

# **CITY COUNCIL PROCEEDINGS**

## **BEMIDJI, MINNESOTA**

### **Regular Meeting – June 1, 2020**

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, June 1, 2020 at 6:05 p.m. in the Council Chambers of City Hall, Mayor Albrecht presiding via video and telephone conference.

Upon roll call, the following Councilmembers were declared present: Albrecht, Meehlhause, Johnson (arrived at 6:13 p.m. due to technical difficulties), Rivera, Erickson. Absent: Thompson

Staff Present: City Manager Nate Mathews, Finance Director Ron Eischens, City Attorney Alan Felix, Assistant City Attorney Katie Nolting, City Engineer Craig Gray, Parks & Recreation Director Marcia Larson, Parks Superintendent Jared Stull, Deputy City Clerk Bobbi Karpinski, City Clerk Michelle Miller

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

The following minutes were presented for approval:

Council Meeting: May 18, 2020

**Motion by Meehlhause, seconded by Erickson, to approve the minutes as presented. Motion carried by unanimous vote.**

#### **CONSENT AGENDA**

Albrecht called for any items to be pulled from the consent agenda. The following Consent Agenda items were presented for approval. **Motion by Erickson, seconded by Meehlhause, to approve the Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the amount of \$1,015,698.49
2. Claims Submitted by VenuWorks for the Sanford Center in the amount of \$7,294.67
3. Approve 2020 General Business License(s)
4. Approve Appointment to Public Arts Commission (Jean Parkin)
5. Approve Change Order No. 1 with Calgon Carbon Corp. – City Project 20-03

**Motion carried by the following roll call vote: Yeas: Rivera, Erickson, Meehlhause, Albrecht, Johnson. Absent: Thompson**

#### **CITIZENS NOT ON AGENDA**

Lynn Boyer, Crossfit Bemidji, provided reopening handouts as well as testimony to council regarding the hardship on small businesses, in particular fitness centers, which are not allowed to reopen with restrictions and guidelines during the COVID-19 pandemic. She described the plan Crossfit Bemidji would implement if allowed to reopen and asked for any help the city could provide to help fitness centers reopen.

Felix suggested that the city could send a letter to the Governor encouraging the state to ease restrictions on fitness centers. Consensus of the council was to prepare a letter from the city to this effect.

#### **PUBLIC HEARING**

##### **MS4 Permit – Storm Water Pollution Prevention Program**

Gray reviewed the Municipal Separate Storm Sewer System (MS4) permit which requires an annual meeting to update the Council as well as allow the public to make oral and/or written comments on the adequacy of the City's Storm Water Prevention Program (SWPPP). He highlighted accomplishments in 2019 which included:

1. Completed 16 commercial site plan reviews within the city. Development and designs were reviewed for compliance with city and state runoff treatment and runoff requirements
2. Articles were published in the city's newsletter about storm water management.
3. Updated the City's storm water system map.
4. Inspected the condition of 51 of the 177 City storm sewer outlets and 3 out of 29 city storm water ponds.
5. Erosion Control Residential & Commercial Site Inspections totaled 38 sites.

6. The Street Department used the city's rubber tired back hoe on storm water maintenance on the following:
  - Cleaning ends of culverts (outfalls)
  - Ditch dredging
  - Pond dredging (small ponds or swales)
  - Installing rip rap materials
7. 941 LF of storm water pipe cleaned.
8. 1,548 miles of street sweeping which collected 516 cubic yards of street sweepings.
9. Nine manholes and catch basins had minor repairs completed, one manhole was completely replaced.
10. Eighteen cubic yards of material were removed from storm sewer outfalls in ditches.

Gray noted they will continue to expand the required work and provisions that the City of Bemidji needs to do for the MS4 Permit. Each year the department will evaluate and improve its record keeping, providing the most accurate information on file for the MPCA, the public and the City of Bemidji.

- Rivera inquired about the possibility of partnering with MnDot to sweep streets sooner after the snow melts
- Erickson inquired about the storm water cost to single family residential homes

Pursuant to published notice, a public hearing was held regarding the MS4 Permit – Storm Water Pollution Prevention Program. Mayor Albrecht opened the hearing at 6:34 p.m.

- Jaime Thibodeaux, expressed her thanks to staff for their work on storm water management

Hearing no further comments, Albrecht closed the hearing at 6:36 p.m.

## **NEW BUSINESS**

### **Consider BDA Parking Rates Proposal**

Mathews stated that the Bemidji Downtown Alliance has modernized its parking lot permit collection method and intended to conduct a rate study for downtown parking lots. However, due to the COVID-19 pandemic, the Alliance has not been able to conduct the study and is presenting a minor adjustment in permit fees for council consideration.

Ken Cobb, Downtown Alliance Parking Committee Chair, spoke about the new capability for customers to order and pay for permits on-line, which incurs credit card processing fees for the BDA. Without the study, Cobb is recommending a 3% increase in permit fees to begin September 1, 2020. Cobb stated that the study will resume when normal flow of downtown traffic resumes.

Rivera expressed concern regarding the zero increase for Lot 9, which is predominantly county parking. Cobb stated those permits are bought in bulk and are not paid with a credit card, therefore, the BDA decided not to increase the fee for that lot because there are no fees to offset for those permits.

