

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
October 24, 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, October 24, 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 and City Attorney Loren Magsam.

Others present: Douglas Lee, Barb Gonor, Carole Larson, Terry McNeil, Harland Anderson, Martin Duffy, Al Durham, Scott Regan, Matt Regan, Vinay & Kavita Mehta, Cheri Sykes, Tim Paske, Harold E. Johnson, Earl Buchan, Dan Stark, Milton & Lorraine Boser, Susan Hanson, Connie Aho, Ron Barger, Becky Weidenbach, and Les & Arlen Eiden.

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.

Poppe requested an update on the Town Hall Meeting be added to the agenda. Lindquist suggested this be made Item 9.C. under Old Business.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of October 3
- B. Approve City Council Minutes of October 10
- C. Receipt of Planning Commission Minutes of October 17
- D. Receive October Fire Report
- E. Receive October Police Report
- F. Receive American Legion September Gambling Report
- G. Receive Fire Relief Association September Gambling Report
- H. Receive Osseo Lion's Club September Gambling Report
- I. Receive Osseo Maple Grove Hockey Association September Gambling Report
- J. Approve Grant Submittal to Hennepin County's Environmental Response Fund (Resolution No. 2011-59)
- K. Approve Clare Heilman Step Increase
- L. Approve Banner Request from Yellow Tree Theatre for County Road 81
- M. Approve Purchase of Skid Loader

- N. Adopt Resolution No. 2011-60 Whereby City does not Waive Monetary Limits on Municipal Tort Liability

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

6. MATTERS FROM THE FLOOR

Douglas Lee, 600 North Oaks Drive, respectfully requested the Council provide information on the residency of the Mayor. He felt there was confusion on this issue. Mr. Lee also expressed concern with how Mayor Lindquist added an item to the October 10th agenda without proper notice to the public. He questioned if City Ordinance 30.21 was violated when the police outsourcing item was added to the agenda. He requested the City Attorney look into this matter further and proper action be taken against the Council.

Barb Gonor, 409 Broadway Street East, indicated she has lived in Osseo her entire life and wanted to see the police department remain within the City. She felt the response times throughout the City would be jeopardized if the police services were outsourced.

Carole Larson, 509 3rd Street NE, addressed the Council regarding the outsourcing of the police department. She indicated the manner in which the item was added to the last agenda was handled incorrectly. Ms. Larson stated the public was pleased with the existing police department and there was no need to outsource the services. She questioned the integrity and behavior of Mayor Lindquist and Council member Hartkopf based on the events that took place at the October 10th meeting.

Ms. Larson also expressed concern about the meeting called by Mayor Lindquist at the Legion. The information presented that evening was biased, one-sided, and not a direct reflection of City staff. She indicated the Council was made up of five members and each member had to be accountable for his actions.

Terry McNeil, 124 5th Avenue NE, also had concern about how the Council handled the outsourcing of the police department at the October 10th meeting. He was disappointed in the City leadership and their lack of judgment. He felt the public's trust has been lost due to the actions of Mayor Lindquist and Council member Hartkopf. The public had a great number of questions on how the matter was handled. Mr. McNeil felt that Chief Hartkopf's ideas for increased revenues were cast aside without proper consideration.

Mr. McNeil noted he is a member of the Osseo EDA, and he felt there needed to be further discussion with the public before such a key decision could be made. The police department was a major resource within the community that the public depended on.

Martin Duffy, Duffy's Bar & Grill, welcomed several new businesses to the City of Osseo. He introduced Fashionista to the public, along with Luna's Liquid Lava Lounge. He stated both businesses were a welcome addition to the community.

Mr. Duffy noted he spoke with Mr. Korfiatis about striping City streets for parking due to the shortage of parking throughout the City. He encouraged the Council to consider this for next spring.

Mr. Duffy indicated he had spoken with Officer Shane Mikkelson recently. Mr. Duffy explained the local department would be missed if the department were outsourced. Mr.

Duffy stated the identity of community would be changed or altered if the officers in blue were lost. The strong police presence in the community protected Osseo from looking more like Brooklyn Park or Brooklyn Center. Mr. Duffy indicated he has been a business owner in Osseo for the past 22 years. He was fearful of stepping away from his business and handing it over to his son if a police presence was not available within the City.

Al Durham, 525 2nd Street SE, indicated he has lived in the community for the past six years. He felt the City was safe due to the Osseo police force. This would change if the department were outsourced. He encouraged the Council to keep the City safe.

