

City Council Meeting Date: August 20, 2007

ITEM: 2  
Presentation

**ITEM:           Presentation of Green Team Awards to Northfield Middle School and the  
Northfield LEO Club**

**ACTION REQUESTED:**

The City Council is being asked to recognize the Northfield Middle School and the Northfield LEO Club for their recycling efforts. Representatives from the Environmental Quality Commission and Waste Management will be presenting these two groups with Green Team Awards.

City Council Meeting Date: August 20, 2007  
Consent  
ITEM: 4  
Motion

**ITEM:** Reviewing Disbursements

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby reviews disbursements totaling \$965,756.74 (July 30, August 3, and August 10, 2007 - including Payroll Account transfer of \$159,776.23) as presented to the City Council.*

**SUMMARY**

The City Council is being asked to review disbursements for \$965,756.74. They are within the limitations of the approved budget and resources available.

**SUBMITTED BY:** Julie Nordmeier, Accountant

**ATTACHMENTS:**

1. Disbursement Lists

City Council Meeting Date: August 20, 2007

CONSENT

Item: 5

Motion

**ITEM:** Approve plumbing license

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves a plumbing license for GR Mechanical Plumbing & Heating Contractor, Inc.*

**SUMMARY:** The City Council is being asked to approve a plumbing license for GR Mechanical Plumbing & Heating Contractor for the licensing period covering April 1, 2007 to March 31, 2008.

**SUBMITTED BY:**

Jennifer Nash, Deputy City Clerk

**ATTACHMENT:**

1. License list

2007 PLUMBING LICENSES  
04/01/07 – 03/31/08  
\$25.00

2007-2051

Thomas Dewitz  
Dewitz Plumbing, Inc.  
15463 Allen Blvd.  
Prior Lake, MN 55372

City Council Meeting Date: August 20, 2007

CONSENT

Item: 6

Resolution 2007-090

ITEM: Approve Application for Exempt Gambling Permit for Cannon Flyway Ducks  
Unlimited to conduct raffles at American Legion Post 84 on September 20, 2007

**ACTION REQUESTED:**

The City Council is being asked to adopt resolution 2007-090 approving an exempt permit application for the Cannon Flyway Ducks Unlimited to conduct raffles at American Legion Post 84 on September 20, 2007.

**SUMMARY:**

Pursuant to Gambling Control Board processing procedures, the City of Northfield must acknowledge and sign the application. Staff recommends approving the application. A copy of the resolution submitted for Council action will be sent to the Gambling Control Board.

SUBMITTED BY: Deborah Little, City Clerk

**ATTACHMENT**

1. Resolution 2007-090

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION 2007-090

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA APPROVING GAMBLING APPLICATION FOR CANNON FLYWAY DUCKS UNLIMITED TO CONDUCT RAFFLES AT AMERICAN LEGION POST 84 ON SEPTEMBER 20, 2007

WHEREAS, Cannon Flyway Ducks Unlimited is applying to the Gambling Control Board to conduct raffles at American Legion Post 84, 1055 Hwy 3 N, on September 20, 2007; and

WHEREAS, the City must consider approval or denial of such applications; and

WHEREAS, staff has reviewed the request for application and recommends approval.

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

The City Council of the City of Northfield hereby approves the application of Cannon Flyway Ducks Unlimited to conduct raffles at American Legion Post 84, 1055 Hwy 3 N, on September 20, 2007.

PASSED by the City Council of the City of Northfield on this 20th day of August 2007.

ATTEST

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

\_\_\_\_\_  
Mayor

VOTE:      \_\_\_ LANSING    \_\_\_ DENISON    \_\_\_ DAVIS    \_\_\_ CASHMAN  
              \_\_\_ NELSON    \_\_\_ POKORNEY \_\_\_ VOHS

**ITEM:** Approve waiving the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from the League of Minnesota Cities Insurance Trust.

**ACTION REQUESTED:**

Proposed Motion for Consideration \_\_\_\_\_ Motion \_\_\_\_\_ Second

*The City Council of the City of Northfield hereby approves waiving the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from the League of Minnesota Cities Insurance Trust.*

**SUMMARY:**

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

1. *If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$300,000 on any claim to which the statutory tort limits apply. The total, which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply, would be limited to \$1,000,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.*
2. *If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,000,000 on a single occurrence. The total, which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply, would also be limited to \$1,000,000, regardless of the number claimants.*
3. *If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

The City's waiver is effective from August 21<sup>st</sup> of each year to August 21<sup>st</sup> of the following year. Prior to August 21<sup>st</sup> of each year, the City Council must review and select the option that meets the needs of the City. Therefore, the City Council is being asked to approve waiving the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from the League of Minnesota Cities Insurance Trust (LMCIT).

LMCIT charges 3.5% of the municipal liability and automobile liability premiums to waive statutory tort limits. The cost for 2007 is \$2,466.

