



Osseo City Council

AGENDA

WORK SESSION
Monday, January 23, 2023
6:00 p.m., Council Chambers

MAYOR DUANE POPPE COUNCILMEMBERS: JULIANA HULTSTROM, HAROLD E. JOHNSON, MARK SCHULZ, ALICIA VICKERMAN

1. **Call to Order**
2. **Roll Call** (quorum is 3)
3. **Approval of Agenda** (requires unanimous additions)
4. **Discussion Items**
 - A. **Discuss Administrative Citations**
 - B. **Discuss Police Reserves Duties**
5. **Adjournment**



Osseo City Council Work Session Item

Agenda Item: Administrative Citations Update and Discussion

Meeting Date: January 23, 2023

Prepared by: Joe Amerman, Community Management Coordinator

Attachments: Minutes of October 25, 2021, discussion
Citation Fee Comparison Chart

Policy Consideration:

Review and discuss an Administrative Citations policy.

Previous Action or Consideration:

This item received an initial discussion at the October 25, 2021, work session of the City Council. The minutes of that meeting have been included as an attachment to this agenda item.

Background:

At the October 25, 2021, Work Session meeting staff laid out a summary of the city's current policy of code enforcement, and how that might be reinforced or improved through the use of Administrative Citations. Administrative Citations are a form of civil fine gaining popularity in Minnesota as a tool to use in response to the violation of local ordinances. They are considered an improvement upon existing practices for a number of reasons, but primarily because they serve an intermediate step between 'no enforcement' and intervention by the City Council, which is the ultimate conclusion of the current model. This high-level intervention is often inappropriate for the kind of low-level infringements which constitute the majority of violations. In contrast, Administrative Citations, given by code enforcement officers with an ongoing understanding of the violation (and violators)

At that 2021 work session meeting the Council was generally supportive but requested that staff return with a more specific list of the kinds of violations which would be addressed by Administrative Citations before proceeding further. With that direction, Admin Staff and the Police Department met and compiled the attached list. This list has been supplemented with examples of the fee amounts neighboring or similar cities impose for the equivalent violations.

When creating a fee schedule for Administrative Citations cities generally choose between one of two models, roughly summarized as:

1. Selective – In which a city selects a specific set of code violations to subject to fines.
 - a. This is more common, though after enumerating a specific set of violations cities often lump 'all other violations not listed' under one fine amount.
2. Blanket – In which a city determines that any violation of a specified part of the city code (for example *Chapter 153: Zoning* or *Chapter 90: Health and Safety; Nuisances*) is subject to fines.
 - a. As an example, this is the model used by Excelsior.

Recommendation/Action Requested:

Staff is asking that the Council review the memo and attached materials, discuss, and direct staff accordingly. At this point the options include:

1. Direct staff to cease formulating an Administrative Citations policy;
2. Direct staff to return with more information for further discussion;
3. Direct staff to return with a preliminary Administrative Citations policy for discussion at a later work session or formal Council meeting.

Next Step:

If option 3 is preferred, a preliminary policy will include proposals for how the program will actually be administered.

**OSSEO CITY COUNCIL
WORK SESSION MINUTES
October 25, 2021**

1. CALL TO ORDER

Mayor Duane Poppe called the work session of the Osseo City Council to order at 6:00 p.m. on Monday, October 25, 2021.

2. ROLL CALL

Members present: Councilmembers Harold E. Johnson, Larry Stelmach, and Mayor Duane Poppe.

Members absent: Councilmembers Juliana Hultstrom and Alicia Vickerman.

Staff present: City Administrator Riley Grams, Community Management Coordinator Joe Amerman, and City Attorney Mary Tietjen.

Others present: James Kelly.

3. AGENDA

Council agreed to discuss the work session item.

4. DISCUSSION ITEMS

A. DISCUSS ADMINISTRATIVE CITATIONS FOR CODE VIOLATIONS

Community Management Coordinator Joe Amerman stated the current city code lays out a multi-step process for resolving code violations which is like what many cities have historically followed when addressing violations and nuisances. There is an escalating series of notifications which provide time for response and dialogue and which, if the situation is left unaddressed, eventually leads to intervention by a city council. While this approach satisfies the city's legal requirements, remains respectful of property rights, and provides adequate due process, it is also protracted and time-consuming, and consequently impractical for addressing the kind of low-level infringements which constitute most violations. In practice, abating issues as minor as loose trash or overgrown plants can take 2 months, these being the violations the city experiences most frequently.

Amerman said an alternative would be the adoption of administrative citations. An administrative citation is a civil fine in response to the violation of local ordinances, providing the city with the ability to respond quickly and proportionately. This is an option that a growing number of cities in the area have adopted, a few of which are listed in the attached documents. Under an administrative citation system, fines of a nominal amount would be issued for code violations if the property owner fails to address the issue after being contacted by a city official. Repeat violations for the same offense within a specific time frame would result in escalating fees, to be detailed in the

city fee schedule. For most cities in the greater metro area, the initial fee is somewhere between \$50 and \$100 with repeat violations doubling with each offense. Per state requirement, no fees for a single offense may reach more than \$2,000.

Amerman reported additional state statutes require that residents are provided an opportunity to appeal their citation through an appeals process, though this can take several forms. In many cases the Council appoints a third party as a hearing officer to review an appeal, in others the City Administrator or their designee serves this function, and in a few the Council itself fills this role. The appeals process is not subject to open meeting requirements, is not a judicial proceeding, and does not require the same burden of evidence. The goal of all code enforcement is to gain compliance. Administrative citations are a way to augment, not replace, Osseo's current method of achieving that. The city would continue the current practice of pursuing nonpunitive resolutions to violations whenever practical. Staff commented further on the topic and requested feedback from the Council.

Stelmach stated he would like to learn what happened in Hopkins where fines begin at \$350. He questioned how staff came up with the City's proposed fine amounts. Amerman reported he was proposing an arbitrary amount and noted cities were given a lot of leeway when setting fine amounts.

Stelmach commented he was not against this but wanted to better understand how much staff time this type of program would take. He suggested fines be more than \$50 due to the staff time that would be involved with managing fines for the City. He recommended fines begin at \$100.

Johnson discussed the issue of minor violations which included trash and overgrown plants. He asked if there were others. Grams stated this also included inoperable vehicles or mis-parked vehicles.

Johnson explained he did not support collector plate vehicles becoming lawn ornaments in Osseo. He noted there was a property in Osseo that has had a vehicle mis-parked on the front lawn for over a year.

Stelmach suggested Councilmember Johnson further discuss this matter with the Police Chief and City Administrator Grams. He recommended the Council focus on what types of fines should be imposed and if the Council supported a code enforcement program.

Johnson stated if there was any change the Council must know what issues would be enforced. Amerman commented other issues could be included. Grams stated it was his intent to sit down with the police department to better understand what nuisances were commonly occurring. He reported he was trying to streamline the process to bring properties into compliance. He indicated the City was not trying to make money off the fines, but rather wanted a tool to assist in getting properties into compliance with City Code.

Poppe commented if this program makes sense to the Council, staff could go forward and make a list of violations and fine levels could be set.

Stelmach supported this type of program moving forward with the understanding the City was not putting this program in place to generate funds, but rather would assist staff with bringing properties into compliance.

Johnson agreed this would be an important program to bring properties into compliance with City Code.

Poppe recommended staff report back to the Council with current City Code requirements and recommendations for a code violation program. He suggested a tiered fine system be considered.

5. ADJOURNMENT

The Work Session adjourned at 6:22 p.m.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial

Fee Comparison of Osseo's Most Common Violations

Common Violation	Relevant Code	Dayton	Brooklyn Park	Brainerd	Excelsior
Grass/Weeds over 8"	93.38	\$ 100.00		\$ 100.00	\$ 100.00
Household Appliances	93.18	\$ 100.00	\$ 200.00	\$ 100.00	\$ 200.00
House Paint	93.21	\$ 100.00		\$ 100.00	\$ 200.00
Building Numbers	151.04 (Q)	\$ 100.00	\$ 55.00	\$ 100.00	\$ 200.00
Inoperable Vehicle / Tabs	93.2	\$ 75.00	\$ 200.00	\$ 100.00	\$ 100.00
Vehicle/Trailer on Grass	93.13 (B) (3) (a)	\$ 100.00	\$ 200.00	\$ 100.00	\$ 100.00
Accumulation of Refuse	93.16 (E)	\$ 100.00	\$ 200.00	\$ 100.00	\$ 100.00
Trees/Hedges Blocking Traffic	93.18 (B)	\$ 100.00		\$ 100.00	
Excavation/Hole Uncovered	93.18 (Q)	\$ 100.00	\$ 200.00	\$ 100.00	\$ 100.00
Nuisance Storage	93.19 (A)	\$ 100.00	\$ 200.00	\$ 100.00	\$ 100.00



City of Osseo City Council Work Session Meeting Item

Agenda Item: Police Reserves Duties Discussion

Meeting Date: January 23, 2023

Prepared by: Shane Mikkelsen, Chief of Police

Attachments: None

Background:

The Osseo Police Reserve program is a group of dedicated volunteers that assist the department in many ways. Even though the reserves do not have arrest authority, they are trained as if they do. We have trained all our reserves on Use of Force, Taser, and OC training. Each reserve has attended reserve school through the Hennepin County Sheriff's Office. They help with weekend patrols, crowd control at city celebrations, and acting for officers during scenario-based training.

In the past year, our reserve coordinators have investigated expanding our reserves' role to utilize their training and helping spirit. The main change we request is to allow the reserves to issue citations for city ordinances and State statute parking violations. This would help officers during snow emergencies when managing the issuing citations and call load can become difficult. Reserves would be able to concentrate on city ordinances and parking violations when they do their weekend patrols or are called in to help.

Staff has also identified other areas where reserves could be helpful for our officers. These situations would be at the officer on duty's discretion, such as impounding vehicles, transporting non-violent suspects to jail, helping on medical calls, and having them move vehicles to and from service calls. These new duties would take some extra training and policy updates but can be accomplished.

Staff is seeking input from Council on these subject areas to move forward with the reserve program.

Recommendation/Action Requested:

Staff recommends that the City Council direct Staff to move forward with allowing all listed activities above for reserve officers, so that it can be brought to Council meeting for further action.