

SPECIAL JOINT MEETING
CITY OF BEMIDJI ~ BEMIDJI TOWNSHIP ~ NORTHERN TOWNSHIP
Monday, December 2, 2013
Bemidji Town Hall
5:30 pm.

PRESENT:

City Council: Mayor Rita Albrecht, Ron Johnson, Roger Hellquist, Nancy Erickson, Jim Thompson. Reed Olson and Michael Meehlhause arrived at approximately 5:35 p.m. City Staff Present: City Manager John Chattin, City Attorney Alan Felix, Public Works Director Craig Gray, City Clerk Kay Murphy

Bemidji Township: Chair Jan Heuer, Pete Fredrickson, Brian Merschman. Bemidji Town Clerk Erin Stieg and arriving later Attorney John Steffenhagen.

Northern Township: Chair Mike Kelly, Tim Mountain, Clark Chambers, Paul Weise, Curt Blumhagen and Northern Town Clerk Mary Israelson.

Bemidji Township's Chair Heuer opened the meeting with the pledge of allegiance and introductions were made. She stated that the purpose of the meeting was to try to come to some sort of resolution, as instructed by Judge Melbye, on the two items remaining on the ligation.

Mountain asked for a clarification on the problems perceived by Bemidji Township regarding the structure of the Joint Planning Board. Heuer stated that "it is not working for Bemidji Township" and believes they are not receiving equal representation in that they have two votes and the City has four. She commented that the Joint Planning Board office is not a neutral entity, partially because of location and in part of the way it functions. Mountain responded that when the GBJPB began operation they looked at several offices in Bemidji. Due to cost it was decided that the office space in City Hall was by far the lowest rent as well as providing needed computer and support systems.

Kelly stated that the Joint Planning office has matured to the present staff and as far as Northern Township was concerned the perception of location is not a major issue. However, the location could be changed. The City is a big player and having the office centrally located works well for the public; it may not work perfectly for everyone but for the majority. He stated that if there is a problem with the makeup that is a function of the organization but to say it is not working is a "broad statement". Kelly commented that many projects have been completed in the last ten years.

Heuer responded that if Kelly wanted specifics she would give him some. She pointed to an incident over a year ago where Bemidji Township asked that the zoning map be changed to reflect properties that should be zoned agricultural. Discussion continued regarding the zoning map and Bemidji Township's concerns. Heuer stated that Bemidji Township is not interested in remaining in Joint Planning. Kelly responded that it went through the process and it did not go the way Bemidji Township wanted. Heuer disagreed stating that it did not go through the process.

Merschman commented that it had to do with R-1 zoning for annexed properties. He believed that the agreement states that the annexed properties are R-1 and rezoned to agriculture.

Heuer claimed that the City's first offer was for Bemidji Township to leave joint planning. Kelly stated that they were not part of the mediated settlement but they are part of everything that goes on.

Heuer commented that Bemidji Township was not included in the Birchmont Drive project. Kelly stated that extending the water and sewer on Birchmont Drive was allowed under the Orderly Annexation Agreement. The residents petitioned for extending services. Kelly stated that it is Northern Township's position that they have no problem with changing boundaries but they are not in favor of Bemidji Township leaving the JPB. Furthermore, they are willing to discuss any modifications or changes that Bemidji Township would like to see.

Thompson expressed frustrations with Bemidji Township regarding the Birchmont Drive project.

Mountain asked if there was some way to resolve Bemidji Township's problems and for them to remain as a partner in Joint Planning? Heuer responded that the only way Bemidji Township would be willing to stay was to dissolve the current Joint Planning and rebuild it,

come up with a new model and Bemidji Township would be involved with that. Mountain responded that what Bemidji Township is proposing is a "nuclear" option.

Kelly stated that it is very expensive for all the three LGU's in attorney costs. Northern Township has spent upwards of \$10,000 just to keep informed as they are not party to the litigation. If Bemidji Township is out of joint planning, the cost for planning to Northern Township will increase. He commented that he has no idea how much Bemidji Township has spent but the money could be better spent on fixing what is not working. He stated that Northern Township is not interested in letting Bemidji Township out of the agreement.

Merschman stated that Bemidji Township did not include Northern in the lawsuit up front as they had nothing to gain in going after Northern. If Northern signs off on this, it would be to their benefit as they would have an equal voice. Merschman questioned the distribution of fees paid by each of the LGU's, claiming that information they have requested was never received from the Joint Planning office.

Kelly pointed to a tentative boundary adjustment that Northern had worked out with the City of Bemidji and Bemidji Township would not allow it. Mountain observed that by destroying the entity that everybody is functioning under would destroy the method for resolving conflicts and rebuilding.

Heuer stated that there have been "breaches to the agreement" and that is part of the litigation. Heuer stated that joint planning does not have to go away but Bemidji Township does not have the "appetite" to stay in it the way it is now as they do not have an "equal say at the table".

Kelly stated that Northern Township is not willing to throw out the current joint planning and start over. If it comes down to the threat of litigation and Bemidji Township supervisor's feel that it is in the best interest of their township to spend thousands of dollars of taxpayers' money for something that has worked for 10 years, so be it.

Olson asked if Bemidji Township would abide by the Judge's ruling on the mediated settlement agreement. Steffenhagen responded that Bemidji Township disagrees with the City's position on the arbitrator's ruling on the enforceability of the either the joint power agreement or the orderly annexation agreement and the Township's position is that the lawsuit will go forward.


Olson stated that he believed that it was a "major pillar" of the arbitration that if Northern did not ratify the mediated agreement, it would not stand. Heuer stated there was no language that Northern needed to ratify the mediated agreement. She further stated that they are not a signatory to the agreement. Erickson read the following from the agreement: "this mediated settlement agreement is conditioned on approval by the Bemidji City Council and Bemidji Town Board. Any approvals needed by Northern Township to effectuate this agreement must be obtained." She commented that Northern Township has an equal voice to the other two LGUs.

Discussion continued regarding the idea of fixing the current joint planning versus starting over. It was agreed that issues that are concerns for any of the three entities should go to the JPB and be considered for possible revision. Meehlhause commented that everyone is at the table and willing to talk and work through the problems if Bemidji Township would make a list of concerns.

Mayor Albrecht stated that 10 years ago and with great leadership, the City and the two townships removed their respective hats to create a new separate organization. Albrecht stated that she is sad to see all that hard work has come to this. She stated that there have been a lot of untruths and accusations around the table. She commented that she thought the purpose of the meeting was to agree on whether or not the mediated settlement was going to be accepted as the arbitrator had decided it. It is obvious that without Northern Township's approval and without Bemidji Township recognizing the mediated settlement that we are going to spend more taxpayer money for attorneys on what could have been worked out between neighbors. She stated that the City, like Northern Township, is not interested in the "nuclear" option.

The meeting concluded at 6:24 p.m., in order that the City could attend their regular council meeting at 7:00 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk