

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 24, 2009**

1. CALL TO ORDER

Mayor John Hall called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, August 24, 2009.

2. ROLL CALL

Members present: Council members Brian Kleven, Steve Menth, Steve Parks, Ken Schreiber, and Mayor John Hall.

Staff present: City Administrator Greg Withers, City Attorney Loren Magsam, City Planner Jeffrey Dahl, and Deputy Clerk LeAnn Larson.

Others present: Martin Duffy, Linda Trippel, Chuck Gisvold, Gary Current, John Cochran, Jill Johnson, Tim Lindholm, Marcia Thompson, Alicia Miller, Al Lindquist, and Ron Barger.

3. PLEDGE OF ALLEGIANCE

Hall led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

A motion was made by Parks, seconded by Kleven, to accept the Agenda as presented. The motion carried 5-0.

5. CONSENT AGENDA

- a. Receive Planning Commission Minutes of July 20
- b. Approve City Council Minutes of July 13, July 21, and July 27
- c. Receive American Legion July Gambling Report
- d. Receive Firemen's Relief Association July Gambling Report
- e. Receive Lions Club July Gambling Report
- f. Receive Osseo-Maple Grove Hockey Association July Gambling Report
- g. Approve Pinnacle Engineering Final Bill Phase II Environmental Investigation for Redevelopment
- h. Adopt Resolution No. 2009-51 Approving the Decertification of Tax Increment Financing District No. 3
- i. Approve Position Criteria Document and Schedule for Hiring Police Administrative Assistant
- j. Approve Step Increase for City Planner
- k. Approve Accounts Payable (Listing 082409, dated 8/20/09 2:02 PM, for \$675,368.46)

Schreiber requested item 5.k. be removed from the Consent Agenda. He asked that the payment to Forest Lake Contracting for Pay Estimate #2 for the Central Avenue project be reviewed during the discussion for item 10.c. Central Avenue Project.

A motion was made by Kleven, seconded by Schreiber, to approve the Consent Agenda as amended. The motion carried 5-0.

6. MATTERS FROM THE FLOOR

Al Lindquist reminded everyone that the final Concert in the Park is tomorrow evening. The Lorie Line Concert was a success. He stated the intent of the Lorie Line Concert is a money-maker for park improvements. It is the only concert each summer that is not “free” to the public. Lindquist stated donations are being accepted to offset the costs of Movies in the Park. The Osseo Business Association is soliciting donations toward flowers costs at City Hall and in Boerboom Veterans Park. The annual Lions Roar celebration is coming Friday and Saturday, September 11-12. The parade route has been changed this year due to the Central Avenue street project. More festivities are being planned for the last Saturday in October to coincide with the children’s Halloween Parade. Plans are underway for a large celebration on December 4.

Marcia Thompson, 16 2nd Avenue NE, spoke of the speeding traffic along her street and how it is destroying her neighborhood.

Kleven stated he understood stepped-up police patrol efforts had been successful in her neighborhood.

Tim Lindholm, 523 Central Avenue, said he opposed the new Rental Inspection Program.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

a. CONSIDER 2ND READING AND ADOPTION OF RENTAL INSPECTION PROGRAM

City Planner Jeffrey Dahl noted the City Council voted 4-1 to repeal the existing Property Maintenance Code and approve the new draft Property Maintenance Code. The City would be joining a growing number of communities and states throughout the country that are updating building codes by adopting the 2006 International Property Maintenance Code (IPMC).

The 2006 IPMC is a national model code that addresses maintenance requirements for the interior and exterior of structures. It is not meant to replace other City ordinances being enforced by other City departments (e.g. signs, zoning, nuisances, junk cars, on-street parking, outside storage, etc.) The IPMC also contains requirements for plumbing, heating, fire, and electrical systems in existing buildings. This document is consistent and comprehensive and is a compatible property maintenance document that is meant to be used with the other codes as adopted by the State of Minnesota.

The adoption of this document will clarify the City's expectations of property owners in the areas of providing safe, structurally sound, and well-maintained buildings. Staff is confident that the revised Code will be the most efficient and effective way for the City to uphold property maintenance and protect the welfare of the community.

Part of the revised PMC includes a systematic rental inspection process. Prepared forms, checklists, and certificates will be used to provide for consistency and uniformity in licensing and inspection of rental properties. Property owners will be issued certificates of compliance based on the results of scheduled inspection. These compliance certificates will be the basis for the approval of the required rental license. The performance goal is to inspect small rental property units every year. Common areas of apartment buildings (e.g., boiler rooms, laundry rooms, community rooms, corridors) will be inspected on an annual basis. The apartment unit inspections will be accomplished by inspecting one third of all apartments each year.

