

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – July 20, 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, July 20, 2020 at 6:00 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, Rivera, Erickson.

Staff Present: City Manager Nate Mathews, Finance Director Ron Eischens, City Attorney Alan Felix, Assistant City Attorney Katie Nolting, City Engineer Craig Gray, Police Chief Mike Mastin, City Clerk Michelle Miller

#### **AMENDMENTS TO AGENDA**

Mayor Albrecht moved item number nine under New Business to be the first item under New Business. **Motion by Meehlhause, seconded by Rivera, to approve the agenda as amended. Motion carried by the following roll call vote: Yeas: Johnson, Albrecht, Erickson, Meehlhause, Rivera.**

#### **MINUTES**

The following minutes were presented for approval:

Council Meeting: July 6, 2020

BEDA Meeting: July 6, 2020

**Motion by Johnson, seconded by Rivera, to approve the minutes as presented. Motion carried by unanimous voice vote.**

#### **CONSENT AGENDA**

Albrecht called for any items to be pulled from the consent agenda. Johnson requested that the VenuWorks bill list be removed for separate vote. The following Consent Agenda items were presented for approval. **Motion by Johnson, seconded by Erickson, to approve the Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the amount of \$1,706,490.10
2. Approve 2020 General Business License(s)
3. Approve On-Sale 3.2 Beer and Wine License (Table for 7)

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

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

No appearance.

#### **REPORTS**

##### **Update on COVID-19**

Sanford Health Representatives, Dr. Colleen Swank, Susan Jarvis, Kelly Hagen and Kayla Winkler as well as Beltrami County Health and Human Services Interim Director Megan Heuer provided information and an update on the COVID-19 Virus in the Bemidji and surrounding area. To date, Sanford Bemidji has conducted 5,000 tests with 4,700 negative, 139 positive, and 176 pending. There has been a significant uptick in cases in the last two weeks. They described the types of tests offered and how they are administered. They also provided information regarding the recommendation for the community to wear masks to help prevent the spread of COVID-19.

#### **NEW BUSINESS**

##### **Consider Claims Submitted by VenuWorks for the Sanford Center in the Amount of \$21,579.47**

Johnson questioned the need to pay a management fee to a company to manage a building that is not open for events and functions. Rivera suggested putting the claims submitted by VenuWorks for the Sanford Center under New Business when there is a line item payment for the management fee.

**Motion by Rivera, seconded by Meehlhause, Approving the Claims Submitted by VenuWorks for the Sanford Center in the Amount of \$21,579.47. Motion carried by the following roll call vote: Yeas: Albrecht, Meehlhause, Rivera, Erickson. Nays: Johnson.**

Discussion of Mandatory Mask/Face Covering (COVID-19)

Felix stated that staff has put forth four options for council to consider regarding face coverings in the City of Bemidji. Those options include:

1. **Option 1.** The Council could continue encouraging use of face coverings but take no formal action.

To date, the Council has not taken any formal action to require or encourage the use of face masks, but has consistently encouraged residents to follow the Governor's Orders and CDC guidelines. The Council could choose to continue its current practice.

2. **Option 2.** Adopt a Resolution encouraging businesses and the public to wear a mask when in indoor public places.

A middle-ground approach whereby the Council encourages, but does not require, businesses to require masks and residents to wear masks. [Some cities are providing local businesses with signage that could be displayed in their businesses encouraging the use of masks. MNDEED apparently has prepared example signage which could be modified to provide, say "The Bemidji City Council asks you to mask up!"] Of course, in all communications with businesses, City officials also could encourage businesses to encourage or require face coverings. \*A draft Resolution in this regard is attached for your review.

3. **Option 3.** Adopt an Emergency Ordinance requiring individuals to wear a mask when in indoor public places. \*A draft Emergency Ordinance is attached, which is proposed pursuant to Sections 3.07 and 3.10 of the City Charter. These Charter sections require that the Ordinance must be adopted by a vote of at least five (5) members of the Council and, unless renewed, would terminate within six (6) months. Additionally, the Emergency Ordinance would take effect immediately upon its passage or at such later date as specified by the Council therein. (*At this time, adoption would mean unanimous approval by all 5 current Councilmembers.*) Again, attached for your review are example Emergency Ordinances passed by other cities to date.

