

# ***BEMIDJI CITY COUNCIL CITY OF BEMIDJI***

## **NOTICE OF REGULAR MEETING PURSUANT TO MINNESOTA STATUTES SECTIONS 13D.04 AND 13D.021**

### **NOTICE OF REGULAR COUNCIL MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Bemidji will hold its Council Meeting on Monday, July 20, 2020 at 6:00 p.m. at Bemidji City Hall.

In accordance with the requirements of Minn. Stat. Sections 13D.04 and 13D.021, Mayor Rita C. Albrecht, has determined that an in person meeting is not practical or prudent because of a health pandemic and Peace Time State of Emergency, declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic and Peace Time State of Emergency, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the health pandemic and Peace Time State of Emergency, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the City Council members may be participating by telephone or other electronic means.

**To join by video conference, go to Cisco Webex website ([www.webex.com](http://www.webex.com)), click on “join” in the upper right corner and enter information below (access will open at 5:30 p.m.):**



- **Enter meeting number: 126 958 1883**
- **Enter meeting password: jxGQXc2Sd38 (59479227 from phones and video systems)**
  - **Click Join Meeting**

**To join by phone, dial: +1-408-418-9388. Enter meeting number (access will open at 5:30 p.m.):**

- **126 958 1883 #**
- **Press # for no attendee ID number**

# **BEMIDJI CITY COUNCIL AGENDA**

Monday, July 20, 2020

**Council Chambers**  
**City Hall – 317 4<sup>th</sup> Street NW**  
**6:00 P.M.**



## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **AMENDMENTS TO AGENDA**

## **MINUTES**

- 1) Council Meeting: July 6, 2020
- BEDA Meeting: July 6, 2020

## **CONSENT AGENDA**

***Items in the Consent Agenda are approved with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.***

- 2) Claims Submitted by Finance Officer in the amount of \$1,706,490.10
- 3) Claims Submitted by VenuWorks for the Sanford Center in the amount of \$21,579.47
- 4) Approve 2020 General Business License(s)
- 5) Approve On-Sale 3.2 Beer and Wine License (Table for 7)

## **CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA**

**Public Comment** – Anyone seeking to address the council on an item not on the agenda, please provide your written comments to the City Clerk by 3:00 p.m. on Monday, July 20. Comments can be submitted by email at [cityclerk@ci.bemidji.mn.us](mailto:cityclerk@ci.bemidji.mn.us). You may also request a meeting invite by emailing the city clerk. During the meeting, please give your name, address and state your concern/comment. **COMMENTS WILL BE TAKEN UNDER ADVISEMENT BY THE COUNCIL.**

## **REPORTS**

- COVID-19 Update from Sanford Health

## **NEW BUSINESS**

- 6) Consider Approval of Two Utility Projects (23<sup>rd</sup> Street/Arch Lane)
- 7) Consider 197 Corridor Visioning Committee Membership (HRDC)
- 8) Discussion Regarding August 10 Work Session/Listening Session
- 9) Discussion of Mandatory Mask/Face Covering (COVID-19)

## **ORDINANCES**

- 10) First Reading of an Ordinance Amending the City of Bemidji Council-Manager Charter Amending Chapter 4 (Nominations and Elections)
- 11) Public Hearing and Second Reading of an Ordinance Changing the Name of Boring Court NW to Cooperative Court NW
  - Second Reading of Said Ordinance

*Bemidji—Regional Center Amenities with Small Town Character*

12) Final Reading of 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)

- Authorize Publication of Summary of Said Ordinance

**UPCOMING 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**

# CITY COUNCIL PROCEEDINGS

## BEMIDJI, MINNESOTA

### Regular Meeting – July 6, 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 6, 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, City Engineer Craig Gray, Parks & Recreation Director Marcia Larson, Planning Administrator Casey Mai, City Clerk Michelle Miller

#### **AMENDMENTS TO AGENDA**

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

#### **MINUTES**

The following minutes were presented for approval:

Council Meeting:	June 1, 2020
Special Meeting:	June 8, 2020
Council Meeting:	June 15, 2020

**Motion by Meehlhause, seconded by Rivera, 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 Rivera, seconded by Meehlhause, to approve the Consent Agenda items as follows:**

1. Claims Submitted by Finance Officer in the amount of \$1,899,873.28
2. Claims Submitted by VenuWorks for the Sanford Center in the amount of \$13,244.24
3. Approve 2020 General Business License(s)
4. Approve On-Sale Wine License (Lucky Dogs)
5. Approve Appointment to Housing & Redevelopment Commission (Heather Charwood)
6. Approve 2020 Budget Modification #1
7. **RESOLUTION NO. 6301:** Appointing Election Judges for the August 11, 2020 Primary Election
8. **RESOLUTION NO. 6302:** Authorizing Ballot Question (Referendum) on Proposed Charter Amendment
9. **RESOLUTION NO. 6303:** Authorizing Minnesota Gambling Premises Permit for lawful Gambling to Bemidji Wrestling Club – Fozzie’s Smokin Bar BQ

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

### **CITIZENS NOT ON AGENDA**

The following individuals appeared before council:

- Adam Steele, 189 Gemmel Avenue, addressed council regarding his organization of an informal “Music by the Mississippi” which is held every Wednesday from 6:00-8:00 p.m. and his application to have a food truck and gain access to electricity in Waterfront Park. Mathews stated that at this time the city is maintaining consistency to not process applications for events in public spaces.
- CT Marhula, 4524 Birchmont Drive NE, addressed council

### **NEW BUSINESS**

#### **Consider Modification of City of Bemidji Economic District No. 1 and Consider TIF District Application Request for Mountain View Meadows Housing Development Project**

Mathews stated planning and administrative staff have been working with Mitch Rautio and Puddle Duck Properties regarding a housing development named Mountain View Meadows. A preliminary development agreement was entered into with Puddle Duck Properties to complete a feasibility analysis for the development proposal. Rebecca Kurtz, Ehlers, stated that this project qualifies for Tax Increment Financing (TIF) assistance. She stated they are seeking council support for this project in order to move forward with the next steps to establish a TIF District for the Mountain View Meadows Housing Development Project. Mathews stated that this project would be completed in three phases with the last phase to be completed by 2028. Rautio stated that construction of the project could begin as early as this fall.

**Consensus of the council was to move forward with Ehlers and Puddle Duck Properties on the process of establishing a TIF district for the Mountain View Meadows Housing Development Project.**

#### **Consider Resolution Granting and Reconveying Tax Forfeited Property to State of Minnesota**

Felix stated that in 1967 the City acquired several tax forfeited parcels from the State for use as park sites in the City. As a part of the tax forfeit laws, the city only received authorization to use the property exclusively for the use as a park site. Therefore, one the City no longer has a use for it as a park, the property would have to be reconveyed back to the State. The property contains no park improvements and it is not considered an important asset worth maintaining as part of the park system. The Parks & Recreation Commission met and has recommended that the City Council consider conveying it back to the State. Additionally, Parks and Public Works Staff recommend that the property would be better served for residential development and use purposes and supports the reconveyance.

**RESOLUTION NO. 6304: Granting and Reconveying Tax Forfeited Property to State of Minnesota, was offered by Councilmember Erickson, who moved its adoption, and upon second by Councilmember Meehlhause was passed by the following roll call vote: Yeas: Erickson, Albrecht, Johnson, Rivera, Meehlhause.**

### **ORDINANCES**

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

Pursuant to published notice, a Public Hearing was held to receive input regarding 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). Mayor Albrecht opened the Public Hearing at 7:10 p.m. The following comments were heard:

- Deb Doyle, 404 Miles Avenue, stated she is an adjacent homeowner and inquired about getting more details of the vacation.
- Madeline Turnquist, 419 Kay Avenue, stated she was a petitioner of the vacation request and supports vacating the alley

With no further comments, Mayor Albrecht closed the public hearing was closed at 7:16 p.m.

**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 second reading.

**UPCOMING COUNCIL MEETINGS**

- Monday, July 13 5:30 p.m. Work Session (2021 FMP)
- Monday, July 20 6:00 p.m. Council Meeting
- Monday, July 27 5:30 p.m. Work Session (Deer Committee/Rifle Discussion)

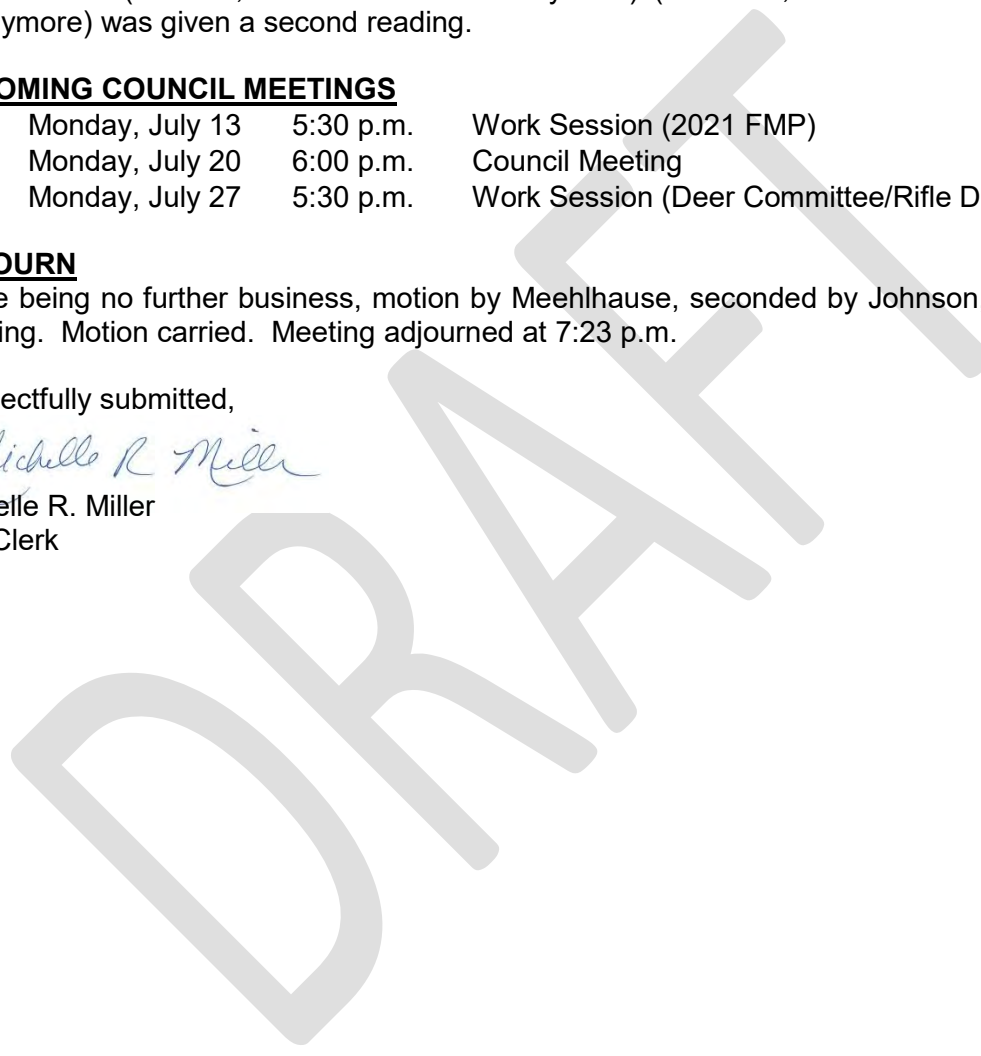
**ADJOURN**

There being no further business, motion by Meehlhouse, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 7:23 p.m.

Respectfully submitted,



Michelle R. Miller  
City Clerk



# BEMIDJI ECONOMIC DEVELOPMENT AUTHORITY SPECIAL MEETING MINUTES

Monday, July 6, 2020

Pursuant to due call and notice, a special meeting of the Bemidji Economic Development Authority (BEDA) of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, July 6, 2020, at 7:30 p.m. in the Council Chambers of City Hall, President Albrecht presiding via video and telephone conference.

Upon roll call, the following Commissioners were declared present: Albrecht, Meehlhause, Johnson, Rivera, Erickson.

Staff Present: Nate Mathews, Alan Felix, Craig Gray, Michelle Miller

## **Consider Modification of City of Bemidji Development Program for Economic District No. 1 and Consider TIF District Application Request for Mountain View Meadows Housing Development Project**

Mathews stated that the BEDA board will need to discuss expanding the City of Bemidji Development Program for Economic District No. 1 boundary to incorporate the newly annexed areas of the city limits. Additionally, BEDA members will discuss proceeding with establishing a TIF district for the Mountain View Meadows Housing Development Project brought forward by Mitch Rautio. The proposed plans for the new development includes 85 single family homes, 111 multi-family units, two commercial lots, a park, and connections to the Paul Bunyan Trail. Rautio stated his intent is to create a family friendly neighborhood which would be completed in three phases and is anticipated to provide a final market value of \$13.6 million.

Rebecca Kurtz, with Ehlers, stated that the cost of public infrastructure is eligible for TIF financing. The estimated cost of Phase 1 costs could be between \$1.1 and \$1.5 million dollars. However, an analysis will need to be completed that will be brought to the board as a part of the TIF process.

**Motion by Erickson, seconded by Meehlhause, accepting the TIF application and approval of the Preliminary Development Agreement with Puddle Duck Properties, LLC, the City of Bemidji and BEDA; and approval of the Professional Services Agreement with Ehlers for establishing a TIF district with Mountain View Meadows. Motion carried by the following roll call vote: Yeas: Rivera, Erickson, Meehlhause, Albrecht, Johnson.**

**Motion by Meehlhause, seconded by Johnson, approving the modification to the City of Bemidji Development Program for Economic District No. 1 boundaries to incorporate newly annexed property. Motion carried by the following roll call vote: Yeas: Erickson, Albrecht, Johnson, Rivera, Meehlhause.**

## **ADJOURN**

There being no further business, motion by Meehlhause, seconded by Johnson, to adjourn the meeting. Motion carried. Meeting adjourned at 7:57 p.m.

Respectfully submitted,



Michelle R. Miller  
B.E.D.A. Secretary

# Bill List Summary

July 20th, 2020

<u>Check /Wire</u>	<u>Vendor</u>	<u>Amount</u>
30238 - 30352	See Attached List	<u>1,706,490.10</u> \$ 1,706,490.10
	<b>TOTAL</b>	<b>\$ 1,706,490.10</b>



# Accounts Payable

## Blanket Voucher Approval Document

User: denisea  
Printed: 07/16/2020 - 12:04PM  
Warrant Request Date: 7/21/2020  
DAC Fund:



Batch: 00421.07.2020

### COUNCIL BILL LIST

Line	Claimant	Voucher No.	Amount
1	Alerus Retirement and Benefits	000000000	90.00
2	Ameripride	000000000	959.69
3	Artisan Beer Company	000030238	1,745.50
4	Arvig	000030239	155.00
5	Auto Value Bemidji	000030240	350.10
6	Barr Engineering Company	000030241	30,431.62
7	Baycom, Inc.	000030242	225.00
8	Bellboy Corporation	000000000	1,635.00
9	Beltrami County Auditor/Treasurer	000030243	654.39
10	Beltrami County Dare Advisory	000030244	175.07
11	Beltrami County Recorder	000030245	138.00
12	Beltrami Electric Coop	000030246	882.85
13	Bemidji Coca-Cola Bottling Co, Inc	000030247	738.51
14	Bemidji Coop Ass'n, Inc.	000030248	2,122.81
15	Bemidji Paper Sales, Inc.	000000000	2,548.66
16	Bemidji Steel Company	000000000	23.34
17	Bernick's	000000000	65,891.00
18	Bessler Wiebolt Electric	000030249	14,922.00
19	Beverage Wholesalers	000030250	1,756.30
20	Bluefin Payment Systems	000000000	2,231.37
21	Bob Lowth Ford, Inc.	000030251	1,726.53
22	Bob's Econo Pump	000030252	1,475.00
23	Books 'N More	000030253	5.00
24	Bowman & Sons Inc	000030254	14,112.00
25	Braun Intertec Corporation	000000000	750.00
26	Breakthru Beverage Minnesota Wine & Spirits, LLC	000030255	26,985.04
27	Cake Properties LLC	000030256	500.00
28	Calvary Chapel	000030257	225.00
29	Carlos Creek Winery	000030258	792.00
30	Cenex Fleetcard	000030259	12,618.78
31	Certified Laboratories	000030260	628.00
32	City of Bemidji	000000000	44,412.50
33	Core & Main	000030261	732.99
34	Crazy About Cleaning	000000000	831.00
35	Crossroads Auto Glass	000000000	1,500.00
36	Culligan	000030262	433.00
37	D & D Beverage, LLC	000000000	2,042.02
38	David, Judith	000030263	26.95
39	DEMCO	000000000	551.11
40	Department of Employment/Econ.Dev.	000000000	9,563.02
41	Department of the Treasury	000030264	449.58
42	Diamond Mowers LLC	000030265	293.81
43	Dress Club Cleaners	000030266	5.00
44	D-S Beverages	000030267	74,694.24

