

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Joint Special Meeting – July 17, 2013

Pursuant to due call and notice, a joint special meeting of the City Council of the City of Bemidji, Beltrami County, Minnesota, was held on Wednesday, July 17, 2013, at 6:30 p.m. at Northern Town Hall, Northern Chair Kelly and Mayor Albrecht presiding.

Upon roll call, the following Councilmembers were declared present: Albrecht, Meehlhause, Johnson, Erickson, Olson Absent: Hellquist, Thompson

Northern Township Board Present: Mike Kelly, Tim Mountain, Clark Chambers
Staff: Town Clerk Mary Israelson, Legal Counsel Jason Kuboushek

Bemidji Township Board Present: Pete Frederickson, Brian Merschman (Arrived at 7 p.m.);
Legal Counsel John Steffenhagen

Staff Present: City Manager John Chatten, City Attorney Alan Felix, City Clerk Kay Murphy
Legal Counsel Jim Thomson

Northern Board Chair Kelly stated that the Northern Town Board invited the governing bodies of the City of Bemidji and Bemidji Township to participate in a “frank” discussion of issues relating to the Orderly Annexation Agreement (OAA) and the Joint Powers Agreement establishing the Greater Bemidji Joint Planning Board (JPB) in relationship to the settlement agreement reached between the City and Bemidji Township in the lawsuit commenced by Bemidji Township against the City. He commented that over a year ago the LGUs met several times and then asked the City to work with them regarding boundary changes. He stated that while Northern was interested in boundary changes, Bemidji Township did not. Kelly stated that Northern Township Board has financial concerns and the direct impact on the residents in their township if Bemidji Township withdraws from the OAA and JPB.

John Steffenhagen, legal counsel for Bemidji Township, noted that Bemidji Township was unable to have a quorum at the meeting.

Mountain commented that Bemidji Township was on board when the Joint Planning Board was developed which took a considerable amount of time and dollars and asked Bemidji Township representatives what happened?

Steffenhagen stated that Bemidji Township believes that the Orderly Annexation Agreement had not been complied with as there were “multiple” provisions that were breached. In particular, no services were provided upon annexation of Phase I. He further commented that Bemidji Township made a conscious effort not to include Northern Township in the lawsuit. He stated that the full complaint is available at the Court and that he will provide a copy to Northern’s legal counsel for their review.

Mountain stated that at the time the OAA was created, it was the understanding that people would have to petition for water and/or sewer services. Steffenhagen disagreed with Mountain.

Chambers commented that Northern Township did not see the lawsuit coming or the withdrawal of Bemidji Township from the JPB.

Steffenhagen stated that Bemidji Township made the choice not to involve Northern. This was not to keep Northern Township in the dark.

Mayor Albrecht stated that the City does not agree that Bemidji Township’s claims regarding the OAA are valid and does not acknowledge any wrongdoing.

Chair Kelly asked Bemidji Township if there was any “wobble-room” to continue with the Joint Planning Board. The City has been cooperative in trying to re-do boundaries. Kelly observed that if the JPB dissolves, it will result in a higher cost to the residents of Northern Township. Kelly stated that regional planning is very important for the region and asked if there was a way that Bemidji Township could continue with the JPB.

Steffenhagen stated that at some point the lawsuit will be done and the three communities will still be neighbors.

Frederickson stated that in the future there is a possibility that Bemidji Township may be interested in joint planning but not today. Discussion continued regarding the effect of Bemidji Township withdrawing from the JPB and JPC.

Merschman commented that during the mediation process, it was the City that offered the Township the ability to withdraw from the JPB.

Johnson responded that the first mediation was not authorized by the full City Council.

Steffenhagen stated that the Phase I residents want to know when they will be able to detach. He stated that Bemidji Township would prefer to have the decision from Northern tonight as they need to inform Judge Melbye of the results on July 24.

Kelly stated that the Northern Township Board is not in the position to make a decision regarding the mediated agreement at tonight's meeting. He stated that they would like the full board to be present and that will not happen until August and they would like to hear input from their residents. He also stated that no documents had yet been presented to the town board for its consideration with respect to any action that the town board needs to take in this matter.

Johnson stated that he had a tremendous amount of respect for Northern Township. He commented that prior to the OAA, the City annexed piecemeal and was growing as cities do. The two townships initiated the discussion with the City regarding the annexation agreement. He further stated at the time of developing the OAA, that like the Pilgrims, the "ships were burnt" as they moved forward. Johnson stated the board and staff change and they may change again in the future.

Mountain commented that the OAA that was put together was good for the community. However, he is not going to "force" someone to stay in a "marriage" that they don't want.

Steffenhagen stated that regardless of how the mediation unfolded the mediation settlement agreement makes sense. He stated that it is Bemidji Township's intent to take immediate steps to implement the mediated agreement.

Kelly asked why the City didn't allow the lawsuit to go through the court process.

The City's legal counsel Jim Thomson responded that lawsuits get settled for a number of reasons.

Mayor Albrecht stated that there is a value in planning for the City as well as the townships. She said the City has much to be proud of and provides many amenities to City and surrounding township residents. She further stated to suggest that the Council has done something to be ashamed of is wrong and it is disappointing that Bemidji Township did not come to the table prior to a lawsuit.

ADJOURN

There being no further business, motion by Olson, seconded by Meehlhause, to adjourn the meeting. Motion carried. Meeting adjourned at 8:10 p.m.

Respectfully submitted,


Kay M. Murphy
City Clerk