

**“How To”
Guide
to
City Council
Meetings
(Planning and Zoning
Commission Meetings too!)**

By
John Hunziker, Council President
(1994 to 2004)
Bob Nowicki, 5th Ward Council Member
And Special Assistance by
Phil Wheeler, Director of City/County Planning
Department

How to watch a city Council Meeting Page 1-3

How to Speak to the City Council Page 4-6

**Not in My Backyard (How to Cope with
Infill Development) Page 7-9**

How To Watch a City Council Meeting

By Council President John Hunziker (1994 to 2004) and
5th Ward Council Member Bob Nowicki



You're on your third viewing of reruns, the Vikings aren't playing—the Packers are, but who cares—and as you start to surf the other 299 channels the batteries on your remote run out just as you hit Channel 19. Just your luck. A city council meeting. Still, rather than get up, you start to feel a little civic minded—it is an election year, after all—and decide to watch. We're here to help you enjoy the show...or at least understand what's going on.

When's It On? The City Council meets each first and third Monday of the month (unless otherwise published) for an open, public meeting which is televised several times (see insert).

Cast: Council members are seated on the dais in alphabetical order by last name from left to right with Council President, Dennis Hanson, in the center. Mayor Brede sits at the far right and city staff occupy the desks to the right of the room. The Post-Bulletin reporter is at the desk to the left, as are other media representatives. Members of the community who wish to speak during the public portion of the meeting address the council from the podium in the center. The public—and those who might have a principal part in the hearings— occupy the remainder of the room.

Spoilers [Warning: These Documents Reveal Key Plot Points]: Each meeting's basic agenda can be picked up at the entrance to the Council chambers. The agenda and all background information are available on the city's Internet home page at www.rochestermn.gov or a public copy of the agenda and all attachments is available for viewing starting at 8 am on the Monday of the council meeting. Copies of agenda sections will be available at no charge to the public on a first-come, first served basis. Otherwise, it will cost 5 cents per page.

Plot Synopsis: Each meeting is separated into 10 segments. Let's break it down for you:

1. Open Comment Period—This is your chance to address the Council on matters we're not discussing later in the meeting. (NOTE: This part is not televised)

2. Call to Order. Will everyone just settle down? Please. Order! Order! (You get the picture, right?)
3. Letters and Petitions—This is the part of the show, er, meeting, where we discuss items that were added to the agenda at the request of an individual or group.
4. Consent Agenda/Organizational Business—We don't mean to bore you but this isn't the most exciting part of the meeting. If you're watching at home, you might want to take a bathroom break, put the kids to bed, or grab a snack because this is when we discuss "house-cleaning" items—items requiring public Council approval, but not likely to create discussion or questions. These items are reviewed by Council members prior to the meeting and are voted on in block (i.e., all items approved in one motion), although any consent agenda item may be pulled by a Council member for further clarification or discussion.
5. Hearings (Request for Council Actions, or "RCAs") —This is where you will see the most discussion between the parties involved with a request, the Council, and the staff. Anyone who wants to speak in favor or opposition to the item uses this time to say their piece.
6. Reports and Recommendations
7. Resolutions and Ordinances—Our city attorney reads aloud, as required by law.
8. Tabled Items. Whatever we didn't get to at the last meeting.
9. Other Business. Could be anything, really.
10. Adjournment—This means that the show is over, folks. Turn off the TV. There's nothing more to see here.

Good night!

<p style="text-align: center;">CHANNEL 19 SCHEDULE Tuesday, Thursday, Sunday 8 AM 7 PM Midnight</p>

Bonus Material: The History Behind a Hearing

The Council, staff, and everyone involved with a hearing have usually been preparing for it for weeks, if not months, in advance. Many hearing items are bound by conditions well specified by zoning ordinances (laws) and have been subject to previous reviews and negotiations by staff as well as the Planning and Zoning Commission.

Council members have minutes of these previous meetings, reproductions of the affected ordinance conditions, staff recommendations, letters, phone calls, email, and personal visits from the affected parties. Each Council member is provided with a copy of all documentation to be used in the hearing at the close of the business day on the Friday prior to the Monday meeting. This prep package often exceeds 300 pages and is the Council members' "homework" for the weekend.

This may explain why questions that you might have about a hearing aren't asked during a meeting (it's been asked and answered in the previous weeks), or how decisions can be made on serious subjects with what seems like so little discussion.

If you still have any questions, feel free to call your councilmember, planning and zoning department staff, or Planning and Zoning Commission member for clarification.

John Hunziker had been the president of the City Council from 1994 to 2004).

Bob Nowicki is the 5th Ward Council member and has been on the Council since 2002.

Speak to the City Council

By Council President John Hunziker (1994 to 2004) and
5th Ward Council Member Bob Nowicki

In the first article we took a light-hearted look at watching a city council meeting. Hopefully you might have been encouraged to tune in to a broadcast as many of your neighbors tell us they have.

In this issue we'd like to bring up a more serious matter – speaking at a council meeting.

The first thing to keep in mind is that this is YOUR city and the council members have been elected by you and your fellow citizens to represent your best interests. Most people would rather do anything but stand up in public to speak in front of a group. We've had those same feelings and still do from time to time. We also recognize that whatever brought you to the council is very important to you and deserves our courteous and undivided attention and we will do our best to see that you get this.

There are 3 occasions where you might find yourself coming forward to speak:

The Open Comment Period: This agenda section is to allow citizens to address the City Council on a topic of their choice with the following guidelines:

- May not be used to continue discussion on an agenda item that already had been held as a public hearing
- This section is limited to 15 minutes and each speaker is limited to 4 minutes
- Speakers not heard will be first to present at the next Council meeting
- May only be used by an individual one time per month
- Matters under negotiation, litigation or related to personnel will not be discussed
- Questions posed by a speaker will generally be responded to in writing

Letters and Petitions: This section may be used to address the Council on a concern previously heard by the Council, an unresolved matter, or to present a request for consideration not otherwise heard by the Council. You may request time for yourself to be put on the agenda by contacting the Rochester City Clerk, Judy Scherr at 328-2900 or jscherr@rochestermn.gov .

Public Hearings – this is probably the place where you will most likely find yourself addressing the council to speak for or against a matter brought to the public hearing. The most common items you might find yourself coming to the Council about are variance requests, zoning change petitions, and General Development Plans for new development. Whether you are for or against these matters the process remains the same.

You will be asked to step up to the front of the chamber and asked to speak into the microphone on the podium. The first thing you will be asked to do is to state your name and address. So far so good! (The microphone is the foam covered appendage – the other is a reading lamp and you wouldn't be the first to talk into it.)

Some tips:

- ***Do your homework.*** We do and so will others who may be involved. The conditions and findings under which we must make our decisions are well described in the City of Rochester Zoning Ordinance and Land Development Manual or the City of Rochester Code of Ordinances. Both can be looked at either at the Rochester Public Library, the City Clerk's Office, or on line at the city home page www.rochestermn.gov . Check out the Planning Commission website www.olmstedcounty.com/planning/rochcommission/agendas/agendas.htm , where all staff reports for the Planning Commission hearings are posted the week before the meeting. The staff report will give you the planner's recommendations and the ordinance requirements that have led to their recommendations. You may also call the Planning Department (507 285-8232) and ask to speak to one of the planners about your concern. They are very knowledgeable and can save you a lot of time. They can and will refer you to the appropriate Sections of the above manuals.
- ***Understand the rules/conditions we make decisions on.*** If your concern is about a development near you then rest assured that the petitioner (developer) understands the ins and outs of the zoning ordinances and other development regulations, has been working with city/county planning department for some time before the matter becomes public, has been through the process numerous times, and will do what's necessary to comply. This is their business and they know the details. You need to understand the rules as well. Doing your homework as described above or contacting your Council member could be helpful. Our job is to represent you and help you but don't be surprised if we don't always agree with you. On the other hand
- ***Attend any and all meetings called by the developer.*** Section 60.605 of the Zoning Ordinances strongly encourages developers to hold informational meetings with property owners who will be affected by their proposed development. These meeting not only provide information to you but to also allow you to register your concerns about the project. **Note:** There is no requirement that your concern or request be satisfied.
- ***Attend the Planning and Zoning hearing.*** Normally the developer meetings are followed by the Planning and Zoning Commission (P&Z) meeting. All residents within 500 feet of new developments or zone change are notified. You will be notified of this hearing by the Planning Department with a postcard in your mail. This is your first chance to speak on the matter to voice your concern or support. Go to this meeting if possible. The format of the hearing is very much like the City Council meeting. You will learn a lot about what to expect at the Council hearing and what you might need to do in preparation for the Council hearing. The P&Z

Commissioners do an outstanding job in helping all parties meet city and state zoning requirements. Their recommendations are strongly considered by the Council but in the interim between the two meetings, conditions may change, concessions may be made between the parties, or other factors might occur that might give reason for the Council to reverse or modify the recommendation.