Page Total: \$323,028.78

Line	Claimant	Voucher No.	Amount
45	Earl F. Andersen, Inc.	000030268	269.95
46	Ehrhorn,Wendy	000000000	150.00
47	Emergency Apparatus Maint.,Inc.	000000000	370.04
48	Falk,Lynn	000030269	275.00
49	Fastenal Company	000030270	121.80
50	Fenner,Kevin	000000000	41.18
51	Ferguson Waterworks #2516	000030271	979.27
52	Flagship Recreation, LLC	000030272	312.00
53	FleetPride, Inc.	000030273	147.73
54	Flexible Pipe Tool Company	000000000	4,994.90
55	Forum Communications Company	000000000	900.00
56	Further - City of Bemidji	000000000	277.30
57	Gopher State One-Call	000000000	441.15
58	Grand Forks Fire Equipment LLC	000000000	742.13
59	Graphic FX	000030274	62.93
60	Guardian Fleet Safety	000030275	11,155.01
61	Guardian Pest Control, Inc	000030276	43.84
62	Hafeman,Tracy	000030277	225.00
63	Hawkins, Inc.	000000000	13,879.90
64	HBI Radio Bemidji	000030278	300.75
65	Headwaters Regional Development Commission	000030279	1,448.75
66	Illinois Library Association	000030280	37.43
67	Imperial Supplies LLC	000030281	418.74
68	Ink Spot Press	000030282	219.12
69	Innovations in Quality	000030283	92.96
70	Innovative Office Solutions, LLC	000030284	1,473.53
71	Jim Hirt Trucking, Inc	000030285	1,942.14
72	Joe's Northwoods Pest Control	000030286	130.00
73	Johnson Bros., Inc.	000030288	37,573.96
74	Johnson Construction Co.	000030289	900.00
75	Johnson,Gary	000030287	2,675.00
76	JT Properties, LLC	000030290	5,866.73
77	Kennedy & Graven Charter	000030291	184.50
78	Kenny's	000030292	4.91
79	Knott,Jerika	000030293	225.00
80	Kolstad,Kerri	000030294	169.99
81	Kraus-Anderson Construction Co.	000030295	7,000.00
82	Kriens,Alicia	000030296	65.00
83	L & M Supply, Inc.	000030297	159.50
84	Lake of the Woods County	000000000	582.10
85	Larry's Machine Shop	000030298	47.77
86	Larson Environmental Consulting	000030299	800.00
87	Lawson Products, Inc.	000030300	215.81
88	League of MN Insurance Trust	000030301	273.71
89	Learning Landscapes Design LLC	000030302	6,334.50
90	Liberty Process Equipment, Inc.	000030303	2,459.74
91	Macqueen Emergency Group	000000000	2,804.11
92	Macqueen Equipment, Inc.	000000000	331.44
93	Marco Technologies LLC	000030304	160.63
94	Marco, Inc.	000000000	47.77
95	McKinnon Co., Inc.	000030305	45,087.50
96	Menards-Bemidji	000000000	402.80
97	MN Continuing Legal Education (CLE)	000030306	88.00
98	MN Municipal Beverage Assn	000030307	3,700.00
99	MN Valley Testing Lab, Inc.	000000000	109.00
100	NAPA Auto Parts	000000000	1,246.57
101	Naylor Heating & Refrigeration, LLC	000000000	1,018.77

Page Total: \$161,987.36

Line	Claimant	Voucher No.	Amount
102	NCL of Wisconsin, Inc	00000000	87.61
103	Nei Bottling, Inc.	000030308	653.43
104	Northern Paving Inc.	000030309	234.00
105	Northwoods Ice, Inc.	000030310	2,244.60
106	NW Tire, Incorporated	000030311	186.99
107	Paskvan Real Estate LLLP	000030312	1,725.00
108	Paustis & Sons	000030313	11,451.84
109	Per Mar Security Services	000030314	1,126.22
110	Phillips Wine & Spirits	000030315	34,404.48
111	Pole Painting Plus	000030316	19,700.00
112	Port-Able John Rental & Service, Inc.	000000000	508.00
113	Port-O-Wild Security, Inc.	000000000	1,236.75
114	Postmaster	000030317	1,679.92
115	PowerPlan OIB	000030318	665.25
116	Priority Payment Systems	000000000	96.72
117	PS Mow & Snow Co	000030319	325.00
118	Quill Corporation	000030320	531.97
119	Rapids Process Equipment, Inc.	000030321	718.20
120	Richards Publishing Company	000030322	70.49
121	RITE	000030323	1,729.81
122	RMB Environmental Laboratories, Inc.	000030324	512.00
123	Roger's Two Way Radio, Inc.	000030325	2,408.00
124	S & T Services of Bemidji	000030326	100.00
125	Sadeks Repair & Welding, Inc.	000030327	1,537.19
126	Sanderson,Jason	000000000	150.00
127	Sanford Health	000030328	500.00
128	Sanford Health Occupational Med.	000030329	136.00
129	Snopl,Shon	000000000	61.49
130	Southern Glazer's of MN	000030330	40,639.03
131	Southside Tow & Rec, Inc	000030331	1,421.59
132	Sparky's Construction, Inc.	000030332	1,015.50
133	Springbrook Software LLC	000000000	1,011.00
134	Staples Advantage	000030333	420.16
135	Storlie Construction	000030334	315.00
136	Streicher's	000030335	380.00
137	Superior Outdoors LLC	000030336	1,076.59
138	T & K Outdoors, Inc.	000030337	8,844.99
139	Taft Stettinius & Hollister LLP	000030338	1,500.00
140	TDS Metrocom-MN	000000000	1,150.34
141	The Cleaning Co	000030339	266.00
142	Thein Well	000030340	560.00
143	Thomson Reuters-West	000030341	430.70
144	Tires Plus of Bemidji	000030342	76.20
145	Truax Patient Services	000030343	1,500.00
146	True Brands	000030344	1,998.08
147	US Bank - ACH	000000000	1,015,425.71
148	US Bank Merchant Billing	000000000	12,596.45
149	USA Bluebook	000030345	85.65
150	Verizon Wireless	000030346	140.04
151	Viking Industrial Center	000030347	326.58
152	Vinocopia, Inc.	000000000	1,621.72
153	Waste Management of WI-MN	000030348	5,480.84
154	Wells Fargo	000000000	17,577.50
155	Wells Fargo-ACH	000000000	15,051.08
156	White,Nicholas	000000000	282.00
157	Wine Merchants	000030349	2,524.00
158	Winebow	000030350	1,926.25

Page Total: \$1,220,423.96

<b>Line</b>	<b>Claimant</b>	<b>Voucher No.</b>	<b>Amount</b>
159	Young,Kyle	000030351	500.00
160	Zetah Construction, Inc	000030352	500.00
161	Ziegler, Inc.	000000000	50.00
			Page Total:
			\$1,050.00
			Grand Total:
			\$1,706,490.10

## Sanford Center Unpaid Bills Detail

	Reference	Invoice Amount
Battery Wholesale Inc.		139.49
	Work Truck Battery	139.49
Constellation NewEnergy - Gas Division, LLC		636.83
	Utilities	636.83
Higgins Heating		441.00
	Cooler Repair	186.00
	Cooler Repair	255.00
Hunt Electric Corporation		70.51
	2nd Quarter Alarm Monitoring	70.51
Marco Technologies LLC		472.32
	Copier Lease	472.32
Minnesota Hoist Inspection, Inc		755.68
	Scoreboard Hoists Inspection	755.68
Network Services Company		454.85
	Infared Thermometers	454.85
The Home Depot Pro		53.59
	Disposable Masks	28.37
	Disposable Masks	25.22
VenuWorks, Inc.		14,395.71
	Victory Electro Sprayers	4,389.25
	July Management Fee	9,699.50
	Reimburse Credit Card Charges*	306.96
Waste Management of WI -MN		246.24
	Trash Services	246.24
Manual Checks & Debits		3,913.25
NeoPost	Annual ACH Fee	50.00
BridgePay	Credit Card Fees	19.95
Shiftboard Inc.	Annual Fee	1,500.00
Megan Chmielewski	Deposit Refund	1,750.00
NovaTime	Timeclock	68.40
City of Bemidji	Utilities	524.90
Manual Checks & Debits		21,579.47

\*Credit Card Charges

    Administration

306.96

    Total

306.96

Reviewed by Sanford Center Finance Subcommittee on 7/15/20

## **INFORMATION ADDENDUM TO VENUWORKS/SANFORD CENTER BILL LIST AGENDA LINE ITEM**

- Jackie, Bobby and I along the rest other local team are VenuWorks. The team and I have been navigating everything from the calendar, financials, vendor contracts, inventory, bookings, cancellations, postponements, BSU Hockey (from the remaining 2019- 2020 season along with the 2020-2021), the maintenance & security of the building, the peace time emergency and the stay at home order. During the stay at home order our team was ensuring the maintenance & security of the of the building and working with local non profits to ensure food security for our community. The VenuWorks team stepped up to volunteer and be available for Ruby's Pantry, the Regional Food Bank and the Bemidji Food Shelf.
- Secured PPP loans – with no risk to the City, guaranteed by VenuWorks – bringing over \$270,000 to Sanford Center
- The PPP moneys, secured by VenuWorks, paid the payroll and enabled the continued full employment of Bemidji residents at Sanford Center for eight weeks at no cost to the City
- PPP funds secured and guaranteed by VenuWorks paid for over \$38K in Sanford Center utilities
- VenuWorks secured sanitizing equipment for Sanford Center, at discounted rates and well ahead of normal merchant supply timelines, including backpack electrostatic disinfectant sprayers
- VenuWorks provided direction and guidance with a full manual (SECURE) for the safe reopening of Sanford Center, detailing cleaning, PPE requirements, operating procedures and safety plans
- Continues to provide HR guidance and support to navigate personnel furloughs – 100% of event staff and 75% of fulltime venue staff are currently furloughed
- VenuWorks corporate office continues to provide support services in programming, contracting, ticketing, and safety planning
- VenuWorks provides ongoing weekly calls and updates, as details are different from city to city and state to state
- VenuWorks has continued to keep conversations with agents and promoters with the buildings best interests in mind
- VenuWorks executed and compiled a survey of Sanford Center patrons to learn about customer willingness to return to Sanford Center and the healthy/safety accommodations that patrons will expect
- VenuWorks is navigating corporate contracts such as Ticketmaster and event management system

- VenuWorks is providing guidance and language for new event contracts to allow for unknown impact of the pandemic on future events
- VenuWorks provides state and federal unemployment and HR updates to ensure that we continue to operate with these regulations
- VenuWorks assistance with financial projections to predict the budgetary impact of the COVID pandemic
- VenuWorks corporate offers regular support to the local team and even more so since the COVID pandemic
- VenuWorks has invested in the building with an \$80K POS upgrade and has not seen any F&B percentages since the pandemic and probably won't see anything for some time
- VenuWorks Corporate and Local have been anticipating the opening since we closed and we can't wait to welcome our fans back!

# GENERAL BUSINESS LICENSES - 2020

Type of License	Business Name	Business Location	Fee Paid
<b>Taxicab Driver</b>	<b>BRENT DANIEL VIZENOR</b>	<b>WITHIN BEMIDJI CITY LIMITS</b> First City Taxi	<b>\$20.00</b>



# Table for 7 Wine Beer - 2020

BUSINESS NAME	BUSINESS OWNER	MISC	LICENSE	FEE
TABLE FOR 7	AMBER LYNNE COOPER		Wine	\$585.00
TABLE FOR 7	AMBER LYNNE COOPER		Beer - On Sale	\$295.00

# **COUNCIL AGENDA ITEM**



**Meeting Date: July 20, 2020**

**Action Requested: Consider Approval of Two Utility Projects**

**Prepared By: Craig J. Gray, P.E.  
DPW/City Engineer**

**Reviewed By: Nate Mathews, City Manager**

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**Background:**

Staff is recommending that the city council consider authorizing two utility projects that are not in the 2020 Capital Improvement Plan, but have recently come to our attention.

**22<sup>nd</sup> Street Sanitary Sewer Extension** – There are two parcels located between 22<sup>nd</sup> and 23<sup>rd</sup> Street that have submitted new development plans. The proposed buildings from these development plans are shown in blue on the attached aerial photo. Currently the city has an 8” clay sanitary sewer main (shown in green) running north and south between the two blue buildings. We can eliminate this existing main by extending the existing sewer main that is in the alley south of 22<sup>nd</sup> Street. The proposed main extension is shown in red. This new main extension would then be able to serve the proposed development and the city could abandon the main that runs between the buildings. This would eliminate a maintenance problem and be in the best long term interest of the city. Estimated cost is \$35,000.

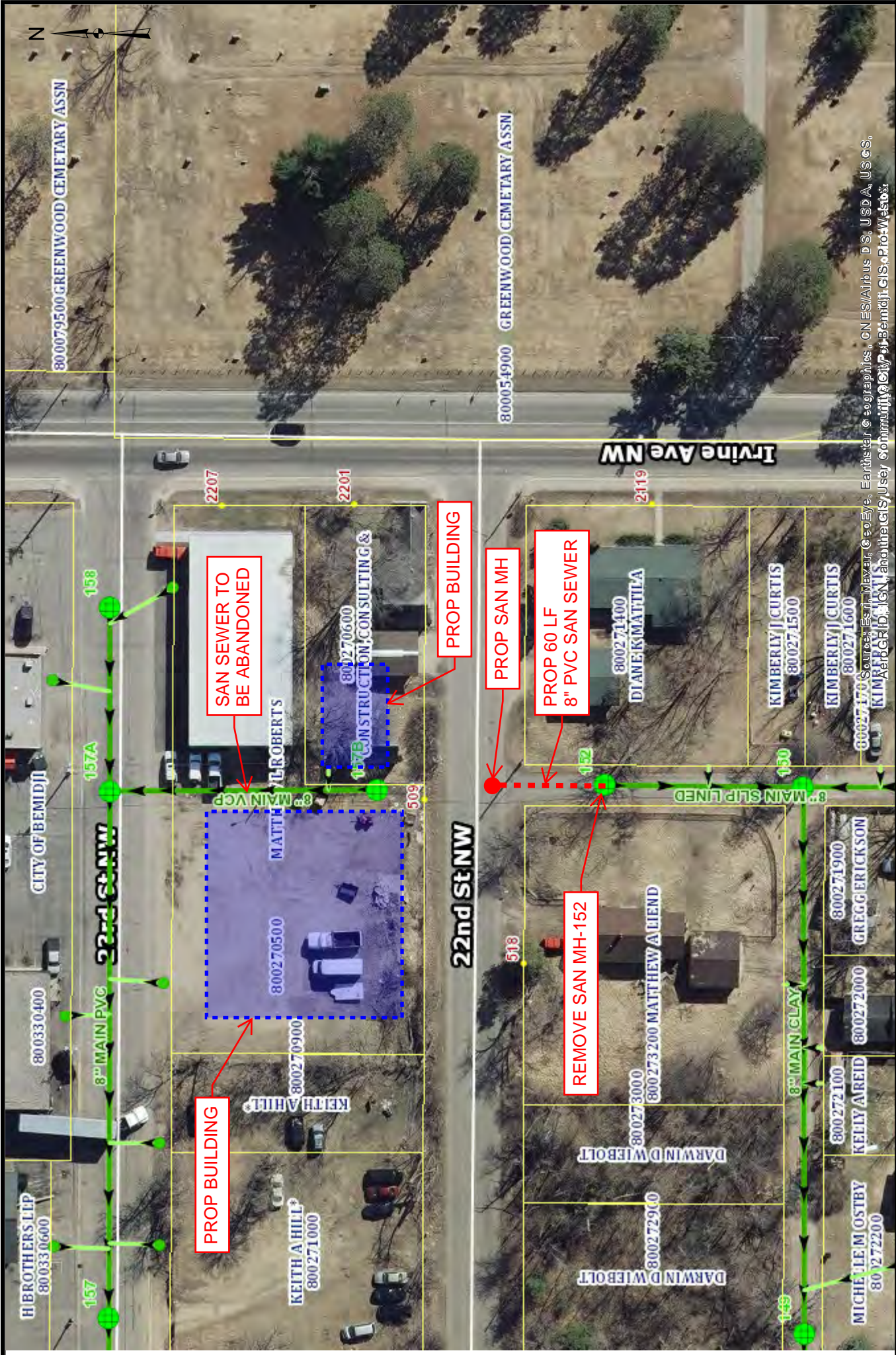
**Arch Lane Sanitary Sewer Replacement** – During our summertime sanitary sewer maintenance activities we found a sag in about 160 feet of existing 8” PVC sanitary sewer main. This causes water and solids to settle in the main and this can ultimately cause sewer back-ups into private homes. The sanitary sewer main needs to be dug up and replaced. This is also the same area where we have had some localized storm water flooding and we should install a centerline culvert under the road. This can be done at the same time as the sanitary sewer work. Estimated cost is \$45,000.

**Finances:**

The total cost of both projects is \$80,000. \$30,000 can be funded with the storm water utility fund and the remaining \$50,000 from the sanitary sewer utility fund.

**Recommendation:**

It is recommended that the city council pass a motion 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.