**SUBMITTED BY:** Elizabeth C. Wheeler, Human Resources Director

**ITEM:** Award Contract for telecommunications system

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby awards the contract for the telecommunications system to Matrix Communications for the amount of \$115,254.*

**SUMMARY:**

The Council is being asked to award the bid and contract for the telecommunications system which will replace systems at the following locations: City Hall, Library, Liquor Store, Safety Center, Street Department, Hockey Arena, Waste Water Treatment Plant and the Water Department to Matrix Communications for the amount of \$115,254.

Advertisements for bid were posted in the Northfield News on June 26, 2007. A public bid opening was held on July 18, 2007. Five bids were submitted and after comparing features and hardware between bids, Matrix submitted the lowest bid. See attachment #1 for bid tabulation. Estimated project cost was \$175,000. Below is a cost summary:

Elert & Associates (project consultant)	\$ 13,650	
Matrix Telecommunications Bid	115,254	
Recommended 5% Contingency	5,763	
Configuration of Network (estimate)	<u>10,000</u>	
		Estimate Project Total
		Project budget

**Project Features**

Plans and specification were completed and demonstrated to Melissa Reeder, Kurt Wolf and Elert & Associates. Some features of the new system are:

- Telephone integration of all locations. This means a telephone call can be transferred from one location to another to serve our customer's needs;
- Integrated voice mail. Voice messages can be forwarded to another user's voice mailbox between locations;

- Centrally located phone system that will have the tools for IT to configure and support;
- Redundancy – if one location is down, others will continue to operate. For example: if there was a problem with the City Hall phone system; an automatic fail over will point all other locations to use the phone system at the Safety Center.
- Substantial cost saving (TBD) after we implement and reduce the number of telephone lines with monthly charges and begin to use our existing data network for voice calls between facilities.

**ATTACHMENTS:**

1. Elert & Associates Bid Recommendation and Tabulation

**SUBMITTED BY:**

*Melissa Reeder, Director of Information Technology*

City Council Meeting Date: August 20, 2007

CONSENT

ITEM: 9

Motion

**ITEM:** Award Contract for the Hwy. 3 and 3<sup>rd</sup> Street Parking Lot Screening and Landscape Improvements

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield awards the contract for the Hwy. 3 and 3<sup>rd</sup> Street parking lot screening and landscape improvements to Straight Line Concrete and Stone in the amount of \$64,077.00*

**SUMMARY:**

The Council is being asked to award the bid and contract for the parking lot screening and landscape improvements for the northeast corner of Hwy. 3 and 3<sup>rd</sup> Street to Straight Line Concrete and Stone in the amount of \$64,077.00.

Advertisements for bid were posted in the Northfield News on July 14, 2007. A public bid opening was held on August 6, 2007. Three bids were submitted and Straight Line Concrete and Stone submitted the lowest bid (Attachment #1 is the bid tabulation). The bid amount is within the preliminary estimated project cost of \$85,000. In addition to the bid amount the City will be purchasing the stone material and required railings for \$9,500. This in house purchase allows for some additional cost saving for the City.

**Project Features**

Plans and specifications were completed by Landscape Architect Spencer Jones and reviewed by the Mayor's Downtown Streetscape Taskforce and the Historical Preservation Committee.

Project construction involves, but is not limited to:

- Concrete walk pavement treatment similar to the treatment given to the Library Corner.
- Construction of parking lot treatment includes stonewall and railings. This treatment has been selected for future use at other locations, and future projects requiring railings will have a similar design treatment.
- The landscape design incorporates native plantings for low maintenance and water requirements.
- Infrastructure for a future wayfinding feature (electrical conduit and footings) are include in the project.

- Materials used in the project have a 15-20 year life before a maintenance restoration project would be required.

A copy of the final plans and specifications are available for review in the Engineering Office at City Hall.

**ATTACHMENTS:**

1. Bid Tabulation
2. Contract Agreement

**SUBMITTED BY:**

*Joel Walinski, Public Services Director*

City Council Meeting Date: August 20, 2007

CONSENT

ITEM: 10

Ordinance No. 870

**ITEM:** Second Reading of Ordinance No. 870 - Adopting the Current Minnesota State Building Code and its Amendments.

**SUMMARY AND ACTION REQUESTED:**

*The City Council is being asked to give a second reading to Ordinance No. 870 adopting the current Minnesota State Building Code and its Amendments.*

**BACKGROUND:**

Effective July 10, 2007, the Minnesota Department of Labor and Industry adopted the 2007 Minnesota State Building Code, which incorporates the 2006 International Building Code and the 2006 International Residential Code as amended by the State. These codes will be referred to from this point forward as the 2007 Minnesota State Building Code.

There are some significant changes from the currently administered 2000 Minnesota State Building Code. However, most of the changes simply represent terminology changes and moving code provisions to other sections of the code to make it more user-friendly.

The major changes in the 2007 Minnesota State Building Code relate to the Fire Sprinkler requirements for residential structures. The International Building Code requires ALL residential structures to be sprinkled. The 2007 Minnesota State Building Code has been amended by the Department of Labor and Industry as follows:

Section MSBC 1305.0903 Subp. 1a. IBC Section 903.2.7 is amended to read as follows:

*“An automatic sprinkler system installed in accordance with Section 903.1 shall be provided throughout all buildings containing a Group R occupancy where one of the following conditions exist:*

- 1) The combined area on all floors, including mezzanines, exceed 9,250 square feet; or*
- 2) The Group R fire area is located more than three stories above grade plane.*

*Exceptions:*

- 1) Group R 3 single dwelling unit building.*
- 2) Group R 3 or R 4 occupancies containing a facility licensed by the State of Minnesota shall be provided with a fire suppression system as required by the applicable licensing provision or this section, whichever is more restrictive.*
- 3) Attached garages need not be sprinklered throughout if a dry sprinkler is installed within 5 feet of the door opening between the garage and attached residence.”*

As part of the City Council discussion of August 6, 2007, a question was raised relative to how much remodeling can occur before the new sprinkler requirements would become applicable. The Building Official stated at the August 7<sup>th</sup> meeting that as a matter of practice, Building Officials around the State of Minnesota have been using a 75% area remodeled threshold as a triggering guideline for the new sprinkler requirements. Based on further research, it has now been clearly articulated in the 2007 Minnesota State Building Code under section 407.2 that where the area of work (remodeling) exceeds 50% of the floor area of the building, the sprinklering requirement of Section 1305 MSBC applies.

Other notable changes are:

- 1) Residential garage floors may now be gravel as opposed to hard surface.
- 2) Residential stair rise and run have been changed from 8" & 9" to 7 ¾" & 10" respectively.
- 3) Handrail diameter has changed from 1 ¼" to 2 5/8" to 1 ¼" to 2" diameter.
- 4) Only one layer of asphalt singles is permitted on any roof. The previous code allowed two layers of shingles before a tear-off would be required.
- 5) The residential fire separation from the property line has changed from 3' to 5'.

The above changes are the most notable changes to the codes.

**SUBMITTED BY: John A. Brookins, Building Official**

**ATTACHMENTS:**

1. Ordinance No. 870
2. Minnesota Building Code Section 1305. 0903 Automatic Sprinkler Systems.
3. Section 407 Minnesota State Building Code

ORDINANCE NO. 870

AN ORDINANCE AMENDING NORTHFIELD CODE CH. 34 (LAND DEVELOPMENT REGULATIONS), ARTICLE V (BUILDINGS AND BUILDING REGULATIONS), DIVISION 2. BUILDING CODE, SEC. 34-296 (STATE BUILDING CODE ADOPTED)

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT NORTHFIELD CODE SECTION 34-296 IS HEREBY AMENDED AS FOLLOWS (deleted material is lined out; new material is underlined):

**Sec.34-296. State building code adopted.**

- (a) The Minnesota State Building Code, established pursuant to Minn. Stat 16B.59-16B.75, is adopted as the building code for the City of Northfield. The code is incorporated in this section as if fully set out.
- (b) The Minnesota State Building Code includes the following chapters of Minnesota Rules:
  - 1) Chapter 1300, Administration of the State Building Code
  - 2) Chapter 1301, Building Official Certification
  - 3) Chapter 1302, State Building Construction Approvals
  - 4) Chapter 1303 Minnesota Provisions of the State Building Code
  - 5) Chapter 1305, Adoption of the 2000 2006 International Building Code
  - 6) Chapter 1307, Elevators and Related Devices
  - 7) Chapter 1309, Adoption of 2000 the 2006 International Residential Code
  - 8) Chapter 1311, Adoption of 2000 the Guidelines for the Rehabilitation of Existing Buildings
  - 9) Chapter 1315, Adoption of 2000 the 2005 National Electrical Code
  - 10) Chapter 1325, Solar Energy Systems
  - 11) Chapter 1335, Flood Proofing Regulations
  - 12) Chapter 1341, Minnesota Accessibility Code
  - 13) Chapter 1346, Adoption of the ~~Minnesota State Mechanical Code~~ 2000 International Mechanical and Fuel Gas Code
  - 14) Chapter 1350, Manufactured Homes.
  - 15) Chapter 1360, Prefabricated Buildings
  - 16) Chapter 1361, Industrialized/Modular Buildings
  - 17) Chapter 1370, Storm Shelters (Manufactured Home Parks)
  - 18) Chapter 4715, Minnesota Plumbing Code
  - 19) Chapter 7670, 7672, 7674, ~~7676,~~ and 7678 Minnesota Energy Code
- (c) The following optional appendix chapters of the ~~2000~~ 2006 International Building Code are adopted and incorporated as part of the building code for the city: ~~Appendix K (Grading) of the 2001 supplements to the International Building Code.~~ Chapter 1305, Appendix J (Grading) of the 2006 International Building Code.

Passed by the City Council of the City of Northfield the 20th day of August 2007.

ATTEST:

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

\_\_\_\_\_  
Mayor

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

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

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

VOTE: \_\_\_ LANSING \_\_\_ CASHMAN \_\_\_ DAVIS \_\_\_ DENISON \_\_\_ NELSON  
\_\_\_ POKORNEY \_\_\_ VOHS

City Council Meeting Date: August 20, 2007

CONSENT

Item: 11

Motion

**ITEM:** Approve board/commission appointments

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves the appointment of George Kinney to the Environmental Quality Commission to fill a vacated term ending December 31, 2008.*

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked approve the appointment of a board/commission member. There is a vacancy on the EQC due to a resignation. The appointee listed below is submitted for consideration and approval.

**Environmental Quality Commission**

*George Kinney appointed to the Environmental Quality Commission to fill a vacated term ending December 31, 2008.*

City Council Meeting Date: August 20, 2007

CONSENT

ITEM: 12

Motion

**ITEM:** Approval of final payment for Old Memorial Field Outdoor Pool Project #2005-014

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield approves the final payment for Project #2005-014: Old Memorial Field Outdoor Pool Construction to MetCon Construction in the amount of \$141,427.*

**SUMMARY:**

The Council is being asked to approve the final payment for the construction of the Outdoor Pool at Old Memorial Field in the amount of \$141,427. This final payment includes all work completed to date and all retainage held from previous payments. The original contract amount was for \$2,519,500 awarded in June of 2006. The total of all change orders (attachment #1) approved through the completion of the project is \$73,967; this amount can be covered with the project contingency of \$92,287. The total project construction costs is \$2,593,467.

The pool, buildings, and mechanicals are covered with a one-year warranty period, which will end at the start up of the 2008 season.

**ATTACHMENTS:**

1. Change Order Summary

**SUBMITTED BY:**

*Joel Walinski, Public Services Director*

**ITEM:** Approve list of issues for referral to Minnesota State Auditor or other examiner

**BACKGROUND AND ACTION REQUESTED:**

At a special meeting of the Council on July 23, 2007, the Council approved Resolution # 2007-084, asking the Minnesota State Auditor to examine the books, records, accounts and affairs of the City, as provided by Minn. Stat. Sec. 6.55. The statute allows the Council to limit the scope of the examination but the examination must “cover, at least, all cash received and disbursed and the transactions relating thereto.”

Particular issues to be examined were to be submitted to the Auditor by City Attorney Maren Swanson and special counsel Cliff Greene in consultation with the Mayor and Council. The Auditor is also requested to examine any other issues otherwise brought to the attention of the Auditor and determined by the Auditor to merit examination. The Auditor is requested to report the results of such examination to the Council.

The City Council is now being asked to approve a list of issues for referral to the State Auditor. The list of issues is based on issues raised by the Mayor and Council to City Attorney Maren Swanson subsequent to the special meeting of the Council on July 23, 2007, and has been reviewed and approved by special counsel Cliff Greene.

Attorneys Swanson and Greene are not sure that the State Auditor will agree to examine each and every issue raised, or on what time table the Auditor’s examination may be completed. The attorneys will find another independent examiner if necessary in order to obtain examination of issues not undertaken by the Auditor, or to obtain examination within 90 days, unless an extension of that time is approved by the Council, as directed by Resolution # 2007-084.

**PROPOSED MOTION:**

*The City Council of the City of Northfield hereby approves the attached list of issues for referral to the Minnesota State Auditor for examination as provided by Minn. Stat. Sec. 6.55. Any issues which the Auditor declines to undertake or the examination of which cannot be completed within 90 days of the date hereof shall be referred to another person or entity qualified to perform such an independent examination, as determined by Attorneys Swanson and Greene, unless the Council directs otherwise.*

**ATTACHMENT:**

Issues for Examination by State Auditor

**SUBMITTED BY:** Maren L. Swanson, City Attorney

CITY OF NORTHFIELD, MINNESOTA  
NORTHFIELD CITY COUNCIL

ISSUES FOR EXAMINATION BY STATE AUDITOR

The following issues have been identified by the Mayor and City Council of the City of Northfield for referral to the Minnesota State Auditor under authority of Minn. Stat. Sec. 6.55, or to another independent examiner if the Auditor declines to undertake the examination of any issues or cannot do so within 90 days. This request is made pursuant to Northfield City Council Resolution # 2007-084. The State Auditor is requested to respond as to whether the Auditor will examine these issues, whether the Auditor declines to examine any of these issues, and an approximate timeframe within which the Auditor will examine the issues accepted by the Auditor.

The issues pertain to the City of Northfield, Minnesota, and to the period of time beginning January 1, 2005:

1. Has there been any improper influence exerted or any improper action taken with regard to the site selection process for a new municipal liquor store within the City, including the potential site located at 600 Division Street South?
2. Have City officials and employees observed proper boundaries between actions taken as individuals and actions taken on behalf of the City (e.g., requests for professional services, directions given to City staff, use of public office or public property for private purposes or private gain)?
3. Has there been any improper influence exerted or any improper action taken with regard to the issuance or termination of a temporary certificate of occupancy by the City for office space on the second floor of the property located at 618 Division Street South?
4. Has there been any improper influence exerted or any improper action taken by any City official or employee with regard to personnel decisions, including threats or retaliation?
5. Is there a proper understanding and observance of the different roles and responsibilities of City officials and City employees, and are interactions between officials and employees properly respectful?
6. Were proper municipal contracting laws followed with regard to a contract for the rewiring of City Hall and other City facilities for telephone and computer access? Were there any improprieties on the part of City officials or employees outside of but related to that contract?
7. Has there been a violation of the Minnesota government data practices act or a breach of computer security by or among City officials or employees?
8. Has there been a violation by City officials or employees of the proper separation of church and state?
9. Has there been proper oversight and management of TIF projects in which the City is involved?
10. Has there been misuse of public funds related to any of the foregoing issues (to include an examination of cash received and disbursed and transactions related thereto, as provided by Minn. Stat. Sec. 6.55)?
11. Are there any issues otherwise brought to the attention of the Auditor and determined by the Auditor to merit examination?

**ITEM:** Consider Resolution 2007-091- Ordering 2005 Improvement No. 05 - Woodley Street from Prairie Street to Jefferson Parkway and preparation of plans and specifications

**ACTION REQUESTED:**

The City Council is being asked to approve the attached resolution 2007-091 ordering 2005 improvement No. 05 - Woodley Street from Prairie Street to Jefferson Parkway and preparation of plans and specifications.

**SUMMARY**

The City Council heard public testimony regarding the improvements proposed for Woodley Street (CSAH 28) at the August 6, 2007 Council meeting. Prior to the Public Hearing, staff held neighborhood meetings on March 8 and June 20, additionally, staff and the project consultants met with various stakeholders of the project to discuss specific issues relating to the project. Staff has considered all of the comments and suggestions and has made a recommendation for the final project scope. This recommendation is based on balancing safety of the users, impacts to adjacent properties, and funding.

The proposed improvements will include upgrading Woodley Street (CSAH 28) from a 2-lane rural section roadway to urban roadway standards with a single lane in each direction, a center left turn lane and right turn lanes at the major intersections. In addition, the existing ditch drainage system will be replaced with new curb and gutter along both sides of the roadway, storm sewer and the construction of a storm water treatment pond and wetland mitigation area. The existing box culverts will be lengthened to accommodate the proposed roadway widening and improvements. Another key feature of this project will be the addition/completion of the pedestrian pathway along the north side and a sidewalk along the south side of the proposed roadway section.

A number of issues have been brought up during the neighborhood and individual meetings. The major issues are listed below and were discussed in detail at the work session on August 13, 2007.

Issue	City	County	Comment
Roadway section Width		Jurisdiction	County standard is 44' for a 2-lane urban section.
Lane Configuration	Jurisdiction		3-lane section will fit in 44' roadway section and is considered to provide a safer roadway than 2-lanes.
Travel Lane Width		Jurisdiction	County Standard is 12'
Sidewalks	Jurisdiction	Allowed	The County does not provide cost sharing for new sidewalks
Multi-use Trails	Jurisdiction	Allowed	The County does provide cost sharing for new multi-use trails. User types (A, B, C) should be considered.

Bike Lanes	Jurisdiction	Allowed	The County does not provide cost sharing for bike lanes. User types (A, B, C) should be considered.
Tree Removal			The number of tree removals varies with options. Many of the tree removals will be from the existing right-of-way and City easement.
Funding			Delay of the project has impact of the funding of this and future projects
Culvert End Treatment	Jurisdiction		
Underground Power Lines	Jurisdiction		The City may consider assessment of the cost of burying the power lines.
Roundabout		Jurisdiction	Traffic control device
Traffic Circle		Jurisdiction	The County does not allow traffic calming devices on county roads
Stop Sign		Jurisdiction	Issue does not effect Design
Speed Limit		Jurisdiction	Issue does not effect Design

**Project Cost and Funding Sources** – The project is being completed in cooperation with Rice County. The two entities both received federal funding for a portion of the project. Based on the County’s cost sharing policy, 55% of eligible costs are funded by the County with the remainder being funded by the City. Funding for the City’s portion of the project will come from a combination of Municipal State Aid funds, special assessments, and possibly City funds. The following tables summarizes the estimated project costs and funding sources covered in the report:

**Summary of Anticipated Project Costs**

DESCRIPTION	RICE COUNTY	CITY OF NORTHFIELD	TOTALS
Street Improvements	\$1,456,087	\$1,103,954	\$2,561,040
Storm Sewer Improvements (55% Co. / 45% City)	\$265,641	\$216,838	\$481,862
Bridge (Box culvert) (55% Co. / 45% City)	\$130,038	\$106,395	\$236,433
Watermain & Sanitary Sewer	\$0	\$0	\$0
Street Lighting	\$0	\$0	\$0
<b>Subtotal Project Cost</b>	<b>\$1,851,149</b>	<b>\$1,427,186</b>	<b>\$3,278,335</b>
Right-of-way & Easement Acquisition	\$0	\$436,983	\$436,983
<b>TOTAL PROJECT COST</b>	<b>\$2,156,665</b>	<b>\$1,558,653</b>	<b>\$3,715,318</b>

**Summary of Project Financing**

DESCRIPTION	RICE COUNTY	CITY OF NORTHFIELD	TOTALS
Federal Grant Funds (55% Co. / 45% City)	\$616,000	\$504,000	\$1,120,000
20% Local Match to Federal Funds (State Aid)	\$154,000	\$126,000*	\$280,000
State Aid Funds Street Improvement Funds	\$995,467	\$535,215*	\$1,530,682
Mn/DOT Bridge Funds (55% Co. / 45% City)	\$125,557	\$102,729*	\$228,286
State Aid Funds Storm Sewer Funds (55% Co. / 45% City)	\$265,641	\$217,342*	\$482,983
Property Assessments	\$0	\$73,367	\$73,367
County / City Funds	\$0	\$0	\$0
<b>TOTAL PROJECT FUNDING</b>	<b>\$2,156,665</b>	<b>\$1,558,653</b>	<b>\$3,715,318</b>

\* Note: For the items that are State Aid eligible the City has the option to use State Aid Funds or other local funds if desired.

**Project Schedule** – The anticipated milestones for the improvements are listed below. The project schedule will be determined depending on how the project proceeds.

Approve Contract with WSB.....	January 22, 2007
First Neighborhood Meeting .....	March 8, 2007
Order Preparation of Feasibility Report .....	April 2, 2007
Second Neighborhood Meeting.....	June 20, 2007
Present Feasibility Report– Set Public Hearing Date .....	July 16, 2007
Public Hearing .....	August 6, 2007
Work Session with City Council .....	August 13, 2007
Order Plans and Specifications.....	August 20, 2007
Right-of-Way Appraisals .....	Aug. 21, 2007 to Nov. 1, 2007
Final Plans Completed.....	November 1, 2007
Offers Made.....	October 1 to November 1, 2007
Third Neighborhood Meeting.....	October 24, 2007
City Council Plan Approval .....	December 15, 2007
County Plan Approval .....	December 2007
City Council Authorization to Bid .....	April 7, 2008
Advertise for Bids .....	April 2008

Open Bids.....May 14, 2008  
Award Contract .....May 19, 2008  
Begin Construction.....June 2, 2008  
Substantial Completion ..... November 14, 2008  
Final Wearing Course.....June 19, 2009

**SUBMITTED BY: Katy Gehler-Hess, P.E., City Engineer**

**ATTACHMENTS:**

1. Resolution 2007-091

CITY OF NORTHFIELD, MINNESOTA  
CITY COUNCIL RESOLUTION #2007-091

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA ORDERING 2005 IMPROVEMENT NO. 5 – WOODLEY STREET FROM PRAIRIE STREET TO JEFFERSON PARKWAY AND PREPARATION OF PLANS

WHEREAS, A resolution of the city council adopted the 16<sup>th</sup> day of July, 2007, fixed a date for a council hearing on proposed 2005 improvement No. 5 – Woodley Street from Prairie Street to Jefferson Parkway, and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 6<sup>th</sup> day of August, 2007, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTHFIELD, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 16<sup>th</sup> day of July, 2007.
3. WSB and associates is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax exempt bond.

PASSED by the City Council of the City of Northfield on this 20<sup>th</sup> day of August, 2007.

Attest:

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

\_\_\_\_\_  
Mayor

VOTE:     \_\_\_LANSING   \_\_\_CASHMAN   \_\_\_DAVIS   \_\_\_DENISON  
          \_\_\_NELSON   \_\_\_POKORNEY   \_\_\_VOHS

City Council Meeting Date: August 20, 2007

CONSENT

ITEM: 15

Motion

**ITEM:** Review and approval of 2008 Downtown Enhancement Project Workplan

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield approves the 2008 Downtown Enhancement Project Workplan, which includes the 5<sup>th</sup> Street Reconstruction between Washington and Water Street, and the Water Street Parking Lot Enhancements/River Edge Improvements.*

**SUMMARY:**

The Council is being asked review and approve the 2008 Downtown Enhancement Project Workplan. Projects identified within the workplan will still be brought before the Council for individual project approval when necessary. The workplan includes:

- The reconstruction of 5<sup>th</sup> Street between Washington and Water Street, the Water Street Parking Lot Enhancements/River Edge Improvements.
- The completion of the River Walk trail connection.
- The installation of the Wayfinding Signs.
- Cannon River Dam – East Side Retaining Wall

The majority of the costs attributed to the completion of these projects would be paid through the Master Development District Fund. Attachment #1 provides the estimated cost for these projects. These projects are included in the 2008-2012 Capital Improvement Program. Staff is requesting approval at this time to begin work on the plan and development of these projects, if they are to be completed in 2008.

**ATTACHMENTS:**

1. Downtown Enhancement Projects

**SUBMITTED BY:**

*Joel Walinski, Public Services Director*

ITEM: Approving the Findings of Fact in Support of the Adoption of the Approval of the Rental Ordinance for the City of Northfield

**ACTION REQUESTED:**

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

*The City Council of the City of Northfield hereby approves the findings of fact in support of the City Council adoption of Ordinance No. 868 - Rental Ordinance for the City of Northfield.*

**SUMMARY:**

The City Council, along with the Staff of the City and many citizens, has worked extensively for approximately 18 months in an effort to adopt a new rental ordinance for the City. It has been over 35 years since any revisions to the current rental ordinance have occurred. Much has happened with respect to rental properties and neighborhoods in the City that support an update to the rental ordinance.

The findings in support of the City Council action to adopt the rental ordinance outline the following factual conditions:

- Citizens' complaints related to rental property;
- Phone calls from the Neighborhood Services Program expressing concerns related to rental property;
- Photographs of rental property that have been the subject of complaints;
- Meetings and minutes related to the citizen input related to the proposed ordinance;
- Number of current rental units in the City and the pattern of inspections necessary to ensure compliance with current codes;
- The techniques used by the City to enable citizens to read and understand the numerous proposed rental ordinance drafts;
- Council assertion that rental property constitutes a commercial enterprise in residential neighborhoods and thus justifies the enactment of ordinances to protect the health, safety and welfare of the citizens of the City.

A copy of the findings is attached to this Staff report for review by the Council. The findings also reference a considerable amount of additional documentation that supports the actual findings of the City Council relative to the enactment of the rental ordinance. Those Exhibits are available upon request.

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

**ATTACHMENTS:**

1. Findings of Fact in Support of City Council adoption of Ordinance No. 868. Exhibits supporting the Findings of Fact are available upon request.

Findings of Fact in Support of Ordinance No. 868  
Rental Housing Ordinance  
August 20, 2007

The City Council of the City of Northfield hereby finds, in support of Ordinance No. 868, that:

1. There have been numerous complaints expressed to the City regarding adverse conditions associated with various rental properties in the City, which complaints support the creation of a new rental housing ordinance to correct or improve these conditions. Some of the complaints are documented in 18 letters attached hereto as Exhibit A.
2. As a result of creating Neighborhood Services, a dedicated phone line and email address by which the City received concerns relating to the adoption of a new rental housing ordinance, 13 phone calls and 18 emails have been received which further substantiate citizens' concerns regarding rental properties in the City. These phone calls and emails are reflected in the attached Exhibit B.
3. Photographs have been taken by a Northfield Community Service Officer of rental properties that were reported by citizens for problems or disturbances. The photos, showing issues about which citizens have complained to the City, are attached in Exhibit C.
4. The process undertaken to enact a new rental housing ordinance has involved considerable discussion among Staff and Council members, and input from residents of the City including rental property owners, non-rental property owners, and tenants. Many meetings have been conducted to obtain this input, including nine City Council meetings, three City Council work sessions, two public informational meetings held in the community outside City Hall, and one formal public hearing at a City Council meeting, all of which have minutes available for review. The list of meetings held is attached in Exhibit D.
5. Currently there are 1,667 dwelling units in the City of Northfield for which rental licenses have been issued. Under the current rental housing ordinance these dwellings are inspected, at a minimum, once every 3 years. An average of about 70% of these units require follow-up inspections to obtain compliance with currently adopted rental standards.
6. There is a need for clearer property maintenance standards and other standards to be applied to rental housing in Northfield in order to obtain and maintain compliance with the rental housing ordinance and protect the public health and safety. The current rental housing ordinance was enacted in the late 1970's and has not been updated since that time.
7. The proposed rental housing ordinance has been drafted and revised extensively by City Staff, the City Attorney, and the Council itself, and drafts of the ordinance at various stages of consideration have been made available to the public by posting on the City website and having copies available at City Hall and the Public Library.
8. The purpose of the rental housing ordinance is as stated in Sec. 14-78 of the proposed ordinance. The Council specifically finds that:
  - a. Renting real property to others for residential purposes is a commercial enterprise, which is properly subject to regulation by the City to ensure the health, safety and welfare of the public including occupants of such properties and others affected thereby.

