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Weather, Page A2

Dollars for deals

Despite recent write-off, city's Revolving Loan Fund in good shape, officials say

By Matthew Liedke
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BEMIDJI — Despite having to write off a loan of more than \$300,000 to a hotel development company, officials say a city loan fund remains in good shape to support economic development in Bemidji.

In late September, the Bemidji City Council approved a write off of \$332,416.67 related to the hotel next to the city-owned Sanford Center. In 2014, the council approved a \$400,000 loan to Wayzata Hospitality to construct a linking structure between the city-owned Sanford Center and the company's Country Inn & Suites hotel.

"We insisted with the project's permitting and construction to have a connectivity between the event center and the hotel," City Manager Nate Mathews said. "So, with that insistence, we helped fund that project."

Before a foreclosure process started with Wayzata, the company had repaid \$67,583.33 of that loan. Action taken in court during the foreclosure process, though, resulted in the sale of the hotel to a third party, with all junior liens, such as the city's, cleared.

As a result, the sale eliminated any viable opportunity to recover the outstanding amount, which led to the council making that write-off decision.

The dollars for the loan were from the city's Revolving Loan Fund. According to Bemidji Finance Director Ron Eischens, the fund is made up of leftover money the city receives in state or federal grants.

"Currently, there's \$892,000 available in the fund to loan," Eischens said. "If we hadn't written the loan off, we'd have \$330,000 more than what we have now if the loan was paid off."

DEALS: Page A6



Was it necessary

Parties weigh in on the criminal case involving pipeline 'valve turners' in Clearwater County

By Jordan Shearer
jshearer@bemidjipioneer.com

Bagley
Was the crime necessary? The charges may have been dismissed; the jury may have gone home; but that central question remained unanswered — at least on paper.

The question originated in 2016 when a group of environmental activists staged an act of civil disobedience near Leonard, Minn. They used bolt cutters to make their way into an Enbridge Energy Co. valve site and turned off the flow of oil. Describing themselves as "valve turners," they claimed they did it to combat climate change; they claimed it was necessary.

Nearly two years later, during a trial earlier this month in Bagley in Clearwater County, Judge Robert Tiffany dismissed the charges — based on the fact that the activists hadn't actually damaged the pipeline itself, ending the trial before that central question could be addressed. Emily Johnston, of Seattle, was charged with

NECESSARY: Page A6



Photos by Jordan Shearer / Bemidji Pioneer
Top: The Clearwater County Courthouse in Bagley was filled with spectators Oct. 9 for the criminal case against three "valve turners" who disrupted the flow of oil in two Enbridge pipelines in 2016. Above: Emily Johnston, of Seattle, celebrates after the dismissal of her charges Oct. 9.



Jillian Gandsey / Bemidji Pioneer
Winter Kingbird plays "Overwatch" on Saturday in the Gigazone Gaming Championship at the Sanford Center.

Gamers galore at the Gigazone

Sanford Center event draws in players from around the region

By Joe Bowen
jbowen@bemidjipioneer.com

BEMIDJI — It was a few degrees below freezing Saturday morning, but that didn't stop some Northern Minnesota gamers from lining up outside the Sanford Center to grab a spot for Bemidji area's biggest gaming tournament.

The third annual Gigazone Gaming Championship drew an estimated 1,500 people by about

1 p.m. Saturday — about three hours after it began and about six hours after people arrived to make sure they could compete in one of the championship's tournaments for ultra-popular e-sports games such as "Fortnite" and "Overwatch."

"Fortnite's" cultural saturation, for instance, is such that victory dances from the game have seeped into NFL touchdown celebrations.

One "Overwatch" team —

New Level Tactics — is made up of three friends and former students at Deer River High School. Anthony Wicklund, 20, is the team's DPS — "damage per second" — which means he tries to wail on opposing players while teammates Walter Charwood, 20, and Derek Gotzhie, 24, try to "tank" — absorb as much damage from the enemy as they can — and heal.