**22nd Sanitary Sewer Extension**

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:1,128

Date: 7/14/2020

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Source: Esri, Maxar, GeoEye, Earthstar, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**SAN SEWER TO BE ABANDONED**

**PROP BUILDING**

**PROP SAN MH**

**PROP 60 LF 8" PVC SAN SEWER**

**REMOVE SAN MH-152**

**PROP BUILDING**

800079500 GREENWOOD CEMETARY ASSN

800054900 GREENWOOD CEMETARY ASSN

CITY OF BEMIDJI

Irvine Ave NW

22nd St NW

800330400

H BROTHERS LLP  
800330600

800270500

800270900

KEITH A HILL  
800271000

IL ROBERTS

2207

2201

157A

158

157B

159

509

8" MAIN VCP

8" MAIN PVC

22nd St NW

8" MAIN CLAY

8" MAIN SLIP LINED

159

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July 14, 2020

MEMO

TO: Bemidji City Council Members  
Nate Mathews, City Manager

FROM: Tim Flathers, Executive Director  
Emily Tribby, Transportation Planner

SUBJECT: Trunk Highway 197 Committee

MnDOT staff has asked the HRDC to facilitate conversation among people representing a wide range of interests along the Trunk Highway 197 corridor. The purpose of the conversation is to reach broad agreement, if possible, on an approach to improving the highway beginning as soon as 2025. The goal is to provide the greatest benefit to the community recognizing that there are many interests to be considered. The interest groups that are included on the attached Committee list include: Business (those that own businesses along the corridor as well as representatives from the Chamber); development organizations such as Greater Bemidji and the JPB; bicycling; BSU student; a resident living near the corridor; public safety; transportation and City Council members.

We have attempted to include people who have called to express interest in serving on the Committee. We did receive more calls from business interests than we could accommodate while keeping the group at a reasonable size. We made owners of businesses located along the corridor a higher priority than those who owned businesses in other locations. We also gave priority to people who contacted us first, and who we were able to talk to about the project and the role of Committee members.

We were initially hoping to limit the size of the group to 15-18 members, but given the diversity of interests that need to be represented, that was not possible. So, we're presenting a recommendation to accept a little larger Committee acknowledging that it does not include every person who volunteered to serve. We will find ways for any interested person to provide their perspective, whether they are members of the Committee or not.

We would like the City Council to accept the Committee as presented, or with any changes that you feel are warranted. The group will begin meeting in August and will likely meet remotely in the short term. The entire process may take 10-12 months. Please let us know if you have any questions or comments regarding the formation of the Committee or the process.

### 197 Corridor Visioning Committee Membership

1. Business: **Mark Dickinson** – Dickinson Century 21
2. Business: **Arch Simonson** – Simonson’s Market
3. Business: **Gary Gregg** – Clarity Glass
4. Business: **John Meyers** – Marketplace Foods & Westridge Shopping Center
5. Business: **Tiffany Baer Paine** – SecurityBank USA
6. Business: **Jim Naylor** - Trek North Building
7. Business: **Steve Hill** – Hill’s Plumbing, owner of other properties
8. Stakeholder group: **Abby Randall & John Svingen** – Chamber of Commerce
9. Stakeholder group: **Torry Swedberg** - ADA
10. Stakeholder group: **Mur Gilman** - Bike Bemidji
11. Stakeholder group: **Maggie Lowrey** – BSU Student
12. Stakeholder group: **Jaimie Thibedeaux** – Resident
13. Stakeholder group: **Debbie Wold** – HRA of Bemidji
14. Transportation: **Beryl Wernberg** – Retired Emergency Dispatch / TZD volunteer
15. Planning/development: **Dave Hengel** – Greater Bemidji
16. Planning/development: **Casey Mai** - JPB
17. Public Safety: **Mike Mastin** - Public Safety
18. City of Bemidji: **Emelie Rivera** - City Council member
19. City of Bemidji: **Ron Johnson** - City Council member
20. City of Bemidji: **Sam Anderson** - City Engineering Dept.
21. MnDOT: **Bill Pirkl** - MnDOT

Participant Observers- Newspaper/radio/tv (Larisa Donovan, Paul Bunyan Broadcasting; Mathew Leidke, Pioneer)



City Manager's Office

**TO:** Honorable Mayor Albrecht and City Councilmembers  
**FROM:** Nate Mathews, City Manager  
**DATE:** July 14, 2020  
**RE:** August 10 Work Session discussion

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On June 22, the Public Affairs Committee discussed with the Police Chief the concept of developing and establishing a Police Advisory Committee, and then recommended an August 10 Special City Council Work Session/Listening Session at the Sanford Center to hear citizen's input and ideas regarding an advisory committee, or suggestions of alternative entities or process other than an advisory committee. However, due to COVID-19 all Sanford Center events and meetings and events in the month of August have been tentatively cancelled.

As you are aware, the number of confirmed COVID cases are on the rise in Bemidji/Beltrami County area and it may be that by August 10 the City Council otherwise may not be able, legally or otherwise, to have or hold in-person public hearing/input meetings due to public health concerns related to COVID. On Monday I would like to discuss with the Council all alternative meeting forums (for example, the CiscoWebEx format we are using now), including the Sanford Center, that you might be willing to consider in holding this scheduled August 10 Work Session.

Finally, it may be worth committing some discussion time on Monday to the consideration of possibly having a third party moderator for the August 10 Work Session/Listening Session.

# **COUNCIL AGENDA ITEM**



**Meeting Date:** July 20, 2020

**Action Requested:** Discussion of Face Covering/Masking in response to Public Health Risks from Rising Number of COVID Cases in Bemidji Area.

**Prepared By:** Alan Felix, City Attorney

**Reviewed By:** Nate Mathews, City Manager

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At the City Council work session this past Monday, several Council members shared their concern about the perceived need to require mandatory face coverings by individuals in public settings due to the recent uptick of COVID-19 cases in the Bemidji Area. Several Minnesota Cities have recently passed local emergency ordinance measures to require the same, i.e., Duluth, Mankato, Edina, Rochester, and Winona. (See attached.) Other cities as well may be considering similar measures. At Monday's meeting, Legal Staff related that we would provide recommendations of options for the Council's consideration, particularly if the Governor did not act in this regard in the interim before the July 20 Council Meeting.

As an aside, as of July 16, 2020, Governor Walz has not issued a State Executive Order making masking a mandatory requirement, though the Orders issued to date have strongly recommended the use of masks in many contexts, including public settings.

Consequently, Staff prepared the following list of options for the Council's consideration, including two (2) emergency measures, one being an Emergency Ordinance and the other an Amendment of the Local Emergency Declaration previously passed by the Mayor and Council.

## **BACKGROUND:**

### **State and Local Emergency Status**

Without regurgitating the history of the state and local emergency measures enacted to date, the current state peacetime emergency has been extended through August 12, 2020. Likewise, the Local Emergency previously declared by the Mayor and Council, continues and will continue unless terminated by resolution of the City Council.

COVID-19 has continued to spread throughout the United States, Minnesota, and specifically in Beltrami County and the City of Bemidji. As of July 17, 2020, the total number of confirmed positive cases in the United States is 3,483,832 with 136,938



deaths, in Minnesota the number of confirmed positive cases are 44,347 with 1,526 deaths, and Beltrami County has 71 confirmed positive cases and zero (0) deaths. Again, the concern is that with the number of confirmed positive cases surging, there is the corresponding increased threat to the response capacity of our local hospital, clinics, and healthcare workers.

### COVID-19 Transmission and effect of face masks

Additionally, growing scientific evidence suggests that COVID-19 spreads through aerosolized particles that are released into the air when an infected person breathes, laughs, sneezes, or coughs. The argument for masking is based upon the concern that a large number of individuals who may be positive for COVID-19 may be asymptomatic, and may unknowingly transmit the disease to others.

\*[LMC Source: According to recent reports in medical publications, the use of facial masks could result in a large reduction in the risk of infection of COVID-19. (Chu, Akl, Duda, et al., "Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis," *The Lancet*, Vo. 395, Issues 10242, P19733-1987, June 27, 2020.) Another study suggests that as many as 230,000-450,000 cases may have been averted as of May 22, 2020 in the United States as a result of state mandates to wear masks. (Lyu and Wehby, "Community Use of Face Masks and COVID-19: Evidence from a Natural Experiment of State Mandates in the US," June 16, 2020 <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00818>. ]

### What other cities are doing

\*See attached example Emergency Ordinance/Resolution/Declaration Examples from Duluth, Mankato, Edina, Rochester, Winona, and Minnetonka.

### **OPTIONS:**

Four Options to consider:

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.

### **RECOMMENDATION:**

Consider the different options respecting Council action in regards to the wearing of masks while in indoor public places.

# **CITY OF BEMIDJI**

## **ORDINANCE NO. , 3<sup>rd</sup> Series**

### **AN EMERGENCY ORDINANCE RELATING TO FACE COVERING REQUIREMENTS WITHIN SPECIFIED INDOOR SPACES WITHIN THE CITY**

**THE CITY OF BEMIDJI DOES ORDAIN:**

#### **SECTION 1. PREAMBLE**

Since March 27, 2020 the City of Bemidji has been under a local state of peacetime emergency, due to the worldwide COVID-19 pandemic. The conditions that gave rise to the state of emergency continue to exist. The United States now leads the world in the number of confirmed COVID-19 cases, and in some parts of the United States, the number of confirmed cases is surging, posing a threat to the response capabilities of health care facilities. Growing scientific evidence indicates that the wearing of face coverings in public significantly reduces the risk of infection from COVID-19.

The Center for Disease Control and Prevention (CDC), the Minnesota Department of Health (MDH), the Mayo Clinic, the US Surgeon General, Governor Tim Walz, and Beltrami County Public Health have all urged the use of face coverings as a measure to reduce or prevent the spread of COVID-19. This emergency ordinance is adopted in response to the emergency and in accordance with Section 3.07 of the Bemidji City Charter to protect the public safety, health and welfare.

#### **SECTION 2. FINDINGS**

The Bemidji City Council makes the following findings:

- On March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary statewide responses to the COVID-19 pandemic;
- On March 27, 2020, City of Bemidji Mayor Rita Albrecht declared a Local Emergency due to the COVID-19 Pandemic, to which the Council consented;
- Scientific studies suggest that wearing face coverings significantly reduces the risk of infection from COVID-19 and that face covering mandates could save hundreds of thousands of lives in the United States;
- In the interim, Governor Walz has issued multiple executive orders regarding limitations on businesses being open in order to prevent hospitals and supplies from being overrun and to minimize the need of future reclosing efforts based on public health data, including the strong encouragement of the use of manufactured or homemade face coverings as a measure to reduce or prevent the spread of COVID-19;

- The City experiences thousands of visitors throughout the summer who come to recreate and enjoy the Paul and Babe Statues, along with our many lakes and natural beauty;
- Beltrami County has seen a rapid rise in confirmed positive COVID-19 cases in the month of July;
- The primary benefit of most face coverings is that it reduces the spread of infection by the wearer to others. Many individuals with COVID-19 are asymptomatic and may risk unknowingly transferring the virus to others;
- On June 28, 2020 the CDC issued the following guidance for mask use:
  1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain;
  2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
  3. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
- Several businesses in the City and surrounding areas have voluntarily closed for periods of time due to concerns over the growing number of confirmed positive COVID-19 cases and possible employee exposure to individuals who have had tested positive with COVID-19;
- A number of local businesses have already required masks and many local citizens have requested the City require that masks be worn in public settings;
- Beltrami County Public Health, along with Sanford Health Care are recommending the use of face coverings in public places and following the CDC guidelines in order to reduce the spread of COVID-19 in the City of Bemidji and Beltrami County, along with social distancing, good hand hygiene, and other prevention measures;
- This ordinance is enacted for the purpose of protecting the public health, promoting the local economy, minimizing the need for future reclosing based on public health, and reducing the demand that COVID-19 cases place upon the healthcare system;

### **SECTION 3. FACE COVERING REQUIREMENT**

For the purposes of this ordinance the following definitions apply:

“Space of public accommodation” means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Bemidji government buildings, and service establishments and facilities that offer food and beverages not

for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries.

“Face coverings” means a cloth covering that fully covers a person’s nose and mouth. The terms “mask” and “face covering” are synonymous.

All individuals shall wear a face covering that covers both their nose and mouth, in the following defined indoor areas accessible to the public, unless exempted under Section 4 below.

**Restaurants and Bars.** Must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.

**Spaces of Public Accommodation.** Customers must wear a face covering before entering a business and until exiting the business. Employees must wear a face covering when the employee is within any indoor area open to the public or within six feet another person unless separated by a barrier. Spaces of public accommodations must include the requirements of this proclamation in their COVID-19 Preparedness Plan.

**Public Transportation.** Users are required to wear a face covering before boarding any public transportation and wear the face covering until the user exists the mode of public transportation.

**Entertainment Venues.** Users are required to wear a face covering when the user is within six (6) feet of another person. When the user is seated and not within six (6) feet of another person, they may remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.

**Gyms, Fitness Centers, and Sports Facilities, including City Owned Sports Facilities.** Employees, staff participants and spectators shall wear a face covering at all times when the individual is indoors and within six (6) feet of another person. Face coverings are not required while actively participating in permitted athletic activities. Businesses shall include the requirements of this proclamation in their COVID-19 Preparedness Plan.

**Common Spaces in Multi-Family Residential and Multi-Tenant Office Buildings.** Residents of multi-family housing buildings, and their guests, and tenants, employees and their guests in multi-tenant office buildings, shall wear a face covering when in common spaces such as hallways, corridors, lobbies, restrooms, mail rooms, elevators, trash and recycling rooms, fitness centers, recreation rooms, laundry rooms, and other space owned and used in common by residents, employees, and tenants of the building.

#### **SECTION 4. EXEMPTIONS.**

A face covering is not required for:

- a. Facilities operated by the County, State, or Federal Government;
- b. Children five (5) years of age or younger;
- c. Individuals actively eating or drinking;
- d. Individuals temporarily removing the face covering for identification purposes;
- e. Individuals unable to wear a face covering due to medical, disability, or developmental reasons that have been exempted by a licensed medical professional;
- f. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six (6) feet or more away from other individuals;

- g. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
- h. Participants in youth sports, as defined by the State's Executive Orders, but these participants are subject to all requirements under the State's Executive Orders;
- i. Police Officers, Firefighters, and other first responders when not practical while performing their official duties;
- j. In settings where wearing a mask is not feasible, including when obtaining or rendering services such as medical or dental services, swimming, or while actively participating in organized athletic competitions or practices (so long as they are following the State Executive Orders);
- k. Education and Child Care Facilities with written plans in compliance with State guidelines;

## **SECTION 5. REQUIRED SIGNAGE.**

Businesses covered by provisions of this ordinance shall post signage at all public entrances to the business which notifies the public that face coverings are required pursuant to Bemidji City Ordinance.

## **SECTION 6. ENFORCEMENT.**

### **[Optional Enforcement Provisions]**

**Option 1: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both.

**Option 2: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both.

- a. It is the responsibility of business owners or managers to ensure their employees and customers are in compliance with this declaration. If a customer is not wearing a face covering or refuses to wear a mask, it is the business owner or manager's responsibility to ask the customer to leave or wear a face covering. If the customer continues to refuse to leave or wear a face covering, law enforcement may be called to assist and the customer may be charged with a violation of trespassing law or any other law the customer may violate.
- b. Any business in violation of this emergency declaration shall be subject to administrative action for any licenses they possess within the City.
- c. Voluntary compliance will be requested with warning being issued. Repeated violations by an individual or business would be handled in the same fashion. The City would seek voluntary compliance and cite only when the individual or business refuse to comply with the request for compliance.

**Option 3: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both. Any business in violation of this emergency declaration shall be subject to administrative action for any licenses they possess within the City.

**SECTION 7. EFFECT**

This emergency ordinance supersedes inconsistent or conflicting provisions of the Bemidji City Code and any resolution or ordinance while this emergency ordinance remains in effect.

**SECTION 8. DURATION**

This Emergency Ordinance is effective as of 11:59 p.m. on July \_\_\_\_, 2020. The ordinance will expire 6 months after its effective date or upon the expiration of the local emergency to which it relates, whichever is first.

