

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
May 23, 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, May 23, 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, Public Services Director Rick Hass, and City Attorney Mary Tietjen.

Others present: Jim, Terri & Logan Comfort, Greg & Judy Norberg, Don Olson, Howard Hornibrook, and Rebecca Kurtz.

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 Schulz, seconded by Stelmach, to accept the Agenda as presented. The motion carried 5-0.

5. CONSENT AGENDA

- A. Receive EDA Minutes of May 9
- B. Approve Council Minutes of May 9
- C. Receive Planning Commission Minutes of May 16
- D. Receive April Fire Report
- E. Receive April American Legion Club Gambling Report
- F. Receive April Fire Relief Association Gambling Report
- G. Receive April Lions Club Gambling Report
- H. Approve Liquor and Tobacco License Renewals
- I. Approve Duffy's Summery Party on July 23
- J. Approve Request for Chief Mikkelson to Phlebotomist Training
- K. Approving Training Request for Officers Mike Smith and Tony Mortinson
- L. Approve Training Request for Officers Brendan Current and Todd Kintzi
- M. Approve Sale of Forfeited Vehicles for Police Department

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

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

A. SPECIAL THANKS TO PASTOR JIM COMFORT & OSSEO CHURCH OF THE NAZARENE

City Administrator Riley Grams stated the Osseo Church of the Nazarene is relocating to Dayton after being located in the City of Osseo for 67 years. With the news that Pastor Comfort and the congregation have officially voted to relocate to a brand new facility in Dayton, staff felt it merited special recognition to thank Pastor Comfort and the Osseo Church of the Nazarene for their contributions to the City of Osseo and the surrounding community.

Grams explained the new location, roughly five miles away from Osseo, will provide the congregation with a 21st century building and allow them to put their own touches on the property. City staff is certainly excited for their opportunity but also saddened to lose a key institution here in Osseo. The City wanted to thank Pastor Jim for all he has done with the Osseo community and wish him the very best in his Church's future endeavors.

Pastor Jim Comfort thanked the City for this honor. He explained he has been the pastor of the Osseo Church of the Nazarene for the past 15 years. He described the church's focus was on service. He was looking forward to moving his church to the new site in Dayton as it offered his congregation 12 acres of land. He was encouraged by how Osseo was continuing to thrive and stated it has been a pleasure to serve in this community for the past two decades.

B. ACCEPT DONATION TO MUSIC/MOVES IN THE PARK FUND FROM OSSEO LIONS CLUB (Resolution)

Grams indicated the Osseo Lions Club has donated \$3,000 to the City for Music/Movies in the Park. Staff recommends the Council accept the donation.

A motion was made by Stelmach, seconded by Johnson, to adopt Resolution No. 2016-32 accepting a donation from the Osseo Lions Club in the amount of \$3,000. The motion carried 5-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE SALE OF 2016A STREET AND UTILITY IMPROVEMENTS BONDS – Rebecca Kurtz, Ehlers (Resolution)

Rebecca Kurtz, Ehlers & Associates, explained she received bond bids at the Ehlers office today. It was noted the City had received an AA- bond rating from Standard & Poor's. She provided further comment on this rating. She requested the Council award \$1,285,000 in General Obligation Bonds to Baird out of Milwaukee. She was pleased to report the interest rate came in lower than was anticipated which led to a savings in the amount of \$35,000.

A motion was made by Johnson, seconded by Zelenak, to adopt Resolution No. 2016-33 Providing for the Issuance and Sale of \$1,285,000 General Obligation Bonds, Series 2016A, Pledging for the Security Thereof Special Assessments and Net Revenues and Levying a Tax for the Payment Thereof. The motion carried 4-1 (Schulz opposed).

B. APPROVE SALE OF 2016B REFUNDING BONDS – Rebecca Kurtz, Ehlers (Resolution)

Rebecca Kurtz, Ehlers, explained she also took refunding bond bids at the office today. It was noted the City had received an AA- bond rating from Standard & Poor's. She provided further comment on this rating. She requested the Council award \$3,250,000 in General Obligation Improvement Refunding Bonds to Piper Jaffrey in Minneapolis. She was pleased to report the interest rate came in lower than anticipated which led to a savings in the amount of \$537,672, or \$53,000 annually over the term of the debt.

A motion was made by Johnson, seconded by Zelenak, to adopt Resolution No. 2016-34 Providing for the Issuance and Sale of \$3,250,000 General Obligation Improvement Refunding Bonds, Series 2016B, Pledging Special Assessments for the Security Thereof and Levying a Tax for the Payment Thereof. The motion carried 5-0.

