

BEMIDJI CITY COUNCIL

CITY OF BEMIDJI

NOTICE OF REGULAR MEETING OF CITY COUNCIL PURSUANT TO MINNESOTA STATUTES SECTIONS 13D.015, 13D.021 and 13D.04

NOTICE OF MEETING OF CITY COUNCIL BY TELEPHONE OR OTHER ELECTRONIC MEANS

In accordance with the requirements of Minn. Stat. Sections 13D.015, 13D.021, and 13D.04, the Mayor of the City of Bemidji 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.

NOTICE IS HEREBY GIVEN that the City Council of the City of Bemidji will hold a Council Meeting on Monday, April 19, 2021 at 6:00 p.m. at Bemidji City Hall.

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



- Meeting number (access code): 182 426 3592
- Meeting password: MHfYq2dUa48 (64397238 from phones and video systems)
 - Click Join Meeting

To join by phone, dial: +1-408-418-9388. Follow the prompts and use the following access codes (access will open at 5:30 p.m.):

- Password: 182 426 3592
- Press # for no attendee ID number

BEMIDJI CITY COUNCIL AGENDA

Monday, April 19, 2021

Council Chambers
City Hall – 317 4th Street NW
6:00 P.M.



ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PROCLAMATION – TAKE BACK THE NIGHT & SEXUAL ASSAULT AWARENESS MONTH

SWEARING IN CEREMONY – CAREER FIREFIGHTERS

AMENDMENTS TO AGENDA

MINUTES

- | | |
|------------------|----------------|
| 1) Work Session: | March 22, 2021 |
| Work Session: | March 29, 2021 |
| Council Meeting: | April 5, 2021 |

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 \$391,870.21
- 3) Claims Submitted by VenuWorks for the Sanford Center of \$11285.03
- 4) General Business License Approvals for 2021
- 5) Resolution Accepting Donation from Eagles Auxiliary No. 351 (Fire Department)
- 6) Approve Purchase of Fire Department Turn Out Gear
- 7) Approve Change Order No. 4 – Phase 1 Water Treatment Plant – City Project 20-03
- 8) Resolution Authorizing Designation of Water Department Fund Balance

CITIZENS WITH BUSINESS BEFORE THIS COUNCIL – NOT ON AGENDA

Public Comment – Please give your name, address and state your concern/comment. Visitors may share their concerns with City Council on any issue, which is not already on the agenda. Each person will have **3 minutes** to speak. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. The Mayor may also limit the number of individual presentations on any issue to accommodate the scheduled agenda items. Written comments may also be provided to the City Clerk by 3:00 p.m. on the day of the meeting. Comments can be submitted by email at cityclerk@ci.bemidji.mn.us. You may also request a meeting invite by emailing the city clerk.

COMMENTS WILL BE TAKEN UNDER ADVISEMENT BY THE COUNCIL.

REPORTS

- Beltrami Area Resiliency Team – Maggie Carlson
- Council Reports
 - Johnson (Airport Authority)
 - Rivera (Public Arts/HRA/Transit Authority)
 - Jourdain (Parks & Recreation)

NEW BUSINESS

- 9) Consider Award of Bid for 2021 5th Street NE Reconstruction – City Project 21-02
- 10) Consider MOU and Professional Services Agreement for Elliot Road NE Paving Project
- 11) Consider Award of Quote for Construction of Natural Playground Project

ORDINANCES

12) Public Hearing of an Ordinance Amending Chapter 16 of Bemidji City Code Entitled “Fire Prevention and Protection” Amending Article II – Fire Code

- Second Reading of Said Ordinance

UPCOMING MEETINGS

- | | | |
|--------------------|-----------|--|
| • Monday, April 26 | 5:00 p.m. | Board of Review |
| • Monday, April 26 | 5:30 p.m. | Work Session – Manager’s Review |
| • Monday, May 3 | 6:00 p.m. | Council Meeting (SWPPP Public Hearing) |
| • Monday, May 10 | 5:30 p.m. | Work Session – 2022 FMP |
| • Monday, May 17 | 5:00 p.m. | Public Works Committee (Refuse) |
| • Monday, May 17 | 6:00 p.m. | Council Meeting |

ADJOURN

Proclamation

WHEREAS, sexual violence against women, men, and children is widespread and impacts every person in this community; *and*

WHEREAS, in Minnesota, it is estimated that one in three women and one in six men will experience sexual violence in their lifetime; *and*

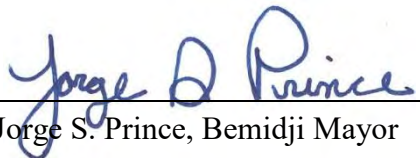
WHEREAS, American Indians are 2.5 times more likely to experience sexual assault crimes compared to all other races, and one in three Indian woman report having been raped during her lifetime; *and*

WHEREAS, rape, sexual assault, and sexual harassment harm our community; *and*

WHEREAS, to solve this problem we must work together to support survivors, educate our community about sexual violence prevention, and speak out against harmful attitudes and actions;

NOW THEREFORE, I, Jorge Prince, Mayor of the City of Bemidji, hereby proclaim the night of April 22, 2021 as “Take Back the Night” and the month of April as Sexual Assault Awareness Month in the City of Bemidji. I urge all citizens to take action to work toward the elimination of all forms of sexual violence and to create a safer environment for all.

IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND OFFICIAL SEAL.



Jorge S. Prince, Bemidji Mayor

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Work Session – March 22, 2021

Pursuant to due call and notice, a work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, March 22, 2021, at 5:30 p.m. in the Conference Room of City Hall, Mayor Prince presiding via video and phone conference.

Upon roll call, the following Councilmembers were declared present: Prince, Thayer, Peterson, Johnson, Rivera, Erickson, Jourdain (5:38)

Staff Present: City Manager Nate Mathews, City Attorney Al Felix, Finance Director Ron Eischens, Public Works Director Craig Gray, Parks & Recreation Director Marcia Larson, Police Chief Mike Mastin, Sanford Center Executive Director Tiffany Vickaryous, City Clerk Michelle Miller

Others Present: Dr. Wilcox, Kelly Hagen and Kayla Winkler with Sanford Health; Cynthia Borgen, Chris Muller and Megan Heuer with Beltrami County; Beryl Wernberg with County Fair Board.

Mayor Prince stated that the purpose of the work session to discuss 2021 Special Events, Outdoor Dining and Tribal Flags at City Hall.

2021 Special Events

Mathews stated that in 2020 with the spread of the Covid virus, together with various state mandates, the city did not accept special event applications. Looking forward to the 2021 special events, staff is seeking direction, with input from Sanford Health and Beltrami County, on how organizers can hold their event while being sensitive to reducing the spread of the Covid virus.

Kelly Hagen and Dr. Wilcox of Sanford Health provided comments on Sanford's approach on socializing and planning of events.

The following comments and concerns were raised during the discussion:

- Groups will need to plan for distancing, canceling, mitigation and enforcement
- Set threshold or condition to cancel – event not safe (possibly positivity rate)
- Plan events pursuant to current Minnesota Department of Health guidelines. The City does not want to be more restrictive.
- MDH has stricter restrictions when food and beverage involved, must be in a designated area and participants must be seated.
- Perhaps tiered guidance to assist staff with processing event requests; possibly limit entry points with fencing, keep log of participants. Limit capacity based on size of area (Calculator on MDH website).
- Preparedness Plan for each portion of event to account for social distance, masking, wash hands, etc.

- The City could be liable if events are approved with an incomplete application. Require preparedness plans – event organizers must follow and enforce. Some cities are choosing not to approve events in their communities to reduce exposure to liability.

Mayor Prince suggested that staff draft a document showing what a tiered structure would look like and that council could review and possibly give direction at a future meeting.