Yeas:  
Nays:  
Absent:

Adopted this \_\_\_\_\_ day of July, 2020

ATTEST:

APPROVED:

\_\_\_\_\_  
Michelle Miller, City Clerk

\_\_\_\_\_  
Rita Albrecht, Mayor

**Mayor's Proclamation Requiring Face Coverings in Indoor Areas Accessible to the Public**  
(Pursuant to Winona City Code § 23.06 and Minn. Stat. § 12.29)

WHEREAS, Novel Coronavirus Disease 2019, commonly known as "COVID-19," which is a respiratory disease that can result in serious injury or death, is spreading globally and has been identified by the World Health Organization ("WHO") as a pandemic; and

WHEREAS, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response; and

WHEREAS, on March 16, 2020, Mayor Mark Peterson and the City Council declared a local emergency regarding COVID-19 that continues in effect until its rescission by the City Council; and

WHEREAS, Governor Walz signed Executive Order 20-56 to rescind the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged, "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by the Minnesota Department of Health ("MDH") and the Center for Disease Control ("CDC") until this Executive Order is rescinded. Such face masks and coverings are for source control to help limit the person wearing the covering from infecting others; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on face coverings:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain;
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others;
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; and



WHEREAS, Winona County Public Health Services follows CDC recommendations and supports the wearing of face coverings in public settings; and

WHEREAS, Winona Health supports the wearing of facemasks in public settings. The proper use of facemasks helps to reduce the spread of COVID-19 to vulnerable adults; and

WHEREAS, many individuals infected with COVID-19 show no symptoms, yet risk transferring the disease to others. Wearing a face covering greatly reduces the risk of COVID-19 being spread through the community; and

WHEREAS, a primary purpose of the above-mentioned State Executive Orders requiring limitation on business operations is to prevent hospitals and supplies from being overrun. The purpose of this declaration is to protect health and safety, and minimize the potential that local businesses and employers may need to reclose due to an increase in state or local COVID-19 cases; and

WHEREAS, many businesses have already required masks within their premises; and

WHEREAS, pursuant to Minnesota Statutes, Section 12.29, subd. 2, necessary aspects of the City of Winona's disaster plan were invoked by the Mayor's declaration of local emergency; and

WHEREAS, Section 23.06 of the Winona City Code permits the Mayor to promulgate necessary emergency regulations by proclamation respecting "the conduct of persons . . . during an emergency," "emergency health . . . regulations," and "all other matters which are required to protect public safety, health and welfare in emergencies or disasters."

NOW, THEREFORE, BE IT RESOLVED, I, Mark Peterson, Mayor of the City of Winona, hereby declare:

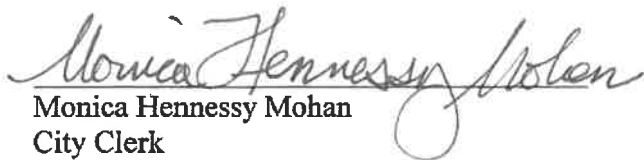
1. All individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus or for hire transportation, unless exempted as follows:
  - a. Individuals within facilities operated by the County, State or Federal Government;
  - b. Individuals within personal care services/salons that already have State face covering requirements;
  - c. Individuals within medical facilities that already have face covering requirements;
  - d. Children two years of age or younger;
  - e. Individuals actively eating or drinking;
  - f. Individuals temporarily removing the face covering for identification purposes;
  - g. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;

- h. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals;
  - i. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
  - j. Participants in youth sports who are subject to all requirements under State Orders.
- 2. Restaurants and Bars must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
- 3. Retail Businesses must include in their COVID-19 Preparedness Plan that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the retail business and must wear the face covering until exiting the retail business.
- 4. Public and for hire Transportation users are required to wear a face covering before boarding and entering a bus or for hire vehicle and wear the face covering until the user exits the vehicle.
- 5. Gyms, Fitness Centers, and Sports Facilities participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person. For purposes of this declaration, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
- 6. Entertainment Venue users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- 7. Enforcement: Violation of this emergency proclamation is not a criminal offense. However:
  - a. Any individual who fails to comply with this proclamation will be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the proclamation due to medical, disability, or developmental reasons;
  - b. Any business violating this proclamation shall be subject to administrative action for any licenses they possess with the City.

8. For purposes of this proclamation, “face covering” shall mean a manufactured or homemade cloth covering that fully covers an individual’s nose and mouth. The terms “mask” and “face covering” are synonymous.
9. Businesses and organizations are encouraged to provide face coverings for customers at no or nominal cost.
10. Restaurants and bars are encouraged to take advantage of outdoor seating.
11. Effective Date. This emergency proclamation shall take effect at 12:01 a.m., Friday, July 10, 2020. This proclamation shall continue in effect for the effective date until the earlier of the following:
  - a. The enactment of a statewide order by Governor Walz requiring face coverings in indoor areas accessible to the public;
  - b. The City of Winona Emergency Management Director, in consultation with Winona Health, and Winona County Public Health Services recommends this proclamation is no longer necessary;
  - c. The State’s Peacetime Emergency Declaration ends;
  - d. The Winona City Council resolves to rescind this declaration;
  - e. 30 days after the effective date of this declaration.

Dated this 7th day of July, 2020.

  
Mark F. Peterson  
Mayor

  
Monica Hennessy Mohan  
City Clerk

### **THIRD AMENDMENT TO DECLARATION OF LOCAL EMERGENCY**

#### **Amending Local Emergency Regarding Required Face Coverings.**

WHEREAS, On March 13, 2020, Governor Tim Walz declared a statewide emergency in response to the COVID-19 pandemic; and,

WHEREAS, On March 20, 2020, Mayor Kim Norton issued a Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, On May 25, 2020, Mayor Kim Norton issued an Amendment to the Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, On June 27, 2020, Mayor Kim Norton issued a Second Amendment to Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans, and authorizes aid and services in accordance with mutual aid agreements. That authority is also found in Rochester Code of Ordinances, Section 8-1-5; and

WHEREAS, Kim Norton is the duly elected Mayor of the City of Rochester and wishes to invoke the authority provided for in Minn. Stat. §12.29, subd. 1, and R.C.O. §8-1-5, to declare a local emergency; and

WHEREAS, many individuals with COVID-19 are asymptomatic, yet risk transfer to others. Wearing a face covering greatly reduces risk of community spread; and

WHEREAS, Mayo Clinic supports the wearing of cloth facemasks in public settings. The proper use of facemasks helps to reduce the spread of COVID-19 to vulnerable adults; and

WHEREAS, Olmsted County Public Health Services follows Centers for Disease and Prevention (CDC) recommendations and supports the wearing of cloth face coverings in public settings; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on mask use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
4. Cloth face coverings should NOT be worn by children under the age of 2 or

anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

WHEREAS, Rochester is the Med City and has thousands of daily visitors here for medical treatment. Rochester wants these visitors, many with serious underlying medical conditions, to feel safe when they visit; and

WHEREAS, the purpose of State Orders requiring limitations on businesses being open and capacity limits is to prevent hospitals and supplies from being overrun. The purpose of this Order is to minimize the need for future reclosing efforts based on public health data; and

WHEREAS, many businesses have already required masks and others indicated they would if the local jurisdiction requires them.


NOW, THEREFORE, MAYOR NORTON ORDERS AS FOLLOWS:

1. The existing Emergency Declaration, as amended, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or further Council action.
2. It is hereby Ordered that starting July 8, 2020, and continuing until the sooner of:
  - a. Governor Walz enacts a statewide order requiring face coverings.
  - b. The City of Rochester Emergency Management Director, in consultation with Mayo Clinic, Olmsted Medical Center and Olmsted County Public Health Services recommends it is no longer necessary.
  - c. An end to the State's Peacetime Emergency Declaration.
  - d. Council Resolution.
  - e. September 4, 2020.
  - f. All individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus, unless exempted, as follows:
    - i. **Restaurants and Bars** must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
    - ii. **Retail Businesses** must include in their COVID-19 Preparedness Plan that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the retail business and must wear the face covering until exiting the retail business.
    - iii. **Public Transportation** users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.

- iv. **Gyms, Fitness Centers, and Sports Facilities** participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person. For purposes of this Order, pools, trampoline parks, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
  - v. **Entertainment Venue** users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- g. Exemptions: This Order does not apply to:
- i. Facilities operated by the County, State or Federal Government.
  - ii. Personal Care Services/Salons that already have State face covering requirements.
  - iii. Medical facilities that already have face covering requirements.
  - iv. Children two years of age or younger.
  - v. Individuals actively eating or drinking.
  - vi. Individuals temporarily removing the face covering for identification purposes.
  - vii. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
  - viii. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.
  - ix. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
  - x. Participants in youth sports are exempt from this Order but subject to all requirements under the State's Executive Orders.
- h. Enforcement: Violation of this Order is not a criminal offense. However:
- i. Any individual who fails to comply with this Order will be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the Order due to medical, disability, or developmental reasons.
  - ii. Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.

3. For purposes of this Order, "face covering" shall mean a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous.
4. Businesses and organizations are encouraged to provide masks for customers at no or nominal cost.
5. Restaurants and bars are encouraged to take advantage of outdoor seating.

Dated at Rochester, Minnesota this 6th day of July, 2020.

  
\_\_\_\_\_  
Kim Norton, Mayor

  
\_\_\_\_\_  
City Clerk

**CITY OF EDINA  
LOCAL EMERGENCY ORDER #2020-03**

**Amending Local Emergency Order #2020-02  
Regarding Required Face Coverings**

WHEREAS, on March 13, 2020, Gov. Tim Walz declared a statewide emergency in response to the COVID-19 pandemic; and,

WHEREAS, on March 16, 2020, Mayor James Hovland issued a Declaration of Local Emergency, to which the City Council consented; and,

WHEREAS, on July 1, 2020, Mayor James Hovland issued an Amendment to the Declaration of Local Emergency, Order #2020-02, to which the City Council consented; and,

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans, and authorizes aid and services in accordance with mutual aid agreements. That authority is also found in Edina City Code, Section 14-23; and,

WHEREAS, James Hovland is the duly elected Mayor of the City of Edina and wishes to invoke the authority provided for in Minn. Stat. §12.29, subd. 1, and Edina City Code section 14-23; and,

WHEREAS, many individuals with COVID-19 are asymptomatic, yet risk transfer of coronavirus to others; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on face covering use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; and



WHEREAS, a substantial number of health care professionals in Edina are recommending the use of face coverings in public spaces to reduce the spread of coronavirus; and

WHEREAS, in a scientific article published in *The Lancet* 2020; 395:1973-87, June, 2020 the study authors found, from a searched review of studies across 16 countries, that face masking could result in a large reduction in the risk of infection; and

WHEREAS, many businesses have already required face coverings for employees and customers and others have indicated they would if the local jurisdiction requires them; and

WHEREAS, wearing a face covering may greatly reduce the community spread of COVID-19; and

WHEREAS, the purpose of State Orders requiring limitations on both businesses being open and capacity limits is to prevent hospitals and supplies from being overrun; and

WHEREAS, the purpose of this Order is to minimize the need for future re-closing of businesses based on public health data and to reduce the risks of spreading coronavirus in the community.

NOW, THEREFORE, I, JAMES HOVLAND, MAYOR OF THE CITY OF EDINA, WITH THE CONSENT OF THE EDINA CITY COUNCIL, DO HEREBY ORDER THE FOLLOWING EMERGENCY REGULATION:

1. The existing Emergency Declaration, as amended, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or further Council action.
2. It is hereby Ordered that starting July 9, 2020, and continuing until the sooner of:
  - a. Gov. Walz enacts a statewide order requiring face coverings.
  - b. An end to the State's Peacetime Emergency Declaration.
  - c. A Resolution of the City Council rescinding the Order.
  - d. December 31, 2020.
3. All individuals shall wear a face covering in indoor areas accessible to the public, unless exempted under section 4 below:
  - a. Specific to the face covering mandate in section 3, the following shall also apply:
    - i. **Restaurants and Bars.** Must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
    - ii. **Spaces of Public Accommodation.** Owners and managers of spaces of public accommodation must include in their COVID-19 Preparedness

Plan that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the spaces of public accommodation and must wear the face covering until exiting.

- iii. **Public Transportation.** Users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.
- iv. **Entertainment Venues.** Users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- v. **Common Spaces in Multi-Family Residential and Multi-Tenant Office Buildings.** Residents of multi-family housing buildings, and their guests; and tenants, employees and their guests in multi-tenant office buildings shall wear a face covering when in common spaces such as hallways, corridors, lobbies, restrooms, mail rooms, elevators, trash and recycling rooms, fitness rooms, recreation rooms, laundry rooms and other space owned and used in common by the residents, employees and tenants of the building.

4. Exemptions: This Order does not apply to:

- i. Facilities operated by the County, State or Federal Government.
- ii. Personal Care Services/Salons that already have State face covering requirements.
- iii. Medical facilities that already have face covering requirements.
- iv. Children 5 years of age or younger.
- v. Individuals actively eating or drinking.
- vi. Individuals temporarily removing the face covering for identification purposes.
- vii. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
- viii. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.
- ix. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
- x. Participants in youth sports, as defined by the City of Edina, are exempt from this Order but subject to all requirements under the State's Executive Orders.

- xi. Indoor athletic facilities. Indoor athletic facilities shall follow CDC and MDH guidelines. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities but are encouraged to wear face coverings when not actively training.
- xii. Places of worship
- xiii. Public and private school facilities

5. Enforcement:

- i. Any individual who fails to comply with this Order will be asked to leave the property by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate.
  - ii. An individual's subsequent failure to comply with this Order may be subject to the penalty provisions of Sec. 14-23 and Sec. 1-18 of the Edina City Code which provides that in any case other than those in which a violation is expressly stated to be a petty misdemeanor in this Code, any person violating any provision of this Code, or Code any rule or regulation adopted under this will, upon conviction, be guilty of a misdemeanor, and be subject to a fine of not more than \$1,000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.
  - iii. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the Order due to medical, disability, or developmental reasons.
  - iv. Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.
6. For purposes of this Order, "face covering" shall mean a manufactured or homemade cloth, paper or plastic covering that fully covers an individual's nose and mouth, secured to the head with ties or straps or simply wrapped around the lower face. The terms "mask" and "face covering" are synonymous.
7. For purposes of this Order, a "space of public accommodation" means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Edina government buildings, and service establishments as well as recreational facilities, and service centers. This definition includes establishments and facilities that offer food and

beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries.

8. All employers of businesses that are spaces of public accommodation, as defined by this Order, shall require their employees to wear a face covering whenever such employees have face-to-face contact with the public, unless other physical barriers are in place or at least six feet of separation is maintained according to CDC guidelines.
9. The requirement in this Order that face-coverings be worn in certain circumstances is intended to add to (and not substitute for) other practices (such as hand washing, staying home when sick, and maintaining appropriate physical distancing of at least six feet) as recommended by public health officials to minimize the spread of COVID-19.
10. It is recommended that any individual cover their nose and mouth with a mask or a cloth face covering when physical distancing standards or at least six feet of separation cannot be maintained among all individuals in accordance with CDC guidelines when in outdoor spaces.
11. Owners or managers of property subject to this Order shall post written notice of this Order at all points used by the public to access the property.
12. Businesses and organizations are encouraged to provide masks for customers at no or nominal cost.
13. To the extent anything in this Order is inconsistent with the Emergency Executive Order 20-74 of Minnesota Gov. Tim Walz, the language of Emergency Executive Order 20-74 shall take precedence.

This Order is effective 12:01 a.m. (CST) on July 9, 2020.

By: 

\_\_\_\_\_  
Mayor James Hovland  
City of Edina, Minnesota  
July 8, 2020

**EMERGENCY ORDINANCE UNDER SECTION 2.15 OF THE MANKATO CITY CHARTER  
RELATING TO COVID-19 AND FACE COVERING REQUIREMENTS IN ACCORDANCE  
WITH CDC GUIDANCE WHEN IN INDOOR SPACES OF PUBLIC ACCOMODATION  
(#2020-4)**

**WHEREAS**, on March 13, 2020, Governor Walz issued Emergency Executive Order 20-01, declaring a Peacetime Emergency and coordinating Minnesota's strategy to protect from COVID-19; and

**WHEREAS**, Governor Walz signed Executive Order 20-56 to rescind the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged, "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others)"; and

**WHEREAS**, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

**WHEREAS**, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease, and also shows that Black, Indigenous, people of color, and immigrant community members are testing at a higher rate with Black and Hispanic community members accounting for a higher percentage of cases; and

**WHEREAS**, the city's workers and other essential workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure, and we must protect these essential workers from infection; and

**WHEREAS**, health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

**WHEREAS**, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms; and

**WHEREAS**, public health experts have determined that the use of a cloth face covering may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities; and

**WHEREAS**, as state leaders continue to dial back restrictions in spaces of public accommodation, the city has redoubled its efforts to maintain good hand hygiene, respiratory etiquette, and physical distancing while proceeding cautiously and with a focus on slowing community spread and avoiding unnecessary strain on our medical system.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Mankato that the following emergency regulations be enacted effective July 10, 2020:

1. Any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation.

2. All employers of businesses that are spaces of public accommodation as defined by this Ordinance shall require their employees to wear a cloth face covering whenever such employees have face to-face contact with the public.

Definitions:

3. A space of public accommodation means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Mankato government buildings, and service establishments as well as recreational facilities, and service centers. In addition to, establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the Place of Public Accommodation.

4. Spaces not considered places of public accommodation are health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities. Crisis shelters, soup kitchens, or similar institutions. Restaurants and food courts inside the secured zones of airports. This would also include indoor spaces within the campus of Minnesota State University, Mankato.

Exceptions: A face covering or mask shall NOT be required for:

a. Children two (2) years of age and under. Face coverings or masks may pose a risk of choking, strangulation, or suffocation to infants and young toddlers

b. Eating or Drinking. Persons may remove face coverings while eating or drinking, when seated at a table with at least six (6) feet of social distance from other patrons, provided that they re-cover their faces when interacting with persons not at their tables or when not seated.

c. Indoor Athletic Facilities (i.e. fitness centers, commercial gyms, etc.). Indoor athletic facilities shall follow CDC guidelines. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities, but are encouraged to wear face coverings when not actively training.

d. Movie Theaters and other indoor Entertainment Venues. Persons may remove face coverings when seated in their assigned seat with at least six (6) feet of social distance from other patrons, provided that they re-cover their faces when not seated.

