

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
JULY 25, 2011**

1. CALL TO ORDER

Mayor Al Lindquist called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, July 25, 2011.

2. ROLL CALL

Members present: Council members Allan Hartkopf, Duane Poppe, Mark Schulz, Rick Weber, and Mayor Al Lindquist.

Staff present: City Administrator Jeffrey Dahl, City Attorney Loren Magsam, Police Chief Tom Hartkopf, and Fire Chief Mark Lynde.

Others present: Douglas Lee, Marcus Thomas, Sarah Rippke, Ron Barger, Alicia Miller, Barry Anderson, Allen Derheim, and Ken Prillaman.

3. PLEDGE OF ALLEGIANCE

Lindquist led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Lindquist asked for additions or deletions to the Agenda.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of July 5
- B. Approve City Council Minutes of July 11
- C. Receive June Fire Report
- D. Receive American Legion June Gambling Report
- E. Receive Fire Relief Association June Gambling Report
- F. Receive Osseo Lions Club June Gambling Report
- G. Receive Osseo Maple Grove Hockey Association June Gambling Report
- H. Accept Resignation of Firefighter Jeff Weiss
- I. Ratify Contract for Electrical Inspection Services with Tokle Inspections, Inc.
- J. Approve Fur-Finn-Feather/Osseo Legion Raffle Permit for September 21

A motion was made by Poppe, seconded by Schulz, to approve the Consent Agenda. The motion carried 5-0.

6. MATTERS FROM THE FLOOR

Douglas Lee, 600 North Oaks Drive, stated he has been biking and walking the community a great deal over the summer. He thanked the residents for taking such great pride in their yards. Mr. Lee publicly thanked the Police Department for responding to

the recent burglar calls in his neighborhood. He encouraged the Council to keep the Police Department in the City of Osseo and not outsource these services.

Fire Chief Mark Lynde stated the Heart Safe Community program would hold its first meeting on August 15 at 4:00 p.m. at the Osseo Community Center. He encouraged the Council to attend.

7. SPECIAL BUSINESS

A. PROCLAMATION FOR NIGHT TO UNITE

Lindquist read a Proclamation declaring August 2 to be Night to Unite in the City of Osseo. He encouraged all residents to take part in the event.

Police Chief Hartkopf indicated this was a great event and eight parties were registered with the department for community gatherings.

B. ADOPT RESOLUTION ACCEPTING DONATIONS FOR FLOWER BASKET FUND

City Administrator Jeffrey Dahl stated donations have been received for the Beautification/Flower Fund. Kathleen Gette donated \$20, Dan Penny donated \$20, and Virginia Busch donated \$25. He recommended the Council approve the Resolution as presented, accepting the donations.

A motion was made by Hartkopf, seconded by Poppe, to adopt Resolution No. 2011-41 Accepting Donations for the Beautification/Flower Fund. The motion carried 5-0.

C. ADOPT RESOLUTION ACCEPTING DONATION OF \$500 FROM DUFF'S LLC TO FIRE EQUIPMENT

Dahl stated Duff's LLC has contributed \$500 to the City of Osseo for Fire Department Equipment. The donation was being made out of the proceeds from the recent Bike Run. He recommended the Council approve the Resolution as presented, accepting the donation.

A motion was made by Poppe, seconded by Schulz, to adopt Resolution No. 2011-42 Accepting Donation of \$500 from Duff's LLC for Fire Equipment. The motion carried 5-0.

D. ADOPT RESOLUTION ACCEPTING DONATION OF \$500 FROM DUFF'S LLC TO POLICE EQUIPMENT

Dahl stated Duff's LLC has contributed \$500 to the City of Osseo for Police Department Equipment. The donation was being made out of the proceeds from the recent Bike Run. He recommended the Council approve the Resolution as presented, accepting the donation.

A motion was made by Schulz, seconded by Poppe, to adopt Resolution No. 2011-43 Accepting Donation of \$500 from Duff's LLC for Police Equipment. The motion carried 5-0.

E. ADOPT RESOLUTION ACCEPTING DONATION OF \$2,000 FROM OFDRA FOR CONCERTS/MOVIES IN THE PARK

Dahl stated the Osseo Fire Department Relief Association was contributing \$2,000 to the City for the Concerts and Movies in the Park Fund. He recommended the Council approve the Resolution as presented, accepting the donation.

A motion was made by Hartkopf, seconded by Poppe, to adopt Resolution No. 2011-44 Accepting Donation of \$2,000 from OFDRA for Concerts/Movies in the Park. The motion carried 5-0.

8. PUBLIC HEARINGS

A. CONSIDER DECLARATION OF SURPLUS PROPERTY AND SALE OF OUTLOT 1, MASTLEY'S ADDITION

Dahl stated the Council should re-open the continued public hearing this evening for the declaration of surplus property for Outlot 1, Mastley's Addition. The Council should then close the public hearing and table the matter to a future meeting to allow staff to gather additional information. It appears that an error was made in the past regarding the boundary lines and this matter had to be addressed before further action could be taken by the Council.

Lindquist reopened the public hearing at 7:16 p.m.

Marcus Thomas, Bolton & Menk, reviewed an Exhibit with the Council. He reviewed his understanding of the issues on the boundary lines. The boundaries shown by Bolton & Menk differ from those on file with Hennepin County. This discrepancy was reviewed by Bolton & Menk's current surveyor.

Mr. Thomas reviewed the platting history of this parcel dating back to 1943. He indicated the site was re-measured by Bolton & Menk. An overlap was found and, based on the field verifications, the north boundary was placed too far north. Mr. Thomas noted the adjacent property owners understood the correct boundaries.

Mr. Thomas advised the City to have the outlots conveyed from the north to the south to correct the boundary lines.

Weber asked if storm sewer ran through the outlots to North Oaks. Mr. Thomas was uncertain of the storm sewer location. He understood that the outlots were not created to accommodate utilities. The outlots were established when Mastley's Addition was platted and the boundary lines were discovered to be off. The land was given to the City. City Attorney Magsam further reviewed the history of the lots and how two of the outlots were previously conveyed.

Lindquist questioned the Council's next step. Dahl stated staff would speak with the property owners to create a plan on how to proceed with the sale of the subject outlot.

A motion was made by Schulz, seconded by Poppe, to close the public hearing. The motion carried 5-0.

Lindquist closed the public hearing at 7:33 p.m.

A motion was made by Schulz, seconded by Poppe, to table action on the Declaration of Surplus Property and Sale of Outlot 1, Mastley's Addition to the August 22 Council meeting. The motion carried 5-0.

9. OLD BUSINESS

A. CONSIDER SPECIAL ASSESSMENT POLICY FOR STREET AND UTILITY IMPROVEMENTS

Dahl stated at the June 13 City Council meeting the Council directed staff to draft a Special Assessment policy that would be consistent with the Capital Improvement Plan and Financial Management Plan. Both of these plans were based upon the City approving a uniform assessment policy. Sarah Rippke with Bolton & Menk has drafted a policy for future street and utility improvements. He recommended the Council proceed with the plan.

Sarah Rippke, Bolton & Menk, reviewed the proposed Special Assessment Policy with the Council. The policy will serve as a guide when preparing assessment rolls associated with street and utility improvements identified in the City's Financial Management Plan. The purpose of the policy was to establish a fair and equitable manner of recovering and distributing costs for public improvements.

Ms. Rippke stated 50% of the total project costs would be covered through special assessments on a per unit basis. Multi-family units would be assessed on a project-by-project basis. The policy proposes that commercial, industrial, institutional, and multi-housing units be assessed on a frontage basis. The payback period would be 10 years and an interest rate 2% above the true interest rate. She indicated the policy could be reviewed in the future if desired, but recommends the Council approve the draft as presented.

