

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
January 24, 2011**

1. CALL TO ORDER

Mayor Al Lindquist called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, January 24, 2011.

2. ROLL CALL

Members present: Council members Allan Hartkopf, Duane Poppe, Rick Weber, and Mayor Al Lindquist.

Member absent: Council member Mark Schulz.

Staff present: City Administrator Jeffrey Dahl, Acting City Attorney John Dean, Fire Chief Lynde, Police Officer Mike Smith, and Public Services Director Randy Korfiatis.

Others present: Laura Landis-Home Free Community Program, Ryan Brown, Ron Barger, Alicia Miller, Martin Duffy, James Kelly, Susan Hanson, Melanie Larsen Sinouthasy, Brent Lindgren, Tim Walsh, John Cochran, Russ Anderson, Tom Carey, Sandy Danks, Jeff Nelson, Stan Rochat, Dan Spanier, Stephanie Ritter, Kim Riesgraf, Jim Mikolai, Vic Kurpiers, Jim Vanderheyden, Rick Peters, Jeremy Toenjes, Chuck Gisvold, Kevin Rebman, Greg Smith, Craig Twinem, Jeff Holstein, and John Griffith.

3. PLEDGE OF ALLEGIANCE

Lindquist led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Lindquist asked for additions or deletions to the Agenda.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of January 3, 2011
- B. Approve City Council Minutes of January 10, 2011
- C. Receive December Fire Report
- D. Receive American Legion December Gambling Report
- E. Receive Fire Relief Association December Gambling Report
- F. Receive Osseo Maple Grove Hockey Association December Gambling Report
- G. Approve Raffle at American Legion for National Wild Turkey Federation West Metro Struttin' Zone Chapter
- H. Receive OSHA Report and Issue Payment of Citations
- I. Receive IRS Audit and Issue Payment of Sales Tax
- J. Amend Resolution Approving 2011 Budget & Property Tax Levy
- K. Approve Readings and Adoption of Ordinance Amendment No. 2011-1

A motion was made by Weber, seconded by Poppe, to approve the Consent Agenda. The motion carried 4-0.

6. MATTERS FROM THE FLOOR

Fire Chief Lynde reminded all residents the Firemen's Annual Dance would be on Friday, February 11, at the Osseo American Legion at 8:00 p.m. He then presented the Council with a check for \$26,000 from the Fire Relief Association (charitable gambling funds).

Lindquist and the Council thanked the relief association for its generous donation.

7. SPECIAL BUSINESS

A. CONSIDER REQUEST FROM HOME FREE COMMUNITY PROGRAM

City Administrator Jeffrey Dahl stated a representative from Home Free was present to make a brief presentation regarding a request for funds from the City for 2011. The City had approved its request in 2010.

Laura Landis, representative from Home Free, explained Home Free was a non-profit organization based out of Plymouth and has been assisting victims of domestic abuse for the past 11 years in the City of Osseo. She requested the Council approve funding Home Free for an amount of \$731 to serve the City in 2011.

A motion was made by Hartkopf, seconded by Weber, to fund Home Free Community Program for 2011 in the amount of \$731. The motion carried 4-0.

B. CONSIDER APPROVAL OF MN/DOT COUNTY ROAD 30/HIGHWAY 169 INTERCHANGE PROJECT (Resolution)

Dahl indicated a representative from Mn/DOT was present this evening to review the proposed interchange at County Road 30 and Highway 169. He stated the City has taken part in previous discussions with stakeholders to provide feedback. He explained the presentation this evening would be made by both Mn/DOT and the City of Brooklyn Park. He indicated City approval of the layout by resolution was requested.

John Griffith, West Area Manager for Mn/DOT, thanked the Council for its time this evening. He explained this interchange was a collaborative effort between Mn/DOT, Hennepin County, the City of Brooklyn Park, and the City of Osseo. Mr. Griffith reviewed the background information and purpose of the project in detail. He indicated construction was projected to begin in 2012 and would be a two year project. Costs were estimated to be between \$12-14 million and the County would cover the right-of-way acquisition costs along with contract construction expenses.

