

# **COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Regular Meeting – December 4, 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, December 4, 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, Assistant City Engineer Jenna Roberts, Planning Administrator Jamin Carlson, Fire Chief Justin Sherwood, Parks & Recreation Coordinator Marcia Larson, City Clerk/acting City Manager Michelle Miller

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

The following minutes were presented for approval:

Sp Work Session:	September 6, 2023
Work Session:	September 11, 2023
Sp Council Meeting:	September 15, 2023
Council Meeting:	September 18, 2023
Sp Council Meeting:	September 22, 2023
Work Session:	September 25, 2023
Sp Council Meeting:	September 27, 2023
Sp council meeting:	September 28, 2023

**Motion by Eaton, seconded by Fiskevold Gould, 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. Request that Thayer be added for travel authorization to 2024 Elected Leaders Institute Advanced Program in Plymouth. The following Consent Agenda items were presented for approval. **Motion by Rivera, seconded by Eaton, to approve Consent Agenda items as follows:**

- 1) Claims Submitted by Finance Officer in the Amount of \$1,153,086.77
- 2) Claims Submitted by ASM Global for the Sanford Center in the Amount of \$95,243.57
- 3) 2024 Business License Renewals
- 4) 2024 Liquor, Sunday Liquor and Wine License Renewals
- 5) **RESOLUTION NO. 6522:** Approving Minnesota Gambling Premises Permit for Lawful Gambling to Bemidji Youth Hockey Association at Green Mill Restaurant and Bar
- 6) Approve Purchase of Snow Pusher Attachments (Streets)
- 7) Approve Council Travel Authorization – 2024 Elected Leaders Institute Advanced Program (February 23-24) – Prince
- 8) Approve Council Travel Authorization – 2024 Elected Leaders Institute Advanced Program (Plymouth) February 8-10 - Thayer

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

#### **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 Johnson, seconded by Eaton, approving Consent Agenda #2 as follows:**

1. Claims Submitted by Finance Officer for Visit Bemidji in the Amount of \$45,082.41

**Motion carried by the following roll call vote: Yeas: Thayer, Johnson, Eaton, Rivera, Fiskevold Gould, Prince. Abstain: Peterson due to his role as the Executive Director of Visit Bemidji.**

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

- CT Marhula, 4524 Birchmont Dr NE #10, provided comments regarding data requests.
- Rita Albrecht, 1911 Norton Avenue, provided comments regarding use of liquor store funds for an investigation.

**PUBLIC HEARING - TRUTH-IN-TAXATION**

Vickie Holthaus with Abdo Financial Solutions presented the City's Truth in Taxation based on the preliminary levy approved in September. The full document is available on the city's website. Holthaus commented that previous budgets were budgeted with either deficits or surpluses. This year's proposed budget is a balanced budget. The projected 2024 levy increase of \$775,853 or 10.35% from 2023, which results in an estimated tax rate of 44.62%. The total City Budget of \$59 million consists of Enterprise Activities, General Fund, Special Revenue and Debt Service. Council adopts the final budget and levy at the December 18 council meeting. Councilmembers addressed questions and concerns with staff.

Pursuant to published notice a public hearing was held regarding input on the 2024 Truth-in-Taxation. Mayor Prince opened the Public Hearing at 6:41 p.m.

The following public comments were received:

- CT Marhula, 4524 Birchmont Dr NE #10, commented on (1) adding two full time firefighters and the impact on the ISO rating; and (2) city contracting for legal services
- Rita Albrecht, 1911 Norton Avenue, commented on the levy needed to provide services
- Reed Olson, 711 14<sup>th</sup> Street NW, commented on supporting the proposed levy

Hearing no further comments, Prince closed the Public Hearing at 6:54 p.m.

**REPORT**

Peterson removed himself from the conversation and stepped down from the dais due to a conflict as his role as the Executive Director of Visit Bemidji.

Josh Peterson, Brady Lauden, Megan Paige Fox from Visit Bemidji provided an Annual Report for Visit Bemidji including the review and wrap up of the "One Step Further" marketing campaign, information on social media platforms, events and marketing Visit Bemidji supports in the community and unveiling of the new marketing campaign "Great Moments" to further promote tourism in the city. Councilmembers addressed questions with Visit Bemidji Staff.

Peterson reentered the council discussion and took his seat at the dais.

Mayor Prince called for a recess at 8:09 p.m. Meeting reconvened at 8:14 p.m. with all members present.

**NEW BUSINESS****Consider City Planning Board and Commission Meeting Schedule**

Carlson stated that in preparation for the City Planning & Zoning Department to come into the City of Bemidji only, the City Council will have to have in place meeting dates and times for the Planning Commission along with the Planning Board. These are suggestions only and the Council can choose other meeting day & time options. Carlson presented possible meeting day options along with meeting start times. Carlson noted one thing to consider is that if a Tuesday Board meeting is chosen it may need to move to Wednesday when there is a Monday holiday, since the Council meetings would move to the Tuesday following the holiday.

