



## Legislation Text

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**File #:** 16-537, **Version:** 1

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**City Council Meeting Date:** December 6, 2016

**To:** Mayor and City Council  
City Administrator

**From:** David E. Bennett, Public Works Director/City Engineer

Consideration to go into closed session related to Mill Towns State Trail Property Acquisition at 1700 and 1900 Dundas Boulevard.

**Action Requested:**

The Northfield City Council is requested to consider a closed session to discuss potential property acquisition for Mill Towns State Trail at 1700 and 1900 Dundas Boulevard.

**Summary Report:**

The City Council may consider closing the meeting to discuss the property acquisition at 1700 and 1900 Dundas Boulevard. The City, per state statute 13D.05 below, may close the meeting to consider an offer for the purchase of property.

**13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC.**

**Subd. 3. What meetings may be closed.**

(a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

**(c) A public body may close a meeting:**

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or protected nonpublic appraisal data under section 13.44, subdivision 3 <https://www.revisor.mn.gov/statutes/?id=13.44>; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal

property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section [13D.03, subdivision 3](https://www.revisor.mn.gov/statutes/?id=13D.03) [<https://www.revisor.mn.gov/statutes/?id=13D.03>](https://www.revisor.mn.gov/statutes/?id=13D.03), applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.

**Alternative Options:**

The City could choose not to close the meeting to discuss the consideration for purchase of the property.

**Tentative Timelines:**

Property acquisition could occur in 2017.