5. Cloth face-covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.

6. Medical-Grade Mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

Additional Terms

7. A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation, and/or misdemeanor prosecution. Minn. Stat. §12.45. City Code.

a. Licensed Establishments - voluntary compliance will be requested with warning being issued. Further violations would constitute a strike/administrative penalty (Resolution R-16-1212-272 and matrix to include strike and corresponding administrative penalty (\$200 plus associated court fees).

b. Unlicensed Establishments – voluntary compliance will be requested with warning being issued. Further violations would constitute an administrative penalty (\$200 plus associated court fees).

c. Individuals/Patrons – voluntary compliance will be requested with warning being issued. Further violations would be cited as a misdemeanor offense per MS 12.45. The city could request that the district court designate this violation as a payable offense approved by the Minnesota Judicial council. The payable offense would follow the class II nuisance violation of \$100 plus applicable court fees. Individuals could elect to not pay the fine and chose a court appearance process with a judge prescribing a different penalty/enforcement.

Repeated violations by an individual or a business would be handled the same. The city would seek voluntary compliance and cite only when the individual or business refuse to comply with the request for compliance.

This Ordinance shall, in accordance with the provisions of Section 2.15 of the Mankato City Charter, become effective immediately and shall be published and printed as prescribed for other adopted ordinances.

This Ordinance shall stand repealed as of the 61<sup>st</sup> day following the date on which it was adopted, unless it is extended, rescinded, superseded, or amended as adopted by the City Council.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Najwa Massad  
Mayor

Attest:

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Rena Kopischke, MMC  
Designated City Clerk

## Resolution No. 2020-

### **Resolution encouraging Governor Tim Walz to issue an executive order that establishes face mask requirements for indoor spaces open to the general public**

---

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

- 1.01. By Emergency Executive Order 20-01, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response, as of March 13, 2020. The state's peacetime state of emergency has been extended three times and continues in effect.
- 1.02. By Declaration of Emergency and Emergency Order 2020-01, Mayor Brad Wiersum has declared that a local emergency exists due to the COVID-19 health pandemic. The Minnetonka City Council agreed with the mayor's findings and consented to the declaration of a local emergency in Resolution No. 2020-029. The local state of emergency has been extended by Resolution No. 2020-040 and continues in effect.
- 1.03. The conditions that gave rise to the state and local states of emergency continue to exist. As of July 8, 2020, there have been 3,048,072 confirmed cases in the United States, resulting in 133,322 deaths, 39,133 confirmed cases in Minnesota, resulting in 1,511 deaths, 12,597 confirmed cases in Hennepin County, resulting in 787 deaths, and 214 confirmed cases in Minnetonka resulting in fewer than 5 deaths. The United States now leads the world in the number of confirmed COVID-19 cases.
- 1.04. A significant number of persons infected with COVID-19 may present as asymptomatic or presymptomatic, giving no outward appearance of being ill. Those persons may unintentionally spread the virus without knowing it.
- 1.05. Scientific studies suggest that wearing face coverings significantly reduces the risk of infection from the coronavirus and that face-covering mandates could save hundreds of thousands of lives in the United States.
- 1.06. On June 28, 2020, the Center for Disease Control and Prevention (CDC) issued the following guidance on face covering use:
  1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
  2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
  3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
  4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.



1.07. The primary benefit of most face coverings is that it reduces the spread of infection by the wearer to others. Because many persons infected with the coronavirus may be asymptomatic or presymptomatic, without any reason to know that they have the disease, a face-covering requirement protects the health of others, including business employees who provide essential services to the public as well as business customers.

1.08. The Minnetonka City Council is aware of some residents who are fearful of seeking out essential services from businesses because of their exposure to other members of the public who do not wear face masks.

Section 2. Council Action.

2.01. The Minnetonka City Council strongly encourages Governor Tim Walz to issue an executive order that establishes requirements for individuals to wear face masks in indoor spaces that are open to the general public.

Adopted by the City Council of the City of Minnetonka, Minnesota, on .

---

Brad Wiersum, Mayor

Attest:

---

Becky Koosman, City Clerk

**Action on this resolution:**

- Motion for adoption:
- Seconded by:
- Voted in favor of:
- Voted against:
- Abstained:
- Absent:
- Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on .

---

Becky Koosman, City Clerk

**Title**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-45 REQUIRING FACE COVERINGS INDOORS SPACES OF PUBLIC ACCOMMODATION. (REPLACEMENT)

**Body**

BY COUNCILORS FORSMAN, TOMANEK, KENNEDY, AND SIPRESS:

The city of Duluth does ordain:

Section 1. That Chapter 34 of the Duluth City Code is hereby amended by adding Section 34-45 as follows:

**Sec. 34-45.1. Face Covering Requirement - Purpose**

(a) Face coverings are a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks, or raises their voice. This is called source control.

(b) Respiratory droplets spread the virus that causes COVID-19 and recent evidence from clinical and laboratory studies show face coverings reduce the spray of droplets when worn over the nose and mouth.

(c) COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

(d) Social distancing is difficult to maintain indoors business establishments.

**Sec. 34-45.2. Definitions.**

For the purposes of this Article, the following words and phrases shall mean:

(a) A Space of Public Accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or public transportation, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, Duluth Transit Authority buses, facilities, and bus shelters, government buildings, the Duluth Skywalk system, places of worship, and service establishments as well as educational institutions, recreational facilities, and service centers.

(b) Face Covering means wearing a face mask, face shield, N95 respirator, neck gaiter, or fitted piece of material that:

- (1) Covers the mouth and nose;
- (2) Fits snugly against the side of the face; and
- (3) Is secured on the face.

**Sec. 34-45.3. Face Covering Required Indoors.**

(a) A Space of Public Accommodation Shall Require Face Coverings Indoors. It shall be unlawful for a Space of Public Accommodation to allow a person to enter or remain indoors their Space of Public Accommodation without wearing a Face Covering.

(b) Face Covering Required Indoors a Space of Public Accommodation. It shall be unlawful for a person to enter or remain indoors a Space of Public Accommodation without wearing a Face Covering.

(c) Required Notices. Spaces of Public Accommodation shall post notice of this Face Covering requirement in conspicuous locations inside and outside entrances to their Space of Public Accommodation.

(d) Exceptions. Sections (a)-(c) shall not apply to:

- (1) Persons under the age of ten years old;
- (2) Persons unable to wear Face Coverings for genuine medical reasons;
- (3) Persons in a private room of a multi-tenant residence, such as an apartment building, or lodging establishment, such as a hotel, motel, or vacation rental. Face Coverings must be worn in all indoor common areas of said establishments;
- (4) Business patrons who are actively eating and/or drinking provided that all individuals wear a Face Covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms;
- (5) Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided that six feet of distance exist between persons;
- (6) Education and child care facilities with written plans in compliance with state guidelines;
- (7) Fitness facilities with written plans in compliance with state guidelines;
- (8) In settings where it is not feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of medical or dental services, swimming, or while actively participating in organized athletic competitions or practices; and
- (9) Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter.

#### **Sec. 34-45.4. Violations- Penalties**

(a) Violations of this Section (34-45) by Spaces of Public Accommodation are punishable by one or more of the following:

- (1) Issuance of warning letter(s);
- (2) Fines not to exceed those set in accordance with Section 31-8 of this Code for the first and second offenses and a fine as provided in Section 1-7 of this Code for all subsequent offenses; and/or
- (3) Misdemeanor criminal prosecution pursuant to Minnesota Statutes Section 12.45.

(b) Violations of this Section (34-45) by persons are punishable by one or more of the following:

- (1) Civil trespass from the Space of Public Accommodation;
- (2) Prosecution, if applicable, for trespass in violation of Duluth City Code 34-30; and/or
- (3) Criminal prosecution, if applicable, for criminal trespass in violation of Minnesota Statutes Section 609.605.

#### **Sec. 34-45.5. Duration and Severability**

(a) In the event that the State of Minnesota Governor Timothy Walz ends his Declaration of Local Emergency related to COVID-19 pursuant to Minnesota Statutes Section 12.29, this entire Section (34-45) shall become null and void.

(b) In the event any provision of this Section (34-45) is preempted by executive order of State of Minnesota Governor Timothy Walz, those provisions of Section (34-45) shall become null and void.

Section 2. That pursuant to the Duluth City Charter Chapter III, this emergency ordinance shall require one reading by council and shall take effect immediately upon its passage by the council

**Statement of Purpose**

STATEMENT OF PURPOSE: This is an emergency ordinance prohibiting Space of Public Accommodations from allowing a person to enter or remain indoors their Space of Public Accommodation without wearing a Face Covering. The City Attorney confirms that this is an emergency ordinance filed under the authority of Chapter III of the Duluth City Charter. It does not require two readings and shall take effect immediately upon passage of the City Council.

Face coverings are recommended by the US Center of Disease Control and Prevention (“CDC”) as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks, or raises their voice. This is called source control. The CDC’s recommendation is based on what is known about the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows face coverings reduce the spray of droplets when worn over the nose and mouth. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

# RESOLUTION NO.

## A RESOLUTION ENCOURAGING THE COMMUNITY TO WEAR FACE COVERINGS IN PUBLIC AND AREA BUSINESSES TO REQUIRE FACE COVERING FOR EMPLOYEES AND CUSTOMERS.

**WHEREAS**, Governor Tim Walz issued Executive Order 20-01, which declared a Peacetime State of Emergency to authorize any and all resources to be used in support of the COVID-19 response. The Peacetime Declaration of Emergency continues to be in effect; and

**WHEREAS**, The City of Bemidji declared a Local State of Emergency on March 27, 2020 that was approved by the Bemidji City Council; and

**WHEREAS**, In the interim, Governor Walz has issued multiple executive orders regarding limitations on businesses being open in order to prevent hospitals and supplies from being overrun and to minimize the need of future reclosing efforts based on public health data, including the strong encouragement of the use of manufactured or homemade face coverings as a measure to reduce or prevent the spread of COVID-19; and

**WHEREAS**, the City experiences thousands of visitors throughout the summer who come to recreate and enjoy the Paul and Babe Statues, along with our many lakes and natural beauty; and

**WHEREAS**, the conditions that gave rise to the state and local emergency declarations continues to exist. As of July 16, 2020 there have been 3,483,832 confirmed cases of COVID-19 in the United States with 136,938 of deaths, 44,347 confirmed cases in the State of Minnesota with 1,526 number of deaths, and 71 confirmed cases in Beltrami County with zero deaths; and

**WHEREAS**, a significant number of individuals that are infected with COVID-19 may present as asymptomatic, giving no outward appearance of being ill. These individuals may unintentionally spread the virus without knowing it; and

**WHEREAS**, on June 28, 2020 the CDC issued the following guidance for mask use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain;
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others;
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; and

**WHEREAS**, Governor Walz, MDH, CDC, and the US Surgeon General have all encouraged the use of face coverings as a measure to reduce or prevent the spread of COVID-19; and

**WHEREAS**, Beltrami County Public Health, along with Sanford Health Care are recommending the use of face coverings in public places and following the CDC guidelines in order to reduce the spread of COVID-19 in the City of Bemidji and Beltrami County, along with social distancing, good hand hygiene, and other prevention measures; and

**WHEREAS**, the primary benefit of most face coverings is that it reduces the spread of infection by the wearer to others. As many individuals infected with COVID-19 may be asymptomatic, without any reason to know they have the virus, a face covering requirement protects the health of others, including business employees who provide essential services to the public, as well as business customers; and

**WHEREAS**, Beltrami County has seen a rapid rise in positive COVID-19 cases in the month of July; and

**WHEREAS**, a number of local businesses have already required masks and many local citizens have requested the City require that masks be worn in public settings; and

**WHEREAS**, several businesses in the City and surrounding areas have voluntarily closed for periods of time due to concerns over the growing number of confirmed positive COVID-19 cases and possible employee exposure to individuals who have had tested positive with COVID-19; and

**WHEREAS**, the City and the community as a whole, has a vested interest in ensuring that area businesses are able to remain open and keep employees and customers safe and healthy; and

**WHEREAS**, the Bemidji City Council has been contacted by community members who are concerned with the number of individuals who are in indoor public places without wearing face coverings, and are requesting the Council to take action to have more citizens and visitors wear face coverings when in indoor public places.

**NOW, THEREFORE, BASED UPON THE FOREGOING, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEMIDJI, MINNESOTA, AS FOLLOWS:**

1. That the Bemidji City Council strongly encourages all community members and visitors to wear face coverings while in indoor spaces that are open to the general public.
2. That the Bemidji City Council strongly encourages all area businesses to establish requirements for both employees and customers to wear face coverings while in indoor spaces that are open to the general public.

The foregoing resolution was offered by Councilmember \_\_\_\_\_, who moved its adoption, and upon due second by Councilmember \_\_\_\_\_, was passed by the following vote:

Yeas:  
Nays:  
Absent:

Passed:

ATTEST:

APPROVED:

\_\_\_\_\_  
Michelle R. Miller, City Clerk

\_\_\_\_\_  
Rita C. Albrecht, Mayor

# CITY OF BEMIDJI 1<sup>ST</sup> AMENDMENT TO THE DECLARATION OF A LOCAL EMERGENCY FOR COVID-19 PANDEMIC

**WHEREAS**, On March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary statewide responses to the COVID-19 pandemic; and

**WHEREAS**, On March 27, 2020, City of Bemidji Mayor Rita Albrecht declared a Local Emergency due to the COVID-19 Pandemic, to which the Council consented; and

**WHEREAS**, In the interim, Governor Walz has issued multiple executive orders regarding limitations on businesses being open in order to prevent hospitals and supplies from being overrun and to minimize the need of future reclosing efforts based on public health data, including the strong encouragement of the use of manufactured or homemade face coverings as a measure to reduce or prevent the spread of COVID-19; and

**WHEREAS**, The City experiences thousands of visitors throughout the summer who come to recreate and enjoy the Paul and Babe Statues, along with our many lakes and natural beauty; and

**WHEREAS**, Beltrami County has seen a rapid rise in confirmed positive COVID-19 cases in the month of July; and

**WHEREAS**, Many individuals with COVID-19 are asymptomatic and may risk unknowingly transferring the virus to others; and

**WHEREAS**, On June 28, 2020 the CDC issued the following guidance for mask use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain;
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
3. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;

**WHEREAS**, several businesses in the City and surrounding areas have voluntarily closed for periods of time due to concerns over the growing number of confirmed positive COVID-19 cases and possible employee exposure to individuals who have had tested positive with COVID-19; and

**WHEREAS**, A number of local businesses have already required masks and many local citizens have requested the City require that masks be worn in public settings; and

**WHEREAS**, Beltrami County Public Health, along with Sanford Health Care are recommending the use of face coverings in public places and following the CDC guidelines in



order to reduce the spread of COVID-19 in the City of Bemidji and Beltrami County, along with social distancing, good hand hygiene, and other prevention measures; and

**WHEREAS**, Minnesota Statute §12.29 allows the Mayor to declare existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans, and authorizes aid and services in accordance with mutual aid agreements; and

**WHEREAS**, Rita Albrecht, the duly elected Mayor of the City of Bemidji, wishes to again invoke the authority provided for in Minn. Stat. §12.29 Subd. 1 to amend the previously declared local emergency. The purpose of this amended declaration is to protect health and safety, and to minimize the potential that local businesses and employers may need to reclose due to an increase in the state or local COVID-19 cases.

**NOW, THEREFORE, I, RITA ALBRECHT, MAYOR OF THE CITY OF BEMIDJI, WITH THE CONSENT OF THE BEMIDI CITY COUNCIL, DO HEREBY ORDER AS FOLLOWS:**

**Declare a Local Emergency.** The existing Emergency Declaration, as amended herein, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or until further action of the Council.

**IT IS HEREBY FURTHER ORDERED:**

1. All individuals shall wear a face covering that covers both their nose and mouth, in the following defined indoor areas accessible to the public, unless exempted under Section 2 below.
  - a. **Restaurants and Bars.** Must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
  - b. **Spaces of Public Accommodation.** Customers must wear a face covering before entering a business and until exiting the business. Employees must wear a face covering when the employee is within any indoor area open to the public or within six feet another person unless separated by a barrier. Spaces of public accommodations must include the requirements of this proclamation in their COVID-19 Preparedness Plan.

For the purposes of this Order, a "space of public accommodation" means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Bemidji government buildings, and service establishments and facilities that offer food and beverages not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries.

- c. **Public Transportation.** Users are required to wear a face covering before boarding any public transportation and wear the face covering until the user exists the mode of public transportation.