Dahl noted the draft "Rental Inspections Services Agreement" with the City of Brooklyn Park (for its staff to provide rental inspection services) indicates that Osseo would capture 35% of generated revenue and Brooklyn Park would capture the remaining 65%. This program is designed to pay for itself.

Staff recommends repealing the existing Property Maintenance Code and approval and adoption of the new PMC (2nd reading of ordinance amendment), adoption of a resolution for the proposed fee schedule, and approval of the "Rental Inspection Services Agreement" with the City of Brooklyn Park.

Schreiber stated he had a problem with annual inspections of single family homes and duplexes.

Dahl stated there is a higher frequency of turnover in these dwellings, and conditions of rental property can change quickly.

Kleven stated he understood the City of Brooklyn Park has an efficient program and only about 24 percent of its housing stock is rental. The rental rate in Osseo is more than 40 percent of the available housing units.

A motion was made by Kleven, seconded by Parks, to adopt Ordinance No. 2009-3, an Ordinance Amending Chapter 151 of the City Code in its Entirety, Adopting the International Property Maintenance Code Including Licensing and Inspection of Rental Housing and Truth in Housing Inspection Program. The motion carried 5-0.

A motion was made by Kleven, seconded by Parks, to adopt Resolution No. 2009-52 Amending the 2009 Fee Schedule for Rental Housing Licensing and Inspection Program. The motion carried 4-1 (Schreiber-nay).

A motion was made by Kleven, seconded by Parks, to approve title and summary publication of Ordinance No. 2009-3. The motion carried 4-1 (Schreiber-nay).

A motion was made by Kleven, seconded by Parks, to approve the Rental Inspection Services Agreement between the City of Osseo and City of Brooklyn Park, and authorize the Mayor and City Administrator to sign such agreement. The motion carried 4-1 (Schreiber-nay).

b. APPROVE LEASE FOR SPACE ON SOUTH WATER TOWER WITH CITILINK COMMUNICATIONS, LLC

City Attorney Loren Magsam presented a Tower Space Lease Agreement from Mike Dyer/Action Radio, the City's agent for leasing space on the Osseo water tower. The

potential tenant is CitiLink Communications, LLC. The lease agreement is very similar to prior leases that have been in effect at the south water tower over a number of years. This lease is for an initial term of five years with two renewal terms of five years each possible. The base rent will be determined by the number of antennas installed, with rents increasing three percent annually. The City pays Action Radio/Mike Dyer ten percent of all water tower rentals as a management fee.

Hall asked about the rent received and number of antennas on the tower. Magsam said rental figures would be \$2,600 per month for 10 antennas or \$3,120 per month for 12 antennas. Hall asked if there were other agreement in place for the lease of space on the water tower. Magsam said yes, there were three other agreements in place with similar agreements.

Parks asked how many antennas could be erected on the tower. Withers said it depended on height of the antennas and signal frequency.

A motion was made by Kleven, seconded by Schreiber, to approve the Tower Space Lease Agreement between the City of Osseo and CitiLink Communications, LLC, as presented, and authorize the City Administrator to execute such agreement. The motion carried 5-0.

c. CENTRAL AVENUE PROJECT

i. AUTHORIZE ADDITIONAL ELECTRICAL WORK ON 3RD STREET

Withers noted that electrical plans near 3rd Street NE have changed. According to City Engineer Marcus Thomas, the goal is to relocate four electrical boxes and the power pole next to the Wiley building on 3rd Street (where Bromen's Luggage is located) to facilitate building improvements. The two lighting cabinets would be replaced with one new cabinet at the back of the building with the extension of additional buried conduits and conductors. This would include moving the entire signal system for the nearby intersection to avoid any splicing in the system. The end result would be the complete relocation or removal of the boxes and pole at the current location.

Withers said the estimate from Thomas is \$10,000-\$15,000. He stated Wiley Enterprises has agreed to pay for new curb and gutter plus sidewalk in that area if the boxes and pole are moved.

Kleven said the moving and removal of boxes and pole would allow for use of the sidewalk for its intended purpose as a sidewalk.

Parks and Hall agreed this would be a good solution to an eyesore on 3rd Street.

Schreiber said he wished we knew a definite cost for this measure.

