

City Council Meeting Date: November 2, 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 \$796,381.50

Disbursement Description	Date	Amount
<i>10/16/09 Accounts Payable Checks</i>	<i>10/16/09</i>	<i>\$ 294,570.35</i>
<i>10/23/09 ACH for Employee Payroll</i>	<i>10/23/09</i>	<i>\$ 150,528.67</i>
<i>10/23/09 Accounts Payable Checks (incl. Payroll Liabilities)</i>	<i>10/23/09</i>	<i>\$ 351,282.48</i>
	<i>TOTAL</i>	<i>\$796,381.50</i>

SUMMARY

The City Council is being asked to review disbursements for \$796,381.50. They are within the limitations of the approved budget and resources available.

SUBMITTED BY: *Julie Nordmeier, Accountant*

ATTACHMENTS:

1. Disbursement Lists

ITEM: Approval Disposal of Surplus Vehicles

ACTION REQUESTED:

Proposed Motion For Consideration: _____ Motion _____ Second

The City Council of the City of Northfield hereby approves the disposal of a 1998 Chevrolet Tahoe, 2000 Jeep Cherokee, 2002 Chevrolet Trailblazer, 2007 Chevrolet Impala.

SUMMARY

The City Council is being asked to approve the disposal of used City fleet vehicles. These vehicles have met the end of their service life and have either been eliminated or been replaced with new but used vehicles. The Capital Equipment Plan has laid out planned replacement guidelines and staff is making efforts to insure that these guidelines are followed so that significantly increased maintenance costs are not incurred because of an aging fleet.

1998 Chevrolet Tahoe Vehicle # PD-987622. This unit has been replaced with a vehicle already in the police department's fleet that was from a drug seizure. Staff recommends the sale of this unit at a December 5, 2009 vehicle auction. Sale proceeds will be returned to the Vehicle Forfeiture Fund.

2000 Jeep Cherokee Vehicle # PD-000204. This unit has been replaced with a newer vehicle recently purchased for administrative use in police investigations. Staff recommends the sale of this unit at a December 5, 2009 vehicle auction. Sale proceeds will be returned to the Vehicle Forfeiture Fund.

2002 Chevrolet Trailblazer Vehicle # PD-022292. This unit has been replaced with a newer vehicle recently purchased for use as a patrol vehicle/CSO vehicle for the police department. Staff recommends the sale of this unit at a December 5, 2009 vehicle auction. Sale proceeds will be returned to the Vehicle Forfeiture Fund.

2007 Chevrolet Impala Vehicle # 055297. This unit has been replaced with a newer vehicle recently purchased for administrative use in police investigations. Staff recommends the sale of this unit at a December 5, 2009 vehicle auction. Sale proceeds will be returned to the General Fund, as this vehicle is a recycled squad car originally purchased for city use.

Miscellaneous: All of these vehicles were being used in the police department for the past 7-8 years and all but one were the result of forfeiture proceedings. One of the vehicles has been eliminated with the other three replaced by recently purchased newer but used vehicles.

DECISION MATRIX:

Y	N	Checklist
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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?
N/A		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: *Chuck Walerius, Deputy Chief of Police*

ITEM: Approve Payment to the League of MN Cities Insurance Trust (LMCIT)

ACTION REQUESTED:

Proposed Motion for Consideration: _____ **Motion** _____ **Second**

The City Council of the City of Northfield hereby approves payment to the League of MN Cities Insurance Trust in the amount of \$17,992.35, which represents their share of the restitution received by the City of Northfield in regards to the Rate Search investment loss.

SUMMARY

The City Council is being asked to approve payment to the LMCIT to distribute a portion of the restitution received on the investment loss. At the Council work session on October 12th, staff advised the Mayor and Council that the U.S. Attorney’s Office had combined the LMCIT’s claim of \$100,000 with the City’s claim for restitution purposes. A breakdown of the initial loss and subsequent recoveries is shown below:

		City Share	LMCIT Share	City Share	LMCIT Share
Initial loss total	\$ 2,358,000	\$ 2,358,000			
Insurance recovery	<u>(100,000)</u>	(100,000)	100,000		
	2,258,000				
2007 transfer in from Capital Reserve Fund	(680,937)				
2008 revenues redirected	(35,834)				
2008 transfer in from City Bond & Assmts. Fund net assets	(15,000)				
2009 receipt of recovered CDs via US Attorney actions	(196,000)	(196,000)			
2009 restitution check received from the court	<u>(277,331)</u>			264,503.42	12,827.52
8/31/09 Balance	1,052,898				
9/3/09 2nd restitution check	(109,290)			104,234.65	5,055.03
09/09/09 reclass of earlier restitution check	(2,374)			2,264.19	109.81
2009 1st half tax settlement - revenues redirected	(55,513)				
Estimated redirected restitution to LMCIT	17,992				
10/2009 estimated balance	<u>903,714</u>	<u>\$ 2,062,000</u>	<u>\$ 100,000</u>	<u>\$ 371,002.27</u>	<u>\$ 17,992.35</u>
		95.375%	4.625%		

The percentage share of the loss varies slightly from the handout provided at the work session. The difference being that the \$100,000 receipt by the City from the League. At this point, the LMCIT’s share of the restitution is 4.625% or \$17,992.35.

City staff has reviewed the numbers with League officials and have agreed on the amounts. Should there be any further recoveries made through the restitution process, the City will have to allocate a portion of those amounts as well.

SUBMITTED BY: *Kathleen McBride, Finance Director.*

ITEM: Authorize staff to submit Parks and Trails Legacy Grant application to the Minnesota Department of Natural Resources

ACTION REQUESTED:

Proposed Motion For Consideration: _____ **Motion** _____ **Second**

The City Council of the City of Northfield approves Resolution 2009-106 – Supporting and authorizing an application to the Minnesota Department of Natural Resources for Parks and Trails Legacy Grant funding for the design and construction of a multi-use trail along the Cannon River.

SUMMARY

The Council is being asked to pass a resolution supporting an application for grant funding through the Parks and Trails Legacy Grant program. The Parks and Trails Legacy Grant program provides reimbursements to local governments for the acquisition, development, rehabilitation and/or maintenance of trails of regional or statewide significance. The program is derived from the Clean Water, Land and Legacy Amendment passed by Minnesota voters in 2008 and approximately \$3,383,250 is available for both parks and trails grant in 2009.

This grant program offers an opportunity for the greater Northfield area to develop a critical section of trail which is central to the success of the Greenway Corridor System. Staff along with Meg Otten and Peggy Prowe of Friends of the Mill Towns State Trail are developing an application for design and construction costs for a 3-mile multi-use trail along the east side of the Cannon River. Potential grant funds would be used for design and construction because the land is already acquired via City ownership and the willingness of landowners to grant permanent easement. The terms of the program would require a 25% match for any funds provided. The application is for approximately of \$514,000 for a \$685,000 total project. If awarded grant funds, the \$171,000 match would come from the City and donations from partners. Potential partners for this project include the Friends of the Mill Towns State Trail, the Rotary and the City of Dundas.

Applications for 2009 Parks and Trails Legacy Grants are due by November 13, 2009. All applications will be reviewed by a committee at the DNR with award decisions being announced in January 2010. All projects awarded through this year’s grants must be completed by June 20, 2011 and immediately available for use to the general public.

Y	N	Checklist
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X	<u>Does this project fit within the identified Council goals, objectives, and priorities?</u> Goal #2 identifies preserving natural resources and promoting a sustainable multi-modal transportation system
X	<u>Does the project fit within the estimated budget & resource parameters?</u>
X	<u>Is the public process identified consistent with the scope and implications of the project?</u> The proposed trail section is a critical piece of the Greenway Corridor System which was developed with a significant amount of public and board/commission input.
X	<u>Have the pertinent boards and commissions been identified for providing review, recommendations, or input?</u> The proposed trail section is a critical piece of the Greenway Corridor System which was developed with a significant amount of public and board/commission input.
X	<u>Is this decision consistent with current city plans (Comprehensive Plan, Transportation Plan, Park Plan, etc)?</u>
X	<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> N/A
X	<u>Have the suitable timelines and schedules been identified?</u>

ATTACHMENTS: 1. Resolution 2009-106
2. Map

SUBMITTED BY: *Joel Walinski, City Administrator*
Katy Gehler-Hess, City Engineer
Jennifer Nash, Assistant to City Administrator

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2009 – 106

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA SUPPORTING AND AUTHORIZING THE APPLICATION TO THE MINNESOTA DEPARTEMNT OF NATURAL RESOURCES FOR PARKS AND TRAILS LEGACY GRANT FUNDING FOR THE DESIGN AND CONSTRUCTION OF A MULTI-USE TRAIL ALONG THE CANNON RIVER

WHEREAS, all Minnesota communities benefit from a well maintained, efficient and adequately funded transportation system that offers diverse modes of travel; and

WHEREAS, the City of Northfield has developed the Greater Northfield Area Greenway Corridor System which includes a long-term vision and strategies for creating a non-motorized multi-use trail system that unites local communities, protects natural resource areas as communities grow and provides for recreation and alternative modes of transportation for area residents; and

WHEREAS, the Greenway Corridor System plan is the cornerstone of the Northfield Comprehensive Park, Open Space, and Trail System plan adopted by the City Council in 2008; and

WHEREAS, the Parks and Trails Legacy Grant program offers an opportunity for the greater Northfield area to develop a critical section of trail central to the success of the Greenway System; and

WHEREAS, the City of Northfield supports the grant application made to the Minnesota Department of Natural Resources for the Regional Parks and Trails Legacy Grant Program. The application is to construct approximately three (3) miles of multi-use trail for the Greenway Corridor System; and

WHEREAS, the section of trail being proposed for grant funding would connect with the Mill Towns State trail making it part of regionally significant trail system; and

WHEREAS, the City of Northfield recognizes the twenty-five (25) percent match requirement for the Regional Parks and Trails Legacy Grant Program and has secured the matching funds;

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

If the City of Northfield is awarded a grant by the Minnesota Department of Natural Resources, the City of Northfield agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Northfield will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City Council of the City of Northfield names the fiscal agent for the City of Northfield for this project as:

Kathleen McBride
Finance Director
City of Northfield
801 Washington St
Northfield, MN 55057

BE IT FURTHER RESOLVED, the City of Northfield hereby assures the proposed recreational trail will be maintained for a period of no less than 20 years.

PASSED by the City Council of the City of Northfield on this 2nd day of November 2009.

ATTEST

City Clerk

Mayor

VOTE:

___ROSSING
___ZWEIFEL

___POWNELL
___POKORNEY

___BUCKHEIT
___VOHS

___DENISON

ITEM: Public hearing and approve renewal of currency exchange licenses

ACTION REQUESTED:

Proposed Motion for Consideration: _____ **Motion** _____ **Second**

The City Council of the City of Northfield hereby approves renewal of currency exchange licenses for:

- *Northfield Fast Cash, LLC located at 650 Professional Drive*
- *Mena Mary located at 875 Highway 3 North*

SUMMARY:

The City Council is being asked to hold a public hearing and to consider approval of renewal of currency exchange licenses for Northfield Fast Cash at 650 Professional Drive and Mena Mary at 875 Highway 3 North. Staff recommends approval of the licenses.

The Minnesota Department of Commerce issues currency exchange licenses and renewals. They conduct background checks on each of the owners and officers from the Minnesota Bureau of Criminal Apprehension. Applicants are required to submit a \$10,000 surety bond valid for the entire licensing period, as well as a fee schedule of all fees to be charged by the currency exchange office. Minnesota Statutes Chapter 53A.04 requires the Department of Commerce to submit applications for licensure as a currency exchange to the government body of the municipality in which the currency exchange conducts business. The governing body is required to give published notice of its intention to consider the issue and solicit testimony from interested persons. The law further requires the governing body of the municipality to render a decision regarding the renewal of the license within 60 days.

The Police Department has conducted a records check on the two addresses. There were no items of concern believed to be tied to the currency exchange businesses.

Y	N	Checklist
N/A		Does this project fit within the identified Council goals, objectives, and priorities?
X		Does the project fit within the estimated budget & resource parameters?
X		Is the public process identified consistent with the scope and implications of the project?
N/A		Have the pertinent boards and commissions been identified for providing review, recommendations, or input?
N/A		Is this decision consistent with current city plans (Comprehensive Plan, Transportation Plan, Park Plan, etc)?
X		Have the future costs to city operations been calculated and identified?

X		Are there measurable criteria to aid with the decision-making and have they been identified?
X		Have the suitable timelines and schedules been identified?

SUBMITTED BY:

Deborah Little, City Clerk

Mark Taylor, Chief of Police

ITEM: A resolution to approve inter-fund loans for the Housing and Redevelopment Authority's purchase of three townhomes on Elianna Drive

ACTION REQUESTED:

Proposed Motion For Consideration: _____ **Motion** _____ **Second**

The City Council is being asked to approve the attached resolution approving an inter-fund loan for the Housing and Redevelopment Authority so they may purchase three foreclosed townhomes on Elianna Drive.

SUMMARY

The City Council is being asked to consider approving a loan from the Capital Reserve Fund in the amount of \$125,000 to the Housing and Redevelopment Authority for the purchase of three townhomes on Elianna Drive. The current balance of the Capital Reserve Fund is \$707,565.

The HRA has \$200,000 in the fund balance for this purchase but is unable to obtain a mortgage on the remaining amount needed. The townhomes are four-bedroom, three-bath units with 2-stall garages that have never been occupied. The builder obtained Certificates of Occupancy on each unit but was unable to sell them before foreclosing on the entire project. The HRA intends to use these townhomes for rental properties, with the possibility of selling them to the tenants on a contract for deed.

The HRA has offered a purchase price of \$100,000 for each unit, payable in cash. The units are currently selling for \$125,000 a piece. The HRA will pay a 4.275% interest rate on the \$125,000 loan, amortized over 15 years. Additional principal payments are planned and expected in future years so that the loan is paid off in ten years. Should the HRA sell a unit before the loan is paid off, the Capital Reserve Fund would be paid back in full with the sale proceeds.

Y	N	Checklist
X		Does this project fit within the identified Council goals, objectives, and priorities? <i>This project of the HRA addresses blighted properties, creating and maintaining safe neighborhoods, providing affordable housing options and adding to the tax base.</i>
X		Does the project fit within the estimated budget & resource parameters? <i>The HRA is using their fund balance for this project and the loan from the Capital Reserve Fund will be repaid with interest, hence benefiting both parties.</i>

X		Is the public process identified consistent with the scope and implications of the project? <i>The HRA has discussed this project for several months and staff has identified this project in both 2010 budget dialogue and weekly chatter.</i>
X		Have the pertinent boards and commissions been identified for providing review, recommendations, or input? <i>The HRA and City Council are the bodies that must weigh on this decision.</i>
X		Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)? <i>The housing chapter identifies a need for larger rental properties and the need for affordable housing. Rent will match fair market rents released by HUD and when the units are resold, will be available for low/moderate income households.</i>
X		Have the future costs to city operations been calculated and identified? <i>Because the units will be occupied, there will be less of an issue with long lawns and snow covered sidewalks. The units when foreclosed presented a continuous maintenance issue, potential safety issue for the neighborhood and do not add to the tax base.</i>
	X	Are there measurable criteria to aid with the decision-making and have they been identified? <i>NA</i>
X		Have the suitable timelines and schedules been identified? <i>The properties will be purchased and rented immediately upon Council approval and accepted purchase agreement from the holding bank.</i>

ATTACHMENTS:

1. Resolution 2009-105
2. Map

SUBMITTED BY: *Michele Merxbauer, Program Administrator*
Kathleen McBride, Finance Director

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2009-105

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA TO APPROVE INTERFUND LOANS FOR THE HOUSING AND REDEVELOPMENT AUTHORITY'S PURCHASE OF THREE TOWNHOMES ON ELIANNA DRIVE

WHEREAS, the Housing and Redevelopment Authority is interested in purchasing the townhomes located at 2338,2334 and 2330 Elianna Drive for the purpose of providing rental properties for low to moderate income families; and

WHEREAS, the Housing and Redevelopment Authority requires assistance in the \$300,000 purchase in the amount of \$125,000; and

WHEREAS, city-owned property cannot be mortgaged, thus requiring alternative financing; and

WHEREAS, funds are available in the Capital Reserve Fund that may be loaned to the Housing and Redevelopment Authority for this purpose; and

WHEREAS, the City Council must formally approve such interfund loans and a corresponding repayment plan;

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

A loan of \$125,000 from the Capital Reserve Fund is approved to provide additional financing for the purchase of the aforementioned townhomes.

Interest on the loan shall be at a fixed annual rate of 4.275% with monthly payments commencing forty-five days from the date of closing on the property. Monthly payments amounts shall be based upon a fifteen-year amortization schedule. Additional principal payments are planned and expected in future years so that the loan is paid off in ten years.

The Finance Director shall provide annual updates of the status of the loan to the City Council.

PASSED by the City Council of the City of Northfield on this 2nd day of November, 2009.

ATTEST

City Clerk

Mayor

VOTE: ___ ROSSING ___ POWNELL ___ DENISON ___ ZWEIFEL
 ___ BUCKHEIT ___ POKORNEY ___ VOHS

ITEM: City Attorney Contract

ACTION REQUESTED:

A. Proposed Motion For Consideration: _____ **Motion**
_____ **Second**

The City Council of the City of Northfield hereby authorizes the Mayor and City Administrator to negotiate and approve the contract with Flarehty & Hood, P.A. for the City's civil legal services on behalf of the City of Northfield.

B. Proposed Motion For Consideration: _____ **Motion**
_____ **Second**

The City Council of the City of Northfield hereby authorizes the Mayor and City Administrator to negotiate and approve the contract with Campbell/Knutson for prosecutorial legal services on behalf of the City of Northfield.

SUMMARY:

The City Council is being asked to consider authorizing the Mayor and City Administrator to negotiate and approve contracts for the City's legal services on behalf of the City of Northfield. The two firms recommended by the Selection Committee are:

- For civil legal services the Selection Committee recommends Flaherty & Hood P.A. with Mr. Chris Hood being the primary City Attorney.
- For prosecutorial services the Selection Committee recommends Campbell Knutson P.A. with Elliot Knetsch as the primary City Prosecutorial Attorney.

By approving these motions the Council is accepting the recommendations of the Selection Committee and authorizing the development of contracts and granting the Mayor and City Administrator the ability to enter into these agreements on behalf of the City of Northfield. Prior to contracts being approved they will be reviewed by Mr. Scott Riggs, Kennedy-Gaven, Chartered. Mr. Riggs is the City attorney for the City of Faribault and the City has used Kennedy-Graven for other contract reviews. Information on the two recommended firms and significant contract terms are listed below:

Flaherty & Hood PA primary contact Mr. Chris Hood

Key experience and work history of recommended attorney and firm (Full history and experience provided on Attachment #1: Flaherty & Hood P.A., Areas of Practice and Experience):

- Mr. Hood has over 16 years representing MN Cities.
- Flaherty & Hood has 6 other attorneys that work on providing legal advice to MN Cities.
- Flaherty & Hood's business plan is focused on serving MN cities with over 95% of their billable hours being to MN cities.
- One firm will be providing the full extent of the Northfield's wide array of civil legal needs. The firm has a history of specialized services, recognized experts in multiple fields that will provide a high degree of value to Northfield. The areas where Flaherty & Hood has a recognized area of legal specialization include, public improvement financing, land use, annexation, human resources to mention a few. These areas of legal skill are applicable to the City of Northfield and represent a recurring need for legal advice.
- The firm has a wide scope of experience with multiple cities: Park Rapids, Winona, Moorhead, and Owatonna.
- The firm's focus of service is the ability to provide choices to the council and assess potential outcomes.
- The firm has reputation as fair and honest, is recognized by state agencies, municipal associations and a number of cities for their expertise.
- Cost is within budget parameters, the 2nd lowest or lowest proposal.

The contract currently under consideration and review includes the following key elements:

1. The contract length will be for a three year period with two additional years being optional.
2. The contract will include attendance at 24 normally scheduled council meetings. No travel fees. The council can determine the value of attendance by the City Attorney at City Council meetings.
3. Local office hours to be established for the transition period and initial 6 month of contract. Subject to review at that time.
4. *Retainer*: On or about July 1, 2010, the parties agree to mutually evaluate the hourly billing arrangement contained within and whether modification in the parties' relationship to include a monthly retainer would be mutually beneficial.
5. The contract costs are outlined in the table below:

Contract Year	2010	2011	2012	
Itemized Hourly Rates:				
General Municipal Matters FLAHERTY & HOOD, P.A. will provide civil legal services on General Municipal Matters at a flat rate per hour for all personnel. General Municipal Matters means all civil legal services provided to Northfield as identified on pages 3 and 4 of the City's <i>Request for Proposals for Attorney Services, June 2009</i> that are not otherwise classified as Civil Matters or Developer Reimbursed Matters.	Attorneys	\$95/hr	\$100/hr	\$105/hr
	Other Legal	\$50/hr	\$55/hr	\$60/hr
Civil Matters FLAHERTY & HOOD, P.A. will provide civil legal services on Civil Matters at a flat rate per hour for all personnel. Civil Matters means all civil legal services provided to Northfield that are not otherwise classified as General Municipal Matters or Developer Reimbursed Matters.	Attorneys	\$110/hr	\$115/hr	\$120/hr
	Other Legal	\$60/hr	\$65/hr	\$70/hr
Developer Reimbursed Matters FLAHERTY & HOOD, P.A. will provide civil legal services that will be reimbursed to Northfield by a project proposer, developer, person or entity at flat rate per hour for all personnel.	Attorneys	\$170/hr	\$175/hr	\$180/hr
	Other Legal	\$75/hr	\$80/hr	\$85/hr
Minimum Increment of Time Billed for Services		15 min.	15 min.	15 min.

Campbell/Knutson P.A. primary contact Mr. Elliot Knetsch

Key experience and work history of recommended attorney and firm (Full history and experience provided on Attachment #2: Campbell/Knutson P.A., Areas of Practice and Experience):

- Mr. Knetsch has over 20 years serving as a prosecutor for various communities: Plymouth, Burnsville, Lakeville, Cannon Falls, Farmington, Hampton.
- Campbell/Knudsen employs 12 attorneys, 6 are focused on exclusively providing prosecutorial services to cities.
- Campbell/Knudsen firm's focus is governmental legal services.
- Wide scope of experience with multiple Cities of various sizes and location - suburban and out state.
- The firm's practice is to provide immediate feedback to officers and provide training on legislative initiatives that would be included within the service contract.
- The focus of prosecution is considered to be that of the client's, not the attorney's. The council provides the direction and emphasis on the firm's prosecutorial service.
- The firm's approach to ordinance and code enforcement is viewed as programmatic and the Campbell/Knutson firm has numerous attorneys who can be called upon to provide prosecutorial services. This is referred to as having a "deep bench" from which to obtain prosecutorial support to provide timely updates and service.
- Significantly lower costs than other submitted proposal.

1. The contract length will be for a three year period with two additional years being optional.
2. The service contract costs are outlined below:
 - A. *Criminal Prosecution Hourly Rates:* Lead Attorney (Elliott B. Knetsch) - \$115.00 per hour; Other Attorneys - \$110.00 per hour; Law Clerks and Legal Assistants - \$70.00 per hour.
 - B. *Minimum Billing Increment:* The minimum billing increment for all services is 2/10ths of an hour, (12 minutes).
 - C. *Costs:* Out-of-pocket costs without mark-up. Costs include:
 - Westlaw
 - recording fees
 - postage of 50¢ or more
 - photocopies at 20¢ per copy
 - long distance telephone calls
 - litigation (court filing fees, expert witnesses, acquisitions, subpoenas, service of process, court reporter fees, etc.)
3. Local office hours to be established for transition period and initial 6 month of contract.
4. *Retainer:* After six (6) months, Campbell Knutson will propose a monthly retainer for attorney fees, law clerk and legal assistant fees, plus out-of-pocket costs. All prosecution legal services would be included in the retainer except the following: i) criminal appeals, ii) civil forfeitures of motor vehicles pursuant to Minn. Stat. § 169.1217, and iii) prosecution of ordinance violations initiated by any City department other than the Police Department. These non-retainer legal services would be billed at the hourly rates set forth in Section A above. The City may elect to accept the proposed retainer or continue with hourly rates billing.
5. Contract will need to address accessibility of officers, victims, and clients to City Prosecutor as has been identified

SELECTION PROCESS:

The Council authorized and approved the initial Request for Proposal and appointed the makeup of the Selection Committee on June 15, 2009. The selection committee included Mayor Rossing, Ms. Deb Little, City Clerk, Mr. Mark Taylor, Police Chief, Mr. Brian O'Connell, Community Development Director, Ms. Kathleen McBride, Finance Director, and Mr. Joel Walinski, City Administrator.

The initial Request for Proposal was posted beginning June 18th, with the deadlines for submittals being July 13, 2009. Special notices were sent out to the nine law firms currently doing business within the City of Northfield. Notices were also sent to all firms that were in the City database of legal firms. Additionally ads were placed in the Northfield News and on the League of Minnesota Cities website.

Scoring of the proposal:

Firms Submitting Proposals:

- Joseph J. Langel and Jay T. Squires, Ratwik, Roszak & Maloney, P.A. Civil
- Christopher M. Hood, Flaherty & Hood, P.A. Civil
- Maren L. Swanson & Timothy L. Morisette, Lampe Law Group, L.L.P. Civil/Prosecutorial
- John L. Fossum, Fossum Law Office, LLC Prosecutorial
- Frederic W. Knaak, Knaak & Kryzer, P.A. Civil/Prosecutorial

The proposals were scored by individuals on the Selection Committee based on the following criteria:

1. Years of experience in local government civil or prosecutorial law
2. Demonstrated knowledge in areas specified within the submitted proposal:
 - a. General state and federal laws relating to municipal government
 - b. Zoning, housing, annexation, subdivision and land use law
 - c. Economic development activities including development, redevelopment, enforcement, and property/real estate law
 - d. Legal activity relating to general obligation bonds, revenue bonds, tax increment bonds, tax exempt bonds, and other bonding and financial processes
 - e. Ordinance and resolution development and interpretation
 - f. Government Data Practices
 - g. City Charter and City Code issues
 - h. Contract law
 - i. Environmental law
 - j. Franchise law
 - k. Municipal leases
 - l. Eminent Domain
 - m. Trial activity
 - n. Criminal Prosecution
3. Resources: Demonstrated availability of additional attorneys, other professional and support staff, other resources
4. Cost of proposal: Hourly and retainer

Criteria were created to assist in the selection process. These criteria were included in the RFP and were approved by the City Council as part of their Council action to approve the entire solicitation process. The RFP notification was sent to every law firm located within the City of Northfield and to numerous other law firms in the area including the metro region. The selection criteria does not provide for a preference or selection being based on a local preference. The Selection Committee is aware of the desire to retain local legal counsel and agrees with the concept if all other selection criteria are equal. Since there is a clear distinction in firms based on other selection criteria, the local preference concept was not viewed as the deciding factor.

