

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
317 4<sup>th</sup> Street NW

**Wednesday, July 13, 2016 REGULAR MEETING – 6:00 p.m.**

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

**A. MINUTES** **Chair**  
Approval of June 8, 2016 Minutes

**B. CONSENT AGENDA**

Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**
- 2. Ordinance No. 2016-02 – Zoning and Ordinance Updates 2016 **Chair**

**C. NEW BUSINESS**

- 1. City of Bemidji – Resolution No. 2016-20 – IUP-16-80.01017.00 – Upper Mississippi Mental Health ACT **CB**
- 2. City of Bemidji – Resolution No. 2016-21 – IUP-16-80.01017.00 – Face It Together **CB**
- 3. City of Bemidji – Resolution No. 2016-22 – CUP/V-16-80.04626.00, 80.04627.00, 80.04628, 80.00565.00 – House of Prayer Alliance Church **CB**

**D. OTHER BUSINESS**

- 1. Resolution No. 2016-23/ Ordinance No. 2016-06– Moratorium on Rezoning **CM**
  - Subject to the moratorium decision: Baker Property planning case **CM**
- 2. MHB Memo **CM**
- 3. Temporary Health Care Dwelling **CM**

**E. VISITORS** **Chair**

**F. ADMINISTRATOR’S REPORT** **CM**

**G. UPCOMING MEETINGS** **Chair**

- 1. July 28, 2016 6:00 pm JPC Regular Meeting
- 2. August 10, 2016 6:00 pm JPB Regular Meeting
- 3. August 25, 2016 6:00 pm JPC Regular Meeting
- 4. September 14, 2016 6:00 pm JPB Regular Meeting

**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**July 13, 2016**

Pursuant to due call and notice a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, July 13, 2016, at 6:00 p.m. in City Hall. Chair Olson presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Johnson, Mountain, Olson, Kelly, Erickson.

Members absent: Heuer, Merschman.

Staff present: Casey Mai, Cory Boushee, Josh Stearns, Terri Ball

Others in attendance: Paul Nistler, Patrick Plemel, Tim Flathers.

Pledge of Allegiance was performed.

AGENDA

Amended agenda presented. Motion by Mountain, second by Johnson to approve the amended agenda.

Motion carried unanimously.

MINUTES

Motion by Albrecht, second by Kelly to approve the June 8, 2016 JPB minutes.

Motion carried unanimously.

CONSENT AGENDA

- 1) Bills for the total amount of \$13538.20 (Check No. 1997 through 2005) were presented for payment.
- 2) Ordinance No. 2016-02 – Zoning and Ordinance Updates 2016

Motion by Albrecht, second by Mountain to move Ordinance No. 2016-02 to the August 10th Consent Agenda, and only approve bills presented for payment.

Motion passed unanimously.

## NEW BUSINESS

### RESOLUTION NO. 2016-20 – IUP-16-80.01017.00 – UPPER MISSISSIPPI MENTAL HEALTH CENTER ASSERTIVE COMMUNITY TREATMENT (ACT)

Applicant is requesting an Interim Use Permit (IUP) in order to open an Assertive Community Treatment (ACT) facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City.

#### BACKGROUND

The main goals of ACT are to eliminate or minimize symptoms of mental illness, eliminating hospital stays and jail time, and enhance the quality of life by providing opportunities to be involved in the community, with employment and other activities.

#### PLANNING CONSIDERATIONS

Per the GBAJPB Zoning Ordinance, clinics that provide psychiatric counseling require the issuance of an Interim Use Permit by the JPB. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public. The public has been notified of the proposed use.

#### Fire/Engineering

No concerns were identified by the Fire Department, or Public Works Department.

#### Parking and Traffic Circulation

Per GBAJPB code the (UR) district is exempt of all parking requirements. However staff feels employees should be using current downtown city parking lots, and refrain from using on-street parking.

#### Trash Handling

The applicant has indicated that a dumpster has been provided in the alley.

#### Signage

The applicant has mentioned wanting to have one or two signs on the property. There is existing signage on the property that will need to be removed.

Any new signage will require a sign permit through the GBAJPB. The applicant has expressed interest in a window sign. Per the GBAJPB ordinance window signs that are not accessory to a permitted sign will still require a permit.

### Comprehensive Plan References

The proposed use to provide counseling services in the district (UR) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

## **RECOMMENDATION**

Staff recommends approval of the Interim Use Permit for Upper Mississippi Mental Health Center to open an Assertive Community Treatment (ACT) facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
5. Signage shall be in compliance with ordinances.

