

City Council Meeting Date: April 20, 2009

Consent

ITEM: 1

Motion

**ITEM:** Reviewing Disbursements

**ACTION REQUESTED:**

**Proposed Motion For Consideration:** \_\_\_\_\_ **Motion** \_\_\_\_\_ **Second**

*The City Council of the City of Northfield hereby reviews disbursements totaling \$712,170.94 (April 3, 2009, and April 10, 2009 – including Payroll Transfer of \$156,370.14) as presented to the City Council.*

**SUMMARY**

The City Council is being asked to review disbursements for \$712,170.94. They are within the limitations of the approved budget and resources available.

**SUBMITTED BY:** *Julie Nordmeier, Accountant*

**ATTACHMENTS:**

1. Disbursement Lists

**ITEM:** Approve Allocation/Disbursements for the Grace Whittier Fund Grant Recipients

**ACTION REQUESTED:** The City Council is being asked to approve the recommended allocations/disbursements for the Grace Whittier Fund Grant recipients.

Proposed Motion For Consideration: \_\_\_\_\_ **Motion** \_\_\_\_\_ **Second**

*The City Council of the City of Northfield approves the recommended allocations/disbursements for the Grace Whittier Fund Grant recipients as shown in Table 1.*

**SUMMARY:** The City Council is being asked to approve the recommended allocations/disbursements for the Grace Whittier Fund Grant recipients totaling \$10,825. The grants are being awarded to seven non-profit organizations, to support recreational opportunities for youth in Northfield, fulfilling the intent and purpose of the Grace Whittier Fund Grant program. The Grace Whittier Fund Grant Committee met on March 19, 2009 to review the applications. Twelve applications were received. From the organizations submitting grant applications, the Committee is recommending that seven organizations receive awards in 2009. Listed below are the recommendations and the amounts proposed for each:

<b>Table 1</b>		
Grant Recipient	Grant Amount	Use of Funds
<i>Northfield Public School Booster Club</i>	\$2,500	Scholarships
<i>Prairie Partners</i>	\$900	Equipment and instructors for snowshoeing classes
<i>Northfield Youth Sports Collaborative</i>	\$3,500	Scholarships
<i>TORCH (Tackling Obstacles and Raising College Hopes)</i>	\$2,000	Summer leadership and college camp programs
<i>Northfield Area Family YMCA</i>	\$525	Start-up equipment for inside/outside games
<i>Northfield Soccer Association</i>	\$1,000	TOPSoccer (special needs players)
<i>Northfield Arts Guild</i>	\$400	Student scholarships for the Mexican Foklorico dance program
<b>Total awarded</b>	<b>\$10,825</b>	

**BACKGROUND:**

The Grace Whittier Fund Grant was created in 1988 as a result of a \$250,000 gift from the estate of long time Northfield resident, Grace Whittier. The purpose of the Whittier Fund is to support recreational opportunities for Northfield youth. The City of Northfield established a grant process to award monies from the Grace Whittier Fund Grant to Northfield area organizations who program recreational activities for children. The program rules established by the City provide that 85% of the interest earned from the fund can be awarded as grants each year.

**ATTACHMENTS:**

1. Grace Whittier Fund Grant Guidelines
2. Grace Whittier Fund Grant History
3. 2008 Grace Whittier Fund Grant applications summary and a description of the programs

**SUBMITTED BY:** Lynne Young, Library Director

ITEM: Pass a resolution allowing the Library Director to issue a request for proposal to hire a fundraising feasibility consultant

**ACTION REQUESTED:** The Council is being asked to pass a resolution that authorizes the Library Director to issue a request for proposal (RFP) to hire a fundraising feasibility consultant. The consultant will be asked to determine the amount of money that could be raised to augment the City's investment in the public library expansion.

**BACKGROUND:**

The current library building was constructed in 1909/1910 with a grant from Andrew Carnegie and was expanded from about 4,000 sq. ft to 12, 320 sq. ft in 1985 with the passage of \$1.3 million bond referendum.

In 1997 the library hired a consultant to recommend ways to squeeze more services and resources into existing space – a mode that has continued for the last eleven years. In 2001 some of the ideas from this study were incorporated into a remodeling of the circulation and children's areas of the library.

In 2001 a committee made up of library board members, library staff and citizens held a series of "Community Conversations" with groups throughout the Northfield area. These conversations led to a recommendation that the library building be expanded to at least 25,000 sq. ft. on the existing site.

In 2005-06 the City contracted with Robert H. Rohlf Associates and MS&R Architects to do a space needs assessment and preliminary building program. The report included recommendations for a building of approximately 32,000 sq. ft. and suggested that library services and workflow can best be accommodated in a single level building. The report also included a preliminary cost estimate of \$9,000,000+ to add onto the current building.

In 2006-08 the City contracted with the architectural firm Hay Dobbs to do a comprehensive facility study. This study identified space needs at several facilities including the safety center, liquor store, water department, street department, city hall and the library and used the Rohlf study to establish the library's needs.

During late 2007 and early 2008 the Library Board engaged the community in a long-range operational planning process. Meeting many of the goals and objectives of the new plan will require that improvements be made to the existing building. The 6<sup>th</sup> and final goal states: The library facility will reflect the values and traditions of the community and will support programs,

services, collections and technologies that meet community needs. (This supported City Council Goals 5 and 6 for 2008.)

In 2008 the City also contracted with MS&R Architects to do a site feasibility study for a library expansion on the current site and south across Third Street. The study concluded, "After considering and developing alternatives it is the recommendation that the existing library may be expanded in a satisfactory manner on an expanded site. The limitations of the site and the irregular configuration of the existing building along with the fact that the existing building has two levels, make expansion of the existing library less than ideal but achievable in a manner that will allow the library to serve Northfield library patrons well." The Library Board presented the study to the Council at the work session on August 11, 2008 and the report was accepted at the August 18, 2008 City council meeting.

The MS&R study established that the current building could be expanded to the south with an estimated cost of between nine and ten million dollars. In addition, the MS&R study provided a number of concept drawings. With location and architectural concepts in place, the Library Board has begun the development of a case statement for fundraising. A public library expansion is included in the City's Capital Improvement Plan but no financing plan is yet attached.

On January 26, 2009 representatives from the Library Board and staff met with the City Council in a work session to review the board's planning for the library expansion interior configurations and a proposed design charette for a larger development context between 2<sup>nd</sup> and 5<sup>th</sup> Streets along Washington St., additional parking, and private fundraising strategies.

Private fundraising strategies are necessary in these challenging economic times, and the Library expansion project will benefit from both public and private support. The first step towards raising private funds is to determine how much private support is feasible.

The City Council appropriated money from the library's Bunday fund to support the MS&R site feasibility study. Since the Bunday fund has been designated for the library's capital needs, the Library Board asks that City Council again appropriate dollars from the Bunday fund for the fundraising feasibility study.

