

# COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – May 15, 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, May 15, 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, Fiskevold Gould, Peterson, Johnson, Rivera, Eaton, Thayer

Staff Present: City Attorney Katie Nolting, City Engineer Sam Anderson, Finance Director Ron Eischens, Parks & Recreation Director Marcia Larson, Assistant City Engineer Jenna Roberts, Facilities Manager Matt Ridlon, Fire Chief Justin Sherwood, City Clerk/acting City Manager Michelle Miller

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

The following minutes were presented for approval:

Council Meeting: April 3, 2023

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

#### **CONSENT AGENDA #1**

Mayor Prince called for any amendments to be made to Consent Agenda. Thayer requested that the Special Event Permit for the Jaycees Water Carnival and the Quotes for City Hall Lower Level Renovation be removed for discussion. Rivera requested that the Upgrade to the Arena Bench Glass for the Sanford Center be removed for discussion. The following Consent Agenda items were presented for approval. **Motion by Eaton, seconded by Peterson, to approve Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the Amount of \$1,024,000.34
2. Claims Submitted by ASM Global for the Sanford Center in the Amount of \$81,922.17
3. 2023 Business License Approvals
4. Approve Special Event Permit for 2023 Dragon Boat Festival (July 31-August 6)
5. Approve 1-4 Day Temporary On-Sale Liquor License for Jaycees Water Carnival (July 1-3)
6. **RESOLUTION NO. 6485:** Approving the Site and Alcohol for the 2023 Dragon Boat Festival
7. **RESOLUTION NO. 6486:** Approving Minnesota Gambling Off-Premises Permit for Lawful Gambling to Bemidji Youth Hockey Association Located at Library Park (August 4)
8. **RESOLUTION NO. 6487:** Bemidji City Council to Not Waive the Monetary Limits on Tort Liability
9. Approve Purchase of 2024 GMC Sierra Pickup through State of Minnesota Bid Process from North Country GM in the Amount of \$52,466 (Fire Department)
10. Declare Equipment Surplus and Authorize Disposal (Sanford Center)
11. Approve Upgrade to Acrylic Bench Glass for the Sanford Center (\$20,105.00)
12. Approve Upgrade to Convention Center Audio/Visual System for the Sanford Center (\$121,783.70)
13. Approve Replacement of RTU-6 Supply Fan VFD for the Sanford Center (\$8,633.00)
14. Approve Purchase of Tennant Company R-14 Carpet Extractor for the Sanford Center (\$23,958.17)

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

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

Mayor Prince called for any items to be pulled from consent agenda #2. Prince requested that both change orders for the Bemidji Day Shelter be removed for discussion.

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

- No appearance.

#### **REPORT**

Cindy Burger and Kristi Tell Miller presented the 2022 Annual Report of the Public Arts Commission.

#### **NEW BUSINESS**

Consider Resolution Approving Business Development Infrastructure Application (BDPI) (Airport) and Authorize Mayor to Sign Conflict of Interest Disclosure Form

Anderson stated that at the April 24 work session, Council provided consent to proceed as the applicant on a DEED Innovative Business Development Public Infrastructure (BDPI) Grant on behalf of the Bemidji Regional Airport Authority for infrastructure upgrades for the Planning Area #3.

There is no financial ask of the City for the DEED application as the Airport Authority has stated that they have received confirmation that Federal Aviation Administration matching funds will count as their local match along with additional airport funding. Additionally, the council will need to authorize the Mayor to sign a Conflict of Interest Disclosure form as a part of the application packet.

**RESOLUTION NO. 6488: Business Development Infrastructure Application for Phase 1A Infrastructure at the Bemidji Regional Airport – Planning Area 3 and Authorizing the Mayor to Sign the Conflict of Interest Disclosure Form was offered by Councilmember Eaton, who moved its adoption, and upon due second by Councilmember Johnson was passed by the following roll call vote: Yeas: Fiskevold Gould, Eaton, Rivera, Peterson, Prince, Johnson, Thayer.**

Consider City Share and Construction Services Agreement for Irvine Avenue Sanitary Sewer Extension Project – City Project 22-08

Anderson stated that Beltrami County is reconstructing Irvine Avenue NW from 30th Street NW to Anne Street NW this summer. With the street being torn up, the City designed a sanitary sewer extension with the assistance of Freeberg & Grund to be included within the County project. The project was advertised and bids were opened on May 2, 2023 with the low bidder being Reierson Construction. The contract has been awarded by the County and they plan to begin the end of May or early June with work to be completed by this fall.

The total city share amount of \$322,200.30 will result in a total project cost of approximately \$386,000 after design engineering, material testing, and construction inspection costs are added in. These amounts were under the estimates at the completion of final design.

Funding sources are proposed to come from the following sources:

	Project total
Sanitary Sewer Utility Fund	\$ 170,000
Sanitary Sewer Connection Fees	\$ 84,000
<u>Water Utility Fund</u>	<u>\$ 132,000</u>
Total:	\$ 386,000

Staff have \$220,000 set aside for the project in the 2023 CIP out of Sanitary Sewer Funds. As staff have progressed further in design, we anticipated an estimated amount of \$100,000 needing to come from our Water Utility Fund for items such as, hydrant relocations, water main relocation, and insulating of water main and services. Staff are comfortable with the low bid amounts we received.

Staff will also be recommending that the city establish a \$7,000 sewer connection fee as part of the project to those residents that will receive a new sanitary sewer service when the project is awarded. This would match what those residents along 5th Street NW that received service when water & sewer was extended from the High School to Gene Dillon Elementary School back in 2017. This would be a fee that would become activated once a resident actually connects to the system, and can be paid over a 15 year period with interest similar to an assessment. We are anticipating 12 new services with this project.

Staff have also received a proposal from Freeberg & Grund to assist the City with construction services on a time & expense not to exceed \$25,000, as staff do not have the resources to cover this project with our current city project workload.

**Motion by Thayer, seconded by Eaton, approving the city share of \$322,200.30 and authorize the City Engineer to enter into a professional services agreement with Freeberg & Grund for construction services on the Irvine Avenue Sanitary Sewer Extension project - City Project 22-08. Motion carried by the following roll call vote: Yeas: Johnson, Fiskevold Gould, Prince, Eaton, Peterson, Thayer, Rivera.**

Consider City Manager Recruitment & Selection Proposal(s)

One proposal was received from GovHR USA for the search for a city manager. Johnson expressed concern that the City did not receive a proposal from Baker Tilly. Additional council members expressed concern for only receiving one proposal. Rivera stated she is not comfortable with delaying the recruitment process.

**Motion by Rivera, seconded by Eaton, accepting the full scope recruitment proposal with GovHR USA in the amount of \$24,500. Motion failed by the following roll call vote: Yeas: Rivera, Eaton, Fiskevold Gould. Nays: Prince, Thayer, Johnson, Peterson.**

**Motion by Rivera, seconded by Fiskevold Gould, to extend the deadline to May 31, 2023 to seek proposals from search firms for the hiring of a city manager with proposals being brought forward at the June 5 council meeting. Motion carried with the following roll call vote: Yeas: Johnson, Eaton, Rivera, Fiskevold Gould, Peterson, Prince. Nays: Thayer.**

Consider Facilitation Process for June 12 Code of Conduct Work Session

Miller stated that at the May 1 Council Meeting the Council discussed the process of adopting a Code of Conduct which is currently schedule for the June 12 Work Session. During that discussion, it was suggested that it might be a good idea for this discussion to be a facilitated. Miller stated that she reached out to the League of Minnesota Cities and was connected with Aimee Gourlay, the LMCIT Collaboration Services Manager. Ms. Gourlay indicated she would be happy to facility the work session if the council agrees to this process.