**Motion by Erickson, seconded by Meehlhause approving the lot permit rate fee adjustment as proposed by the Bemidji Downtown Alliance. Motion carried by the following roll call vote: Yeas: Erickson, Albrecht, Johnson, Rivera, Meehlhause. Absent: Thompson.**

### **Consider Crosswalk Artwork at the Intersections of 4<sup>th</sup> and 5<sup>th</sup> Streets and Beltrami Avenue NW**

Mathews stated that the Council approved the application of walleye stencils in the crosswalk of Beltrami Avenue and 3<sup>rd</sup> Street NW. The Public Arts Commission is seeking to add the stencils to additional crosswalks on Beltrami Avenue and 4<sup>th</sup> and 5<sup>th</sup> Streets NW. The same stencil will be used from last year with the same blue on white application in the crosswalks. Gray stated his department supports this project.

**Motion by Meehlhause, seconded by Erickson to approve the additional crosswalk stenciling artwork at the intersections of 4<sup>th</sup> and 5<sup>th</sup> Streets NW and Beltrami Avenue NW. Motion carried by the following roll call vote: Yeas: Meehlhause, Johnson, Rivera, Erickson, Albrecht. Absent: Thompson.**

### **Discuss Covid-19 Parks and Outdoor Facilities Operations Plan (Re-Opening Playgrounds, Skatepark and Beaches**

Larson stated the importance of parks and recreation to help improve physical and mental health and that our local parks provide a place for residents to recreate close to home. Bemidji Parks and Recreation encourages parks users to be prepared by taking shorts trips to parks, bringing

your own hand sanitizer, hand washing supplies and equipment and to following social distancing and CDC guidelines.

In assessing the opening of parks and recreation facilities and spaces consideration should be made in terms of the type of contact, the number of contacts and the ability of the city to make modifications to the spaces to reduce the risks. Some factors to consider include, but not are not limited to, balancing health and safety of the community, signage requirements, expectations of city to monitor and enforce social distancing, access to PPE and cleaning products and the staff capacity to meet the frequency of cleaning per CDC guidance.

The current approach has been to focus on social distancing education through signage, creating social distancing videos, social media posts, working with local user groups and an “ambassador” program in the parks. Additionally, modifications were made to some of the facilities to reduce contact and ensure social distancing.

The recommendation for reopening playgrounds and the skatepark include signage stating use at your own risk due to surfaces not being cleaned or sanitized, follow social distancing and CDC recommendations and that the facilities will be closed if the public does not adhere to the rules. Larson does not recommend opening restrooms at this time but are placing portable restrooms in the parks for public use. Council and staff addressed concerns and suggestions regarding the use of the parks and trails.

**Motion by Rivera, seconded by Erickson to reopen playgrounds and the skatepark and to adopt the Parks and Recreation COVID-19 Parks and Outdoor Facilities and Operations Plan. Motion carried by the following roll call vote: Yeas: Johnson, Albrecht, Erickson, Meehlhause, Rivera. Absent: Thompson.**

Consider Declaring a Council Vacancy and Ordering Special Election (At Large Council Seat)

Mathews stated that in the wake of Councilperson Jim Thompson’s absence from three consecutive regular council meetings, the question is raised whether this seat has become vacant as defined under Section 2.05 of the City Charter. The Charter states that “an elective office becomes vacant when a person elected or appointed...is absent from three consecutive regular council meetings except for excused absences as defined by a five-sevenths vote of the council.” Felix stated that, through conversations with Dr. Thompson’s wife, he has stated that he is still interested in maintaining his seat. Felix suggests providing an opportunity for Dr. Thompson to provide a written response for council to consider at the June 15 council meeting. This would still allow sufficient time to declare a vacancy and follow Minnesota Statutes regarding a special election for a vacancy.

**Motion by Rivera, seconded by Meehlhause to table the Action to Declare a Council Vacancy for the At Large Council Seat until June 15, 2020. Motion carried by the following roll call vote: Yeas: Erickson, Johnson, Rivera, Albrecht, Meehlhause. Absent: Thompson.**

Consider Refund of a Portion of Liquor License Fees

Mathews provided a list of the current liquor license holders and the related fees in response to helping businesses during the COVID-19 closures and capacity restrictions. This topic was carried over from the May 29 work session for discussion and consideration. A draft resolution was presented for council to discuss. Erickson and Rivera expressed opposition to this action. Council discussed the fluid nature of the issues relating to the pandemic and the possibility of receiving Federal Cares Act dollars from the Minnesota Legislature.

**Motion by Rivera, seconded by Meehlhause, to Postpone Consideration of the Resolution Refunding a Portion of the Liquor License Fees Indefinitely, Motion carried by the following roll call vote: Yeas: Johnson, Albrecht, Meehlhause, Rivera, Erickson. Absent: Thompson.**

Consider Resolution to Assist Local Businesses During the Local Emergency Due to Covid-19

Felix stated that this resolution would allow staff to administratively approve requests related to local restaurants regarding outdoor seating and alcohol use in the extended patio space. This would allow applications to be processed quicker, rather than waiting for council approval or calling special meetings for these requests. Council and staff addressed concerns and questions.

**RESOLUTION NO. 6298: In Accordance with the Governor’s Executive Order 20-63 to Assist Restaurants by Issuance of Permits to Use Municipal Sidewalk, Alley and Street Rights-of-Way (ROW’s) for Extended Outdoor Patio Use, Including the Serving of Alcoholic Beverages Within these ROW’s was offered by Councilmember Meehlhause, who moved its adoption, and upon second by Councilmember Rivera was passed by the following roll call vote: Yeas: Albrecht, Meehlhause, Johnson, Rivera, Erickson. Absent: Thompson.**

**UPCOMING COUNCIL MEETINGS**

- Monday, June 8 5:30 p.m. Special Meeting of Council
- Monday, June 15 6:00 p.m. Council Meeting

**ADJOURN**

There being no further business, motion by Meehlhause, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:51 p.m.

Respectfully submitted,



Michelle R. Miller  
City Clerk