Mr. Griffith stated by removing the traffic signal at County Road 30, congestion would be eased and the flow of traffic would move more freely through the interstate. This intersection has a long history of rear-end accidents and Mn/DOT was not in favor of leaving the intersection as is. He then reviewed several possible scenarios for the interchange. It was determined that full access at this interchange would be difficult due to the close proximity of TH 610.

Mr. Griffith explained this intersection has a great deal of right-of-way issues with Rasmussen College on one corner and a cemetery on the other. Mn/DOT understands the importance of access to and from Osseo on 93rd Avenue. He stated the preferred option by Mn/DOT would be Option F, or a loop option. It aligns with the cemetery on the west side while minimizing the need for right-of-way acquisition.

Lindquist requested the flow of traffic through this Option be further explained. Mr. Griffith further reviewed how traffic would flow through this option to County Road 30. He understands the signage concerns have been discussed with the Mayor and City staff. Mn/DOT was willing to review the requested signage.

Mr. Griffith then reviewed the project timeline. Right-of-way acquisition would be completed by December of 2011 along with environmental documentation. Bid opening would take place in May of 2012 with the project completed in 2013.

Poppe questioned if there would be signage for Osseo on northbound 169 before CSAH 30. Mr. Griffith indicated the signage details have not been determined but there may be an opportunity.

Lindquist thanked Mr. Griffith for his presentation this evening. He appreciated his willingness to post additional signs for the City of Osseo throughout this project reconstruction.

Greg Smith, Bob & Carl's Auto Body, questioned if Mr. Griffith was involved with the Highway 12 project. Mr. Griffith stated that he was involved with the extension of TH 394 to Highway 12. The project took approximately two decades and a bypass was necessary. He understood there would be growing pains with this project as access would be limited through the proposed interchange. Mr. Griffith further described how the project in Osseo/Long Lake was designed.

Susan Hanson, 525 2nd Avenue NE, said she understood that the intersection of CSAH 30/Highway 169 had to change, but she was not impressed with what happened to Long Lake. It concerned her greatly as to how the City of Osseo would be affected. She encouraged Mn/DOT to commit to signage from both the north and south.

Jim Vanderheyden, Realife Cooperative, stated he managed 14,000 square feet of commercial space and expressed concern with the proposed plan. The loss of access to Osseo would greatly affect his business and commercial renters. The proposed option was a great disadvantage to those businesses located on the north end of town. He wanted to keep tenants and maintain the overall welfare and vitality of Osseo. Mr. Vanderheyden encouraged Mn/DOT to explore further options to allow for additional access.

Martin Duffy, Duffy's Bar and Grill at 337 Central Avenue, indicated the Main Street/Central Avenue project was difficult for the businesses to endure in 2009. Additional signage was promised but not delivered. He encouraged Mn/DOT to allow traffic through the north end of town. Mr. Duffy did not want the town ignored or its comments. He felt the town would go away if this issue was not handled correctly.

Rick Peters, Furniture Manor, indicated he researched the location of his customers. The majority of his customers were from the south and the loss of additional access to Osseo would further hurt the businesses in Osseo.

Jeremy Toenjes, American Family Insurance at 508 Central Avenue, explained he was a new business owner in Osseo. He explained he would be impacted by the proposed access restrictions and requested that Mn/DOT allow for access from 169 being north only, versus from the south. Mr. Griffith indicated two ramps would not fit on the adjacent land to allow access from the north.

John Cochran, 501 2nd Avenue NE, asked about a fly-over option. He questioned if that would be possible. Mr. Griffith stated the fly-over ramps were quite expensive and were used in highly congested areas. The fly-over would use up all available right-of-way and was not financially feasible.