Tribal Flags at City Hall

Prince stated, that at the request of two councilmembers, the topic of hanging neighboring Tribal Flags in the council chambers has been brought for discussion. Felix stated it is a decision for the council regarding projects relating to City Hall and Council Chambers.

Councilmembers Thayer, Jourdain and Rivera emphasized that flags represent respect for people that they serve and opens the door to relationship building, bridging, breaking barriers, and strengthening political relationships.

Mayor Prince and Councilmembers Erickson, Johnson and Peterson stated that it is important to improve relationships not only with our tribal neighbors, but also with our neighboring governmental entities, including townships and cities. That the flags currently displayed in the chambers represents the oath of each member upon taking office. Relationships begin with conversations of the governing bodies. Prince stated that the things that bring real change to all people is better paying jobs, affordable housing, and more power to be shared with disenfranchised groups.

Further discussion will be need and no action was taken at this time.

Outdoor Dining

Mathews stated that there is interest of some downtown establishments for outdoor dining options on city right of way for 2021 summer. Under the current emergency order the city could adopt a resolution allowing establishments to use the sidewalks and/or parking spaces to serve alcohol. The proposed cost of the obtaining the barricades is approximately \$12,000-\$15,000. The newest Covid funding could offset the cost of the barricades. Long term outdoor dining option would require future discussion and planning.

Councilmembers expressed concern of blocking off handicap parking spaces and not closing entire sections of streets. Consensus of council was to support the use of sidewalk and parking stalls for outdoor dining. Erickson expressed opposition to outdoor dining. Staff will bring a resolution for council consideration at the next council meeting.

ADJOURN

There being no further business, motion by Johnson seconded by Peterson, to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p.m.

Respectfully submitted,



Michelle R. Miller
City Clerk

CITY COUNCIL PROCEEDINGS

BEMIDJI, MINNESOTA

Work Session – March 29, 2021

Pursuant to due call and notice, a work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, March 29, 2021, at 5:30 p.m. in the Conference Room of City Hall, Mayor Prince presiding via video and phone conference.

Upon roll call, the following Councilmembers were declared present: Prince, Thayer, Peterson, Johnson, Rivera, Erickson, Jourdain

Staff Present: City Manager Nate Mathews, City Attorney Al Felix, Assistant City Attorney Katie Nolting, Public Works Director Craig Gray, Police Chief Mike Mastin, Police Sergeant Matt Bahl, Police Officer Tabitha Carrigan, Building Official Cris Bitker, City Clerk Michelle Miller

Others: Kathy Guess and Mike Strodtman of the Landlord Association

Mayor Prince stated that the purpose of the work session to discuss Rental Code Amendments.

Rental Code Amendments

Mathews and Felix provided background and history on the current rental code as well as an explanation of how the current proposed amendments were developed over the last several years. Felix emphasized that the current draft is a work in progress which will need further review before moving forward in the ordinance reading process. Felix stated that when the rental code was changed significantly in 2010, an ad hoc rental committee was formed to address and discuss those changes, which included representatives of landlords, tenants and homeowners neighboring rental properties. Mastin provided information on the Minnesota Crime Free Multi Housing Program portion in the code as it relates to conduct on the rental premises.

Felix stated that the council can create a separate committee outside the public affairs or public works committees. Potential members of the community could include Kathy Guess and Mike Strodtman as well as tenants and community members. Kathy Guess and Mike Strodtman of the Landlord Association stated they are willing to participate and appreciate the opportunity to be involved in the process.

Council discussed whether they should create a new committee such as an Ad Hoc Rental Committee II. Council members stated that this matter should not be rushed and the strengths and talents of the council should be utilized to get the best outcome as possible for all involved to provide safe communities to everyone. Councilmembers Rivera, Erickson and Jourdain were suggested as good councilmembers to serve on the new committee.

Consensus of council was to have staff bring a committee member recommendation for the Ad Hoc Rental Committee II to the council meeting of April 5.

ADJOURN

There being no further business, motion by Peterson seconded by Jourdain, to adjourn the meeting. Motion carried. Meeting adjourned at 6:32 p.m.

Respectfully submitted,

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

Michelle R. Miller
City Clerk

Bill List Summary

April 19th, 2021

<u>Check /Wire</u>	<u>Vendor</u>	<u>Amount</u>
32042	Firehouse LLC	\$19,683.00
32050 - 32137	See Attached List	<u>372,187.21</u>
		\$391,870.21
	TOTAL	\$ 391,870.21

Accounts Payable

Blanket Voucher Approval Document

User: denisea
Printed: 04/15/2021 - 9:18AM
Warrant Request Date: 4/20/2021
DAC Fund:



Batch: 00420.04.2021

COUNCIL BILL LIST

Line	Claimant	Voucher No.	Amount
1	Acme Tools-Bemidji	000032050	2,710.56
2	Advanced Eng.& Environ.Serv., Inc.	000032051	5,833.70
3	Alerus Retirement and Benefits	000000000	70.00
4	Aramark	000032052	717.19
5	Artisan Beer Company	000032053	2,149.10
6	Arvig	000032054	645.18
7	Auto Value Bemidji	000032055	400.46
8	Axon Enterprise, Inc.	000032056	3,700.62
9	Barrett Towing Service	000032057	300.00
10	Battery Wholesale Inc-Bemidji	000032058	6.60
11	Bellboy Corporation	000000000	803.15
12	Beltrami County Dare Advisory	000032059	1,066.82
13	Beltrami County Recorder	000032060	92.00
14	Beltrami County Solid Waste	000032061	22.40
15	Beltrami Electric Coop	000032062	1,207.32
16	Bemidji Coca-Cola Bottling Co, Inc	000032063	403.16
17	Bemidji Coop Ass'n, Inc.	000032064	544.11
18	Bemidji Paper Sales, Inc.	000000000	3,010.92
19	Bemidji Welders Supply, Inc.	000032065	37.50
20	Bernick's	000000000	28,566.31
21	Beverage Wholesalers	000032066	754.00
22	Bitker,Cristopher	000000000	20.00
23	Bluefin Payment Systems	000000000	1,748.86
24	Bob's Towing	000032067	125.00
25	Breakthru Beverage Minnesota Wine & Spirits, LLC	000032068	12,563.08
26	City of Bemidji - ACH	000000000	190.00
27	Core & Main	000032069	3,962.27
28	Crazy About Cleaning	000000000	1,448.00
29	Culligan	000032070	181.40
30	D & D Beverage, LLC	000000000	2,245.50
31	DEMCO	000000000	296.55
32	D-S Beverages	000032071	39,020.25
33	Emergency Apparatus Maint.,Inc.	000000000	96.64
34	Emergency Automotive Technologies, Inc.	000000000	216.18
35	Fed Ex	000032072	61.44
36	Ferguson Waterworks #2516	000032073	574.09
37	Forum Communications Company	000000000	254.01
38	Freightliner of St. Cloud	000032074	675.97
39	Frontier Electric of Bemidji, Inc.	000032075	5,200.40
40	Gopher State One-Call	000000000	48.60
41	Grand Forks Fire Equipment LLC	000000000	3,051.17
42	Guardian Pest Control, Inc	000032076	54.77
43	Hach Company	000032077	99.84
44	Hawkins, Inc.	000000000	11,930.55

