



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
ci.northfield.mn.us

Meeting Minutes City Council

Tuesday, August 2, 2016

7:00 PM

Council Chambers

7:00 PM - REGULAR AGENDA CALL TO ORDER

Mayor Graham called the meeting to order at 7:00 pm.

Present: 7 - Mayor Dana Graham, Council Member David DeLong, Council Member David Ludescher, Council Member Suzie Nakasian, Council Member Jessica Peterson White, Council Member Rhonda Pownell, and Council Member Erica Zweifel

APPROVAL OF AGENDA

Mayor Graham noted the items in the Supplemental Memos including the proposed addition of the Arbor Street Improvement item to the agenda.

A motion was made by Council Member Pownell, seconded by Council Member Ludescher, to approve the agenda with the addition of the Arbor Street Improvement item.

Yes: 5 - Mayor Graham, C. DeLong, C. Ludescher, C. Pownell, and C. Zweifel

Not Present: 2 - C. Nakasian, and C. Peterson White

APPROVAL OF MINUTES

1. [16-343](#) 7-12-2016 Work Session minutes

A motion was made by Council Member DeLong, seconded by Council Member Pownell, to approve the July 12, 2016 Work Session Minutes. The motion carried by the following vote:

Yes: 5 - Mayor Graham, C. DeLong, C. Ludescher, C. Pownell, and C. Zweifel

Not Present: 2 - C. Nakasian, and C. Peterson White

2. [16-344](#) July 19, 2016 City Council Meeting Minutes

A motion was made by Council Member Zweifel, seconded by Council Member DeLong, to approve the July 19, 2016 City Council Meeting Minutes. The motion carried by the following vote:

Yes: 5 - Mayor Graham, C. DeLong, C. Ludescher, C. Pownell, and C. Zweifel

Not Present: 2 - C. Nakasian, and C. Peterson White

CONSENT AGENDA

City Administrator Martig introduced the items on the consent agenda.

C. Peterson White arrived at 7:03 pm.

Pat Allen spoke regarding the Age Friendly Northfield resolution. She thanked Council for the opportunity to have the resolution considered and encouraged adoption.

C. Nakasian arrived at 7:06 pm.

Don McGee, 710 Highland Ave., spoke regarding the age friendly community resolution. Noted the advisory group demographics. Asked Council to make sure representatives of all ages are considered.

Marlene Vanasek, neighbor of Woodley Apartment storm sewer project, spoke regarding standing water from rain in project area. Asked that someone look at the area for potential improvements.

A motion was made by Council Member DeLong, seconded by Council Member Pownell, to approve the items on the consent agenda. The motion carried by the following vote:

Yes: 7 - Mayor Graham, C. DeLong, C. Ludescher, C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

3. [16-345](#) Consider Approving Disbursements totaling \$769,422.41
Enactment No: M2016-109
4. [Res. 2016-076](#) Consider approving Resolution authorizing refunding of Hospital Bonds
5. [Res. 2016-077](#) Consideration to Approve Plans and Specifications and Authorize Advertisement for Bid for the 2015 Well House No. 6 Project.
6. [Res. 2016-078](#) Consideration to Approve Plans and Specifications and Authorize Advertisement for Bids for the 2016 Wastewater Treatment Plant's Ultra Violet Disinfection Process.
7. [Res. 2016-079](#) Consideration to Authorize of the Native Plant Rebate Program.
8. [Res. 2016-083](#) Consideration of Resolution Declaring Northfield an Age Friendly Community.
9. [16-347](#) Consider Approving Appointment to the Environmental Quality Commission
Enactment No: M2016-110

OPEN PUBLIC COMMENTS

Todd Bornhauser, President Northfield Area Chamber of Commerce, commented on possibly changing the date of the Council meeting so as not to conflict with Night to Unite. Spoke regarding the temporary health care dwelling item, the State legislation and noted he hopes it will come back to Planning Commission as well as having a discussion with developers on how this might work for Northfield. Spoke regarding the Chapter 50 changes. Stated he appreciates the compromise discussed at the last meeting. Asked Council to consider hospitality industry when discussing the ordinance. Noted that it is incumbent on owners to police themselves to be good neighbors.

Don McGee, 710 Highland Ave., spoke regarding disappointment on not receiving revenue and expense reports and was hoping to get them every month. Asked Council about information that came out May 31 regarding expenses being under budget. Asked about fund balance report.

REGULAR AGENDA[Res. 2016-084](#)

Consideration to increase funding for the Arbor Street Crosswalk Improvements.

Public Works Director/City Engineer Bennett introduced this item and answered questions posed by Council. City Administrator Martig answered questions posed by Council.

A motion was made by Council Member Zweifel, seconded by Council Member Nakasian, to approve Resolution 2016-084 - Accept Quotes and Award Contract for Trunk Highway 246 and Arbor Street Crosswalk Improvements option 3 including: authorizing staff to enter into a contract; authorizing the installation of the bumpout and the Rectangular Rapid Flashing Beacon; and authorizing the additional \$37,600 fund transfer. The motion carried by the following vote:

Yes: 7 - Mayor Graham, C. DeLong, C. Ludescher, C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

10. [Res. 2016-080](#) Consideration of an Agreement for Storm Sewer Improvement

Mayor Graham noted that items 10-13 are all related to the Woodley Apartment project and that there would be one introduction and one public comment period for all four items. Community Planning & Development Director Heineman introduced these items. Public Works Director/City Engineer Bennett provided information on the actions requested related to the project, information related to drainage on the property, and answered questions posed by Council.

Jonathan Davis and Lauren Davis, thanked everyone that talked with them about their concerns. Noted their primary concern is the process is moving quickly and neighborhood is not adequately prepared. Stated the final approval feels rushed. Seeking reassurances that the improvements being made are at no cost to surrounding neighbors, noted outside engineering opinion, asked about plan for a fence for safety and privacy, and requested the area be surveyed and delineated clearly.

Marlene Vanasek, spoke regarding a drainage pipe and area with standing water. Stated it would ideally be drained out with this project. Asked about pipe being large enough to take care of the water.

Rick Vanasek, spoke about drainage and a large hole. Noted two areas where water ponds. Spoke regarding standing water in basement in neighboring homes. Stated that were told 35 years ago that this was an outlot and would never be built. Spoke regarding multifamily being built next to single family homes and parking and lighting issues.

C. Heineman answered questions posed by Council. Noted fencing is not required as part of the development plan or land development code. Noted screening and landscaping has been included and concentrated in the area in question.

At 8:05 pm C. Ludescher called for a point of order on germaneness. Mayor Graham agreed and asked C. Nakasian to stick to the subject.

At 8:12 pm C. Ludescher called for a point of order related to germaneness. Mayor Graham asked Council to stick to the storm sewer issue.

A motion was made by Council Member DeLong, seconded by Council Member Ludescher, to approve the Resolution. The motion carried by the following vote:

Yes: 6 - Mayor Graham, C. DeLong, C. Ludescher, C. Peterson White, C. Pownell, and C. Zweifel

No: 1 - C. Nakasian

11. [16-348](#) Consider Accepting Easements for Lot 1 Block 5, and Lots 1-5 Block 4 East Woodley Addition Blocks 3-5, 13, 20, and 21.

A motion was made by Council Member Ludescher, seconded by Council Member Pownell, to approve Accepting Easements for Lot 1, Block 5, and Lots 1-5 Block 4 East Woodley Addition Blocks 3-5, 13, 20, 21. The motion carried by the following vote:

Yes: 6 - Mayor Graham, C. DeLong, C. Ludescher, C. Peterson White, C. Pownell, and C. Zweifel

No: 1 - C. Nakasian

Enactment No: M2016-107

12. [Ord. 980](#) Consideration of Ordinance Vacating Utility Easement on 1012 to 1108 Woodley Street East

A motion was made by Council Member Ludescher, seconded by Council Member Zweifel, to approve the Second Reading of Ordinance 980 - Vacating Utility Easement East Woodley Addition. The motion carried by the following vote:

Yes: 6 - Mayor Graham, C. DeLong, C. Ludescher, C. Peterson White, C. Pownell, and C. Zweifel

No: 1 - C. Nakasian

13. [Res. 2016-081](#) Consideration to Authorize Utility Relocation for Woodley Apartments.

A motion was made by Council Member Ludescher, seconded by Council Member DeLong, to approve Resolution 2016-081 - Authorizing Utility Relocation Work for the Woodley Apartments. The motion carried by the following vote:

Yes: 6 - Mayor Graham, C. DeLong, C. Ludescher, C. Peterson White, C. Pownell, and C. Zweifel

No: 1 - C. Nakasian

14. [Ord. 982](#) Opt Out of Temporary Health Care Dwellings Legislation Ordinance

Community Planning & Development Director Heineman introduced this item and answered questions posed by Council. City Planner Tempel answered questions posed by Council.

A motion was made by Council Member DeLong, seconded by Council Member Peterson White, to approve the First Reading of Ordinance No. 982 - Opting Out of the Requirements of Minnesota Statutes, Section 462.3593, by Amending Various Sections of Chapter 34 - Land Development Code of the City Code. The motion carried by the following vote:

Yes: 7 - Mayor Graham, C. DeLong, C. Ludescher, C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

15. [16-349](#) Receive Report from NDDC and Consider Authorizing Second Half Payment

City Administrator Martig introduced this item. Scot Covey provided a mid year report on NDDC services and activities in 2016. Mr. Covey answered questions posed by Council.

Victor Summa, 812 St. Olaf Ave., spoke regarding history of NDDC, spoke regarding City Council action in January and noted he could not find a financial report in the packet. Stated he is encouraged by the City Administrator looking at the focus and direction of the NDDC.

A motion was made by Council Member Pownell, seconded by Council Member Peterson White, to approve the Motion. The motion carried by the following vote:

Yes: 4 - C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

No: 3 - Mayor Graham, C. DeLong, and C. Ludescher

Enactment No: M2016-108

Recess

The City Council took a five minute recess at 9:04 pm. The meeting reconvened at 9:09 pm.

16. [Res. 2016-082](#) Tobacco License Penalty Hearing & Proposed Penalties - H & S Inc. dba Downtown Tobacco

Council Member Ludescher recused himself from this item.

Police Chief Nelson introduced this item and answered questions posed by Council.

Caitlin Elliott, representing Haider Alnomoni H & S Inc., spoke regarding Sec. 3-27 regarding the fine and penalty. Noted Mr. Alnomoni's previous violations, including an illegal item in his store. Stated that Mr. Alnomoni had passed numerous checks and that he takes the violations seriously. Mr. Alnomoni has fixed the problem with the store video. Ms. Elliot asked the City Council to exercise discretion in this matter and asked that if suspension is imposed, it be non consecutive days over 3 weeks specifically 8/14 & 8/15, 8/21 & 8/22, and 8/28, 8/29 & 8/30.

A motion was made by Council Member DeLong, seconded by Council Member Peterson White, to approve Resolution 2016-082 - Findings and Conclusions Regarding Imposition of the Suspension of Tobacco License Issued to H&S, Inc. with the provision of A. That the tobacco license issued to H&S, Inc., shall be suspended for a period of 7 consecutive days, namely August 14-21, 2016. The motion carried by the following vote:

Yes: 6 - Mayor Graham, C. DeLong, C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

Recused: 1 - C. Ludescher

17. [Ord. 981](#)

Consider Amending City Code Chapter 50 - Offenses and Miscellaneous Provisions Related to Disorderly Conduct, Loud Parties and Noise.

C. Ludescher returned to the table.

Police Chief Nelson introduced this item and answered questions posed by Council.

Dianne Burry, 709 Summit Ave. shareholder at Contented Cow, spoke regarding proposed changes, review of noise complaints and asked if the proposed changes address the source of the complaints. Asked Council to approve option 2 which includes until 11 pm Thursday and Midnight Friday and Saturday.

Don McGee, 710 Highland Ave., spoke in favor of option 2. Stated that the discussion two weeks ago was troubling. Noted that Council shouldn't rewrite an ordinance from the dias. Asked that Council rules of business include that the Council never amend an ordinance from the dias and that any changes be brought in writing.

At 9:48 pm, C. Peterson White appealed the ruling of the chair noting that at least one member wanted to speak on the issue.

A motion was made by Council Member DeLong, seconded by Council Member Nakasian, to approve the First Reading of Ordinance No.981 - Amending Northfield City Code, Chapter 50 - Offenses and Miscellaneous Provisions Regarding Disorderly Conduct, Loud Parties and Noise using Option 3. The motion carried by the following vote:

Yes: 5 - C. DeLong, C. Nakasian, C. Peterson White, C. Pownell, and C. Zweifel

No: 2 - Mayor Graham, and C. Ludescher

18. [Ord. 983](#)

Approve Second Reading of a new Ordinance Restricting Fishing on a Riverwalk Area.

Police Chief Nelson introduced this item and answered questions posed by Council.

Don McGee, 710 Highland Ave., asked questions about the DNR and no fishing signs on public land.

Victor Summa, 812 St. Olaf Ave., asked where someone can fish downtown. Asked if someone can bow fish off the bridge.

Laurie Hoheisel, Owner of Froggy Bottoms, noted this is a safety issue not a fishing issue. Spoke regarding problems with lures on the patio and hitting patrons. Asked Council to approve the ordinance.

At 10:02 pm C. DeLong called for a point of order for decorum. Mayor Graham agreed with the point of order.

At 10:03 pm C. Peterson White appealed the ruling of the chair and noted that she didn't have an opportunity to comment on the issue.

C. Nakasian left the meeting at 10:04 pm.

A motion was made by Council Member Peterson White, seconded by Council Member Pownell, to approve the First Reading of Ordinance No. 983 - Amending Northfield City Code, Chapter 50 - Offenses and Miscellaneous Provisions Regarding No Fishing Zones.

A motion was made by Council Member Pownell, seconded by Council Member Peterson White to extend the meeting by 5 minutes. The motion carried by the following votes:

Yes: 5- C. Nakasian, C. Peterson White, C. Pownell, C. Zweifel, and Mayor Graham.

No: 2 - C. DeLong, C. Ludescher

The motion on the first reading of the ordinance carried by the following vote:

Yes: 4 - Mayor Graham, C. Peterson White, C. Pownell, and C. Zweifel

No: 2 - C. DeLong, and C. Ludescher

ADJOURN

The meeting adjourned at 10:04 pm.