Board members had the following concerns:

- Erickson questioned what constitutes "change in use." Staff clarified it to be a completely different use, not an increase in services provided. Erickson further discussed concern with no feedback from the police department. After speaking with Capt. Marcotte and Chief Mastin, she was reassured that they did not have concerns with this project.
- Johnson asked what is to be done if the program expands or has changes in its services. Albrecht suggested change of text to first condition. Staff suggested adding a sixth condition, to which JPB agreed with.
- Chair Olson called forward the applicant, Paul Nistler, who agreed with the addition of sixth condition. Nistler explained the Department of Human Services limits number of clients to 50 for the first 18 months, and has very strict protocols for medications
- Mountain questioned program funding. Nistler affirmed DHS funding which establishes the perimeters of services available.

- Albrecht asked applicant if a clinic was previously in the Watermark Center. Nistler said space had been leased there, but that this is a new project.
- Mountain commented on the positive aspect of UMMHC taking an active role in the community.

Motion by Mountain, second by Albrecht to approve Resolution No. 2016-20 granting an IUP noting the conditions presented and amended:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 5 P.M. after hours emergency patient care shall be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP. A review will occur if complaints are received by staff.
5. Signage shall be in compliance with ordinances.
6. If a change in type of counseling services were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP

And noting IUP findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

The primary concern for the location of mental health therapy facilities is assurance that the facility will not create an unreasonable level of disruption or interference to the surrounding property owners. The UMMHC intends to primarily operate as an out-patient facility with office space for employees, and on-site counseling hours are regulated to ensure the proper staff is present.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

**3. Whether the proposed use adversely affects property in the surrounding area.**

There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of an IUP.

**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

The proposed use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, mental health counseling clinics are allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

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

The location is serviced by centralized services.

Motion carried unanimously.

RESOLUTION NO. 2016-21– IUP-16-80.01017.00 – FACE IT TOGETHER BEMIDJI

Applicant is requesting an Interim Use Permit (IUP) in order to open a Face it Together facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City.

**BACKGROUND**

The applicant will be providing peer to peer recovery services for persons suffering from drug and alcohol addiction in the community. FIT started in Sioux Falls, SD and is currently trying to expand to communities across the Midwest.

**PLANNING CONSIDERATIONS**

Per the GBAJPB Zoning Ordinance, clinics that provide psychiatric counseling require the issuance of an Interim Use Permit by the JPB. A community cannot use its zoning authority to discriminate against classes of people that it does not want to accept, such as substance dependent persons, individuals with behavioral disorders, etc. Therefore, the use is allowed following a public hearing with conditions to ensure the safety of both the clients of the facility as well as the public. The public has been notified of the proposed use.

Fire/Engineering

No concerns were identified by the Fire Department, or Public Works Department.

### Parking and Traffic Circulation

Per GBAJPB code the (UR) district is exempt of all parking requirements. However staff feels employees should be using current downtown city parking lots, and refrain from using on-street parking.

### Trash Handling

The applicant has indicated that a dumpster has been provided in the alley.

### Signage

The applicant has mentioned wanting to have various signs on the property.

Any new signage will require a sign permit through the GBAJPB, as well as meet GBAJPB ordinances.

### Comprehensive Plan References

The proposed use to provide counseling services in the district (UR) district is consistent with Greater Bemidji Area Land Use Plan; provided the IUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### Neighboring Property Owner Input

Staff has received no comments or concerns regarding the proposal.

## **RECOMMENDATION**

Staff recommends approval of the Interim Use Permit for Face it Together Bemidji to open a peer to peer addiction support facility to be located at 408 Beltrami Ave NW #102 in the (UR) Urban Renaissance district of the City of Bemidji, with the following conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 7 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
5. Signage shall be in compliance with ordinances.

Board members had the following concerns:

- Erickson sought clarification of terminology used in Finding #1.
- Mountain questioned funding for program. Staff explained it to be a non-profit which provides services at no charge.
- Albrecht discussed a presentation the founder spoke at which would offer services to employers for employees. Also a mention of having area businesses provide sponsorships.