Dan Stark, 301 1st Avenue NW, commented he was shocked and outraged along with the others when the police department outsourcing was discussed. He stated the community was for the police department and recommended the Council maintain the force as is. Mr. Stark encouraged the elected officials to act on the public's behalf.

Matt Regan commented the Council had a tough job and could not please all the people, all the time. He understood the budget was tight and the City had only so many resources.

Vinay Mehta, 204 Central Avenue, stated he submitted a proposal to the City to purchase the Iten Building. He indicated the Mayor questioned his financial capacity to purchase this building. Mr. Mehta explained the bank has approved him for this purchase, along with the improvements that were needed to turn the site into a restaurant. He noted he has already spent over \$250,000 to improve his property in Osseo.

Mr. Mehta expressed frustration that the condition of his current building was taken into consideration when the EDA and Council reviewed his proposal for the Iten Building based on the proposed use. He explained the roof on his building had been fixed. He then reviewed several photos with the Council explaining the upgrades made to his current building to improve the property while creating a fine dining experience for his patrons.

Mr. Mehta said he was disturbed by the fact that Council member Hartkopf was concerned that an Indian restaurant would be brought to Osseo. He indicated the Indian restaurant would not be brought to the community but their equipment. Mr. Mehta expressed concern that Council member Hartkopf was discriminating against him because of his race. He requested an independent committee be formed to review the EDA and Council decision.

Kavita Mehta, 204 Central Avenue, explained she has taken responsibility for the rear of her building. She stated she was an environmentalist and did not want to blacktop the area, but would instead set pavers. Ms. Mehta requested the patience of the Council as she was working to create a rain garden with rain barrels to create a more green space. She addressed Council member Hartkopf's comment stating her roof did not leak like a sieve. She encouraged the Council to improve their communication with local business owners and refrain from making false statements.

Cheri Sykes, 204 Central Avenue, noted she has been a renter in this building for the past three years. She was pleased with the location on "Main Street" in Osseo. Ms. Sykes loved the building and its tenants. She explained that Vinay and Kavita were great assets to the community and took great pride in the building. The vision and diversity that came from them only enhanced the community. The wine bar and restaurant offered a

treasured destination within the City. She encouraged the Council to see the greater vision of the businesses.

Tim Paske, 509 6th Avenue NE, discussed the alley reconstruction program. He questioned if the alleys would be filled before the winter season and if this could be completed by a local contractor. Mr. Paske opposed the outsourcing of the police department. He indicated he opposed the ISD 279 school project, as well. If the police force was outsourced and an alternative high school was brought to the community, there would be a rise in crime.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

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

City Administrator Jeffrey Dahl stated this item was tabled at the September 26 meeting to allow staff more time to communicate with Sobraske and the Spinlers regarding the splitting of the property. Staff was successful in reaching both property owners via phone and negotiated a tentative proposal. The City will sell Outlot 1, Mastley's Addition, to Catherine Sobraske for \$708, which covers the acquisition price, survey, and legal fees. This amount was consistent with what the other two property owners along 5th and 6th Avenues NE were charged to purchase their outlots some years ago. The City will reimburse the Spinlers approximately \$300 in surveying fees which helped to discover the surveying error.

Dahl did not recommend splitting the lot as was discussed at a previous Council meeting. This would create the need for a variance from the rear yard setback for Ms. Sobraske and she would need to remove her fence. He recommended that the Council declare Outlot 1, Mastley's Addition, as surplus property, authorize staff to enter into a purchase agreement with Catherine Sobraske for the sale of the property for \$708, approve the lot combination, and approve reimbursement of approximately \$300 to Tony and Dawn Spinler.

Schulz indicated the Spinlers were the original party requesting to purchase the Outlot. He questioned if the Spinlers accepted the proposed sale before the Council this evening. Dahl stated he spoke with Tony Spinler last week and he understood why the Outlot was being sold to Ms. Sobraske.

A motion was made by Poppe, seconded by Hartkopf, to declare Outlot 1, Mastley's Addition as surplus property, authorize staff to enter into a Purchase Agreement with Catherine Sobraske, 429 5th Avenue NE, for the sale of the property for \$708, approve the lot combination, and approve reimbursement to Tony and Dawn Spinler, 501 5th Avenue NE for related surveying work per their receipt. The motion carried 5-0.