4. **Option 4.** Adopt a Declaration amending original Declaration of Local Emergency, to require individuals to wear a mask when in indoor public places.

Option 4 would enable Mayor Albrecht pursuant to Minnesota Statutes Section 12.29, with Council consent, to amend the previous Local Emergency Declaration that was declared on March 27, 2020. Council consent would mean by a majority of the Council. (*At this time that would be 3 Councilmembers*). \*A draft Declaration is attached for your review.

Rivera stated that many leaders and organizations are encouraging the use of face coverings and in the interest of public health and responsibility to our community, supports option 3 as proposed by staff.

Felix pointed out that there are proposed enforcement provisions in the ordinance and declaration that would need to be decided by council if enacted. Felix provided clarification of the possible misdemeanor fine and also on the definition of a face covering.

Erickson felt that input from community members seemed to be split equally either opposing or supporting a mask mandate. Erickson supports encouraging the use of face coverings but not a issuing a mandate.

Johnson stated that he thought the council was going to be discussing this issue and is not prepared to a make a decision at this time. Johnson prefers a community supported mask initiative such as the one in Itasca County.

Meehlhause suggested shortening the sunset clause or revisiting the issue in 30 days to determine if a mandate is working.

Albrecht stated that while she doesn't like to make mandates, she feels strongly to issue a mask mandate to protect our businesses and community members. Albrecht also stated she supports the Option 2 Enforcement provision in either the ordinance or the declaration.

VisitBemidji and Chamber representatives support a community based mask campaign rather than a mandate.

**Motion by Rivera, seconded by Meehlhause to adopt an Emergency Ordinance Relating to Face Covering Requirements within specified indoor spaces within the City to include Option 2 Enforcement Provision as drafted in the Ordinance.**

Due to the fact that adoption of an emergency ordinance would mean unanimous approval of the council, Rivera withdrew the motion.

Meehlhause and Rivera expressed support that the Mayor proclaim a declaration to order all individuals wear a face covering in indoor public spaces.

**Mayor Albrecht proclaims the 1<sup>st</sup> Amendment to the Declaration of a Local Emergency for COVID-19 Pandemic and orders the mandatory use of face coverings for all individuals in indoor public spaces and seeks council support to extend the order past the three days allowed by law.**

**Motion by Meehlhause, seconded by Rivera, approving and extending the 1<sup>st</sup> Amendment to the Declaration of a Local Emergency for COVID-19 Pandemic and ordering the use of face coverings for all individuals in indoor public spaces. Motion carried by the following roll call vote: Yeas: Rivera, Meehlhause, Albrecht. Nays: Erickson. Abstain: Johnson**

Albrecht called a recess at 8:50 p.m. The meeting resumed at 9:03 p.m.

Consider Approval of Two Utility Projects (23<sup>rd</sup> Street/Arch Lane)

Gray stated that these are two utility projects that are not in the 2020 Capital Improvement Plan, but have come to their attention over the past few weeks. Due to new development and proposed buildings to be constructed on property located on the 2200 block of Irvine Avenue between 23<sup>rd</sup> Street NW and 22<sup>nd</sup> Street NW over an existing 8" clay sanitary sewer main, staff would like to abandon the current main and extend the sewer main located in the alley south of 22<sup>nd</sup> Street. This new main would then be able to serve the proposed development. This would also eliminate a maintenance problem and be in the best long term interest to the city. The estimated cost for this project is \$35,000.

The second project is located on Arch Lane SW. During the summertime sanitary sewer maintenance activities, a sag was found in about 160 feet of existing 8" PVC sanitary sewer main. This causes water and solids to settle in the main which can cause sewer back-ups into private homes. The sanitary sewer main will need to be dug up and replaced. This is also an area where there has been some localized storm water flooding which requires a new centerline culvert to be installed under the road. Both the sanitary sewer work and the culvert work can be done at the same time. The estimated cost for this project is \$45,000.

Funding for these projects will be \$30,000 from the storm water utility fund and \$50,000 from the sanitary sewer utility fund.