Melanie Larsen Sinouthasy, 124 1st Street NE, expressed concern that this interchange would be the death of Osseo. The City has lost an elementary school and several businesses since she moved to the City six years ago. Further restricting access to the City would only hinder the potential of this City. Ms. Sinouthasy encouraged the Council, staff, and Mn/DOT to investigate further options as the proposed design was not viable.

Tom Carey, 633 3rd Avenue NW, indicated this was his fourth time speaking on the issue. He started a website named savemyosseotown.com documenting the actions that have taken place over the last several months. He did not feel the proposed Mn/DOT option would meet the needs of the Osseo residents or the business owners. Mr. Carey indicated Mn/DOT never considered the importance of access to 93rd and this should have been on their roadmap.

Mr. Carey stated this project would further restrict access to the City. He then reviewed several design concepts that would allow for full access to CSAH 30. Mr. Carey indicated his ideas may not be standard but would meet the needs of the community. In the end, that is what mattered, as it would save the businesses and keep Osseo alive and well. He then reviewed the proposed detours that traffic would have to follow to get to downtown noting that all would add approximately 3-4 miles to customers' commute.

Mr. Carey felt that elevated ramps were justified at this intersection as it would allow Osseo to maintain the same level of access. Mr. Carey stressed the unique characteristics of Osseo and that the City was over 130 years old. The convenient access to major roadways has been changed to the south and would now be restricted from the north, as well.

Mr. Carey expressed concern that the business owners within Osseo were not made aware of the vote this evening. He felt that Mn/DOT should have made better efforts to contact the retailers within the City. The OBA did not have any information either. The proposed access restrictions would greatly affect their livelihood. Mr. Carey presented the Council with a petition, signed by 39 business owners in the City, opposing the proposed Mn/DOT design of the CSAH 30/Highway 169 interchange.

Lindquist thanked all those for speaking this evening on behalf of the City.

Weber indicated he did not see enough commitment from Mn/DOT on the signage. He felt that the City was not in a position to make a decision this evening as all options have not been exhausted.

Lindquist understood that there was a safety issue due to the close proximity of TH 610 to this interchange. He felt further options should be investigated as all businesses in the

City on the north end would be affected greatly. The lack of access from the north end of the City would hinder the survival of the community.

Mr. Griffith explained that the loss of access would change the community. He stated the design proposed would provide the greatest amount of safety to the travelers along Highway 169.

Poppe agreed that it would benefit the Council to review all options with Mn/DOT before making a final decision.

Hartkopf questioned when signage would be ready on TH 610. Mr. Griffith stated the signs were being fabricated and would be in place once the ground thawed. He indicated the location of each sign was uncertain to date, but Mn/DOT would place the signs along the roadway with proper spacing.

Dahl asked how the project would proceed without the City of Osseo's approval. Mr. Griffith indicated without municipal consent from Osseo there would be a hearing to discuss the necessity of access from the north (southbound 169) with an independent mediator.

Lindquist indicated a next step would be to review the plans in three weeks.

A motion was made by Hartkopf, seconded by Weber, to table this item to the next Council meeting on February 14 and advise Mn/DOT staff to investigate further access options at the CSAH 30/Highway 169 interchange. The motion carried 4-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. CONSIDER CONDITIONAL USE PERMIT FOR OSSEO PAWN LLC
(Resolution)

Dahl stated Osseo Pawn LLC submitted an application for a conditional use permit to allow for a pawn shop at 409 County Road 81. The property is zoned C-2, Highway Commercial District, and is guided as "Office" in the land use plan. Staff reviewed several options for the site, noting the space was 2,500 square feet in size. Parking concerns were discussed and additional signage would be needed to streamline the flow of traffic.

Dahl indicated the Planning Commission discussed this issue first in December and tabled the item, requesting additional information from a public safety standpoint. On January 18 the Planning Commission recommended approval with nine conditions. Staff recommended approval of the conditional use permit with the conditions.

Weber questioned what the police department's impression was of the pawn shop operation. Officer Michael Smith indicated the site he visited was very well lit, well organized, and had several different security cameras operating onsite with audio.

Lindquist asked if the same audio/visual equipment would be purchased for the site in Osseo. Officer Smith explained the same system would be used, but with fewer cameras as the site was smaller.

Lindquist questioned the type of neighborhood the other pawn shop was located in. Officer Smith stated the pawn shop was in a thriving neighborhood. He did not feel the pawn shop was in a deteriorating neighborhood.

Poppe indicated he was impressed by pawn shop operation after his visit. Lindquist and Hartkopf agreed.

Martin Duffy, 337 Central Avenue, questioned if the pawn broker license was applied for annually. This would allow the City to remove the use after a year if problems were to occur. Dahl indicated the application was completed annually.

Mr. Ryan Brown, applicant, indicated the firearms license was approved every three years and yearly inspections were completed by the ATF. Failure in an inspection results in the loss of a license.

Melanie Larsen Sinouthasy, 124 1st Street NE, explained she was the dissenting vote among the Planning Commission members to the pawn shop matter, as she felt this use did not fit with the City's Comprehensive Plan. She questioned if a transfer in ownership would allow this site to become a gun shop. Acting City Attorney John Dean explained he did not feel that the site could become a gun shop as the CUP spelled out the sale of used goods. In addition, pawn licenses were not transferable.

Weber stated the City has had gun sale shops in the City before.

A motion was made by Hartkopf, seconded by Poppe, to adopt Resolution No. 2011-5, approving a Conditional Use Permit request from Osseo Pawn, LLC, to allow for a pawn shop and second hand goods business at 409 County Road 81, subject to the following conditions:

1. Automobile sales shall not be allowed at any time;
2. There shall be no outside sales or storage of recreational vehicles;
3. There shall be no bars on windows;
4. City Code Chapter 115, Pawnbrokers and Secondhand Goods Dealers, and City Fee Schedule shall be amended with all applicable updates prior to issuance of license;
5. The applicant shall adhere to all regulations set forth in City Code Chapter 115, Pawnbrokers and Secondhand Goods Dealers;
6. Employee parking shall be restricted to either the east or west side of the building-employee parking shall not be allowed along the front (north) side of the building;
7. The drive aisle on public right-of-way on the east side of the building shall be clearly marked as "one way" with approval of Public Services Director;

8. The applicant shall obtain all necessary building and sign permits related to the proposed use; and
9. Violation of any condition may result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

The motion carried 4-0.

B. CONSIDER CONDITIONAL USE PERMIT FROM OSSEO ALTERNATIVE LEARNING CENTER

Dahl explained Osseo School District #279 has submitted an application for a conditional use permit to allow for Osseo Area Learning Center (OALC), an alternative high school and daycare facility, at 324 6th Avenue NE. The property is under ownership of ISD 279 and is zoned R-1. Staff was hoping to schedule a joint work session with district officials and Osseo Council. A joint meeting was to be scheduled for February 8 or 9 before taking final action at the February 14 Council meeting. The School District did approve an extension which would allow for the joint meeting prior to Council consideration on February 14.

A motion was made by Poppe, seconded by Hartkopf, to table discussion of this item to the February 14 meeting. The motion carried 4-0.

C. APPROVE CITIZEN APPOINTMENTS FOR 2011

Dahl indicated the Council had several appointments to make for the Economic Development Authority, Heritage Preservation Commission, and Planning Commission.

Lindquist thanked the applicants for their interest in serving the community. He questioned if it would be proper to interview the applicants at the next Council meeting before making a recommendation. Dahl stated this has not been the past procedure.

Poppe indicated he would be in favor of holding a brief interview with each candidate before making any final appointments. Dahl stated the City Council Human Resources Committee could interview the candidates.