- **Keep your comments brief.** Write them down if you need to. Don't be afraid to use notes. If you have any handouts, maps, pictures, or drawings you will be able to display them at the stand. A good idea would be to see what others do or ask the city clerk or administrative assistant for help prior to the hearing. If you want something distributed to the council ask the city clerk prior to the meeting, even earlier in the day if copies need to be made.
- **Select a spokesperson** if a group's concerns need to be heard. Multiple repeated statements are not necessary. Once stated you can ask all in attendance who have come in support of this position to stand and be recognized. This will accomplish the same thing and would be much appreciated by all in recognition of time for other hearings.
- **Address the merits of the issue.** No personal attacks please. We understand that issues of importance bring out emotions but please understand that we must legally justify our position on "findings" and not on how we "feel" or how our own emotions have been stimulated.
- **Ask for what can be given.** A rule of thumb for successful petitioners is to not ask for what is beyond the others ability to grant.
- **Be willing to compromise.** An "all or nothing" attitude rarely gets a person "all".

NEXT ISSUE – Not in My Backyard You Don't! (Coping With Infill Development)

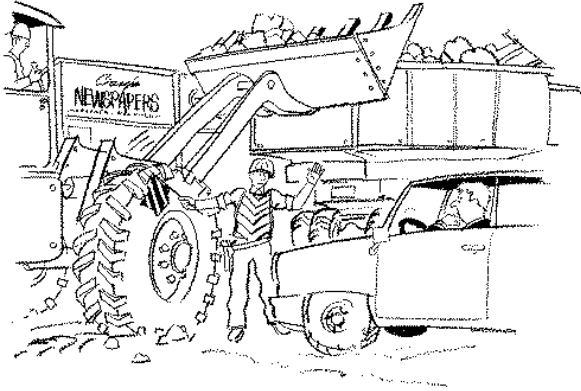
***John Hunziker had been the president of the City Council from 1994 to 2004).
Bob Nowicki is the 5th Ward Council member and has been on the Council since 2002.***

Not in My Backyard

By Council President John Hunziker (1994 to 2004) and
5th Ward Council Member Bob Nowicki

Infill Development: the common term for development in an established neighborhood

Sign of the times: A Google search on "infill development" yields 92,300 hits.



When talk of new development in an existing neighborhood begins to surface, rather than bake a plate of cookies and carry it on over to warmly welcome the proposed developer, most people start to worry about all that could go wrong. What will this do to the neighborhood? What kind of building or house is going in? Will there be an increase in traffic? What will happen to all those trees? Or, when translated, what's going to happen to my property value?!

Why My Neighborhood?

Why infill development? Why does the developer want to build right in your backyard rather than in an undeveloped, uninhabited plot of land at the city's fringes? For the developer, it's both easier and cheaper. Streets, water, sewer, electricity, and sidewalks are usually already there and working, which cuts down on costs, time, and paperwork.

With less area for police to patrol, fewer streets to plow and salt in the winter, and the like, the community also sees savings from not expanding its boundaries.

Affected residents, however, aren't as thrilled about the city's being efficient and the developer saving a fat wad of cash as they are concerned about increased traffic, loss of open space, increase in crime, degradation of the environment, incompatibility with existing development, and, most importantly, loss of property value.

These difficult issues are the major areas of conflict and discussion between either the builder or developer and nearby residents at Planning and Zoning Commission hearings and most City Council meetings. There are no easy answers. But there are a few things you can do to present your case in a way that gets results.

Attend developer meetings

The Rochester Zoning Ordinance and Land Development Manual (Development Manual) strongly encourages all applicants for General Development Plan approval, site planning permits, and conditional use permits to notify and meet with affected property owners, usually those who are within 500 feet of the proposed development.

This is your opportunity to discuss the proposed plan with the developer and express your concerns and suggestions. The developer isn't required to act on any of your suggestions, but it is a starting point toward a mutually satisfactory compromise. If you need more time to review alternatives and you think it would be helpful, ask to meet with the developer again. It may be helpful and it can't hurt.