The trio had all played "Overwatch" for a year or two each, but they weren't very optimistic about their chances at Gigazone

GAMERS: Page A2

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Paul Wiggins, Bemidji
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CLASSIFIEDS.....	B4-7	OBITUARIES.....	A3
DEAR ABBY.....	A3	OPINION.....	A4
EXPRESSIONS.....	C1	SPORTS.....	B1-3
COMMUNITY.....	C2-6	WEATHER.....	A2

WHERE:
Bemidji City Hall
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TIME:
7:00 p.m. – 9:00 p.m.

Televised: City Hall
Channel 2

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WHEN:

Tuesday, October 23, 2018
School Board
County Commissioners

Wednesday, October 24, 2018
Mayor
City Council
State Representatives 2A, 5A

Knowing who you are tells a story, sends a message

Situating yourself with an identity in a place that is ancestral is a way to communicate the world around you, and thus the stories that make you who you are. The ability to touch another person with words and images created by thoughts that are interdependent of one another tells a story, sends a message and teaches one how to communicate and interpret the deeper meanings of those words and images.

The Western world teaches us that storytelling is not as valid as the written word. However, Indigenous people prefer this way of knowing and communicating because there are ancestral inflections in the way each story or account is told. Usually those inflections

and use of words are unique to a specific nation or cultural group within a nation and add meaningful and purposeful direction, including humor, because of the use of the tone of voice and body language. These nuances are hard to capture in the written message but are seldom missed in the verbal telling, which utilizes the environment and audience in which the story is being told. Although the written

word is convenient, many Indigenous people do not enjoy reading in the same way as the personal connection that comes across with storytelling.

As you may or may not know, among the Indigenous peoples there are songs for just about every phase of life, and life and death events. There are

also just as many stories as there are songs. Many stories are taught to prepare the next generation with skills and knowledge for gathering, hunting and fishing (this list is not exhaustive) within the context of their ancestral bioregion. Understanding your connection to your traditional land base is an identity, and if one really thought about it, the land is millions of years old and your identity comes from very ancient roots. There are even stories about the land prior to human habitation — this knowledge comes from dreams and prayer.

The deeper meanings and understanding of Indigenous knowledge did not come from books, and even today, that type of knowledge is earned and is not part of any person's entitlement. Indigenous people as modern inhabitants of the

Earth must learn about their Indigenous knowledge as well as the knowledge that is presented to them in a Western sense. Knowing both worlds instills confidence that is necessary to be successful in the Indigenous and Western worlds.

Today, we find that storytelling is everywhere and has become a common and necessary part of life. You can hear stories of every kind everywhere you go in courtrooms, hospitals, grocery stores, and any place where two people are interacting and sharing experiences. Typically, the stories we remember are the ones that help us in some way get to a better place physically, emotionally, psychologically and spiritually.

In 2000, author, poet and artist Anita Endrezze wrote: "In gathering material for this

book, I learned that the truth is not often found in fact. The reporting of history is always subjective, no matter who is telling it. The discovery freed me: I was able to figure out how I wanted to approach my family history — as fact or fiction? Long troubled by the question, I decided to do it both ways."

I always knew that there was not a right or wrong way to do traditional storytelling because the telling relied on the spirit of the moment. Now we learn there is not a wrong or right way to approach family histories and this telling is dependent on how you understand truth. Remember your special story and prepare because storytelling season is just a winter storm away.

Vivian Delgado is a professor of Native American studies at Bemidji State University.



VIVIAN DELGADO

NECESSARY

From Page A1

causing property damage to a pipeline. Both Annette Klapstein, of Bainbridge Island, Wash., and Benjamin Joldersma, of Seattle, had been charged with aiding the property damage of a pipeline.

The case brought mixed reactions from those watching. Some said the action was reckless and an unnecessary form of protest. Others — such as the protesters — said there were no other options and that it was a necessary action to combat global warming.

Either way, it was a case that may have set the groundwork for other similar cases down the road. Whether those cases prove successful in addressing that question is yet to be seen.

