

Minutes of the Proceedings of the City Council of the City of Champlin in the County of Hennepin and the State of Minnesota
Pursuant to Due Call and Notice Thereof

Regular Session
February 22, 2010
Municipal Center

- Call to Order The Champlin City Council met in Regular Session and was called to order by Mayor Mark Uglem at 7:05 p.m.
- Pledge of Allegiance The Pledge of Allegiance was recited.
- Roll Call Present were Mayor Mark Uglem, Councilmembers Eric Johnson, ArMand Nelson, Greg Payer, and Julia Whalen.
- Absent: no one.
- Also present were City Administrator Bret Heitkamp, Deputy City Administrator John Cox, City Engineer Tim Hanson, City Attorney Darrell Jensen, Assistant City Engineer Todd Tuominen, Parks Facilities Manager Dan Masloski and City Clerk Roberta Colotti.
- Approval of Agenda
(February 22, 2010)
Motion Motion by Councilmember Johnson and seconded by Councilmember Whalen to approve the agenda for the February 22, 2010 Regular Meeting as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Approval of Minutes
(February 8, 2010
Worksession and Regular
Meeting)
Motion Motion by Councilmember Whalen and seconded by Councilmember Nelson to approve the minutes of the February 8, 2010 Worksession and February 8, 2010 Regular Meeting as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Approval of Bills
(February 22, 2010)
Motion Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the bills as submitted for payment on February 22, 2010. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Announcements Mayor Uglem made the following announcements:
- Joint Meeting with the City of Anoka – Thursday, March 4th at 5:30 p.m. at Greenhaven Golf Course in Anoka.
 - City Council Worksession – Monday, March 8th at 5:45 p.m. in the Council Conference Room.
 - City Council Meeting – Monday, March 8th at 7:00 p.m. in the Council Chambers.
 - In Mid-March, every household in Champlin will receive a census form to be completed by April 1st. Businesses, governments, schools and non-profit agencies use census data for planning programs, land use, and services. Contact City Hall at 763-923-7102 for more information.
 - The City’s Mill Pond Gables project has apartment openings for independent seniors interested in a high amenity, affordable housing community. If you or someone you know has an interest, you are encouraged to call Shelly Bakken at 763-576-8696.
- Consent Agenda
Mayor Uglem requested that Item #5 “Approve Amended Joint Powers Agreement with North Metro Mayors Association” be pulled from the Consent Agenda.
- Approve 2010 Teamsters
Union Contract Proposal
Motion Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the 2010 Teamsters Union (Local #320) contract regarding wages, benefits and the general terms of employment for the year 2010 as presented. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.
- Resolution No. 2010-21
Approving Acquisition of
Designated Properties on
Goose Lake Road North Councilmember Whalen introduced the following resolution and moved its adoption:

A Resolution Approving Acquisition of Designated Properties on Goose Lake Road North.

Resolution 2010-21

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of February, 2010.

Adopt Ordinance No. 695
Governing Peddlers,
Solicitors and Transient
Merchants and authorizing
use of the publication
summary
Ordinance No. 695

Councilmember Whalen introduced the following ordinance and publication summary and moved its adoption:

AN ORDINANCE REPEALING CHAPTER 30 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE X PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND ADOPTING THE FOLLOWING ORDINANCE GOVERNING PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS WITHIN THE CITY OF CHAMPLIN, MINNESOTA.

The motion for the adoption of the foregoing ordinance was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer, and Whalen, and the following voted against the same: none, whereupon said ordinance was passed this 22nd day of February, 2010.

Adopt Ordinance No. 696
Fees and authorizing use
of the publication
summary
Ordinance No. 696

Councilmember Whalen introduced the following ordinance and publication summary, waived the first reading and moved its adoption:

AN ORDINANCE AMENDING CHAPTER 22 FEES

The motion for the adoption of the foregoing ordinance was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said ordinance was passed this 22nd day of February, 2010.

Application for General
Business License for
Champlin British
Petroleum
Motion

Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve the application for licenses for over the counter tobacco sales and for 16 gasoline pumps submitted by Jason Seitz of Champlin British Petroleum, located at 11201 Aquila Drive. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.

Approve Amended Joint
Powers Agreement with
North Metro Mayors
Association
Motion

Motion by Mayor Uglem to approve the amended Joint Powers Agreement (JPA) as presented with the North Metro Mayors Association (NMMA) and to direct staff to request clarification of the administrative fee and dividend distribution outlined in the Cooperative Purchasing Program (CPP).

Motion seconded by Councilmember Johnson.

Councilmember Payer stated that he originally had concerns regarding the Mayors involvement in the creation of the CPP and his involvement in the future and how that might affect our conflict of interest requirements here in the City. He added that he understands that the Mayor and City Attorney worked on a letter that states that the Mayor has no intentions of being part of the CPP now or in the future beyond a voluntary basis. He stated that he is not 100% satisfied with the perception of a conflict, but if it meets the code it is what it is.

Councilmember Payer stated that the other concern that he has is the fact that our partners, in this situation NMMA, are not held to any level of responsibility as far as conflicts of interest or operation on the same level of ethics, that we here at the City uphold. In this example the head of the NMMA, Joseph Strauss is going to become a principle in the LLC that will financially gain from this purchasing cooperative and he stated that he has concerns about that both in this instance and in general.

Councilmember Payer stated that if we are going to hold ourselves to a high level of integrity here at the City, in the operations that we do, that at a minimum we should do some due diligence as to how our partners operate. He stated that he knows policing this would be difficult but possible when it's

egregious, and in this case it obviously is, because each and every councilmember knows Mr. Strauss is the leader of the NMMA and that he will financial gain form the program. He went on to say that when it is egregious like this, it sticks out to him and makes him question if our alignment with the NMMA is correct and how the operations are being run at the NMMA.

Councilmember Payer stated that based on that fact he would ask staff to look at scheduling Worksession time to come back with conflict of interest and ethics expectations of NMMA and how we do business. He stated that specifically this is the reason he does not believe we should amend the JPA, because it is what he believes is an egregious conflict of interest on their behalf and he does not think it is wise to partner ourselves with those types of entities.

Mayor Uglem stated that staff has direction, as included in the motion for approval.

Councilmember Nelson stated that he echo's some of the same things as Councilmember Payer. He stated that he has concerns with working with NMMA, they are a good organization and we have done a lot of good things with them, but we do need to look at what our standards are as City, as an elected body, and that of the people we are doing business with.

Councilmember Nelson said that as the Mayor had addressed, we want to look at what the administrative fees and dividend distribution is for this program and we need to do that. He said that the JPA will provide an out as we don't have to participate in the program. So from that standpoint he is comfortable moving forward with this tonight, but he does think we need to take a firm look at the NMMA organization and how they function.

Councilmember Whalen stated that she agrees with the comments that were made. She stated that the fact this organization has morphed over the years and developed and the fact that we are amending a 20 year old JPA tells you its time to re-look at things. She noted that things have changed in the business world and they have all signed conflict of interest statements. She stated that it is good to take it to the next level and maybe add to the by-laws of the NMMA. She requested an amendment to the motion to request that the NMMA review their by-laws related conflict of interest.

Mayor Uglem stated that he would be willing to amend his motion as requested. He added that he believes they have been doing this with us, but he would amend the motion to request that they review their by-laws.

Councilmember Johnson accepted the amendment to the motion.

Mayor Uglem called the motion to approve the amended Joint Powers Agreement (JPA) as presented with the North Metro Mayors Association (NMMA) and to direct staff to request clarification of the administrative fee and dividend distribution outlined in the Cooperative Purchasing Program (CPP) and to further request that the NMMA review their by-laws related to conflict of interest. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson and Whalen. Voting against: Payer. Motion carried.

Accept Hennepin County
Grant for Elm Creek
Stream Stabilization Plan
Motion

Motion by Councilmember Whalen and seconded by Councilmember Johnson to approve entering into a State Cost Share Agreement with Hennepin Conservation District with the understanding that the agreement will be terminated if the Elm Creek Stream Stabilization Project does not move forward. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried.

Open Forum

Champlin-Dayton Rebels 12U baseball team member Alex reported that his team has been invited to play in a tournament in Cooperstown, NY. He stated that although the parents of the team would share a great portion of the cost for the trip, fundraising would also be utilized. He announced that a dinner will be held on Sunday, March 7th from 5:00 p.m. to 8:00 p.m., at the Osseo Legion, located at 260 4th Avenue SE, and the cost is \$10.

Chris Goodman, head coach of the team, commended Alex for a great job. He encouraged the Council and residents watching the meeting on cable television, to come to the dinner and show their support for the team. He advised that teams from all over the country would be attending the tournament and

he thanked the residents and Council for their support.

Public Hearings

Resolution No. 2010-22
Reaffirming the
Preliminary Approval of
the Issuance of Revenue
Bonds for the Financing of
the Acquisition and
Rehabilitation of a Multi-
Family Housing
Development Located in
the City of Champlin
After Holding a Public
Hearing Thereto

The Deputy City Administrator explained that the request for the Council was to issue up to \$9,500,000 in housing bonds, which would be similar to the request made by the same applicant in 2005. He advised that in 2005 Dominion renovated the southern portion of the apartments and was now renovating the northern portion of the apartments, investing approximately \$15,000 per apartment. He summarized some of the conditions and limitations that would be included. He stated that final approval would be given in the near future. He noted that the City would charge a half point financing fee. He advised that there had been a previous condition to the 2005 request linked to police calls and reported that the calls had been reduced by 60 percent, and they now have the fewest number of calls for all of the apartment buildings in Champlin. He commended the property manager, Jessica, for her hard work. He recommended preliminary approval of the request.

Public Hearing

Mayor Uglem opened the public hearing at 7:21 p.m.

No one else was present for the public hearing.

Motion

Motion by Councilmember Payer and seconded by Councilmember Whalen to close the public hearing. Voting in favor were Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen. Voting against: none. Motion carried. The public hearing was closed at 7:22 p.m.

Councilmember Whalen stated that based on the fact that the previous endeavor paid dividends she recommended approval.

Resolution 2010-22

Councilmember Whalen introduced the following resolution and moved its adoption:

A Resolution Reaffirming the Preliminary Approval of the Issuance of Revenue Bonds for the Financing of the Acquisition and Rehabilitation of a Multi-Family Housing Development Located in the City of Champlin After Holding a Public Hearing Thereto.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Johnson, and upon vote being taken thereon, the following voted in favor thereof: Mayor Uglem, Councilmembers Johnson, Nelson, Payer and Whalen, and the following voted against the same: none, whereupon said resolution was passed this 22nd day of February, 2010.

Adjournment

The Champlin City Council adjourned the regular meeting at 7:25 p.m.

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC, City Clerk