C. APPROVE SPRAY PATCHING QUOTE

Public Services Director Rick Hass explained many of the city's streets that were not part of the 2015 or 2016 street project are in need of pothole repair. Staff recommended the Council hire RCM Specialties, Inc., in the amount of \$32,725 to provide spray patching/pothole repair. The cost of this project would be \$32,725 and would be paid for out of the Public Works repair and maintenance fund.

Schulz understood that the other bid provided crack filling. He questioned if RCM would be providing crack filling. Hass reported the bid did not specifically call out the crack filling but the price was included in the bid amount.

Johnson asked if the City had any experience working with RCM Specialties. Hass stated the RCM has provided pothole repair services for Osseo in the past. He noted the City's alleys would be patched "in house."

Stelmach inquired if this item came in as budgeted for 2016. Hass indicated the City spent \$50,000 in 2015 and was proposing to spend only \$32,725 in 2016. He explained the City was spending less on pothole repair each year as more streets were reconstructed.

Stelmach wanted to see the crack filling included in the RCM bid language prior to being approved. Grams suggested a motion be offered to approve the spray patch bid contingent upon the crack filling language being included in the contract.

A motion was made by Stelmach, seconded by Johnson, to approve the hire of RCM Specialties, Inc., to spray patch in the amount of \$32,725, contingent upon the crack filling language being included in the contract. The motion carried 5-0.

D. APPROVE AGREEMENTS WITH STATE OF MINNESOTA FOR POLICE DEPARTMENT (Resolution)

Grams stated every five years the City Council adopts a resolution approving the State of Minnesota Joint Powers Agreement with the City of Osseo on behalf of its City Attorney and Police Department. This JPA gives the City of Osseo authority to utilize certain features of the criminal justice data communications network of the State of Minnesota, Department of Public Safety, and the Bureau of Criminal Apprehension. In 2012 all law enforcement agencies and prosecutors changed from paper citations and complaints to eCharging, a service which is now covered by the Court Data Services Subscriber Amendment Agreement.

Grams recommended the City Council renew the State of Minnesota Joint Powers Agreement and Court Data Services Subscriber Amendment to CJDN Subscriber Agreement, and adopt resolution authorizing such action.

Johnson asked if this was a three or five-year document. City Attorney Tietjen reported this was a five-year document.

A motion was made by Johnson, seconded by Stelmach, to adopt Resolution No. 2016-35 Renewing the State of Minnesota Joint Powers Agreement and Court Data Services Subscriber Amendment to CJDN Subscriber Agreement. The motion carried 5-0.

E. APPROVE AGREEMENT WITH HENNEPIN COUNTY FOR BUSINESS DISTRICT INITIATIVE (Resolution)

City Planner Nancy Abts stated in October 2015 the City applied for \$50,000 under a one-time funding opportunity to support business districts in suburban Hennepin County. Osseo's application proposed adding a gateway sign at the Central Avenue/Jefferson Highway and County Road 81 intersection and directional signage in the Central Business District and included letters of support from community civic and business organizations.

Abts explained recently selected for funding and eleven total applications. Staff has meet with Hennepin County representatives to discuss the project scope and funding agreement. Funding will be available as indicated in the attached Project Scope, and will be provided to the City as a reimbursement for eligible expenses. Staff recommended the Council approve the agreement with Hennepin County for Business District Initiative.

Stelmach asked when the 30-day timeline began for the sign plans. Abts reported there was no specific date. She indicated the 30 days would begin once the County received the sign plans from the City of Osseo.

Johnson questioned where the City was with the gateway sign. Grams explained he met with the Gateway Sign Committee last week, which included Schulz and Zelenak. Sign concepts from Scenic Signs were reviewed then.

Johnson asked if a gateway sign location had been chosen. Grams stated the old jail site had been selected for the gateway sign.

Johnson inquired what the gateway sign timeline was. Grams hoped to have the gateway sign completed by this fall. He noted the gateway sign concept would be coming to the City Council for review and approval after being further discussed by the Gateway Sign Committee.

A motion was made by Zelenak, seconded by Schulz, to adopt Resolution No. 2016-36 approving the agreement with Hennepin County for Business District Initiative. The motion carried 5-0.

F. APPROVE CONDITIONAL USE PERMIT TO CONDUCT TIRE SALES & MINOR AUTOMOTIVE REPAIR AT 108 BROADWAY STREET WEST (Resolution)

Abts explained Gregory Norberg, who formerly operated The Tire Guy business located along County Road 81 in Osseo, has made an application to the City to re-open his business as a tenant located at 108 Broadway Street West. The proposed business will be located in a structure whose variance and site plan review were approved by the City in January 2016.

Abts stated the property located at 108 Broadway Street West is located in M zone (Manufacturing and Industrial) and is owned by M C Ryan Et AL. The applicant proposes to lease the space to operate his business at this location. The proposal calls for the applicant to use roughly 4,038 square feet of space in existing building, as well as space to be constructed under a building and site plan approval issued by the City in January 2016.

