

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
June 27, 2016**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, June 27, 2016.

2. ROLL CALL

Members present: Councilmembers Harold E. Johnson, Mark Schulz, Larry Stelmach, Anne Zelenak, and Mayor Duane Poppe.

Staff present: City Administrator Riley Grams, City Planner Nancy Abts, Police Chief Shane Mikkelsen, Public Services Director Rick Hass, and City Attorney Mary Tietjen.

Others present: Matt Bergen, Jim Wollschlager, Deb Gatz, Micheal & Lynn Olkives, Peter Renteria, LeAnne Renteria, Audrey Gomer, Mollie Swiney, Ann & David Longbehn, Breanna Renteria, Jim Walrath, and Peter & Heather Renteria.

3. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

**A motion was made by Johnson, seconded by Stelmach, to accept the Agenda as presented. The motion carried 5-0.**

5. CONSENT AGENDA

- A. Receive EDA Minutes of June 13
- B. Approve Council Minutes of June 13
- C. Receive Planning Commission Minutes of June 20
- D. Receive May Fire Report
- E. Receive May Police Report
- F. Receive May American Legion Club Gambling Report
- G. Receive May Fire Relief Association Gambling Report
- H. Receive May Lions Club Gambling Report
- I. Receive May Osseo Maple Grove Hockey Association Gambling Report
- J. Approve Renewal Application for Optional Liquor 2 AM License for Duffy's Bar & Grill
- K. Approve Half Step Increase for City Planner Nancy Abts
- L. Approve Training Request for Police Chief Shane Mikkelsen to National Liquor Law Enforcement Association Conference
- M. Receive Report on Annual Storm Water Pollution Prevention Program Meeting

**A motion was made by Zelenak, seconded by Johnson, to approve the Consent Agenda. The motion carried 5-0.**

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

A. OATH OF OFFICE FOR PART TIME POLICE OFFICER PETER RENTERIA

Police Chief Shane Mikkelson introduced newly hired part time Police Officer Peter Renteria to the City Council.

City Attorney Mary Tietjen administered the Oath of Office to part time Police Officer Renteria and welcomed him to the City of Osseo. A round of applause was offered.

B. PRESENTATION OF 2015 CITY AUDIT – Matt Mayer, KDV

Matt Mayer, BergenKDV, presented the 2015 Audit to the City Council. He reviewed the independent auditor's report and noted the adjustments that would have to be made to the fire relief retirement fund. He discussed the City's four major funds and commended the City on its great financial standing. He thanked the Council for its time and asked for questions or comments.

Johnson requested further information on the financing of the street improvement projects. Mr. Mayer reviewed the street improvement financials in further detail with the Council.

Johnson requested additional information on how the City was managing the EDA finances. Mr. Mayer described how the EDA finances were blended yet separate from the City. Further discussion ensued regarding the City's revenue stream.

Johnson thanked Mr. Mayer for this thorough report. He was pleased with the financial condition of the City.

C. PRESENTATION FROM RANDY'S ENVIRONMENTAL SERVICES – Jim Wollschlager

Jim Wollschlager, Chief Operating Officer for Randy's Environmental Services, thanked the Council for its time. He stated he has had the pleasure of working with the City of Osseo for the past five years. He thanked the City for accepting his rate increase at the beginning of the year and noted the increase was due to the fact he was being required to complete a higher level of processing for solid waste. He provided the Council with handouts and discussed the structured rate increases for the coming years. He discussed the organics program noting this was an additional expense to Randy's. However, he was willing to offer organics collections to Osseo residents at no additional cost. It was his hope the City would be able to increase the amount of recyclables from its residents. In addition, he requested the Council approve a five-year extension with Randy's.

Schulz asked how Randy's would roll out the new proposed program. Mr. Wollschlager described how the program would be rolled out and explained he would be sending notices to all Osseo residents. He stated there would be no additional cost to residents for the organics program and noted bags would be provided free of charge.

Poppe questioned what items could be placed in the organics bags. Mr. Wollschlager commented on the items that could be placed in the organics bags.

Poppe recommended that leaf pickup also be provided to ensure leaves are not being placed in garbage containers. Mr. Wollschlager discussed how yard waste was collected and managed by Hennepin County.

Schulz noted yard waste was to be placed in compostable bags or a reusable receptacle.

Poppe requested additional information be provided to staff by Mr. Wollschlager and that this information be forwarded to the City Council.

D. PRESENTATION FROM VETERANS RESOURCE CENTER – Lynn Olkives

Lynn Olkives, Veterans Resource Center, thanked the Council for its time. She explained she was a readjustment counselor and wanted to bring awareness to the valuable resources available to veterans at the Vet Center. She encouraged local veterans to visit the Vet Center in order to receive free and confidential services.

Stelmach thanked Ms. Olkives for her presentation and encouraged Osseo veterans to take advantage of the resources at the Vet Center, noting it was only eight minutes away.

Johnson asked if National Guard members qualified for services at the Vet Center. Ms. Olkives stated National Guard members were allowed entrance in the Vet Center in order to see what services they were qualified to receive.

E. ACCEPT DONATION TO BEAUTIFICATION FUND (Resolution)

City Administrator Riley Grams indicated Harold E. and Gayle Johnson have donated \$300 to Beautification/Flower Fund in memory of Dennis Collins, Ashley Hasti, and Eugene Hinrichs. Staff recommends the Council accept the donation.

**A motion was made by Stelmach, seconded by Zelenak, to adopt Resolution No. 2016-39 accepting a donation from Harold E. and Gayle Johnson in the amount of \$300. The motion carried 5-0.**

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

A. APPROVE HENNEPIN COUNTY ASSESSMENT SERVICES AGREEMENT FOR 2017-2020 PROPERTY ASSESSMENTS

Grams stated the current Assessment Agreement between the County of Hennepin and City of Osseo expires at the end of July 2016. We are in the final months of the current four-year agreement, so another agreement needs to be approved. The City has had similar agreements with Hennepin County in place for many years. The years covered by this new agreement will be the 2017, 2018, 2019, and 2020 property assessments, with the agreement commencing August 1, 2016.

Grams reported this item was discussed at the June 13 Council meeting and tabled for more information. City Attorney Mary Tietjen had offered comments in response to questions from that meeting: State statute authorizes a county and a city (or town) to enter into an agreement to provide for the assessment of property in the city. Minn. Stat. section 273.072 provides that any amount paid to the county for services under an

agreement shall be paid into the general revenue fund of the county. This provision certainly contemplates that the county may be paid for its services.

Grams stated both cities and towns have authority to appoint local assessors. Minn. Stat. 273.05 states that when the office of city or town assessor is not filled, "the county auditor may appoint the county assessor as assessor for such town or city, in which case the town or city shall pay to the county treasurer the amount determined by the county auditor to be due for the services performed and expenses incurred by the county assessor in acting as assessor for such town or city." Although this language does not specifically refer to payment under a joint agreement, he believes it reflects an intent that the county be paid for its services if the city is not providing the services itself. Staff recommended the Council authorize the Mayor and City Clerk to sign the Agreement for Assessment Services, Contract No. A165537.

City Attorney Tietjen found the document to be legitimate and supported approval of the agreement.

**A motion was made by Zelenak, seconded by Johnson, to authorize the Mayor and City Clerk to sign the Agreement for Assessment Services, Contract No. A165537. The motion carried 5-0.**

10. NEW BUSINESS

A. APPROVE CHANGE ORDER FOR 2016 STREET IMPROVEMENT PROJECT

Hass requested the Council approve Change Order No. 1 for the 2016 Street Project to add joint adhesive for the blacktop. He explained the joint adhesive could increase life expectancy of the blacktop. It was noted this will increase the project cost by \$10,008 and will be paid for with the 2016 Street Project budget. Staff recommended approval of the change order.

Stelmach discussed the purpose of the joint adhesive between the layers of asphalt and noted he would be supporting the change order.

**A motion was made by Stelmach, seconded by Johnson, to approve the addition of joint adhesive to the 2016 street project. The motion carried 5-0.**

B. APPROVE MUNICIPAL ADVISOR CLIENT DISCLOSURE AGREEMENT WITH EHLERS & ASSOCIATES

Grams stated Ehlers is registered as a Municipal Advisor and therefore required by the Municipal Securities Rulemaking Board (MSRB) to provide various disclosures including potential conflicts of interest, scope of services, compensation, and other disclosures detailing our obligations and responsibilities to municipal or obligated person clients. These disclosures must be provided to the City prior to or upon Ehlers engaging in any municipal advisory activity. To comply with this requirement, Rebecca Kurtz has asked the City Council to approve the Ehlers' "Annual Advice Disclosure."

Grams explained this Annual Advice Disclosure allows Ehlers to provide uninterrupted municipal advisor advice through December 31, 2016. Under this disclosure and at no charge, Ehlers can answer the City's municipal advisory questions, analyze refunding opportunities, and provide preliminary debt issuance planning advice. If any preliminary

debt issuance planning advice the City requests results in a debt issuance, Ehlers will then provide a separate scope of service and fee disclosure for that specific project.

**A motion was made by Zelenak, seconded by Stelmach, to approve the Municipal Advisor Client Disclosure Agreement with Ehlers & Associates. The motion carried 5-0.**

C. APPROVE CONDITIONAL USE PERMIT REQUEST BY CATHY ROSENBERG TO CONDUCT A MASSAGE THERAPY USE AT 100 CENTRAL AVENUE UNIT 2 (Resolution)

City Planner Nancy Abts reported the property located at 100 Central Avenue is zoned CBD (Central Business District) and is guided for Downtown Core Mixed Use in the Comprehensive Plan. The property is owned by John F. Englund, and the applicant proposes to rent an existing office space for a business that will provide massage therapy. The applicant would make improvements to the existing space, which is located on the first floor of the existing building. The location was formerly occupied by the Osseo Foot Clinic. Current tenants of the larger office condominium include John Englund, DDS and SEEK Home, Inc. The proposed business would include four rooms used for therapeutic massage and additional space for a reception area. The building includes a bathroom shared by tenants.

Abts commented the applicant's business plan includes eventually hiring three-five experienced Massage Therapists (with 500+ hours of training in massage therapy) to provide clients with professional therapeutic massage services, and potentially hosting massage therapy interns (current students with 100+ hours of training in massage therapy). The proposed hours of operation would be no earlier than 10 a.m. and no later than 10 p.m., Monday through Friday. Services in the new space will include many types of therapeutic massage and aromatherapy. The applicant is enthusiastic about bringing her business to Osseo after previously operating in Anoka and Ramsey. Many of the business's existing clients work for Osseo Area Schools and will find the Osseo location convenient.

Abts explained in the past Osseo has not required City-issued licenses for massage businesses. Instead, the City has referred to the State of Minnesota, which requires massage therapists not operating under the direction of a medical professional patients with a "Complementary and Alternative Health Care Client Bill of Rights". However, staff is now considering creating a Massage Therapy license program. The applicant understands this.

Abts noted the proposed conditions are similar to those for other massage Conditional Use Permits in Osseo. Although more space is involved and more therapists are proposed, this application is similar to the CUP for a Therapeutic Massage and Beauty Spa Business at StormyLee Salon at 226 Central Avenue, which was approved in July 2015. Specifically, the City will require that any employee of this business who will be conducting massage therapy to undergo a simple criminal background check, with the fee paid by the business. No one under the age of 18 would be allowed to work as a massage therapist, and waivers will be required for clients under the age of 18. Massage therapists will be required to have their educational credentials in plain view of the front desk at all times, and price lists would also be prominently displayed.

Abts stated this property is located within the Central Business District (CBD), which accommodates joint-use parking on-street and in city lots, and off-street parking is not

strictly required in the CBD. For the entire office building, which includes an estimated 6,000 square feet of office space distributed over two levels, City Code would require 30 parking spaces if the building were located in another zoning district. Because this CBD facility also includes a total of 19 rear parking spaces for the building with 10 additional spots located on the streets adjacent to the property, staff is comfortable with available parking for the uses. Other facets of this proposal have been reviewed by City staff and found to be acceptable for this property and zoning district. After review of the application and its accompanying materials, staff recommended approval with conditions.

Stelmach explained he attended the Planning Commission meeting where this matter was discussed. He was pleased that Ms. Rosenberg already had an established list of clientele that would now be visiting downtown Osseo. He requested further information on Ms. Rosenberg's business plan.

Cathy Rosenberg, applicant, described the wellness programs she would be offering at her massage therapy business. She noted she had a client list of over 3,000 people and was very excited to be opening a new location in the City of Osseo. She explained that her focus was more on therapeutic massage and overall wellness.

Johnson questioned if background checks should be verified prior to employees being allowed to work for Ms. Rosenberg. Abts reported this condition could be amended by the City Council, but noted there would be a 10-day delay.

Johnson requested further information on the CUP revocation. Grams indicated if any conditions for approval were not being met, this would be grounds for revocation of the CUP.

Zelenak asked the hours of operation. Ms. Rosenberg indicated she would be open from 10:00 a.m. to 8:00 p.m.

Abts provided further comment on how staff would be investigating the creation of a massage therapy licensing procedure.

Stelmach inquired if Ms. Rosenberg would be willing to wait 10 days to have her employees begin working, in order to allow for the criminal background check to be completed. Ms. Rosenberg explained she would be filling out the background checks as soon as possible for her new employees in order for them to begin working for her.

Johnson suggested the ten day period be changed to three days.

Stelmach did not believe that it would be necessary to make a change noting that Ms. Rosenberg would want to act quickly in order for any new employee to begin their employment.

Schulz was not concerned with the 10-day requirement; however, he recommended that the language be amended to read that all employees must successfully complete a background check. He discussed the preconceived notions behind massage therapy business and hoped that Ms. Rosenberg's business would thrive in this community.

**A motion was made by Schulz, seconded by Zelenak, to adopt Resolution No. 2016-40 granting a Conditional Use Permit request by Cathy Rosenberg to operate a business with massage therapy uses located at 100 Central Avenue Unit 2 with the following conditions:**

- 1) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:
  - a. The business must at all times meet all requirements of the Hennepin County Community Health Department and the Minnesota Department of Health as it relates to massage business uses, and must comply with any massage therapy licensing requirements enacted by the City of Osseo;
  - b. Any trash enclosure must be properly screened from public view, per Osseo City Code;
  - c. The building appearance shall be maintained so that it adheres to Osseo City Code; and
  - d. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code;
- 2) Rates posted. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers;
- 3) Employee training. The business shall only employ those massage therapists who have a minimum of 500 hours of class credits from a massage therapist school accredited by an organization of therapeutic massage professionals which has a written code of ethics, and the massage therapist certification(s) shall be prominently displayed within the business near the front desk area. The business may host no more than one massage therapist in training at any given time; massage therapists in training must be currently enrolled in a school accredited by an organization of therapeutic massage professionals which has a written code of ethics and must similarly display transcripts showing they have completed 100 hours of class credits;
- 4) Employee age. No person less than eighteen (18) years of age shall be employed as a massage therapist;
- 5) Employee criminal history. No person shall be employed as a massage therapist who has any prostitution or prostitution-related criminal convictions or any controlled substance criminal convictions;
- 6) Employee background check. The business owner shall pay the cost of an Osseo Police Department issued criminal background search for each massage therapist employed by the business. Any new employment of a massage therapist shall be reported to the Osseo Police Department within ten days of such employment and the fee shall be paid at that time;
- 7) Employee covered. Any employee giving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area;
- 8) Recipient covered. A person receiving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area, except male breasts need not be covered and portions of the breasts and buttocks may be uncovered when such portion of the body is being massaged. At no time shall any other person touch the nipples, genitals, or anus of the person receiving a massage;
- 9) Recipient age. All individuals under the age of eighteen (18) years of age shall have written parental permission and the parent must accompany the minor for the first visit for massage services. All signed parental permission forms shall be kept on file with the Applicant and be made available for inspection by the City when requested;

- 10) Open to inspection. During any hours at which time the business is open, the business shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval;
- 11) Drugs dispensed. No person shall dispense any drugs or medicine from the premises;
- 12) Insurance coverage. The business shall have in effect personal liability insurance in the amount of at least \$1,000,000 covering liability in the practice of massage therapy and insuring the business and each massage therapist;
- 13) Hours of operation. The hours of operation shall be not earlier than 8:00 AM and not later than 10:00 PM;
- 14) No Waiver. Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term;
- 15) Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur;
- 16) Binding Effect. This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property;
- 17) Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of and agreement to the terms and conditions of the permit without qualification, reservation, or exception.

**The motion carried 5-0.**

- D. APPROVE FIRST READING OF ZONING CODE AMENDMENT TO OPT-OUT OF REQUIREMENTS OF MINNESOTA STATUTE 462.3593, WHICH DEFINES AND REGULATES TEMPORARY FAMILY HEALTH CARE DWELLINGS

Abts stated in May Governor Dayton signed into law a bill establishing Minnesota Statutes §462.3593, which defines and regulates Temporary Family Health Care Dwellings. This bill created a new process for local governments to issue permits for certain types of recreational vehicles and small housing structures as temporary dwellings. The resulting law, Chapter 111, is intended to allow a resident to more easily care for family members with mental and physical disabilities in need of short-term care. The main stated purpose for the law was to provide transitional housing for seniors—for example, allowing a grandparent to live nearby while recovering from surgery. However, the law's wider effect provides that anyone who needs help with two or more "instrumental activities of daily life" would be eligible for this type of housing. The League of Minnesota Cities provides this summary of the bill, stating that it:

- Creates a new type of permit referred to as a temporary dwelling permit with a six-month length, with an option to extend the permit for six months.
- Requires that the permit be for a property where the caregiver or relative lives.



- Allows modular and manufactured housing (instead of just recreational vehicles) to use this permit process as long as the unit meets all of the requirements.
- Lists the requirements for the structure and the information required in the permit application.
- Addresses sewer safety issues with required backflow valves and advance verification of septic service contracts.
- Requires a site map showing where the unit will be placed and notification of adjacent neighbors prior to application.
- Requires the application to name the individual allowed to live in the unit.
- Applies the permit approval process found in Minnesota Statutes, section 15.99, but gives the local government unit only 15 days to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to be restarted if an application is not complete, as long as the applicant is notified of how the application is not complete within five days. A 30-day decision is allowed if the regular council meeting occurs only once a month.
- Requires unit placement to meet existing stormwater, shoreland, setback, and easement requirements. A permit exempts the units only from accessory unit ordinances and recreational vehicle parking and storage ordinances.
- Sets a default permit fee level that may be replaced by a local ordinance.
- Allows cities to pass an ordinance opting out of using this new permitting system.

Abts explained local governments may choose not to participate in this program if they decide this type of expedited permit system is not well-suited to their community. Because of Osseo's small lots and fully-developed character, these sort of dwellings are not likely to be easily accommodated in the City. Additionally, impervious coverage and requirements for parking on an improved surface are additional restrictions on placing temporary dwellings.

Abts reported in addition to difficulty in siting temporary health care dwellings, Osseo's side yard setbacks and small lots, many lots without alleys, pose challenges to moving the temporary dwellings onto residential properties. Although the stated purpose of these temporary dwellings is to allow family members to provide transitional housing, temporary dwellings are by no means the only option for providing transitional housing. Nothing in City Code or the proposed amendment prevents Osseo residents from hosting recovering family members within existing, permanent residences, and the funds that would be expended to purchase or rent a temporary health care dwelling could also be used to make permanent accessibility improvements to existing dwellings. There are also a number of supportive and senior housing facilities located in and near Osseo. Staff reported the Planning Commission met on June 20 to consider the proposed ordinance amendment. The commission voted 6-0 to recommend the change. A Public Hearing was also held on June 20, and comments were provided about the challenges of allowing Temporary Health Care Dwellings in Osseo. Staff recommended the Council approve the first reading of the zoning code amendment to opt-out of requirements of Minnesota Statute 462.3593.

Schulz stated he has done a great deal of thinking about the proposed code amendment. He explained this City was full of small homes on smaller lots. For this reason, he believed the Council should not opt-out of this Statute. He believed this could be a very valuable service to Osseo residents dealing with end of life situations with family members.

Johnson stated given the current conditions within the Statute, there were very few properties in Osseo that would be able to house a temporary family health care dwelling.

He indicated those that would qualify were on 4<sup>th</sup> Street NE. He feared that a unit would not be able to be placed in a backyard without infringing on a neighbor's property. For this reason, he supported the City opt-out.

Schulz asked if the dwelling units had to be placed in a yard. Abts explained the dwelling units would have to comply with all City setback requirements for a residential property. She then reviewed the setback requirements for front, side, and rear yard setbacks.

Schulz did not support the City passing additional legislation when it was not necessary.

Stelmach agreed with Schulz and did not see the need for the City to opt-out. He anticipated that the vast majority of Osseo lots would not allow for a health care dwelling unit.

City Attorney Tietjen stated she attended a legislative update conference by the League of Minnesota Cities last week on this topic. She understood this was a policy decision for the Council. She commented on the shortened administrative approval process for the health care units. She advised the City could elect to opt-out and adopt their own requirements or terms for the temporary health care units. She explained the deadline to opt-out was September 1. Further discussion ensued regarding the discussion held at the legislative update.

Johnson supported the City opting-out and did not believe this would change the City's zoning code in any way.

Schulz stated the new Ordinance would change the zoning code as the new ordinance language would be included. He asked if the temporary health care units would be approved at a staff level, similar to sign permits. City Attorney Tietjen explained the requests would have to be approved by the City Council within 15 days of the request.

Schulz supported the State Statute and had no problem with the 15-day approval process.

**A motion was made by Johnson, seconded by Poppe, to approve the First Reading of the zoning amendment to opt-out of requirements of Minnesota Statute §462.3593. The motion failed 2-3 (Schulz, Stelmach & Zelenak opposed).**

**A motion was made by Schulz, seconded by Stelmach, to deny approval of the First Reading of the zoning amendment to opt-out of requirements of Minnesota Statute §462.3593. The motion carried 3-2 (Johnson and Mayor Poppe).**

E. APPROVE REALLOCATION OF URBAN HENNEPIN COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (Resolution)

Abts explained the City of Osseo applied to the 2015 Urban Hennepin County Community Development Block Grant (CDBG) Program in March 2015. The 2015 application stated the funds would be used to acquire dilapidated property for redevelopment. Hennepin County then approved an award of \$60,896 to Osseo for this purpose. In March 2016, Osseo applied to the 2016 CDBG Program for funds to replace damaged sidewalks in eligible portions of the City. This project was not funded.

Abts stated the deadline for spending the \$60,896 awarded in 2015 is June 30, 2016. There are no properties that the City can purchase with these funds. However, with

approval from Hennepin County, the City can reallocate these funds to a Sidewalk Repair project.

Abts commented following Hennepin County's Citizen Participation Plan, a 30-day public comment period for the proposed change ran from May 28-June 27. Notice of the Public Comment period was published in the Osseo-Maple Grove Press and on the City's website. Notice was also posted in City Hall. To date, staff has not received any comments on the proposed change.

Abts stated if reallocated the \$60,896 could be used to cover part of the cost of replacing damaged residential sidewalks. With any grant, there are requirements for recordkeeping and restrictions on eligible expenses. The CDBG program restricts where in the City the funds can be used, and requires that contractors employed are paid the prevailing wage rates (i.e., Davis Bacon Act requirements). Properties within the area where funds can be used represent 90% of the properties identified in the 2015 Sidewalk Inventory that are in need of repair (excluding properties along future street projects). These funds would need to be expended by June 30, 2017.

Abts explained the CDBG reallocation is the proposed source of matched funding for residential sidewalk repairs. If the reallocation is not approved, the City could also draw from the Pavement Management Fund (current balance approximately \$145,000) to provide matched funding. The Pavement Management Fund includes money not spent as part of the 2015 Mill & Overlay Street Project. Staff recommended the Council adopt the resolution reallocating \$60,896 in CDBG funds to a Sidewalk Repair project.

**A motion was made by Stelmach, seconded by Zelenak, to adopt Resolution No. 2016-41 approving the reallocation of Urban Hennepin County Community Development Block Grant Funds. The motion carried 5-0.**

#### F. APPROVE DATA PRACTICES POLICY

City Attorney Tietjen explained Minnesota law requires the adoption of Data Practices Policies that govern the treatment of government data. These model policies are from the Information Policy Analysis Division of the Minnesota Department of Administration.

City Attorney Tietjen reported each government entity is required to have policies that govern the treatment of government data:

- 1) One policy must explain the rights of the public (Data Practices Policy for Members of the Public);
- 2) The other policy must explain the rights of data subjects (Data Practices Policy for Data Subjects).