Page Total: \$137,105.67

Line	Claimant	Voucher No.	Amount
45	Hill's Plumbing & Heating	000032078	71.00
46	Hoff Barry, P.A.	000032079	4,702.24
47	HR Green, Inc.	000032080	1,249.50
48	Imperial Supplies LLC	000032081	187.39
49	Innovative Office Solutions, LLC	000032082	87.36
50	Ironhide Equipment, Inc.	000000000	44.47
51	Jim Hirt Trucking, Inc	000032083	737.71
52	JOBSHQ	000032084	696.96
53	Johnson Bros., Inc.	000032085	16,486.63
54	Kennedy & Graven Charter	000032086	111.00
55	Kitchigami Regional Library	000032087	72,249.00
56	L & M Supply, Inc.	000032088	231.88
57	Lake of the Woods County	000000000	398.12
58	Lawson Products, Inc.	000032089	375.31
59	Locators & Supplies, Inc.	000000000	561.16
60	Macqueen Equipment, Inc.	000000000	536.48
61	Maid In Bemidji, Inc.	000000000	1,385.00
62	Marco Technologies LLC	000032090	175.28
63	Marco, Inc.	000000000	101.13
64	McKinnon Co., Inc.	000032091	16,998.80
65	Menards-Bemidji	000000000	417.79
66	Miller,Michelle	000000000	39.20
67	MN Bureau Criminal Apprehension	000032092	150.00
68	MN Dept of Labor & Industry	000032093	10.00
69	MN Energy Resources	000000000	569.76
70	MN Rural Water Assn	000032094	36.84
71	MN Treasury Division., Finance	000032095	1,098.00
72	MN Valley Testing Lab, Inc.	000000000	484.65
73	MoeCo Fire & Safety	000032096	272.55
74	Murray Surveying, Inc.	000032097	940.00
75	NAPA Auto Parts	000000000	497.68
76	Naylor Heating & Refrigeration, LLC	000000000	1,605.82
77	Nei Bottling, Inc.	000032098	11.18
78	North Country Electrical Services, Inc.	000032099	312.22
79	Northern Tool & Equipment	000032100	168.96
80	Northwoods Ice, Inc.	000032101	205.20
81	NW Tire, Incorporated	000032102	2,585.53
82	OSI Environmental Inc.	000032103	2,076.25
83	Otter Tail Power Company	000032104	59.27
84	Per Mar Security Services	000032105	98.82
85	Phillips Wine & Spirits	000032106	8,301.60
86	Portage Brewing Company	000032107	654.00
87	Port-O-Wild Security, Inc.	000000000	1,633.50
88	PowerPlan OIB	000032108	716.90
89	Priority Payment Systems	000000000	265.67
90	Pro-West & Associates, Inc.	000032109	73.98
91	Rhomar Industries, Inc.	000032110	623.90
92	Richards Publishing Company	000032111	150.00
93	Ridlon,Mathew	000000000	70.00
94	RMB Environmental Laboratories, Inc.	000032112	704.00
95	Roger's Two Way Radio, Inc.	000032113	840.85
96	RP Broadcasting	000032114	360.00
97	Sadeks Repair & Welding, Inc.	000032115	2,277.18
98	Sanford Health Occupational Med.	000032116	498.00
99	Skeeter Stitch	000032117	78.00
100	Southern Glazer's of MN	000032118	7,984.86
101	Southside Tow & Rec, Inc	000032119	100.00

Page Total: \$154,358.58

Line	Claimant	Voucher No.	Amount
102	Spartz,Ron	000032120	15.00
103	Springbrook Software LLC	000000000	1,268.00
104	Streicher's	000032121	134.99
105	Superior Outdoors LLC	000032122	1,662.35
106	T & K Outdoors, Inc.	000032123	95.00
107	TC Lighting Supplies & Recycling, Inc	000032124	639.93
108	TDS Metrocom-MN	000000000	956.35
109	Team Laboratory Chemical, LLC	000032125	1,507.50
110	Thomson Reuters-West	000032126	430.70
111	True Brands	000032127	56.45
112	US Bank Merchant Billing	000000000	9,949.25
113	US Bank-CM-9690	000032128	850.00
114	USA Bluebook	000032129	253.86
115	Valvoline Instant Oil Change	000032130	86.36
116	Verizon Wireless	000032131	140.04
117	Viking Electric Supply, Inc.	000032132	878.93
118	Vinocopia, Inc.	000000000	857.59
119	VisitBemidji	000000000	29,438.24
120	Waste Management of WI-MN	000032133	7,798.97
121	Wells Fargo-ACH	000000000	20,081.55
122	Wes Plumbing & Heating	000032134	121.17
123	Whelan Properties, Inc.	000032135	1,000.00
124	Wine Merchants	000032136	2,220.00
125	Zep Sales & Service	000032137	280.73
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Page Total:			\$80,722.96
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Grand Total:			\$372,187.21

Sanford Center Unpaid Bills Detail

	Reference	Invoice Amount
Bemidji Coca-Cola Company		96.12
	F&B Purchases	96.12
Bemidji Welders Supply, Inc.		161.27
	Monthly Cylinder Rental	161.27
Brothers Fire & Security		2,813.76
	Sprinkler Repair	2,813.76
Dennis Noska		250.00
	Boiler Inspections	250.00
G&R Controls, Inc.		-198.32
	Returns	-198.32
Glacier Dry Ice Cleaning		4,390.51
	Hood Cleaning	4,390.51
Hunt Electric Corporation		80.87
	Fire Alarm Monitoring	80.87
Lake Superior Cutting Edge, LLC		90.00
	Blade Sharpening	90.00
Lueken's Village Food - South		8.70
	F&B Purchases	8.70
Lueken's Village Foods - North		14.67
	F&B Purchases	14.67
Marco Technologies		508.19
	Copier Lease	508.19
Shiftboard Inc.		1,500.00
	Scheduling Software	1,500.00
T&K Outdoors, Inc.		945.00
	Snow Plowing	945.00
Waste Management		260.42
	Trash Services	260.42
Manual Checks & Debits		363.84
Reinhart Foodservice	F&B Purchases	31.70
Merchant Services	Credit Card Fees	132.98
NovaTime Technologies	Timeclock	103.30
BridgePay	Credit Card Fees	19.95
Reinhart Foodservice	F&B Purchases	75.91
Grand Total		11,285.03

Reviewed by Sanford Center Finance Subcommittee on 4/14/21

GENERAL BUSINESS LICENSES - 2021

Type of License	Business Name	Business Location	Fee Paid
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Fireworks Non-exclusive

TARGET STORE #0657	2100 PAUL BUNYAN DR NW	\$100.00
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Taxicab Driver

JUAN PETER LOPEZ	WITHIN BEMIDJI CITY LIMITS First City Taxi	\$20.00
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MARK ROLAND KINGBIRG	WITHIN BEMIDJI CITY LIMITS First City Taxi	\$20.00
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COUNCIL AGENDA ITEM



Meeting Date: April 19th, 2021

Action Requested: Accept donation from Eagles Auxiliary No 351

Prepared By: Justin Sherwood, Fire Chief JS

Reviewed By: Nate Mathews, City Manager

Background:

Bemidji Fire Department has received a donation from Eagles Auxiliary No 351 for the amount of \$200. The money will be used to assist us with operational needs.

Recommendation:

Staff recommends that the council accept the donation from Eagles Auxiliary No 351 for the amount of \$200.

RESOLUTION NO.

A RESOLUTION ACCEPTING DONATION

(Eagle Auxiliary No. 351)

WHEREAS, the City Council of the City of Bemidji encourages public donations to help defray the costs to the general public of providing services and improving the quality of life in the City of Bemidji; and

WHEREAS, Eagle Auxiliary No. 351 has donated \$200.00 for use by the City of Bemidji Fire Department to assist with operational needs; and

WHEREAS, Minnesota Statutes 465.03, requires that all gifts and donations of real or personal property, including money, be accepted by adoption of a resolution approved by two-thirds of the members of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bemidji, Beltrami County, Minnesota, that this donation is hereby accepted for the use it was intended.

