

**BEMIDJI TOWNSHIP TOWN BOARD  
REGULAR BOARD MEETING  
Tuesday, June 11<sup>th</sup>, 2013  
MINUTES**

**PRESENT:** Jan Heuer, Pete Fredrickson, John Rowles, Brian Merschman, Lowell Vagle  
Erin Stieg

**CALL TO ORDER:** The regular meeting of the Bemidji Township Town Board was called to order at 6:00 p.m. by Chairperson Jan Heuer and the pledge of allegiance was recited.

**AGENDA:** After review and discussion, the item "Road Hearing for Curt and Sandra Beck" was moved up to be first on the agenda after approval of the meeting minutes. Pete Fredrickson made a motion, seconded by Brian Merschman to approve the agenda as amended. Motion carried unanimously.

**MINUTES:** The meeting minutes for May 28<sup>th</sup>, 2013 were reviewed and there was discussion regarding the cockleburs mentioned in Lowell Vagle's Weed Committee report from April 14<sup>th</sup>, 2013. These weeds were not listed as one of the weeds that need to be controlled in Beltrami County, but Lowell will bring it up and have them included as part of the list since they have proven to be a nuisance among residents in Bemidji Township. He suggested that the minutes should remain as written. Pete Fredrickson motioned to approve the minutes as written. The motion was seconded by Brian Merschman and carried unanimously.

At 6:04p.m. Chairperson Jan Heuer closed the Town Board meeting to open the Road Hearing.

**Road Hearing for Curt and Sandra Beck:** In April, the Beck's petitioned to have a paper road on their property that was still listed as a township road vacated so they could plan to build on that section of land. On May 28<sup>th</sup>, the area was examined during the Township road review. There was some discussion about whether the legal description was correct and that Bemidji Township was truly responsible for the road. After review it was determined that the legal description was correct and Pete Fredrickson made a motion that the "cart path straight off the end of Tyler Ave to the by-pass, between parcels 030122400 & 030048601 owned by Curt and Sandra Beck" be vacated by Bemidji Township. Brian Merschman seconded the motion and it was put to a vote:

Lowell Vagle: Yes  
John Rowles: Yes  
Jan Heuer: Yes  
Pete Fredrickson: Yes  
Brian Merschman: Yes

The Road Hearing was closed at 6:06 p.m. and the Town Board meeting resumed.

**CONSTITUENTS (see attached attendance sheet):** Chairperson Jan Heuer asked if any of the constituents had any issues to bring up besides those pertaining to the annexation law suit with the City of Bemidji. No issues were brought forward.

At 6:11 p.m. Township Lawyer John Steffenhagen arrived at the meeting and was welcomed by the Board.

**TREASURER'S REPORT:** Tim Wang presented the treasurer's report as follows:

Beginning Balance 4/30/2013 \$693,759.61

Receipts

Money Market Interest	\$	115.38
Total	\$	115.38

Disbursements

General	\$	13,658.68
Road & Bridge	\$	5,766.17
Fire	\$	- - -
Total	\$	19,424.85

Ending Balance 5/31/2013 \$674,450.14

Lowell Vagle made a motion, seconded by Pete Fredrickson, to approve the Treasurer's Report as printed. The motion carried unanimously. This report was filed subject to audit.

**Bills:**

Brian Merschman made a motion, seconded by Lowell Vagle to approve the payment of checks 10164 to 10184 (see attached Claims List and Net Pay Distribution lists) and to approve the Beltrami Electric, First National Bank, Minnesota Energy, Otter Tail Power, and Paul Bunyan Communications automatic withdrawals. The motion passed unanimously.

Brian Merschman made a motion, seconded by Lowell Vagle, to approve the sale of investments for \$20,000.00 from money market fund to checking. The motion passed unanimously.

