

**BEMIDJI CITY COUNCIL**  
**Special Work Session Agenda**  
Monday, July 2, 2012

City Hall  
Conference Room  
6:30 P.M.



1. CALL TO ORDER / ROLL CALL
2. 2011 AUDIT REVIEW – MILLER, MCDONALD
3. ADJOURNMENT

# 6:30 p.m. Sp Work Session – 2011 Audit

## BEMIDJI CITY COUNCIL AGENDA

Monday, July 2, 2012

Council Chambers  
City Hall – 317 4<sup>th</sup> Street NW  
7:00 P.M.



- ROLL CALL
- PLEDGE OF ALLEGIANCE TO THE FLAG
- AMENDMENTS TO AGENDA

### I. MINUTES

- 1) Regular Council: June 18, 2012  
Sp Work Session: June 18, 2012

### II. 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 \$549,557.96
- 3) Resolution Appointing Election Judges for the August 14, 2012 Primary and November 6, 2012 General Election

### III. 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. All comments will be taken under advisement by the Council. **No action will be taken at this time.**

### IV. REPORTS

- Bemidji Youth Advisory Commission
- Librarian's Report – Paul Ericsson, Branch Manager

**V. ORDINANCE**

- 4) Final Reading of an Ordinance Amending an Uncoded Section of Bemidji City Code Pertaining to the Vacation of a Paper Street (Cross Street)
  - Authorize Publication of a Summary

**VI. UPCOMING MEETINGS**

- Monday, July 9            5:30 p.m.      Work Session – Waterfront Park Plan
- Monday, July 16        7:00 p.m.      Council Meeting
- Monday, July 23        5:30 p.m.      Work Session – Fire Relief Audit & 2013 Projections

**VII. MAYOR AND COUNCIL COMMENTS**

- Please limit your comments to 4 minutes

**VIII. ADJOURN**

- **RE-CONVENE FOR A CLOSED WORK SESSION TO DISCUSS WITH LEGAL COUNSEL THREATENED OR PENDING LITIGATION - Minnesota Statute Section 13D.05, Subd. 3(b)**

**CITY COUNCIL PROCEEDINGS**  
**BEMIDJI, MINNESOTA**  
**Regular Meeting – June 18, 2012**

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, June 18, 2012 at 7:00 p.m. in the Council Chambers of City Hall, Mayor Larson presiding.

Upon roll call, the following Councilmembers were declared present: Larson, Waldhausen, Johnson, Hellquist, Albrecht, Negard, Thompson

Staff Present: City Manager John Chattin, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

**AMENDMENTS TO AGENDA**

Mayor Larson called for any amendments to the agenda. City Clerk requested the Council add claims submitted by VenuWorks for the Sanford Center in the amount of \$69,873.84 to the consent agenda. **Motion by Johnson, seconded by Thompson, to approve the agenda as amended. Motion carried by unanimous vote.**

**MINUTES**

Minutes of the June 4, 2012 regular meeting and June 11, 2012 work session were presented for approval. **Motion by Thompson, seconded by Negard, to approve the minutes as prepared. Motion carried by unanimous vote.**

**CONSENT AGENDA**

The following Consent Agenda items were presented for approval. **Motion by Waldhausen, seconded by Albrecht, to approve the Consent Agenda items as follows:**

1. Claims submitted by the Finance Officer in the total amount of \$760,149.70
2. Claims submitted by Venuworks for the Sanford Center in the amount of \$63,649.93
3. Claims submitted by VenuWorks for the Sanford Center in the amount of \$69,873.84
4. Miscellaneous Business License Renewals for 2012
5. **RESOLUTION NO. 5769:** Approving an Application to G.W. Neilson Foundation Grant to Renovate and Rehabilitate the Bemidji Carnegie Library
6. **RESOLUTION NO. 5770:** Reporting on Performance Measures Adopted in 2011

**Motion carried by unanimous vote.**

**CITIZENS NOT ON AGENDA**

No one appeared.

**OLD BUSINESS**

**Carnegie Library Project**

Lew Crenshaw, Save the Carnegie Library Committee Chair, stated that at the Council's meeting on June 4, the Council asked the Committee to report back on addressing the safety concerns of the front of the Carnegie Library as well as the emergency exit. He reviewed three concepts which included:

1. "Barrier" concept which was modified after a consultation with MnDOT.
2. Close off the current west entrance and add another emergency exit in the southeast side of the building utilizing a window from the lower level. Finally, close the sidewalk in front of the building and re-route the sidewalk around the building.
3. "Drape the Stone" concept based on experience in other Minnesota locations (e.g., Split Rock Lighthouse) combined with a MnDOT "no wake zone" snowplowing program.

Crenshaw stated that it is the Committee's recommendation that the City not move the building with this project. However, this is still an option. He stated that it is estimated that an additional \$500,000 above the \$1.1 million would need to be raised through the capital fundraising campaign.

Waldhausen stated that he would not support closing the sidewalk along the street.

Negard asked if the Committee has explored sealants for the limestone. Crenshaw responded that what he has found is that sealants actually deteriorate the stone faster.

Ryan Siggerud, Associate of Michael J. Burns, commented that in looking at the Carnegie Library it is in good condition and it will be there a long time.

Albrecht stated that she met with Crenshaw, Andrew Mack and MnDOT and had a good discussion regarding the Carnegie. She stated that MnDOT indicated to them that they are not interested in impacting the building further and suggested that the building front be maintained.

Waldhausen commented there is no way to ensure that MnDOT will not impact the building in the future.

Johnson stated he would like to see the building moved as it would return the building to its historic roots by giving it a front yard and also eliminate any concerns that may arise, i.e., MnDOT's future plans for that street.

Waldhausen stated that he supports saving the Carnegie but only if the building is moved.

Negard stated that the Council voted a couple of times to tear the building down and he is in favor of saving it and safety has been his number one concern. He stated that moving the building back will look nicer aesthetically and in so doing the City will never have to worry about MnDOT impacting the building.

Motion by Johnson, seconded by Waldhausen (Waldhausen commented that he seconded the motion for discussion only), that the Council authorize the Committee to move ahead with fundraising to restore/renovate the Carnegie Library. Further, that the City support the relocation of the building by allocating the already designated \$100,000 toward the cost of moving plus utilizing funds from the Parks sales tax to cover the remaining costs of the move.

Hellquist stated that he was not interested in putting the cost of the saving the Carnegie on taxpayers and the whole project was predicated on moving the building back. Hellquist stated that when it gets tough collecting money, the Committee comes back requesting that the building not be moved. Hellquist stated that if the money doesn't get collected, the project will not get done.

Waldhausen stated that to utilize the park sales tax money could use up over 50% of the funds that were planned for improvements at the waterfront project and he was not willing to do that.

Albrecht commented that it was her understanding that some of the park sales tax could assist with the cost of landscaping around the Carnegie Library as well as moving the electrical boxes near the Carnegie. She suggested that the Committee could explore other creative way to find the additional funding to move the building.

At this point, Johnson withdrew his motion.

**Motion by Waldhausen, seconded by Hellquist, to authorizing the Save the Carnegie Library Committee to begin fundraising and reaffirming the Council's direction to have the building moved a minimum of 10 feet from Paul Bunyan Drive. Motion carried with the following vote: Ayes: Waldhausen, Hellquist, Larson, Negard. Nays: Albrecht, Johnson, Thompson.**

#### **ORDINANCE**

Pursuant to published notice, a Public Hearing was held to receive input regarding Amending an Uncoded Section of Bemidji City Code Pertaining to the Vacation of a Paper Street (Cross Street). Mayor Larson opened the Public Hearing at 8:02 p.m., hearing no comments the public hearing was closed.

**AN ORDINANCE** Amending an Uncoded Section of Bemidji City Code Pertaining to the Vacation of a Paper Street (Cross Street) was given a second reading.

#### **UPCOMING COUNCIL MEETINGS**

- Monday, June 25 5:30 p.m. Special Work Session – 2013 Budget
- Monday, July 2 6:30 p.m. Special Work Session – 2011 Audit Presentation
- Monday, July 2 7:00 p.m. Regular Council Meeting

#### **COUNCIL/STAFF REPORT**

- Council members provided updates on current events and meetings.

#### **ADJOURN**

There being no further business, motion by Negard, seconded by Waldhausen, to adjourn the meeting. Motion carried. Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Kay M. Murphy  
City Clerk

**CITY COUNCIL PROCEEDINGS**  
**BEMIDJI, MINNESOTA**  
**Special Meeting/Work Session – June 18, 2012**

Pursuant to due call and notice, a special meeting/work session of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Monday, June 18, 2012, at 6:15 p.m. in the Conference Room of City Hall, Mayor Larson presiding.

Upon roll call, the following Councilmembers were declared present: Larson, Waldhausen, Johnson, Hellquist, Albrecht, Negard, Thompson

Staff Present: City Manager John Chattin, City Attorney Alan Felix, Public Works Director Craig Gray, Finance Director Ron Eischens, City Clerk Kay Murphy

Other Present: VenuWorks Representatives - Andy Long, Roger Swanson

2013 Budget

Finance Director Eischens provided a budget overview based on the Council's direction from their April 9, 2012 work session. He asked that the Council review the handout prior to their special work session on June 25 and to contact Chattin or himself with questions.

Chattin commented that the funding options are examples and the Council may have their own suggestions for funding.

Johnson inquired about a hospitality tax which requires State approval to enact. Chattin commented that it was certainly a funding option that the Council could pursue.

VenuWorks/Sanford Center

Chattin stated that it was recently brought to his attention that the City was billed for Executive Director Roger Swanson's salary for the fourth quarter of 2011. At a meeting of the City Council in October of 2011, Steve Peters, President of VenuWorks, stated that they (VenuWorks) would be paying Swanson's salary for that quarter. Chattin stated that he reviewed the recording of the meeting and confirmed that Peters had indeed stated that Swanson's salary would be paid by VenuWorks. Chattin stated he has met with Andy Long and Roger Swanson and via telephone with Peters in this regard. Chattin stated that Peters stated that it was his intent to cover those costs only if needed for the facility to make budget. As it turned out, VenuWorks came in well under budget and thus believed that they could recover those costs. Chattin stated that VenuWorks has agreed to reimburse the City for Swanson's fourth quarter salary in the amount of \$21,000.

Andy Long read an e-mail addressed to the Council from Steve Peters. In that e-mail, Peters stated that VenuWorks presented an invoice for Swanson's time as they had made good on their promise to bring the Sanford Center in under budget. Peters e-mail further stated that VenuWorks values the City's trust and confidence as being essential to the development of a strong long-term working relationship and they have agreed to repay the funds. Long stated that they had no reason to "sneak" an invoice for Swanson's time as the invoice clearly states that it was for Swanson.

Negard stated that as a member of the Sanford Advisory Board they have not looked at every invoice because of trust. But now he has lost trust and understands the response from Long. However, he now wants to look at every invoice.

Hellquist commented that there is a difference between looking at this from a position of doing it and then asking for forgiveness later and no one likes that kind of situation. He stated that if VenuWorks had asked for permission up front, they would have gotten it. Hellquist stated it makes the Council feel it has to scrutinize everything that comes in.

Waldhausen stated that it was obviously a miscommunication and clearly not sneaky. He commented that the responsibility falls both ways.

Discussion continued regarding this year's budget and programming.