- d. **Entertainment Venues.** Users are required to wear a face covering when the user is within six (6) feet of another person. When the user is seated and not within six (6) feet of another person, they may remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- e. **Gyms, Fitness Centers, and Sports Facilities, including City Owned Sports Facilities.** Employees, staff participants and spectators shall wear a face covering at all times when the individual is indoors and within six (6) feet of another person. Face coverings are not required while actively participating in permitted athletic activities. Businesses shall include the requirements of this proclamation in their COVID-19 Preparedness Plan.
- f. **Common Spaces in Multi-Family Residential and Multi-Tenant Office Buildings.** Residents of multi-family housing buildings, and their guests, and tenants, employees and their guests in multi-tenant office buildings, shall wear a face covering when in common spaces such as hallways, corridors, lobbies, restrooms, mail rooms, elevators, trash and recycling rooms, fitness centers, recreation rooms, laundry rooms, and other space owned and used in common by residents, employees, and tenants of the building.
- g. **Face Coverings Defined.** Face coverings are defined as a cloth covering that fully covers a person's nose and mouth. The terms "mask" and "face covering" as synonymous.

2. **Exemptions.** This order does not apply to:

- a. Facilities operated by the County, State, or Federal Government;
- b. Children five (5) years of age or younger;
- c. Individuals actively eating or drinking;
- d. Individuals temporarily removing the face covering for identification purposes;
- e. Individuals unable to wear a face covering due to medical, disability, or developmental reasons that have been exempted by a licensed medical professional;
- f. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six (6) feet or more away from other individuals;
- g. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
- h. Participants in youth sports, as defined by the State's Executive Orders, but these participants are subject to all requirements under the State's Executive Orders;
- i. Police Officers, Firefighters, and other first responders when not practical while performing their official duties;
- j. In settings where wearing a mask is not feasible, including when obtaining or rendering services such as medical or dental services, swimming, or while actively participating in organized athletic competitions or practices (so long as they are following the State Executive Orders);
- k. Education and Child Care Facilities with written plans in compliance with State guidelines;

3. Businesses covered by this Order shall post signage at all public entrances to the business which notifies the public that face coverings are required.
4. Businesses and organizations are encouraged to provide face coverings for customers at no or nominal cost.
5. Restaurants and bars are encouraged to take advantage of outdoor seating.
6. **[Optional Enforcement Provisions]**

**Option 1: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both.

**Option 2: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both.

- i. It is the responsibility of business owners or managers to ensure their employees and customers are in compliance with this declaration. If a customer is not wearing a face covering or refuses to wear a mask, it is the business owner or manager's responsibility to ask the customer to leave or wear a face covering. If the customer continues to refuse to leave or wear a face covering, law enforcement may be called to assist and the customer may be charged with a violation of trespassing law or any other law the customer may violate.
- ii. Any business in violation of this emergency declaration shall be subject to administrative action for any licenses they possess within the City.
- iii. Voluntary compliance will be requested with warning being issued. Repeated violations by an individual or business would be handled in the same fashion. The City would seek voluntary compliance and cite only when the individual or business refuse to comply with the request for compliance.

**Option 3: Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine of \$1000, 90 days of jail or both. Any business in violation of this emergency declaration shall be subject to administrative action for any licenses they possess within the City.

7. **Effective Date.** This emergency declaration shall take effect on July 21, 2020, at 12:01 a.m. and shall continue until the earlier of the following:
  - a. Governor Walz enacts a statewide order requiring face coverings;
  - b. Beltrami County Public Health recommends this proclamation is no longer necessary;
  - c. An end to the State's Peacetime Emergency Declaration;
  - d. A Resolution of the City Council rescinding the Order; or
  - e. December 31, 2020 at 11:59 p.m.;

The foregoing resolution was offered by Councilmember \_\_\_\_\_, who moved its adoption, and upon due second by Councilmember \_\_\_\_\_, was passed by the following vote:

Yeas:

Nays:

Absent:

Passed:

ATTEST:

APPROVED:

\_\_\_\_\_  
Michelle R. Miller, City Clerk

\_\_\_\_\_  
Rita C. Albrecht, Mayor

**From:** [Please Do Not Click Reply](#)  
**To:** [cityclerk](#)  
**Subject:** Share a Comment or Concern (form) has been filled out on your site.  
**Date:** Wednesday, July 15, 2020 6:39:34 PM

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[EXTERNAL]

Your Site has received new information through a form.

Form: Share a Comment or Concern

Site URL: [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.ci.bemidji.mn.us&c=E,1,xReN-\\_RngMiQLArkPGqGyAF0t4voPG3KWVpEiUs2VsatjwoWNR6--IZfV2bX5-98LBH\\_cFOmd5pJ9d8MkKq6rK6VF0VXpVM8hvQ2oiH8Mf1XCuP-AjDmiVT03tCd&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.ci.bemidji.mn.us&c=E,1,xReN-_RngMiQLArkPGqGyAF0t4voPG3KWVpEiUs2VsatjwoWNR6--IZfV2bX5-98LBH_cFOmd5pJ9d8MkKq6rK6VF0VXpVM8hvQ2oiH8Mf1XCuP-AjDmiVT03tCd&typo=1)

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Name: Janice Smart

Organization: Mrs.

Street Address: 6728 Bemidji Ave N

City/Province: Bemidji

State: MN

Zip: 56601-9104

Telephone: 3202661462

E-mail Address: smart6728@gmail.com

Message: My husband and I would like to encourage the city council to implement a mask policy in the city of Bemidji. We would prefer a statewide mandate, but if that does not happen soon, please mandate a city mask policy.

Thank you

Please contact me:

No

I have read and agree to the data privacy policy:

I agree

Do Not Click Reply - This e-mail has been generated from a super form.

**From:** [Emelie Rivera](#)  
**To:** [Michelle Miller](#)  
**Subject:** FW: Please pass mask mandate!  
**Date:** Thursday, July 16, 2020 3:58:57 PM

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**From:** Boudry, Valica [Valica.Boudry@bemidjistate.edu]  
**Sent:** Thursday, July 16, 2020 3:56 PM  
**To:** Rita Albrecht; Michael Meehlhause; Ron Johnson; Emelie Rivera; Nancy Erickson  
**Subject:** Please pass mask mandate!

[EXTERNAL]

City Council Members,

I know you are taking up the issue of mandating masks in Bemidji and I urge you to please pass this mandate.

COVID-19 is a public health issue and requires we do all that we can to stop the increasing number of cases. Just in the past week alone, Beltrami County has almost doubled its cases.

A large number of students will be coming back into our community next month, and not having a mask mandate in place will likely create more community spread and more serious COVID-19 cases than our healthcare system can handle.

Having a mask mandate will also help level the playing field for all businesses and keep the economic health of our community stable. Right now I will not shop at stores that do not require masks by all staff and customers. So I am doing a lot of my buying online right now, which is a shame. I prefer to spend my money at local businesses, but I am not willing to risk my health to do so.

If Bemidji had a mask mandate in place, I would feel comfortable doing all my shopping in Bemidji.

But more importantly, we need to help safeguard the health of our workforce in Bemidji who unfairly risk getting exposed to COVID-19 just by going to work. Please see attached graphic. It helps to illustrate the incredibly important role masks have in fighting this pandemic. All the scientific research has backed this up. Social distancing AND masks AND hand washing. It is all of these combined that gives us the best outcome. One of these doesn't take the place of the other.

While it would be great if Gov. Walz would put a state-wide mask mandate into place, Bemidji cannot afford to wait for this to happen. If you are going to act, the time is now while we still have a chance to get ahead of it. If you wait, we may reach a tipping point we can't recover from.

Please know that there many, many people in this city that support a mask mandate.

Thank you,  
Valica

Chance of  
Transmission

Asymptomatic  
COVID-19 Carrier

Uninfected  
Person

**VERY HIGH**



**HIGH**



**MEDIUM**



**LOW**



**VERY LOW**



6+ feet



**VIRTUALLY NONE**



From: Mark Dickinson [mdickinson@century21dickinson.com]

Sent: Wednesday, July 15, 2020 2:31 PM

To: Emelie Rivera; Michael Meehlhause; Nancy Erickson; Rita Albrecht; Ron Johnson

Cc: [abraught@bemidjipioneer.com](mailto:abraught@bemidjipioneer.com); [ldonovan@pbbroadcasting.com](mailto:ldonovan@pbbroadcasting.com); Dennis Weimann; Bob Naylor; KEN STONE; [jackpine@paulbunyan.net](mailto:jackpine@paulbunyan.net); Jim Naylor at Home; 'tanner Baker'; [bill.batchelder@hotmail.com](mailto:bill.batchelder@hotmail.com); [bill@bemidjiwoolenmills.com](mailto:bill@bemidjiwoolenmills.com); [rogesod@aol.com](mailto:rogesod@aol.com); Tim Graupman; 'Bob Lucas'; [bobmanuel@comcast.net](mailto:bobmanuel@comcast.net); [gladen@paulbunyan.net](mailto:gladen@paulbunyan.net); [nate.haskell@bankforward.com](mailto:nate.haskell@bankforward.com); 'Jim Jason'; 'Tom Anderson'; [lukmar@paulbunyan.net](mailto:lukmar@paulbunyan.net); [lysenglogging@gmail.com](mailto:lysenglogging@gmail.com); [mmurray@paulbunyan.net](mailto:mmurray@paulbunyan.net); [mmbatchelder@comcast.net](mailto:mmbatchelder@comcast.net); 'Barb Nyberg'; 'Pogue, Tracy'; Mark Ricci; 'Jack Reed'; [arch@gosimonson.com](mailto:arch@gosimonson.com); [mjsparby@paulbunyan.net](mailto:mjsparby@paulbunyan.net); Wanda; [cgaasvig@paulbunyan.net](mailto:cgaasvig@paulbunyan.net)

Subject: Wearing Masks

[EXTERNAL]

Dear Council Members,

I read that you are considering an ordinance mandating the wearing of masks in the City of Bemidji. I realize there are a number of different parts of this that your ordinance may address, but I want to be clear that I think the City of Bemidji has NO BUSINESS mandating the wearing of masks in our city.

The debate about whether the wearing of masks is even beneficial is far from conclusive. Many feel that continually breathing carbon dioxide is not good for you...myself included. The decision of whether customers and employees of private businesses should wear masks should be totally up to the owner of the business. If an individual feels the need to wear a mask, that is certainly their right.

The idea of this mandate is just another example of government overreach in how citizens run their lives.

If you are looking for Governor "take as many rights away as possible" Walz for direction, you are asking the wrong guy. He and his cronies have been wrong from the start, creating fear in the citizenry. First he predicted over 70,000 Minnesotans could die from the Virus. Then he closed small businesses but left Walmart open. Then he cheated our kids out of over 2 months of school. Then, a few weeks later with supposedly more accurate information, he predicted 20,000 deaths in Minnesota and spent several million dollars of tax payer money to purchase a building to store dead bodies. Folks, he hasn't been right yet.

The United States of America is, or used to be, a free country. Please drop this subject about forcing people to wear masks. Instead focus on getting our children back in school and rebuilding our economy.

Very sincerely,  
Mark Dickinson



From: Becca Wold [becca.wold@gmail.com]

Sent: Thursday, July 16, 2020 11:55 AM

To: Michael Meehlhause; Rita Albrecht; Emelie Rivera; Ron Johnson; Nancy Erickson

Subject: Mask Requirement

[EXTERNAL]

I saw the council is discussing a mask requirement for the city. I'm wondering, have you already discussed what businesses will be expected to do if this is passed? Are we going to be required to refuse service, refuse entry and so on if someone isn't wearing one? Are we supposed to call the police?

We wear them on a daily basis in our own business, and when we go other places, so I have no issue with them. I just am very concerned about being put into a position of enforcing these policies, losing business in an already very difficult year, or ending up in dangerous situations with those who do not want to comply with this. We have all seen the stories of people being assaulted, in a couple situations, shot, over this issue.

I just want to know that you are giving thought to what will happen to area businesses if this is something we do.

Thank you,  
Rebecca Wold

From: Barb Juhnke [flower21@paulbunyan.net]  
Sent: Thursday, July 16, 2020 3:36 PM  
To: Emelie Rivera  
Subject: Masks/covid

[EXTERNAL]

Hello Emelie,

I write to say that I am very Much AGAINST a city wide mandatory mandate for one and all to wear masks. I'm an RN, and this is foolishness! The only purpose for a mask it to remind the public that they are supposed to remain fearful!

ThankYou!

Barb Juhnke

Sent from my iPhone

Hi All,

I wanted to voice my concern about a possible mandatory mask vote this coming Monday. Luckily, I don't reside inside Bemidji City limits and this will not affect my day to day life. We do shop in Bemidji now, and try to buy local as much as possible, so it will impact your businesses which should be a concern of yours in your government positions. Should it pass, we will no longer be shopping in your City.

I was the Mayor of Blackduck and cannot imagine voting yes to MANDATING any citizen wear a mask that has never been proven safe or effective. This is WRONG. This is unconstitutional. It is not the job of a city council to tell anyone how to live their life. I don't recall saying in my Oath to become Mayor that I now had the RIGHT to tell Blackduck citizens what to do for their health. I can't even imagine that this is being considered. I own a health & wellness business, I'm fully aware of how to take care of my body, boost my immune system and help my body fight whatever comes my way. I will NOT wear a mask. There is no health professional that I know that believes a mask is safe or effective or who will wear one.

In case you haven't heard a professional from the non-mask side of this debate, I found this ER doctor to be very informative, perhaps you will, too. I'm sure you're interested in learning as much about this as possible since you're considering entering the healthcare realm (which I believe is absurd).

<https://youtu.be/RLkN0zHiRfs>

Where are you getting your information from?

The COVID death rate is plummeting. I'm sure you're monitoring the CDC website and know this.

[https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm?fbclid=IwAR05c9zkyzx6PY4LZ\\_3FPAzAfM5qGt8zqy07NvU6NeXIJ\\_jLe0ufktNzofc](https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm?fbclid=IwAR05c9zkyzx6PY4LZ_3FPAzAfM5qGt8zqy07NvU6NeXIJ_jLe0ufktNzofc)

What proof do you have that masks do any good and cause no harm? Who are you to tell ME what I have to put on my face? I believe you are seriously stepping over a line.

If a business owner chooses to require customers wear a mask, that's one thing as that is their right as a business owner. If a citizen chooses to wear a mask, that is their right.

It is not your right to tell ANYONE that they are required to wear a mask.

Praying for all of us,  
Megan Gustafson

[EXTERNAL]

council members

it is my understanding that there is going to be discussion on a possible ordinance in regards to the wearing of a face mask in the city limits of Bemidji

I am vehemently opposed to this action to any degree, the people of this community already have wrongfully suffered through business closures and restrictions in my opinion and to add this to a already barley recovering business community is simple outlandishly wrong. and another slap in the face to the already suffering business .with all the other ridicules restrictions and fear mongering and speaking for my self i will not patronize a business that would attempt to enforce such a ruling which is against the concealed identity laws of this state and have been shown to be discriminatory,not mention our civil rights, others I've spoken to feel the same way. and the tourists will love it to I bet? the voters of this community deserve better than this type of BS.. i have to ask by what and whom do you get this type of authority to encourage this type of police state? my personal health is my business not yours

if you should decide to wear a mask its your choosing, after all your wearing a mask protects you from those that don't right !. hand sanitizer kills this germ or they wouldn't insist you use it all the time..its just not healthy sucking your own Co2 or bacteria all day , this is a suffocating experience for most of us. it will be what you call suffocating by mandate, there are about 6 million people in this state aprox 1,500 mostly at nursing homes have died from Covid if its been reported honestly do the math cases are not Deaths... my daughter has worked at the same nursing home in Bemidji for 11 years no deaths from Covid in fact elderly people in all age groups live through some of the worst sickness you can get we can't choose how were are going die.. the idea of asking the Bemidji police department to spend there time passing out citations is nuts just another form of harassment a already stressed community don't need who ever brought this up to the board is over the edge with there own personal issues likely political and can not make a rational decision for the community . lets focus on positive for our town and move ahead and get those schools open use your head and Vote No

Ken Stone

From: Lisa Hoagland [lisarhoagland@gmail.com]  
Sent: Thursday, July 16, 2020 8:44 PM  
To: Rita Albrecht  
Subject: Mask Requirement

[EXTERNAL]

I want to state that I am not in support of a mask ordinance in the city of Bemidji. I do not feel that it is the government's job to regulate how we protect ourselves. I feel that businesses should decide for themselves if they will require a mask. Especially when there is no conclusive evidence that masks provide adequate protection from the COVID-19 virus.

Respectfully,  
Lisa Hoagland

**From:** [Alexis Wall](#)  
**To:** [Michelle Miller](#)  
**Subject:** Face masks  
**Date:** Thursday, July 16, 2020 11:16:57 PM

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[EXTERNAL]

Michelle,

Hi, I am Lexi and I am writing in regards to the meeting tomorrow about face masks in Bemidji. I would like to share my thoughts.

I want to say that I was born and raised here. I love this community and hope that my 3 kids will grow up loving it as well!

Now about wearing face masks. As a mother and teacher I don't feel it is ethical to mandate the wearing of masks. I am a special education teacher and know from experience that you can't implement a one size fits all rule for everyone. There will be people who cannot wear a mask for various reasons, none which are my business to know, and to mandate the wearing of masks will not only make the people who can't wear a mask feel out of place but it may cause serious health concerns to their body that we do not know about. It will also restrict where they can shop to buy groceries or other needed household items. Does that sounds like freedom to you? It does not to me. It sounds like a concern for our town in more ways than one.

I don't think it is bad if someone wants to wear a mask to feel safe. I think it should be a personal choice. I personally would not want my children to wear a mask as they are growing and the breathing in of their carbon dioxide all day (or at all) would be detrimental to their health and proper growth. I also would not want to wear a face mask. I currently have a weakened immune system. One from way before Covid was here. Having young children makes it harder for me to get my rest. The result is an almost continual sore throat. One I am working with my Doctor and am improving. But wearing a face mask will make my sore throat worse and breathing the carbon dioxide will further weaken my immune system. Am I to be forced to stay away from all stores that will sell food so my family and I can live well?

I don't think it is fair to mandate wearing a mask. We need the germ exposure to keep our immune systems up. Being on the stay at home order was harder on my immune system and sore throat than being at school all day with the kids and being exposed to their germs. Instead of a sore throat here and there. It became constant, day and night. If I am negatively effected by isolation and wearing a mask. There will be others out there as well.

Please consider both sides to this argument. If you are really concerned for the whole town, then do what is right for the people and not just what everyone else around us is doing.

Thank you for listening to my concerns and I hope the meeting goes well tomorrow.

Lexi Wall

Sent from my iPhone

**From:** [Ashley Rohr](#)  
**To:** [Michelle Miller](#)  
**Subject:** Say No to the Mask Ordinance  
**Date:** Friday, July 17, 2020 8:24:46 AM

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[EXTERNAL]

Hello,

My name is Ashley Rohr and I have only lived in Bemidji for a little over a year, but the city and lifestyle has definitely made a great impact on my life.

This talk of required mask wearing of Bemidji has really set off why I should be alerting you of my opinions and issues with this decision. I know Bemidji has had a rise in CoVid Cases, or so the media is saying and trying to use a scare tactic into making us believe that a mask ordinance is necessary. To be honest, if people want to wear masks, that is 100% their freedom to choose to do so. My freedoms and rights will not be compromised by forcing me to wear a mask. I am strongly against this idea of a city wide mask ordinance, I believe it is highly unconstitutional, highly invasive to my right as an American, and it shouldn't be forced on the people of this city. It should be up to the each individual for their own decision whether or not they feel the need to wear a mask.

If this were to go through, my self and my boyfriend, who has lived in this city his entire 26 years of life, will not patronize ANY Bemidji businesses, local or corporate owned, ever again. I will be more than happy to go to a Free city such as Walker or Cass lake and give those businesses my time, loyalty and patronage. I also will not be voting for Any of the county officials that support this movement. They are the cancer to this nation and should be removed accordingly.

I am not asking nicely as this is a violation to my rights, do NOT let this ordinance pass and make the city of Bemidji look like a laughingstock like other cities that think that masks will be the ultimate answer. Buck up, grow a set, and think about what you have to lose if this passes. People will not be satisfied, and we will show it to you with lasting effects on this community.

Thank you for your time and attention. Have a great day.

Ashley Rohr  
(218)-407-4425

[EXTERNAL]

Hello,

My name is Dalene Conkle I have lived in Bemidji for a 26 years the city and lifestyle has definitely made a great impact on my life.

This talk of required mask wearing of Bemidji has really set off why I should be alerting you of my opinions and issues with this decision. I know Bemidji has had a rise in CoVid Cases, or so the media is saying and trying to use a scare tactic into making us believe that a mask ordinance is necessary. To be honest, if people want to wear masks, that is 100% their freedom to choose to do so. My freedoms and rights will not be compromised by forcing me to wear a mask. I am strongly against this idea of a city wide mask ordinance, I believe it is highly unconstitutional, highly invasive to my right as an American, and it shouldn't be forced on the people of this city. It should be up to the each individual for their own decision whether or not they feel the need to wear a mask.

If this were to go through, my self and my husband, who has lived in this city his entire 56 years of life, will not patronize ANY bemidji businesses, local or corporate owned, ever again. I will be more than happy to go to a Free city such as Walker or Cass lake and give those businesses my time, loyalty and patronage. I also will not be voting for Any of the county officials that support this movement. They are the cancer to this nation and should be removed accordingly.

I am not asking nicely as this is a violation to my rights, do NOT let this ordinance pass and make the city of bemidji look like a laughingstock like other cities that think that masks will be the ultimate answer. Buck up, grow a set, and think about what you have to lose if this passes. People will not be satisfied, and we will show it to you with lasting effects on this community.

Thank you for your time and attention. Have a great day.

Dalene Conkle  
218-556-0144



**From:** [Kellie Dixon](#)  
**To:** [Michelle Miller](#)  
**Subject:** City Council Meeting - Mask Mandate  
**Date:** Friday, July 17, 2020 8:36:14 AM  
**Attachments:** [Mask Mandate Letter - City.docx](#)

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[EXTERNAL]

Good morning Michelle.

I would like to include the attached letter in Monday's City Council packet regarding their discussion on a citywide mask mandate.

I would also like to speak before the council, how do I go about doing that with the new meeting format?

Thank you,  
Kellie Dixon

July 16, 2020

RE: Proposed City Mask Mandate

Mayor Albrecht and Council Members:

In our home, we believe in freedom and the Constitution. We respect a business' right to implement policies within their walls, and each individual to make the best choice for themselves and their families. We believe the government is in place to protect, rather than impede on our civil liberties. Because of these beliefs, I'm concerned about your upcoming discussion on a citywide mask mandate.

I imagine that in preparation to make this decision you've all been monitoring the Minnesota Department of Health's website to review up to date statistics on cases and deaths. So, it may not be new information that as of July 15<sup>th</sup>, daily statewide deaths have been in the single-digits for 13 consecutive days, and the lowest they've been since April. You also know that none of those deaths have been in Beltrami County. And, while we have had 71 county-wide confirmed positive cases in 2020, when you compare that to the population of our County, we have a positive case rate of 0.0015%. I realize your decisions are based solely on the City, and leave County measures to the County Commissioners. While I'm not sure how many of those cases came about within City limits, if I pretend that all 71 cases in our County are within City limits, we see our 2020 positive case rate rise to 0.0046% of our City population who currently have, or have had the COVID-19 strain of coronavirus this year.

As a community, we know the effects of obesity, diabetes and alcoholism are much greater than those numbers. As you all consider stepping local government into the healthcare realm with a mask mandate, I question what you, as a Council, will be doing to combat the other epidemics plaguing our community. Will you also consider a mandate that food establishments only serve fresh, organic fruits and vegetables along with wild game to curb consumption of diabetic-inducing foods? That sounds pretty infringing (and ridiculous). Instead, we allow for personal responsibility, and business choice.

My faith in your ability to make healthcare decisions for the community wavers as I look at the \$4million municipal liquor store you all built, and profit from. Knowing that alcoholism has destructed the health and family structure of so many in our community, I'm confused as to how you all pick and choose which health issues you take a public policy stance on, and which you choose to capitalize on. I would like some clarification on your process.

As a resident of the City of Bemidji, I kindly request that you decline the opportunity to institute a mask mandate. That you instead allow for personal accountability, and focus your energy within your mission statement, to "provide essential services and fun for our regional community".

Sincerely,

Kellie Dixon

**From:** [Boomer Thiel](#)  
**To:** [Michelle Miller](#)  
**Subject:** New mask ordinance...  
**Date:** Friday, July 17, 2020 8:36:57 AM

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[EXTERNAL]

Hello, to whom it may concern a new mask order in my home town will only cause trouble and more dissatisfaction with the city and police force that will try to impose a blatant violation of my rights.. I in no way support this mask ordinance and will no longer be giving my business to the city of bemidji in any way if this passes. I have been living in bemidji for over 20 years and have never seen such nonsense. Thank you for you time. CHOOSE WISELY!!

Get [Outlook for Android](#)

**From:** [Trish Williams](#)  
**To:** [Michelle Miller](#)  
**Subject:** Face masks  
**Date:** Friday, July 17, 2020 9:53:30 AM

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[EXTERNAL]

Ms. Miller,

I am writing not in favor of mandatory face masks. There are many people who cannot wear them due to physical health reasons as well as psychological/trauma. Would these people then not be allowed to enter a store because they are not wearing a mask, isolate them and further the emotional damage that's been caused by this virus? What we have seen in other cities who mandated wearing masks is that it incited violence against those who didn't wear masks, presumably for health reasons. I am concerned for what mandating wearing masks will do to our city, to the people in our city. I am more concerned about the violence and anger I have read about in other cities regarding the mask wearing issue.

I personally have a lung issue and every time I have worn one, have had breathing difficulties for about 12 hours. Honestly, I don't know what we will do when school starts if it becomes mandatory to wear them at school because I work in one of the schools.

There are many professional sources who say that wearing masks actually do very little to protect self from getting the virus. Taking an authoritarian stand by officials regarding wearing a mask does nothing but instill distrust in the people. When you look at simply the statistics, the places who did not have a mask mandate in place actually have less cases. Based on the research of many specialists, the best information is that it seems this virus will run its course no matter. People who have health issues should be careful, there should be precautions taken for them and for the elderly. Let healthy people be free to choose to wear a mask or not.

Thank you,  
Trish Williams

# **COUNCIL AGENDA ITEM**



**Meeting Date:** July 20, 2020

**Action Requested:** Consideration of Proposed Charter Amendment and First Reading of an Amending Ordinance (Chapter 4 - Nominations and Elections)

**Prepared By:** Alan Felix, City Attorney

**Reviewed By:** Nate Mathews, City Manager

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## **Background**

In the wake of the delay in the Ward 2 Special Election this past February, the City Charter Commission met and reviewed Chapter 4 of the Charter (Nominations and Elections) in regards to the timing and conduct of Special Elections addressed therein. Of course, local regulation under the Charter must be harmonized with concurrent regulation under State election laws. It was a question of timing and publication of notice of the election and candidate filing that gave rise to the February decision to delay the Ward 2 Special Election.

In meeting with the City Attorney Staff, including myself and Assistant City Attorney Katie Nolting, the Charter Commission concluded that it made sense to revise Chapter 4 to simply provide that the process for and conduct of municipal elections should be in accordance with State laws, as the same may be amended from time to time. As we know, the vagaries of the legislative process can result in statutory amendments which can make it a challenge in terms of keeping up with changes to ensure harmony with our local legislative process and regulation, be that through the Charter or the City Code.

Consequently, presented for Council consideration is a proposed Ordinance amending the five (5) subdivisions under Chapter 4 of the Charter to reflect that conduct of local elections (including special elections) shall be in accordance with applicable State Law. I believe that the proposed changes speak for themselves.

Of course, if the Council declines to take up the proposed amendment(s) or to proceed with a Charter Amendment via the Council ordinance process, the Charter Commission can pursue placing the proposal before City voters as a ballot question, at either a general or special election. If the council proceeds by ordinance, the final approval must be by unanimous vote of the Council.

## **Recommendation**

Consider proposal from the Bemidji Charter Commission to amend Chapter 4 of the Charter regarding the conduct of municipal elections, and if in agreement with the proposed amendment, then proceed to First Reading of draft Ordinance.

# CITY OF BEMIDJI

## ORDINANCE NO. , 3<sup>RD</sup> SERIES

### AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 4 (NOMINATIONS AND ELECTIONS)

#### THE CITY OF BEMIDJI DOES ORDAIN:

**SECTION 1.** The City of Bemidji Council-Manager Charter, Chapter 4 entitled “Nominations and Elections”, is hereby amended to read as follows:

## CHAPTER 4

### NOMINATIONS AND ELECTIONS

**Section 4.01 THE REGULAR MUNICIPAL ELECTION.** A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year commencing in 1984 at such place or places as the city council may designate. The city clerk shall give at least two weeks published notice pursuant to Minn. Stat. § 205.16, as the same may be revised, amended or re-codified, of the time and place of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate the election.

**Section 4.02 PRIMARY ELECTION.** In accordance with Minnesota Statutes Section 204D.03 Stat. § 205.065, as the same may be revised, amended or re-codified from time to time, on the day and month set therein for holding a state primary election, there shall be a primary election for the selection of two nominees for elective office at the regular municipal election, unless only two nominees file for each elective office.

**Section 4.03 SPECIAL ELECTIONS.** The council may, by resolution, order a special election and provide all means for holding it in accordance with Minn. Stat. §205.10, as the same may be revised, amended or re-codified. The city clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

When a special election is required to fill a vacant office, the special election shall occur on a date established by the City Council per Minn. Stat. §205.10, as the same may be revised, amended or re-codified. The time allowed for the filing of candidates for such office shall be not less than 14 calendar days after the Council declares the vacancy. The special election, or a special primary election if needed, shall be held within 70 days of the deadline for filing. A special primary election shall be held if more than two candidates file for such office, with the two candidates receiving the most votes proceeding to the special election, except that if one candidate receives greater than 50 percent of all votes cast at the special primary election, that candidate shall be declared the winner and no special election shall be held. When a special primary election is held and no candidate receives greater than 50 percent of all votes cast, the special election shall be held not more than 56 days thereafter pursuant to Minn. Stat. §205.10, as the same may be revised, amended, or recodified.

**Section 4.04 FILING FOR OFFICE.** Not earlier than 70 days and not less than 56 days before the first Tuesday after the second Monday in August preceding the municipal general election, or such month and/or day set forth or otherwise established in accordance with Minnesota Statutes Section 204D.03 The City Clerk shall follow Minn. Stat. §205.13, as the same may be revised, amended or re-codified from time to time.

**Section 4.05 PROCEDURE AT ELECTIONS.** Subject to this Charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

**SECTION 2.** This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Ayes:  
Nays:  
Absent:

First Reading:  
Second Reading:  
Final Reading:

ATTEST:

APPROVED:

\_\_\_\_\_  
Michelle R. Miller, City Clerk

\_\_\_\_\_  
Rita C. Albrecht, Mayor

# CITY OF BEMIDJI

## ORDINANCE NO. , 3<sup>RD</sup> SERIES

### AN ORDINANCE CHANGING THE NAME OF BORING COURT NW TO COOPERATIVE COURT NW

#### THE CITY OF BEMIDJI DOES ORDAIN:

- SECTION 1.** That pursuant to the authority granted under Minnesota Statutes Section 440.11, the City Council hereby renames Boring Court NW in its entirety to Cooperative Court NW located with the Plat of Bemidji Technology Park First Addition.
- SECTION 2.** That City Staff are hereby directed to take all necessary steps and make all necessary changes to official records and documents, including street signage, pursuant to the name change directed under this Ordinance. Moreover, City Staff are directed to take any further action as necessary to effect the name change under this Ordinance.
- SECTION 3.** That City Clerk is hereby directed to record a copy of this Ordinance in the Office of the County Recorder for the County of Beltrami.
- SECTION 4.** This Ordinance shall become effective thirty (30) days after its passage and publication according to law.