**ATTACHMENTS:**

1. Fundraising Consultant Request for Proposal

**RECOMMENDED ACTION:** The Library Board recommends the passage of this resolution.

**SUBMITTED BY:** Lynne Young, Library Director on behalf of the Board of the Northfield Public Library

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION #2009-035

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA TO APPROVE THE REQUEST FOR PROPOSAL (RFP) TO HIRE A FUNDRAISING FEASIBILITY CONSULTANT TO DETERMINE THE AMOUNT OF PRIVATE FUNDING THAT COULD BE RAISED TO AUGMENT THE CITY'S INVESTMENT IN THE PUBLIC LIBRARY EXPANSION

WHEREAS, in 2006 the Northfield City Council received the Robert H. Rohlf Consultants study, which demonstrated that the public library should expand from its present 12,000 square feet to 32,000 square feet to meet the community needs of 39,000 residents of northern Rice County in the next 20 years, and

WHEREAS, in June 2008 the Northfield Library Board revised and approved the library's mission statement: "The Northfield Public Library strengthens community, supports literacy, provides access to information, and fosters lifelong learning and enrichment," and

WHEREAS, in June 2008 the Library Board accepted the MS&R site feasibility, based on significant community input, that confirmed the library can be expanded southward from its current location across Third Street, requiring the vacation of Third Street, and

WHEREAS, on August 4, 2008 the Northfield City Council adopted the Public Library's Long-Range Plan 2008-2012, which includes Goal #6: "The library facility will reflect the values and traditions of the community and will support programs, services, collections, and technologies that meet community needs," which in turn, supports the City Council's goals to "improve the conditions of the City's aging buildings, facilities and park infrastructure" and "retain the character and identity of downtown Northfield," and

WHEREAS, on August 18, 2008 the Northfield City Council accepted the MS&R site feasibility study report that the Public Library can be expanded on the current site, and

WHEREAS, on January 26, 2009 representatives from the Library Board and staff met with the City Council in a work session to review the board's planning for the library expansion (interior configurations and a proposed design charette for a larger development context between 2<sup>nd</sup> and 5<sup>th</sup> Streets along Washington St.), additional parking, and private fundraising strategies, and

WHEREAS, in these challenging economic times the Library's expansion will benefit from public and private support, and to determine how much private support is feasible,

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

1. The City Council accept the attached RFP requesting the services of a professional fundraiser who can determine the breadth of private support for an expanded library, the potential size of individual and corporate gifts, and a reasonable estimate of the amount that could be raised from private sources.
2. They approve the use of library gifts from the Bunday Fund (designated for use for expanding the facility) to defray the costs of the fundraising feasibility study.

PASSED by the City Council of the City of Northfield on this 20<sup>th</sup> day of April 2009

ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE: \_\_\_\_\_ ROSSING \_\_\_\_\_ BUCKHEIT \_\_\_\_\_ DENISON \_\_\_\_\_  
\_\_\_\_\_ POKORNEY \_\_\_\_\_ POWNELL \_\_\_\_\_ VOHS \_\_\_\_\_ ZWEIFEL \_\_\_\_\_

**ITEM:** Consider Approval of an Annexation Agreement with St. Olaf College

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to approve an annexation agreement between the City and St. Olaf College. On March 19, 2009, the Minnesota Boundary Adjustments office approved a 528-acre annexation west of the Northfield Hospital that involved four property owners, including St. Olaf College. On February 23, 2009, the City Council approved annexation agreements with the other three property owners involved in the annexation (David Sorem, John Fink, and Donald and Ruth Lysne). The following is a summary of the annexation agreement with St. Olaf College:

- The approval of the annexation agreements with the four property owners was a condition of approval when the City Council approved the annexation on June 16, 2008 (Attachment #2).
- The agreement with St. Olaf is similar to the agreements with the other three property owners. However, St. Olaf desired to have clear language in the agreement that stated that they have no intention of developing the property in the foreseeable future (unlike the other three property owners), and would not be responsible for any development costs until they chose to develop the property.
- The following is a summary of the language included in the agreement, which is based on the City Council approval in June, 2008:
  - ❖ In annexing the property, the City is not committing to assist in funding the needed infrastructure installations, without recovering those costs.
  - ❖ A master plan for the development would need to be approved by the City Council prior to the development of the annexed properties. However, since St. Olaf has indicated that they are not developing the property in the foreseeable future, the master plan would just note the St. Olaf property as “open space.”
  - ❖ Like the other three property owners, St. Olaf College will not be responsible for payment of storm water utility fees until the property develops. However, since St. Olaf College has indicated that they have no plans to develop the property, the agreement states that payment of this fee may be required within 15 years if the property still remains undeveloped.

**RECOMMENDATION:**

Staff recommends that the City Council approve the annexation agreement with St. Olaf College subject to inconsequential edits by City Staff.

**PROPOSED MOTION FOR CONSIDERATION:**

*The City Council of the City of Northfield approves an annexation agreement with St. Olaf College.*

**SUBMITTED BY:** Dan Olson, City Planner

**ATTACHMENTS:**

1. Annexation Agreement
2. Resolution 2008-063 (b)

*(reserved for recording information)*

**ANNEXATION AGREEMENT**

**AGREEMENT** dated \_\_\_\_\_, 2009, by and between the **CITY OF NORTHFIELD**, a Minnesota municipal corporation (“City”), and **ST. OLAF COLLEGE** (“St. Olaf” or “the College”).

**WHEREAS**, David Sorem, John Fink, and Donald and Ruth Lysne (“Property Owners”) have jointly requested the annexation of approximately 528 acres of land (“Development”) into the City; and

WHEREAS, St. Olaf, as an accommodation to the City, has agreed to allow a portion of its property to be annexed in order to further economic development in the City by allowing the Sorem, Fink and Lysne properties to become contiguous to city limits, and

**WHEREAS**, St. Olaf is not interested in developing its property at this time, and St. Olaf is only willing to allow annexation of its property upon the condition that the City makes certain agreements concerning assessments, taxation, and payment of future costs; and

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**1. ANNEXATION OF PROPERTY.** St. Olaf will permit the annexation of a portion of its property to the City of Northfield which is situated in the County of Dakota, State of Minnesota, and legally described on Exhibit A hereto (“Subject Property”). Exhibit B is a map showing the Subject Property.

**2. STIPULATIONS.** The parties hereto have agreed to execute this Agreement outlining the requirements for annexation. The following conditions hereby pertain to this Agreement:

**A. Annexation.** The City agrees to annex the Subject Property into the City. The Property shall be zoned Agricultural, and a rezoning will be required prior to development of the Subject Property.

**B. Funding and Annexation.** It is a condition of this Annexation Agreement that the Subject Property will not be subject to any active assessment of principal or interest for any infrastructure installation including, but not limited to, water, storm sewer, sanitary sewer, street, curb and gutter, or development cost until such time as St. Olaf, by its voluntary choice, shall develop the Property. The City may approve deferred assessments on the Subject Property, but no payment of principal or interest will be due until such time as the Subject Property is developed. By annexing the Subject Property, the City is not committing to assist in funding the needed infrastructure installations, including extensions of utilities and streets, for the future development of the Subject Property, without recovering these costs through special assessments, the creation of special taxing districts, fees for services, or other financing

methods. However, none of the costs will be payable by St. Olaf until such time as St. Olaf voluntarily develops the Subject Property.

**C. Costs.** All standard City development fees, including water and sewer availability and connection charges, must be paid at the time of the development of the Subject Property, but not before that time. There will be no cost to St. Olaf at this time for the annexation. Due to the unusual size of the land to be annexed, storm water utility fees are waived for the property described in this annexation agreement until such time as the parcel is subdivided, or a period of fifteen (15) years, whichever occurs first. However, the City Council may choose to extend the waiver of the storm water utility fees if the property remains undeveloped longer than fifteen (15) years. As such platting occurs (a final plat is recorded with the County, or permits for grading or building are obtained from the City), City Staff will evaluate the land use classification for the parcel in question and require a storm water utility fee according to the City's requirements in Chapter 82 of the City Code.

**D. Development of Subject Property.** St. Olaf has not committed to the development of the Subject Property. The decision as to when the Subject Property will be developed, if at all, is entirely in the discretion of St. Olaf. The City agrees that it will not require St. Olaf to develop the Subject Property.

**E. Master Plan.** St. Olaf has been advised that prior to the development of the Subject Property, a Master Plan guiding the development must be approved by the City Council. This Master Plan shall be subject to the following conditions:

1. The Master Plan will be based on the principles of the Comprehensive Plan and the Land Development Regulations that will be developed in conjunction with the Comprehensive Plan.
2. Commercial and Residential land uses are limited to those that are accessory and supportive of the primary or principal use of the Development as a business and light industrial park.
3. The Master Plan will describe the mix of uses and the phasing of how, when, and where development could occur.
4. Prior to the Property Owners or St. Olaf submitting an application to develop the Development, the following must be submitted to the City for review (which is information that is in addition to what the City usually requires in the development review process):
  - a. As required by Minnesota Rules, an Environmental Assessment Worksheet (EAW), Alternative Urban Areawide Review (AUAR), or Environmental Impact Statement.
  - b. A traffic study showing the transportation impacts in the Development and the surrounding area.
  - c. A wetland delineation report for any and all wetlands.
  - d. The delineation of any floodplain, including floodway and floodway fringe districts.

- e. The location of proposed greenway corridors compatible with the City's Greater Northfield Greenway System Action Plan.
  - f. With regard to the Lysne property or the development of the Subject Property in a manner that will impact the maple-basswood forest on the Lysne Property, which has been identified as being of good quality in the City's Natural Resource Inventory, a study of the forest will be required to help the City and the Lysne's determine whether the forest should be protected, restored, or allowed to be altered.
5. St. Olaf will not be developing the Subject Property at this time. St. Olaf will not be responsible for undertaking any of the requirements of the Master Plan, or incurring any cost for those requirements until it develops the Subject Property.

**F. Successors and Assigns.** This Agreement shall be recorded and shall be binding against the City, St. Olaf, the Property Owners and their successors and assigns..

**3. DEVELOPMENT AGREEMENT.** Once St. Olaf elects to develop the Subject Property, as a part of the project approval process by the City of the Subject Property, a final Development Agreement will be required to be executed. The Development Agreement will cover the obligations by St. Olaf to pay for certain public improvements and fees, including but not limited to the following, as outlined below:

- All costs associated with constructing new roads, curb and gutter, sidewalks, storm sewer, watermain, sanitary sewer, landscaping, grading, signing and striping, streetlights and any other items necessary to construct the Development.
- All costs associated with relocating any private utilities, i.e., gas, electric, phone, etc., or for installations of any new private utilities.
- All security required to guarantee payment for or construction of the improvements necessary to construct the Development.
- All fees associated with the Development prior to the final plat being approved including, but not limited to, water and sewer availability and connection charges, parks, trails, or public open space dedication, engineering and administrative fees, inspection, etc.
- All permits necessary to construct the project including, but not limited to, MnDOT, Dakota County, MPCA (NPDES), and other associated agencies.

The details for all these requirements will be included in the final Development Agreement for the Development or a phase of the Development involving the Subject Property.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date first above written.

**CITY OF NORTHFIELD**

BY: \_\_\_\_\_



## EXHIBIT A

(B-1) S.E. $\frac{1}{4}$  of N.E. $\frac{1}{4}$  of S.E. $\frac{1}{4}$  of SECTION 27, TWP 112, RANGE 20, DAKOTA CO., MN  
DAKOTA CO. PID - 16-02700-01-78  
AREA - 441,510.06 sq.ft. / 10.1356 acres

TOGETHER WITH

(B-2) SOUTH  $\frac{1}{2}$  of N.W. $\frac{1}{4}$  of S.W. $\frac{1}{4}$  SECTION 26, TWP 112, RANGE 20, DAKOTA CO., MN  
DAKOTA CO. PID 16-02600-01-53  
AREA - 862,306.86 sq.ft. / 19.7958 acres

TOGETHER WITH

(B-3) S.W. $\frac{1}{4}$  of S.W. $\frac{1}{4}$  SECTION 26, TWP 112, RANGE 112, DAKOTA CO., MN  
DAKOTA CO. PID 16-02600-01-53  
AREA - 1,722,908.63 sq.ft. / 39.5525 acres

TOGETHER WITH

(B-4) E. $\frac{1}{2}$  of S.E. $\frac{1}{4}$  of S.E. $\frac{1}{4}$  OF SECTION 27, TWP 112, RANGE 20, DAKOTA CO., MN  
DAKOTA CO. PID 16-02700-010-79  
AREA - 883,467.52 sq.ft. / 20.2816 acres

TOTAL AREA OF PARCEL - 89.7655 acres

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**ITEM:** Approve Economic Development Authority partner initiatives

**ACTION REQUESTED:** The City Council is being asked to approve Resolution 2009-036 supporting the Northfield EDA's Partners' 2009 Infill and Redevelopment Action Plan.

**SUMMARY:**

The Northfield Downtown Development Corporation (NDDC) initiated a series of meetings over the last several months with representatives of the EDA, NEC, and Chamber of Commerce. A number of these meetings were devoted to eliciting comments from Northfield residents and other interested parties about the issues that they believed were important to assisting the City with implementing its economic development initiatives. Based upon that input a matrix was developed identifying strategies and the organization that is responsible for carrying out each tactic.

The Northfield Economic Development Authority (EDA) passed a resolution of support on March 26, 2009, which stated "the Northfield Infill and Redevelopment Action Plan is consistent with those initiatives that are outlined in their 2009 Work Plan".

The EDA, Northfield Enterprise Center (NEC), Chamber of Commerce, and the City of Northfield have been asked by the NDDC to approve resolutions supporting the Northfield Infill and Redevelopment Action Plan.

**PREPARED BY:** Jody T. Gunderson, Director of Economic Development

**ATTACHMENTS:**

1. Resolution 2009-036
2. EDA Resolution 2009-004
3. NDDC Letter to Mayor and City Council
4. Infill and Redevelopment Action Plan Matrix

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2009-036

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF NORTHFIELD  
SUPPORTING THE NORTHFIELD EDA PARTNERS' 2009 INFILL AND  
REDEVELOPMENT ACTION PLAN

WHEREAS, members of the Northfield Downtown Development Corporation, Economic Development Authority, Northfield Enterprise Center, and Chamber of Commerce have met over the last several months in order to participate in the development of the Northfield 2009 Infill and Redevelopment Action Plan; and,

WHEREAS, resulting from those meetings the 2009 Northfield Infill and Redevelopment Action Plan was developed which identifies the strategies in the areas of Re-analyzing and Re-evaluating Market Assumptions, Marketing/Promoting Northfield, Building Community Support, Reviewing and Enhancing Economic Development Toolbox, Inventory Assets and Assembling resources, and the agencies responsible for implementing each initiative; and,

WHEREAS, the Northfield City Council believes the 2009 Northfield Infill and Redevelopment Action Plan emphasizes the initiatives outlined by each partner organization's work plan.

NOW, THEREFORE, BE IT RESOLVED that the Northfield City Council agrees to serve as the lead organization in the areas identified within the 2009 Northfield Infill and Redevelopment Action Plan.

BE IT FURTHER RESOLVED that the Northfield City Council also agrees to work jointly with representatives of the Northfield Downtown Development Corporation, Economic Development Authority, Northfield Enterprise Center, and Chamber of Commerce to build community support for the initiatives outlined in the plan.

PASSED by the City Council of the City of Northfield on this 20<sup>th</sup> day of April 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE:        \_\_\_ BUCKHEIT   \_\_\_ DENISON   \_\_\_ POKORNEY  
              \_\_\_ POWNELL   \_\_\_ ROSSING   \_\_\_ VOHS   \_\_\_ ZWEIFEL

**ITEM:** Waive Showmobile fees for the Celebrate Dundas Community Festival

**ACTION REQUESTED:**

**Proposed Motion for Consideration:** \_\_\_\_\_ **Motion** \_\_\_\_\_ **Second**

*The City Council of the City of Northfield hereby waives the fees for the rental and use of the Northfield Showmobile for the Celebrate Dundas Community Festival for June 27, 2009.*

**SUMMARY**

The City Council is being asked to waive the rental fees for the use of the Northfield Showmobile for the Celebrate Dundas Community Festival. The Celebrate Dundas Community Festival is June 26 – 27, 2009. The Dundas Historical Society is the lead non-profit group organizing the festival. The group has requested the use of the Showmobile for 13 hours in the Mill Towns Trailhead parking lot at the corner of Hester Street and Railway Street in Dundas.

City practice has been to waive fees for the use of the showmobile for events where the City has some level of sponsorship, fees being waived by the City Administrator or designee. Examples would be the Defeat of Jesse James Day, the 4<sup>th</sup> of July Celebration, and the Books & Star events. Past practice of waiving fees for the showmobile use at events not involving City sponsorship or events the City has not sponsored in the past have required Council action. The Council waived the fees for the 2008 City of Dundas Celebration. However, this event was canceled because of weather and/or lack of interest.