BE IT FURTHER RESOLVED that the City sincerely thanks Eagle Auxiliary No. 351 its gracious and generous donation.

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

Yeas:

Nays:

Absent:

Passed: April 19, 2021

ATTEST:

APPROVED:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

COUNCIL AGENDA ITEM



Meeting Date: April 19, 2021

Action Requested: Approve purchase of Fire Department Turn out gear

Prepared By: Ron Eischens, Finance Director *RE*

Reviewed By: Nate Mathews, City Manager

Background

See the attached memorandum from Fire Chief Sherwood regarding obsolete turn out gear. This is a firefighter life safety issue that needs to be addressed as soon as possible.

This item is not currently in the City or Fire department budget. As staff we believe it is mission critical to purchase this equipment at an estimated cost of \$23,400. Future fire department budgets should include this equipment as an on-going operational expense.

Recommendation:

Authorize replacement of 10 sets of fire turnout gear at an approximate cost of \$23,400. A budget amendment will be made to increase the fire department budget to include this expense in their operational supplies.

MEMO



Date: April, 07 2021

Action Requested: Turnout gear purchase

Prepared By: Justin Sherwood, Fire Chief JS

Reviewed By: Nate Mathews, City Manager

Background:

Bemidji Fire Department serves the cities of Bemidji, Wilton, Turtle River and 15 townships. We operate out of 4 stations and are staffed by 9 full-time and 48 paid on-call firefighters. We protect 522 square miles and average over 100 fires annually. While working on emergency fire scenes, firefighters wear ensembles called structural turnout gear to protect them from fire.

In March 2021, a personal protective gear inventory was conducted department wide. It was found that 24 of Bemidji's 56 firefighters were operating at emergency scenes in non-compliant personal protective turnout gear. With a planned hire of 8 paid on-call firefighters to fill vacancies in May, that would bring the 24 non-compliant sets to 32. Compliant turnout gear is defined by NFPA 1851:

NFPA 1851: Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, requires that structural turnout gear shall be retired when the garment is beyond repair and no longer able to pass an NFPA 1851 Advanced Inspection, or ten years from date of manufacture, whichever comes first.

Of the 24 sets of turnout gear in excess of 10 years old, 10 sets are also beyond repair as they have extreme heat damage to the outer shell and rips/tears to the moisture barrier and thermal lining package (see attachment).

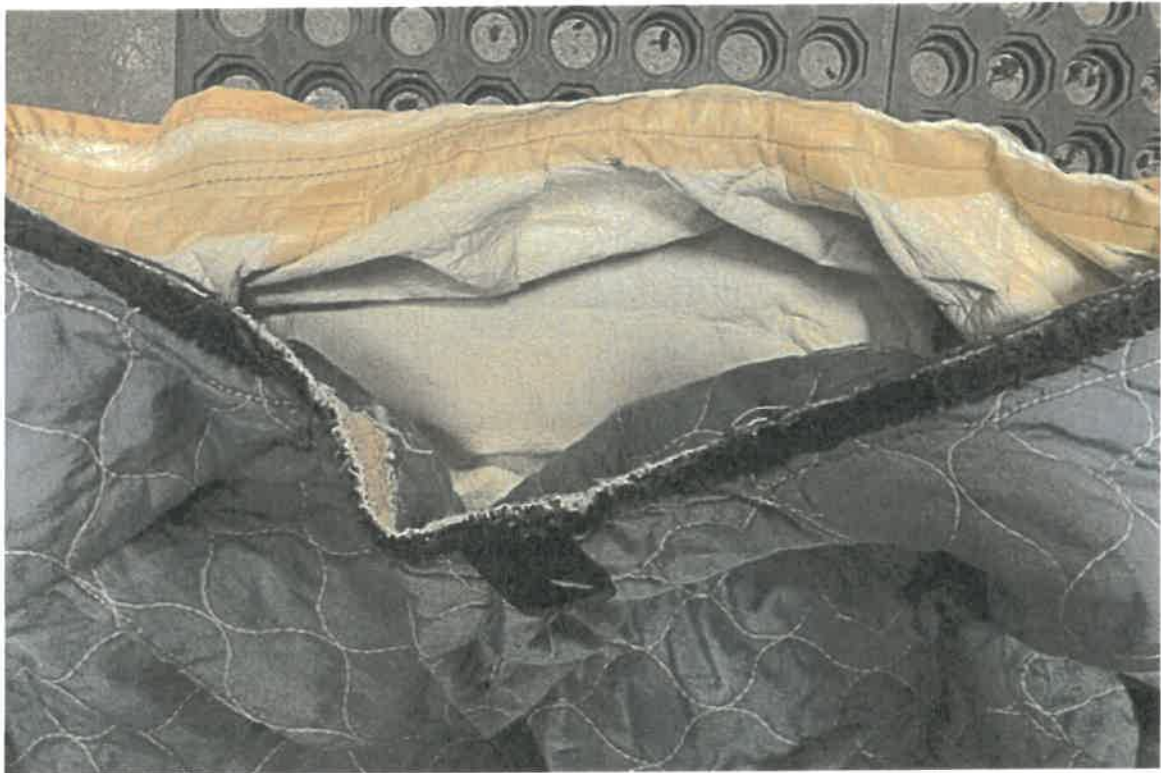
How did we get here?

During the previous administration, only 2-3 sets of structural turnout gear had been purchased annually instead of the 7 sets that a department of our size would need to maintain compliance. Many firefighters were issued "excess property" that was acquired from the Minnesota DNR State Surplus Cache. Wildland firefighting gear was the primary gear that was purchased new.

Recommendation:

Until such time that adequate structural gear can be approved in our long-range budget, it is my recommendation that the City authorize the purchase of 10 sets of structural turnout gear to fulfill an emergency need at a cost of \$23,400.









Quotation

TO Bemidji Fire Department

Salesperson	Job	Date	
Dennis Bittmann	Globe GXtreme 3.0 Turnout Gear with Globe Pants System	3/28/21	

Qty	Description	Unit Price	Line Total
10	*Pioneer Outer Shell Black Color *Stedair 4000 Moisture Barrier *Titanium Thermal Barrier *Radio Pocket with Mic Strap on the Left Chest *Survivor Flashlight Holder on the Right Chest *Nomex Hand and Wrist Guard with Thumb Loop *Fleece Handwarmers in the Coat Pockets *R/O High Vis Tripple Trim *H-Back Rip Cord Suspender *DragonHide Cuffs on Pants and Coat *DragonHide Knees with Silezone Knee Padding *Globe New GPS Pants System *Bemidji lettering on the coat back *American Flag on Right Shoulder	\$2,340.00	\$23,400.00
10	Upgrade to Comfort Trim on Coat and Pants **like the sample gear you have	Add \$58.00	\$580.00
	Total		\$23,980.00

GRAND FORKS FIRE EQUIPMENT DENNIS BITTMANN, dennis@gffire.com 218-791-1821

What is Firefighter Turnout Gear?

Firefighter structural turnout gear is one component of firefighter health and safety. Firefighters need to understand not only the performance of their gear and proper donning and doffing techniques, but also the limitations of the gear.

The 3-Layer System

A typical turnout has an outer shell, a moisture barrier, and then one, two, or three layers of fabric that make up the thermal lining package. Air is trapped in these thermal layers to insulate the firefighter from heat.

Outer Shell

The main purpose of the outer shell is to protect the firefighter from direct flame and heat; it also contributes to abrasion and cut protection as well as some thermal protection. Embrittlement is a total breakdown of the outer shell. Even with the highest level of flame resistance, an outer shell will eventually break down when exposed to flames and could result in serious burns.