A motion was made by Kleven, seconded by Schreiber, to approve the work proposed by City Engineer Marcus Thomas for 3rd Street Electrical Boxes. The motion carried 5-0.

ii. REVIEW CIVIC PLAZA SITUATION

Withers stated the original plans for the Civic Plaza block of Central Avenue called for a cement base under the pavers. The landscape subcontractor anticipated allowing for a three-inch high paver. However, the contractor's plans allowed for 4 ½ inch pavers. Therefore, there is a wider gap where the pavers are to be placed that cannot be entirely filled with a sand medium. Remedying the dilemma required further engineering design work. According to the City Engineer, a viable solution is to have a bituminous layer (on top of the concrete base) that the pavers can fit into with sand between the pavers. The estimate for this additional work from the general contractor, Forest Lake Contracting, was \$30,000. Withers stated this was a design cost due to the City Engineer that should not be borne by the City of Osseo. He further said he expects Bolton & Menk to pay for this additional \$30,000.

Schreiber asked about the timeline for the project and any delay for this additional work. Withers said he anticipated this measure would slow the completion of the work in this area about four days but said it should be done before Lions Roar festivities.

Hall asked about the rumor that the project was two weeks behind schedule. Withers stated the project actually started two weeks later than projected. Withers said the contractor is trying to make up for any lost time due to changes and several rain days. Hall reminded Council members they should not be telling the contractor what to do and stirring up trouble.

iii. APPROVE PAY REQUEST #2 TO FOREST LAKE CONTRACTING, INC.

Withers stated Pay Request No. 2 to Forest Lake Contracting, Inc., is for \$587,170.03, which already includes a five percentage retainage amount.

A motion was made by Kleven, seconded by Schreiber, to approve Pay Request No. 2 as presented. The motion carried 5-0.

5.k. A motion was made by Schreiber, seconded by Menth, to approve Item 5.k. Approve Accounts Payable. The motion carried 5-0.

d. APPROVE CONTINUATION OF SIGN MORATORIUM

Dahl stated last year at this time an interim ordinance amendment placed a moratorium on off-site free standing signs. The existing moratorium expires on August 31, 2009. It needs to be extended because the sign code revisions, specifically the revised language pertaining to off-premise freestanding signs, are not completed yet. Extending the moratorium one year should allow ample time to complete the zoning code and sign code amendments.

A motion was made by Kleven, seconded by Schreiber, to adopt Resolution No. 2009-53 Granting an Extension of Ordinance No. 2008-8 until August 31, 2010. The motion carried 5-0.

e. EXECUTIVE SESSION – CLOSED MEETING

Magsam noted this Council meeting would adjourn to Executive Session to consider disciplinary action against a City employee and provide a union negotiations update.

The City Council went into Executive Session at 8:15 p.m.

i. EMPLOYEE DISCIPLINE MATTER

The City Council adjourned the Executive Session and returned to the Council table at 10:22 p.m.

A motion was made by Kleven, seconded by Parks, to discipline Police Chief Timothy Ryan with: a written reprimand for his inappropriate use of sexually explicit language or slang and his inappropriate language to and about subordinates and to and about the public; and a verbal reprimand for violating the Minnesota Gift Law and an order to return the t-shirt. The motion carried 5-0.

ii. UNION NEGOTIATIONS UPDATE

Withers stated union negotiations with the Police union continue.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Withers stated the period for filing Affidavits of Candidacy for the upcoming City election begins tomorrow, Tuesday, August 25, 2009, and closes on Tuesday, September 8, 2009. The municipal election of the City of Osseo will be held on November 3, 2009. The following offices will be voted on: Mayor, One-year Term; Two (2) Council members, Three-year Terms.

Withers presented a letter from the Manager of Public Projects with the BNSF Railway. The letter expresses a desire of BNSF to close a railway crossing on West Broadway in the City of Osseo. Withers stated Osseo is not interested in closing this crossing and isolating the properties to the west from the rest of the City.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Magsam had no report.

Menth had no report.

Parks reminded everyone of the Farmers Market each Tuesday from 3-7 p.m.

Kleven had no report.

Schreiber had no report.

Hall said the rumor that the Central Avenue driving lanes are too narrow is untrue. The driving lanes are the standard 12 foot width. He reminded everyone of the upcoming Lions Roar event on September 11-12.

13. ADJOURNMENT

A motion was made by Menth, seconded by Kleven, to adjourn the City Council meeting at 10:29 p.m. The motion carried 5-0.

Respectfully submitted,

LeAnn Larson
Deputy Clerk