

CITY COUNCIL PROCEEDINGS
BEMIDJI, MINNESOTA
Special Joint Meeting – September 24, 2012

Pursuant to due call and notice, a special joint meeting of the City Council of the City of Bemidji and the Northern Township Board, Beltrami County, Minnesota was held on Monday, September 24, 2012, at 4:00 p.m. at Northern Town Hall, Chair Kelly presiding.

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

Upon roll call, the following Northern Town Supervisors were declared present: Kelly, Chambers, Gangeness, Bahr

City Staff: City Manager John Chattin, City Attorney Alan Felix, Public Works Director/City Engineer Craig Gray, City Clerk Kay Murphy
Township: Town Clerk Mary Israelson, Attorney Jason Kuboushek

Northern Township Chair Kelly opened by recapping the intended purpose of the special meeting was to have a closed meeting in order that the bodies could discuss with the City and Northern Township attorneys the threatened litigation regarding the pending Birchmont Drive Water and Sewer Extension reassessment and assessment.

City Attorney Felix spoke next referencing the Bemidji Pioneer article from Friday, September 21, in which the Pioneer's attorney, Mark Anfinson of the Mn Newspaper Association, was reported to state that the Pioneer was prepared to file a formal challenge regarding the City and Northern's intention to close the meeting. Felix recited the facts surrounding the objections filed by Birchmont Drive residents, including the identical resemblance to the previous two assessment procedures and corresponding appeals to District Court, and then recounted that both entities had recently received a letter dated September 12, 2012, from the Plaintiff's attorney, Zenus Baer, requesting the entities to provide Baer with a "settlement number", which letter the Pioneer had not been privy to prior to the meeting nor at the time of the writing of the September 12th article. Felix concluded that though the City and Township attorneys believed they could defend such a challenge based upon the facts, both attorneys would recommend against a closure for reason that the City and Northern do not need the distraction of a second lawsuit at this time.

Jason Kuboshek, Attorney for Northern, reiterated that a there has been correspondence between the attorneys and Mr. Baer and the intent of closing the meeting was to have a frank discussion with the Township Board and City Council on possible settlement options. However, he agreed that the two governmental units don't need an open meeting law challenge.

After brief discussion regarding whether it made sense to continue with an open meeting forum, Council and Board members concurred that the public did not receive notice of that possibility and so it would not be advisable to continue with either an open or closed meeting.

ADJOURN

There being no further business, motion by Councilmember Waldhausen, seconded by Councilmember Negard, to adjourn the meeting. Motion carried. Meeting adjourned at 4:25 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk