

City Council Meeting Date: June 1, 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 \$595,351.44 (May 15, 2009, and May 22, 2009 – including Payroll Transfer of \$148,658.24) as presented to the City Council.*

**SUMMARY**

The City Council is being asked to review disbursements for \$595,351.44. They are within the limitations of the approved budget and resources available.

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

**ATTACHMENTS:**

1. Disbursement Lists

**ITEM:** Consider Approval of a Registered Land Survey for Babcock Park

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to approve a Registered Lane Survey (RLS) for Babcock Park. The following is a summary of what is being proposed:

- A registered land survey is a survey of unplatted registered land into “tracts” rather than lots and blocks. Under state law an RLS may be required by a registrar of titles in order to simplify the legal descriptions of such parcels. This particular RLS was required by Rice County as part of the approval and registration of various documents pertaining to the land trade approved by the City Council in 2008 between the City of Northfield and Culver’s restaurant at 960 Highway #3 South. The result of all these transactions was that the legal descriptions of various parcels, including the remainder of Babcock Park, became quite complicated and cumbersome. Therefore, an RLS was ordered by Rice County, to clarify and simplify the various legal descriptions.
- In 2008, the City conveyed a 7,200 square foot parcel of property, which was part of Babcock Park, to Culver’s for a drive-through facility for the restaurant. Due to the existing location of the building, the drive-through facility was designed, in consultation with City Staff, to reduce the number of vehicles entering and exiting from the existing driveway located on the northeast area of the site. Traffic conflicts are minimized when traffic enters and exits at the existing southeast driveway access off of the frontage road. In turn, Culver’s conveyed a 2,568 square foot parcel to the City to provide a legal access to Babcock Park, the location of the dog park and the rodeo grounds. Prior to the land trade, the only legal access that the City had to Babcock Park was located at Babcock Lane a few blocks south of the Culver’s restaurant.
- An RLS looks very much like a plat and fulfills the same purpose of simplifying the legal description of parcels of land, but no part of an RLS may be dedicated to the public by the RLS. Minn. Stat. Sec. 508.47, Subd. 4, requires that before filing an RLS with the registrar of titles, any RLS must be “approved in the manner required for the approval of subdivision plats,” and the approval must be endorsed on the RLS or attached to it. The Northfield City Code does not specify any special process for approval of an RLS, so the approval should be reviewed as any similar subdivision would be. Since this RLS contains only three lots, it may be approved in the same manner as a minor subdivision, with only City Council approval required.

**RELATED INFORMATION:**

Registered Land Survey No. 12 consists of three Tracts:

- Tracts A and C – the location Babcock Park, which is zoned Agricultural (AG). In the AG district, the minimum lot area is 35 acres. Since, the total acreage of tracts A and C

is approximately 30 acres, the tracts do not meet the lot area requirement. However, the park is a pre-existing use and the use and size of the park are not a result of the RLS, so this non-conformity is not a reason to disapprove of the RLS. In addition, the typical lot in an Ag zone is a farmstead, to which a minimum lot size is often applied, with a goal of limiting housing density in agricultural areas. The same goal or intent does not apply to parkland.

- Tract B – the location of the Culver’s restaurant at 960 Highway #3 South, which is zoned Gateway Commercial District (C-3). The minimum lot area is 20,000 square feet, and tract B is 54,242 square feet in size. The minimum lot width requirement in the C-3 is 66 feet, and the tract is approximately 207 lineal feet in width. Therefore, tract B meets lot area and width requirements.

The City’s Engineering Division has reviewed this RLS and finds it in compliance with their requirements.

The following is an analysis of how this agenda item relates to the Council’s problem solving process:

<b>Y</b>	<b>N</b>	<b>Checklist</b>
<b>Y</b>		<b>Does this project fit within the identified Council goals, objectives, and priorities?</b>
<b>Y</b>		<b>Does the project fit within the estimated budget &amp; resource parameters?</b>
<b>Y</b>		<b>Is the public process identified consistent with the scope and implications of the project?</b>
<b>Y</b>		<b>Have the pertinent boards and commissions been identified for providing review, recommendations, or input?</b>
<b>Y</b>		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?
<b>Y</b>		Have the future costs to city operations been calculated and identified?
<b>Y</b>		Are there measurable criteria to aid with the decision-making and have they been identified?
<b>Y</b>		Have the suitable timelines and schedules been identified?

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

**ATTACHMENT:**

Resolution 2009-046

Exhibit A - Copy of Registered Land Survey No. 12

1. Site Location Map

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2009-046

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
NORTHFIELD, MINNESOTA, APPROVING REGISTERED LAND SURVEY NO. 12

WHEREAS, in 2008, the City and R. Family Foods, Inc. (“RFF,” the owner of Culver’s restaurant at 960 Highway #3 South), completed a land exchange involving RFF property needed by the City for access to Babcock Park, and unused land in Babcock Park needed by RFF for development purposes; and,

WHEREAS, the Rice County Registrar of Titles has required a registered land survey (“RLS”), to be known as Registered Land Survey No. 12, as part of the approval and registration of various documents pertaining to this land exchange, to clarify and simplify the legal descriptions of the City property involved, including Babcock Park, and of the RFF property; and,

WHEREAS, Minn. Stat. Sec. 508.47, Subd. 4, requires that before filing an RLS with the Registrar of Titles, an RLS must be approved in the manner required for the approval of subdivision plats; and,

WHEREAS, this RLS involves only three new tracts or lots and is, therefore, properly processed as a minor subdivision, subject only to Council approval.

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

Registered Land Survey No. 12, shown in the attached Exhibit A, is hereby approved.

PASSED by the City Council of the City of Northfield on this 1<sup>st</sup> day of June, 2009.

ATTEST:

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

\_\_\_\_\_  
Mayor

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

**ITEM:** Award the construction contract for the expansion and remodeling of Northfield Hospital & Clinics' Center for Sports Medicine and Rehabilitation

**ACTION REQUESTED:**

The City Council is asked to pass Resolution 2009-047 - awarding the construction contract for the expansion and remodeling of Northfield Hospital & Clinics' Center for Sports Medicine and Rehabilitation to RJ Ryan Construction in the amount of \$1,449,390 and to authorizing Ken Bank, NHC President, to execute the required contract documents.

**SUMMARY:**

The Center for Sports Medicine and Rehabilitation (CSMR), which is owned and operated by Northfield Hospital & Clinics (NHC), is one of the largest and most comprehensive outpatient rehabilitation services in Minnesota. Its main facility is located at 1381 Jefferson Avenue; but due to space shortages, its pediatric therapy and Work Systems programs have been relocated into leased space located on Professional Drive.

On February 2, 2009, the City Council approved a proposal to expand the main CSMR facility by adding approximately 6,400 square feet designed to house the physical therapy department and allow expansion of the reception/waiting area. In addition to the expansion, approval was given to renovate/refurbish approximately 6,700 square feet of existing space to be used by occupational therapy and to house the pediatric therapy and Work Systems programs. The total cost of the project was estimated to be approximately \$2.2 million, of which approximately \$1.74 million was for the actual construction work.

Following Council approval, NHC proceeded with the project design process and then conducted a public bid process. Eighteen general contractors submitted bid proposals that included pricing for two add alternates and five deduct alternates in addition to the base bid. The range of base bids was \$1,435,000 to \$1,708,000. Analysis by NHC's project team led to a decision to accept add alternate #5 and to reject all other alternates. On this basis, RJ Ryan Construction was the low qualified bidder with a base bid of \$1,435,000 and a bid of \$14,390 for add alternate #5.

On May 28, 2008, NHC's Board of Directors will act on a proposal (copy attached) to recommend Council approval to award the construction contract to RJ Ryan Construction and to authorize Ken Bank, NHC President, to execute the required contract documents. The total amount of the contract will be \$1,449,390, including \$1,435,000 for the base bid and \$14,390 for add alternate #5. The revised estimate for total project cost will be \$1.96 million. Council approval is needed because of Charter and Ordinance provisions stating that while the Hospital

Board controls operations and management of the Hospital and its facilities, the Council retains authority over construction of and additions to the Hospital and related facilities.

**ATTACHMENT:** Hospital & Clinics Board Proposal

**REQUESTED BY:** Northfield Hospital & Clinics, 2000 North Avenue

**SUBMITTED BY:** Ken Bank, Hospital & Clinics President

**IN CONSULTATION WITH:** Hospital & Clinics Board of Directors

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2009-047

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA, APPROVING AWARD OF THE CONSTRUCTION CONTRACT FOR THE EXPANSION AND REMODELING OF THE CENTER FOR SPORTS MEDICINE AND REHABILITATION

WHEREAS, Northfield Hospital & Clinics' Center for Sports Medicine and Rehabilitation (CSMR) is one of the largest and most comprehensive outpatient rehabilitation services in Minnesota; and,

WHEREAS, CSMR's continued growth has stretched this facility to the limits of its capacity to treat patients and has made it necessary to disperse certain rehabilitation programs to other locations; and,

WHEREAS, This situation has made it difficult to schedule patients, the reception/waiting area is inadequate, treatment is frequently delayed due to lack of enough treatment rooms, the gym is too small to accommodate needed equipment, and the quality of the environment is not up to the standard of the Hospital's other facilities; and,

WHEREAS, At its meeting on February 2, 2009, the City Council approved an expansion/remodeling project for CSMR at an expected total cost of \$2.2 million; and

WHEREAS, A public bid opening was conducted on May 18, 2009, that resulted in bids being submitted by eighteen general contractors with RJ Ryan being the low qualified bidder; and,

WHEREAS, The Hospital & Clinic's Board of Directors held its regular meeting on May 28, 2009 and recommended to the City Council the award of a construction contract to RJ Ryan Construction in the amount of \$1,435,000 for the base bid and \$14,390 for Add Alternate #5.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT the City of Northfield hereby awards the construction contract for the expansion/remodeling of Northfield Hospital & Clinics' Center for Sports Medicine and Rehabilitation to RJ Ryan Construction in the total amount of \$1,449,390 and authorizes Hospital & Clinics' President Ken Bank to execute the required contract documents.

PASSED by the City Council of the City of Northfield on this 1st day of June 2009.

ATTEST

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

\_\_\_\_\_  
Mayor

VOTE:

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

# PROPOSAL

**ISSUE:** Recommendation to the Northfield City Council to award the contract for expansion/renovation of the Center for Sports Medicine & Rehabilitation (CSMR) in Northfield.

**DISCUSSION:** In March of 2009, the Board approved a project to expand the current CSMR facility by adding approximately 6,700 square feet that will house the physical therapy department and allow expansion of the reception/waiting area. In addition to the expansion, approximately 6,800 square feet of existing space will be renovated/refurbished for use by occupational therapy, by the relocated pediatric therapy program and by work systems.

The proposed expansion and update is essential to allow CSMR to continue to grow. It will provide patients with more immediate appointments, allow staff adequate workspace to be efficient and improve patient and staff satisfaction with the facility and equipment. In an already competitive environment for staff, the ability to recruit, hire and sustain skilled therapists will also be greatly improved.

Following the completion of the public bid process, bids were opened on Monday, May 11, 2009. Eighteen general contractors submitted bid proposals that conformed to all required specifications, which included pricing for two add alternates and five deduct alternates in addition to the base bid. The range of base bids was \$1,435,000 to \$1,708,000.

Analysis by our project team led to a decision to accept add alternate #5 and to reject all other alternates. On this basis, RJ Ryan Construction was the low bidder with a base bid of \$1,435,000 and a bid of \$14,390 for add alternate #5. A summary of the three low bids is shown below.

**RECOMMENDATION:** The Board is asked to recommend that the City Council award the contract for expansion/renovation of the Center for Sports Medicine & Rehabilitation to RJ Ryan Construction and authorize Ken Bank, Hospital President, to execute the required contract documents. The total amount of the contract will be \$1,449,390, including \$1,435,000 for the base bid and \$14,390 for add alternate #5.

## Summary of Low Bids

<u>Firm</u>	<u>Base Bid</u>	<u>Add Alternate #5</u>	<u>Total</u>
RJ Ryan Construction	\$1,435,000	\$14,390	\$1,449,390
Greystone Construction	\$1,481,000	\$ 9,450	\$1,490,450
ProCon Construction.	\$1,518,400	\$ 9,104	\$1,527,504

**ITEM:** Approve concessions licenses for Northfield Senior Citizens

PROPOSED MOTION FOR CONSIDERATION: Motion: \_\_\_\_\_ Second: \_\_\_\_\_

*The City Council of the City of Northfield hereby approves the miscellaneous/concessions licenses for the Northfield Senior Citizens to operate the Popcorn Wagon on Bridge Square subject to the following conditions:*

- *Applicants shall provide the City of Northfield with copies of Minnesota Department of Health or other State Licenses as applicable*
- *Applicants are responsible for picking up and proper disposal of trash*
- *Applicants are responsible to ensure compliance with all local and state regulations*
- *Non-compliance with conditions will result in the license being revoked*

**SUMMARY:**

The City Council is being asked to approve a miscellaneous concessions license for the Northfield Senior Citizens to operate the Popcorn Wagon on Bridge Square. Section 14-1 of the Northfield Ordinance Code states that it is unlawful for any person to operate a business on any property owned or controlled by the city without a license issued by the city council. The concessions license fee is \$100. Staff has reviewed the request and recommends approval with the conditions noted above.

Y	N	Checklist
X		Does this project fit within the identified Council goals, objectives, and priorities? <b>Fits with Council Goal #2 to build a vibrant community and the identified value of building community.</b>
X		<b>Does the project fit within the estimated budget &amp; resource parameters?</b> The concession license fee covers the cost of review and processing the license itself. It does not address any other costs that may be incurred such as use of electricity, etc. This will be addressed in the future though Public Works use agreements when groups are using city facilities for selling concessions.
		Is the public process identified consistent with the scope and implications of the project? <b>N/A</b>
		Have the pertinent boards and commissions been identified for providing review, recommendations, or input? <b>N/A</b>
		<b>Is this decision consistent with current city plans (Comprehensive Plan, Transportation Plan, Park Plan, etc)?</b> <b>N/A</b>
		<b>Have the future costs to city operations been calculated and identified?</b> <b>N/A</b>

		<b>Are there measurable criteria to aid with the decision-making and have they been identified? N/A</b>
		Have the suitable timelines and schedules been identified? <b>N/A</b>

**Submitted by:** Deborah Little, City Clerk

**ITEM:** Rice County All-Hazard Mitigation Plan

**ACTION REQUESTED:** The City Council is being asked to approve Resolution 2009-048 supporting participation in the Rice County All – Hazards Mitigation Planning Process.

**SUMMARY:**

The City Council is being asked to approve Resolution 2009-048 supporting participation in the Rice County All – Hazards Mitigation Planning Process. This request is from the Rice County Planning and Zoning Department. Rice County has recently been granted funding from FEMA and the MN Department of Homeland Security and Emergency Management to develop an all-hazards mitigation plan. The purpose of the planning process is to identify hazards, which could be mitigated in order to reduce or eliminate long-term risk to human life and property. Participating in this planning process ensures Northfield's continued eligibility for federal disaster recovery funding should it become necessary.

Detailed regulations governing the requirements for local mitigations plans are published under Code of Federal Regulations (CFR), Title 44, Part 201. Under 201, local governments must have a FEMA approved Local Mitigation Plan in order to apply for and/or receive project grants under hazard mitigation assistance programs.

The City at this time can either participate in the Rice County county-wide plan or develop its own plan in order to be eligible for disaster mitigation/recovery funding. Rice County asked for a resolution indicating the City's will formally participate with the Rice County Planning process and the approved resolution will be submitted with the plan for FEMA approval. Approving the resolution and participating in the county planning process does not limit the City from developing its own mitigation planning process at a future date.

Attached is a summary of the Hazard Plan components (Attachment #2). Additionally, Rice County will also be asking for participation by the city to provide volunteers on both technical and advisory group committees:

- Technical Committee to meet on a monthly basis throughout plan development process.
- Advisory Committee to meet on a quarterly basis to review information collected and to provide input.
- Two public input open houses will also be held throughout process to gather general public input into the plan.

**Project Schedule:**

- |  |                       |
|--|-----------------------|
| 1. Initiate Grant Funding & Participation of all Jurisdictions | Aug 2008 – Apr 2009   |
| 2. Organize Resources & Develop Inventory                      | Apr 2009 – June 2009  |
| 3. Identify Hazards & Assess Risks                             | June 2009 – Sept 2009 |
| 4. Develop/review mitigation strategies                        | Aug 2009 – Dec 2009   |
| 5. Review and Adoption   | Dec 2009 – Feb 2010   |
| 6. Final Adoption  |                       |

**ATTACHMENTS:**

1. Resolution 2009-048
2. Hazard Plan Components

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

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2009 – 048

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
NORTHFIELD, MINNESOTA AGREES TO PARTICIPATE IN A HAZARD MITIGATION  
PLANNING PROCESS WITH RICE COUNTY.

WHEREAS, the County of Rice is participating in a hazard mitigation planning process as established under the Hazard Mitigation Act of 2000; and

WHEREAS, the Act establishes a framework for the development of a county hazard mitigation plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and business; and

WHEREAS, the plan must include a risk assessment including past hazards, hazards that threaten the county. maps of hazards, an estimate of structures at risk, estimate of potential dollar losses for each hazard, a general description of land uses and development trends; and

WHEREAS, the plan must include a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the plan must include a maintenance or implementation process including plan updates, integration of plan into other planning documents and how the county will maintain public participation and coordination; and

WHEREAS, the draft plan will be shared with the State of Minnesota and the Federal Emergency Management Agency (FEMA) for coordination of state and federal review and comment on the draft; and

WHEREAS, approval of the all hazard mitigation will make the county eligible to receive Hazard Mitigation Assistance Program grants and other funding sources; and

WHEREAS, approval of the all hazard mitigation plan will make the county and participating jurisdictions eligible to receive Hazard Mitigation Assistance Programs grants and other funding sources;

WHEREAS, this resolution does not preclude the city from preparing its own plan sometime in the future should it desire to do so;

NOW THEREFORE BE IT RESOLVED, that the City of Northfield supports the county hazard mitigation planning effort, wishes to join with the county in preparing the plan and recognizes the plan will apply to the City.

PASSED by the City Council of the City of Northfield on this 1<sup>st</sup> Day of June 2009.

ATTEST

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

\_\_\_\_\_  
Mayor

VOTE:      \_\_\_ROSSING            \_\_\_POWNELL            \_\_\_BUCKHEIT            \_\_\_DENISON  
              \_\_\_ZWEIFEL            \_\_\_POKORNEY            \_\_\_VOHS

## All Hazards Mitigation Plan Components

### 1. **Planning Process** - The minimum topics for this section include:

- Introduction
- Description of DMA2K and Available Mitigation Grants
- Development of the Hazard Mitigation Plan
- Five Parts of the Hazard Mitigation Plan
- All-Hazard Mitigation Plan Taskforce
- Involvement of Local Governments (list resolutions of participation)
- Neighboring Community Involvement
- Local and Regional Agency Involvement
- Public Review Process
- Incorporated Plans, Studies, Reports, Technical Data, Statutes, Laws and Ordinances
- Capability Assessment
- Contact Information

Note:

-Addendums should be used for resolutions of participation, meeting minutes, public notices, etc.

-A statement about how the mitigation plan qualifies for points to reduce the cost of flood insurance policies under FEMA's Community Rating System (CRS) is optional.

### 2. **Planning Area** - The minimum topics for this section include:

- Introduction
- General Geography
  - Location
  - Civil Divisions
- Demographic and Economic Profile
  - Population and Households
  - Employment
- Land Use/Land Cover and Development Patterns
  - Forestry
  - Agriculture
  - Residential Development
  - Commercial and Industrial Development
  - Transportation
  - Surface Water
  - Floodplain
  - Wetlands
  - Dams and Levees
  - Watersheds
  - Utilities
  - Emergency Services and Facilities
  - Critical community facilities,
  - Hazardous Material Facilities

Notes:

-Maps are to be included to illustrate each section.

**3. Risk Assessment** - The minimum topics for this section include:

- Introduction (overview and discussion of methodology)

Hazard Identification

Hazard Analysis (Method)

History of Hazards

Vulnerability Assessment

- Hazard: \_\_\_\_\_ (fill in for every hazard)

Hazard Analysis

History of Hazard in County/Local Jurisdiction

Vulnerability Assessment

Methodology

Maps

Future Probability and Potential Dollar Losses

Notes:

-A map of flood hazard areas showing relative location of repetitive loss properties and location of critical facilities and infrastructure is to be included as part of the NFIP. Maps for other hazards is highly recommended.

-The use of HAZUS-MH for estimating potential losses from disasters is optional.

-Addendums should be used for community surveys, risk analysis, etc.

**4. Mitigation Strategy** - The minimum topics for this section include:

- Introduction (overview and discussion of methodology)

- Hazard: \_\_\_\_\_ (fill in for every hazard)

Goal

Strategy

Participating Jurisdictions

Summary of Strategy including Hazard Type, Mitigation Measure, Cost of Project/Grant, Responsible Management, Project Timetable, Comments

Notes:

-Information and strategies related to NFIP are to be included for all plans.

-Addendums should be used for, meeting minutes, analysis of strategies (e.g., STAPLEE), etc.

**5. Plan Maintenance Procedure:** The minimum topics for this section include:

- Plan Adoption
- Plan Implementation
- Plan Evaluation and Maintenance

Note:

-Addendums should be used for resolutions of adoption, meeting minutes, public notices, etc.

**6. Plan Adoption:** This is not a section of the plan but covers the resources required to prepare the plan for review by FEMA, coordinate the resolutions of

adoption by the county, cities, and or tribal communities. It also covers revision of the plan if the state or FEMA require revisions. The last step is sending electronic copies of the plan to HSEM to send to FEMA for final approval.

**ITEM:** Building Code Board of Appeals Appointments

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves the following Building Code Board of Appeals appointments:*

Building Code Board of Appeals

*Andrew Berglund appointed to the Building Code Board of Appeal for a three-year term ending December 31, 2011.*

*David Geist appointed to the Building Code Board of Appeal for a three-year term ending December 31, 2011.*

*Don McGee appointed to the Building Code Board of Appeal for a one-year term ending December 31, 2009.*

*Kenneth Malecha appointed to the Building Code Board of Appeal for a one-year term ending December 31, 2009.*

*Bill Simonet, Jr. appointed to the Building Code Board of Appeal for a two-year term ending on December 31, 2010.*

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked approve the Mayor's appointment of the Building Code Board of Appeals members. The appointees listed above are submitted for consideration and approval. These members are also members of the Rental Housing Board of Appeals. The Mayor has spoken with the Rental Housing Board of Appeals and all members are in concurrence with serving on both boards at this time. Although the establishing ordinance identifies the skill sets of preference, they are not a requirement for serving on the board. The City had previously advertised two times for volunteer board members with only two respondents.

Northfield City Ordinances pertaining to the establishment of the Building Code Board of Appeals with changes as approved on May 18, 2009:

**Sec. 34-301. Building code board of appeals.**

(a) *Establishment.* There is hereby established a building code board of appeals (the board) pursuant to Minnesota Rules, part 1300.0230.

(b) . *Membership; qualifications.* The board shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city. If possible, the members shall include a building contractor, an architect, and an engineer. If properly qualified by experience and training, the members shall also include a realtor and a citizen at large. ~~Members shall live within~~ No more than two members shall live outside the city limits of the City of Northfield. The building official shall be an ex officio member of the board but shall have no vote on any matter before the board.

Members shall be appointed by the mayor with approval of the council. Members shall be appointed for a term of three years and shall serve until a successor has been appointed. Regular terms shall commence on January 1. Initial terms shall be shortened or lengthened and thereby staggered so that there will be continuity of representation on the board. Vacancies shall be filled by the mayor with approval of the council to fill any portion of an unexpired term. Members may be appointed to serve successive terms. Members shall serve without compensation.

(c) *Organization.* At the first meeting of each calendar year, the board shall elect from its members a chair and a vice chair, each to serve throughout the year and until a successor is chosen. The board shall follow the rules of the state and the city, provided that it may establish additional procedures and policies so long as they are not inconsistent with any provision of state or local law. The city shall provide a secretary who shall attend all meetings of the board, take minutes, and keep the records of the board.

(d) *Meetings.* The board shall hold an annual meeting in January each year, at which it shall select officers and review its obligations under this ordinance. Otherwise the board shall meet specially upon receipt of an appeal, or upon the call of the chair or any three members of the board. Written notice of all meetings shall be given to the members by the secretary, setting forth the purpose of the meeting. All meetings shall be properly noticed and open to the public unless otherwise provided by state law. A majority of all members of the board shall constitute a quorum to conduct business, but less than a quorum may adjourn from time to time.

(e) *Powers and duties.*

(1) The board shall fulfill duties imposed upon it by, and in accordance with, Minnesota Rules, part 1300.0230.

(2) The board shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the building code. A decision on appeal shall be limited to:

- a. Whether the true intent of the building code or the rules legally adopted thereunder have been incorrectly interpreted;
- b. Whether the provisions of the building code do not fully apply; or
- c. Whether an equally good or better form of construction is proposed.

The board shall have no authority to waive requirements of the building code.

The Mayor recommends and appoints applicants based on their interests, willingness to serve and background. The goal of the Mayor is to have members on the various boards and commissions who represent all segments of the community.

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

**ITEM:** Human Rights Commission Appointments

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves the following Human Rights Commission appointments:*

Human Rights Commission

*Ms. Judy Dirks appointed to the Human Rights Commission for a three-year term ending December 31,2012.*

*Ms. Carroll Flaten appointed to the Human Rights Commission Appeals for the remaining year of a three- year term ending December 31,2009.*

*Mr. Richard S. Kleber appointed to the Human Rights Commission for a three -year term ending December 31,2012.*

*Ms. Virginia Myers appointed to the Human Rights Commission for a three -year term ending December 31, 2012.*

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked approve the Mayor's appointment of the Human Rights Commission members. The appointees listed above are submitted for consideration and approval. Ms. Judy Dirks is a reappointment to the commission, fifth term, and Ms. Virginia Myers is a reappointment to the commission. Mr. Richard Kleber and Ms. Carroll Flaten are first term appointments. The Mayor has discussed these appointments with the Chair Ms. Dirks and Councilor Pownell, the Council Liaison. The Mayor recommends and appoints applicants based on their interests, willingness to serve and background. The goal of the Mayor is to have members on the various boards and commissions who represent all segments of the community.

Northfield City Ordinances pertaining to the establishment of the Human Rights Commission:

Sec. 2-337. Members.

(a) The human rights commission shall consist of nine members to be appointed by the mayor by and with the advice and consent of the council.

(b) Members of the human rights commission shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the human rights commission. Appointments shall represent a broad cross section of the community such as both sexes, various economic levels including welfare recipients, the business and professional community, racial and ethnic minorities, religious groups, various age groups including senior citizens and students, renters and homeowners.

(c) Members of the human rights commission shall be appointed for terms of three years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of the member's term of office, a member shall continue to serve until his/her successor is appointed.

(d) The members of the human rights commission shall serve without financial compensation and may be removed from office for cause by the mayor in consultation and agreement with a majority of the human rights commission.

**ATTACHMENTS:**

1. Memo from Mayor Rossing on appointments

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



**MEMORANDUM**

**DATE:** May 27, 2009

**TO:** Council Members

**FROM:** Mayor Rossing

**CC:** Joel Walinski, City Administrator

**RE:** Human Rights Commission Appointments

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I am recommending Judy Dirks to be reappointed to the Human Rights Commission. Besides years of service and a desire to continue her work on the HRC, Ms. Dirks has shown a willingness to lead the Commission in new initiatives in 2009 that support the goals of the council. At the request of the Mayor, the HRC will be taking a leadership role in communicating the importance of full participation in the 2010 census, especially by our immigrant and transient communities.

I am also recommending Virginia Meyers be reappointed to the HRC. She has worked for many years as a bilingual para in the Northfield Schools and brings a wealth of experience working with the Latino community.

I am recommending that two new members be appointed to the Commission:

Richard Kleber is a professor emeritus from St. Olaf College, and has been involved in a number of human rights organizations through the years. He was also involved with the Northfield ABC (A Better Chance) program, which allowed under privileged, inner city students to attend High School.

Carol Flaten has been an advocate for mental health issues, and prevention of domestic abuse in Northfield and Rice County. She has also dealt first hand with human rights issues in many countries in her work as a Foreign Service Officer spouse and then while accompanying her husband as US Ambassador to Rwanda.

**ITEM:** Approve Phasing of Transit Hub Project

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves the phasing of the Transit Hub project.*

**SUMMARY:**

The City Council is being asked to consider approving the phasing of the Transit Hub project. The initial project was approved by City Council as a single-phase construction project on December 17, 2007 (Resolution 2007-130). However, after further planning was performed it became evident that there were several issues that would result in increased costs as well as a longer execution timeframe.

At the City Council Work Session on April 13, 2009 an update on the current status of this project was presented. It was noted at that time the initial plan had to be changed due to several factors including:

- Detailed environmental assessment
- Site remediation
- Engineering analysis and design
- Parkland conversion

Due to the changes in scope and additional requirements it was decided to split the project in two phases. Phase I of the project will include the preparation of a Phase II – Environmental Site Assessment and engineering site work, assistance with the parkland conversion and preparation of plans and specifications for construction. Phase II would be for the bidding and construction of the transit hub.

Currently the City staff has received copies of the contract for the first phase from MnDOT, which need to be signed and returned. The second phase of this project will be coordinated with MnDOT for funding in 2010.

This grant requires a 20% match from the City of Northfield, which would come from the Master Development District funds. Below the funding for both phases is shown as an estimate. As further planning is completed these costs will be refined.

Phase I	
Federal Funds	\$277,000
City Match	\$69,000
Total Estimated Costs	\$346,000

Phase II	
Federal Funds	\$240,000
City Match	\$56,000
Total Estimated Costs	\$300,000

Total	
Federal Funds	\$517,000
City Match	\$125,000
Total Estimated Costs	\$642,000

The following is an analysis of how this agenda item relates to the Council’s problem solving process:

Y	N	Checklist
Y		Does this project fit within the identified Council goals, objectives, and priorities?
Y		Does the project fit within the estimated budget & resource parameters?
Y		Is the public process identified consistent with the scope and implications of the project?
Y		Have the pertinent boards and commissions been identified for providing review, recommendations, or input?
Y		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?
Y		Have the future costs to city operations been calculated and identified?
Y		Are there measurable criteria to aid with the decision-making and have they been identified?
Y		Have the suitable timelines and schedules been identified?

**SUBMITTED BY:** *Brian Erickson, Public Works Operations Engineer*

**ITEM:** Public Hearing and First Reading of Ordinance No. 899 for Vacation of Public Utility Easements for the Carleton College Addition

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to receive public testimony and give a first reading to Ordinance No. 899, related to the request to vacate public utility easements for the Carleton College Addition. The following is a summary of what is being proposed:

- At the May 5, 2008, City Council meeting, the Council approved a Conditional Use Permit (CUP) for Carleton College to construct two new residence halls north of First Street. As part of that construction, sanitary and storm sewer mains were relocated in the area north of the intersection of First Street East and Maple Street since the existing utilities were located in the area where the buildings were to be constructed. Now, Carleton College is requesting to vacate easements where utilities were previously located, and then convey new sanitary and storm sewer easements to the City in their new location.

A copy of a map showing the area to be vacated is attached for your review in Exhibit A. The request to vacate this easement has been discussed with the City's Engineering Division, and notices were sent to Qwest, Xcel Energy and Charter Communications.

**RECOMMENDATION:**

Staff recommends that the City Council conduct the public hearing, consider testimony that is received and approve the ordinance on the first reading to vacate public utility easements for the Carleton College Addition that are no longer needed.

The following is an analysis of how this agenda item relates to the Council's problem solving process:

<b>Y</b>	<b>N</b>	<b>CHECKLIST</b>
<b>Y</b>		Does this project fit within the identified Council goals, objectives, and priorities?
<b>Y</b>		Does the project fit within the estimated budget & resource parameters?
<b>Y</b>		Is the public process identified consistent with the scope and implications of the project?
<b>Y</b>		Have the pertinent boards and commissions been identified for providing review, recommendations, or input?

<b>Y</b>	<b>N</b>	<b>CHECKLIST</b>
<b>Y</b>		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?
<b>Y</b>		Have the future costs to city operations been calculated and identified?
<b>Y</b>		Are there measurable criteria to aid with the decision-making and have they been identified?
<b>Y</b>		Have the suitable timelines and schedules been identified?

**REQUESTED BY:** Carleton College, Northfield

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

**ATTACHMENT:**

Ordinance No. 899

Exhibit A: Map showing location of public utility easements to be vacated

1. Site Location Map
2. Map showing location of new sanitary and storm sewer easements to be conveyed to the City

ORDINANCE NO. 899

AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, VACATING PUBLIC UTILITY EASEMENTS RELATED TO CARLETON COLLEGE 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, being sanitary sewer and storm sewer easements, are hereby vacated:

That part of the Public Utility Easements described in Document No. 361290 and Document No. 395377 lying south of the north line of Carleton College Addition, according to the recorded plat thereof, Rice County, Minnesota, and west of the east line of the West 200 feet of said Carleton College Addition.

This Ordinance shall be effective 30 days following publication or upon the filing for record of replacement sanitary sewer and storm sewer easements conveyed to the City of Northfield by Carleton College, whichever is later.

Passed by the City Council of the City of Northfield, Minnesota, this 1st day of June, 2009.

ATTEST:

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

\_\_\_\_\_  
Mayor

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

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

**ITEM:** Consider Ames Park Site for Skate Park

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby (approves/disapproves) the selection of Ames Park as the site of the Skate Park.*

**SUMMARY:**

The City Council is being asked to consider Ames Park as the site for the Skate Park as recommended by the Parks and Recreation Advisory Board (PRAB).

On February 12, 2008 the PRAB held a public meeting regarding the location of the Skate Park as part of their regular meeting, and subsequently passed a motion stating, "The PRAB recommends Ames Park as the preferred location for development of a Skateboard Park. This recommendation is contingent upon land use approval from MN DOT." Prior to presenting this agenda item to City Council in March of 2008, staff confirmed that MnDOT would allow the use of Ames Park as a location for the Skate Park.

Ames Park was selected by the City Council on March 17, 2008 contingent on addressing several items of concern. Motion M2008-0041 stated specifically to "Approve Ames Park as the location for the Skateboard Plaza as recommended by the Park and Recreation Advisory Board with the addition of a sidewalk safety plan on Fifth Street Bridge and the feasibility of a drop-off lane."

A request for proposal (RFP) was sent for a master planner to prepare an Ames Park Master Plan. As a result Bonestroo was selected and began the planning process with a public meeting, which was held on December 9, 2008. During this meeting John Slack from Bonestroo presented an overview of the park, and the constraints that are present at Ames. As the planning process progressed periodic reports were made to the PRAB and City Council.

At the February 23, 2009, City Council Work Session staff was given further direction on items to address in the master plan. Specifically those items and summarized responses are shown below:

1. Access through Malt-O-Meal property. Although generally supportive of the Skateboard Park, Malt-O-Meal is not open to the possibility of allowing public access through their property to Ames Park.
2. Pick Up/Drop Off Lanes. Due to the location of Ames Park near T.H. 3 and 5th Street the ability to a construct a pick up/drop off adjacent to Ames Park is not feasible.

3. Parking. Parking for Ames Park is available at the Water Street parking lot or other downtown parking along 5th Street or Water Street.
4. Safety Issues with the 5<sup>th</sup> Street Bridge. Correction of safety issues at the 5<sup>th</sup> Street Bridge would improve the accessibility; however, the estimated cost is approximately \$100,000. This expense would need to be included as part of the total project expense.

In early May 2009, City Council was provided with copies of all the PRAB discussions regarding the Skateboard Plaza dating from May 8, 2006 through the Special PRAB meeting of April 21, 2009. Included in that packet were copies of letters from two consultants, Brauer & Associates, Ltd. (dated March 17, 2007) and Gene Allen Design (dated September 28, 2007). These letters shown below leave some question as to whether or not Ames Park is the ideal site for a skateboard park as least insofar as these two professionals are concerned.

The letter from Brauer & Associates stated in part, “then **Ames Park becomes a legitimate and perhaps the only alternative, with one very important qualifier: Design matters!** Whereas the site has a number of appealing attributes, the fact that it is part of the gateway into the downtown area underscores the importance of making sure that the skateboard park is a design amenity versus a detraction from the aesthetic quality of the area.”

In addition the letter from Gene Allen Design stated, “The advantage to this location [Ames Park] is that it is close to the police station and other activities. However, I wouldn’t recommend this site, for the City’s sake, because it is too “formal & prominent” for an informal activity like skateboarding.”

At the City Council Work Session of April 7, 2009, Council was provided an estimated cost to complete the Ames Park Master Plan for the three options. The costs ranged from \$628,460 to \$803,829. Each of these estimates included skateboard plaza construction, safety modifications to the 5<sup>th</sup> Street Bridge (sidewalk safety plan as identified in the initial council approval), planting of vegetation, installation of an electronic sign panel, and trail enhancements. Specifically in regards to the construction of Ames Park, staff would recommend the completion of the full project if approved by the council. Although there are many separate pieces that make up the Ames Park Master Plan, based on the prominent location of Ames Park as the ‘gateway’ to Northfield, staff would not recommend a phased approach to construction of improvements at Ames Park.

The PRAB decided to address City Council’s concern at a special meeting held on April 21, 2009. As a result of the PRAB discussion April 21, 2009 a constraint-benefit table was developed relative to Ames Park and Riverside Park. At the conclusion of that meeting the PRAB reconfirmed their recommendation that Ames Park be the site of the Skateboard Park. The constraint-benefit table and PRAB reconfirmed recommendation were presented to the Council on April 27, 2009

Considering all the above information at this point the City Council has three main options to take on this issue.

**Option A** Do nothing. This option would then essentially stop any further progress on Ames Park Master Planning until the City Council decide to address this item at a future date.

**Option B** Approve Ames Park as the site for the skate park. At this point a further discussion regarding the funding and timelines for construction should be held.

**Option C** Don't approve Ames Park at which point City Council should provide further detailed guidance to staff and the PRAB on how to proceed with this project.

**The following is an analysis of how this agenda item relates to the Council's problem solving process:**

Y	N	Checklist
Y		<p>Does this project fit within the identified Council goals, objectives, and priorities?</p> <p><b>2009 CC Goal #3: Council will improve city facilities to ensure excellent service to our citizens within the financial limitations of the city:</b>  <b>Skate Board Plaza:</b></p> <ol style="list-style-type: none"> <li><b>1. Reach a consensus on site, design, and affordability issues.</b></li> <li><b>2. Establish funding strategy.</b></li> <li><b>3. Establish location and need for temporary plaza.</b></li> </ol>
NA		<p>Does the project fit within the estimated budget &amp; resource parameters?</p> <p><b>Currently the Park Fund has approximately \$330,000 available for park improvement projects. The PRAB has not addressed changes to their funding priorities nor made a recommendation to a change in project priorities since the future available funding has been redirected to reduce LGA reductions.</b></p> <p><b>To Be Determined (TBD): Council has yet to determine the priority or whether to fund this project at this time. Based on the estimated project costs, funds could be raised privately, a portion could be allocated through the Park Fund, and some of the improvements could be completed through other funding. A full funding strategy has yet to be developed.</b></p>
Y		Is the public process identified consistent with the scope and implications of the project?
Y		Have the pertinent boards and commissions been identified for providing review, recommendations, or input?
Y		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?
Y		Have the future costs to city operations been calculated and identified?
Y		Are there measurable criteria to aid with the decision-making and have they been identified?
Y		Have the suitable timelines and schedules been identified?

**ATTACHMENTS:**

1. Letter from Bauer & Associates, Ltd. dated March 17, 2007
2. Letter from Gene Allen Design dated September 28, 2007

**SUBMITTED BY:** *Brian Erickson, Public Works Operations Engineer*

**ITEM:** Finalize Council Direction on Draft Land Development Code

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

*The City Council of the City of Northfield directs City Staff, the Planning Commission, the Environmental Quality Commission, the Park and Recreation Advisory Board, the Housing and Redevelopment Authority, and the Economic Development Authority on the approval process for the draft Land Development Code as outlined in the Staff Report to the City Council for June 1, 2009. Furthermore, the City Council directs that the City Planner (or Community Development Director in his absence) will facilitate meetings with Boards and Commissions relating to their review of the Land Development Code.*

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to finalize direction to City Staff and/or the Planning Commission on the draft Land Development Code (LDC). At the May 11, 2009, City Council Work Session, the Council discussed alternatives for review of the LDC by relevant Boards and Commissions and directed that Council members Betsey Buckheit, Erica Zweifel, and City Planner Dan Olson recommend the parameters under which the Boards and Commissions would review the LDC. Also, the Council directed that if the Planning Commission had any recommendations for the approval process of the LDC, those recommendations should be reviewed by the City Council at the June 1, 2009, City Council meeting. This Staff Report is provided in response to that direction.

LDC review by relevant Boards and Commissions:

After the May 11, 2009, City Council Work Session, Council members Betsey Buckheit and Erica Zweifel met with Dan Olson to recommend the parameters under which the relevant Boards and Commissions would review the LDC. The following Boards and Commissions would receive a copy of the entire LDC, and would also provide comments under the following parameters.

In addition, after the subcommittee met, Council member Buckheit suggested that either the City Planner, Planning Commission members, or the City Council liaison to the Planning Commission (Betsey Buckheit), facilitate the meetings at which the relevant Boards and Commissions review the LDC. This issue was not discussed by the subcommittee as a whole. However, Staff and Council member Buckheit offer the following alternatives for the City Council on this issue:

- Alternative #1: City Planner facilitate the meetings (or Community Development Director in his absence). The City Planner can assist the Boards and Commission

members to understanding the overview of the LDC, and then explain the direction from the City Council as to what each Board and Commission is asked to review.

- Alternative #2: Planning Commission members facilitate the meetings. It has been suggested by Council member Buckheit that Commission members could provide a fresh perspective to the Boards and Commissions on the draft LDC.
- Alternative #3: Council member Buckheit facilitates the meetings. As a member of the Advisory Group, Ms. Buckheit could offer that perspective to the Boards and Commissions.

Recommendation on alternatives: Staff recommends that the City Council choose Alternative #1, above (the Council Motion reflects this alternative, but the Motion can be altered if the Council chooses another alternative). Since the City Planner is most familiar with the LDC document, he is able to provide detailed and accurate information about how the language in the LDC was derived. Also, the City Planner, being trained in planning and zoning issues, is able to answer questions about the LDC, generally accepted planning principles, and information about what other cities are doing with zoning and subdivision regulations.

Environmental Quality Commission (EQC):

- Comment on Article 3
- Provide a recommendation as to whether the City should allow wind turbines in residential and commercial areas. Council member Buckheit has requested that this question be resolved after the LDC is adopted.

Park and Recreation Advisory Board (PRAB):

- Comment on the park dedication requirements of Article 3 and review of major subdivision standards in Article 5.
- The PRAB is asked to instruct the Non-motorized Transportation Task Force to comment on parking, bicycle, and pedestrian access in Article 3.
- The PRAB is also asked to consider the information in Attachment #1

Housing and Redevelopment Authority (HRA):

- The HRA is asked to consider the information shown in Attachment #2.

Economic Development Authority (EDA):

- The EDA is asked to consider the information shown in Attachment #3.

Planning Commission Recommendations:

At the May 26, 2009, Planning Commission meeting, the Commission made several recommendations to the City Council on the process involved in approving the LDC (Attachment #4).

The following is an analysis of how this agenda item relates to the Council's problem solving process:

<b>Y</b>	<b>N</b>	<b>Checklist</b>
<b>Y</b>		<b>Does this project fit within the identified Council goals, objectives, and priorities?</b> City Council goal #2 is to adopt land use regulations which promote sustainable development
<b>Y</b>		<b>Does the project fit within the estimated budget &amp; resource parameters?</b>
<b>Y</b>		<b>Is the public process identified consistent with the scope and implications of the project?</b>
<b>Y</b>		<b>Have the pertinent boards and commissions been identified for providing review, recommendations, or input?</b>
<b>Y</b>		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?
<b>Y</b>		Have the future costs to city operations been calculated and identified? <b>If the City Council directs at some future time that additional outside consultant assistance is necessary for revisions to the LDC, this will have implications to the adopted City budget.</b>
<b>Y</b>		Are there measurable criteria to aid with the decision-making and have they been identified?
<b>Y</b>		Have the suitable timelines and schedules been identified?

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

**ATTACHMENTS:**

1. Park and Recreation Advisory Board review
2. Housing and Redevelopment Authority review
3. Economic Development Authority review
4. Planning Commission recommendation

**ITEM:** Budget Outlook

**ACTION REQUESTED:**

Discussion only.

**SUMMARY**

It is our intent to present information for discussion on the budget at each Council meeting. One of the more significant unknowns at this point is the status of state aid cuts for both the current year and next year. As you know, the State's budget was not balanced at the close of the legislative session and Governor Pawlenty will be using his unallotment authority to balance the budget. We understand this process is underway.