**Motion by Erickson, seconded by Johnson, authorizing staff to design and accept quotes for the 22<sup>nd</sup> Street Sanitary Sewer Extension and the Arch Lane Sanitary Sewer Replacement projects. Motion carried by the following roll call vote: Yeas: Erickson, Albrecht, Johnson, Rivera, Meehlhause. Nays: None.**

Consider 197 Corridor Visioning Committee Membership (HRDC)

Tim Flathers, Executive Director of the Headwaters Regional Development Commission stated that they are working with MnDOT staff to help facilitate a conversation around proposed improvements along the Trunk Highway 197 corridor. They are proposing a committee represented by businesses, development organizations such as Greater Bemidji, JPB and bicycling; a BSU student; a resident living near the corridor; public safety; transportation and City Council members. Flathers stated they were initially hoping to limit the size of the group to 15-18 members but given the diversity of interests they ended up with a group of about 21 members. Flathers stated that they will find ways for any interested person to provide their perspective, whether they are members of the committee or not. They hope to finish the committee process in the next 10-12 months.

**Motion by Johnson, seconded by Rivera, accepting the committee as presented Motion carried by the following roll call vote: Yeas: Meehlhause, Johnson, Rivera, Erickson, Albrecht. Nays: None.**

Discussion Regarding August 10 Work Session/Listening Session

Mathews stated that the Public Affairs Committee met on June 22 to discuss the concept and developing a Police Advisory Committee and recommended an August 10 Special City Council Work Session/Listening Session to be held at the Sanford Center to here citizen’s input. However, all events have been canceled at the Sanford Center for the month of August and is seeking direction on how the council would like to conduct this proposed listening session.

Council discussed the following:

- Meehlhause stated he prefers a remote meeting with Webex, but to also allow some in person testimony. He feels it would be more beneficial to provide two or three guided questions for the public to respond to prior to the meeting to help gather the information needed to move forward with a police advisory committee.
- Rivera supports Meehlhause’s comments, but also suggests providing “appointments” for in person testimony. Additionally, input can also be provided via email, phone, or mail; as well as comments via WebEx.
- Albrecht believes council should be thoughtful in preparing for the meeting to provide guidance on what the council is hoping to hear and to state the purpose of the meeting, what will be done with the information and how can the community help the council understand what it is seeking from a police advisory committee.

Mastin commented that the goal of an advisory committee, is first moving forward with it, to be diligent and purposeful, and to connect with the community as a place to be heard. He also suggested at some time to “go to the people” to gather input.

Consensus of the council was to hold the meeting via remote access with Cisco WebEx and to air on Channel 2. Albrecht instructed council to think about what the council would like to hear from the community to provide guidance on the next steps in providing a policy advisory committee and to provide those thoughts and/or questions with the City Manager which can then be organized and sent out to the public to gather input.

**ORDINANCES**

**AN ORDINANCE** Amending the City of Bemidji Council-Manager Charter Amending Chapter 4 (Nominations and Elections) was given a first reading.

Pursuant to published notice, a Public Hearing was held to receive input regarding an Ordinance Changing the Name of Boring Court NW to Cooperative Court NW. Mayor Albrecht opened the Public Hearing at 9:52 p.m. and hearing no comments closed the public hearing at 9:52 p.m.

**AN ORDINANCE** Changing the Name of Boring Court NW to Cooperative Court NW was given a second reading.

**ORDINANCE NO. 168, 3<sup>RD</sup> SERIES**, AN ORDINANCE Amending an Uncoded Section of Bemidji City Code Pertaining to Alley Vacations (Block 6, Finseth Addition to Nymore; Block 14, Finseth’s 2<sup>nd</sup> Addition to Nymore) was given a final reading and passed by unanimous vote.

**Motion by Erickson seconded by Rivera approving publication of a summary of Ordinance No. 168, 3<sup>rd</sup> Series. Motion carried by unanimous voice vote.**


**UPCOMING COUNCIL MEETINGS**

- Monday, July 27 5:30 p.m. Work Session (Deer Committee/Rifle Discussion)
- Monday, August 3 6:00 p.m. Council Meeting
- Monday, August 10 5:30 p.m. Work Session/Listening Session
- Tuesday, August 11 **PRIMARY ELECTION DAY**
- Monday, August 17 6:00 p.m. Council Meeting
- Monday, August 24 5:30 p.m. Work Session (Budget)

**ADJOURN**

There being no further business, motion by Meehlhause, seconded by Erickson, to adjourn the meeting. Motion carried. Meeting adjourned at 9:59 p.m.

Respectfully submitted,

  
 Michelle R. Miller  
 City Clerk