Moisture Barrier

The primary purpose of the moisture barrier is to protect the firefighter from what NFPA 1971 refers to as the "common liquids": swimming pool chlorine, battery acid, aqueous film forming foam, surrogate gasoline, fire-resistant hydraulic fluid, and automobile antifreeze fluid. Additionally, the moisture barrier provides protection from blood borne pathogens; it should be noted, however, that these tests are performed on as new fabric and for a limited period of time. The other purpose of the moisture barrier is to allow perspiration to move away from the wearer, also referred to as "breathability."

The moisture barrier is typically a bi-component membrane bonded to a lightweight fabric substrate.

Thermal Liner

The thermal liner provides a majority of the thermal protection from the ambient heat in the room. Thermal liners consist of a face cloth and batting. The yarns have protruding random fibers, which help wick moisture off the skin. The batting is typically NOMEX® and/or KEVLAR® fibers.

COUNCIL AGENDA ITEM



Meeting Date: April 19, 2021

**Action Requested: Approve Change Order No. 4 – Water Treatment Plant
City Project 20-03**

Prepared By: Craig Gray, City Engineer

Reviewed By: Nate Mathews, City Manager

Background:

Attached is change order number four for the construction of the city's new water treatment plant. This change order includes multiple items that came up during the construction of the project. All items have previously been approved by me and completed. Formal action by the city council is requested.

Finance

The total amount of change order four is \$39,656.09. Combining this with the previous change orders brings us to a project change order total of \$106,305 (1.75%). The project budget that I presented to the city council in June allocated \$180,000 for change orders so we are still within the overall project budget. This change order results in a new contract cost with Rice Lake Construction of \$6,168,105.09.

Recommendation

It is recommended that the city council pass a motion approving change order number four for the Water Treatment Plant – City Project 20-03.

CHANGE ORDER NO. 4

PROJECT: City of Bemidji Near Term Water Treatment Plant

DATE OF ISSUANCE: April 14, 2021

EFFECTIVE DATE: April 14, 2021

OWNER: City of Bemidji, Minnesota

ENGINEER'S Project No.: 23041017

CONTRACTOR: Rice Lake Construction Group.

ENGINEER: Barr Engineering

You are directed to make the following changes in the Contract Documents.

Description:

Natural gas usage for month of December, 2020.	(\$1,537.32)
Natural gas usage for month of January, 2021.	(\$1,145.08)
Natural gas usage for month of February, 2021.	(\$915.55)
Natural gas usage for month of March, 2021.	(\$569.76)
Change Order Proposal #7 (Field Order #5A) – Additional foundation work and greater Generator slab thickness.	\$4,209.30
Change Order Proposal #9 Time and Material for installation and removal of piping backwash discharge to tanks slowing the discharge to the City's sanitary sewer system.	\$27,674.38
<i>This change order item includes labor, material, and equipment costs associated with rental of backwash storage tanks and installation of piping and valves to route water during GAC backwash activities to the tanks. The design documents did not include backwash handling as it was unknown at the time of design what the most efficient procedure for backwash handling would be (e.g., piping to wooded area, discharge through sanitary manholes).</i>	
Change Order Proposal #14 – Additional length of pipe supports for the carbon loading piping for the six GAC vessels.	\$3,585.78
Change Order Proposal #15 (Field Order #13A) – Provide HART communication and Wire flowmeter FE-2 to the SCADA instead of to the Kurita Panel.	\$6,349.73
Change Order Proposal #16 (Request for Information #14) – prepare and seal the concrete Floors on the two mezzanines.	\$2,668.00
Change Order Proposal #17 (Field Order #15) – delete the aluminum letter from the outside of the building.	(\$3,371.09)
Change Order Proposal #20 (Field Order #18) – install sidewalk per modified layout.	\$627.82
Change Order Proposal #21 (Field Order #17) – modify sprinkler arrangement in permanganate feed room.	\$2,079.88
Total	\$39,656.09

Attachments: Gas Bills December 2020, January 2021, February 2021, and March 2021; Field Orders #5A, #13A, #15, #17, #18; Change Order Proposals #7, #9, #14, #15, #16, #17, #20, and #21 and Request for Information #14.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	Original Contract Times
\$ 6,061,800.00	Substantial Completion : <u>February 26, 2021</u> days or dates Ready for final payment : <u>June 15, 2021</u> days or dates
Net changes from previous Change Orders No. <u>1</u> to No. <u>3</u>	Net changes from previous Change Orders No. <u>1</u> to No. <u>3</u>
\$ 66,649.00	<u>28</u> days
Contract Price Prior to this Change Order	Contract Times prior to this Change Order
\$ 6,128,449.00	Substantial Completion : <u>February 26, 2021</u> days or dates Ready for final payment : <u>June 15, 2021</u> days or dates
Net Increase of this Change Order	Net Increase of this Change Order
\$ 39,656.09	<u>0</u> days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
\$ 6,168,105.09	Substantial Completion : <u>February 26, 2021</u> days or dates Ready for final payment : <u>June 15, 2021</u> days or dates

RECOMMENDED:

APPROVED:

ACCEPTED:

By: Julia Macejko
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: Larry McAllen
Contractor (Authorized Signature)

Date: 4/14/2021

Date: _____

Date: 4-14-21

EJCDC No. 1910C8-B (1990 Edition)


Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

COUNCIL AGENDA ITEM



Meeting Date: April 19, 2021

Action Requested: Authorize designation of Water Department Fund Balance

Prepared By: Ron Eischens, Finance Director 

Reviewed By: Nate Mathews, City Manager

Background

The City recently received \$12.5 million from 3M in resolution of City water issues arising out of alleged PFAS contamination at the Airport with the potential to impact the City's water supply wells. Legal costs totaling \$300,000 were paid by the City with water utility funds to obtain this agreement.

The \$12.2 million (\$12.5 million less \$300,000) remaining balance is intended for future water department operating and capital needs, especially (but not exclusively) those relating to the temporary greensand and granular activated carbon treatment system the City has installed and is operating, and the permanent system that the City will be designing, installing and operating. Therefore, to segregate these dollars from other water and sewer funds, it is recommended the City pass a resolution designating these funds received from 3M (\$12.2 million) for that purpose.

Recommendation:

Approve attached resolution designating that the balance of \$12.2 million from 3M be utilized for future water department operating and capital needs.

RESOLUTION NO.

A RESOLUTION DESIGNATING FUND BALANCES

WHEREAS, on April 19, 2021, the City Council considered the designation of fund balances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bemidji hereby designates fund balances in accordance with the following schedule:

Water Fund

- For future operating and capital needs of the water department in amount of \$12.2 million

BE IT FURTHER RESOLVED, the above designations are effective as of December 31, 2020.

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

Yeas:

Nays:

Absent:

Passed: April 19, 2021

ATTEST:

APPROVED:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

COUNCIL AGENDA ITEM



Meeting Date: April 19th, 2021

Action Requested: 2021 5th Street NW Reconstruction Project – Consider Awarding Bid – City Project 21-02

Prepared By: Samuel C. Anderson, P.E. *sa*
Assistant City Engineer

Reviewed By: Craig J. Gray, P.E., DPW/City Engineer *CJG*
Nate Mathews, City Manager

Background:

Back in February, Council authorized staff to design and advertise the 5th Street NW Reconstruction project. The project includes replacing a roughly 3 block stretch of 5th Street NW from Irvine Avenue NW to Beltrami Avenue NW, see attached exhibit. Last construction season we completed the reconstruction of America Avenue NW from 4th Street NW through the intersection at 5th Street NW, located just west of City Hall. With the 5th Street & America Avenue intersection already completed, the remaining underground public utility replacement is primarily located at the intersection of 5th Street & Minnesota Avenue which helped to reduce the overall construction length for this year's project.