City Attorney Tietjen reported a government entity is also required to create a document that identifies and describes nonpublic, private, and confidential data maintained by the City. Staff recommended the Council adopt a Data Practices Policy, which includes Data Practices Policy for Members of the Public, Data Practices Policy for Data Subjects, and Exhibit F--Data Inventory of all Nonpublic, Private & Confidential Data Maintained by the City of Osseo.

**A motion was made by Schulz, seconded by Stelmach, to Adopt a Data Practices Policy that includes Data Practices Policy for Members of the Public, Data Practices**

**Policy for Data Subjects, and Exhibit F--Data Inventory of all Nonpublic, Private & Confidential Data Maintained by the City of Osseo.**

Johnson asked how often the staff had requests for official City data. Grams estimated the City has had one or two requests in the past four years.

Johnson questioned if staff provided the individuals with an estimate of the cost up front. City Attorney Tietjen described the process that was followed for official City data requests and discussed the form that must be filled out. She stated an estimate was provided prior to any copies being made.

**The motion carried 5-0.**

**G. APPROVE LAWFUL GAMBLING PREMISES PERMIT APPLICATION FOR NORTHWEST AREA JAYCEES (Resolution)**

Grams stated before the Minnesota Gambling Control Board can issue a premises permit, the local unit of government (city) where the premises is located must give approval of the application. The City must sign the application and provide a resolution of approval. The Northwest Area Jaycees plan to conduct bar bingo at American Legion Post 172 (Osseo/Maple Grove). Staff recommended the Council adopt a resolution approving a Premises Permit Application for the Northwest Area Jaycees to conduct bar bingo at the American Legion Post 172 (Osseo/Maple Grove).

**A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2016-42 approving a Premises Permit Application for the Northwest Area Jaycees to conduct bar bingo at the American Legion Post 172 (Osseo/Maple Grove). The motion carried 5-0.**

**H. CITY COUNCIL HUMAN RESOURCES UPDATE**

Schulz provided the Council with an update from the Human Resources Committee. He thanked the Councilmembers for submitting their reviews for City Administrator Grams. He requested the Council call for a closed session meeting for Monday, July 11, which would allow the Council to review City Administrator Grams' performance standards.

**A motion was made by Zelenak, seconded by Schulz, to call for a Closed Session meeting on Monday, July 11, 2016, to allow the Council to review City Administrator Grams performance standards. The motion carried 5-0.**

**I. APPROVE ACCOUNTS PAYABLE**

Grams reviewed the Accounts Payable with the Council.

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

**11. ADMINISTRATOR REPORT**

Grams explained The Villa at Osseo received the 2016 Bronze Commitment to Quality Award. This was presented by the American Health Care Association, which honored this establishment for providing high quality care to seniors. He commended the Villa at Osseo for its fine work in the community.

Grams stated the Rochon building was now complete and has scheduled a ribbon cutting ceremony for Monday, July 11, at 3:30 p.m. Councilmembers were encouraged to attend.

Grams indicated a new Wi-Fi system has been installed at City Hall.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen commented on the recent legislation passed by the State regarding body camera data practices. She noted Osseo would not be impacted by this legislation, but would at some point if the department elected to have its officers use body cameras.

Stelmach stated he attended the recent Teddy Bear Band performance.

Stelmach requested the Council have a policy discussion at an upcoming meeting regarding the need for Councilmembers to provide written reports on the events they attend in the community.

Schulz supported this recommendation.

Stelmach was pleased with the Park and Recreation programs this summer.

Johnson reported WSB, the City's new engineering firm, was rated the third best employer by their employees in a recent article in the Star & Tribune.

Johnson discussed a pull tab report and stated over \$60,000 in taxes was paid in one month.

Grams noted the Planning Commission had a vacancy. Residents interested in serving in this capacity should contact City Hall for further information.

Poppe stated Classic Big Band would be providing Music in the Park on Tuesday, June 28, at 7:00 p.m.

Poppe indicated the City would be holding a Parks and Recreation Program on Tuesdays through Thursdays from June 21 through July 28.

Poppe explained the Farmers Market would begin on Tuesday, July 12.

Poppe noted there would be a Red Cross Blood Drive on Wednesday, July 20.

Poppe encouraged all residents to participate in Night to Unite on Tuesday, August 2.

13. ADJOURNMENT

**A motion was made by Johnson, seconded by Zelenak, to adjourn the City Council meeting at 9:12 p.m. The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*