

**BEMIDJI TOWNSHIP TOWN BOARD
REGULAR BOARD MEETING
Tuesday, June 26, 2012
MINUTES**

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

CALL TO ORDER: The regular meeting of the Bemidji Township Town Board was called to order at 6:00 p.m. by Chairperson Jan Heuer and the pledge of allegiance was recited.

AGENDA: Lowell Vagle made a motion, seconded by Brian Merschman, to approve the agenda. Motion carried unanimously.

MINUTES: Brian Merschman made a motion, seconded by Pete Fredrickson, to approve the minutes of June 12, 2012, (regular meeting) as printed. Motion carried unanimously.

CONSTITUENTS (see attached attendance sheet): A constituent asked if there were any updates regarding annexation and a Board member said there weren't any at this time. The Township Attorney is working on things and the Board and Attorney continue to work in the best interest of the township and residents. Discussion regarding the recent LGU meeting on June 19, 2012 continued with Board members stating they were pleased to have heard from Northern Township residents who were happy they felt a benefit from the results of the LGU meeting, however, the Board continues to be an advocate for Bemidji Township and Bemidji Township residents. The Board also stated there was not enough notice to have discussed some of the issues on the agenda as a Board prior to the meeting. The Board continues to believe the Orderly Annexation Agreement is not enforceable.

COMMITTEE REPORTS

Roads:

Beltrami County Road/Township Road "Swap" Status Report: No update on this issue at this time. The item will be placed on the July 10, 2012 agenda.

Stripping Town Hall Parking Lot Update: No update on this issue at this time. The item will be placed on the July 10, 2012 agenda.

Calcium Chloride Update – Fox Dr NW: Lowell Vagle stated the road has been sprayed but there are several areas that seem to not have been sprayed. JD Hansen had wanted to grade the road and apply class 5 before the application was applied, however, it is uncertain at this time if both of those steps occurred. Road Supervisor, Pete Fredrickson, will follow up with the parties involved after receiving the bill from EnviroTech. Mr. Fredrickson noted it was possible EnviroTech may not have had enough material to apply to the entire road which would create spotty areas. EnviroTech was working in Hubbard County and would have used what supply they had left to apply the first application. The second application will be done in September.

Signs: Road Supervisor, Pete Fredrickson, noted there might be a twisted stop sign at 16th St SW and Buchanan Ave SW. Mr. Fredrickson will double check if this was the location. It is possible this is a township line road and Grant Valley Township may be responsible for the sign.

Fire:

Rural Fire Association (Discuss Fire District vs. Joint Powers Agreement as per Resolution 2011-4): Terry Diffley, Rockwood Township, sent the Board some examples of Fire Districts. A concern Mr. Diffley has is currently the Fire Department does not respond to grass fires – the DNR does. He believes in a Fire District, the Fire Department would respond and because they currently do not, he is concerned this could be an issue.

The Board stated from past experience, entering into agreements with the city is not always the best solution as the townships could lose some control. Other areas, such as Turtle River Township, Turtle River, Shevlin and Wilton may be interested in being a part of a Fire District. A Board member said the State Fire Marshall has noted there could be reduced ratings for people living in a Fire District, which could reduce their insurance premium. Another Board member stated 46% of current fire equipment is owned by the Rural Fire Association.

Each Board member should evaluate intended and unintended consequences that may arise from the creation of a Fire District. No decision was made at this time, however, further conversations at future Township Board meetings will continue.

Pete's Place South – Beta System Test Site (dispensing equipment). GE components are UL approved; "combined system" not UL approved. (Fire Chief Hoefer requests Twp. Bd. discussion and approval/denial of his recommendations.): Fire Chief Hoefer is recommending within six months of the approved application, Pete's Place South must have UL approval. A Board member was concerned who would be liable in the meantime if an accident happened. The Board believes the Fire Chief's recommendations would release the township of liability because the township's recommendations would be based solely on the Fire Chief's recommendations. A checklist was received as to what would need to be in place.

Pete Fredrickson made a motion, seconded by Lowell Vagle, where the Fire Chief is responsible for the final approval of the Beta System Test Site and at six months, UL approval must be met or the project will be terminated. No extensions will be allowed. Motion carried unanimously with Brian Merschman abstaining. Pete Fredrickson amended the motion, seconded by Lowell Vagle, as follows: The Fire Chief is responsible for the final approval of the Beta System Test Site and within three months but not to exceed six months, UL approval must be met or the project will be terminated. No extensions will be allowed. Motion carried unanimously with Brian Merschman abstaining.

Weeds: Brian Merschman noted he is learning about different noxious weeds. Weed information will be included in the 2012 Bemidji Township Newsletter. A Board member stated a complaint was received about weeds on a property within the township. Discussion of past procedures regarding weeds took place. In the past, a letter was

sent to the property owner and if the problem was not resolved within a certain timeframe, the township would remedy the issue and assess the property owner on their taxes. A Board member recommended any letters sent to property owners regarding weeds should also be sent to the current County Commissioner and County Auditor/Treasurer. This creates a better tracking system and possibly better responses from property owners.

BATO: No report as BATO meets quarterly with the next meeting held at the end of July.