Fees for the use of the showmobile are based on the City recovering operational costs. A fee of \$200 is charged for the initial 5 hours and \$50 per hour for the duration of the event over 5 hours. The fee for a full stage event is \$350 for the initial 5 hours and \$100 for each additional hour. The use of the stage requires 2 city staff on site.

In 2008, there were 16 events and the fee was not charged. The typical events include 10 Books & Stars events, 3 days for the 4th of July Celebration and Defeat of Jesse James festival. Additional events include band festivals, orchestra performances, etc. In 2007, there were 26 events and the fee was charged once. Currently the use of the showmobile is limited to 26 reservation days per year with the given staffing levels and available summer dates. Staff supporting the showmobile are compensated at an overtime rate given the current division staffing levels and workloads. The estimated annual operating cost for the showmobile is \$13,000, an unbudgeted expense.

The waiver of the fee at this time would be consistent with past city practice, staff recommends approval of the waiver. Given the historical use and operation of the showmobile, staff requested

an annual operating budget for the showmobile of \$13,000 to be included in the 2009 General Fund Operating Budget. However, these funds were cut due to budget shortfalls.

*SUBMITTED BY: Joel Walinski, City Administrator*

**ITEM:** Second Reading of Ordinance No. 893 Relating to a Wind Energy Turbine Ordinance and Approving that a Summary Ordinance be Published

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to give a second reading of Ordinance No. 893 that would allow large wind turbine facilities within city limits. The City Council is also being asked to approve the summary of Ordinance No. 893 for publication. The following is a description of research and revisions made to the draft ordinance since the first reading on March 16, 2009:

- The City Council asked if plans for a proposed wind turbine need to be signed by a Minnesota licensed engineer. The Building Official has stated that only the footing plan of a wind turbine needs to be signed off of by a Minnesota licensed engineer. Therefore, since there is no discretion in this requirement, it has been deleted.
- Lines 59-60: The City Council asked if language was needed in the ordinance to require that a wind turbine cannot be installed on land defined as “native prairie”, which is defined by the Minnesota Department of Natural Resources (DNR). The DNR has indicated that there may be land defined as native prairie within the growth boundaries of Northfield. Therefore, Staff has now included a definition of native prairie in the wind turbine ordinance.
- Lines 77-79: According to Minnesota Rules Chapter 7836, City and Counties can only regulate wind turbines that are less than 5,000 kilowatts (Carleton College’s proposed wind turbine is 1,000 kilowatts). Staff added language to clarify this requirement.
- Line 122: The City Council questioned whether all utility lines associated with a wind turbine should be buried. City Code Section 70-106 (a) states that any new utilities shall be located underground. Carleton College has indicated that for their existing wind turbine located the outside City limits, there was no difficulty locating the private utilities associated with the wind turbine underground, but that Rice County did not require Excel Energy’s utilities in the right-of-way to be located underground. However, because of the City Code requirements in Section 70-106 (a), the City has routinely required any new utilities to be located underground and has not received resistance from Excel Energy on this requirement. Therefore, Staff did not make any changes to this section of the draft ordinance.
- Lines 144-145: The City Council inquired as to whether shadow flicker was an issue that needed to be regulated through this ordinance. The rotating wind turbine blades can cast moving shadows that cause a flickering effect and can affect residents living nearby, especially those with epilepsy or similar conditions. The requirement that shadow flicker be assessed by the applicant to determine the impact on adjacent properties seems

reasonable, and is easy to analyze with software available to any applicant. Therefore, Staff did not make any revisions to the existing language.

- Lines 146-151: The City Council questioned whether the ordinance language was sufficient to regulate any technology that might be affected, including AM radio stations. Staff has revised the language so that it is not so technically specific as to not cover various technology that exists now and in the future, but is specific enough so that an applicant will be required to verify the extent of any electromagnetic interference caused by the wind turbine.
- Lines 156-157: The City Council inquired whether the following language was too vague as to be unenforceable: “The proposed WET will not have any undue adverse impact on historic resources, scenic views, or natural resources”. Staff has revised this to read “The proposed WET will not have an undue adverse impact on surrounding properties”. Staff believes this language is adequate to address any issue that might arise during the public hearing process for a Conditional Use Permit.
- City Attorney Maren Swanson has also made minor inconsequential edits to the ordinance for clarification purposes.

## **MOTION FOR CONSIDERATION**

The City Council of the City of Northfield approves the summary of Ordinance No. 893 to be published in the City’s official newspaper.

## **RECOMMENDATION:**

At the February 10, 2009, Planning Commission meeting, the Commission held a public hearing and took testimony on the proposed ordinance language. At the February 24, 2009, Planning Commission meeting, the Commission recommended to the City Council draft Ordinance No.893.

Staff also recommends adoption of Ordinance No. 893 upon second reading.

**SUBMITTED BY:** Dan Olson, City Planner

## **ATTACHMENT:**

Ordinance No. 893

1. Summary of Ordinance No. 893

**ORDINANCE NO. 893**

**AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, AMENDING CHAPTER 34, LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, ZONING, DIVISION 3, ZONING DISTRICTS, SEC. 34-838, AGRICULTURAL DISTRICT, AND DIVISION 5, DESIGN STANDARDS, PERFORMANCE STANDARDS AND SPECIFIC USE STANDARDS, SEC. 34-1054, WIND ENERGY TURBINES**

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:**

Northfield Code Chapter 34, Land Development Regulations, Article VIII, Zoning, Division 3, Zoning Districts, Sec. 34-838, Agricultural District (AG), and Division 5, Design Standards, Performance Standards and Specific Use Standards, Sec. 34-1054, Wind Energy Turbines, are hereby amended as follows (new material is underlined; sections and subsections not being amended are omitted):

**CHAPTER 34. LAND DEVELOPMENT REGULATIONS**

**ARTICLE VIII. ZONING**

DIVISION 3. Zoning Districts

**Sec. 34-838. Agricultural district (AG).**

(c) *Conditional uses.* Conditional uses in the AG agricultural district are as follows:

(4) Wind energy turbines.

(e) *Minimum lot requirements and setbacks.* Minimum lot requirements and setbacks in the AG agricultural district are as follows:

(5) Maximum height: 50 feet, except agricultural structures such as silos, etc., and those uses approved through a conditional use permit.

**DIVISION 5. Design Standards, Performance Standards, and Specific Use Standards**

**Sec. 34-1054. Wind energy turbines (WET).**

(a) Purpose. It is the express purpose of this section to accommodate wind energy turbines (WET) in appropriate locations, while minimizing any visual, safety and environmental impacts.

(b) Consistency with federal law. This section is intended to be consistent with state and federal law and, in particular, the regulations of the Federal Communications Commission and Federal Aviation Administration.

(c) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Blade means extensions from the hub of a WET which are designed to catch the wind and turn the rotor to generate electricity.

Federal Aviation Administration (FAA) means the governmental agency responsible for regulating airways in the United States.

Federal Communications Commission (FCC) means the government agency responsible for regulating telecommunications in the United States.

Fresnel zone means an area within the pattern of electromagnetic radiation that is created by a transmitting station from its antenna to receiving antennas.

Hub means the center of the rotor to which the blades are attached.

Hub height means the height as measured from the base of the tower to the center of the hub.

Monopole tower means the type of tower that is self-supporting with a single shaft of wood, steel, fiberglass, or concrete, on which the nacelle and blades are located.

Nacelle means the frame and housing at the top of the tower which protects the gear box and generator from weather and helps control the mechanical noise level.

Native prairie means land as mapped or defined by the Minnesota Department of Natural Resource.

Rotor means a WET's blades and the hub to which they are attached.

Rotor diameter means the diameter of a WET's rotor measured as twice the length of the largest blade (or equal to the diameter of the swept area).

Shadow/flicker means shadows cast from WETs which generally occur in close proximity to the WET, although this will vary depending on the time of year, latitude and turbine height. Flicker effects can occur when the sun shines through the rotor blades at certain times of day and results in the temporary blocking of the sun's rays with each pass of a rotor blade.

Total height means the combined height as measured from the natural grade at the base of the tower to the tip of the rotor blade when extended vertically 90° from the horizontal plane of the ground.

Tower height means the height as measured from the base of the tower at the foundation to the top of the monopole tower.

Wind energy turbine (WET) means any structure or facility used for the converting of wind energy to electric power, including, but not limited to, towers, blades, motors, transformers, transmission wires, buildings, monopoles or other support structures, constructed, installed or operated, or to be constructed, installed or operated. As required by Minnesota Rules Chapter 7836, only WET with a combined nameplate capacity of under five megawatts are regulated by this ordinance.

(d) Location.

- (1) No part of a WET shall be located within or over drainage, utility or other established easements, or within a wetland or a native prairie.
- (2) Setbacks: In order to ensure public safety, the minimum distance from the base of any tower to any property line, road or right-of-way (except for roads used exclusively for servicing the WET), habitable dwelling, business, institution, overhead utility line, or public recreational area shall be 1.5 times the total height of the WET.

(e) Height.

- (1) Maximum total height: The maximum total height for a WET shall be four hundred feet (400').

(f) Design and technical standards. The following standards are required of all WET:

- (1) The WET shall be white or light gray in color. Other neutral colors may be allowed at the discretion of the City Council. The surface shall be non-reflective.
- (2) No lights shall be installed on the tower, unless required to meet FAA regulations.

- (3) One sign shall be posted at the base of the tower, and one sign shall be posted near the property entrance. The signs, each limited to four (4) square feet in size, shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner/operator to call in case of emergency. No signage is allowed on the nacelle, blades, and tower except for the manufacturer's name.
- (4) The WET shall be grounded for protection against lightning strikes and shall comply, as to electrical wiring and connections, with applicable state electrical codes.
- (5) All climbing apparatus shall be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.
- (6) No portion of a WET blade shall extend within fifty (50) feet of the ground. No blades may extend over parking areas, driveways (except driveways used exclusively for servicing the WET) or sidewalks.
- (7) The WET shall be designed with a monopole tower without a guy wires support structure.
- (8) All WET shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the WET.
- (9) No WET shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception in violation of FCC regulations.
- (10) All electrical lines associated with the WET shall be located underground.
- (11) Noise at the property line cannot exceed 58 decibels.

(g) *Application and approval requirements.* Approval or denial of an application for a conditional use permit to allow construction of a WET shall be made by the City Council as outlined in Section 34-806 of this Article.

Application: An application for a WET shall be made on the forms provided by the city planner and shall be accompanied by the following information:

- (1) A site plan, showing the following:
  - a. Location of proposed tower and setback from property lines;
  - b. Location and full dimensions of all buildings existing on the property including exterior dimensions, height of buildings and all uses on property;
- (2) Location and dimensions of any other natural or manmade features within 350' of the property such as trees, above ground utility lines, water bodies, buildings, roadways, or bridges.
- (3) Drawings, to scale, of the structure, including the tower, base, and footings. The drawings shall show the proposed height of the structure.

- (4) Evidence from the manufacturer or dealer that the WET has been successfully operated in atmospheric conditions and is warranted against any system failures under reasonably expected severe weather operating conditions.
- (5) If the WET is proposed to be interconnected to a public utility, provide a letter of intent to interconnect, which has been signed by the utility company.
- (6) Evidence that the proposed WET will comply with applicable FAA regulations.
- (7) A shadow flicker model that demonstrates the impact of shadow flicker on adjacent properties.
- (8) A site specific written statement from a qualified telecommunications/broadcast engineer describing the extent of expected interference from the WET with respect to existing services within the electromagnetic spectrum, the methods that will be used to avoid or minimize the potential interference before and during construction, and the methods that will be used to mitigate signal degradation or interference after construction.

(h) Conditional Use Permit required findings. In addition to reviewing the conditional use permit criteria in City Code Section 34-806 (a), the City Council shall make the following applicable findings, in writing, as part of the issuance of the conditional use permit:

- (1) The proposed WET will not have an undue adverse impact on surrounding properties;
- (2) The applicant has agreed to implement all reasonable measures to mitigate the potential adverse safety, noise, environmental, and aesthetic impacts of the WET;
- (3) The proposed WET shall comply with current FCC and FAA standards regarding flight and air navigation hazard identification and prevention;

(i) Removal: If the WET remains nonfunctional or inoperative for a continuous period of one (1) year, the facility shall be deemed to be abandoned and shall constitute a public nuisance. The owner/operator shall remove the abandoned facility at their expense. If the owner/operator fails to remove the facility, the city may remove or contract for removal of the facility and assess the cost of removal against the property. Removal of the facility includes the entire structure including the foundation to a distance of five feet, and transmission equipment from the property. Nonfunction or lack of operation may be proven by reports from the interconnected utility.

Passed by the City Council of the City of Northfield this 20<sup>th</sup> day of April, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

VOTE:        \_\_\_ ROSSING \_\_\_ BUCKHEIT \_\_\_ DENISON \_\_\_ POKORNEY \_\_\_  
POWNELL \_\_\_ VOHS \_\_\_ ZWEIFEL

**SUMMARY OF ORDINANCE NO. 893  
CITY OF NORTHFIELD, MINNESOTA**

**ORDINANCE NO. 893 ALLOWS AND REGULATES WIND ENERGY TURBINES IN AGRICULTURAL DISTRICTS IN THE CITY OF NORTHFIELD. THE ORDINANCE AMENDS NORTHFIELD CODE CH. 34, LAND DEVELOPMENT REGULATIONS, ART. VIII, ZONING, DIV. 3, ZONING DISTRICTS, SEC. 34-838, AGRICULTURAL DISTRICT, AND DIV. 5, DESIGN STANDARDS, PERFORMANCE STANDARDS, AND SPECIFIC USE STANDARDS, NEW SEC. 34-1054, WIND ENERGY TURBINES.**

**Notice is hereby given that the complete text of Ordinance No. 893 is on file at the office of the Northfield City Clerk, 801 Washington St., Northfield, MN 55057, and may be obtained at no charge.**

The following is a summary of Ordinance No. 893. The summary is being published in lieu of publication of the entire Ordinance and is meant to reflect the subject matter but not the details of the ordinance.

**Summary:**

Northfield Code Ch. 34, Land Development Regulations, Art. VIII, Zoning, Div. 3, Zoning Districts, Sec. 34-838, Agricultural District, was amended to add wind energy turbines as a conditional use in agricultural districts and to provide that uses approved through a conditional use permit may exceed the general maximum height limitation of 50 feet.

Northfield Code Ch. 34, Land Development Regulations, Art. VIII, Zoning, Div. 5, Design Standards, Performance Standards, and Specific Use Standards, was amended by adding a new Sec. 34-1054 to regulate wind energy turbines. The new section includes a purpose statement, definitions, regulation of the location and height of turbines, application and approval requirements, required findings for a conditional use permit, removal requirements, and other details.

**ITEM:** Consider Approval of a Final Plat for Bridgewater Commons

---

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to approve a final plat for Bridgewater Commons. At the November 17, 2008, City Council meeting, the Council approved the preliminary plat for Bridgewater Commons. The following is a summary of what the applicant is proposing for this development:

- The 4.4 acre parcel for this proposed development is currently described as Outlot A, Gleason Second Addition, which is zoned Gateway Commercial district (C-3). The proposal is to subdivide Outlot A into three buildable parcels. The development would be serviced by two existing public roads (Gleason Court and Hwy #3 South). Site plans for the Permitted Uses in the C-3 zoning district (restaurants, professional offices, or retail) would be approved administratively by City Staff through the site plan review process.
- Storm water retention will be provided by a storm water retention pond in Block 2. The pond, which will be owned and maintained through an agreement signed by all property owners, will be sized to meet the requirements set forth in the Surface Water Management Plan. Infiltration, such as the installation of raingardens, is not applicable for this site due to the shallow bedrock.

**RECOMMENDATION:**

At the February 10, 2009, Planning Commission meeting, the Commission recommended approval of the Bridgewater Commons Final Plat with the following conditions:

1. The 44" existing tree on the property will not be removed when site plan applications are filed with the City. This requirement will be imposed upon the property in the City Council Resolution for the final plat and the development agreement.
2. The applicant and Staff work to include an easement for a trail on the site plan if it is agreeable to both parties.

The following is further information about these conditions:

1. Existing tree: There is a large bur oak tree that is hoped could be retained when the site is developed. The purpose of condition #1, above, was to require the applicant to make every effort to retain and protect the tree when planning for site improvements, and during actual construction of these improvements. However, there is no guarantee that despite good-faith efforts, that the tree will survive during construction, or survive after construction is completed (the tree is estimated to be at least 100+ years old, and is easily susceptible to

injury). In addition, in considering the language of condition #1 after the Planning Commission meeting, Staff is of the opinion that the current language would not prohibit the applicant from removing the tree prior to a Site Plan Review application being filed with the City. Therefore, Staff recommends the following language be included in Resolution 2009-037 and in the development agreement:

The existing 44" diameter tree will remain on the property during the 2009 improvements to the site covered under this Agreement. The tree will be protected from damage during site grading, miscellaneous improvements and building construction to the maximum extent practicable. If the health of the tree declines prior to site improvements on Lot 1 Block 2, and the applicant wishes to remove the tree, a forester's report may be submitted with the site plan review application for consideration by the City.

Resolution 2009-037 reflects the new language of this condition. However, the City Council may choose to alter this language.

2. Trail Easement: In the preliminary plat Staff report, Staff indicated that the applicant would be providing to the City a 10-foot wide trail easement along the western boundary of the plat. Although the City's Parks, Open Space, and Trail System Plan does not show a proposed trail on this property, the applicant indicated that he was willing to convey this easement to the City. Upon further consideration, Staff is recommending that the offer to grant the easement to the City be declined. The trail easement would be located on a steep slope, and portions of the trail may be located in the existing wetland along the western edge of the plat. As a result, the trail would be very costly for the City to construct due to possible wetland mitigation, the need for a large retaining wall, and a need to locate the trail against the back of the curb of the driveway. In addition, if the trail were constructed, there are no existing trails in the area for it to connect to.

The issue of a trail was discussed at the February 10, 2009, Planning Commission meeting. The applicant indicated that if a trail on the property itself is not possible, he desires that a trail be placed in the Hwy #3 right-of-way. Since the City does not have jurisdiction over this right-of-way, the Minnesota Department of Transportation (MnDOT) would have to approve the construction of any trail. Condition #2 for the Final Plat reflects the goal that if the City and MnDOT can agree that a trail can be located in the right-of-way, a trail may be constructed.

Staff recommends approval of the Bridgewater Commons final plat with the above noted conditions, as revised.

## **RELATED INFORMATION:**

The final plat has been reviewed by Engineering and Planning Staff and found to be in compliance with the City's subdivision regulations. There is no expenditure of public funds for any infrastructure.

Revisions made from preliminary to final plat: The following is a description of the changes made to the plat since the preliminary plat was approved:

After the preliminary plat was approved by the City Council, Staff received a letter from MnDOT dated November 25, 2008 (Attachment #2). Prior to that letter being received, Staff had received a letter from MnDOT dated October 10, 2008 (also Attachment #2). The October 10 letter stated that the access to Hwy #3 to the Bridgewater Commons plat could be either a private or a public street access. Staff verbally confirmed that understanding with a MnDOT staff person after receiving the October 10 letter, and advised the applicant that the private driveway off of Hwy #3 did not need to meet the City Code 60-foot right-of-way requirement for a public street, but could be instead a 40-foot wide private driveway. This private driveway is shown as Outlots A and B on the plat. However, the November 25 letter from MnDOT states that the road may be classified as an interim private street that would become a public street if the property to the west of the plat develops. This is based on the rationale that if the property west of the plat does develop, a roadway could then connect Hwy #3 to Cannon Road in order to help alleviate traffic congestion. Staff's belief was that the property west of the Bridgewater Commons plat was unlikely to develop for three reasons:

- The property is the location for a large wetland. If the wetland were developed, wetland mitigation would be required to "replace" the wetland in another location.
- The property is the location for a large storm water detention pond that was designed to serve the Target development across Hwy #3. Therefore, if the property develops, this storm water detention pond would have to be replaced in this general area.
- In order for a roadway to connect from Hwy #3 to Cannon Road, the right-of-way would have to cross property located within Dundas' city limits. The City does not have authority to require a property owner to construct a roadway in another jurisdiction.

Nonetheless, as a condition of approval of the access of Hwy #3 to Bridgewater Commons, MnDOT required the access to be classified as an interim private street. The applicant revised their plat document so that Outlots A and B could accommodate a 60-foot right-of-way should the access become public. In December, 2008, MnDOT also notified City Staff that there were surveying errors in the underlying plat of this property (Gleason Second Addition). Those surveying errors have now been corrected, which resulted in a 12-foot wide reduction of the Bridgewater Commons plat south of Outlot B along Hwy #3. Attachment #3 reflects the corrected plat.

Conditions of preliminary plat approval:

As part of preliminary plat approval, several conditions were made part of that approval. The following is the status of those conditions (Staff response is shown in **BOLD**):

1. Prior to Final Plat approval by the City Council, the applicant will provide documentation from MnDOT that legal access has been granted to the property from Hwy #3. **After the**

**Planning Commission meeting on February 10, 2009, MnDOT provided a copy of the access permit to the City, and this has been reviewed and accepted by City Staff.**

2. The 44" existing tree on the property will not be removed when site plan applications are filed with the City. This requirement will be imposed upon the property in the City Council Resolution for the final plat and the development agreement. **This condition is discussed in the Staff report under Recommendation, above.**
3. If the City provides documentation to the applicant that verifies that fireflows are not adequate with a 6" water main in Gleason Court, the applicant will be required to either replace the 6" water main in Gleason Court with an 8" water main, or loop the watermain under Hwy #3 to connect to water utilities on the east side of Hwy #3. **This information has been submitted by the applicant, and reviewed and approved by the City's Engineering Division.**
4. The applicant will provide soil borings to the City as part of the Final Plat application to determine the suitability of the soils for City utilities. **This information has been submitted by the applicant and reviewed and approved by the City's Engineering Division.**
5. The applicant will provide storm water calculations for the relocation of the storm sewer in Lot 1, Block 1, prior to the Final Plat application and/or request for a grading permit. **This information has been submitted by the applicant, and reviewed and approved by the City's Engineering Division.**
6. Applicant provide evidence of wetland bank credit from the Minnesota Board of Soil and Water Resources (BSWR) office prior to the submission of the Final Plat application. **The applicant has provided evidence that the wetland bank credit has been received.**
7. Applicant provide property owner's association documents at the time of the submittal of the final plat application. **The applicant has submitted this document for City review, and it provides for maintenance of the storm water retention pond by the property owners. The City is not a party to the agreement.**

**REQUESTED BY:** Tom Heiberg, Land'Sake Real Estate Services, Northfield

**SUBMITTED BY:** Dan Olson, City Planner

**ATTACHMENTS:**

Resolution 2009-037

Exhibit A - Final Plat for Bridgewater Commons

1. Site location map
2. Letter from MnDOT dated November 25, 2008, with attachments
3. Planning Commission minutes from February 10, 2009

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2009-037

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA APPROVING A FINAL PLAT KNOWN AS BRIDGEWATER COMMONS

WHEREAS, the applicant, Tom Heiberg, has submitted a Final Plat entitled Bridgewater Commons, formerly known as Outlot A, Gleason Second Addition; and,

WHEREAS, the parcels shown on the attached plat meet the minimum requirements established for the Gateway Commercial District (C-3).

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

The Final Plat shown in Exhibit A is hereby approved with the following conditions:

1. The existing 44" diameter tree will remain on the property during the 2009 improvements to the site covered under this Agreement. The tree will be protected from damage during site grading, miscellaneous improvements and building construction to the maximum extent practicable. If the health of the tree declines prior to site improvements on Lot 1 Block 2, and the applicant wishes to remove the tree, a forester's report may be submitted with the site plan review application for consideration by the City.
2. The applicant and Staff work to include an easement for a trail on the site plan if it is agreeable to both parties.

PASSED by the City Council of the City of Northfield on this 20th day of April 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE:     \_\_\_ ROSSING \_\_\_ BUCKHEIT \_\_\_ DENISON \_\_\_ POKORNEY  
          \_\_\_ POWNELL \_\_\_ VOHS \_\_\_ ZWEIFEL

**ITEM:** Second Reading of Ordinance No. 886 for Vacation of Drainage and Utility Easements for the Gleason Second Addition

---

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to give a second reading to Ordinance No. 886, related to the request to vacate drainage and utility easements for the Gleason Second Addition. The following is a summary of what is being proposed:

- The City Council is expected to take action on the Bridgewater Commons final plat at the April 20, 2009, meeting (Agenda Item 8a). Bridgewater Commons is a replatting of Outlot A of the Gleason Second Addition. In the Bridgewater Commons plat, the applicant will be dedicating new drainage and utility easements to reflect the actual location of proposed utilities (this was not known when the property was platted as an outlot). Therefore, since new easements will be dedicated with the Bridgewater Commons plat, existing drainage and utility easements are to be vacated in the Gleason Second Addition.
- The public hearing and first reading of Ordinance No. 886 occurred at the December 1, 2008, Council meeting.
- If the City Council denies the Final Plat for Bridgewater Commons (Agenda Item 8a), then the City Council should not take action on Ordinance No. 886 to vacate easements within the Gleason Second Addition.

A copy of a map showing the area to be vacated is attached for your review. The request to vacate this easement has been discussed with the Public Works Department, and notices were sent to Qwest, Xcel Energy and Charter Communications.

**RECOMMENDATION:**

Staff recommends that the City Council approve Ordinance 886 on the second reading to vacate drainage and utility easements for Outlot A, Gleason Second Addition with the following condition:

1. City Council approves the Final Plat for Bridgewater Commons

**REQUESTED BY:** Tom Heiberg, Land'Sake Real Estate Services, Northfield

**SUBMITTED BY:** Dan Olson, City Planner

**ATTACHMENTS:**

Ordinance No. 886

1. Map showing location of drainage and utility easements to be vacated

**ORDINANCE NO. 886**

**AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, VACATING DRAINAGE AND UTILITY EASEMENTS IN GLEASON SECOND ADDITION**

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN:**

Following published notice and an opportunity for affected property owners and the public to be heard, as required by law, the following described easements are hereby vacated:

All drainage and utility easements as dedicated on Outlot A, Gleason Second Addition, according to the recorded plat thereof, Rice County, Minnesota.

This Ordinance shall be effective 30 days following publication or upon the filing for record of the plat of Bridgewater Commons, whichever occurs later.

Passed by the City Council of the City of Northfield, Minnesota, this 6<sup>th</sup> day of April, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Published: \_\_\_\_\_

VOTE:     \_\_\_ ROSSING   \_\_\_ BUCKHEIT   \_\_\_ DENISON   \_\_\_ POKORNEY  
          \_\_\_ POWNELL   \_\_\_ VOHS   \_\_\_ ZWEIFEL

**ITEM:** Consider Approval of a Development Agreement for Bridgewater Commons

---

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to approve a development agreement between the City and Virginia M. Gleason, who is represented by the applicant, for the Bridgewater Commons subdivision. This agreement is the normal development contract that the City requires all developers who are subdividing land to execute. Approval of this contract will enable the applicant to proceed with the development of commercial lots along Hwy #3 and ensure that the public improvements will be completed according to City standards. The public infrastructure that will be installed are utilities as shown on the plat. There is no public expenditure for these improvements.

**RECOMMENDATION:**

Staff recommends that the City Council approve the Agreement subject to inconsequential edits by City Staff.

**RELATED INFORMATION:**

The development agreement is designed to document responsibilities of the developer and the City as part of the subdivision process. Typically, as part of a subdivision, there are "plat" improvements that are installed which might include such public infrastructure as water mains, sewer mains, street improvements, storm sewer facilities and similar infrastructure. Additionally, the agreement allows for securing the installation of infrastructure through the use of escrows or letters of credit and the withholding of building permits until public infrastructure is installed. Furthermore, the Agreement outlines other financial responsibilities of the developer, including Water and Sewer Availability Charges. Noteworthy aspects of this Agreement include:

1. The water and sewer availability charges, and park dedication fees, for this project have previously been met with the underlying plats.

**PROPOSED MOTION FOR CONSIDERATION:**

*The City Council of the City of Northfield approves a Development Agreement with Virginia M. Gleason for the Bridgewater Commons subdivision.*

**REQUESTED BY:** Tom Heiberg, Land'Sake Real Estate Services, Northfield

**SUBMITTED BY:** Dan Olson, City Planner

**ATTACHMENT:**

1. Development Agreement

**ITEM:** First Reading of Ordinance No. 894 Amending Outdoor Dining

**ACTION REQUESTED:**

The City Council is being asked to approve on first reading Ordinance #894 which will amend the outdoor dining ordinance of the City of Northfield.

**Proposed Motion for Consideration:** \_\_\_\_\_ **Motion** \_\_\_\_\_ **Second**

*The City Council of the City of Northfield adopts on first reading Ordinance #894 amending the outdoor dining ordinance of the City of Northfield.*

**SUMMARY**

The City Council is being asked to amend the outdoor dining ordinance of the City of Northfield that was enacted in May of 2008. The ordinance allows but regulates the serving for food, beverages and alcoholic beverages on the public sidewalks and other public areas within the C-1 and C-2 areas of the City. The original ordinance was adopted for a period of one year as a demonstration ordinance. Since the initial enactment of the ordinance, two businesses have obtained permits for outdoor dining.

Staff has reviewed the ordinance with the City Council and has also obtained comments from representatives of the NDDC related to sections of the ordinance where change and improvements could be made. The amendment, addressing areas of the ordinance that have been seen as being problematic, include:

- Barrier height - **changed to a range of 24 inches to 36 inches**
- Insurance amounts - **changed to \$1,000,000**
- Timeliness of permit issuance - **changed to allow administrative approval for businesses not serving alcohol**
- Sunset provision in original ordinance enactment - **deleted the one year sunset provision which makes the ordinance permanent**

Staff recommends that the City Council enact Ordinance #894 which will amend the outdoor dining ordinance of the City on first reading.

<b>Y</b>	<b>N</b>	<b>Checklist</b>
<b>X</b>		Does this project fit within the identified Council goals, objectives, and priorities? ( <b>Goal 3: build a foundation for a vibrant community</b> )
<b>X</b>		Does the project fit within the estimated budget & resource parameters?
<b>X</b>		Is the public process identified consistent with the scope and implications of the project? ( <b>Meeting with NDDC</b> )
		Have the pertinent boards and commissions been identified for providing review, recommendations, or input?
<b>X</b>		<u>Is this decision consistent with current city plans (Comprehensive Plan, Transportation Plan, Park Plan, etc)? (<b>Comprehensive Plan</b>)</u>
		<u>Have the future costs to city operations been calculated and identified?</u>
		<u>Are there measurable criteria to aid with the decision-making and have they been identified?</u>
<b>X</b>		<b>Have the suitable timelines and schedules been identified?</b> (Ordinance amendments being proposed will eliminate the sunset provision prior to deadline.)