Motion by Erickson, second by Albrecht to approve Resolution No. 2016-21 granting an IUP for parcel 80.01017.00 Face It Together Bemidji with conditions:

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space as may be determined by the JPB Staff.
2. UMMHC and staff vehicles must utilize city parking lots, and refrain from using on-street parking.
3. The hours for counseling shall be 8 A.M. to 7 P.M. after hours counseling shall not be permitted, JPB staff shall be informed if operation hours are to change.
4. The IUP shall be reviewed for compliance one time upon six months of operation by the JPB staff. If they think there is a reason to bring it to the JPB, the applicants shall participate in a review of the IUP.
5. Signage shall be in compliance with ordinances.

And with findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

The primary concern for the location of mental health therapy facilities is assurance that the facility will not create an unreasonable level of disruption or interference to the surrounding property owners. FIT intends to operate as an out-patient facility with office space for employees, and on-site counseling hours are regulated to ensure the proper staff is present.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

3. **Whether the proposed use adversely affects property in the surrounding area.**

There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. The subject parcel is appropriately zoned for the proposed use with approval of an IUP.



**4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

The proposed use is consistent with the goals and policies of the JPB Land Use Plan. Per the GBAJPB Zoning Ordinance, mental health counseling is allowed pursuant the issuance of an Interim Use Permit by the JPB, and the subject parcel is appropriately zoned for the proposed use.

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

The location is serviced by centralized services.

Motion carried unanimously.

RESOLUTION NO. 2016-22– CUP/V-16-80.04626.00, 80.04627.00, 80.04628.00, 80.00565.00 – HOUSE OF PRAYER ALLIANCE CHURCH

Applicant is requesting a conditional use permit for the operation of a religious institution to be located in the former Newman Center, a part of the St. Philips Catholic Church. The applicants are also requesting a variance of 33 of the required 37 off street parking spaces.

**BACKGROUND**

The Greater Bemidji Area Zoning Ordinance allows for religious institutions to be located in most zoning districts with the approval of a conditional use permit. A conditional use permit allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a way to minimize any potential impact the use may have.

**PLANNING CONSIDERATIONS**

The area surrounding the site is a mix of Bemidji State University campus and Residential, with campus on all sides except the southwest. A CUP is required for a religious institution to operate in any zoning district that allows this use with a CUP. Any use of this property would most likely require a variance for parking requirements. If the applicant were to attempt to meet parking requirements, a variance for required green space would most likely be needing approval as well as an additional CUP for removal of high quality significant trees.

Fire/Engineering

No concerns were identified by the Fire Department, or Public Works Department.

### Parking and Traffic Circulation

The parking requirement is one space for every four seats per maximum capacity. For this structure the total required spaces is 37. The site plan provides for four spaces. With the applicant requesting a variance of 33 spaces.

Staff feels on-street parking on Birch LN NE and 17th ST NE would be sufficient as it is understood that Sunday mornings will be the only consistent time the church will operate potentially at full capacity. 56 on-street parking spaces could potentially be available along these streets within 500' of the front door of the building.

### Trash Handling

The applicant has not indicated that any new trash receptacle would be located at the building. Any location for a dumpster will need to have an enclosure built around it.

### Lighting

The applicant has not indicated that there will be any additional lighting added to the existing structure. Any additional lighting that would be added would need to conform to the JPB's requirements.

Lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way.

### Signage

The applicant has mentioned wanting to have one or two signs on the property. There is existing permitted signage for the Newman Center on the property that will need to be removed.

Any new signage will require a sign permit through the GBAJPB.

### Comprehensive Plan References

The location of a church in a university campus that has had an existing presence is compatible in the U District, along with the close proximity to a moderate density residential district. The campus and the religious institution will likely create traffic patterns at alternate times. Campus occupies its busiest stretches Monday through Friday mornings and afternoons, as House of Prayer intends to be busy on Sundays with some evening after school programs. The proposed use of a church in the district is consistent with Greater Bemidji Area Land Use Plan; provided the CUP process is followed and specific conditions are met in order to assure compatibility with surrounding uses.

### Neighborhood Comments

No formal neighborhood comments were received. I did receive a phone call to verify the location, they offered up support for the House of Prayer. Also, I received one e-mail just to verify location.

### RECOMMENDATION

Staff recommends approval of a Conditional Use Permit to allow the operation of a religious institution to be located in the former Newman Center in the (U) University District with a variance for parking requirements subject to the following conditions:

1. Parking lot will be paved and striped according to site plan submitted to JPB.
2. Existing four parcels shall be combined into one parcel.
3. A sign permit will be obtained before any new signs are placed on the property, existing Newman Center signage will be removed before permit is issued.
4. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance.
6. Any future additions to this structure must be approved by GBAJPB staff.