Joint Governance: Discussion regarding the recent LGU meeting was held under Constituents.

Legal: Discussion regarding legal issues was held under Constituents.

JOINT PLANNING

JPB – June 13, 2012:

Resolution 2012-14 (Thompson variance): The Joint Planning Board Representatives from Bemidji Township voted no to the Thompson variance based on the principal that a variance was not necessary due to the fact the ordinance was not clear on corner lot setbacks. The JPB Representatives recommended a refund to the Thompsons, but the JPB did not approve a refund.

Healthy Choices Condominium Conversion: This issue was part of the consent agenda, however, after more information was presented to the JPB, the request passed.

Vice Chair election: JPB Representative, Jan Heuer, was elected vice chair of the JPB. A vacancy was created by the resignation of Jim Humeniuk from Northern Township. His JPB position was filled by Northern Township Supervisor, Dan Bahr.

Land Use Analysis Internship Summary presentation: The presentation went well.

Other: A constituent asked about the design team that is to arrive sometime this fall. A Board member stated Bemidji Township is not participating in the project and neither are the JPC Representatives for Bemidji Township. If they decide to participate, they could be relieved of their JPC duties. Another Board member asked how the study would be paid for and if the township wasn't participating, there shouldn't be any compensation by the township. A Board member offered to look into the matter and will follow up with the Planning Administrator, Mayana Rice.

A Board member asked the Joint Planning Office to continue providing detailed information regarding contact with Bemidji Township residents. It is important to have good customer service with residents and some complaints have been received about customer service with the JPO.

DeMarchi: Jan Heuer will follow up on if the easement from the neighboring property was recorded as part of the variance requirements.

Willstar: Jan Heuer will also follow up on the waste management plan Willstar was to have in place as part of the variance requirements.

JPC – June 28, 2012 Agenda:

Planning Case – IUP Evergreen Youth & Family Services: JPC Representative, Monte Eidem, stated this IUP would combine many different services Evergreen provides into one location. The office would be in a residential area. It is believed this will be good for students and provide more oversight of various programs. There would be approximately 10-12 residents and 10-15 employees.

Planning Case – Variance Rick and Helen Malbraaten (application withdrawn): The Malbraatens had paid the fees associated with the variance application but the case never came to the JPC. A variance does not seem to be needed as the land has been vacated. They have asked for a refund.

Planning Case - Ordinance Amendment: 2012-03; Article IV (Lot size): This case is based on the Thompson variance. The outcome of the amendment would be to strengthen the language of the ordinance. Corner lot setbacks and other areas within the ordinance need to be changed or addressed. Various concerns should be taken into consideration in regards to corner lot setbacks such as safety lines of sight and traffic in the area (including types of traffic signs/signals). Discussion continued regarding why variances may occur and if there is an overwhelming number of variances being approved. It was determined there are usually unique circumstances that bring forth a variance request but each one needs to be evaluated and to be as consistent as possible.

OTHER BUSINESS

Closed Board Meeting June 14, 2012 (Clerk and Legal Issues); Clerk Interviews June 20, 2012 and June 26, 2012 (after Town Board Meeting): The clerk position and legal issues were discussed during this meeting. No details will be provided.

Rental Ordinance Enforcement Position: Since the township does not have the staff to deal with rental issues, the County will be contracted as discussed at the previous Board meeting.

Discussion regarding some complaints about the Animal Control Officer not being responsive concluded with a request for Lowell Vagle to look into the matter.

Election Judges (attached list submitted by Lane): Brian Merschman will attend the necessary classes in August. Pete Fredrickson made a motion, seconded by John Rowles, to accept the election judges as listed contingent upon being eligible after completion of training. Motion carried unanimously.

Reschedule August Board Meetings due to Primary Election held on August 14, 2012 (Proposed reschedule dates – August 7 and 21, 2012 – 1st and 3rd Tuesdays): Pete Fredrickson made a motion, seconded by Lowell Vagle, to accept the August meeting date changes due to the Primary Elections held on August 14, 2012. The new

dates for the August Township Board meeting will be August 7 and August 21, 2012 at 6:00 p.m. Motion carried unanimously.

Township Newsletter/Potluck: Discussion regarding how to distribute the newsletter resulted in an agreement the newsletter will be posted on the website and the bulletin board. The newsletter will not be mailed to all residents this year due to costs of mailing and the vacancy of the clerk position.

Lowell Vagle made a motion, seconded by Brian Merschman, to post the 2012 Township Newsletter on the township website and on the bulletin board at Town Hall. Motion passed unanimously.

Other: A Board member noted the MPCA is sending out a public notice on the renewal of the Beltrami County Demolition Landfill on Plantagenet Road. The comment period is from June 20, 2012 through July 19, 2012. To receive a copy of the full notice and draft permit, visit www.pca.state.mn.us/publicnotices .

ADJOURN: Jan Heuer made a motion, seconded by Lowell Vagle, to adjourn. Motion carried and the meeting was adjourned at 7:46 p.m.

Prepared by Michelle Anderson, Temporary Clerk

_____ Approved _____
Michelle Anderson, Temporary Clerk

Jan Heuer, Chairperson