**SUBMITTED BY:** Brian P. O’Connell, Community Development Director

**ATTACHMENTS:**

Ordinance # 894

**ORDINANCE NO. 894**

**AN ORDINANCE AMENDING NORTHFIELD CODE CH. 6, ALCOHOLIC BEVERAGES, ART. II, RETAILERS, DIV. 2, LICENSE, SEC. 6-70, TEMPORARY EXPANSION OF LICENSED PREMISES; OUTDOOR SALES AND SERVICE, AND AMENDING NORTHFIELD CODE CH. 14, BUSINESSES, ART. V, SEC. 14-190, OUTDOOR FOOD AND BEVERAGE SERVICE.**

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA, DOES ORDAIN THAT CH. 6, ART. II, DIV. 2, SEC. 6-70, AND CH. 14, ART. V, SEC. 14-190, ARE HEREBY AMENDED AS FOLLOWS (deleted material is lined out; new material is underlined; sections and subsections not being amended are omitted except to give context):**

Chapter 6

**ALCOHOLIC BEVERAGES**

**Article II. Retailers**

Division 2. License

**Sec. 6-70. Temporary Expansion of Licensed Premises; Outdoor Sales and Service.**

(d) *Conditions.* Approval of an application may be made subject to any appropriate restrictions or conditions, which may vary from establishment to establishment depending on the circumstances. At a minimum, the following restrictions and conditions shall apply:

(6) An approved temporary barrier ~~at least 36 inches~~ between 24 and 36 inches in height, as determined by the council, shall be in place between the temporary expansion area and any other public or private property during all hours of operation, provided that the city council may require a higher and more secure barrier depending on the circumstances. This requirement may be waived if no alcoholic beverages will be served in the expansion area.

(10) All temporary barriers, tables, chairs, and other property of the licensee shall be removed from any public property within a temporary expansion area, or shall be stored in some defined and secure area approved by the city, at all times other than hours of operation. *[Included for information only—the ordinance already allows tables and chairs to remain outside if approved by the city.]*

(16) The licensee shall maintain commercial general liability insurance expressly covering any temporary expansion area, with a limit of not less than ~~\$1,200,000~~ \$1,000,000 each occurrence, and shall name the city of Northfield as an additional insured thereon. The licensee shall provide proof of such insurance to the city prior

to issuance of any permit under this section and from time to time thereafter upon request of the city.

~~This section shall expire and be of no further force or effect at midnight on that date which is one year after the effective date of this ordinance unless the city council has, prior to that date, affirmatively approved the extension of this section, by ordinance. If a first reading of such an ordinance has been approved on or before the expiration date of this ordinance, such ordinance shall be effective to extend the applicability of this ordinance so long as a second reading and publication occur within thirty days thereafter.~~

The expiration provisions previously included in this ordinance are hereby deleted.

## Chapter 14

### BUSINESSES

#### Article V. Outdoor Food and Beverage Service

##### Sec. 14-190. Outdoor Food and Beverage Service.

(b) Application. Application for a permit to use public property for the sale and service of food and beverages shall be made as set forth in sec. 6-70 of this code and such permit shall be subject to the same requirements, review process, fees, and conditions as set forth in that section, except to the extent that section applies only to the sale and service of liquor, and except that an application for a permit for outdoor sales and service which does not include the sale of alcoholic beverages shall be reviewed and approved or denied by the city administrator. If an application is denied by the city administrator, the applicant may request that the city council hear an appeal from the denial. The council shall have discretion whether or not to hear such an appeal.

~~(c) This section shall expire and be of no further force or effect at midnight on that date which is one year after the effective date of this ordinance unless the city council has, prior to that date, affirmatively approved the extension of this section, by ordinance. If a first reading of such an ordinance has been approved on or before the expiration date of this ordinance, such ordinance shall be effective to extend the applicability of this ordinance so long as a second reading and publication occur within thirty days thereafter.~~

The expiration provisions previously included in this ordinance are hereby deleted.

Adopted by the City Council of the City of Northfield, Minnesota, this 20th day of April, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

VOTE:     \_\_\_ BUCKHEIT   \_\_\_ DENISON   \_\_\_ POKORNEY   \_\_\_ POWNELL  
          \_\_\_ ROSSING   \_\_\_ VOHS     \_\_\_ ZWEIFEL

**ITEM:** Interim Financial Report – General Fund for March 31, 2009

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**SUMMARY**

The summary statement of revenues and expenditures for the General Fund is attached for your information. The report period covers the first quarter of fiscal year 2009.

*Highlights – The majority of the revenues for the General Fund arrive in two installments in July and December of each year. These are property taxes and Local Government Aid. Many of the business licenses are billed at the start of the year. This should be kept in mind when viewing the balances received-to-date and the percentage of budget.*

Expenditures, particularly personnel costs, are spent more evenly throughout the year and the percentage of budget will be closer to the first quarter benchmark of 25% of budget.

As presented the financial report is directly from the new software program. In the past, financial summaries would be prepared independent of the software using spreadsheets. The fact that the system can now generate acceptable financial summaries saves a good deal of staff time. The other important factor is that after several years of always being behind in standard weekly and monthly tasks, reports can be generated that reflect more current and timely information.

Future Reports – *The tentative schedule for providing financial summaries is shown below:*

- April – 1<sup>st</sup> quarter results for the General Fund;
- May – Special Revenue Funds (including the HRA and EDA);
- June – Enterprise Funds;
- July – Debt Service Funds and 2<sup>nd</sup> quarter results for the General Fund;
- August and September – year-to-date update for all funds as part of the budget development process (for the new year);
- October – Capital Projects Funds.

Specialty reporting would supplement the fund specific reports for the alternate months and would cover topics such as property tax base updates, property tax collections, bonded debt or tax increment district updates.

The purpose of providing interim financial information is to help educate you on the City's finances and provide current information. If there are specific topics you would like to see included in this area, please contact staff.

**ATTACHMENT:** General Fund Interim Financial Statements, March 2009

**SUBMITTED BY:** *Kathleen McBride, Finance Director*

**ITEM:** Discussion of Babcock Park/Rodeo Grounds Parking

**SUMMARY**

The City Council is being asked to discuss and provide staff with direction on the management of the parking lot at Babcock Park/Rodeo Grounds.

The south end of the Babcock Park/Rodeo Grounds is currently used for variety of parking uses. The major use is over the road semi-truck parking 8-15 vehicles per evening. Another use is by local residents to park trailers or equipment for several days at a time. The other uses include parking for the Defeat of Jesse James Day Events and some parking for users of the dog park. Currently the lot is posted “ 48 Hour Parking”.

In 2007 for a 10 day period, Public Works staff monitored the vehicle parking at the site and found most semi truck using the site were from out of town. Out of the 12 – 15 vehicles, 1-2 were owner operator vehicles were from Northfield. Most drivers were waiting for loads, primarily from McClanes, Inc. Additionally, several trailers and smaller vehicles were parked for the entire 10 day period.

This spring the Sundowners Car Club and the owner of Culver’s Restaurant have approached the City requesting the use of the parking lot on Wednesday evening throughout the summer. The Sundowners Car Club would like to hold their weekly meetings at the site, amounting to a weekly mini car show. The city has also had conversations with the Skateboard Coalition members on using a portion of the asphalt areas to use as a temporary skatepark location.

The City of Northfield 2008 Parks, Open Space, and Trails System Plan states” Babcock Park is under utilized and lacks a cohesive and visual appealing design”. Although there is some advantage to offering off street parking location for semi-trucks and parking spaces for homeowners who own more vehicles and trailers than space in their driveway, this may not be the best use of City parkland.

Staff at this time is recommending changing the parking ordinance to prohibit semi truck and overnight parking and closing the parking lot to all unauthorized vehicle parking after 10:00 PM. The parking of semi-trucks is a longstanding practice, change in the site use will require some education to the current users before the strict implementation of the new parking ordinance is enforced. Once the new parking plan is implemented the council may direct the Park and Recreation Advisory Board and Staff to develop a longterm use and development plan for the location.

**ATTACHMENT:**

1. Babcock Park/Rodeo Ground PDF

**SUBMITTED BY:** *J. Walinski, City Administrator*