After the trial finished midway through the second day, Enbridge released a statement, explaining that it will not tolerate trespassing, vandalism or mischief and that it will continue to seek charges against those who commit such acts.

"The individuals involved in these activities claimed to be protecting the environment, but they did the opposite and put the environment and the safety of people at risk — including themselves, first responders and neighboring communities and landowners," the statement from Enbridge said.

Clearwater County Attorney Alan Rogalla declined to comment on the case outside of the actual facts involved.

State Rep. Matt Grossell, R-Clearbrook, who represents the area, released a statement,



Courtesy of Climate Direct Action

Activists are seen attempting to cut chains after trespassing into a valve station for pipelines carrying crude from Canadian oils sands into the U.S. markets near Leonard, Minn., in this image released on Oct. 11, 2016.

though, criticizing the protesters. Instead of allowing such acts, he said there should be laws protecting important infrastructure.

"Protesters have moved from shutting down freeways to now attacking our energy infrastructure. This is a very dangerous action that needs to be corrected in the next legislative session," Grossell said in an official release.

Michael Northbird, who's challenging Grossell for the 2A seat, took a different approach. He said the laws that need to be made stronger are those that protect private property against situations where eminent domain benefits private companies such as Enbridge rather than the public.

According to Enbridge representative Juli Kellner, there have been "fair and mutually acceptable"

land agreements with the majority of private landowners involved in the current Enbridge Line 3 replacement project route. She clarified, though, that eminent domain can be used as a last resort in some cases. To do so, however, the company has to complete a regulatory application process with the Minnesota Public Utilities Commission.

'The necessity defense'

Regardless, though, one of the central features of the case was something referred to as the "necessity defense." Essentially, it would have allowed the defendants to claim they committed the act as a way to avoid greater harm — namely climate change.

Even though the Minnesota valve turner case was dismissed before the jury could weigh in,

the mere fact that the defendants were granted the right to use the necessity defense before the trial even started could set a precedence for future acts of civil disobedience in environmental activism.

According to environmental attorney Lance Long from Stetson University in Deland, Fla., the necessity defense has been allowed 19 times in cases focused on climate change. As with the local case in Clearwater County, none of the juries in those cases were able to decide the case based on the necessity defense.

Even though the Clearwater County case did not hinge on the defense, gaining access to it was no easy process. After the judge allowed the defendants to use the defense, the decision was appealed all the way to the Minnesota Supreme Court, who essentially

supported a lower court's decision to allow the use of the defense. And that mere fact could have reverberating effects for future cases.

"The fact that it was recognized and allowed by the Minnesota Supreme Court is a significant precedent in favor of allowing juries to hear necessity defenses and not allowing a judge to summarily dismiss it in a pretrial motion," Long said.

But that precedent for the necessity defense doesn't guarantee a win. One of the elements of the necessity defense is showing that the defendants exhausted all other reasonable alternative options — therefore proving the need to resort to civil disobedience to prevent a greater harm.

When the Clearwater County case let out,

defense attorney Lauren Regan spoke on the steps of the courthouse about how her clients had done exactly that.

"They had to establish that they had literally tried all reasonable, lawful alternatives before turning to civil disobedience," Regan told the small crowd that gathered for the trial. "Because of their breadth of experience and decades they've spent working on these issues, they literally are a rare example of the activists who can say they tried everything before engaging in civil disobedience."

Grossell bristled at the idea of the necessity defense being applied to environmental activism. Yes, there are situations for the defense, he said, but the climate change debate is not one of them. He used the analogy of a person who broke into a building on a cold night to avoid freezing. That, he said, would be eligible for the necessity defense.

"It's setting a dangerous precedent," Grossell said. "You say you want to protect the environment, and yet you're going to risk damaging this pipeline and causing an environmental catastrophe..."

Long disagrees, siding with the defendants. In an academic article he's co-writing on the subject, he argues that other legal alternatives "already failed to address the problem." He goes on to argue that the current presidential administration is actively working against environmentally friendly policies — and, therefore, making other options more difficult to utilize.

"They're shutting down all avenues of reasonable legal alternatives," Long said.