Bids

A bid opening for the project was held on Wednesday, April 7th, 2021 and the following four bids were received:

<u>Bidder</u>	<u>Total Bid</u>
Sparky's Construction	\$ 373,000.00
Northern Paving, Inc.	\$ 444,071.50
Reierson Construction	\$ 478,922.91
Gladen Construction	\$ 490,867.85

City Engineer's Estimate: \$ 430,000.00

Finances:

Our estimate for the total project cost is approximately \$429,000.00 after design engineering and construction inspection costs are included. This is roughly \$24,000.00 less than our estimated total project cost. 5th Street NW is a state aid designated city street and staff plan to use our State Aid Construction account for the street improvements, with the remaining utility upgrades out of the various utility accounts.

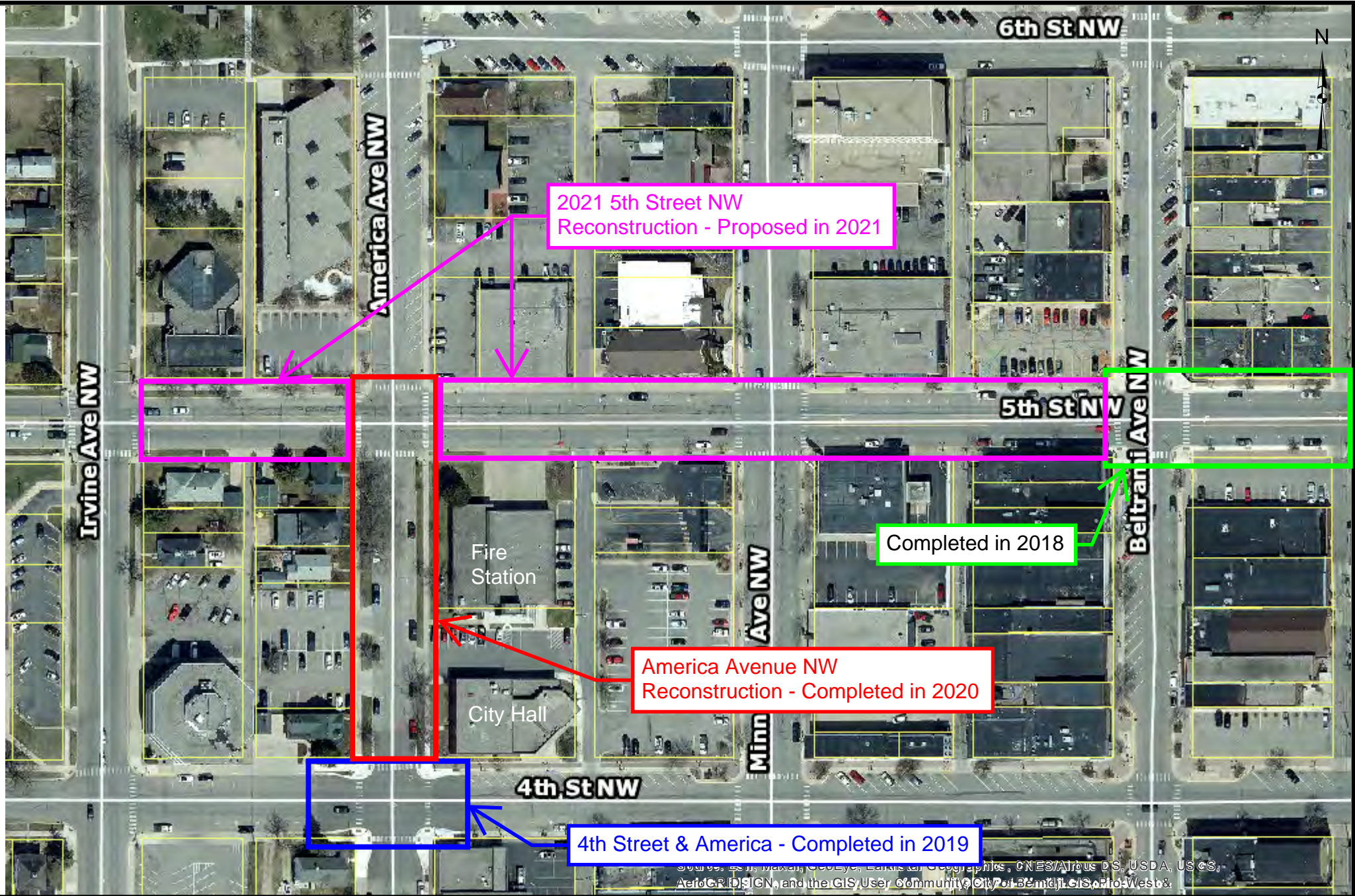
State Aid Construction	\$ 353,000
Sanitary Sewer Utility Fund	\$ 10,000
Water Utility Fund	\$ 37,000
Storm Water Utility Fund	<u>\$ 29,000</u>
	\$ 429,000

Schedule:

Construction is anticipated to take place after the July 4th weekend and be completed prior to Labor Day weekend when we anticipate school back in session.

Recommendation:

It is recommended that the city council consider a motion awarding the bid to Sparky's Construction, Inc. in the amount of \$373,000.00 for the 2021 5th Street NW Reconstruction – City Project 21-02.



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.

<h2>2021 5th Street NW Reconstruction - Project Overview Exhibit</h2>	
<p>1:2,257</p>	<p>Date: 2/8/2021</p>
<p><small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small></p>	



COUNCIL AGENDA ITEM



Meeting Date: April 19th, 2021

Action Requested: Authorize City to enter into a Memorandum of Understanding with Northern Township and Authorize Professional Services for Elliot Road NE Paving Project

Prepared By: Samuel C. Anderson, P.E. *sa*
Assistant City Engineer

Reviewed By: Craig J. Gray, P.E., DPW/City Engineer *CJG*
Nate Mathews, City Manager

Background:

The City of Bemidji, in coordination with Northern Township, has applied for a Local Road Improvement Program (LRIP) grant back in March which would provide funding for the paving of Elliot Road NE between Lake Avenue NE and Big Bass Road NE, see attached exhibit.

The original grant schedule stated that applicants would be notified of receiving the funding by May. Staff have since received notification that due to the number of applicants for the funding, the grant award date has been delayed to sometime in June. Because we requested the grant money to be used this construction season, this delay will make it more difficult to complete the project in the shorter timeframe. Staff's solution to this problem is to have the design for the project completed in advance of the grant notification in June. This would save roughly 4-6 weeks of field work and design that would be required for the project and the engineering design is not eligible for grant funding. If in the event the grant is not awarded to the city and township, the plans would be completed and ready for if Elliot Road NE would ever be funded in the future.

Attached to this report is a Memorandum of Understanding (MOU) between the city and township on agreeing to split the non-eligible grant costs on a 50/50 basis. Non-eligible grant costs include engineering and construction costs that may exceed the grant amount.

Proposals:

I have requested and received four (4) proposals from local firms to provide engineering design, bidding, and construction services for the project. The following is the name of engineering firm and combined fee for design and bidding:

<u>Engineering Firm</u>	<u>Design & Bidding Services Fee</u>
Northern Engineering & Consulting (NECI)	\$18,000
Freeberg & Grund (F&G)	\$34,500
Karvakko	\$37,500
Widseth, Smith, & Nolting (WSN)	\$46,500

All of the aforementioned firms submitted excellent proposals and are all capable of completing this scope of work, having completed numerous projects in the past for the City of Bemidji and other municipalities.

Financing:

The proposal from Northern Engineering is for \$18,000.00 which includes design and bidding services. Per the MOU, the city would be responsible for \$9,000. The construction services will be negotiated on a time & expense basis, if the grant is awarded, but is anticipated to not exceed \$30,000. The city costs are proposed to come out of the Construction Reserves account.

