

## RESOLUTION NO. 6621

### A RESOLUTION OF THE BEMIDJI CITY COUNCIL PETITIONING THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS FOR ANNEXATION OF CERTAIN PORTIONS OF NORTHERN TOWNSHIP TO CITY OF BEMIDJI UNDER MINNESOTA STATUTES, SECTION 414.031

- WHEREAS,** The City of Bemidji (hereinafter the "Bemidji" or the "City"), Beltrami County, Minnesota, abuts and is bordered on Bemidji's northerly boundary by Northern Township (hereinafter the "Township"), Beltrami County, Minnesota; and
- WHEREAS,** on April 16, 2025, Bemidji received a written notice from Northern Township, declaring the Township's intent to file a petition for incorporation as a municipality with the State of Minnesota; and
- WHEREAS,** on April 21, 2025, the Bemidji City Council unanimously approved Resolution 6616, calling for good-faith negotiations with the Township related to the extension of municipal utilities and related municipal boundary adjustments, asking for the Township to withdraw its notice of intent to incorporate, authorizing City staff to prepare a responsive notice of intent to annex a portion of the Township should the Township not withdraw their earlier notice, and establishing certain principles and policy positions related to the Township's incorporation and its proposed construction of a new wastewater treatment facility; and
- WHEREAS,** pursuant to Council Resolution 6616, the City has established principles and policy positions relative to the Township's proposed incorporation, including but not limited to the following:
- a. The City Council finds that the incorporation of Northern Township would essentially permanently fix the City's boundaries abutting newly incorporated areas and eliminate the City's ability to grow to serve such areas.
  - b. The City, with support from the State, has invested millions of dollars of public resources planning for, building and properly sizing municipal infrastructure for services to meet the current and future growth of the City. The incorporation of areas of Northern Township in close proximity to the City would have the effect of wasting the City's significant investments in planning for and installing such infrastructure to serve future growth areas in an orderly manner.
  - c. Further, the City, with State and Federal financial support, has recently invested millions of dollars into its wastewater treatment facility and municipal water treatment plant, for the purposes of expanding capacity to accommodate future growth and modernizing its facilities to meet environmental regulations. With these recent investments and improvements, the City believes it is best positioned to serve areas in need in Northern Township surrounding Lake Bemidji with municipal sanitary sewer and water services.
  - d. The incorporation of a new city adjacent to Bemidji would likely lead to inefficiencies and unnecessary and wasteful duplication in delivering needed municipal services, and conflict regarding future regional growth; and
  - e. The foregoing significant anticipated negative impacts of the potential incorporation of Northern Township upon Bemidji and its residents and taxpayers would necessitate that Bemidji seek annexation of designated areas in Northern Township surrounding Lake Bemidji that are in need of municipal services and which could more efficiently be served by the City in response to a petition by Northern Township to incorporate the entirety of the current township.
- WHEREAS,** pursuant to Minnesota Statutes Section 414.031 subd. 1a, on April 22, 2025, Bemidji, pursuant to Resolution 6616, delivered notice via certified mail to the Township Clerk of its intent to annex a certain portion of property within the Township, as described in Exhibit A and as depicted in Exhibit B, both of which are attached hereto and incorporated herein by reference (the "Subject Area"); and
- WHEREAS,** for the reasons stated herein and in Bemidji City Council Resolution 6616, the

Township's petition for incorporation is not in the best interest of the Subject Area and will additionally adversely affect the interests of Bemidji by denying Bemidji's ability to extend its northerly borders to include areas around Lake Bemidji, which are in need of municipal services and can most efficiently and cost-effectively be served by Bemidji's existing municipal infrastructure and extensions thereof; and

**WHEREAS,** Bemidji believes the proposed incorporation of the Township will unnecessarily duplicate existing services in a small geographical area, and instead portions of the Township requiring municipal services should be annexed into Bemidji; and

**WHEREAS,** Bemidji and the Township have and will continue to experience future urban or suburban development and growth pressure in areas of existing residential development along Lake Bemidji; and

**WHEREAS,** urban or suburban development and growth in the Township necessitates long-term planning to ensure that urban or suburban growth is controlled, planning and zoning are consistent with growth patterns, available infrastructure is used efficiently, services are provided cost-effectively, and Bemidji is in the best position to do so given its extensive existing municipal resources and close proximity to the Subject Area; and

**WHEREAS,** Bemidji has made and will continue to make substantial public investments in infrastructure to accommodate future growth in and around Bemidji and seeks to use such investments and planned future investments efficiently and prudently for the betterment of the Bemidji community, including the Township, and for the protection of the environment in the Subject Area; and

**WHEREAS,** Bemidji has the professional staff and the capacity to provide municipal services more cost-effectively and efficiently than the Township to the Subject Area, specifically, Bemidji's existing wastewater treatment facility and water plant have sufficient available capacity to serve the Subject Area without the need to build expensive new facilities; and

**WHEREAS,** annexation of the Subject Area to Bemidji will enable undeveloped property therein to be developed in a cohesive, orderly, and planned manner in Bemidji; and

**WHEREAS,** the Subject Area is urban or suburban in character or about to become so based on existing and anticipated residential, commercial, industrial, institutional, and governmental development; and

**WHEREAS,** annexation to and future extension of municipal services from Bemidji to the Subject Area is in the best interest of the property owners within said area, and is necessary to protect the public, health, safety, and welfare of the residents of the Subject Area and the Bemidji community; and

