

# COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – March 20, 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 20, 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, Thayer

Staff Present: City Manager Nate Mathews, City Attorney Katie Nolting, City Engineer Sam Anderson, Assistant City Engineer Jenna Roberts, Parks and Recreation Director Marcia Larson, Fire Chief Justin Sherwood, City Clerk Michelle Miller. Nico Lira Lisle with Flaherty and Hood.

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

The following minutes were presented for approval:

Work Session:	February 13, 2023
Special Work Session:	February 13, 2023
Council Meeting:	February 21, 2023

**Motion by Rivera, 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. Thayer requested that the Claims Submitted by ASM for the Sanford Center be removed for discussion. Rivera requested that the Appointment to the Library Board be removed for discussion. The following Consent Agenda items were presented for approval. **Motion by Johnson, seconded by Thayer, to approve Consent Agenda items as follows:**

- 1) Claims Submitted by Finance Officer in the Amount of \$468,402.26
- 2) Approve January 2023 Financial Statements from ASM Global for the Sanford Center
- 3) Approve Special Event Permit (BSU Stride into Spring – April 22, 2023)
- 4) Approve Special Event Permit (KC Walleye Classic – June 10, 2023)
- 5) **RESOLUTION NO. 6476:** Approving the Site and Alcohol for the 2023 KC Walleye Classic
- 6) **RESOLUTION NO. 6477:** Appointing Election Judges for Special Election to be Held April 11, 2023
- 7) **RESOLUTION NO. 6478:** Approving Minnesota Gambling Premises Permit for Lawful Gambling to Bemidji Youth Hockey Association at Bar 209 (217 Minnesota Avenue NW)
- 8) **RESOLUTION NO. 6479:** Approving Minnesota Gambling Off-Premises Permit for Lawful Gambling to Bemidji Wrestling Club at Bemidji Armory (April 29, 2023)

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

#### **CONSENT AGENDA #2**

Mayor Prince called for any items to be pulled from consent agenda #2. The following Consent Agenda item was presented for approval. **Motion by Thayer, seconded by Johnson, approving Consent Agenda #2 as follows:**

1. Claims Submitted by Finance Officer for VisitBemidji in the Amount of \$36,059.47

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

#### **CITIZENS WITH BUSINESS NOT ON AGENDA**

Rita Albrecht, 1911 Norton Avenue, provided comments regarding the retirement of Dave Unmacht, Executive Director of League of MN Cities.

Margaret Batchelder, P.O. Box 931, provided comments on council decisions.

Michael Meehlhause, 415 Lakeshore Drive NE, provided comments related to recent incidents at Bemidji State University and encouraged the council to provide a resolution of support to BSU.

**ORDINANCES**

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Amending an Uncoded Section of Bemidji City Code (Authorizing the Sale of Real Property) Holiday Stationstores, LLC. Mayor Prince opened the Public Hearing at 6:13 p.m., hearing the following comment:

- Rita Albrecht, 1911 Norton Avenue, commented on a tree plan and parkland dedication

Hearing no further comments the public hearing was closed at 6:15 p.m.

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

**OLD BUSINESS****Discussion of City Manager Annual Performance Evaluation Process**

Prince stated that a couple hours prior to the meeting, he had a conversation with legal counsel in preparation to facilitate the meeting and pursuant to counsel's recommendation provided the following statement:

"On March 17, 2023 City Council received a privileged memorandum from shareholder attorney Brandon Fitzsimmons of Flaherty and Hood PA regarding this agenda item discussion of city manager annual performance evaluation process. There are some related underlying matters that I recommend be addressed and discussed between the city council and city manager along with legal counsel before the city council discusses the city manager annual performance evaluation process further and or considers actions to take if any related to the city manager annual performance evaluation process. I recommend we table discussion to a later date in order for city council to meet and discuss with the city manager. We should refrain from discussion any specific matters to comply with the Minnesota Government Data Practices Act. We should avoid discussing specific personnel information. Those discussions can be tabled to a special meeting in which discussion on private personnel data is appropriate." Prince stated he would entertain the following motions:

To schedule a special city council meeting for March 29, 2023 for a non annual evaluation of performance of City of Bemidji city manager under Minnesota Statutes Section 13D.05 (3)(a) and to direct and authorize legal counsel, along with Flaherty and Hood PA to attend and provide legal guidance at the meeting on March 29, 2023.

**Motion by Peterson, seconded by Johnson to schedule a special city council meeting for March 29, 2023 for a non annual evaluation of performance of City of Bemidji city manager under Minnesota Statutes Section 13D.05 (3)(a). Motion carried by the following roll call vote: Yeas: Johnson, Prince, Eaton, Peterson, Thayer, Rivera. Nays: None. Absent: None.**

**Motion by Peterson, seconded by Rivera to direct and authorize legal counsel along with Flaherty and Hood PA to attend and provide legal guidance at the meeting on March 29, 2023 at 5:00 p.m. Motion carried by the following roll call vote: Yeas: Prince, Rivera, Thayer, Johnson, Eaton, Peterson. Nays: None. Absent: None.**

**Consider Resolution Requesting Joint Meeting with Northern Township**

Rivera expressed a desire for a mediated discussion between the parties and also inquired about getting input from other entities that might be involved. Nolting advised that both parties would need to agree on a mediated discussion. Nolting also advised that based on the direction of the discussions, other entities could then be identified for further input.