Weber suggested the Human Resources Committee speak with the candidates prior to the next meeting. Lindquist agreed.

A motion was made by Hartkopf, seconded by Weber, to table action on this item to February 14 to allow the Human Resources Committee to conduct informal interviews and make a recommendation to the Council. The motion carried 4-0.

D. ADOPT 2011 FEE SCHEDULE (Resolution)

Dahl presented the proposed 2011 fee schedule to the Council. He indicated each year the City must adopt a fee schedule, and only a few changes were suggested to reflect staff time required for some land use applications. Staff recommends approval of the fee scheduled as proposed.

A motion was made by Poppe, seconded by Weber, to adopt Resolution No. 2011-6, approving the 2011 Fee Schedule as proposed.

The motion carried 4-0.

E. CONSIDER SPECIAL COUNCIL COMMITTEE APPOINTMENTS

Dahl indicated the Labor Negotiations Committee appointed Council Member Schulz and Council Member Parks to assist with Police Union labor negotiations last year. Staff is requesting the Council fill the vacancy from former Council member Parks.

Lindquist indicated he would be willing to serve on this committee.

A motion was made by Hartkopf, seconded by Poppe, to appoint Mayor Lindquist to the Labor Negotiations Committee. The motion carried 4-0.

Dahl indicated ISD #279 was seeking an Osseo representative to the District's Core Planning Team for Strategic Planning.

Lindquist questioned when this team would be meeting. Poppe explained the team would be meeting on April 19 and 20.

Hartkopf stated he would be willing to serve on this strategic planning team.

Poppe indicated the issue affected him as well, and he had children in the school system.

A motion was made by Weber, seconded by Hartkopf, to appoint Council member Poppe to the Osseo School District's Core Planning Team for Strategic Planning. The motion carried 4-0.

F. ACCOUNTS PAYABLE

Dahl reviewed the Accounts Payable with the Council.

A motion was made by Weber, seconded by Hartkopf, to approve the Accounts Payable (Listing 012411AP, run 01/20/11 2:08 PM, for \$129,813.96) as presented. The motion carried 4-0.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Dahl reported he was planning a Strategic Planning session for the Council and staff on March 5.

He indicated a committee met to review the possibility of the Three Rivers Regional Trail through the City of Osseo. Council members Poppe and Hartkopf were also present at this meeting.

Dahl stated the Budget and Finance Committee met this past Friday and spoke about the Capital Improvements Plan. This item will come before the Council in the near future.

Dahl noted the work session meeting scheduled for Monday, January 31, has been cancelled.

12. COUNCIL AND ATTORNEY REPORTS

Weber thanked all for attending this evening and for speaking out on the CSAH 30/Highway 169 issue.

Poppe agreed and thanked the residents for their input this evening. He said the comments gathered would assist the Council in making a final decision.

Hartkopf also appreciated the comments from the residents this evening. He reminded the residents of the Firemen's Dance on February 11.

Lindquist reviewed how items would be discussed and handled by the Council at Council meetings, with subject matters being introduced by staff first. He felt this was a proper procedure process and the Council should maintain this process.

Lindquist indicated concern was expressed after the last Council meeting by Council member Schulz regarding snow removal. Schulz had said the snow level was quite high this year which was leading some children to stand and wait for their school bus in the street. Since these comments, Public Services Director Randy Korfiatis has since taken a front end loader and pushed the snow piles back further at certain corners to increase children's safety. Lindquist thanked Schulz for his comment and staff for acting so quickly on this issue.

Lindquist thanked Northwest Hennepin Area Chamber of Commerce Executive Director Jill Johnson and her assistant for helping with the State of the City address.

13. ADJOURNMENT

A motion was made by Weber, seconded by Poppe, to adjourn the City Council meeting at 9:42 p.m. The motion carried 4-0.

Respectfully submitted,

TimeSaver Off Site Secretarial Service, Inc.