Recommendation:

It is recommended that the city council pass a motion authorizing the City to enter into the MOU with Northern Township and authorizing the City Engineer to enter into a professional services agreement with Northern Engineering & Consulting for City Project 21-07.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community City of Bemidji GIS Pro-Web

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.

<h2>City of Bemidji - Overview Map</h2> <h3>Exhibit A</h3>	
<p>1:72,224</p>	<p>Date: 2/4/2021</p>
<p><small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small></p>	



MEMORANDUM OF UNDERSTANDING

BETWEEN NORTHERN TOWNSHIP AND CITY OF BEMIDJI REGARDING COST SHARING FOR PROPOSED ELLIOT ROAD NE RIGHT-OF-WAY IMPROVEMENT PROJECT

This Memorandum of Understanding (hereinafter the "MOU"), by and between the City of Bemidji (hereinafter the "City"), and the Township of Northern (hereinafter the "Township"), (together hereinafter sometimes referred to as the "Parties"), memorializes the agreement of the parties to share the cost of the proposed improvement of Elliot Road NE.

WHEREAS, Elliot Road NE, a gravel road, forms a common boundary and what is commonly referred to as a shared road between the City and Township in the northwest corner of the City, and which has required both jurisdictions to share in the expenditure of money and road maintenance services for upkeep and maintenance of the gravel surface, including grading, addition of road materials, and snow plowing;

WHEREAS, the City has applied for a Grant from the Minnesota Department of Transportation in the sum of **\$604,182** to pay for the paving of Elliot Road NE between its intersection with Lake Avenue on the west, and the City's corporate limits on the east (hereinafter the "Paving Grant"), with the total Project cost estimated to be **\$695,809.30**;

WHEREAS, the Paving Grant, if awarded, will assist the Parties in paying for only the construction costs related to paving Elliot Road NE. However, the Paving Grant will not compensate the Parties for costs for project engineering services or costs exceeding the requested grant amount;

WHEREAS, the Parties appreciate a successful Grant Application is not a guarantee.

NOW, THEREFORE, the parties agree as follows:

1. The City is designated hereunder to undertake the responsibility for design, contracting and completion of construction of the Project.
2. In anticipation of award of the Project Grant, the City will procure an engineering consultant to perform the necessary engineering design and construction administration for the Project (hereinafter the "Project Engineer").
3. Though the City is primarily responsible for construction of the Project, the Parties shall share the costs of project engineering services, fees and construction costs that are not covered by the Paving Grant amount, if awarded, splitting those costs 50/50.
3. With the Project Engineer, the City Engineers shall review and approve all plans and specifications for the Project, including the preparation, solicitation and

award of construction bids, and including construction administration and the review and approval of any change orders or supplementary agreements involved with the construction contract.


4. Approval or authorization required of the governing body of a party to this MOU, in order to perform any portion or stage of the Project, shall be timely secured to enable performance and substantial completion of the Project as early as 2021. The tentative Project Schedule is as follows:

Design	April 2021 – June 2021
State Aid Design Review	June/July 2021
Project bidding	July 2021
Project Construction	August 2021 – October 2021

5. Respecting payment to the City by the Township for Project expenditures and costs not covered by the Project Grant, the City shall remit to the Township copies of invoices from Project consultants and contractors as they are received. The Township shall submit reimbursement for its share of the costs subject of each invoice not otherwise covered by the Project Grant, within 30 days of receipt of such invoice(s).
6. The City Engineer or his designated representative shall be the contact person for the City, while the Township Clerk shall be the contact person for the Township.

This MOU establishes the broad based definition of the Parties' roles in this Project. If necessary, a more detailed agreement may be developed and executed by the Parties.

Acknowledgement for Northern Township:



Micheal Kelly, Chair

4/13/2021

Date



Mary Israelson, Administrator

4/13/2021

Date

Acknowledgement for the City of Bemidji:

Jorge Prince, Mayor

Date

Nathan Mathews, City Manager

Date

COUNCIL AGENDA ITEM



Meeting Date: April 19, 2021

Action Requested: Award Quote for Construction of the Natural Playground Project Phase I

Prepared By: Marcia Larson, Parks and Recreation Director *ML*

Reviewed By: Nate Mathews, City Manager

Background

In August of 2019, the City Council approved a Memorandum of Understanding between the Parks and Recreation Department and the Bemidji Rotary Club outlining the partnership and creation of a committee to facilitate the Natural Playground project. Since fall of 2019, the Natural Playground Committee has worked to engage the community, recruit volunteers, complete the final design and fundraise for the project.

On June 8, 2020 Kerry White, Learning Landscape Designs, presented the final design for the Natural Playground to the City Council. The final design was approved. The concept for phase I is attached and includes the Pollinator Path and Creation Station.

Quotes were solicited for the Natural Playground Project – Phase I with work to begin this Spring. The following quote was received:

Contractor	Cost
Frenzel Construction	\$63,540

Both the Natural Playground Committee and the Parks and Recreation Commission met the week of April 12th and reviewed the quote and recommend approval to the City Council. The Playground Committee continues to meet monthly to fundraise and coordinate volunteer efforts.

Financing/Budget

The overall budget for the Phase I of the Natural Playground Project is \$80,000. The funding for the Project includes the Parks Department CIP of \$50,000 and a Bemidji Rotary Club contribution of \$30,000. The Bemidji Rotary Club has successfully raised \$30,000 and will provide the funding to the City. Work began on the project in fall of 2020 with the installation of a trail and landscaping at a cost of \$6,700.

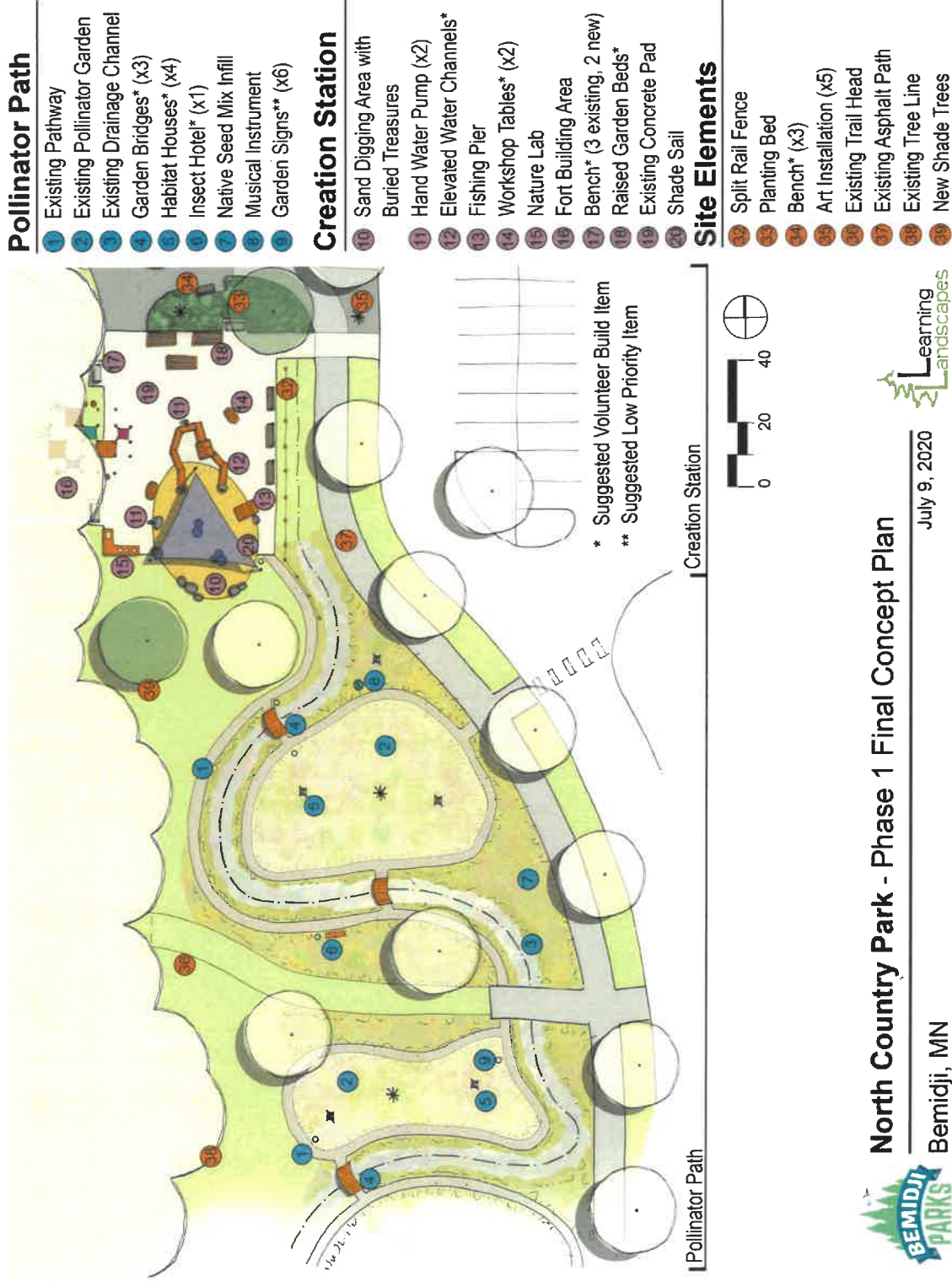
North Country Park - 2021

Construction Cost Phase I (Frenzel Construction)	63,540.00
Native Planting (additional seeding)	1,400.00
Construction Admin. (Learning Landscapes)	4,597.00
Contingency	3,177.00
Estimated Total Project Cost	72,714.00

The construction quote is within the total project budget.

Recommendation:

It is recommended that the City Council award the quote to Frenzel Construction in the amount of \$63,540 for construction of Phase I of the Natural Playground Project.



Note: Phase I Construction in 2021 includes all elements identified with the exception of the Shade Sail and Art Installation. A Region 2 Arts Grant was submitted in March of 2021 with the goal of Public Art installation in 2022.

MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF BEMIDJI AND THE BEMIDJI ROTARY CLUB REGARDING CONSTRUCTION OF THE NATURAL PLAYSCAPES PROJECT IN NORTH COUNTRY PARK

WHEREAS, North Country Park, the site of municipal recreational facilities, including an outdoor classroom, outdoor pavilion, walking trails, native gardens/plantings, and a baseball field is an approximate 20 acre municipally-owned Parkland parcel in the City of Bemidji that has been used and continues to be used for the aforementioned recreational purposes; and

WHEREAS, the City of Bemidji Parks and Recreation Department (City) is planning the undertaking of an natural playground/playscapes project in North Country Park; and

WHEREAS, the Bemidji Rotary Club (Rotary) is a local organization of business and professional leaders providing humanitarian service, encouraging high ethical standards in all vocations, and helping build goodwill and peace in the world; and

WHEREAS the Rotary Club has a long-standing tradition of funding for and installing public playground equipment around the Bemidji area; and

WHEREAS, the City and Rotary desire to create a Natural Playscape Committee consisting of representatives from the Rotary, Parks and Recreation Commission and City Staff, which Committee will advise the City Parks and Recreation Department as to the design, assist with public engagement process, and the development of a fundraising plan and budget; and

WHEREAS, the City will facilitate the design process through contracting and financing a professional services consultant to develop a concept and final design of the natural playscapes, which concept will be developed based on public input meetings conducted by the Committee; and

WHEREAS, the Rotary is committed to fundraising \$30,000 for the Natural Playscapes design, materials and construction, and has appointed the Bemidji Rotary Foundation to serve as fiscal agent, to receive the various monetary donations and grant proceeds, and to draw down, expend and/or otherwise remit those monies to the City for payment towards the cost of the Natural Playscapes design and construction; and

WHEREAS, the City has also dedicated funding toward the design and construction of the Natural Playscape in North Country Park; and

WHEREAS, the Natural Playscape is proposed to be constructed in 2020 in North Country Park, and the City is committed to managing the site preparation and overseeing the volunteer installation of the playscape, and during the installation process, the Rotary

Memorandum of Understanding
North Country Playscape
August 1, 2019

Club and its members will be acting on the City's behalf and will be subject to the City's direction and control; and

WHEREAS, the Rotary is committed to assisting the City with recruitment and scheduling of volunteers for the installation of the playscape at North Country Park as an in-kind donation of labor; and

WHEREAS, the Rotary Club will contribute all the monies it has fundraised to the City for the Natural Playscape by December 31, 2020; and

WHEREAS, once the Natural Playscape construction is completed, the City will have the responsibility for the on-going maintenance and upkeep of the playscape, including repair of its amenities, and policing of litter and debris; and

WHEREAS, with the completion of the design of the Natural Playscape, the City also agrees herein to insure the Natural Playscape and all associated improvements and amenities, including future enhancement(s), against physical damage and personal injury (subject to the terms and conditions of the City's insurance policy), as well as to cover the City of Bemidji's exposure for general liability as owner and operator of the Natural Playscape; and

WHEREAS, the on-going contact for the City under this MOU shall be the City Parks and Recreation Director who shall also be the liaison between the Rotary and the City Council.

NOW, THEREFORE, the parties agree as follows:

This Memorandum of Understanding establishes the broad based definition of the City/Rotary roles in relation to the North Country Natural Playscape Project. If desired by any party or for reasons or issues yet undisclosed or not contemplated by the parties, this MOU may be amended by written instrument or a more detailed agreement developed, negotiated and executed to replace the MOU.

Acknowledgement for the Bemidji Rotary Club:

Brian Larson President
Name Title


8-5-19
Date

Name Title

Date

Memorandum of Understanding
North Country Playscape
August 1, 2019

Acknowledgement for City of Bemidji:



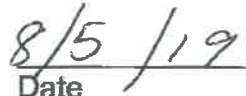
Rita C. Albrecht, Mayor



Date



Marcia Larson, City Parks and Trails Director



Date

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING CHAPTER 16 OF THE BEMIDJI CITY CODE ENTITLED, "FIRE PREVENTION AND PROTECTION" AMENDING ARTICLE II – FIRE CODE

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. Bemidji City Code, Chapter 16, entitled, "Fire Prevention and Protection" is hereby amended as follows:

ARTICLE II. - FIRE CODE

Sec. 16-31. - Adopted.

Codes adopted by reference. The Minnesota State Fire Code, 2015 edition, is hereby as adopted by the Commissioner of Public Safety through the Division of Fire Marshall pursuant to Minn. Stat. ch 299F, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety through the Division of Fire Marshall, are hereby adopted by reference with the exception of the optional Appendices, unless specifically adopted in this article. The Minnesota State Fire Code is hereby incorporated in this article as if fully set out herein ~~as though set forth verbatim in this section.~~ One copy of such code shall be marked "City of Bemidji—Official Copy" and kept on file in the office of the city clerk and open to inspection and use by the public.

Sec. 16-38. - Amendments to Minnesota State Fire Code.

The Minnesota State Fire Code Appendix (C), (D), (G), and ~~(K)~~ (O) are hereby adopted by reference and made a part of this article.

SECTION 2. This ordinance shall become effective thirty (30) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

First Reading: April 5, 2021

Second Reading:

Final Reading:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor