:** A Board member noted the request for this IUP was handled well by the JPC.

**Willstar Riding Academy – IUP:** A Board member asked the JPC Representatives if any constituents had commented on this request. A JPC Representative said there was a public hearing but only the persons involved in applying for the IUP spoke. Board members discussed concerns over an environmental impact study, waste management plan, drainage and the reinstatement of an Agricultural Zone. A JPC Representative noted there were provisions in the IUP that Willstar will have to meet that cover most of these issues.

**Bemidji Township Ag Zone (Restoration of Agricultural Zone (rezoned to R1):**

Discussion of this subject was combined with the Bemidji Township Ag Zone under Greater Bemidji Joint Planning Office Administrator.

**JPB AGENDA AND REPRESENTATIVES:**

**Bemidji Township Board Expectations of Elected JPB Members Representing the**

**Township:** A Board member stated both JPC and JPB Representatives need to have input from the Township Board and follow their recommendations unless new information comes forward, with the best interest of the township being represented in mind. It was noted the Board had recommended the variances and IUPs, except for the North Homes request for an IUP, to be denied based upon the information that was available and given to the Township Board by the JPC Representative. A JPC Representative said various inputs and experience are part of the decision making process, which does include recommendations from the Board. A Board member noted the JPC Representatives are appointed because the Board trusts their abilities. The JPC Representative mentioned the Board could share concerns regarding cases to the JPC and JPB Representatives. Discussion followed on what would be the best way to relay Board concerns and recommendations to the JPC Representatives, but nothing was finalized. Township Board meetings and JPC meetings are not timed well for documentation to always be ready for either meeting. A JPC Representative stated the final answer on the cases is done with the JPB.

**Planning Cases:**

**Thorson - Variance:** No further discussion was held on this subject.

**DeMarchi – Variance:** No further discussion was held on this subject.

**North Homes – IUP:** No further discussion was held on this subject.

**Willstar Riding Academy – IUP:** No further discussion was held on this subject.

**Bemidji Township Ag Zone (Restoration of Agricultural Zone (rezoned to R1):**

Discussion of this subject was combined with the Bemidji Township Ag Zone under Greater Bemidji Joint Planning Office Administrator.

**GREATER BEMIDJI JOINT PLANNING OFFICE ADMINISTRATOR:**

**Rental Complaint Received from Joint Planning Office:** The Board and Mayana Rice, Joint Planning Office Administrator, talked about an anonymous complaint received regarding a rental property in Bemidji Township. Since the Joint Planning Office does not handle rental enforcements, the complaint was passed on to the township. The Joint Planning staff does recommend people contact the township if there is an issue with rentals in the township. The Bemidji Township ordinance regarding rental inspections lays out a three year rental inspection cycle. No action regarding the complaint was taken at this time because not enough information was received to take action.

**Bemidji Township Ag Zone (Restoration of Agricultural Zone (rezoned to R1):**

Mayana Rice and Andrew Mack brought a presentation, which was not viewed at this time. A list of residents in potential Ag Zones has been compiled, but it is known that information is not complete and does not list all property owners or those with property rights. Discussion between the Joint Planning Office staff, the Board and constituents included potential minimum size of an Ag Zone; validity of the rezoning to R1; proper notice to those involved in potential rezoning; importance of rezoning to Ag Zone; the ability to opt out of being rezoned to Ag; concern over zoning within both Northern and Bemidji Townships outside of the annexation areas; clarification of the difference between R1 and Ag; and the difference between an Ag Zone and the animal ordinance. The Joint Planning Office staff agreed with the Township Board that zoning does not correlate with how properties are taxed. As per the request of the Board, the Joint Planning Office will now compile information and at the July 10, 2012 township meeting, present their draft ordinance amendment of a proposed Ag Zone. The next steps would be for the request to go to the JPC, then a public hearing and finally be presented to the JPB. The Township Board questioned whether the rezoning of the Agricultural District within the township(s) are valid because proper Notice was not provided at the time the properly zoned agricultural area(s) were rezoned to R1.

