

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 26, 2009**

1. CALL TO ORDER

Alternate Mayor Brian Kleven called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, October 26, 2009.

2. ROLL CALL

Members present: Council members Brian Kleven, Steve Menth, Steve Parks, and Ken Schreiber.

Member absent: Mayor John Hall.

Staff present: City Administrator Greg Withers, Development Services Director Jeffrey Dahl, and Deputy Clerk LeAnn Larson.

Others present: John Cochran, Alicia Miller, Al & Barb Lindquist, Mark Schulz, Bruce Wiley, and Ron Barger.

3. PLEDGE OF ALLEGIANCE

Kleven led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Kleven asked for additions or deletions to the Agenda.

A motion was made by Menth, seconded by Schreiber, to accept the Agenda as presented. The motion carried 4-0.

5. CONSENT AGENDA

- a. Receive Planning Commission Minutes of August 17
- b. Approve City Council Minutes of September 28, October 5, and October 12
- c. Receive Economic Development Authority Minutes of October 5
- d. Receive American Legion September Gambling Report
- e. Receive Firemen's Relief Association September Gambling Report
- f. Receive Lions club September Gambling Report
- g. Receive Osseo-Maple Grove Hockey Association September Gambling Report
- h. Adopt Resolution 2009-59 Certifying Delinquent Utility Charges and Delinquent Garbage Charges Against Specified Properties
- i. Approve Accounts Payable (Listing 102609, dated 10/224/09 2:10 PM, for \$200,090.68)

A motion was made by Parks, seconded by Kleven, to approve the Consent Agenda as presented. The motion carried 4-0.

6. MATTERS FROM THE FLOOR

Al Lindquist, Osseo Lions Club representative, reminded everyone of the Halloween Kiddie Parade on Saturday, October 31, at 12 noon. The parade starts near North Clinic and proceeds north on Central Avenue to Boerboom Park. Activities and treats follow the parade, and pumpkin-carving starts at 9:30 a.m. in Boerboom Park before the parade.

Lindquist also reminded residents to vote on Tuesday, November 3.

Mark Schulz, 316 4th Street NE, stated he is a candidate for City Council and would be holding an open house on Friday, October 30, from 4-7 p.m. at his house.

Bruce Wiley, EDA member, said he and EDA President Kevin Rebman met last week with a developer who has indicated some interest in purchasing Osseo Commons on Central Avenue. The developer stated the Central Avenue project was needed and looks great.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

a. SUMMARY OF PAST EDA LEVIES

Development Services Director Jeffrey Dahl stated at the last Council meeting during Matters from the Floor, a resident questioned the necessity of an EDA Levy and what it was being used for. The EDA Levy of \$45,600 (or .01813% of taxable market value) was first utilized in 2007 in order to help pay for EDA-related staff time and also fund general EDA expenses. Since then, the EDA and City Council have allocated the levy towards housing and economic development programs, such as the Architectural Design Guidelines Financial Assistance Program, DiscoverOsseo marketing efforts, and the Home Improvement Program.

Dahl presented a spreadsheet indicating the approved allocations of the levy from 2007 to 2010 (proposed at \$45,600 each year) and a more detailed breakdown of expenditures relating to the Home Improvement Program. In 2007, the EDA levy was earmarked as follows: \$25,000 transfer to City General Fund for staff time and \$20,600 as general EDA expenditures. In 2008, the funds were earmarked as follows: \$25,000 for the Home Improvement Program, and \$20,600 for general EDA expenditures. In 2009, the levy of \$45,600 was entirely for the Architectural Design Guidelines program. Proposed for 2010, the levy will fund the Architectural Design Guidelines program for \$20,000, and \$25,600 for the Discover Osseo marketing campaign.

Home Improvement funds used thus far amount to \$3,893.60 (out of \$25,000). Architectural Design Guidelines (ADG) funds used thus far amount to \$5,000 (out of \$65,000), but this does not include funds for projects prior to 2007.

Parks said he hopes business owners consider the ADG program as incentive to fix up business facades along Central Avenue.

Schreiber said he hears that residents are getting tired of paying an additional levy. He stated he is not sure if the levy is needed.

10. NEW BUSINESS

a. PLANNING COMMISSION ITEMS

i. CONSIDER CUP APPLICATION TO ALLOW ON-SALE LIQUOR SERVICE AT KOPPER KETTLE RESTAURANT AT 225 CENTRAL AVENUE

Dahl stated Cleto Aguero, owner of the Kopper Kettle, has submitted an application for a Conditional Use Permit (CUP) to allow for a restaurant with on-sale liquor at 225 Central Avenue. The property is under the ownership of Wiley Enterprises, is zoned CBD, Central Business District, and is guided as Downtown Core Mixed Use in the Land Use Plan. The 3,300 sq. ft. building on the 4,716 sq. ft. property was built in 1955 and has been a restaurant ever since the mid 1960's. The property is completely surrounded by the CBD Zoning District. Approximately 240 feet to the west across 1st Avenue NW, there are properties that are zoned R-2, Multi-family Residential District, and are guided as stacked residential. Some of the existing uses adjacent to the property include a restaurant and retail to the north, retail to the east, a bar/grill and retail to the south, and a parking lot and church to the west. According to City records, alcohol has never been served as a part of regular business at 225 Central Avenue. The business' new owner, Cleto Aguero, has indicated he would like permission to serve (on-sale) beer and wine. While a restaurant is a permitted use in the CBD, any establishment that offers on-sale liquor as a part of regular business may only be allowed by obtaining a CUP.

With its charm and pedestrian oriented environment, the intent of the CBD is to accommodate central business type uses that include joint-use parking areas and business uses primarily oriented to the walking public. The applicant is proposing to offer on-sale service of beer and wine at the Kopper Kettle Restaurant in order to diversify the menu and ultimately draw more people to the business. The applicant is not proposing any physical changes to the building as a result of this request. The only minor alteration that will be needed is the addition of a wine/beer cooler in the kitchen. At this time, the applicant has no plans for an outdoor seating area. Because the only area for outdoor seating would likely be on city right-of-way, the applicant would have to get approval from city staff, regardless of this CUP application, to allow seating in the amenity area in the sidewalk along Central Avenue.

The main issues (parking, on-sale liquor license, and trash enclosure) were discussed by the Planning Commission at its public hearing of October 19, 2009. The Planning Commission recommended approval of the CUP to the City Council to allow for a restaurant with on-sale liquor service at 225 Central Avenue, subject to the following conditions:

1. This approval considers impacts of only allowing a wine and beer license. If the applicant wishes to obtain an on-sale intoxicating liquor license, the applicant shall apply for an amended CUP prior to applying for the new liquor license;
2. The on-sale of wine and beer shall adhere to all applicable federal, state, and county statutes and regulations in addition to local ordinances;

3. Any outdoor seating, whether on public right-of-way or on private property, shall be approved first by City staff prior to operation; Approval will be contingent upon the applicant submitting a plan, providing a barrier around the seating area if alcohol is to be served, and prohibiting television, video, music, etc.;
4. A trash enclosure shall be constructed near the west end of the building within 90 days of this approval. City staff shall approve the design and materials of the structure prior to construction;
5. The applicant shall obtain all necessary building and sign permits related to the proposed use; and
6. Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

Schreiber asked if the liquor license stays with the business owner. Dahl said the CUP stays with the property, but the liquor license would be for the business.

City Administrator Greg Withers stated approval of the liquor license will come to the Council in the future. This CUP establishes the liquor use as conditional.

A motion was made by Parks, seconded by Schreiber, to adopt Resolution No. 2009-60 Granting a Conditional Use Permit Request of Cleto Agüero to Allow On-Sale Liquor Service at the Kopper Kettle Restaurant at 225 Central Avenue. The motion carried 4-0.

ii. UPDATE ON DRAFT SIGN ORDINANCE

Dahl stated once the City approved its draft 2030 Comprehensive Plan Update in the Spring 2008, the next task of the Planning Commission was to discuss issues with the City's Sign Code. Signs act as a very important means of expression and also promote the economic viability of the business community. It is the City's responsibility to balance expression/economic viability while, at the same time, protecting itself and its citizens from a proliferation of signs of a type, size, location, and character that would adversely impact upon the aesthetics of the community and/or threaten the health, safety and welfare of the community. Regulations set forth need to be fair, consistent, and enforceable.

Over the past year, the Commission has:

- Held monthly work sessions to discuss all Sign Code related issues;
- Gone through the entire existing Sign Code and noted issues;
- Reviewed several other municipalities' Sign Code and noted pros and cons; and
- Decided to merge the format and key elements of the City of Hopkins' Sign Code with the City's existing Sign Code.

Because the City's Zoning Code will be revised in the near future, the Planning Commission has recommended holding off on amending the sign ordinance until it can be inserted in to the draft Zoning Code as one complete document.

Dahl stated no action is required at this time.

Kleven expressed thanks for the Planning Commission and Dahl for the many hours of work that has gone into code revisions.

Withers noted public hearings will be held in the future outlining the changes to the City Code.

b. DISCUSS CENTRAL AVENUE HOLIDAY LIGHTING

Al Lindquist, Osseo Business Association member, provided a brief update on the OBA Push for Beautification project. He stated donations are being solicited to offset the costs of landscaping around the clock tower, as well as new banners, winter lighting, and flower baskets next spring on Central Avenue. It is anticipated that the winter lighting downtown will be on the newly planted trees along Central Avenue and cost approximately \$20 per strand. The sod for area south of the clock is \$1.50 per roll. Seasonal banners for the light poles are \$100 per banner, with flower baskets next year at \$60 per basket. Lindquist stated he would like to replace the C9 lights used on the big evergreen trees in Boerboom Park with commercial grade LEDs to reduce costs of replacement bulbs and electricity.

Withers said he put out an RFP to three lighting companies. LEDs are plastic, not glass. All wiring with commercial grade lighting is heavy duty and long lasting. He said City staff will track time spent on putting up and taking down holiday lighting.

Kleven encouraged everyone to send donations soon so lighting improvements can be in place for this year.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Withers said the City of Brooklyn Park will be discussing a Gateway project for the area around St. Vincent de Paul Church. There will be impacts on the City of Osseo due to the proximity of the Brooklyn Park project.

The BNSF railroad is upgrading/raising the tracks at the Broadway Street West location. Some closures may be involved.

Withers said the City Engineer is in the process of updating the utility rate study again to address whether proposed rate increases will be adequate per legislation for tiered rate structures.

Withers stated staff will seek grant funds to mitigate the impact on transportation and small businesses through Mn/DOT.

12. COUNCIL AND ATTORNEY REPORTS

Parks reminded everyone of the Halloween Kiddie Parade on Saturday, October 31, at noon. He encouraged Osseo residents to vote at the City Election on Tuesday, November 3.

Schreiber reminded residents about voting and the Kiddie Parade. He encouraged people to obey traffic signs in Osseo.

Kleven stated walkers must be aware of vehicles not obeying traffic signs. He said he is trying to seek information about the future use of the Osseo Elementary School building. Kleven reminded residents to vote.

13. ADJOURNMENT

A motion was made by Menth, seconded by Parks, to adjourn the City Council meeting at 7:55 p.m. The motion carried 4-0.

Respectfully submitted,

LeAnn Larson
Deputy Clerk