Staff has already started the internal budget development and review process. Attached is a summary timeline for the both the operating budget, CIP and CEP process. It is our goal this year to have all three documents presented to you in August to allow for a comprehensive review.

With regards to the Capital Improvement Plan, it is imperative that the plan has credibility. Credibility is established with realistic timelines and solid / affordable financing. With pressure on to moderate property tax increases, limited outside funding and the reassignment of the park, city facilities transportation levies to the General Fund operating budget, the City's ability to initiate projects in the foreseeable future is limited.

**ATTACHMENTS:**

1. Budget Development Calendar for FY 2010

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

## Budget Development Calendar for FY 2010

MAY 2009

### **BUDGET FRAMEWORK – SYSTEM, POLICIES AND PROCEDURES ARE ESTABLISHED**

- Finance trains on budget module and sets up module for budget input (deadline – 5/29/09);
- Departments submit General Fund revenue estimates to Finance (5/22/09);
- **Departments submit final list of performance measures to City Administrator (5/19/09);**
- Budget review format / team is discussed / established; Department Directors receive budget reports on salary and benefit data, budget instructions and other information as needed or requested.

JUNE 2009

### **GENERAL FUND BUDGET REQUESTS COMPLETED, OTHER FUNDS INITIATED**

- Departments are trained on using Incode budget module and develop 2010 budget requests;
- Final budget direction given (dependent upon final legislation);
- General Fund revenue estimates are reviewed;
- Revenue estimates for Special Revenue Funds, Enterprise Funds developed with appropriate Department Directors;
- Debt service costs developed for Enterprise Funds (June 12);
- Department Directors develop 2010 budget requests for Special Revenue and Enterprise Funds (June 15 – June 30);
- Debt Service Funds (and projections) budgets completed;
- Tax base and property tax levy projections updated.

JULY 2009

### **GENERAL FUND BUDGET REVIEWED / BALANCED; OTHER FUNDS REVIEWED**

- General Fund budget reviews by internal budget team;
- General Fund budget gap reviewed / 2<sup>nd</sup> round of budget reductions or alternatives;
- Preliminary tax levy review;
- Special Revenue Funds reviews;
- Enterprise Funds reviews;
- Budget message developed.

AUGUST 2009

### **PROPOSED BUDGET DOCUMENT COMPILED; PRESENTATION TO COUNCIL**

**INITIAL PRESENTATION OF PROPOSED BUDGET / TAX LEVY / OTHER INFORMATION TO COUNCIL ON AUGUST 10<sup>TH</sup> WORK SESSION**

**APPROVAL OF PRELIMINARY GENERAL FUND BUDGET / PROPERTY TAX  
LEVY AT SEPTEMBER 14<sup>TH</sup> COUNCIL MEETING**

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**2010 – 2014 CAPITAL IMPROVEMENT PLAN**

**2010 – 2019 CAPITAL EQUIPMENT PLAN**

MAY 2009

CIP and CEP DEVELOPMENT SCHEDULE

Departments develop project requests – individually or by groups;

Departments update the ten-year Capital Equipment Plan;

JUNE 2009

Project review and financing analysis completed in order to allow review by Council with the proposed operating budgets.

**ITEM:** Administrative Citations

**ACTION REQUESTED:**

Discussion/update

**SUMMARY AND ACTION REQUESTED:**

The City Council will be provided an update on implementation and use of administrative citations.

The city council has expressed interest in adopting a general administrative penalties ordinance, allowing civil citations and civil penalties as an alternative to criminal prosecution for violation of many local ordinances, particularly ordinances which are not duplicative of state statutes. For instance, civil penalties would apply to violation of “quality of life” ordinances which regulate things like weed control and blight, as opposed to traffic violations which are predominantly controlled by state law. The Northfield rental housing ordinance already contains an administrative penalties section (Sec. 14-140) which applies only to violation of the rental housing ordinance. Similar provisions may be adopted and applied to violations of other parts of the city code.

Without administrative penalties provisions, the primary remedy for violation of the city code has been criminal prosecution with the possibility of jail time and fines being imposed upon conviction. This remedy involves certain negative consequences for both the city and the accused. For instance:

- The delay inherent in the criminal justice system does not ensure prompt resolution of problems which affect the public interest, and those problems are sometimes urgent.
- It may seem inappropriate to label individuals as criminals for violation of administrative regulations.
- The higher burden of proof and the potential of being incarcerated do not appear appropriate for many administrative violations.
- The court system does not always regard city code violations as being important.
- Fines and jail time may leave the underlying issue (e.g., blight) totally unresolved.

Accordingly, the city council has concluded that the use of administrative citations and the imposition of civil penalties may be a legitimate and effective alternative method of enforcement of the city code. This method of enforcement would be in addition to and not in place of other

legal remedies which might be pursued for violation of the code (criminal prosecution, suspension or revocation of licenses, etc.).

The administrative penalties section of the rental housing ordinance provides for a penalty not to exceed \$2,000 per violation. This is a common maximum penalty found in the administrative penalties laws of other Minnesota cities. A schedule of penalties for particular offenses is usually established by resolution of the city council.

Administrative citations are issued and may be paid voluntarily or the “accused” may request a hearing. Local attorneys may be asked to serve as hearing officers. Hearing officers will have the authority to determine that a violation occurred and to impose the scheduled penalty, or to reduce, stay or waive a scheduled penalty either unconditionally or with appropriate conditions, or to dismiss a citation, depending on the facts as found by the hearing officer.

Civil penalties may constitute a lien against real property if real property or the use of real property is the subject of the violation and the property owner is found responsible for the violation. In these cases, the amount owing may be assessed against the real property and certified to the county auditor for collection with taxes.

City attorney Maren Swanson has stated that under the “all powers” clause of the Northfield Charter (Section 2.2), the city council has the authority to enact any legislation that is necessary or advisable to promote the public health, safety and welfare, as long as it is not contrary to state law. Staff has also received comments from the Chair of the Charter Commission consistent with this understanding of Section 2.2 of the city charter.

The specific language to Section 2.2 reads:

**Section 2.2. Powers of the City.**

In order to promote and protect the health, safety, morals, comfort, convenience, and welfare of the inhabitants of the city, the city shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter to confer upon the city every power which it would have if it were specifically mentioned. Unless granted to some other officer or body, all powers are vested in the city council.

At this time staff is proposing the City move forward with an administrative citations establishing civil penalties, procedures, and scope of use. Staff at future council meetings and worksessions will present additional information on the use of administrative penalties in other communities. This information should address the questions and concerns raised on scope of use, review process, and fee structure.

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