**ADJOURN**

There being no further business, motion by Hellquist, seconded by Waldhausen, to adjourn the meeting. Motion carried. Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Kay M. Murphy  
City Clerk



# Bill List Summary

July 2, 2012

<u>Check /Wire</u>	<u>Vendor</u>	<u>Amount</u>	
71165	ISD #31	5,210.50	
		<u>5,210.50</u>	
71166-71257	See Attached List	544,557.96	
		<u>544,557.96</u>	
	TOTAL		\$ 549,768.46

# Accounts Payable

## Blanket Voucher Approval Document

User: monicae  
Printed: 06/25/2012 - 3:19PM  
Warrant Request Date: 07/03/2012  
DAC Fund:



### COUNCIL BILL LIST

Line	Claimant	Voucher No.	Amount
1	AC Analytical & Consulting	000071166	40.00
2	Acme Tools-Bemidji	000071167	329.88
3	American Solutions For Business	000071168	1,336.06
4	Ameripride	000000000	588.87
5	Auto Value Bemidji	000071169	92.84
6	Bellboy Corporation	000071170	1,215.94
7	Beltrami County Auditor/Treasurer	000071171	67,000.00
8	Beltrami County Highway Dept.	000071172	3,898.31
9	Beltrami Industrial Service, Inc.	000071173	177.18
10	Bemidji Bituminous Inc	000071174	541.86
11	Bemidji Coop Ass'n, Inc.	000071175	1,762.14
12	Bemidji Oil & Propane Inc	000071176	125.47
13	Bemidji Paper Sales, Inc.	000000000	1,012.18
14	Bemidji Steel Company	000000000	714.97
15	Bemidji Welders Supply, Inc.	000071177	50.71
16	Bernick's	000071178	23,768.51
17	Bolton & Menk, Inc.	000071179	8,095.49
18	Bound Tree Medical, LLC	000071180	20.28
19	Brauer & Associates, Ltd.	000000000	6,695.47
20	Braun Intertec Corporation	000000000	3,540.18
21	BTL Construction, Inc.	000071181	250.00
22	Carquest Auto Parts-Bemidji	000071182	33.60
23	Catco	000000000	903.79
24	Christiansen Industrial Developers, Inc.	000071183	36,630.12
25	City of Minneapolis	000071184	1,008.60
26	Commercial Refrigeration, Inc.	000071185	371.93
27	Culligan	000000000	306.34
28	Design Angler Inc.	000071186	80.16
29	Dondelinger Chev-Buick, Inc	000071187	187.02
30	DPC Industries, Inc.	000071188	4,408.26
31	Earl F. Andersen, Inc.	000071189	10,570.25
32	Era Laboratories, Inc.	000071190	1,276.00
33	Fenner, Kevin	000000000	20.81
34	Ferguson Enterprises #3093	000071191	52.76
35	Fire Safety U.S.A. Inc.	000071192	1,025.00
36	Forestedge Winery	000071193	98.40
37	Frenzel Fertilizer Inc.	000071194	1,534.42
38	G & T Excavating, LLC	000071195	3,635.00
39	Gordon Const.Mahnomen,Inc.	000071196	9,519.13
40	Guardian Pest Control, Inc	000071197	59.64
41	Hach Company	000071198	617.12
42	Hawkins, Inc.	000000000	3,868.34
43	HD Waterworks Supply	000071199	1,135.23
44	Headwaters Science Center	000071200	150.00
45	Heiman, Inc	000071201	20.25