DEALS

From Page A1

The most recent policy directing how the fund is used, created in 2010, sets five goals for the dollars. They include:

- Creating or retaining permanent livable-wage jobs in the city by expanding the existing business base and attracting new businesses to the community.

- Leveraging private and other public investments to promote economic growth.

- Encouraging successful redevelopment in the city's priority development sites.

- Increasing the local tax base through building a diverse industry mix.

- Enhancing the quality of life within the community.

"The strings attached to that money means that they have to be used toward economic development purposes," Eischens said. "It's one of several tools the city has to incentivize businesses. Others include tax abatements or tax increments."

"They're a big part of what we can provide as an assistance to the lending

community," Mathews said. "Primarily, these funds exist to help fill gaps. We have our fund and when projects have holes, developers will come and see if we can help them out with the project."

While the parameters in the policy allow for a variety of applicants, the city also gives special preferences to certain businesses and projects:

- Manufacturing or technology oriented businesses.

- Non-competitive with an existing business in relation to market demand.

- High in growth potential.

- An existing business looking to expand.

- Fulfilling an essential need in the community that's underserved.

- Enhancing Bemidji's quality of place and competitive advantage.

Currently, the city has loans to the following entities through the fund:

- The Headwaters Housing Development Corp.

- St. Michaels Furniture.

- Specklebelly Properties, LLC. (A downtown development company).

According to Greater Bemidji Economic Development Director Dave Hengel, the city's fund isn't unique to Bemidji.

"Virtually every city in north-central Minnesota has some level of revolving loan fund available to support their business growth," Hengel said. "Any time you can put these partnerships together and have resources to help businesses either expand or start up in town, it's always important to have."

Targeted areas

In addition to the types of businesses and projects, Eischens said the city has identified two areas in Bemidji for specific Revolving Loan Fund investments. These include the South Shore of Lake Bemidji and the rail corridor.

The latter is a former industrial area spanning 14 acres south of Bemidji's downtown bordered by existing rail lines, the Mississippi River and Irvine Avenue. The site was purchased by the city in 2003 for utility work.

The city is working with the Saint Paul Port Authority to assist in planning the potential

redevelopment of the corridor. In a recent report to the council, the Port Authority said townhouses and apartment buildings would be the best types of development in the area.

The other area, located along Lake Bemidji, has been home to numerous developments since the Sanford Center opened its doors in 2010. Along with the Country Inn & Suites, the area is also populated by a new city park and a restaurant called the Tavern on South Shore.

Additionally, last winter the South Beach Apartments complex was completed, with a total of 78 units. Another complex, expected to include both condominium units and commercial space, is also planned for the area.

Eischens said there are four loans out right now, ranging from housing to retail. In most cases, Eischens said the city intends to make loans in the range of \$20,000 to \$150,000. These loans can be used for the following purposes:

- Purchasing equipment and other fixed assets.

- Purchasing real estate for business expansion.

- New construction or

renovations of business facilities.

- Start-up expenses for new ventures.

- Working on capital needs.

- Interim or bridge financing.

In certain cases, though, the fund can be used for other situations, such as the linking structure between the event center and the hotel. A more recent example is the fund's use in facilitating a grant from the state to Delta Dental of Minnesota.

Delta Dental is expected to complete a new operations and technology center in Bemidji next year. Once finished, the \$11 million facility will bring in up to 150 employees.

To complete the project, Delta Dental was awarded a loan of \$1 million from

the Minnesota Department of Employment and Economic Development through the Minnesota Investment Fund. Of that loan, the state will forgive \$900,000 because of the economic impact.

In accordance with the state agency's rules, the remaining \$100,000 will be paid back to the city.

According to Eischens, once the facility is finished, the money will be received and placed into the Revolving Loan Fund.

Because the loan fund has more than \$800,000, Eischens also said it's available and ready for use.

"I can't say we've received a lot of applications on it," Eischens said. "I think it's underutilized at this point. It might be a lack of knowledge on behalf of the public, perhaps."



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