

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2020- ____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
NORTHFIELD, MINNESOTA, ESTABLISHING A UTILITY
FRANCHISE FEE REFUND PROGRAM

- WHEREAS, the City of Northfield (the “City”) has adopted franchise fee ordinances for gas and electric utilities, respectively, within the City pursuant to City Ordinance Nos. ____ and ____ (the “Ordinances”) thereby imposing the respective franchise fees contained therein upon Northern States Power Company, a Minnesota corporation, D/B/A Xcel Energy, its successors and assigns (the “Company”); and
- WHEREAS, the Ordinances, respectively, provide specific franchise fees applicable to certain classifications of properties within the City as outlined in Schedule A of each of the Ordinances; and
- WHEREAS, the respective franchise fees applicable to the respective property classifications provided in Schedule A of the respective Ordinances are applicable per customer premise/per month to customers of the Company within the City; and
- WHEREAS, the City desires to use the respective franchise fee revenues collected from the Company pursuant to the respective Ordinances for public improvement projects (the “Eligible Projects”)
- WHEREAS, one of the purposes of collection of franchise fees is to replace future special assessments for certain Eligible Projects., which may be funded partially with revenues collected from the respective franchise fees pursuant to the Ordinances; and
- WHEREAS, in adopting the Ordinances, the City Council has recognized that there are existing and currently outstanding special assessments that have been levied on prior Eligible Properties and that the same will continue to be paid by such property owners until the levied special assessments are paid in full; and
- WHEREAS, for either Eligible Properties with outstanding special assessments remaining to be paid, or for Eligible Properties for which a special assessment was levied but was otherwise paid in full prior to the original maturity date(collectively the “Eligible Properties”), the payment of franchise fees under the Ordinances by such property owners would be in addition to the payment of the identified levied special assessments; and
- WHEREAS, based on the foregoing, payment of franchise fees by the above-identified property owners of Eligible Properties would be duplicative of the corresponding equal amount of special assessments also paid by the above-identified property owners or Eligible Properties; and

WHEREAS, the City Council desires to address this duplicative payment through the establishment of a franchise fee refund program whereby the duplicate amount of franchise fees would be refunded to the above-identified property owners of Eligible Properties on an annual claims-made basis.

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

1. The franchise fee refund program described in the recitals hereto, which are made a part hereof, is hereby approved.

PASSED by the City Council of the City of Northfield on this 17th day of November, 2020.

ATTEST

City Clerk

Mayor

VOTE: ____ POWNELL ____ DELONG ____ GRABAU ____ NAKASIAN
____ NESS ____ PETERSON WHITE ____ ZWEIFEL

EXHIBIT A

Franchise Fee Refund Program

Eligible Properties: The following properties are eligible to participate in the franchise fee refund program:

1. Properties within the City with current, levied and outstanding special assessments thereon for Eligible Projects where such special assessments have not been paid in full upon a respective Eligible Property; and

Properties within the City for which special assessments **were levied** for Eligible Projects, but **where such special assessments on respective Eligible Properties are not currently outstanding because the same** have **otherwise paid in full prior to the original maturity date.**

No property within the City shall remain an Eligible Property for purposes of an annual franchise fee refund under this program following the date upon which the special assessment levied upon a respective Eligible Property has been paid in full and the duration of the levied special assessment has expired.

Notice and Claim for Refund Payment: On an annual basis, for the duration of the refund program herein provided, the City Finance Department shall post notice on the City's website for Eligible Properties to make an annual claim for a refund of franchise fees paid on an Eligible Property in the Eligible Amount provided herein. The notice shall establish a time period of not less than 90 days for property owners of Eligible Properties to file a claim for a refund of the Eligible Amount with the City Finance Department. The notice shall include a claim form provided by the City in order for property owners of Eligible Properties to file a refund claim with the City.

Amount of Refund: The amount of annual refund that the property owner of an Eligible Property may claim shall not exceed the amount of franchise fees applicable to the Eligible Property and paid by the owner of the Eligible Property (the "Eligible Amount").

Duration of Program: The franchise fee refund program hereby established shall terminate and be of no further force or effect there are no Eligible Properties remaining. The City Council may terminate this program at any time by resolution if the City Council determines that it is in the best interests of the City to so act.