**TREASURER'S REPORT:** Tim Wang presented the treasurer's report as follows:

Beginning Balance 4/1/2012 \$577,151.17

Receipts

Money Market Interest	\$147.59
Animal Control Fine	\$80.00
Town Hall Rent	<u>\$25.00</u>
Total	\$252.59

Disbursements

General	\$8,044.06
Road & Bridge	\$974.79
Fire	<u>\$0.00</u>

Total                      \$9,018.85  
Ending Balance 4/30/2012    \$568,384.91

Lowell Vagle made a motion, seconded by Pete Fredrickson, to approve the Treasurer's Report as printed. Motion carried with the following vote: Ayes: Heuer, Fredrickson, Rowles, Vagle, Merschman. This report was filed subject to audit.

**BILLS:** Lowell Vagle made a motion, seconded by Pete Fredrickson, to approve the payment of checks 9036 to 9053 (see attached Claims List and Net Pay Distribution lists), void check 9046 (printer problems) and to approve the Beltrami Electric, First National Bank, Minnesota Energy, Ottertail Power and Paul Bunyan Communication automatic withdrawals. Motion carried with the following vote: Ayes: Heuer, Fredrickson, Rowles, Vagle, Merschman.

Lowell Vagle made a motion, seconded by John Rowles, to approve the sale of investments for \$8,000 from money market to checking. Motion carried with the following vote: Ayes: Heuer, Fredrickson, Rowles, Vagle, Merschman.

Brian Merschman made a motion, seconded by Pete Fredrickson, to approve the new signature card for First National Bank updating authorized signatures. Motion carried unanimously.

#### **OTHER BUSINESS**

**Township Website:** Jan Heuer stated she is able to make changes to the website but unable to get the website to actually update. TJ Design Studio is willing to help the township with any website related need. They can also manage the website domain and train a new clerk on how to manage/change the website. Cost for this service is \$74 per hour. Estimated time for changes to be made is approximately 15 minutes at a time and updates will be made within 24 hours (during the work week) after receiving them. A contract for one year reduces the rate to \$50 per hour, but a minimum of two hours per month must be used. The Board felt a contract was not necessary at this time. Brian Merschman made a motion, seconded by Lowell Vagle, to use TJ Design Studio on a month by month basis for three months and then reevaluate the situation. Motion carried unanimously.

**Clerk Position:** Jan Heuer has contacted Minnesota Works and is in the process of getting an online account set up so applicants would be able to post resumes to the site. There is a possibility the Frohn Town Clerk might be able to assist in the meantime with duties during the week, but she would be unavailable for meetings.

**Bemidji Township Ag Zone (Restoration of Agricultural Zone (rezoned to R1):**  
Discussion of this subject was combined with the Bemidji Township Ag Zone under Greater Bemidji Joint Planning Office Administrator.

**Rental Ordinance Enforcement:** No update on this issue at this time. The item will be placed on the May 22, 2012 agenda.

**2012 Newsletter:** No update on this issue at this time. The item will be placed on the May 22, 2012 agenda.

**Township Gopher Bounty – Constituent Inquiry:** Discussion between the Board and the constituent who proposed the bounty included cost of the bounty; requirements of what should be turned in, where and how often; and reference was made to the draft Resolution 2012-2. A motion made by Brian Merschman for amending Resolution 2012-2 to offer a bounty of \$1 per gopher was rescinded and discussion of this subject is pending until further information from other townships offering gopher bounties is gathered.

**Other:** A constituent was concerned about contractor vehicles parked on Madison Ave SW, possibly related to the construction of the transmission line in the area. The road is already broken up in areas and with the weight of the vehicles, more damage could be done. No action by the Board was taken at this time.

**ADJOURN:** Lowell Vagle made a motion, seconded by Brian Merschman, to adjourn. Motion carried and the meeting was adjourned at 9:51 p.m.

Prepared by Michelle Anderson, Temporary Clerk

\_\_\_\_\_ Approved \_\_\_\_\_  
Michelle Anderson, Temporary Clerk

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Jan Heuer, Chairperson