Board members had the following concerns:

- Albrecht stated concern with providing only 1 handicapped parking space. Staff explained the building code required only 1 handicapped space for up to 25 total spaces.
- Kelly stated surprise at parking variance, as it is an opportunity to reduce conflict. Referenced past BSU parking issues.
- Johnson commented about original purpose of the Newman Center being for on campus students without transportation. Currently, parking in the area is full on weekends for sporting events. Parking is critical for neighbors.
- Kelly and Erickson discussed anticipated frequency of funerals.
- Olson stated parking is a concern. The Newman Center never had parking issues, but this use could bring a substantial increase.
- Erickson commented this had been a City Council issue, with intent to issue parking permits, but was never finalized. Further, Erickson stated the applicant is aware of the parking issue and at their own risk.
- Johnson stated concern with the possibility of a growing and aging congregation. Erickson stated the usual occurrence of a congregation relocating if a larger facility is needed.

- Staff clarified this project is based on a maximum projection, however the current congregation is 90 people.
- Chair Olson called forward the applicant, Pastor Mike Knott.
- Mountain asked current location of the church. Applicant stated it to be in the Mid City Plaza, south of Slumberland. They lease an area of 4000 square feet. Mountain further asked motivation for relocation. Knott stated a strong campus outreach, and an ongoing hope for a location such as this. Knott stated a lack of significant difference from the Newman Center and predicts House of Prayer will be of a consistent use.
- Mountain asked current number and make up of congregation. Knott said 75-90 members are from both the university and area residents. This location offers 3000 square feet, which is estimated at 17 square feet per person. Knott further explained a signed purchase agreement is in place.
- Albrecht stated she had experienced a change in opinion since seeing the JPC meeting on TV. Summarized that parking is the applicant's problem, the parcel has space for a parking lot but would require a variance, parcels are both University and Shoreland, it would be problematic to police an empty lot, and downtown church does not have a parking lot and does not have limitations placed on them.
- Albrecht further stated support of staff's consideration of RLUIPA, as placing restrictions on hours of operation would be a violation.
- Kelly commented on concern for only 1 parking space. Summarized if the City is okay with this situation, then he too supports it.
- Olson stated opposition to practical difficulties in first finding.
- Johnson lives near church's current location and described observation of parking, which is not a problem. Clarified previous concern as being that of growth of congregation. Further offered that student lots have greater availability during weekends.
- Olson stated that the goal of a variance is to improve a situation such as eliminating non-conforming uses.
- Albrecht stated this project lies within shoreland and the area has substantial pavement already, so further impervious paving should be avoided.
- Mountain commented that different churches have different types of ministry.
- Albrecht asked staff if applicant is affiliated with another church or is independent. Staff was unsure of answer.

Motion by Albrecht, second by Erickson to approve the CUP and variance for parcels 80.04626.00, 80.04627.00, 80.04628.00, and 80.00565.00 for the House of Prayer including the conditions:

1. Parking lot will be paved and striped according to site plan submitted to JPB.
2. Existing four parcels shall be combined into one parcel.
3. A sign permit will be obtained before any new signs are placed on the property, existing Newman Center signage will be removed before permit is issued.
4. All future lighting improvements on the property shall be in full conformity with Section 1008 of the GBAJPB Zoning & Subdivision Ordinance.
5. If a dumpster is brought on site it shall be fully enclosed as required by the GBAJPB Zoning & Subdivision Ordinance.
6. Any future additions to this structure must be approved by GBAJPB staff.

And with CUP findings:

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**  
No. An existing religious institution was currently using the parcel, this one is expected to be similar, and is consistent with the goals and policies of the JPB Land Use Plan.
2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**  
No. Increases in traffic or other negative impacts are not anticipated. On-street parking is abundant in this area and already used by the campus, alternating schedules by campus and House of Prayer will decrease the chance of an increase in traffic congestion.
3. **Whether the proposed use adversely affects property in the surrounding area.**  
No. An existing religious institution was currently using the parcel, this one is expected to be similar, and is consistent with the goals and policies of the JPB Land Use Plan.
4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**  
Yes. The proposed use is consistent with the goals and policies of the JPB Land Use Plan.
5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**  
Yes. The property is served by city services.

And with variance findings:

1. **Has the applicant demonstrated a practical difficulty?**  
The site is located on a small lot in regards to the University Zoning District. The lot size would not allow for the creation of a parking area without a significant loss of trees and green space.