**Ratification of Mediated Agreement:** Pete Fredrickson moved to ratify the Mediated Agreement between Bemidji Township and the City of Bemidji that was drafted May 31<sup>st</sup>, 2013. Lowell Vagle and Brian Merschman simultaneously seconded the motion and it was put to a vote:

Lowell Vagle: Yes  
John Rowles: Yes  
Jan Heuer: Yes  
Pete Fredrickson: Yes  
Brian Merschman: Yes

**Legal Issues:** Township Lawyer John Steffenhagen spoke to the constituents present at the meeting regarding the annexation lawsuit with the City of Bemidji. He began by mentioning that no Township has ever attempted a law suit like this before and that our Town Board deserves credit for being so hard working and consistent during this process. He then opened the floor to take questions. The first question asked was if the City of Bemidji could still annex the same areas in 2018. Mr. Steffenhagen replied that they would potentially be able to do this, but certain criteria would need to be met before the process could take place.

One constituent asked if there were any circumstances that would hinder or halt the agreement with the City. Steffenhagen explained that there are many "moving parts" to this situation. He reminded everyone that this is an unprecedented accomplishment and that it is far from complete. He did mention that Northern Township has yet to make any decisions regarding the

annexation agreement and although we could move forward without their vote, it would be better to have the support of another Township.

The biggest challenge that remains in front of us is "unwinding" the Phase One Annexation. This process is very complex and it will take some work to restore the areas of Bemidji Township that were affected by the annexation.

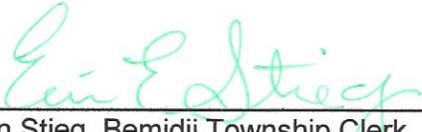
Mr. Steffenhagen explained that once the process of restoration begins, those residents who do not currently receive City utilities (i.e. sanitary sewer and water services) would be eligible for detachment from the City. That means that as of the date of the agreement –May 31<sup>st</sup>, 2013- any property owner that is receiving utility services from the City of Bemidji may not petition to re-join Bemidji Township. This brought up the question that many residents had if a bill they had received after being annexed for storm sewer services disqualified them for detachment from the City. It was clarified that that even if this bill was paid for, storm sewer services are not considered utilities and that yes, they may still petition for detachment. Steffenhagen added that the Township must work with the City and with the State of Minnesota to determine what properties will be eligible for detachment from the City of Bemidji. Many people asked whether they should pay the storm sewer bill or not. To this Chairperson, Jan Heuer replied that it is not the Board's- nor is it Mr. Steffenhagen's- place to advise them of which bills to pay or not to pay. That is a decision each individual would have to make themselves. Discussion continued regarding the storm sewer bill from the City and if that money would be refunded to the residents who had already paid. There is no clear answer yet as to what the City will refund to the property owners affected by the Phase One Annexation.

It was explained that if people wanted to detach from the City, they would need to make it known to the Township, so they can work with the State to move forward with the process. However, petitioning cannot begin until all parties have made their decisions regarding the Mediated Agreement and even then certain criteria need to be in place for the State to approve or deny each petition. Discussion continued about past annexations and the circumstances surrounding those situations. It was made clear that although this should be done as soon as possible, we all need to follow due process and make sure we are proceeding correctly. Residents were assured that as soon as parties were able to move forward with the petitioning process, they would be made aware. However it was stressed that people must continue to be as informed as possible and to be talking with their neighbors so that everyone will be aware of what is going on. At this point, Pete Fredrickson mentioned that City Council members have not heard from any of the affected parties from the annexation and it would be most helpful for them to be contacting the City and letting them know how they feel about the phase one annexation. There were some questions brought up as to what Bemidji Township has decided regarding the Joint Powers Agreement and the Joint Planning Board/Commission. It was clarified that no decision has been set in stone regarding this issue and it is still an ongoing dialogue between all Local Government Units involved. Other questions regarding the sale of property during this process were discussed and then Chairperson Jan Heuer asked if there were any further questions or issues for Attorney John Steffenhagen. No issues were brought forward and Mr. Steffenhagen was thanked for his time and consideration.

**ADJOURN:**

Lowell Vagle made a motion, seconded by Brian Merschman, to adjourn. Motion carried and the meeting was adjourned at 7:56 p.m.

Prepared by Erin Stieg, Bemidji Township Clerk

  
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Erin Stieg, Bemidji Township Clerk

Approved 6/25/13

  
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Jan Heuer, Chairperson