**Motion by Fiskevold Gould, seconded by Rivera, approving the facilitation services from Aimee Gourlay with the League of Minnesota Cities for the council's code of conduct discussions. Motion carried by the following roll call vote: Yeas: Peterson, Thayer, Fiskevold Gould, Prince, Rivera, Eaton, Johnson.**

Consider Special Event Permit and Resolution for 2023 Jaycees Water Carnival (June 26-July 4)

Thayer questioned the noise level associated with the carnival rides since there was concern for noise associated with the Babe's Burnout request. Nolting stated that with the council's approval of the permit the council is allowing the noise to be extended past the city's noise ordinance. The issue with Babe's Burnout was the use of a street and state statutes associated with that portion of the event.

**RESOLUTION NO. 6489: Approving the Site and Related Requests for the 79<sup>th</sup> Annual Jaycees Water Carnival 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: Eaton, Prince, Peterson, Thayer, Johnson, Rivera, Fiskevold Gould.**

Consider Quotes for City Hall Lower Level Renovation

Thayer inquired about the use of insurance proceeds with no decisions having been made regarding whether the city is going to repair, renovate or a build new city hall. Eischens stated that at the April 18 work session council approved designating \$121,616 to repair the lower level so that staff can move back to City Hall and save the cost of the lease space currently being used. Thayer stated that she cannot support a new City Hall and feels that the repair of the lower level is a waste of money and would rather see that the money be set aside for building a new city hall.

**Motion by Rivera, seconded by Eaton, approving the quotes to complete the repair work for the lower level of City Hall in amount of \$121,616. Motion carried by the following roll call vote: Yeas: Johnson, Fiskevold Gould, Prince, Eaton, Peterson, Rivera. Nays: Thayer.**

Consider Upgrade to the Arena Audio System for the Sanford Center (\$130,409.03)

Rivera inquired about these expenses and if they are part of the currently funded Sanford Center CIP. Eischens stated that these costs are covered under the CIP.

**Motion by Rivera, seconded by Peterson, authorizing the upgrade to the arena audio system to NLFX Professionals in the amount of \$130,409.03. Motion carried by the following roll call vote: Yeas: Fiskevold Gould, Eaton, Rivera, Peterson, Prince, Johnson, Thayer.**

Approve Change Order No. 1 in the Amount of \$3,462.90 for the Bemidji Day Shelter and Approve Change Order No. 2 in the Amount of \$14,036.40 for the Bemidji Day Shelter

Prince questioned who is responsible for any costs over the grant amount. Miller stated that through the grant application process the city is the contract owner but that the costs of the project will be paid either by the grant dollars or from the Nameless Coalition. Prince and Johnson expressed concerns regarding the city's potential risk of being responsible for the extra costs.

**Motion by Eaton, seconded by Fiskevold Gould, approving Change Order No. 1 in the Amount of \$3,462.90 and Change Order No. 2 in the Amount of \$14,036.40 for the Bemidji Day Shelter. Motion carried by the following roll call vote: Yeas: Peterson, Thayer, Fiskevold Gould, Prince, Eaton. Nays: Johnson. Rivera abstained as a member of the Nameless Coalition Board.**

**COUNCIL REPORTS**

Councilmembers provided reports on various boards, committees and commissions.

**UPCOMING COUNCIL MEETINGS**

- Monday, May 22                      5:30 p.m.                      Work Session (2024 FMP)
- Monday, May 29                      HOLIDAY                      Memorial Day
- Monday, June 5                      6:00 p.m.                      Council Meeting
- Monday, June 12                      5:30 p.m.                      Work Session (Code of Conduct)
- Monday, June 19                      HOLIDAY                      Juneteenth
- Tuesday, June 20                      6:00 p.m.                      Council Meeting

**ADJOURN**

There being no further business, motion by Johnson, seconded by Eaton, to adjourn the meeting. Motion carried. Meeting adjourned at 8:27 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michelle R. Miller". The signature is written in a cursive style with a large, stylized "M" and "M".

Michelle R. Miller  
City Clerk