

COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Regular Meeting – March 6, 2023

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, March 6, 2023 at 6:00 p.m. in the Council Chambers of City Hall, Mayor Prince presiding.

Upon roll call, the following Councilmembers were declared present: Prince, Peterson, Johnson, Rivera, Eaton. Absent: Thayer

Staff Present: City Manager Nate Mathews, City Attorney Katie Nolting, Finance Director Ron Eischens, City Engineer Sam Anderson, Assistant City Engineer Jenna Roberts, Fire Chief Justin Sherwood, City Clerk Michelle Miller. Sanford Center General Manager Sheila Murphy and Sanford Center Assistant General Manager Bobby Anderson. Sanford Center Support Staff.

AMENDMENTS TO AGENDA

Mayor Prince called for any amendments to the agenda. **Motion by Johnson, seconded by Rivera, to approve the agenda as presented. Motion carried by unanimous voice vote.**

MINUTES

The following minutes were presented for approval:

Work Session:	January 30, 2023
Special Work Session:	January 30, 2023
Council Meeting:	February 6, 2023

Motion by Eaton, seconded by Peterson, approving minutes as presented. Motion carried by unanimous voice vote.

CONSENT AGENDA

Mayor Prince called for any amendments to be made to Consent Agenda. Prince requested that By-Laws of the Sustainability Commission be removed for discussion. The following Consent Agenda items were presented for approval. **Motion by Peterson, seconded by Eaton, to approve Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the Amount of \$577,278.25
2. Claims Submitted by ASM Global for the Sanford Center in the Amount of \$61,277.28
3. Approve Special Event Permit (St. Patrick's Day Parade – March 17, 2023)
4. Approve Special Event Permit (Bemidji Brewing Block Party – June 24, 2023)
5. **RESOLUTION NO. 6474:** Approving Temporary Off-Premises Alcohol Permit for Bemidji Brewing Block Party
6. **RESOLUTION NO. 6475:** Approving Designation of Municipal State Aid Streets
7. Approve Council Travel Authorization – 2023 LMC Annual Conference (Duluth) June 21-23, 2023 – Johnson

Motion carried by the following roll call vote: Yeas: Rivera, Peterson, Johnson, Prince, Eaton. Absent: Thayer.

CITIZENS WITH BUSINESS NOT ON AGENDA

No Appearance.

REPORT

Sheila Murphy, General Manager of the Sanford Center presented the 2022 Annual Report for the Sanford Center.

ORDINANCES

AN ORDINANCE Amending an Uncoded Section of Bemidji City Code (Authorizing the Sale of Real Property) – Holiday Stationstores, LLC was given a first reading.

OLD BUSINESS

Consider Process for Annual Performance Evaluation of City Manager

Nolting stated she is seeking clarification on whether the council would like to retain Flaherty & Hood to assist with the evaluation process.

Motion by Rivera, seconded by Eaton to retain Flaherty & Hood to provide the full scope of services in the quote in an amount not to exceed \$6,000. Upon discussion, motion failed by the following roll call vote: Yeas: Eaton, Rivera. Nays: Peterson, Prince, Johnson. Absent: Thayer.

Prince stated he would support agreeing to the process presented by the City Manager with the one-on-one meetings being optional. Prince stated he supports utilizing outside counsel for the performance evaluation.

Motion by Prince, seconded by Johnson, agreeing to the process presented by the City Manager and retain Flaherty & Hood in an amount not to exceed \$10,000 effective March 7, 2023.

Peterson and Johnson questioned the amount of \$10,000.

Motion amended by Prince, seconded by Johnson, agreeing to the process presented by the City Manager and retain Flaherty & Hood in an amount not to exceed \$6,000 effective March 7, 2023. Upon discussion, Motion withdrawn by Prince, second withdrawn by Johnson.

Mathews and Nolting questioned the need for outside counsel if the council agrees to the evaluation process. Prince suggested that outside counsel might be needed during the review and possibly any outcomes from the review. Prince stated that Nolting would not have any involvement in the review process upon retaining Flaherty & Hood.

Motion by Prince, seconded by Eaton, agreeing to the process presented by the City Manager. Motion carried by the following roll call vote: Yeas: Johnson, Prince, Eaton, Peterson, Rivera. Nays: None. Absent: Thayer.

Motion by Prince, seconded by Eaton, to retain Flaherty & Hood for legal counsel in the execution of the review process in an amount not to exceed \$6,000. Motion carried by the following roll call vote: Yeas: Prince, Johnson, Eaton, Peterson. Nays: Rivera. Absent: Thayer.

Discuss Proposed MOU with Northern Township

Nolting and Anderson provided their legal and engineering concerns with regards to the Memorandum of Understanding presented by Northern Township. Nolting had provided five options to the council for consideration, including: (1) Do Nothing; (2) Continue to Negotiate and MOU with Northern Township; (3) Contested Annexation; (4) Orderly Annexation; and (5) Merger.

Council provided the following comments:

- Peterson provided comments supporting an MOU with Northern Township
- Johnson provided comments not supporting an MOU. Johnson provided comments supporting the merger option, and also commented on the need for water and sewer to be installed around the entire portion of Lake Bemidji not currently connected to those services.
- Rivera provided comments supporting a joint meeting with Northern Township.
- Prince provided comments supporting options two (2), four (4) and five (5) in the memorandum.

Council will meet again on this topic at a March 13, 2023 work session.

NEW BUSINESS

Consider Professional Services Agreement for Middle School Drive and Hannah Avenue NW Project-City Project 23-05

Anderson stated that over the past four years, MnDOT has been working with project stakeholders, city staff, and the general public to develop a vision for the TH 197 corridor for a future reconstruction project as the corridor needs infrastructure upgrades. In December 2021, Council passed a motion of support for the alternative that included roundabouts at the intersections of Hannah Avenue, Middle School Drive, and the Menards entrance along with other intersection upgrades and enhanced pedestrian facilities.

In April 2022, MnDOT and the City submitted a joint application for a USDOT RAISE Grant, which we were awarded funding in August 2022. The grant covered a significant portion of both the MnDOT TH 197 corridor from Gillett Drive NW to Hannah Avenue NW along with the city streets of Middle School Drive NW and Hannah Avenue NW from Paul Bunyan Drive (TH 197) to 23rd Street NW.

MnDOT hired Kimley-Horn to assist them with design and construction services for the TH 197 portion of the project and that design is underway. The City is responsible to design the local streets of Hannah Avenue and Middle School Drive. Staff requested and received a proposal from Kimley-Horn to provide those engineering services meeting the requirements of the RAISE grant. A breakdown of those services is listed below:

Project Management, Preliminary, & Final Design	\$322,117 (9.2%)
Roundabout Justification Report (RJR), Public Engagement, Environmental, Geotechnical Services, Right of Way Services, & Reimbursable Expenses	\$160,233
<hr/> Total	<hr/> \$482,350

Staff split the proposal into two parts, one part being the design services that are more standard with a typical road design project and those items that are not on every project or specific to the federal RAISE grant funding. Based on an estimated \$3.5 million construction cost, the 9.2% for project management, preliminary, & final design services are within an appropriate range for this type of work, especially as the preliminary design phase includes an extensive field survey required for eventual right of way acquisition. The second part is comprised of right of way acquisition, environmental, roundabout justification report, etc. These are services not commonly found on a local city street project and are also enhanced because of the federal grant dollars.

Staff also feel there is added value in having one consultant design the entire project to ensure proper design and consistent communication with residents and businesses on these corridors. Kimley-Horn has also brought in KLJ to assist with portions of the design and public engagement as they were the consultant involved through the two separate Community Review Panels (CRPs) and are familiar with the project.

The design services proposal from Kimley-Horn is for \$482,350, and would be paid for from the State Aid Construction Account, which has a current balance over \$1.8 million. An additional proposal for construction inspection services will be obtained after design and bidding has been completed.

The preliminary design process is anticipated to be completed by early summer 2023. Those preliminary layouts will be reviewed with adjacent property owners, presented at a public open house, and ultimately a concept will be reviewed and approved by Council prior to final design. The entire design process will take us until the end of 2024 to complete. Construction of Hannah Avenue and Middle School Drive are currently planned for 2025.

Motion by Rivera, seconded by Eaton, authorizing the city to enter into a professional services agreement with Kimley-Horn for the design of Middle School Drive & Hannah Avenue in the amount of \$482,350 for City Project 23-05. Motion carried by the following roll call vote: Yeas: Johnson, Eaton, Rivera, Peterson, Prince. Absent: Thayer.

Consider By-Laws of the Sustainability Commission

Prince questioned if this commission follows open meeting law. Nolting stated it is a body of the council and an advisory board to the council which requires the meetings to following open meeting laws. Prince also clarified that a change was made to the by-laws allowing the city manager or their designee to participate with the Sustainability Commission.

Motion by Peterson, seconded by Eaton, approving the By-Laws of the Sustainability Commission as presented. Motion carried by the following roll call vote: Yeas: Peterson, Prince, Rivera, Eaton, Johnson. Absent: Thayer.

UPCOMING COUNCIL MEETINGS

- Monday, March 13 5:30 p.m. Work Session (Water/Sewer North Side of Lake Bemidji)
- Monday, March 20 6:00 p.m. Council Meeting
- Monday, March 27 5:30 p.m. Work Session (Rental Code Amendment)
- Wednesday, March 29 5:00 p.m. City Manager Performance Evaluation

ADJOURN

There being no further business, motion by Peterson, seconded by Eaton, to adjourn the meeting. Motion carried. Meeting adjourned at 8:00 p.m.

Respectfully submitted,


 Michelle R. Miller
 City Clerk