B. CONSIDER CELTIC CROSSING DELINQUENT UTILITY PAYMENT

Dahl explained the Council approved Resolution No. 2011-57 at the October 10 meeting certifying delinquent utility charges and delinquent garbage charges against Celtic

Crossing for a total of \$64,764.85. However, the Council directed staff to meet with the property owner of Celtic Crossing in order to come up with another solution.

Dahl met with the property owner on Monday, October 17. Staff indicated its willingness to compromise by proposing a reduction in a portion of the late fees in order for both the City and the property owner to come to an agreeable solution. He explained that a letter was needed accepting staff's offer or a counter-proposal to bring to the Council. The City did not receive a letter from the property owner by the deadline.

Dahl stated he received a proposal Friday evening, which was forwarded to the Council today. This proposal was similar to what Mr. Regan discussed at the October 10 meeting. However, staff recommends the Council approve the compromise agreeing not to assess the property owners of 110 and 120 Regan Lane for the amount of \$64,764.85 if the property owners submit payment of \$59,593.18 by October 31, 2011.

Schulz questioned if the property owners would like to address the Council.

Matt Regan, property owner, indicated the meter readings on 110 were inaccurate at one point. He felt the meter on the 120 building was also inaccurate. Mr. Regan questioned why his building was being charged for 17 sewer units. Dahl indicated there were 16 units within the building and one fee to cover the common areas. Even if the units were not occupied, the City of Osseo begins capturing sewer fees when the units are connected to City services.

Mr. Regan expressed frustration with the fact the building was being charged for an extra sewer unit when the common area had no bathroom facilities. He commented that several units within the building did not have certificates of occupancy and should not be charged sewer fees. Five units were unoccupied at this time, which created a \$5,000 fee on the bill that should be waived.

Mr. Regan understood there was a problem with meters, the readings, and this has been going on for some time with the City. He was willing to be reasonable and accepted the \$17,636.26 for building 110 through the first quarter of 2011. He indicated the sewer charges for units that were not in service would be difficult for him to pay. He requested the meter be changed on the 120 building. Mr. Regan had no problem paying the bills, but suggested the City discuss the total again as he was not being fairly billed for the water used.

Schulz questioned how the City determined the volume of water used at these buildings if there were issues with the meters. Dahl stated the meters were changed out previously to alleviate concerns. However, he indicated the issue was with the meter readings, not the meters.

Schulz indicated this issue has been ongoing for several years with the Regans. He asked why this was not brought to the Council sooner. Dahl stated he was uncertain but he had spoken with the property owners this spring and has been trying to come to a resolution ever since.

Schulz inquired when the last water payment was made for this property. Dahl indicated the last payment was made in 2007.

Schulz questioned if this was accurate. Mr. Regan stated this was correct. The 110 building was filled first and this began in 2007. The 120 building was occupied in 2008.

Mr. Regan indicated he has been dealing with a number of staff members at the City to try to rectify the situation.

Schulz appreciated Mr. Regan's efforts to estimate the water usage for the units over the past three years based on averages at other apartment complexes. He indicated the City has paid for the water over the past three years through the City's Water Fund and no effort has been made on property owner's part. He felt the issue had gone on for long enough and the matter needed to be resolved.

Scott Regan reviewed the water usage at the other apartment buildings throughout the community. He felt 110 gallons a day was a proper estimate for the usage at these units. However, the buildings were being charged far higher than this rate. Mr. Regan stated the research was provided to the Council and the numbers did not align.

Schulz apologized for the many changes in staff over the past few years at the City of Osseo. However, he expressed frustration that the property owner has made no attempt to pay a bill since 2007. He questioned why the property owner did not submit a letter to the City within the prescribed deadline of last Wednesday.

Schulz asked why Public Services Director Randy Korfiatis was not present this evening. Dahl indicated the meters were not a concern. It was more about the meter readings and late fees. He commented that there are other apartment buildings within the community are charged a sewer fee for common space; this was not just being charged to Celtic Crossing.

Lindquist questioned what action staff was recommending the Council take this evening. Dahl reviewed the recommendation further with the Council noting a portion of the late fees were being waived.

Mr. Regan asked why the first quarter bill showed no usage for Celtic Crossing. Dahl indicated there was a problem with the meter reader for this bill. The discrepancy did not involve the meter, but the meter reading equipment. A reading was taken by staff and a correct bill was sent to the property owner. The meter was verified to be working correctly by Mr. Korfiatis.

Mr. Regan stated he has spoken with Mr. Korfiatis regarding this issue and manual water readings were being taken. It was his understanding that Mr. Korfiatis felt the meter was reading incorrectly and he needed to change some parts. A recalibration was completed on the meter and a new one was installed. Mr. Regan proposed running two meters on building 120 until the issue was resolved.

Weber expressed frustration that Mr. Korfiatis was not present at this meeting. He questioned what Mr. Regan was willing to pay for the reasonable use of the City's water and sewer services. Mr. Regan suggested \$17,636.26 for the 110 building and \$19,423.00 for the 120 building with no late fees.

Weber indicated he could not go three months without paying his water bill and questioned how this has gone on for over three years. He felt action had to be taken at this time.

Mr. Regan requested the Council certifying the \$17,636.26 for the 110 building and \$19,423.00 for the 120 building for the water bills. He would pay these bills when certified.

Lindquist felt that three plus years without payment was excessive. Mr. Regan indicated he was faced with paying a \$200,000 water bill for an empty building and he felt this was unfair. He had no problem in paying his bill, but wanted the amount to be fair in comparison with what other apartment buildings were paying.

Weber requested staff repeat the recommendation before the Council this evening. Dahl reviewed his recommendation with the Council in detail.

Mr. Regan stated he had no problem with the recommendation for the 110 building. His concern was with the water usage rates and bills for the 120 building. He offered to pay \$17,636.26 for the 110 building and \$19,423.00 for the 120 building.

Weber asked how certain staff was with the numbers presented to the Council this evening. Dahl explained no one ever likes to see the true usage of the building but the usage was documented even though the readings were faulty for a period of time.

Schulz inquired how faulty meter readings were handled in the City. Dahl stated the information was often brought to staff's attention by the utility department when entering the numbers of the resident calls after receiving a bill.

Poppe stated the 120 building was of the most concern at this time. Mr. Regan indicated the usage component for the 120 building was in agreement. He was requesting the late fees be waived.

Lindquist questioned the difference between the City's numbers and Mr. Regan's numbers. Dahl stated the difference was \$14,000 which equated to the late fees. He reviewed the proposed compromise again with the Council. Mr. Regan commented he was being charged \$18,000 in late charges while he has been trying to resolve the issue with the City for some time. He had no problem with paying for the water that was used. Mr. Regan did not see how he should be responsible for paying bills with incorrect readings.

Lindquist asked if the Council could take action this evening or if additional time was needed. Dahl reiterated that assessments would have to be to Hennepin County at the beginning of November. For this reason, there was no additional time available for the Council to take action.

Schulz inquired the amount of late fees that were being waived through the compromise proposed by staff. Dahl stated over \$100,000 in late fees has been waived on the 110 building. He explained the approximately \$20,000 in late fees for the 120 building was from 2007.

Schulz commented the electronic readings have been taken out of the usage with manual readings. Mr. Regan indicated he was uncertain that his meters were certified and operating properly. Dahl indicated meters come to the City certified and functioning properly.

Lindquist stated Mr. Regan feels the 120 building meter was still not properly functioning.

Mr. Regan proposed again to pay for the usage and have these amounts certified. This would waive all late fees due to the problems over the past few years with the accuracy of the meters.

Dahl clarified the only area of contention at this time was the late fees. The parties have come to an agreement on the usage amounts.

A motion was made by Schulz, seconded by Poppe, to agree not to assess the property owners of 110 and 120 Regan Lane for the amount of \$64,764.85 if the property owners submit payment of \$59,593.18 by October 31, 2011. The motion carried 5-0.

C. UPDATE ON TOWN HALL MEETING

Poppe requested the Council discuss the potential for a Town Hall meeting in November.

Schulz indicated he was very surprised the police outsourcing item was added to the October 10 meeting agenda. This issue had been discussed in 2010 and it was determined that outsourcing would not be cost effective in the long run. He apologized to the public for missing the meeting.

Schulz continued stating it would be difficult for City staff to organize and hold a Town Hall meeting in November with other priorities. Based on the comments he has received, the public greatly supported the local police department. He felt the Council should wait to discuss this issue further until early 2012. He supported the Council discussing this issue further in a work session.

Poppe agreed that the City needed time to work through the issues before an informed decision could be made.

Weber indicated the Council had to follow its 2011 Strategic Plan.

A motion was made by Poppe, seconded by Weber, to postpone the Town Hall meeting in November and complete a community survey based on the 2011 Strategic Plan.

Dahl noted he would be bringing a proposed Town Hall agenda to the Council at its next work session, along with a proposed community survey with estimated expenses.

Dahl questioned if the Council was in favor of holding a shared services meeting with adjacent communities. Poppe stated this should proceed.

Lindquist questioned if the strategic plan was created prior to the City losing LGA funds and market value homestead credits. Dahl stated this was completed before the loss of the funds.

Lindquist clarified that he was not sponsoring or hosting special meetings regarding the outsourcing of the police department. He indicated the informational meeting was sponsored by the OBA and not him. He further described that he attended the meeting at the Legion and did not sponsor or host the meeting.

The motion carried 4-1 (Hartkopf).

10. NEW BUSINESS

A. CONSIDER CUP REQUEST TO ALLOW WELLNESS AND MASSAGE BUSINESS AT 221 1st AVENUE NE (Resolution)

Dahl explained that Jodi Baglien has submitted a Conditional Use Permit (CUP) request to allow a wellness and massage business in a multi-tenant facility located at 221 1st Avenue NE. The property is owned by First Avenue Commons, is zoned Central Business District, and is guided as Downtown Core Mixed Use in the Land Use Plan. He indicated staff's only concern was the need for this use to be a good neighbor to the adjacent tenants as there was ample parking next to First Avenue Commons. He understood the business had a great reputation in the community.

Dahl indicated the Planning Commission unanimously recommended approval of the request after holding a public hearing at its October 17 meeting with seven conditions for approval. Staff recommends the Council proceed with the Planning Commission's recommendation.

A motion was made by Hartkopf, seconded by Poppe, to adopt Resolution No. 2011-61, approving a Conditional Use Permit Request by Jodi Baglien at 221 1st Avenue NE for a Wellness and Massage Business, subject to the following conditions of approval:

- 1. All massage therapists shall have a minimum of 500 hours of documented massage therapist-related education;**
- 2. All massage therapists shall be a member of the Associated Bodywork & Massage Professionals, American Massage Therapy Association, or another staff approved recognized massage therapist-related organization with professional liability insurance;**
- 3. All massage therapists shall be subject to a criminal background check issued prior to employment;**
- 4. Business hours shall be limited from 8:00 a.m. to 10:00 p.m.**
- 5. The applicant shall meet all applicable local, county, state and federal business regulations;**
- 6. The applicant shall obtain all necessary building, right of way, and sign permits related to the proposed use; and**
- 7. Violation of any condition shall result in possible revocation of the CUP in accordance with the provisions of the Zoning Code.**

Schulz was in favor of the CUP but he understood the persona of massage therapists on other communities. He recommended City staff pursue a registration process for massage therapists to create another safeguard for these types of health and wellness businesses in the future.

The motion carried 5-0.

B. CONSIDER ACTION FOR LIQUOR LICENSE VIOLATIONS

Dahl indicated Council members had requested a discussion on administrative penalties cited to the Osseo American Legion and Nectar Wine Bar for recent compliance check violations. He explained that Osseo City Code Section 113 establishes Business Regulations for Liquor. The Osseo Police Department performs routine compliance checks annually of all liquor licenses. On August 29, 2011, illegal sales of alcohol were

detected during a compliance check at the Osseo American Legion and Nectar Wine Bar. Employees in violation were cited and administrative fines have been paid by employees and/or dismissed.

Dahl reviewed City Code Section 113 with the Council. He explained it appears the establishment of administrative penalties may not be clear and/or is not adequately enforced per the Fee Schedule. There is an administrative cost to performing these checks in order to ensure that liquor and tobacco establishments are following the proper rules and regulations. Staff recommends the Council consider enforcing administrative penalties to both employees and establishments that receive a violation with any compliance check.

Lindquist questioned if the fees were being double charged to a business. Dahl explained that the fees were charged first to the employee at fault and the second fine should be charged to the business. City Attorney Magsam was uncertain why this Ordinance was not followed properly in the past.

Schulz indicated the City's Ordinance was somewhat unclear for repeat offenders. He stated it may need to be reviewed to provide the proper guidance. He then questioned what actions were taken by the City in 2008 against the two failing businesses. City Attorney Magsam was unable to answer this question without completing further research.

Dahl reviewed the history of action taken by the City for alcohol violations since 2000. He indicated some of the information was quite vague.

City Attorney Magsam discussed City Code 113 further noting the application was clear but that the City has not taken proper action in the past to enforce the fines. The City could now choose to take the proper action based on the Code.