Page Total: \$198,768.51

Line	Claimant	Voucher No.	Amount
46	Hesch Construction, LLC	000071202	132.00
47	Higgins Heating, A/C , Inc.	000071203	2,181.00
3	Hoefler, David	000000000	584.85
49	Ink Spot Press	000071204	117.17
50	Jack's Stop, Inc	000071205	125.05
51	Johnson Bros., Inc.	000071206	22,780.39
52	L & M Supply, Inc.	000071207	792.79
53	Locators & Supplies, Inc.	000000000	150.76
54	Luekens Village Foods North	000071208	17.73
55	Maid in Bemidji Inc	000071209	330.24
56	Martens, Sharon	000071210	50.00
57	Mastin, Mike	000000000	45.00
58	McKinnon Co., Inc.	000071211	7,554.25
59	Menards-Bemidji	000071212	185.51
60	Minnco Industries	000071213	742.35
61	MN Bureau Criminal Apprehension	000071214	5.30
62	MN Dept of Revenue ACH	000000000	53,568.05
63	MN Valley Testing Lab, Inc.	000000000	87.00
64	Mobile Concepts By Scotty	000071215	252.17
65	Moore, Lynn	000071216	8.26
66	MTI Distributing Co.	000071217	539.42
67	NAPA Auto Parts	000071218	281.06
68	National Fire Protection Association	000071219	165.00
69	Neopost USA , Inc	000071220	86.08
70	North Country Business Product	000000000	449.36
71	North Star Pest Control	000071221	213.75
72	Northland Nutrition Consulting, LLC	000071222	50.00
73	Otter Tail Power Company	000071223	52,219.56
74	Peterson Sheet Metal, Inc.	000000000	325.00
5	Phillips Wine & Spirits	000071224	15,458.86
76	Postmaster	000071225	569.86
77	Praxair Distribution Inc	000071226	426.54
78	Pro Hydro Testing	000071227	1,574.00
79	Pro-build	000071228	40.14
80	Reiersen Construction, Inc.	000071229	108,889.45
81	Roger's Two Way Radio, Inc.	000071230	458.04
82	Rohlfing of Brainerd, Inc.	000071231	782.55
83	Sadeks Repair & Welding, Inc.	000071232	779.82
84	Sanford Center	000071233	187.04
85	Sanford-Fargo	000071234	443.00
86	SkillPath Seminars	000071235	125.00
87	Skime Fencing	000071236	924.52
88	Southern Wine & Spirits of Minnesota	000071237	6,852.73
89	Southside Tow & Rec, Inc	000071238	1,134.29
90	Spartz, Ron	000071239	13.89
91	Spee-Dee Delivery Service, Inc.	000071240	139.17
92	Stewart-Miyake, Landy	000071241	36.00
93	Streicher's	000071242	4,148.03
94	Sunny Hill Distr., Inc.	000071243	7,577.34
95	Swank Motion Pictures, Inc.	000071244	636.98
96	TDS Metrocom-MN	000000000	893.92
97	Tires Plus of Bemidji	000071245	1,036.15
98	Todavich Electric, Inc	000071246	242.24
99	Trent, Barb	000071247	55.53
100	UPS	000071248	1.08
101	Upstart	000071249	62.45
'02	Verizon Wireless	000071250	104.23

Page Total:

\$297,631.95

Line	Claimant	Voucher No.	Amount
103	Viking Industrial Center	000071251	38.50
104	Vinocopia, Inc.	000071252	363.04
105	VisitBemidji	000000000	21,120.17
106	Waste Management of WI-MN	000071253	2,818.25
107	Wes Plumbing & Heating	000071254	1,098.21
108	Wine Merchants	000071255	363.00
109	Wirtz Beverage Minnesota Wine & Spirits, Inc	000071256	22,287.82
110	Zee	000071257	68.51
Page Total:			\$48,157.50
Grand Total:			\$544,557.96

# RESOLUTION NO.

## APPOINTING ELECTION JUDGES FOR THE AUGUST 14, 2012 PRIMARY AND NOVEMBER 6, 2012 GENERAL ELECTION

**WHEREAS**, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election.

**BE IT RESOLVED** by the Bemidji City Council that the individuals named on Exhibit A, and on file in the office of the City Clerk be appointed as election judges for the Primary Election to be conducted on August 14, 2012 and the General Election to be conducted on November 6, 2012; and

**BE IT FURTHER RESOLVED** that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

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

Ayes:  
Nays:  
Absent:

Passed: July 2, 2012

ATTEST:

APPROVED:

