

A Public Statement by Todd Zehnder - The Facts about the Lawsuit Dismissal:

In mid-September, there were numerous public comments by City Administrator Ben Martig and Mayor Rhonda Pownell. These were on KYMN radio, a City Press Release and in the Northfield News. I intend to clarify the facts and let the readers come to their own conclusions.

The Headline in the Northfield News was: "Lawsuit against City of Northfield dismissed with prejudice". To be clear, the Plaintiffs requested to withdraw the lawsuit and agreed not to pursue the matter any further. The court agreed and dismissed the lawsuit. Plain and simple. The City, with their team of attorneys (paid for with taxpayer money), presented a scenario whereby we plaintiffs would be subjected to the risk of extreme financial peril that was just too onerous to bear. Not surprisingly, if the City chooses to oppose the will of its constituents, they can out-lawyer them. They have nearly unlimited citizen funds to do so.

Our City officials chose to discredit and disregard a petition signed by 1,100 registered voters. By doing so, they disenfranchised not only the 1,100 petitioners, but also all the other citizens of Northfield who want to have a say in how their tax dollars are being spent. This lawsuit was simply asking for a judicial review and judgement as to the sufficiency of the Reverse Referendum Petition the City had rejected. Why would the City work so hard to resist a judicial review if they were so confident in their legal basis for rejecting the Petition?

As a reminder to the readers, the purpose of the Petition was threefold:

- 1) Stop unwarranted, intrusive and fiscally irresponsible installation of unwanted bikeways.
- 2) Curtail wasteful spending that is leading to double digit increases in property taxes.
- 3) Pressure City Leadership to stop ignoring citizen input.

The City had 5 alternatives to choose from in responding to this Petition:

- 1) Modify the current plan to align with taxpayer input.
- 2) Table the existing plan for 365 days and then reintroduce it.
- 3) Fund the existing plan using a different method.
- 4) Hold a citywide election on the bond sale.
- 5) Lawyer up and find a legal strategy to reject the petition.

Obviously, the Petitioners were seeking Alternative #1. We suggested a variety of project modification alternatives to avoid filing a lawsuit. All of these were met with obstinate arrogance on the part of our City Leadership.

Sadly, Mayor Pownell, City Administrator Ben Martig and 5 Councilors chose Alternative #5.

How in the world is this City able to spend millions of dollars reconfiguring streets to accommodate bikeways that are not justified by either traffic counts or bicycle counts? These elaborate and intrusive off-street bikeways are not wanted by most residents. All of this, while the City seems unable to fill cracks and potholes or install manhole cover spacers so that drivers do not need to dodge them because they are 1-2" below the pavement surface!

Ben Martig has called our petition and complaint frivolous and that it has "inflamed tensions and fostered division in the community". He goes on to say that our efforts were destined to fail and served no purpose other than to harm the city and its residents and businesses by undermining public trust and driving up the city's legal bills. To the contrary, the purpose of this complaint was to force the City Council to respect the input of the citizens regarding City projects and unjustified spending of taxpayer money. We the people, tried for 6 months to get the City to make reasonable compromises to the 2023 Street Project to absolutely no avail.

The Petitioners contend that any community tension or division has been solely created by the Mayor and the City Council!

Mayor Pownell states in their Press Release "The Council heard the citizen concerns and weighed them thoughtfully along with comments heard from others in the community who did not necessarily hold similar viewpoints. Ultimately, we felt we made a decision that was in the best interest of the entire community". Over the first six months of this year, scores of citizens attended City Council meetings pleading for a modification to what they all felt was a bad plan. Virtually NO ONE spoke in support of the plan other than Mayor Pownell and the City Council members. Where were all these mystery supporters that the Mayor references?

In our gathering of petition signatures, we approached approximately 1,200 citizens, of which more than 1,100 signed the petition. Of that 100 or so that DID NOT sign the petition, they stated that they did not understand the topic, or the petition, had no opinion, and surprisingly, some said they feared retribution from the City if they signed it. Only a handful supported the City Plan.

These 1,100 signatures were gathered from residents on 171 out of 288 streets in Northfield. Registered voters from 60% of the streets in Northfield signed the petition! It's clear why the City Council would not have wanted a citywide vote on this Bond.

Do you agree with Mayor Rhonda Pownell that this is being done "in the best interest of the entire community" or is it really being done "in the best interest of Mayor Pownell's and the Council's collective mission"?

On October 11, the Mayor and City Council are patting themselves on their backs in regards to the positive press they are receiving. There has been an obvious effort to improve their public image by ACTUALLY LISTENING to citizen input regarding Wall Street Road and Spruce Court.

The residents along Lincoln Street S and Heritage Drive are thrilled about the changes for those locations. The citizens that lobbied for a change should be thankful that those streets were not first on the chopping block. If they had been, those majestic ancient oak trees would be at the saw mill or lumber yard right now! We were first, and even with a petition signed by 1,100 citizens, we were unable to get one inch of compromise from the Mayor and the Council. Only time will tell if this new posture will hold for future street projects and other City investments.

Todd Zehnder
Former Lawsuit Plaintiff