Hartkopf was in favor of amending the ordinance to help clarify the issue.

A motion was made by Hartkopf, seconded by Lindquist, to suspend any fine for these two violations and direct staff to amend the City Code.

Schulz asked for clarification on the motion. Hartkopf indicated he would like to see the Code reviewed by the Council to bring it into compliance before being enforced.

Lindquist felt the Ordinance was clear but that the enforcement has not been consistent.

Schulz questioned if the Code has been enforced in the past, but the Council has chosen not to suspend licenses or impose fines to businesses. City Attorney Magsam felt this observation was correct.

Hartkopf did not feel it was fair to begin enforcing these administrative penalties when this has not been the City's practice in the past.

Weber was confused as to why the Ordinance would not be followed or enforced by the City.

Hartkopf wanted the Code amended to follow the procedure that has been followed in the past by the City.

Poppe did not feel it was necessary to amend the Code.

Hartkopf suggested he amend his motion to suspend the fines for these two violations.

MOTION AMENDMENT: An amended motion was made by Hartkopf, seconded by Lindquist, to suspend the administrative fine for these two liquor violations.

Poppe was in favor of this amendment.

Schulz said he appreciated Hartkopf's thinking, but wanted to see the City to follow through with the Ordinance and enforce a \$250 administrative fine to both businesses with no license suspension.

Lindquist indicated he did not want to see the City set a precedence of not following through on enforcing the City Ordinances. He would like to see fine waived at this point and charged going forward.

Kevin Nordeen, Nectar Wine Bar, stated the employee that received the violation was a 20 year employee. Mr. Nordeen was embarrassed by the violation and stated this was not the type of business he ran.

Weber questioned if the compliance checks should continue. Mr. Nordeen felt the compliance checks were necessary to assure that the City's establishments were not serving to minors.

Harland Anderson, Commander of the Osseo Legion, said he did not condone the fact that one of his workers served a minor. He indicated his employee had attended the alcohol training with the City and simply misread the date on the license. Mr. Anderson explained he has since purchased two age verifiers for the Legion. This was a serious matter and the Legion was being proactive to assure this did not happen again.

The amended motion carried 3 ayes (Hartkopf, Lindquist & Weber) - 2 nays (Poppe & Schulz).

C. CANCEL OCTOBER 31 WORK SESSION

A motion was made by Poppe, seconded by Hartkopf, to cancel the October 31 City Council work session. The motion carried 5-0.

D. APPROVE ACCOUNTS PAYABLE

Dahl reviewed the Accounts Payable with the Council.

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

E. CONSIDER COURT ORDER IN ISD 279 STREET VACATION PETITION
(CLOSED SESSION)

This item was discussed in Closed Session. The City Council went into closed sessions at 9:46 p.m.

The City Council adjourned the Closed Sessions and returned to the Council table at 10:48 p.m.

City Attorney Magsam reported that the Council heard an update from the LMCIT attorney about the ISD 279 street vacation petition, and no action was taken.

F. CONSIDER 2011-2013 POLICE UNION LABOR AGREEMENT (CLOSED SESSION)

This item was discussed in Closed Session.

City Attorney Magsam reported that the Council heard an update on the status of the police union contract and stated a motion to approve the 2011-2013 Police Union Labor Agreement as negotiated.

A motion was made by Schulz, seconded by Weber, to approve the 2011-2013 Police Union Labor Agreement as negotiated. The motion carried 5-0.

G. CONSIDER PROPOSED SETTLEMENT OF OALC ISD 279 VS. CITY LITIGATION (CLOSED SESSION)

This item was discussed in Closed Session.

City Attorney Magsam reported that the Council heard an update from the LMCIT attorney on the status of the District 279 OALC CUP matter and that the matter would be placed on the November 14, 2011, City Council agenda for a motion to reconsider the denial of the CUP application on February 14, 2011.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Dahl noted the upcoming Kiddie Halloween Parade on October 29 at 12 noon.

He reminded everyone of the Hwy 169/Co Rd 30 Interchange Project Open House on October 26 at the Brooklyn Park City Hall from 3:30-6:30 p.m.

12. COUNCIL AND ATTORNEY REPORTS

13. ADJOURNMENT

A motion was made by Poppe, seconded by Schulz, to adjourn the City Council meeting at 10:55 p.m. The motion carried 5-0.

Respectfully submitted,

TimeSaver Off Site Secretarial Service, Inc.