Yeas:  
Nays:  
Absent:

First Reading: July 6, 2020  
Second Reading:  
Final Reading:

Attest:

Approved:

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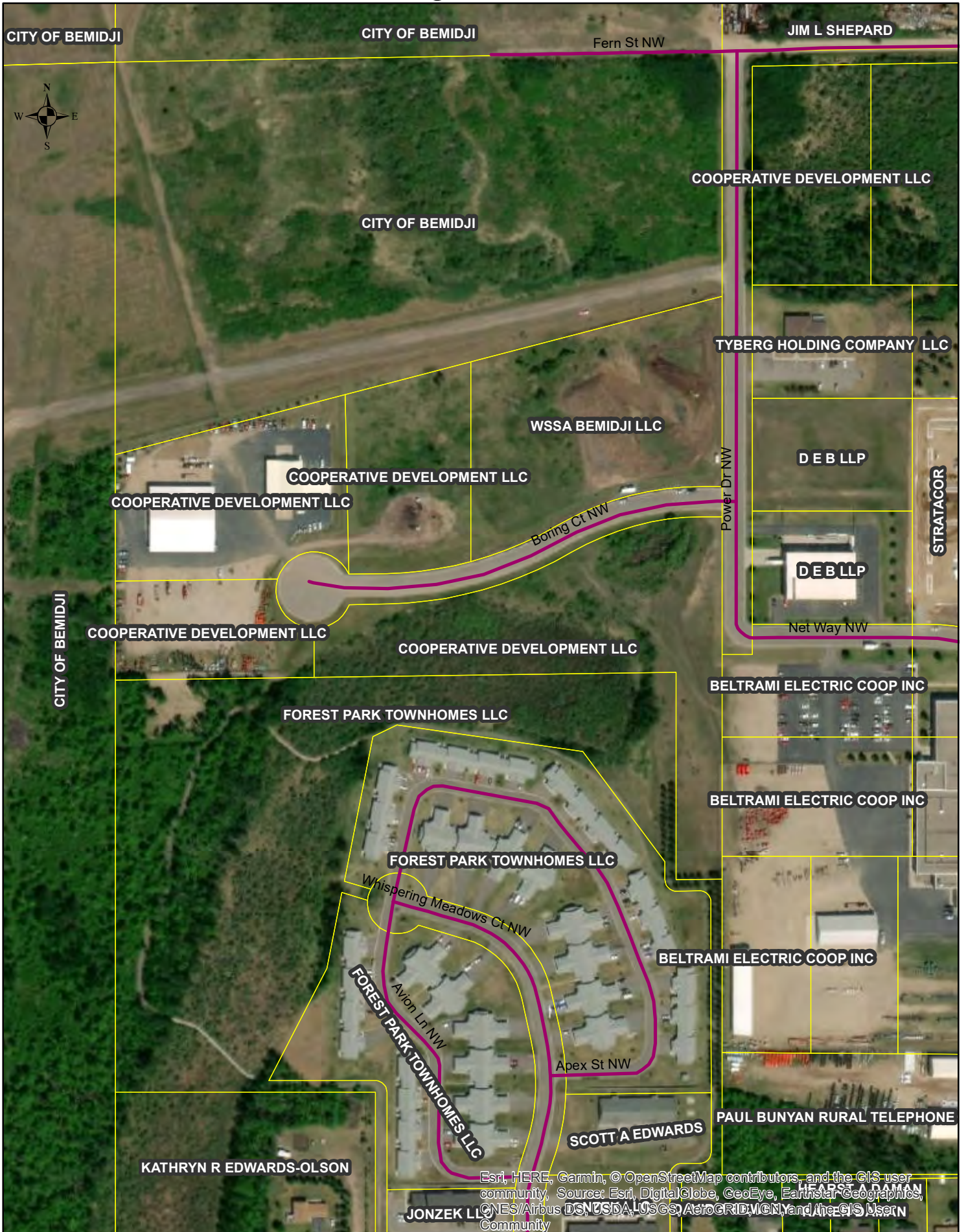
Michelle R. Miller, City Clerk

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Rita C. Albrecht, Mayor



# Boring Court NW



CITY OF BEMIDJI

CITY OF BEMIDJI

Fern St NW

JIM L SHEPARD



COOPERATIVE DEVELOPMENT LLC

CITY OF BEMIDJI

TYBERG HOLDING COMPANY LLC

WSSA BEMIDJI LLC

DEB LLP

COOPERATIVE DEVELOPMENT LLC

COOPERATIVE DEVELOPMENT LLC

Boring Ct NW

DEB LLP

STRATACOR

Net Way NW

CITY OF BEMIDJI

COOPERATIVE DEVELOPMENT LLC

COOPERATIVE DEVELOPMENT LLC

BELTRAMI ELECTRIC COOP INC

FOREST PARK TOWNHOMES LLC

BELTRAMI ELECTRIC COOP INC

FOREST PARK TOWNHOMES LLC

Whispering Meadows Ct NW

BELTRAMI ELECTRIC COOP INC

FOREST PARK TOWNHOMES LLC

Avon Ln NW

Apex St NW

PAUL BUNYAN RURAL TELEPHONE

SCOTT A EDWARDS

KATHRYN R EDWARDS-OLSON

JONZEK LLC

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# BELTRAMI COUNTY ROAD NAME CHANGE PETITION REQUEST FORM

Date submitted: 06/15/2020

Lead Contact Person: Leah Azure


Daytime phone: 218-444-0482

Lead Contact Address: 522 Minnesota Ave NW  
Bemidji, MN 56601

Affected Townships/Cities: Bemidji, MN Beltrami County

Current Road Name: Boring Ct NW  
(Please state the road name you are requesting to change)

Suggested Road Name: Cooperative Ct NW  
(Submit only the road name. The type such as lane, drive, court, etc. will be determined by the GIS Director.)

<u>Resident &amp; land owner names</u>	<u>Signatures</u>	<u>Phone Numbers</u>
<u>Cooperative Development, LLC</u> <u>Gary Johnson, Board Chairperson</u> (Parcel #'s 800570000, 800570100, 800570200, 800570300)		<u>(218) 444-1234</u>
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(Use additional sheet if more space is needed for more names.)

Township/City Officials' Names (Print)  
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Township/City Officials' Signatures  
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**Return this form to:**  
**Beltrami County GIS Director**  
**701 Minnesota Ave NW, Suite 219**  
**Bemidji, MN 56601-3178**  
**Phone: 218-333-8457**

# BELTRAMI COUNTY ROAD NAME CHANGE PETITION REQUEST FORM

Date submitted: 06/15/2020

Lead Contact Person: Leah Azure

Daytime phone: 218-444-0482

Lead Contact Address: 522 Minnesota Ave NQ  
Bemidji, MN 56601

Affected Townships/Cities: Bemidji, MN Beltrami County

Current Road Name: Boring Ct NW  
(Please state the road name you are requesting to change)

Suggested Road Name: Cooperative Ct NW  
(Submit only the road name. The type such as lane, drive, court, etc. will be determined by the GIS Director.)

**Resident & land owner names**

**Signatures**

**Phone Numbers**

Indian Health Service  
Daniel Frye  
Area Director, Bemidji  
Parcel # 800563800

Daniel R. Frye -S Digitally signed by Daniel R. Frye-S  
Date: 2020.06.11 14:32:34 -05'00'

(218) 444-0561

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(Use additional sheet if more space is needed for more names.)

**Township/City Officials' Names (Print)**

**Township/City Officials' Signatures**

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**Return this form to:**  
**Beltrami County GIS Director**  
**701 Minnesota Ave NW, Suite 219**  
**Bemidji, MN 56601-3178**  
**Phone: 218-333-8457**

# BELTRAMI COUNTY ROAD NAME CHANGE PETITION REQUEST FORM

Date submitted: 06/25/2020

Lead Contact Person: Leah Azure

Daytime phone: 218-444-0482

Lead Contact Address: 522 Minnesota Ave NW

Bemidji, MN 56601

Affected Townships/Cities: Bemidji, MN Beltrami County

Current Road Name: Boring Ct NW

(Please state the road name you are requesting to change)

Suggested Road Name: Cooperative Ct NW

(Submit only the road name. The type such as lane, drive, court, etc. will be determined by the GIS Director.)

### Resident & land owner names

### Signatures

### Phone Numbers

General Services Administration (Lessee)

DocuSigned by:

*Jason Baranko*

312-353-5602

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(Use additional sheet if more space is needed for more names.)

### Township/City Officials' Names (Print)

### Township/City Officials' Signatures

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Return this form to:

**Beltrami County GIS Director  
701 Minnesota Ave NW, Suite 219  
Bemidji, MN 56601-3178  
Phone: 218-333-8457**



City Clerk's Office  
Bemidji City Hall • 317 4<sup>th</sup> Street NW  
Bemidji, Minnesota 56601-3116

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July 7, 2020

Dear Property Owner:

**NOTICE IS HEREBY GIVEN** that the Bemidji City Council will meet in Council Chambers of City Hall, 317 4th Street NW, Bemidji, MN on Monday, July 20, 2020, at 6:00 p.m. or as soon thereafter to consider the following:

**AN ORDINANCE CHANGING THE NAME OF  
BORING COURT NW TO COOPERATIVE COURT NW**

Such persons as desire to be heard with regard to the name change should be present at this meeting. **Please be advised that due to the COVID-19 Pandemic, this meeting may take place via video/telephone electronic means. If you wish to receive an invitation to this meeting, please send your name and email address to: [cityclerk@ci.bemidji.mn.us](mailto:cityclerk@ci.bemidji.mn.us)**

Michelle R. Miller, Bemidji City Clerk





SORTOWNER	OWNER1_ADD	OWNER_CITY	OWNER_ST	OWNER_ZIP
COOPERATIVE DEVELOPMENT LLC	1831 ANNE ST NW STE 100	BEMIDJI	MN	56601
WSSA BEMIDJI LLC	503 S SAGINAW ST	FLINT	MI	48501
LEAH AZURE	522 MINNESOTA AVE NW	BEMIDJI	MN	56601

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Bemidji City Council will meet in the Council Chambers of City Hall, 317 4<sup>th</sup> Street NW, Bemidji, MN on Monday, July 20, 2020, at 6:00 p.m. or as soon thereafter as the matter can be heard, to hold a Public Hearing and 2<sup>nd</sup> reading of an:

### **ORDINANCE CHANGING THE NAME OF BORING COURT NW TO COOPERATIVE COURT NW**

Such persons as desire to comment regarding this ordinance will be given an opportunity to be heard at this meeting. The Ordinance is available by contacting the City Clerk, 317 4<sup>th</sup> Street NW, Bemidji, MN 56601 (218-759-3570).

Michelle R. Miller, Bemidji City Clerk

4450

**-LEGAL ADVERTISEMENT-  
NOTICE OF PUBLIC HEARING**  
**NOTICE IS HEREBY GIVEN** that the Bemidji City Council will meet in the Council Chambers of City Hall, 317 4th Street NW, Bemidji, MN on **Monday, July 20, 2020, at 6:00 p.m.** or as soon thereafter as the matter can be heard, to hold a Public Hearing and 2nd reading of an:  
**ORDINANCE CHANGING THE NAME OF BORING COURT NW TO COOPERATIVE COURT NW**  
 Such persons as desire to comment regarding this ordinance will be given an opportunity to be heard at this meeting. The Ordinance is available by contacting the City Clerk, 317 4th Street NW, Bemidji, MN 56601 (218-759-3570).  
 1 da: 7/11

# AFFIDAVIT OF PUBLICATION

[FORM Rev. 6/15]

**STATE OF MINNESOTA** } **SS**  
**COUNTY OF BELTRAMI** }

**TODD KEUTE**, being first duly sworn, on oath states as follows:

1. I am the publisher of **THE BEMIDJI PIONEER** or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

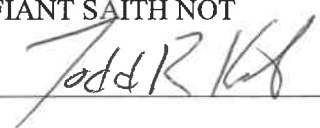
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: **City of Bemidji Notice of Public Hearing for City Council, ran Sat. 7/11/2020.**

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: **\$11.10.** The rate actually charged in this matter: **\$9.00.**


5. Notice of Mortgage Foreclosure Sale. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in BELTRAMI County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT

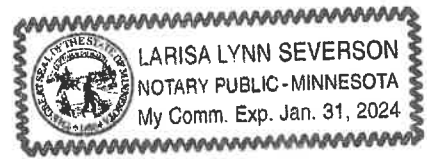
  
 \_\_\_\_\_  
 [Signature]

Subscribed and sworn to before me on

**This 13th day of July, 2020.**

  
 \_\_\_\_\_

Notary Public



# CITY OF BEMIDJI

## ORDINANCE NO. , 3<sup>RD</sup> SERIES

### 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)

#### THE CITY OF BEMIDJI DOES ORDAIN:

**SECTION 1.** Subject to the condition(s) stated in Section 2 hereinafter, the platted (but never improved) alley lying adjacent to Block 6, in Finseth Addition to Nymore, and the platted (but never improved) alley lying adjacent to Block 14, in Finseth's 2<sup>nd</sup> Addition to Nymore, not previously vacated, and legally described as follows:

The North/south alley being 10 feet in width, adjoining the easterly boundary of Block 6, Finseth Addition to Nymore, and lying between the southerly lot line of Lot 4, Block 6, extended easterly to the southwest corner of Lot 4, Block 14, Finseth's 2<sup>nd</sup> addition to Nymore, and the northerly lot line of Lot 1, Block 6, Finseth Addition to Nymore, extended easterly to the northwest corner of Lot 1, Block 14, Finseth's 2<sup>nd</sup> Addition to Nymore.

And,

The North/South alley being 10 feet in width, adjoining the westerly boundary of Block 14, Finseth's 2<sup>nd</sup> Addition to Nymore, and lying between the southerly lot line of Lot 4, Block 14, extended westerly to the southeast corner of Lot 4, Block 6, Finseth Addition to Nymore, and the northerly lot line of Lot 1, Block 14, Finseth's 2<sup>nd</sup> Addition to Nymore, extended westerly to the northeast corner of Lot 1, Block 6, Finseth Addition to Nymore

are hereby vacated.

**SECTION 2.** The City of Bemidji shall reserve a utility easement in, under, over and across the municipal right-of-way vacated in Section 1 above, in favor of private and public utility easement holders for the purpose of maintaining, repairing, replacing, removing or otherwise attending to existing utilities therein.

**SECTION 3.** The City Clerk is hereby authorized and directed to record a duly certified copy of this Ordinance in the office of the County Recorder for Beltrami County, Minnesota.

**SECTION 4.** This Ordinance shall become effective thirty (30) days after its passage and publication according to law.

Yeas:  
Nays:  
Absent:

First Reading: June 15, 2020  
Second Reading: July 6, 2020  
Final Reading:

ATTEST:

APPROVED:

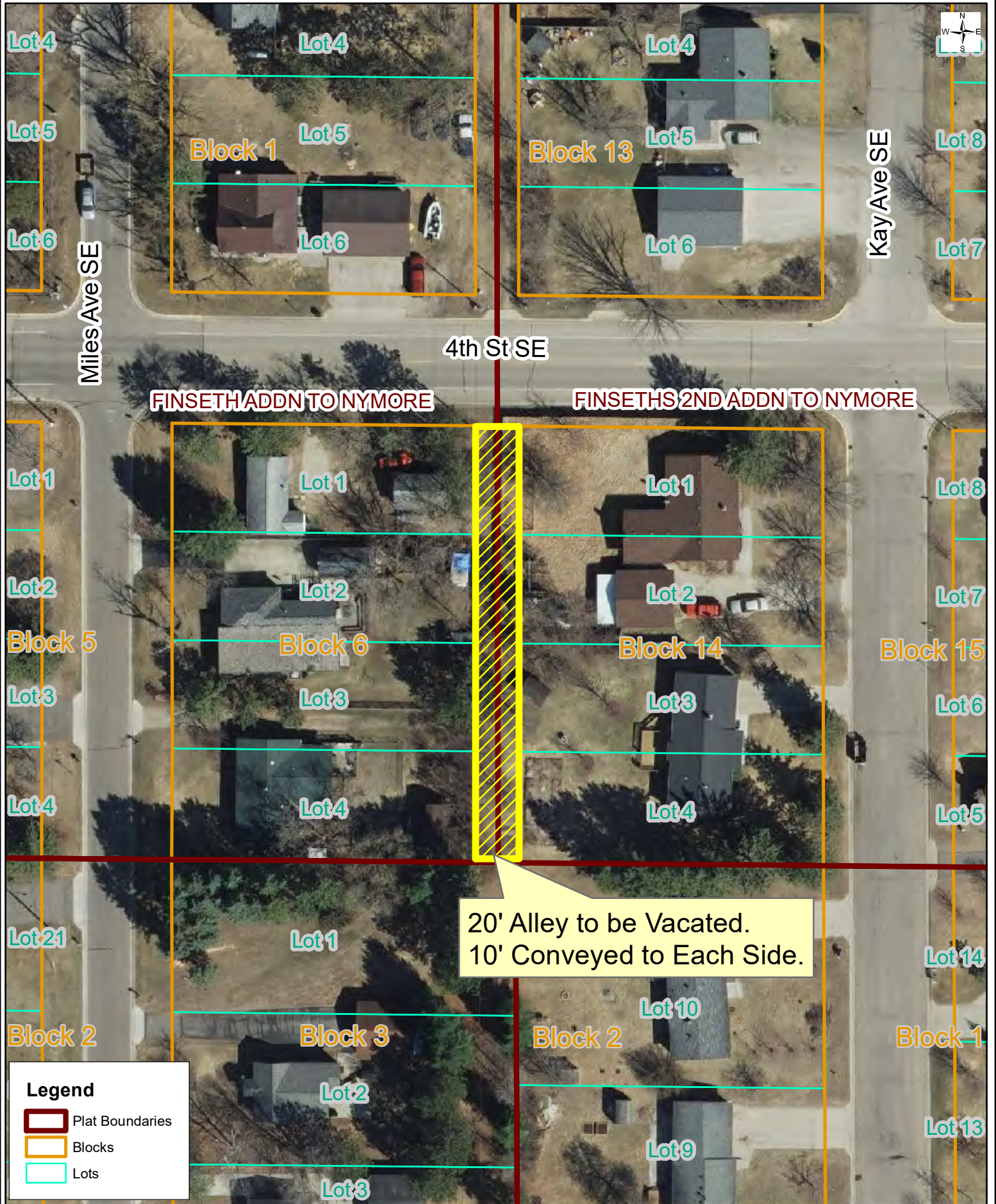
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Michelle R. Miller, City Clerk

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Rita C. Albrecht, Mayor

# Proposed Alley Vacation



20' Alley to be Vacated.  
10' Conveyed to Each Side.

- Legend**
- Plat Boundaries
  - Blocks
  - Lots

0 50 100 200 300 Feet

# **COUNCIL AGENDA ITEM**



**Meeting Date: July 20, 2020**

**Action Requested: Authorization to Publish a Summary of an Ordinance**

**Prepared By: Michelle R. Miller, City Clerk**

**Reviewed By: Nate Mathews, City Manager**

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I am respectfully requesting to publish the following summary of an ordinance as allowed by City Charter Section 3.09:

***LEGAL ADVERTISEMENT***

**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). This Ordinance was approved by the City Council on Monday, July 20, 2020. This Ordinance shall become effective 30 days after publication. A complete copy of the Ordinance is available by contacting the City Clerk, 317 4<sup>th</sup> Street NW, Bemidji, MN 56601 (218-759-3570).

**Recommendation:**

Authorize publication of Ordinance summary.