**Meeting Day Options for Planning Board/Commission:**

- Tuesday Board/Wednesday Commission Option #1
- Wednesday Board/Thursday Commission Option #2
- Tuesday Board/Thursday Commission Option #3

**Possible Meeting Time Options for Planning Board/Commission for the full year:**

- 5:00 pm
- 5:30 pm
- 6:00 pm

**These timelines are all laid out in MN State Statute and must be met:**

- 15-day complete/incomplete application notice (MN State statute from application submit date)
- 60-day application approval/denial (MN State statute from application submit date)
- Neighbor notice (MN State statute: mailed at least 10 days before the public hearing; City Ordinance: 5<sup>th</sup> working day of the month)
- Notice of public hearing in the paper – MN State statute at least 10 days before the public hearing
- Meeting notice (agenda posted at City Hall) – MN State statute at least three days before the meeting

Council discussed the following:

- Rivera would like to avoid Wednesday evenings for board meetings and possibly a 5:00 p.m. start time
- Johnson doesn't have a preference regarding any of the board meeting suggestions; would like to keep the meeting schedule consistent with what has been done in the past
- Thayer prefers option #2 above and could make a 5:00 p.m. start time
- Peterson prefers to keep the same schedule with a 6:00 p.m. start time for Wednesdays
- Fiskevold Gould prefers a Thursday board meeting with a 6:00 p.m. start time
- Eaton prefers option #2.
- Prince prefers a Wednesday or Thursday meeting date with a 5:00 p.m. start time

After discussion, Nolting provided historical background when past practice was planning and zoning were heard during regarding council meetings and suggested using the second Monday of the month for planning board meetings.

**Motion by Rivera, seconded by Peterson scheduling the planning board meetings the second Monday of the month beginning at 5:30 p.m. and scheduling the planning commission meetings the fourth Thursday of the month beginning at 5:30 p.m. Motion carried by unanimous voice vote.**

Consider Professional Services Amendment for the Addition of the 23rd Street NW and Middle School Drive Roundabout to the Middle School Drive and Hannah Avenue NW Project – City Project 23-05  
Background:

Anderson stated that 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. Back in March, Kimley-Horn was hired to begin design of the Hannah Avenue & Middle School Drive street segments from 23rd Street NW to TH 197, which are city streets and included in the RAISE Grant that was awarded. 2 alternatives for each street segment were developed (4 total alternatives). Those alternatives were presented to the adjacent businesses along the corridor and staff also hosted a neighborhood meeting/open house in August, with the preferred alternatives for each corridor being selected at the September 11, 2023 work session.

23rd Street NW & Middle School Drive Roundabout Discussion

Anderson stated that as staff have progressed through design, Kimley-Horn has developed a preliminary cost estimate at the 30% design stage and are looking at a construction cost estimate for Hannah Avenue & Middle School Drive of roughly \$3.0 million. The City has \$3.6 million in RAISE grant dollars available for the 2025 city street construction, so are looking at a surplus in funding that can be carried over, if needed, to 2026.

Staff worked with our local MnDOT State Aid office and the City swapped federal funding years with Crookston to get an additional \$1 million in federal funding for the 2025 construction project. The 2023 Norton Avenue project was federally funded and wasn't scheduled for federal funding again until 2027 (4-year rotation), prior to the funding year swap. This was done to assist Crookston with a project they had planned for 2027 and in anticipation of the City's 2025 RAISE grant project.

The combination of the \$3.6 million in RAISE grant and \$1.0 million in additional federal funding, the City has \$4.6 million in federal dollars it can spend in 2025, which is projected to leave a \$2 million surplus of federal funding. Below is a summary of that breakdown.

2025 Hannah Avenue & Middle School Drive Funding Breakdown:

<u>Available Funding</u>	
2025 RAISE grant dollars	\$3.6 million
2025 additional D2 federal dollars	<u>\$1.0 million</u>
	\$4.6 million

<u>Estimated 2025 Construction Costs</u>	
\$3.0 million @ 88% federally eligible	<u>\$2.6 million</u>
	\$2.0 million (projected funding surplus)

With this projected funding surplus, staff reviewed the project scope and see an opportunity to include an additional intersection improvement at 23rd Street NW & Middle School Drive to the project. This intersection was on the edge of project limits when submitting for the RAISE grant but has been on staff's short list for improvement for several years, even dating back to when the Gene Dillon Elementary School was looking at the property across from the current Bemidji Middle School.

During the TH 197 Corridor Study, KLJ was hired to provide a preliminary analysis of Hannah Avenue & Middle School Drive based on the decision of either roundabouts or traffic signals on TH 197. The analysis indicated in both the “no build” existing and future traffic conditions, the level of service (LOS) for 23rd Street NW & Middle School Drive intersection was at a LOS “E” during the PM peak traffic and an overall LOS “B” throughout the 13-hour daytime window.