- b. The Council strongly supports the availability of quality affordable housing in the City of Northfield, including both rental and owner-occupied housing. However, the Council views rental housing as not only potential affordable housing for renters but as a business or commercial venture for owners; and, especially because of its commercial nature, rental housing is properly subject to regulation by the City to ensure the health and safety of the public.
- c. Occupants of rental housing tend to have less power than persons who own their own homes to ensure that their dwellings are safe and otherwise suitable for occupancy; and, therefore, it is appropriate for the City to impose reasonable standards on such properties. Such standards may include reasonable health, safety and welfare requirements which might exceed building code standards and which an owner might choose to disregard in the owner's own home, but which the City finds should not be disregarded in the commercial venture of providing housing for others.
- d. The Council is concerned about the protection and preservation of traditional low density residential neighborhoods in the City which are comprised primarily of owner-occupied single family dwellings and are designed and intended to be quiet, orderly, and safe neighborhoods for children and others. The Council believes that the quiet enjoyment and value of properties in such neighborhoods may be adversely impacted by the existence of rental properties occupied by groups of unrelated adults, where occupants tend to have more motor vehicles, generate greater traffic and parking congestion, and generate other adverse impacts on the neighborhood such as noise and disorderly conduct. The Council has also observed that rental houses tend not to be as well or as aesthetically maintained as owner occupied houses and that this tendency causes a decline in the condition and appearance of the historic neighborhoods of Northfield, which are among its most valuable attributes and are of benefit to the public as a whole because they make the City an attractive place to visit and to live.
- e. The Council has made extensive efforts to accommodate existing conditions in older buildings, which are used for rental purposes, while still adopting and enforcing reasonable standards to protect the health, safety and welfare of the public. The Council has tried to balance the interests of property owners, occupants, and the public at large.

**ITEM:** First Reading of Ordinance No. 868 Adopting the Rental Ordinance of the City of Northfield

**ACTION REQUESTED:**

The City Council is being asked to give a first reading of Ordinance No. 868 adopting a Rental Ordinance for the City of Northfield.

**SUMMARY:**

The proposed rental ordinance has undergone an extensive amount of investigation and discussion and has been revised numerous times over the past 18 months. The stakeholders including rental property owners, neighborhood home owners, college representatives and tenants have had a significant opportunity to give input on the proposed revisions at two town meetings, a public hearing, and a variety of City Council meetings. Rental Ordinances from other cities similar to Northfield (mid-sized college towns) have been reviewed and used as a source of examples and information in the creation of the proposed rental ordinance that fits the needs and desires of City of Northfield Council members, Staff and citizens.

At the City Council meeting of August 6, 2007, specific direction was given to Staff to make final modifications to the proposed rental ordinance in anticipation of the City Council action to approve the ordinance on first reading at the Council meeting of August 20. Staff has reviewed the proposed ordinance and has made several edit modifications to make certain that the ordinance is consistent in language and terms used. Two significant changes have been made to the draft ordinance that relate to the following section of the proposed ordinance:

- Section 14-78(b) Scope: application to existing rental properties
- Section 14-78(b)(5) Built-in-Deficiencies
  - (d) Plumbing Ventilation

Section 14-78(b) Scope: application to existing rental properties has been revised to reflect a distinction related to “residential-college related facilities” in that the proposed rental ordinance exempts dormitories and residential college related facilities that are located in the College Development Zone district from all aspects of the proposed rental ordinance. Additionally, residential-college related facilities that were owned by a college prior to 1981 do not have to obtain a conditional use permit as set forth in the zoning ordinance and can have the number of occupants that exist at the time the proposed rental ordinance is adopted.

For residential college related facilities that were acquired by a college after 1981, the college must obtain a conditional use permit and can have the number of occupants that exist at the time

the rental ordinance is put into effect. All residential college related facilities would be exempt from the 20% limitation on a given block.

The significance of the 1981 date is that the City of Northfield revised the zoning ordinance in 1981 to require that all residential college related facilities obtain a conditional use permit. In researching that status of residential college related facilities owned by both Carleton and St. Olaf, none of the college related facilities have a conditional use permit as required by the zoning ordinance; therefore, St. Olaf has 18 structures and Carleton has 21 structures that are residential college related facilities that do not have conditional use permits. A number of these facilities may have been owned by the colleges prior to 1981.

Sec. 14-78(b)(5) Built-in Deficiencies.

- (d) *Plumbing ventilation.* Plumbing fixtures shall not be required to be vented to the outside unless the plumbing system is altered in any way that would require a plumbing permit, at which time the entire plumbing system in the dwelling must be upgraded to be in compliance with the plumbing code.

The proposed rental ordinance does not contain this provision that would have allowed existing plumbing venting to remain unchanged and thus not meet current code requirements. This section has been deleted from the proposed rental ordinance. Plumbing that is not properly vented creates a potential for the build up of methane gas which can be life threatening to inhabitants of dwellings that are not properly vented.

With these two changes, the rental ordinance is ready for City Council enactment, as all other sections of the proposed ordinance remain unchanged.

Staff recommends that the City Council adopt Ordinance No. 868 on first ready as proposed.

**SUBMITTED BY:** Brian P. O'Connell, Community Development Director  
John Brookins, Building Official  
Michelle Merxbauer, Housing manager  
Maren Swanson, City Attorney

**ATTACHMENTS:**

1. Ordinance #868 Rental Ordinance for the City of Northfield