**WHEREAS,** it is the intent and desire of Bemidji to resolve its growth, land use, service, and annexation issues with the Township for the betterment of the community by initiating a defined legal proceeding under state law for the annexation of the Subject Area within the Township, with the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit; and

**WHEREAS,** the Bemidji City Council supports the filing of this resolution petitioning the above-mentioned state agency for an order for the annexation of the Subject Area to Bemidji.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:**

1. The Minnesota Office of Administrative Hearings, is hereby requested to hold a public hearing pursuant to Minnesota Statutes, Section 414.09, on the question of annexation of the Subject Area within Northern Township, Beltrami County, Minnesota, to the City of Bemidji, Beltrami County, Minnesota, pursuant to Minnesota Statutes, Section 414.031.
2. The Subject Area is legally described in Exhibit A, which is attached hereto and incorporated herein by reference. A map showing the Subject Area is attached hereto as Exhibit B and incorporated herein by reference.

3. The Subject Area is unincorporated and abuts Bemidji on Bemidji's northerly boundary and none of the Subject Area is presently a part of any incorporated city.
4. The total acreage of the Subject Area legally described in Exhibit A and shown on Exhibit B is approximately 910 acres.
5. The following parties are entitled to notice pursuant to Minnesota Statutes, Section 414.09:
  - a. Northern Township, as the township presently governing the area proposed to be annexed.
  - b. Beltrami County, as the county in which the area proposed to be annexed is located.
  - c. The Beltrami County Planning Commission and Board of Adjustment and Northern Township Planning Commission, as planning agencies with jurisdiction over the area proposed to be annexed.
6. Bemidji staff is hereby directed to serve this Petition to Annex Property, the Subject Property, upon the Northern Township Clerk by certified mail pursuant to Minnesota Statutes, Section 414.031, subd. 1a.
7. Bemidji staff and legal counsel are further hereby directed to file this resolution, along with the applicable filing fee and any other documentation as may be necessary, no sooner than May 22, 2025, with the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit to initiate a proceeding for annexation of the Subject Area, legally described in Exhibit A and shown on Exhibit B, to Bemidji of Bemidji under Minnesota Statutes, Section 414.031.
8. Bemidji staff and legal counsel are further hereby directed to file a petition requesting the consolidation of this petition with Northern Township's incorporation petition, once said incorporation petition is filed, under Minnesota Administrative rule 1400.6350 with the Minnesota Office of Administrative Hearings - Municipal Boundary Adjustments Unit.

The foregoing resolution was offered by Councilmember Thayer, and upon due second by Councilmember Dickinson, was passed by the following vote:

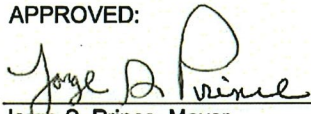
Yeas: Rivera, Peterson, Dickinson, Thayer, Prince, Eaton  
Nays: None  
Absent: Fiskevold Gould

Passed: May 19, 2025

ATTEST:

  
Michelle R. Miller, City Clerk

APPROVED:

  
Jorge S. Prince, Mayor

## **EXHIBIT A**

### **Legal Description of Subject Area**

All that part of Government Lot 2, Section 21, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying easterly of the North-South Quarter line of said Section 21;

AND,

All that part of Government Lot 1, Section 21, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying southeasterly of the centerline of Bemidji Rd NE (former U. S. Highway No. 71), as laid out and established according to Final Certificate recorded In Misc. Record 20 of Deeds on page 261;

AND,

All those parts of the Southwest Quarter of the Southeast Quarter and Government Lot 1, all in Section 16, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying southeasterly of the centerline of Bemidji Rd NE (former U. S. Highway No. 71), as laid out and established according to Final Certificate recorded In Misc. Record 20 of Deeds on page 261;

AND,

Government Lots 1, 2, 3, and 4, all in Section 15, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

The South 100 feet of the Southeast Quarter of the Northwest Quarter and the South 100 feet of the West 80 feet of the Southwest Quarter of the Northeast Quarter, all in Section 14, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

The Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter, Government Lot 1, and the West 20 rods of the Southeast Quarter, all in Section 14, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

Government Lots 1, 2, and 3, and the North Half of the Northeast Quarter, all in Section 23, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

The Southeast Quarter of the Southwest Quarter and Government Lots 5 and 6, all in Section 24, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

Government Lot 1, Section 25, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

All those parts of Government Lots 2, 3, and 4, and the Southeast Quarter of the Southwest Quarter, all in Section 25, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying northwesterly of the easterly line of the former Burlington Northern Railroad Company's right of way, as described by Quitclaim Deed conveyance to the State of Minnesota recorded in the Office of the Beltrami County Recorder by Document No. 333403;

AND,

Government Lot 1, Section 26, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

Government Lot 1, Section 35, Township 147 North, Range 33 West, Beltrami County, Minnesota;

AND,

All those parts of Government Lots 2, 3, and 4, and the Southeast Quarter of the Southeast Quarter, all in Section 35, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying northwesterly of the easterly line of the former Burlington Northern Railroad Company's right of way, as described by Quitclaim Deed conveyance to the State of Minnesota recorded in the Office of the Beltrami County Recorder by Document No. 333403;

AND,

All those parts of the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, all in Section 36, Township 147 North, Range 33 West, Beltrami County, Minnesota, lying northwesterly of the easterly line of the land conveyed to the State of Minnesota by Quit Claim Deed recorded in the Office of the Beltrami County Recorder by Document No. 333403;

## EXHIBIT B

### Depiction of Subject Area



# EXHIBIT A