Of the alternatives presented in the KLJ report, Alternative 1C was the closest alternative that matches what staff are currently planning to construct for street improvements on Hannah Avenue & Middle School Drive. The KLJ report showed that even with those proposed improvements, the intersection of 23rd Street NW & Middle School Drive would go from a LOS “E” to “D” during the PM peak as traffic volumes continue to increase in the future. Vehicles on the eastbound and westbound legs of the intersection could still expect delays in the 20-35 second range. These longer delays can correlate to drivers selecting smaller gaps in traffic to make a turning movement and lead to an increase in vehicle crashes. Since 2019, there has been four documented crashes at this intersection all of them involving eastbound or westbound vehicles impacting a northbound or southbound vehicle. A roundabout at this location would operate at a LOS “A” throughout the entire day.

A roundabout at this location would also provide a pedestrian safety benefit. The 23rd Street Trail that was constructed in 2022 touches the SE corner of this intersection. A roundabout provides the benefit of slower speeds at the intersection and the ability for pedestrians to make two-stage crossings looking at one direction of traffic and crossing shorter distances. With the proposed trail on Middle School Drive and the nearby youth sports complex, a roundabout provides improved pedestrian access at all quadrants of this intersection.

The estimated cost of the 23rd Street & Middle School Roundabout is \$1.5 million, of which we would anticipate \$1.2 million would be federally eligible. That \$1.2 million would be covered by the projected \$2 million federal funding surplus and still leave some remaining for possible future overruns or if bids come in higher than anticipated. If the surplus funding is not used, then it is returned to the governing agency.

The current design services contract with Kimley-Horn was approved for \$482,350 back in March. The additional design costs to include the 23rd Street & Middle School roundabout would be \$119,680 and would be covered by State Aid Construction funds, as with the original design contract. An additional proposal for construction inspection services will be obtained after design and bidding has been completed.

If the roundabout is added to the project, it will fit into the current design schedule with the RAISE grant project. 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 and to be completed in one construction season, ahead of the 2026 MnDOT TH197 construction.

Council provided the following:

- Thayer expressed concern about redoing the trail and taking away parking from the baseball field
- Peterson express concerns with neighboring businesses impacted by the roundabout, prefers to use the surplus dollars for landscaping in the MNDOT project and concerned with safety
- Prince expressed concerns regarding municipal consent and how it impacts this project and concerns with accommodating busses

**Motion by Eaton, seconded by Johnson authorizing staff to enter into a professional services agreement amendment with Kimley-Horn in the amount of \$119,680 for the addition of the 23rd Street NW & Middle School Drive roundabout to the Middle School Drive & Hannah Avenue project - City Project 23-05. Motion carried with the following roll call vote: Yeas: Rivera, Johnson, Fiskevold Gould, Thayer, Prince, Eaton. Nays: Peterson.**

Consider Action in Support of Prioritizing Delivery of US Postal Service Mail

Nolting stated that with the recent media coverage regarding the delays in delivery of the US Postal Service mail in the city, and the concerns expressed by citizens, it may appear as the Council’s hands are tied. While it is true the City Council and the City has no ability to control the priorities or operations of the US Postal Service, there are actions the Council can take:

- **Pass a Resolution in support of prioritizing the delivery of the US Postal Service Mail.** This resolution would be a symbolic gesture to emphasize how important the timely delivery of US Postal Service mail is to all citizens in towns and cities across the United States who do not live in large metropolitan areas. The resolution could then be sent to Minnesota’s Congressmembers, Postmaster General DeJoy, and President Biden to assist the City’s citizen’s concerns are heard.

- **Direct staff to send a letter in support of prioritizing the delivery of the US Postal Service Mail.** While a resolution is a formal action, a letter from the Council would be a less formal option to relay just how important it is to citizens to receive their mail from the Postal Service without delay. The letter could then be sent to the same officials as listed above.

**Motion by Fiskevold Gould, seconded by Thayer directing staff to draft a resolution in support of prioritizing the delivery of US Postage Service Mail for council approval at the December 18, 2023 council meeting and send a letter in support of prioritizing the delivery of US Postage Service Mail. Motion carried by unanimous voice vote.**

**UPCOMING COUNCIL MEETINGS**

- Monday, December 11 5:30 p.m. Work Session (Planning & Zoning Training)
- Monday, December 18 6:00 p.m. Council Meeting
- Monday, December 25 CLOSED Christmas Day

**ADJOURN**

There being no further business, motion by Fiskevold Gould, seconded by Peterson, to adjourn the meeting. Motion carried by unanimous voice vote. Meeting adjourned at 9:14 p.m.

Respectfully submitted,



Michelle R. Miller  
City Clerk