**RESOLUTION NO. 6480: Requesting a Joint Meeting with Northern Township Regarding Continuing Discussions on Water and Sewer Infrastructure Along the Northern Portion of Lake Bemidji, was offered by Councilmember Peterson, who moved its adoption, and upon due second by Councilmember Thayer was passed by the following roll call vote: Yeas: Thayer, Johnson, Eaton, Rivera, Peterson, Prince.**

**NEW BUSINESS****Consider Resolution Authorizing Grant Submission to the Department of Natural Resources Outdoor Recreation Grant Program (Algoma Park)**

Larson advised the Council that the Department of Natural Resources announced the solicitation for the Outdoor Recreation Grant Program. The purpose of the Outdoor Recreation Grant program is to increase and enhance outdoor recreation facilities in local and community parks throughout the state. Eligible projects include: Park acquisition and/or development/redevelopment including, internal park trails, picnic shelters, playgrounds, athletic facilities, boat accesses, fishing piers, swimming beaches and campgrounds.

Larson stated that Algoma Park improvements are a good match to the DNR Outdoor Recreation program guidelines. A Master Plan for Algoma Park was developed in 2021. Citizen input was sought for the development of the plan, but without funding implementation was not possible. Through the recent Strategic Planning Process, Algoma Park is identified as a high priority for improvements. The Park and Recreation Commission has reviewed the grant guidelines, park masterplan and recommended phased improvements for Algoma and related budget. The Grant requires a layout for the playground and this was developed with options and vendors also approved by the Parks and Recreation Commission.

The total budget for the proposed project, which includes a new playground (replacing a 25-year-old playground), shelter, picnic area, benches, landscaping (native plants and trees), and paved parking area is \$260,000. Also included in the budget for the grant is design/engineering fees as per allowable under the grant guidelines.

The grant is a 50% match. The Grant Application would request \$130,000 to cover 50 percent of construction and design costs, the City required cash match is \$130,000.

The Parks and Recreation Commission made a motion recommending the City Council approve the Resolution approving the grant submission and allocate \$130,000 of American Rescue Plan Funds to the Algoma Park Improvement Project.

**RESOLUTION NO. 6481: Authorizing Grant Submission to the Department of National Resources Outdoor Recreation Grant Program, was offered by Councilmember Rivera, who moved its adoption, and upon due second by Councilmember Peterson was passed by the following roll call vote: Yeas: Peterson, Thayer, Johnson, Eaton, Rivera, Prince.**

Consider Resolution Supporting Local Control for Local Elections and Ranked Choice Voting for State and Federal Elections in Minnesota

Mathews stated that on January 9, 2023 the City Council held a Worksession to hear a presentation from Dr. Maureen Reed FairVote MN regarding a 2023 legislative initiative regarding Ranked Choice Voting. The Council asked questions and reviewed a draft resolution from FairVoteMN supporting local control for local elections and ranked choice voting for State and Federal elections in Minnesota.

On Thursday March 16, 2023 the City Charter Commission met and discussed Ranked Choice Voting. At this meeting, the Commission approved a recommendation to the City Council to pass a supportive resolution for the current FairVote MN legislative initiative. Additionally, the Charter Commission voted to approve the submittal of a letter of support (on behalf of the Charter Commission) regarding Ranked Choice Voting.

The pending legislation (HF2486 and SF2270) regarding Ranked Choice Voting is an initiative supported by the League of MN Cities.

Prince sought clarification on the process for the city if the legislation is passed. Prince stated he could not support this resolution until the legislature makes a decision on the matter.

**RESOLUTION NO. 6482: Supporting Local Control for Local Elections and Ranked Choice Voting for State and Federal Elections in Minnesota, was offered by Councilmember Eaton, who moved its adoption, and upon due second by Councilmember Thayer was passed by the following roll call vote: Yeas: Eaton, Thayer, Johnson, Rivera. Nays: Prince, Peterson.**

Consider Claims Submitted by ASM Global for the Sanford Center in the Amount of \$350,374.52

Thayer questioned the bill of Country Inn and Suites for the corporate room and stay of \$232.86. Prince suggested approving the bill list with the exception of \$232.86 to Country Inn and Suites until more information is provided by the General Manager of the Sanford Center.

**Motion by Thayer, seconded by Peterson, approving the claims submitted by ASM Global for the Sanford Center with the exception of the Country Inn and Suites in the amount of \$232.86 for a total amount of \$350,141.66 for the claims submitted by ASM Global for the Sanford Center. Motion carried by the following roll call vote: Yeas: Rivera, Peterson, Johnson, Thayer, Prince, Eaton.**

Consider Appointment of Justin Beldo to the Library Board

Rivera questioned the process of bringing applicants to the council for recommendation to various committees. Rivera expressed a desire for a clear process or policy and suggested a review of the policy.

**Motion by Peterson, seconded by Johnson, approving the appointment of Justin Beldo to the Library Board. Motion carried by the following roll call vote: Yeas: Eaton, Rivera, Peterson, Prince, Johnson, Thayer.**


**UPCOMING COUNCIL MEETINGS**

- Monday, March 27 5:30 p.m. Work Session (Rental Code Amendment)
- Wednesday, March 29 5:00 p.m. City Manager Performance Evaluation
- Monday, April 4 6:00 p.m. Council Meeting
- Monday, April 10 5:30 p.m. Work Session (Housing HHDC/HRDC)
- Tuesday, April 11 Ward 1 Special Election

**ADJOURN**

There being no further business, motion by Peterson, seconded by Eaton, to adjourn the meeting. Motion carried. Meeting adjourned at 6:52 p.m.

Respectfully submitted,

  
Michelle R. Miller  
City Clerk