2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

The site is located on a small lot in regards to the University Zoning District. The lot size would not allow for the creation of a parking area without a significant loss of trees and green space.

3. **Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Avoiding the removal of green space and significant trees is in keeping with the spirit, purpose and intent of the zoning ordinance.

4. **Can the variance be granted without altering the essential character of the surrounding area?**

The campus area is already designed for the assemblage of large groups of people.

Motion carried. Opposition by Olson.

#### CLOSED MEETING WITH ATTORNEY

Motion by Kelly, second by Albrecht to adjourn to closed session pursuant to Minn. Stat. 13D.05, subd. 3(b) for privileged attorney client discussion with attorney George Hoff, who will be appearing by phone, regarding the status of and strategy for current litigation entitled Red Barn Estates LLC v. Greater Bemidji Area Joint Planning Board, Beltrami County, Case No. 94-CV-15-3364.

Motion carried unanimously.

Public invited to stay in Council Chambers. Staff and Joint Planning Board members relocated to the Conference Room.

#### MEETING RE-OPENED BY CHAIR OLSON AT 8:15 PM

#### OTHER BUSINESS

- Staff presented Resolution No. 2016-23 which approves publication of Resolution No. 2016-06 for an interim ordinance imposing a moratorium on rezoning, as well as Ordinance No. 2016-07 outlining moratorium on rezoning.

Board members had the following concerns:

- Olson clarified the request for a moratorium was a result of the Comprehensive Plan being in progress. Discussion about "grandfathering" to which staff explained is not applicable.

Motion by Mountain, second by Albrecht to approve Resolution No. 2016-23 which approves publication of Resolution No. 2016-06 for an interim ordinance imposing a moratorium on rezoning, as well as Ordinance No. 2016-07 outlining moratorium on rezoning and to add the following sentence at the end of Section 5 of the proposed Interim Ordinance: "This Ordinance shall not apply to a rezoning ordered by the court in the matter of Red Barn Estates, LLC vs. Greater Bemidji Area Joint Planning Board (Case No. 04-CV-15-3364)."

Motion carried. Abstention by Kelly.

- Staff clarified with the board that upcoming Baker planning case must wait to be presented until rezoning moratorium is lifted. Full refund of payments and deposits will be made to applicant after August 10 Joint Planning Board meeting.
- Staff presented memo by attorney Troy Gilchrist summarizing the Mississippi Headwaters Board's relationship and authority regarding the GBAJPB.

Board members had the following concerns:

- Kelly thanked JPB and staff for the follow up to a township member's concern. Further commented that the legal recommendation should be followed, and staff should be provided with clarification about attendance at future MHB meeting.
  - Erickson stated staff would not need to be present at MHB meetings, as materials will be provided as in the past. An exception could be made in certain cases, as necessary.
  - Discussion about new procedure and that as such, no motion is necessary.
- Staff presented new state legislation allowing Temporary Family Health Care Dwellings. If comfortable with this program, no action is needed to adopt it as it will occur automatically. If opposed to this program, an ordinance to Opt Out must be approved prior to September 1, 2016.

Board members had the following concerns:

- Erickson questioned if new legislation pertained to townships. Further, she stated that the City Manager polled all City Directors whom all were in favor of Opt Out. The City Council will provide a resolution.
- Albrecht stated the GBAJPB is part of the Minnesota Land Planning Act which is impacted by this legislative action. Albrecht further suggested the

JPB take steps to Opt Out by 9/1, and directed staff to provide an ordinance at the August JPB meeting.

ADMINISTRATOR'S REPORT

Director Mai summarized upcoming planning cases, progress with Comp Plan, recent staff training, and finalizing contract with previous administrator.

UPCOMING MEETING DATES:

July 28, 2016 -- JPC Regular Meeting @ 6:00 p.m.  
August 10, 2016 -- JPB Regular Meeting @ 6:00 p.m.  
August 25, 2016 -- JPC Regular Meeting @ 6:00 p.m.  
September 14, 2016 -- JPB Regular Meeting @ 6:00 p.m.

ADJOURNMENT:

There being no further business, motion by Johnson, second by Kelly, to adjourn the Joint Planning Board meeting at 8:44 PM.

Motion carried unanimously.

Respectfully submitted,  
Terri Ball  
Planning Assistant

JPB Minutes Approved and attested by:

  
\_\_\_\_\_  
Joint Planning Board Representative