All firms were interviewed except Mr. John L. Fossum, Fossum Law Office, LLC. Mr. Fossum has extensive experience as a public defender and no experience as a prosecutorial attorney. Initial interviews were completed on August 10 and August 12, 2009.

Key Criteria identified by selection committee after review of proposals submitted and initial interviews for civil legal services:

- The breadth of municipal legal service experience by individual attorney's or their firms. The top ranked firms had a significant amount of experience and number of years of providing both general and specialized civil legal services to multiple small and mid-size non-metro cities.
- The depth and availability of additional attorneys and professional staff. Both of the top rated firms identified a primary contact with an extensive city government focused background as well as a significant number of attorneys within the firm who could back up and support the primary attorney also with an extensive background in providing both general legal counsel and special counsel to a number of cities throughout the state.
- A history of the legal services provided by the top rated firms and the wide array of civil services provided by their firm for municipal government, allowing one firm to provide the full extent of the Northfield's civil legal needs. This was seen as a good value for the City in terms of services provided and cost containment.

As a result of initial interviews, the Selection Committee identified two firms that could provide civil legal services to the City and meet the key criteria: Joseph J. Langel and Jay T. Squires, Ratwik, Roszak & Maloney, P.A. and Christopher M. Hood, Flaherty & Hood, P.A. A second interview of the top two firms for civil services was completed on August 31, 2009 and references of both firms were contacted. Although both firms received high marks by all references contacted, Flaherty & Hood, P.A. was the committee's recommendation because of the firm's work experience with a number of smaller communities and some consideration given on the cost of the proposal presented.

Regarding the firms not selected, the Selection Committee appreciates the time and effort put forth by the firms submitting proposals. The committee also would acknowledge that all firms were considered based on the experience, skills, and personnel. Listed below are the firms and the criteria shortcomings identified by the committee.

Joseph J. Langel and Jay T. Squires, Ratwik, Roszak & Maloney, P.A.: this firm is based in St. Paul and provides a significant amount of work to many cities, they are well equipped and staffed to handle many of the Northfield's civil legal needs. The committee felt that much of the firm's work focused on suburban/metro cities and the proposal submitted had hourly costs 25% higher than the recommended firm.

Maren L. Swanson & Timothy L. Morisette, Lampe Law Group, L.L.P.: This firm is based in Northfield and has provided the City with legal services 25 plus years, employs 3 attorneys. The firm stipulated during the interview process that they would only consider a contract for both civil and prosecutorial services. The breadth of the firm's civil service is primarily limited to servicing Northfield. The number of attorneys employed by the firm limits the depth of service. The limited number of the firm's attorneys has and will require the City to continue to employ additional attorneys to handle the array of civil legal needs at a significantly higher price.

Frederic W. Knaak, Knaak & Kryzer, P.A.: This firm is located in Vadnais Heights and employees 6 attorneys. The firm had limited experience in providing prosecutorial service. The firm's focus was on metro suburban cities, which limited the breadth of experience.

John L. Fossum, Fossum Law Office, LLC: This firm is based in Northfield. Mr. Fossum has extensive experience as a public defender and no experience as a prosecutorial attorney.

As noted, another outcome of the interviews was the stipulation placed on the proposal submitted by the Lampe Law Group, L.L.P. During the interview process, the firm stated they would only

accept a contract from the City where the firm would be under contract for both civil and prosecutorial services. The selection committee felt more options were needed for the prosecutorial services.

As a possible alternative, a preliminary assessment of hiring a in house City Attorney/Prosecutorial Attorney was considered. The problems identified included finding a seasoned attorney with the breadth of experience in all aspects of civil and prosecutorial legal functions required by the City, providing additional staff support for this position, and employee cost and benefits would exceed the current expenditures of legal services.

Additionally, Rice County was also contacted and asked to provide the costs of providing the City with Prosecutorial Services. The estimated price was \$127,000. Because of the amount of prosecuting work required by the City, a full time County Attorney legal associate would be required.

An update of the selection process was provided to the Council on August 31, 2009 and Council authorization for a Prosecutorial Only RFP was approved on September 14, 2009. Posting of the RFP was made on September 15, 2009 with the deadline of September 30, 2009. Notices were sent to all legal firms within the City's database. Ads were also placed in the Northfield News and on the League of Minnesota Cities website. Two firms submitted proposals for the Prosecutorial Services: Lampe Law Group and Campbell/ Knutson.

Interviews were conducted on October 7, 2009. As a result of the proposal review and interviews, the selection committee identified five key criteria in their decision making:

- Breadth of service experience with other communities, whether by the individual attorney or their firms.
- The depth and availability of additional attorneys and professional staff. The availability of additional staff allows for the ordinance and code updates and enforcement to be viewed as programmatic.
- Availability of attorney to be in contact with local law enforcement and those involved with the judicial system: judges, defendants, victims, and other attorneys.
- Costs.
- The focus of prosecution is considered to be that of the client's, not the attorney's. The council directs the focus and emphasis of the firm's prosecutorial service.

Based on the criteria, the firm of Campbell/Knutson PA with Elliot Knetsch as the primary City Prosecutorial Attorney was rated as the top candidate. The firm has a broader scope of experience with more cities and a greater number of attorneys within the firm focusing on prosecutorial law practice. Additionally, although not normally a key criteria, in this instance there was a significant cost difference between the two proposals submitted. The Lampe Law Group proposal was 60% higher than the Campbell/Knudsen proposal, \$185 per hour vs. \$115 per hour. References for Campbell/Knutson P.A. were checked and found to be exceptional from both large and small cities, metro and non-metro.

The field of law as it relates to municipal government is changing, The firms that focus on municipal law are more equipped to provide the value added service to their clients. Good governance requires the City review these service contracts, review the service levels, and position the City to best respond to the changing times. Given the changes on the horizon of the enforcement of ordinances, City operations, and City financing that will effect the City 's ability to survive and sustain itself successful, the selection process was timely. The Selection

Committee does acknowledge the work performed and provided by the Lampe Law Office over the past several decades. It has served the City well.

COUNCIL OPTIONS:

1. Approve the Selection Committee's recommendation as identified in the Proposed Motions for Considerations as listed above.
2. Reject either Proposed Motion and select an alternative firm or firms from those firms that have submitted proposals and authorize the Mayor and City Administrator to negotiate and develop contracts with identified firms.
3. Reject both Proposed Motions and select an alternative firm or firms from those firms that have submitted proposal and authorize the Mayor and City Administrator to negotiate and develop contracts with identified firms.
4. Reject both Proposed Motions and develop a new selection process for selecting a firm to provide legal services to the city.

Y	N	Checklist
X		<p>Does this project fit within the identified Council goals, objectives, and priorities? The periodic review of the City's contracted services is a requirement of good governance. The RFP process supports council Goal Number 4: The Council will implement a systematic approach to problem solving and decision making.</p> <p>Previously the City of Northfield solicited proposals for legal services three times since 1995. There were 3 proposals received in 1995, 4 proposals received in 1999, and only one proposal received in 2001. Maren Swanson has served as the City Attorney since 1988 and also served as the Assistant City Attorney from 1986-1988. Tim Morissette has served as the City's Prosecuting Attorney since 1988.</p>
X		<p>Does the project fit within the estimated budget & resource parameters? Although cost was one of several criteria considered, both recommended firms fees are within the cost constraints of the proposed 2010 Budget.</p>
X		<p>Is the public process identified consistent with the scope and implications of the project? The Council has been given periodic updates as the process has proceeded. The public process is consistent with other city service contracts.</p>
N/A		<p>Have the pertinent boards and commissions been identified for providing review, recommendations, or input?</p>
NA		<p>Is this decision consistent with current city plans (Comp Plan, Transportation Plan, Park Plan, etc)?</p>
X		<p>Have the future costs to city operations been calculated and identified? Yes</p>
X		<p>Are there measurable criteria to aid with the decision-making and have they been identified? Yes, see criteria listed above.</p>

X	Have the suitable timelines and schedules been identified? Yes, if approved the new service contracts are scheduled to be implemented January 1, 2010, which allows for a transition period in November and December of 2009.
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ATTACHMENTS:

1. Attachment #1: Flaherty & Hood, Areas of Practice and Experience.
2. Attachment #2: Campbell/Knudsen P.A., Firm Profile and Resume
3. Attachment #3: Proposal Cost Comparisons.

SUBMITTED BY: *J. Walinski, City Administrator*



Areas of Practice and Experience, Current and Past Clients, Fee Schedule and References from City Clients

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October 23, 2009

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AREAS OF PRACTICE AND EXPERIENCE

FLAHERTY & HOOD, P.A. proposes to serve as City Attorney for the City of Northfield (City or Northfield) for all of the City's civil legal services. Services will include, but are not limited to, those services outlined in the City's *Request for Proposals for Attorney Services, June 2009*.

General Description of FLAHERTY & HOOD, P.A.

FLAHERTY & HOOD, P.A. is a public interest law firm almost exclusively representing Minnesota cities. **FLAHERTY & HOOD, P.A.**'s philosophy is to represent the best interest of our municipal clients in a cost-effective and efficient manner while protecting the rights of the city and achieving successful outcomes for the city and its taxpayers.

FLAHERTY & HOOD, P.A. is an experienced, progressive law firm providing a full range of legal services to our municipal clients. These services include *general* municipal matters such as contracts, real estate transactions, land use, development, public labor and employment, data practices, open meeting law, general municipal, and environmental regulatory, among others. In addition, **FLAHERTY & HOOD, P.A.** excels in providing legal services in complex *special* project areas such as labor contract negotiations, grievance and interest arbitrations, orderly and contested annexations, utility and regulatory issues, eminent domain, and environmental permitting and review. Finally, our experience includes representation of clients in federal and state district and appellate courts, before administrative agencies and in arbitration proceedings. As a result, with the exception of bond work and tax increment financing, **FLAHERTY & HOOD, P.A.** provides a one-stop-shop for the City's civil legal services needs.

FLAHERTY & HOOD, P.A. currently serves as city attorneys and as special legal counsel for numerous cities on various municipal matters. **FLAHERTY & HOOD, P.A.** is the city attorney for the cities of Sartell, Grand Marais and Park Rapids. Some of **FLAHERTY & HOOD, P.A.**'s current legal services municipal clients include, but are not limited to the following: Crookston, East Grand Forks, Faribault, Fergus Falls, Grand Marais, Grand Rapids, Hibbing, La Crescent, Luverne, Marshall, Melrose, Moorhead, Owatonna, Park Rapids, Sartell, Staples, Thief River Falls, Warren, and Winona. A full list of our current and past clients is included below.

The following highlights some of **FLAHERTY & HOOD, P.A.**'s areas of practice and experience in providing civil municipal legal services.

Services Provided to Northfield

Since 2004, **FLAHERTY & HOOD, P.A.** has served as special legal counsel to Northfield regarding the review, analysis, interpretation, negotiation and drafting intergovernmental orderly annexation agreements with the townships of Bridgewater, Northfield, Greenvale and Waterford; negotiation and drafting an intergovernmental wastewater service connection and conveyance agreement with the city of Dundas, and participating in the development of site-specific nutrient standards and watershed modeling relative to the Lake Byllesby Total Maximum Daily Load (TMDL) project.

Areas of Practice

1. Municipal and Joint Powers

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of municipal law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- **Minnesota Open Meeting Law**
- **Minnesota Government Data Practices Act**
- **Contracts for services**
- **Intergovernmental and joint powers agreements**
- **Ordinances and resolutions**
- **Legal compliance**

FLAHERTY & HOOD, P.A. has assisted cities throughout the state of Minnesota with research and advice on many general municipal issues, including but not limited to those listed above and on labor relations, public employment, human resources, environmental review and permitting, real estate, land use and development, tax abatement, and competitive bidding. **FLAHERTY & HOOD, P.A.** has drafted numerous municipal agreements, resolutions and ordinances, and required correspondence to residents and entities. **FLAHERTY & HOOD, P.A.** has advised joint powers organizations such as the Minnesota Environmental Science and Economic Review Board of which Northfield is a member, the Northwest Service Cooperative, Coalition of Utility Cities, and Missouri River Energy Services on such issues as review and drafting of joint powers agreements and legal authority and procedures, and other regulatory matters.

A list of the current and past clients that **FLAHERTY & HOOD, P.A.** has represented or currently represents on municipal law matters is below.

2. Real Estate

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of real estate law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- **Residential and commercial purchase agreements and addenda**
- **Roadway and utility permanent and temporary easements**
- **Conservation, park, and trail easements**
- **Deeds and conveyances**
- **Eminent domain process and proceedings**

FLAHERTY & HOOD, P.A. currently represents the cities of Sartell, Luverne and Park Rapids collectively on matters such as development agreements, real estate transactions, right-of-way acquisition and easements, and eminent domain.

3. Annexation and Land Use

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of annexation and land use law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- **Orderly annexation agreements**
- **Annexations by ordinance**
- **Contested annexation proceedings**
- **Tax abatement policies and agreements**
- **Development and intergovernmental agreements**
- **Special assessment process and appeals**
- **District and appellate court litigation**

FLAHERTY & HOOD, P.A. recently negotiated a favorable settlement in a contested annexation proceeding on behalf of the City of Morris, as well as the City of La Crescent. In annexation matters, **FLAHERTY & HOOD, P.A.** has represented cities in contested case annexation proceedings, negotiated and drafted orderly annexation agreements and ordinances, and advised cities and city attorneys on the myriad of legal issues raised in annexation matters.

FLAHERTY & HOOD, P.A. has represented or currently represents in annexation and other land use matters the cities of Alexandria, Bemidji, Benson, Chisago City, Fergus Falls, Forest Lake, Glenwood, Hinckley, International Falls, Janesville, La Crescent, Little Falls, Luverne, Mankato, Marshall, Montevideo, Monticello, Moorhead, Mora, Northfield, Park Rapids, Perham, Pine River, Rochester, St. Charles, St. Cloud, Sartell, Sauk Centre, Staples, Waite Park, and Winona.

4. Environment

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of environmental law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- **Environmental review (EAW, EIS, AUAR)**
- **Wastewater treatment permits**
- **Pretreatment agreements with Significant Industrial Users (SIUs)**
- **Notices of Violation**
- **Sewer use and interconnection agreements**
- **Wetlands Conservation Act issues**
- **Administrative hearings, contested cases and appeals**

FLAHERTY & HOOD, P.A. recently favorably settled wastewater permitting matters in contested cases for the cities of Faribault and Owatonna, defeated respective challenges to the wastewater discharge permits for the City of St. Cloud and the Alexandria Lake Area Sanitary District in the Minnesota Court of Appeals and Supreme Court, and negotiated concessions from the Minnesota

Pollution Control Agency for the City of Red Wing's wastewater permit. On behalf of its clients, **FLAHERTY & HOOD, P.A.** assisted in developing a point-point nutrient trading program for cities and businesses in the Minnesota River Basin, and is participating in the development of watershed cleanup plans for Lake Byllesby, Lake Winona in Douglas County, and Lake Pepin.

FLAHERTY & HOOD, P.A. has represented or currently represents the cities of Alexandria, Becker, Brainerd, Glencoe, Grand Rapids, International Falls, Le Sueur, Luverne, Mankato, Marshall, Montevideo, Moorhead Public Utilities Commission, Mora, New Ulm, St. James, Sartell, Savage, Waseca, and Winona in environmental legal matters.

We represent clients in the interpretation and litigation of wastewater discharge permits, on environmental review matters, state pollution control statutes and regulations, and zoning and sanitary sewer extension issues. We are also involved in the development of water quality policy at the Legislature and the Minnesota Pollution Control Agency. We serve as general counsel to a joint powers organization of city wastewater treatment operators, public utilities commissions, and environmental engineers that works specifically on legal and regulatory issues affecting wastewater treatment.

5. Labor Relations, Employment Law and Human Resources

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of labor relations, employment law and human resources matters. Our experience includes, but is not limited to, the following:

Labor Relations:

- **Labor Contract Negotiations.** Represent cities in labor contract negotiations and mediations with employee unions; develop strategies and proposals; review labor contracts and recommend changes; and collect, compile, and summarize data from comparable cities on wages, health insurance, contract settlements, and other data.
- **Grievances.** Investigate employee and union grievances, draft responses and settlement proposals for cities, and represent cities at grievance meetings/hearings.
- **Arbitrations.** Represent cities in grievance and interest arbitration hearings, and compile and analyze relevant information and data for use at arbitration, including ability to pay and comparable cities analyses. Research state-provided lists of arbitrators and provide ranking order for purposes of striking and selection.
- **Bureau of Mediation Services (BMS) Proceedings.** Prepare filings for the BMS and represent cities at meetings, settlement negotiations, mediations, and hearings related to strikes; petitions for exclusive representative certification, decertification, and determination of affiliation; unit determinations and clarifications; fair share fee challenges; and independent review.

Employment Law:

- **Representation.** Represent cities in labor negotiations, mediation, arbitration, administrative proceedings, litigation, and appeals.

- **Advice.** Advise cities on selecting and hiring employees; misconduct, harassment, and discrimination; improving performance; proceeding with discipline and discharge actions, and reorganizing. Conduct training seminars for supervisors and employees.
- **Investigations.** Investigate personnel misconduct, harassment, and discrimination.
- **Legal Compliance.** Review, interpret, and advise cities on compliance with employment laws such as public labor relations laws (PELRA), discrimination laws (Title VII, ADEA, ADA, MHRA), wage and hour laws (FLSA), health and benefits laws (FMLA, PERA), Minnesota Government Data Practices Act, Open Meeting Law, Veterans' Preference Act, and Pay Equity Act.

Human Resources:

- **Personnel Policies and Practices.** Review policies and practices, draft new and revisions to policies and handbooks, advise on adopting and implementing revisions, develop forms and system for personnel record organization.
- **Job Descriptions.** Review and advise cities on job analysis procedures including employee interviews and questionnaires and draft and revise job descriptions.
- **Hiring and Discipline Processes.** Advise, review, and draft revisions to documents and procedures for cities involving civil service rules; personnel policies; job postings/advertisements; applications; testing, examination, and scoring procedures; interviews; background and reference checks; offer and rejection letters; investigations into misconduct; issuing discipline; and disciplinary hearings.
- **Performance Appraisal Systems.** Perform research for and advise cities on developing and implementing performance appraisal systems, especially in a unionized setting.
- **Comparable Worth.** Advise and review city pay equity compliance reports, pay plan studies, and appeals to Minnesota Management and Budget on pay equity compliance matters.
- **Management Training.** Conduct training sessions for management employees on hiring, compensation, performance matters, discipline, and handling grievances.

FLAHERTY & HOOD, P.A. has represented or currently represents the cities of Cloquet, Crookston, Detroit Lakes, East Grand Forks, East Grand Forks Water & Light Commission, Faribault, Fergus Falls, Glencoe, Grand Rapids, Hibbing, La Crescent, Luverne, Marshall, Melrose, Melrose Public Utilities Commission, Moorhead, Moorhead Public Utilities Commission, Owatonna, Park Rapids, Pine River, Sartell, Staples, Thief River Falls, Waite Park, Warren, Winona and Worthington on numerous labor relations, employment law and human resources matters. **FLAHERTY & HOOD, P.A.** also currently represents the 77 member cities of the Coalition of Greater Minnesota Cities (CGMC) Labor and Employee Relations Committee.

6. Economic Development

FLAHERTY & HOOD, P.A. has advised and assisted cities with tax abatement, tax increment financing (TIF), corporate subsidies, and capital investment agreements, policies and projects for cities including Luverne, Moorhead, Park Rapids, Sartell, Worthington, and the Seaway Port Authority of Duluth.

7. Contract Law

FLAHERTY & HOOD, P.A. has extensive experience in the interpretation and litigation of contract issues related to intergovernmental cooperation, sewer extension, insurance, corporations, development, service, orderly annexation, and employment agreements.

A list of the current and past clients that **FLAHERTY & HOOD, P.A.** has represented or currently represents on contract law matters is below.

8. Litigation and Contested Cases

FLAHERTY & HOOD, P.A. has the experience and expertise to assist Northfield with all facets of matters involving litigation or contested cases. Our experience includes but is not limited to advice, analysis, negotiation, representation, and drafting and reviewing documents in the areas that follow:

- **Pre-trial motions**
- **Settlement negotiations**
- **Discovery and dispositive motion practice**
- **Litigation in state and federal district courts, the Minnesota Court of Appeals and Supreme Court, the U.S. 8th Circuit Court of Appeals, the Minnesota Office of Administrative Hearings, and in arbitrations**
- **Representation in administrative matters before state and local agencies including but not limited to the Minnesota Bureau of Mediation Services; the Department of Employee Relations; the Minnesota Pollution Control Agency; the Department of Transportation; the Offices of Administrative Hearings and Management and Budget; Veterans Preference Panels; and Civil Service Commissions.**

A list of the current and past clients that **FLAHERTY & HOOD, P.A.** has represented or currently represents in litigation and contested cases is below.

9. Electric Generation and Transmission Law

FLAHERTY & HOOD, P.A. has extensive experience in legal and policy research and advocacy on electric utility taxation, transmission, power plant siting, and corporate governance matters. One of our clients is an Iowa based joint action agency operating as a municipal power agency for municipal utilities in Minnesota, while another is a joint powers organization of city governments concerned with the tax treatment of investor-owned utilities.

10. Other

In addition to traditional legal counsel, our firm provides policy and fiscal analysis and public relations and legislative advocacy services upon request. These services are beneficial for both legal and legislative matters.

CURRENT AND PAST CLIENTS

FLAHERTY & HOOD, P.A. has or currently represents the following listed clients:

CITY OF NORTHFIELD

Development of intergovernmental sewer contract, drafting and negotiating orderly annexation agreements, and wastewater regulatory issues.

CITY OF ALEXANDRIA

Negotiating and drafting orderly annexation agreement.

ALEXANDRIA LAKE AREA SANITARY DISTRICT (ALASD)

Environmental wastewater permit issues, Total Maximum Daily Load (TMDL) regulation, state agency representation and representation before the Minnesota court of appeals and Supreme Court.

CITY OF BECKER

Environmental wastewater permit issues, Notice of Violation, review and analysis of wastewater services agreement with significant industrial user, and state agency representation.

CITY OF BEMIDJI

Annexation and land use issues, including negotiation and drafting a settlement agreement in a contested annexation proceeding.

CITY OF BENSON

General municipal representation on annexation and land use, competitive bidding and regulatory matters.

CITY OF CHISAGO CITY

Annexation and land use issues, including representation before the Office of Administrative Hearings, district court and court of appeals in two separate contested annexation cases.

COALITION OF GREATER MINNESOTA CITIES (CGMC)

General legal representation, including as an organizational plaintiff in environmental appellate litigation and administration of a committee on public labor relations and employment issues, in addition to legislative representation on property tax, annexation and land use, economic development, transportation, environmental issues, and general media relations representation..

COALITION OF UTILITY CITIES (CUC)

Representation on electric utility taxation issues for host communities and general legal representation regarding joint powers entity and regulatory issues.

CITY OF CLOQUET

Review and analysis of orderly annexation issues; and public labor relations and employment issues, including personnel policy drafting, personnel disciplinary matters, grievance responses, and grievance arbitrations.

CITY OF CROOKSTON

Public labor relations and employment issues, including employment investigations, grievance responses, advice on reorganization, fitness-for-duty issues, and interest arbitration.

CITY OF DETROIT LAKES

Public labor relations and employment issues, including labor contract review and drafting and advice regarding grievance responses and labor contract negotiations.

CITY OF EAST GRAND FORKS

Public labor relations and employment issues, including employment investigation, grievance responses, labor contract review, drafting and negotiations; and data practices responses.

CITY OF FARIBAULT

Public labor relations and employment issues, including labor contract review and drafting and labor contract negotiations; environmental wastewater permit issues and state agency and appellate court representation; and tax increment financing issues.

CITY OF FERGUS FALLS

Public labor relations and employment issues, including grievance responses, advice on labor contract negotiations, a grievance arbitration, and a contested case hearing; contested annexation hearing, negotiating and drafting orderly annexation agreements, settlement agreements, ordinances; and municipal bonding issues.

CITY OF FOREST LAKE

Annexation and land use issues, including representation in a contested annexation matter before the Office of Administrative Hearings.

CITY OF GLENCOE

Public labor relations and employment issues, including employment investigation, grievance responses, and labor contract drafting; environmental wastewater permit issues; Notice of Violation; and state agency representation before the Minnesota Pollution Control Agency.

CITY OF GLENWOOD

Annexation issues, including general legal advice, memoranda and ordinance drafting.

CITY OF GRAND MARAIS

City attorney, public labor relations and employment issues, development and land use issues, data practices and open meeting law, and general municipal issues.

CITY OF GRAND RAPIDS

Public labor relations and employment issues, including personnel policy drafting, advice on legal compliance issues, grievance responses, employment investigation, fitness-for-duty issues, labor contract negotiations, departmental reorganization issues, and a contested hearing before the Bureau of Mediation Services; and environmental wastewater permit issues.

CITY OF HIBBING

Public labor relations and employment issues, including review of finance department procedures and practices, and grievance responses.

HIGHWAY 14 PARTNERSHIP

Legislative representation on transportation funding issues.

CITY OF HINCKLEY

Public labor relations and employment issues, including labor contract review and drafting and advice on labor contract negotiations; and annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement with a township and developer.

CITY OF INTERNATIONAL FALLS

Annexation and land use issues; environmental permit issues and state agency representation.

CITY OF JANESVILLE

Public labor relations and employment issues; and orderly annexation agreement and ordinances.

KANDIYOHI COUNTY

Public labor relations and employment issues.

KOOCHICHING COUNTY

Legislative representation on bonding and economic development issues.

CITY OF LA CRESCENT

Public labor relations and employment issues, including departmental investigation and review, grievance analysis and responses, and representation in interest and grievance arbitrations; general municipal and legal compliance memoranda; environmental review and regulatory matters; and annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement in settlement of a contested case.

LAKE BYLLESBY CITIES

Joint assistance to the cities of Faribault, Northfield, and Owatonna regarding site-specific nutrient standards and water quality modeling of Lake Byllesby.

CITY OF LITTLE FALLS

Representation regarding constitutionality of special law; representation and advice on contested annexation issues and negotiating and drafting orderly annexation agreement in settlement of a contested case.

CITY OF LUVERNE

General municipal representation; advice on process and representation in eminent domain proceeding in district court; advice and drafting orderly annexation agreement and ordinances; economic development regarding sales tax, municipal hospital, tax increment financing; public labor relations and employment issues; and environmental issues.

CITY OF MANKATO

Development of intergovernmental wastewater services interconnection agreement with city of Eagle Lake; drafting and negotiating orderly annexation agreements with Mankato and Lime townships; municipal bonding issues; wastewater permitting and environmental issues.

CITY OF MARSHALL

Public labor relations and employment issues, including grievance advice and responses, advice on labor negotiations, and legal compliance with FMLA and ADA; annexation and land use issues including drafting orderly annexation agreement and ordinances; and environmental wastewater permit issues.

CITY OF MELROSE

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, legal compliance research and memoranda, including FLSA compliance, and review and drafting personnel policies.

MINNESOTA ASSOCIATION OF REHABILITATION PROVIDERS (MARP)

Legislative and administrative agency representation on workers' compensation issues.

MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD (MESERB)

General municipal representation regarding joint powers functions, governance, research of environmental and other wastewater issues, administrative agency representation and advocacy regarding wastewater and other environmental issues impacting municipal wastewater treatment facilities.

MISSOURI RIVER ENERGY SERVICES (MRES)

Minnesota legal counsel on general governance issues and application of Minnesota public laws, and municipal electric utility issues including transmission and power plant siting; legislative and administrative agency representation on electric regulation issues including climate change, conservation, and renewable and community-based energy development.

CITY OF MONTEVIDEO

Annexation and land use issues; environmental wastewater permit issues; and state agency representation.

CITY OF MONTICELLO

Annexation and land use issues, including negotiating and drafting intergovernmental orderly annexation agreement with Monticello Township in settlement of a contested case matter.

CITY OF MOORHEAD

Public labor relations and employment issues, including grievance advice and responses, contested hearings before the Bureau of Mediation Services veterans preference hearing board, labor negotiations advice, and legal compliance advice and memoranda; economic development issues including border city development zones; municipal bonding issues; and annexation and land use issues, including legal advice and drafting orderly annexation agreements and ordinances.

MOORHEAD PUBLIC UTILITIES COMMISSION

Public labor relations and employment issues including representation and settlement of a multi-union unit clarification proceeding; and environmental regulatory and permit issues.

CITY OF MORA

Annexation and land use issues, including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter; environmental issues and state agency representation before the Minnesota Pollution Control Agency.

CITY OF MORRIS

Annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter.

CITY OF NEW ULM

Environmental wastewater permit issues and state agency representation before the Minnesota Pollution Control Agency.

NORTHWEST SERVICE COOPERATIVE

Research and legal memoranda regarding competitive bidding and asbestos abatement.

NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION (NWSCCC)

Representation regarding corporations created by political subdivisions and telecommunications issues.

CITY OF OWATONNA

Public labor relations and employment, including labor contract drafting and negotiations, personnel policy review, interest and grievance arbitrations, hiring audit, and data practices responses; environmental wastewater permit issues and state agency and appellate court representation.

CITY OF PARK RAPIDS

City attorney; general municipal compliance issues; public labor relations and employment issues including personnel policies review and drafting, labor contract negotiations and representation in interest arbitration; tax abatement and corporate subsidy policy; economic development and developer agreements; research and advice memoranda and correspondence regarding open meeting law and data practices compliance; real estate transactions and drafting easement agreements; variances and vacation of right-of-way; eminent domain process and representation; assessment process and appeals; HRA representation; drafting ordinances and resolutions; contract litigation in district court; code enforcement; and annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of contested case matter.

CITY OF PERHAM

Public labor relations and employment; and annexation and land use issues including ordinance and appellate representation.

CITY OF PINE RIVER

Annexation and land use issues including mediation, contested case hearing representation before the Office of Administrative Hearings, and district court representation; and public labor relations and employment issues, including labor contract drafting and negotiations and legal compliance.

CITY OF RED WING

Environmental wastewater permit issues, biosolids and state agency representation before the Minnesota Pollution Control Agency.

CITY OF ROCHESTER

Annexation and land use issues including legal advice and compliance, and drafting orderly annexation agreements and ordinances.

CITY OF ST. CHARLES

Annexation and land use issues, including ordinance drafting.

CITY OF ST. CLOUD

Administrative representation regarding contested case hearing on wastewater permit issues including representation before the Minnesota Pollution control Agency, Office of Administrative Hearings and the Minnesota Court of Appeals; negotiation and drafting wastewater service interconnection agreement with five neighboring cities; annexation issues including orderly annexation agreement advice and drafting; and municipal bonding issues.

CITY OF ST. JAMES

Public labor relations and employment; environmental wastewater permit issues and state agency representation.

CITY OF ST. MICHAEL/FRANKFORT TOWNSHIP

Annexation and land use issues, including negotiation and drafting a four party orderly annexation agreement (St. Michael, Albertville, Otsego, and Frankfort Township) resulting in the merger of St. Michael and Frankfort Township in settlement of a contested case matter.

CITY OF SARTELL

City attorney; general municipal including ordinance review and drafting; contract litigation; public labor and employment issues including a discipline process audit and amendment of personnel policies, department head training, and discipline and discharge advice and proceedings; real estate transactions and easement and right-of way agreement; drafting intergovernmental sewer agreement; representation in eminent domain proceedings; assessment appeals; and environmental review issues including review and analysis of Wetlands Conservation Act issues and process, legal advice and document drafting regarding a petition for an environmental assessment worksheet (EAW) and review and development of findings of fact for an Alternative Urban Areawide Review (AUAR).

CITY OF SAUK CENTRE

Annexation and land use issues including orderly annexation agreements and ordinances.

CITY OF SAVAGE

Legislative representation on environmental and bonding issues.

SCHOOLS FOR EDUCATION EQUITY

General legislative monitoring.

SEAWAY PORT AUTHORITY

Legislative and legal representation on tax increment financing, tax abatement, corporate subsidy, JOBZ and public finance issues.

CITY OF STAPLES

Public labor relations and employment issues including labor contract drafting and negotiations; and annexation and land use issues including negotiation and drafting orderly annexation agreement in settlement of contested case matter and resulting in the development of a new community hospital; eminent domain representation and process; drafting easement agreements; research and memoranda regarding intergovernmental utility extension and right-of-way matter.

CITY OF THIEF RIVER FALLS

Public labor relations and employment issues, including grievance advice and responses, arbitration representation, and labor contract negotiation and arbitration advice, FLSA compliance, and fitness-for-duty issues.

CITY OF TRACY

Public labor relations and employment issues including labor contract negotiations advice and analysis.

CITY OF WAITE PARK

Public labor relations and employment issues, including grievance review and responses, arbitration representation and drafting settlement agreement, labor contract drafting and negotiations, contested hearing representation, district court representation and research and analysis of civil service ordinance; and annexation and land use issues, including negotiation and drafting orderly annexation agreement and representation before district and appellate courts in a writ of mandamus proceeding, research and analysis of zoning matter.

CITY OF WARREN

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, employment investigation, union unit determination proceeding, personnel policy drafting, research and legal compliance memoranda, discipline and discharge advice, documentation and proceedings, and a contested hearing; and general municipal issues, including open meeting law compliance and responding to data practices requests.

CITY OF WASECA

Public labor relations and employment, including research and memoranda regarding FLSA and workers' compensation issues; environmental wastewater permit issues and state agency representation.

CITY OF WILLMAR

Environmental permit issues, including review and analysis of regulatory issues in an NPDES permit and state agency representation.

CITY OF WINDOM

Public labor relations and employment issues, including grievance advice and responses.

CITY OF WINONA

Public labor relations and employment issues, including labor contract drafting and negotiations and grievance and interest arbitrations; data practices responses and policy drafting; general city policy drafting, contested annexation hearing, environmental review issues, development of intergovernmental sewer contracts, negotiating and drafting orderly annexation agreements and ordinances, pay equity issues, bonding issues, administrative agency representation, and district court representation.

CITY OF WORTHINGTON

Public labor relations and employment issues, including labor contract drafting and negotiations and mediation.

FEES AND COSTS

HOURLY FEES

Contract Year	2010	2011	2012	
Itemized Hourly Rates:				
General Municipal Matters FLAHERTY & HOOD, P.A. will provide civil legal services on General Municipal Matters at a flat rate per hour for all personnel. General Municipal Matters means all civil legal services provided to Northfield as identified on pages 3 and 4 of the City's <i>Request for Proposals for Attorney Services, June 2009</i> that are not otherwise classified as Civil Matters or Developer Reimbursed Matters.	Attorneys	\$95/hr	\$100/hr	\$105/hr
	Other Legal	\$50/hr	\$55/hr	\$60/hr
Civil Matters FLAHERTY & HOOD, P.A. will provide civil legal services on Civil Matters at a flat rate per hour for all personnel. Civil Matters means all civil legal services provided to Northfield that are not otherwise classified as General Municipal Matters or Developer Reimbursed Matters.	Attorneys	\$110/hr	\$115/hr	\$120/hr
	Other Legal	\$60/hr	\$65/hr	\$70/hr
Developer Reimbursed Matters FLAHERTY & HOOD, P.A. will provide civil legal services that will be reimbursed to Northfield by a project proposer, developer, person or entity at flat rate per hour for all personnel.	Attorneys	\$170/hr	\$175/hr	\$180/hr
	Other Legal	\$75/hr	\$80/hr	\$85/hr
Minimum Increment of Time Billed for Services		15 min.	15 min.	15 min.

Expenses*

Mileage..... Applicable I.R.S. rate
 Black and white copies..... 15 cents/per page
 Color copies..... 75 cents/per page
 Fax..... 15 cents/per page
 Westlaw..... As applicable to required usage

* Northfield will not be charged mileage or travel time of FIRM personnel used in traveling to and from Northfield for purposes of attendance at any 24 meetings of the City Council or any boards or commissions thereof during a calendar year.

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REFERENCES

FLAHERTY & HOOD, P.A. has earned respect and credibility among key local and state officials and officers. We encourage you to contact any of the following clients to learn more about the services we provide:

Eric Sorensen

City Manager
City of Winona
P.O. Box 378
Winona, MN 55987-0378
(507) 457-8234

Patti Gartland

City Administrator
City of Sartell
P.O. Box 140
Sartell, MN 56377-0140
(320) 253-2171

Kris Busse

City Administrator
City of Owatonna
540 West Hills Circle
Owatonna, MN 55060-4794
(507) 774-7340

John Pechman

City Administrator
City of Chisago City
10625 Railroad Avenue, P.O. Box L
Chisago City, MN 55013-9400
(651) 257-4162

John Call

City Manager
City of Luverne
P.O. Box 659
Luverne, MN 56156-0659
(507) 449-2388

Aaron Parrish

City Administrator
City of Crookston
124 North Broadway
Crookston, MN 56716-1731
(218) 281-1232

Bill Smith

City Administrator
City of Park Rapids
212 Second St. W.
Park Rapids, MN 56470-1507
(218) 732-3163

Michael Redlinger

City Manager
City of Moorhead
P.O. Box 779
Moorhead, MN 56561-0779
(218) 299-5308

Shaunna Johnson

City Administrator
City of Waite Park
19 - 13th Avenue North
Waite Park, MN 56387-1066
(320) 252-6822

Mark Sievert

City Administrator
City of Fergus Falls
112 West Washington Ave.
Fergus Falls, MN 56538-0868
(218) 332-5400

The bottom line for any law firm is achieving results.

We are confident that our long-standing clients will tell you that they have returned to **FLAHERTY & HOOD, P.A.** because of our excellent service and successful track record.

CAMPBELL KNUTSON, P.A.

FIRM BACKGROUND

Campbell Knutson, P.A. focuses on providing municipal clients with competent, prompt and cost conscious service. Our firm has forged lasting and highly successful relationships with cities as diverse as Plymouth and Hampton. Campbell Knutson is conveniently located in the City of Eagan. The firm employs twelve attorneys and eight legal assistants. Ten of our twelve attorneys exclusively represent public sector clients. Over eighty percent of the firm's revenue is generated by our public-sector clients.

Campbell Knutson provides prosecution services for Plymouth, Burnsville, Lakeville, Cannon Falls, Chanhassen, Farmington and Hampton. With over 75 years of combined criminal law experience, our prosecution team has proven both stable and successful.

FIRM MUNICIPAL CLIENTS

1989-Present:	Lakeville Chanhassen League of Minnesota Cities Stillwater Township
1990-Present:	Cannon Falls Hampton
1992-2007:	Elko
1994-2007:	New Market
1994-Present:	Plymouth
1996-Present:	St. Louis Park
1997-Present:	Falcon Heights Lindstrom
1998-Present:	Big Lake Farmington
1999-Present:	Mora
2000-Present:	North St. Paul
2001-Present:	Braham
2002-Present:	Monticello

	Northfield (employment matters)
2003-Present:	Zimmerman
2004-Present:	Randolph
2005-Present:	Long Lake
2006-Present:	Orono Woodland
2007-Present:	Elko New Market Edina

APPROACH TO NORTHFIELD SERVICES

Campbell Knutson has been selected to provide prosecution services by the Cities of Lakeville, Hampton, Cannon Falls, Plymouth, Farmington, Burnsville and Chanhassen. We successfully completed each of those transitions with no disruption to the Police Departments or the Courts. Because of this background, we have been fortunate to gain in depth experience acclimating to new clients and tailoring our services to meet their needs. We immediately consult with the policy makers of each new client to learn their goals and policies and discuss strategies for implementation. We do not impose our prosecution philosophy on our clients. Instead, we adopt the philosophy of our clients. One of the greatest enjoyments of prosecuting is the opportunity to learn the unique characteristics of each municipal client, and the community it serves. We have a proven track record in this area, which is backed up by the satisfaction of our public sector clients.

If we are selected by Northfield, Campbell Knutson is committed to make a smooth transition. All of Campbell Knutson's activities during the transition period will be at no charge to Northfield. Prior to January 1, our designated lead prosecutor, Mr. Elliott Knetsch, will meet with Northfield's leadership team to get to know them and prepare to start representing the City on January 1, 2010.

Mr. Knetsch has had a preliminary meeting with Mr. Walinski to discuss negotiation of the contract with the City and other transition details. Mr. Knetsch will also meet in person with representatives of Rice County Court Administration before the first of the year to learn Northfield's court schedule and establish good lines of communication between our office and the Court. We will work within the guidelines of the Court to make sure Northfield's cases are handled efficiently and effectively, pursuant to the policies established by the City.

Mr. Knetsch will establish regular office hours at City Hall so that communication between staff and the public can take place in person. Mr. Knetsch will meet with Chief Taylor and his leadership team as often as is determined beneficial by Chief Taylor. Mr. Knetsch is also available to attend staff or City Council meetings as requested.

RESUME
ELLIOTT B. KNUTSCH



CAMPBELL KNUTSON
Professional Association

EDUCATION

Gustavus Adolphus College – Criminal Justice Major

William Mitchell College of Law – Honors Graduate

EMPLOYMENT HISTORY

1979: Legislative Aide – Senator Rudy Boschwitz, Washington DC

1981-1982: Law Clerk – Doherty Rumble Butler, St. Paul, MN

1982-1983: Law Clerk – League of Minnesota Cities, St. Paul, MN

1983-1985: Law Clerk – Grannis, Grannis, Farrell & Knutson, South St. Paul, MN

1985-1989: Associate – Grannis, Grannis, Farrell & Knutson, South St. Paul, MN

1989-1991: Associate – Campbell, Knutson, Scott & Fuchs, Eagan, MN

1991-Present: Partner – Campbell Knutson, P.A., Eagan, MN

PROSECUTION HISTORY

I have prosecuted for the following city clients:

1985-1989: Burnsville
Inver Grove Heights
Farmington
Rosemount

1985-Present: Lakeville

1988-Present: Hampton

1989-Present: Stillwater Township

1990-Present: Cannon Falls
1994-Present: Plymouth
1996-Present: St. Louis Park (ordinance violations only)
1998-Present: Farmington
2005-Present: Burnsville
2006-Present: Chanhassen

PROSECUTION EXPERIENCE

I have prosecuted my entire career, spanning 25 years. During the past 10 years, I have focused on criminal prosecution. I have extensive trial experience, having successfully handled over 50 jury trials and hundreds of court trials.

I have complemented my career experience with dozens of legal educational conferences related to prosecution and domestic violence in particular. In 2005, I attended a week long national conference on domestic violence in Reno, Nevada with 3 members of the Burnsville Domestic Abuse Response Team (“DART”). In addition, I have researched and presented dozens of in-house training seminars to police officers, including topics such as stops, automobile searches, inventory searches, DWI’s, field sobriety tests, blood and urine testing, implied consent advisories, new laws, and investigation of domestic violence cases.

I have also been active in professional memberships related to prosecution. I was selected by the League of Minnesota Cities to serve on the statewide CriMNet Task Force Board. I am a member of the Minnesota Association of City Attorneys, where I have participated on the annual conference planning committee for several years. I am also an active member of the Minnesota State Bar Association Criminal Law Section and the Suburban Hennepin County Prosecutors’ Association.

ITEM: Budget Discussions – 2010 – 2014 Capital Improvement Plan

SUMMARY

The five-year capital improvement plan discussion will continue. From last weeks meeting several points of emphasis evolved:

- An emphasis on providing the best service for lowest price, identifying a measure of value
- Project size and scope, identify cost efficiencies in planning, timing, financing.
- The measure of what is palatable to the community and timing of imposing an increased tax burden.

Tonight's discussion emphasis will again be on the major facility expenditures; the discussion goal is for the council to clarify a direction on the facility projects and expenditures that can be incorporated into the 2010 – 2014 CIP. Last week's discussion was focused on the Safety Center - location, project costs, various building options. This week the initial discussion will be on the Library Expansion Project, however the Council will also need to provide direction on the timing, financing, and scope of these projects.

1 Potential discussion points regarding the Library Expansion Project:

1. Recognize and reconfirm the project is needed in the community.
2. Confirm commitment of the Council's intention to expand the Library at its current location.
3. Discussion on the scope of project which will be reflected in the cost of the project:
 - a. Expansion size, identify needs versus wants.
 - b. Address the current and created parking challenges – project considerations.
 - c. The cost implications on the quality and level of building design and construction.
 - d. Design and use of library facility – enhance downtown commerce not hinder or compete with existing services.

2. Proposing the next steps for inclusion of these projects in the 2010 – 2014 CIP:

- Project scope and cost clarifying review.
- The scheduling of the facilities projects.
- The timing of imposing a tax burden, implication of a referendum.

Submitted by: *J. Walinski, City Administrator*