Abts stated for an automotive repair garage space and two repair bays, the minimum number of customer parking per the Osseo off-street parking ordinance is 8 spaces. (The minimum number of parking spaces includes a base number of 4, plus 2 spaces for each service bay.) The plans submitted by the applicant shows space available for 5 customer parking spaces, near the to-be-constructed building entrance, one of which is labeled as a handicapped space. Three additional customer-only parking spaces would be required for the use, and can easily be accommodated on site without interfering with parking requirements for other uses. Staff recommends that the 8 customer parking spaces be placed close to the office/customer waiting area inside the existing building.

Abts commented that all vehicle repair and maintenance must take place within a completely enclosed building. Repaired vehicles or vehicles waiting to be repaired shall be considered storage and must be within a screened or an enclosed area, per Osseo City Code. The applicant has indicated a portion of the existing and to-be-constructed buildings as tenant space for the Tire Sales and Automotive Repair business. Any repairs or maintenance will be conducted inside, completely enclosed, and vehicles on site for longer than 12 hours awaiting repairs will be stored inside or screened from public view. Other facets of this proposal have been reviewed by City staff and found to be acceptable for this property and zoning district.

Johnson asked for clarification on the business operations versus the CUP operations. Abts explained how the CUP would be attached to the property.

Johnson inquired if the eight parking stalls was a requirement of the landlord or the City. Abts reported this was a City Code requirement. She reviewed the parking language in detail with the Council.

A motion was made by Schulz, seconded by Johnson, to adopt Resolution No. 2016-37 approving a Conditional Use Permit to conduct Tire Sales & Minor Automotive Repair at 108 Broadway Street with the following nine (9) conditions:

- 1) Customer Parking. A minimum of 6 customer parking stalls plus shall be located on the property at all times, closest to the main entrance of the business, and these spaces shall be clearly designated with signage or permanent pavement markings. Additional parking spaces may be required by Osseo City Code;
- 2) Vehicle Storage. Any vehicle awaiting repairs for longer than 12 hours must be stored inside an enclosed space or properly screened from public view;
- 3) 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. Any vehicle repair or maintenance shall take place indoors, per Osseo City Code;
 - b. No auto wrecking, junk, and salvage or inoperable cars shall be stored on the property without obtaining a separate Conditional Use Permit for said storage, per Osseo City Code;
 - c. Any waste tires must be stored inside an enclosed space or properly screened from public view and protected from the elements so as not to provide habitat to rodents or insects, per Osseo City Code;
 - d. Any trash enclosure must be properly screened from public view, per Osseo City Code;
 - e. The building appearance shall be maintained so that it adheres to Osseo City Code;
 - f. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code;
 - g. The facility shall follow the Minnesota Pollution Control Agency's requirements for storage and transportation of waste tires; and
 - h. If the facility generates any hazardous waste as defined by Hennepin County or the State of Minnesota, the facility shall at all times meet all requirements imposed by Hennepin County or the State of Minnesota;
- 4) Open to Inspection. During any hours at which 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.
- 5) Recording Requirement. The City of Osseo will memorialize conditional use permit by adopting a resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.

G. APPROVE FIRST READING OF ZONING CODE AMENDMENT TO ALLOW SANDWICH BOARD SIGNS IN THE “M” MANUFACTURING DISTRICT

Abts explained in the early 2000s sandwich board signs were added to City Code as an allowed sign type in the Central Business District and C-2 Highway Commercial District. Sandwich Board Signs were not allowed in the M “Manufacturing” District. However, some businesses located in the M District could safely display and benefit from sandwich board signs. The commercial area anchored by Caribou Coffee and Jimmy Johns is a prominent potential location. The City should consider amending its code to allow sandwich board signs in this zoning district. Staff explained the Planning Commission reviewed this matter at its May 16 meeting and recommended the Council approve the first reading of the zoning code amendment to allow sandwich board signs in the M District.

Schulz asked if the Council could waive the second reading of the zoning code amendment and adopt tonight. City Attorney Tietjen advised this would be within the Council’s rights.

A motion was made by Schulz, seconded by Stelmach, to approve the First Reading, waive the Second Reading, and adopt the Zoning Code Amendment to allow Sandwich Board Signs in the M District, authorizing staff to publish an Ordinance summary.

Johnson asked if the property at 108 Broadway Street West would be able to have a sandwich board sign. Abts stated this would be allowed.

The motion carried 5-0.

H. HIRE SUMMER RECREATION WORKERS

Abts explained job postings for the positions were published on the City website and social media accounts and in the Osseo Maple Grove Press and were distributed to local schools and several organizations serving youth. A Parks and Recreation Subcommittee reviewed the applications submitted for the program and recommended that two applicants be invited for an interview with a panel consisting of the Council Human Resources Committee, Parks and Recreation Committee Chair, and Parks and Public Services Director Rick Haas. The interviews were scheduled for Monday, May 23, in advance of the City Council meeting. Staff recommended the Council hire the summer recreation workers contingent on a satisfactory criminal background check.

Stelmach explained he sat in on the interviews. He appreciated the amount of energy each candidate had for the position and was pleased to report that one of the candidates had previous park and recreation experience.

Zelenak stated she reviewed the two applications and asked if the Council was being requested to hire both applicants.

Stelmach stated this was the case. He explained one individual would serve as the program manager while the other would be hired as the assistant.

Johnson requested further information on the previous work experience of the candidates.

Stelmach reviewed the prior art and sport experience for both summer recreational worker candidates in detail.

Johnson questioned who would be overseeing these two individuals.

Stelmach indicated Public Works Director Hass would be overseeing these employees.

Schulz anticipated that the sports programs offered this summer would be planned and executed by the summer recreation workers and would not be planned by the City Council.

A motion was made by Schulz, seconded by Johnson, to recommend the hire of the two summer recreation workers, contingent upon a satisfactory criminal background check. The motion carried 5-0.

I. APPROVE PURCHASE OF MUNICIPAL SERVICES WAYFINDING SIGNS FOR DOWNTOWN

Grams explained recently the Osseo Economic Development Authority approved a downtown commercial core wayfinding sign program to help patrons identify businesses located off of Central Ave. The program calls for aluminum blade style signs to be attached at Central Avenue intersections and pointing in the direction of the business (east or west). Each intersection would have two signs for that particular business, and be located diagonally across the intersection to maximize visibility.

Grams reported the City should also consider purchasing similar signs to identify municipal services. These signs would be similar to the business signs, but colored blue with a white border and white lettering (which is customary in public service signs). The signs would be highly visible in the evening.

Grams stated the Council should determine how many signs are needed to help direct people to the appropriate municipal services location. There are two options available: 1) List all the individual services in the City Hall campus, each with their own sign; 2) One sign that calls out "Municipal Campus" or some variation. The applicable services on the Civic Campus include: City Hall (or Administration), Police Department, Fire Department, Community Center, and Municipal Parking. We would also call out Boerboom Park as a separate sign.

Grams indicated the other option is to use one sign that identifies Civic Campus, Municipal Campus, or simply City Hall (or something similar). Staff also suggests signs located at the intersection of 2nd Streets and Central Avenue pointing west to indicate Municipal Parking (the EDA owned parking lot on 1st Ave NW). Staff recommendation is to go with the one sign for the Civic Campus property to cut down on the total number of signs to these specific intersections.

Grams explained a set of two signs will cost \$200. They would be ordered along with the EDA business signs, which have been sent to all applicable businesses and asked to be submitted back to the City by May 31. Public Works staff will install the signs. Staff recommended the Council approve the purchase of municipal services wayfinding signs, with what number and what wording.

Schulz asked if staff had any recommendations on the sign placements for the City buildings. Grams recommended the signs be placed at the 5th Street intersection.

Schulz recommended this item be discussed further at a future worksession meeting prior to being approved.

A motion was made by Schulz, seconded by Stelmach, to table action on this item to the May 31 City Council work session meeting for discussion. The motion carried 5-0.

J. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR REPORT – None.

12. COUNCIL AND ATTORNEY REPORTS

Abts reported she conducted a spring maintenance and CUP inspection. She indicated she would be working with property owners to bring all CUPs into compliance. This matter would be further discussed with the Council at the May 31 work session meeting.

Zelenak indicated she attended the car show last weekend and noted this event was very well attended.

Stelmach commented he also attended the car show with his children.

Johnson explained he too attended the car show. He noted the Lions Club recently donated a bench in Boerboom Park in memory of Bud Setzler.

Schulz indicated he was also at the car show. He was happy to see the attendance as high as it was given the cool temperatures. He thanked his wife for organizing the craft fair as it was a huge success.

Poppe agreed the car and craft show was a great event for the City of Osseo.

Poppe discussed the 1st Annual golf event that was hosted by Osseo Athletics at the Shamrock Golf Course. He noted 85 golfers attended the event. He thanked Bill Quan for organizing this event.

Poppe stated the Storm Water Prevention Program Annual meeting would be held on Monday, June 13, at 6:00 p.m. at City Hall.

Poppe invited the public to participate in Music in the Park on Tuesday, June 14, where the Teddy Bear Band will be providing the entertainment.

Poppe reported the Osseo Trolley was operational Monday through Thursday from 9:00 a.m. to 2:30 p.m. Volunteer drivers were still needed to keep the trolley program active each day.

13. ADJOURNMENT

A motion was made by Schulz, seconded by Johnson, to adjourn the City Council meeting at 8:16 p.m. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.