Lindquist questioned how rental properties would be assessed. Ms. Rippke indicated if the property had separate PIN numbers for the rental units each unit would be assessed separately.

A motion was made by Schulz, seconded by Poppe, to adopt the Special Assessment Policy as presented. The motion carried 5-0.

B. CONSIDER PROPOSAL FOR ALLEY EVALUATION/MAINTENANCE PLAN

Dahl stated at the June 13 Council meeting the Council directed staff to assemble an alley maintenance and reconstruction proposal that would be incorporated into the City's Pavement Management Plan. He indicated Bolton & Menk was contacted to create a proposal for this plan.

Sarah Rippke, Bolton & Menk, stated the proposal before the Council this evening would allow Bolton & Menk to evaluate the current condition of the alleyways and provide a general improvement recommendation. This would give the Council a better understanding of the current situation before proceeding with any maintenance.

Ms. Rippke reviewed the proposal in further detail stating cost estimations would be provided. She suggested a reclamation procedure for the alleyways or pothole filling

versus a complete replacement of the alleyways. All findings would be brought forward to the Council at a future meeting.

Lindquist questioned the \$5,443 fee associated with the plan. Ms. Rippke stated the expense would cover the time it would take engineering staff to evaluate and provide cost estimates for reclaiming the 2½ miles of alleyways in the City.

Lindquist asked if this expense was budgeted and from which fund it would be taken. Dahl recommended the General Engineering Fund be used for this expense.

A motion was made by Schulz, seconded by Hartkopf, to approve Bolton & Menk's proposal to develop an Alley Evaluation/Maintenance Plan.

Schulz questioned if City Code would have to be revised if the alleyway plan were adopted. City Attorney Magsam reviewed the current language and felt it would be appropriate to revise the Code.

Weber commented the alleyways need to be able to withstand the weight and force of commercial garbage trucks. Ms. Rippke understood and stated this information would be included within her report.

The motion carried 5-0.

C. AUTHORIZE 4TH AVENUE STORM SEWER PROPOSAL FOR TOPOGRAPHY SURVEY, FINAL PLANS AND SPECIFICATIONS, AND AUTHORIZE ADVERTISEMENT FOR BIDS

Dahl stated at the June 13 meeting the Council adopted its first Capital Improvement Plan (CIP). The only infrastructure improvement-related project identified in 2012 is "4th Avenue NE Flood Mitigation." In order to move forward with the project in 2011, the City could now authorize the City Engineer to commence with site preparation and final design. The project is identified in the CIP and Financial Management Plan (FMP) as a \$150,000 improvement. The fees associated with the project preparation and design were assumed in the total project costs. The project is to be paid entirely by the City's Storm Sewer Fund.

Sarah Rippke, Bolton & Menk, reviewed the plans in further detail for the 4th Avenue Flood Mitigation Project. Bolton & Menk is proposing to complete the topographic survey mapping, final plans, and specifications to allow the project to be bid.

Ms. Rippke discussed the project timeline stating the Council would have to take action this evening if the project was to be completed this fall. If favorable bids were not received, the project could be put on hold until spring of 2012.

Weber questioned if the garage door at a specific property on 4th Avenue NE would continue to flood after the sewer improvements were completed. Mr. Rippke stated the capacity of the pipelines would be increased in this area, as they were currently undersized. In intense rain situations, the area may still flood, as the water would run backwards down the driveway and into the garage.

Marcus Thomas, Bolton & Menk, stated this particular driveway does have back fall of rainwater. This situation was not the City's responsibility. The proposed project would remedy the problem at the street level to assure that the water levels do not rise too high

and overflow onto private property. This would greatly reduce the magnitude of flooding.

Lindquist suggested the driveway apron in question be altered to assure that storm water was not flowing onto the property. Mr. Thomas stated the apron could be raised or tilted. However, the topographic and drainage issues on the private property were not the City's concern and would not be addressed through this improvement project. He indicated the property owners could be contacted for additional services.

Weber did not want to see the homeowner have false hopes that this would completely resolve their flooding situation.

A motion was made by Poppe, seconded by Schulz, to approve authorization of the Survey, Design, and Bidding Services (Tasks 1 and 2) for the 4th Avenue NE Flood Mitigation Project for an amount not to exceed \$14,994. The motion carried 5-0.

D. CONSIDER POLICE SERVICES FEES

Dahl stated staff has discussed ways to increase revenues for the City. Police Chief Hartkopf recommended to the Public Safety Advisory Committee (PSAC) that the City adopt a "fees for services" policy with regard to police services for special events. The PSAC accepted the recommendation.

City Attorney Magsam explained the City was authorized to charge fees for police services. If the City were to adopt a plan, the methodology for establishing defensible fees would have to follow the League of Minnesota Cities guidelines. He indicated Chief Hartkopf recommended the City of Corcoran's "fees for services" policy be modeled.

Schulz commented the PSAC voted to bring this issue forward to the City Council.

Weber stated all departments were being asked to find ways to reduce expenses or increase revenues. He thanked Chief Hartkopf for coming forward with this recommendation.

Poppe indicated this was a frustrating topic, but a decision had to be made considering the economic climate of the City, as the City would have to continue to do more and more with less.

Council member Hartkopf said he was not in favor of the additional fees as this would deter events from being planned in the City.

Lindquist indicated he spoke with the City of Champlin and Champlin charges no fees for a similar event. This was also the case for Whiz Bang and Tater Days. These events were not meant to be money making events. The Lions Club activities in Osseo, such as Lions Roar, was a fundraising activity. The funds gained were then distributed back to the City through donations.

Lindquist felt the police services expense for the Lions Roar and the Marching Band Festival should be overlooked as each of these events brought many benefits to the community. He stated the Lions Club made over \$100,000 in contributions last year throughout the area, which far outweighed the expense of the Police Department for Lions Roar.

Allen Derheim, 525 2nd Street SE, stated the police patrolled the Osseo football games and asked if expenses were covered for that. Lindquist stated this was a good point and the Council would have to draw a line at some point, as these were expected services in the community for the Police Department.

Dahl noted this was brought to PSAC as a way to capture additional revenue for the City. The intention was not to dissuade events from coming to Osseo as a result of a proposed fee schedule.

Police Chief Hartkopf admired the work of the Lions in the community. However, given the current budgeting climate, cuts were being made and revenues needed to increase. In neighboring communities, fees are not charged for City sponsored events. The Osseo Band Festival and Lions Roar were not City sponsored events. He explained that the school district does pay for additional hours on certain dates for school sponsored events. He asked that the Council review the fees for services information further.

Schulz questioned the expense for police services for Lions Roar and the Band Festival last year. Police Chief Hartkopf stated the expense was just under \$7,000. Lions Roar was the majority of the expense as this was a two day event.

Lindquist was in favor of further discussing the service fees to bring about the best solution for the City.

Schulz commented that three Council members were current members of the Lions Club. He questioned if the City were to charge for policing fees, if the Lions Roar would be canceled.

Council member Hartkopf stated this was the case.

Schulz understood this was a difficult topic. However, he welcomed the opportunity to investigate this further. Perhaps additional volunteers could be used to reduce the expense of policing services.

A motion was made by Schulz, seconded by Weber, to proceed with consideration of a “fees for services” policy, directing the Police Chief and City Attorney to draft a proposed “fees for services” policy and return it to the Council at a future meeting. The motion carried 3 ayes (Poppe, Schulz & Weber) - 2 nays (Hartkopf & Lindquist).

E. APPROVE 2ND READING & ADOPTION OF FIRE DEPARTMENT CODE AMENDMENT & SUMMARY PUBLICATION

Dahl stated at the June 13 meeting the Risk Management Committee recommended updating the City Code pertaining to the Fire Department as the language in Chapter 33, Sections 33.15 to 33.25 was obsolete and inconsistent with current practice. An Ordinance was drafted to document the guidelines of the department and the first reading was approved on July 11. Staff recommended the Council approve the Second Reading and approve the summary publication.

A motion was made by Hartkopf, seconded by Poppe, to approve the Second Reading and adoption of the ordinance amendment to Chapter 33, Sections 33.15 to 33.25, of the Osseo City Code, and order the Summary Publication. The motion carried 5-0.

F. CONSIDER REVISED AGREEMENT WITH MAPLE TAVERN FOR COMMUNITY CENTER

Dahl stated Maple Tavern would like the Council to consider a revised Event Package price list for services at the Community Center, different from what was approved at the July 11 Council meeting. Wedding events scheduled for Friday and Saturday nights would bring the City \$300 in revenue.

A motion was made by Hartkopf, seconded by Schulz, to approve the revised Event Package price list as Exhibit A, part of the Agreement for Catering Services with Maple Tavern. The motion carried 5-0.

10. NEW BUSINESS

A. REVIEW AUTO AID REPORT FOR 2011

Dahl stated this item was placed on the agenda as requested by Council members Poppe and Schulz.

Fire Chief Lynde indicated the City approved an auto aid agreement with the City of Brooklyn Park in June of 2010. The Public Safety Advisory Committee (PSAC) has been reviewing numbers related to the agreement on a quarterly basis and has made no recommendation to date. The information provided would assist with budgetary decisions.

Lindquist questioned why the PSAC minutes were not presented to the Council. Schulz noted the minutes were not yet approved. He stated PSAC recommended this be reviewed at this time, as the program was completing its first year.

Fire Chief Lynde stated the City has seen a cost savings over the past year with fire department expenditures. He indicated the City saw further cost savings when the department sold its ladder truck. The auto aid program allows the City to receive the response of a ladder truck without incurring 100% of its expense each year. He stated several adjustments have been made to the auto aid program to address several concerns, which has greatly improved the relationship between the City of Osseo and Brooklyn Park. Fire Chief Lynde then reviewed the differences between mutual aid and auto aid. He assured the Council that the quality of fire services has not been altered in any way and that the Osseo's ISO rating has been maintained.

Poppe questioned if any additional revisions were necessary to improve the auto aid agreement. Fire Chief Lynde stated at this time the agreement was working properly for both parties involved.

Poppe asked how the boundaries within the auto aid agreement were determined. Fire Chief Lynde indicated this was determined through discussions between the neighboring fire chiefs. The boundaries created provided for the most efficient response times.

Brooklyn Park Fire Chief Ken Prillaman explained he served as the Chairman for the Hennepin County Fire Chief's Auto Aid and Mutual Aid task force. This was a brand new system for the entire County and region of the country. The movement would be towards a shared services model. He explained the auto aid program greatly benefited

the City and protected the City's ISO rating. The changes being made in the auto aid program were creating greater efficiencies for all departments.

Poppe thanked Fire Chief Lynde for making the necessary adjustments on behalf of the City.

Schulz questioned if the ISO evaluators have been out to reevaluate the City since the auto aid agreement has been put in place. Fire Chief Lynde indicated the evaluation would take place shortly. Fire Chief Prillaman reviewed the ISO evaluation process and point values further with the Council. He stated all auto aid agreements were recognized within the ISO evaluation but mutual aid agreements were not.

Schulz requested further information on the type of calls that Osseo was responding to for the City of Brooklyn Park. He wanted to review this information prior to making budgetary decisions.

B. CONSIDER AUDITING AGREEMENT FOR 2011-2013

Dahl indicated at the May 9 meeting the Council directed staff to advertise an Request For Proposal (RFP) for Audit Services. The last time the Council issued an RFP for Audit Services was in 2006. The Budget and Finance Committee met with staff to review the seven submitted proposals as a result of the RFP and scored them based upon cost, experience, resources, and additional services provided.

Dahl noted the Budget and Finance Committee chose to interview Kern DeWenter, Viere, Ltd. (KDV), LarsonAllen LLP, and Malloy, Montague, Karnowski, Radosevich & Co (MMKR). He explained the interviews were held on July 7 and, after much discussion, the consensus was to recommend acceptance of KDV's proposal for audit services.

A motion was made by Poppe, seconded by Weber, to authorize staff to accept the proposal to provide Audit Services for the City of Osseo for 2011, 2012 and 2013 from KDV. The motion carried 5-0.

C. CONSIDER HIRING DEPUTY FIRE CHIEF

Dahl stated the Deputy Fire Chief position was vacated as a result of Deputy Chief Chuck Gisvold's unfortunate death. The City Council declared the position open at its June 13 meeting and advertised the position internally. Two applications were received for the Deputy Chief position, Captain 11 Erin Lynne and Captain 12 Patrick McGrane.

Dahl explained the applications were reviewed and interviews were conducted by a panel including the City Administrator, Chief Lynde, Chief Scott Crandell, and the Council Human Resources Committee. The applicants both scored very well based on their resumes and interview performance. Captain McGrane scored exceptionally high in experience, professional training, supervisory skills, and dedication to the department, and was recommended for the position.

Fire Chief Lynde felt both candidates were highly qualified for the position and Patrick McGrane would serve the community well as the Deputy Fire Chief.

A motion was made by Weber, seconded by Poppe, to appoint Patrick McGrane as Deputy Fire Chief and declare the Captain 12 position open and advertise the position internally. The motion carried 5-0.

D. ACCOUNTS PAYABLE

Dahl reviewed the Accounts Payable with the Council.

A motion was made by Schulz, seconded by Poppe, to approve the Accounts Payable as presented. The motion carried 5-0.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Dahl reported the next two Tuesdays were eventful in Osseo. He stated the Farmers Market was scheduled for Tuesday, July 26, along with the Concert in the Park, featuring Susan Freeman/pianist. Karate Kid would be screened for Movie in the Park and he encouraged all to attend.

Dahl stated August 2 was Night to Unite, and Letters to Juliet would be screened that evening in the Park.

Fire Chief Lynde commented that the Council had accepted the letter of resignation from Firefighter Jeff Weiss. Mr. Weiss was a well trained fireman, and Lynde thanked him for his 11 years of service to the City of Osseo. Fire Chief Lynde explained how residents could apply for the open position.

12. COUNCIL AND ATTORNEY REPORTS

Weber requested staff post the Night to Unite celebrations to allow the Councilmembers to attend each of the events.

Poppe indicated his front yard would be open for Night to Unite with a band playing from 7:00-9:00 p.m. He invited all to attend.

Poppe stated a fundraising golf tournament was scheduled at Begin Oak Golf Course on August 20 beginning at 8:00 a.m. He stated application forms were available at City Hall.

Schulz encouraged residents to participate in Night to Unite or to stop by Mr. Poppe's for the evening. He thanked the West Metro Fire Department for the Chief's assistance with the recent interviews. He congratulated Pat McGrane on becoming the new Deputy Fire Chief.

Hartkopf thanked City staff for posting crosswalk signs on Central Avenue.

Schulz thanked Chief Hartkopf for purchasing the crosswalk signs out of the Department's grant funds on behalf of the City.

Lindquist indicated Calvin Gray, long time member of the Lion's Club, recently passed away. He sent his condolences to the entire Gray family.

Lindquist stated there would be a Relay for Life Event on August 5 at 7:00 p.m. at the Osseo High School.

Lindquist explained Jimmy John's was very appreciative of staff's assistance in approving its electrical permit. He welcomed the new business to the community.

13. ADJOURNMENT

A motion was made by Poppe, seconded by Schulz, to adjourn the City Council meeting at 9:34 p.m. The motion carried 5-0.

Respectfully submitted,

TimeSaver Off Site Secretarial Service, Inc.