Don't miss Planning and Zoning Commission (CPZC) hearings

If you want to formally voice your concerns, be sure to attend the Planning and Zoning Commission's public hearings. These are required and all residents within 500 feet of the new development must be notified. If you get an invitation, be sure to attend. Although these meetings can arouse strong feelings, try not to get emotional. Decisions in these cases are based on facts, so come armed with some of your own and check your emotions at the door. Start by understanding the conditions for approval of the situation in question. Prior to any official meeting, discuss your concerns with the appropriate planning staff or City Council member and solicit their advice and counsel.

FOCUS ON THE PROPOSAL'S DESIGN ASPECTS

Usually a developer's proposal meets the zoning conditions, which means that some form of it is bound to be approved. But no proposal is perfect. With some negotiation, it's possible to win a modification in the design, layout, landscaping, buffer yards, parking, access, and the like. This is where neighborhood input really makes a difference.

The Kutzky Park Neighborhood Association (KPNA), for example, was unhappy with a new hotel development going in on 2nd Street SW. While the KPNA couldn't prevent the hotel from building in the neighborhood, the association did win concessions on landscaping, building placement, open space areas, and signage that were incorporated into the requirements approved by the City Council.

CONTACT THE ROCHESTER NEIGHBORHOOD RESOURCE CENTER (RNEIGHBORS)

RNeighbors is your connection to other neighborhood leaders who have been in your boat before and might be able to offer some valuable advice. Contact RNeighbors to learn more about neighborhood issues, bone up on land development regulations, and find out what you can do to make a difference in your neighborhood.

Rene Lafflam, Executive Director (507) 529-4150

ATTENTION – Please see “*Land Use: The Neighbor Factor*” by Paul Marwin, Senior Land Use Attorney for the League of Minnesota Cities which is attached to this document as of March, 2009

Bob Nowicki

Keep Out ?

If you're worried about a new development cropping up in your neighborhood, arm yourself with the facts before hammering up your Keep Out signs. Here are some common concerns about new development and what you should know about them.

Increased Traffic. Most new developments *do* cause an increase in traffic, but nothing beyond what our streets are built to handle. The City's planning department analyzes projected traffic volume for every new development. If projected traffic volume approaches the department's safety limits, development is controlled or curtailed. There have been several instances this past year alone where building has been limited until area streets are either built or remodeled.

Fewer Trees. If a property falls within the city's land use plan—and it's not a protected area such as a wetland, protected habitat, or floodland—the land owner has the legal right to make use of that property as described in the land use manual for its zone. Sadly, while trees and open areas are nice, there is no law to protect them when they're sitting on private property.

Is there any room for discussion? Yes, but you need to know the facts. Stop by the Planning Department either in person or online at <http://www.rochestermn.gov/ldm/> and read the City's Zoning Ordinance and Land Development manual before presenting your case. Review the conditions for use and for granting variances, understand them, and develop your plea around these criteria.

More Crime. Rochester has a very low crime rate—it's in the lowest 20th percentile of similarly-sized metropolitan areas in the nation. Despite our recent growth, our overall crime rate has declined over the past decade, last peaking way back in 1982.

A Bad Fit. Some developments just don't fit their proposed surroundings, but they are the exception and not the rule. The zoning manual and guidelines are specific about zoning mixes and adjacent use to address those kind of concerns and prevent developers, whenever possible, from making a bad fit. If you're still worried, work with the developer by attending development meetings to better understand the development plan and express your concerns.

The Environment. Sinkholes, wildlife habitat, the Decorah Edge, wetland conservation, calcareous fens, and stormwater run-off...these are just a few of the concerns that the City takes into consideration whenever a new development is proposed. You should know, however, that no zoning ordinances currently exist to protect trees (except where buffer areas are required) or prevent building on or near the Decorah Edge. But there *are* very specific rules regarding wetlands, fens, and other conservation concerns and the City/County Planning and Zoning departments, along with Rochester Public Works, advise the Council on all of these issues before a development is approved.

As for storm water run-off, every development generally pays for or installs storm water abatement measures and very definitely has to comply with water runoff and grading measures to protect the surrounding areas.

Lower Property Values. The biggest fear surrounding new development, however, is a potential loss in property value. Similar to concerns over increased crime, these fears have yet to be substantiated. The problem is that the fear is so real and so great that it's almost impossible to discuss unemotionally. Perhaps this will help: A review of city-wide property values has not shown a decrease anywhere in spite of Rochester's rapid growth and development.

John Hunziker had been the president of the City Council from 1994 to 2004).

Bob Nowicki is the 5th Ward Council member and has been on the Council since 2002.

Phil Wheeler is the director of the City/County Planning Department.