\_\_\_\_\_  
Kay M. Murphy, City Clerk

\_\_\_\_\_  
David A. Larson, Mayor

# Exhibit A

## 2012 Election Judges

<b>WARD 1</b>	<b>AMERICAN INDIAN RESOURCE CENTER (BSU)</b>
Bill	Jackson
Tonie	Peterson
Jan	Kittleson
Warren	Meissner
Kaitlin	Graham, Head Judge
Arlene	Smith
June	Roxstrom
<b>WARD 2</b>	<b>NATIONAL GUARD ARMORY</b>
Kathleen	Bjerum
Charles	Stombaugh
Marilyn	Holmer
Charlene	Fisher
Peggy	Humeniuk
Carol	Gulbranson
Reed	Olson, Head Judge
<b>WARD 3</b>	<b>TRINITY LUTHERAN CHURCH</b>
Elizabeth	Hanson (General Only)
Michelle	Miller, Head Judge (Primary)
Renae	DeVolder
Kathy	Stombaugh
Annette	Glidden
Richard	Lehmann
Deb	Montague
Matthew	Tufto
Rebecca	Snyder, Head Judge (General)
Darlene	Lind

<b>WARD 4</b>	<b>CITY HALL</b>
Diana	Jensen, Head Judge
Sally	Murphy
Darlene	Peterson
Arleen	Dosdall
Sandra	Thorson
Jerome	Buchanan
Conrad	Thompson, Sr. (1/2 day)
<b>WARD 5</b>	<b>NW TECH COLLEGE</b>
Marlene	Clemens
Vern	Lathe, Head Judge
Marlene	Lilleby (General Only)
Lila	Bruun
Austin	Ray
Judy	Petersen
Anthony	Warno
Michael	Gutz

# CITY OF BEMIDJI

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

### ORDINANCE AMENDING AN UNCODED SECTION OF BEMIDJI CITY CODE PERTAINING TO THE VACATION OF A PAPER STREET (Cross Street)

#### THE CITY OF BEMIDJI DOES ORDAIN:

**SECTION 1.** Subject to the condition(s) stated in Section 2 hereinafter, that portion of the platted, unimproved municipal right-of-way (paper street) referred to as Cross Street within the Plat of the Mill Park Addition and legally described below, is hereby vacated.

East half of that part of Cross Street lying south of Gemmell Avenue.

**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.

Ayes:

Nays:

Absent:

First Reading: June 4, 2012

Second Reading:

Final Reading:

ATTEST:

APPROVED:

\_\_\_\_\_  
Kay M. Murphy, City Clerk

\_\_\_\_\_  
David A. Larson, Mayor

# **COUNCIL AGENDA ITEM**



**Meeting Date:** July 2, 2012

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

**Prepared By:** Kay M. Murphy, City Clerk

**Reviewed By:** John Chattin, 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. 82, 3<sup>RD</sup> SERIES, Amending an Uncoded Section of Bemidji City Code Pertaining to the Vaction of a Paper Street (Cross Street).

This Ordinance was approved by the City Council on Monday, July 2, 2012. 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) or may be viewed on-line at [www.ci.bemidji.mn.us](http://www.ci.bemidji.mn.us).

## **Recommendation:**

Authorize publication of Ordinance summary.





City Attorney's Office

# MEMORANDUM

**TO:** Mayor & City Council  
**FROM:** Alan Felix, City Attorney  
**DATE:** July 2, 2012  
**RE:** Closed Meeting Procedure

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Minnesota Statute Section 13D.05, Subd.3(b) provides that:

A public body may close a meeting if the closure is expressly authorized by statute or permitted by the attorney-client privilege. In particular, the attorney-client privilege allows the public body to discuss with its legal counsel threatened or pending litigation.

Consequently, in order to close a meeting, a councilmember should make a motion such as:

*I move to close this meeting in accordance with Minnesota Statute Section 13D.05, Subd. 3(b) for the purpose of discussing with the City Attorney threatened or pending litigation.*

The Mayor would then call for a second, discussion and a vote as with any other motion. A written record of those in attendance must be taken. The meeting must also be tape recorded and the tape maintained for two years.

AF/km