

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
April 25, 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, April 25, 2011.

2. ROLL CALL

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

Staff present: City Administrator Jeffrey Dahl, City Attorney Loren Magsam, and Police Chief Tom Hartkopf.

Others present: Alicia Miller, Todd Sigfrid, Mike Opat, Tom Carey, James Kelly, Terry McNeil, Ron Barger, Mark & Cathy Lynde, John Griffith, Jason Aarsvold, and Tina Pashina.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of April 4
- B. Approve City Council Minutes of April 11
- C. Receive March Fire Report
- D. Receive American Legion March Gambling Report
- E. Receive Fire Relief Association March Gambling Report
- F. Receive Osseo Lions Club March Gambling Report
- G. Receive Osseo Maple Grove Hockey Association March Gambling Report
- H. Adopt Resolution No. 2011-22 for Joint Powers Agreement with BCA
- I. Receive 2011 Open Book Report from Hennepin County Assessing Department

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

6. MATTERS FROM THE FLOOR

Cathy Lynde, Lynde's Restaurant & Catering at 209 County Road 81, indicated the Police Department put on an alcohol awareness class several weeks ago. She thanked

Officer Shane Mikkelson for his professionalism. Her entire staff and management team enjoyed the training.

Tom Carey, 633 3rd Avenue NW, expressed concern about the TH 169/Highway 30 interchange. He encouraged the Council to pursue arbitration. He did not understand why the Council had shifted its opinion regarding the lack of access to the City. Mr. Carey felt that additional signage was not enough to keep traffic flowing properly into the City. His concern was with access from the north from 169 and TH 610.

7. SPECIAL BUSINESS

A. PRESENTATION BY MIKE OPAT, CHAIR OF HENNEPIN COUNTY BOARD OF COMMISSIONERS

Mike Opat, Chair of Hennepin County Commissioners, introduced himself to the Council and thanked them for their time. He indicated the County board has been focused on the State Capitol to further understand how the County would be affected by budget decisions. At this time, medical and mental health issues were going to see cuts. He noted roads were another concern for the County.

Weber questioned when County employee wages would freeze. Commissioner Opat stated the wages for County employees have been frozen for the last two years.

Lindquist asked how the County snow removal budget was affected by the past winter. Commissioner Opat explained the County had a fund balance to cover the loss experienced this year.

Lindquist indicated he was extremely proud of the County's work on the new Twins Stadium. He appreciated the work Commissioner Opat did on behalf of the community.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

A. COUNTY ROAD 30/HIGHWAY 169 INTERCHANGE PROJECT
I. RECONSIDER MUNICIPAL CONSENT REQUEST FROM MN/DOT
II. CONSIDER ECONOMIC DEVELOPMENT ASSISTANCE FROM THE CITY OF BROOKLYN PARK

Dahl reviewed the history of the County Road 30/Highway 169 interchange. He explained municipal consent for this project failed in February 2011 as originally presented by Mn/DOT. Mn/Dot was to proceed with the appeals process with the City. Schulz was chosen to represent the City in the appeals process.

Dahl explained that all entities involved in this project are looking to improve the interchange given the current congestion and safety issues with the existing intersection. The City prefers a full access interchange and, while possible, would undoubtedly increase the project's cost significantly. The City has been speaking with state legislators, City of Brooklyn Park staff and officials, and Mn/DOT to address a solution.

Dahl indicated the City of Brooklyn Park has offered economic development assistance to the City of Osseo for marketing the City. This would help the City in promoting new

businesses. He then reviewed proposed signage for the interchange to assist traffic flow into the City of Osseo.

Dahl stated that based upon the lack of resources and time that are likely needed to be successful with the appeals process, staff is not optimistic that the City will prevail in halting the proposed interchange project for a future project consisting of full access. If the City does not prevail, the City loses the guarantee that the above mentioned signage will be installed and paid for by Mn/DOT. Staff believes that the additional signage and economic development assistance from the City of Brooklyn Park will help address the primary concerns with this project.

Weber indicated the City began this process with large disagreement between the City and Mn/DOT. He was happy to see Mn/DOT agreeing to post and pay for the signage. This would save the City approximately \$50,000-\$75,000.

Lindquist noted he has been in communication with the City of Long Lake and how the bypass has affected its community. He clarified the incorrect statements made at a previous Council meeting noting only one business was lost since the bypass was completed, while several new stores have been added. After further discussions with the City of Brooklyn Park and Mn/DOT, he stated he would support the Highway 30/169 interchange project.

Poppe agreed.

Weber indicated the loss of access was not ideal for the City, but Osseo did not have the financial backing to fight the process. He stated that the Council was working to provide the best alternatives to benefit the residents and businesses of Osseo.

A motion was made by Poppe, seconded by Weber, to reconsider Mn/DOT's request for Municipal Consent of the County Road 30/Highway 169 Interchange Project with the following conditions:

- 1. "City of Osseo" exit sign will be installed at no cost to the City at Northbound Highway 169 at 85th Avenue N/Bottineau Boulevard (includes ancillary trail blazing signage) by no later than May 31, 2011;**
- 2. "City of Osseo" exit sign will be installed at no cost to the City at Southbound Highway 169 at 85th Avenue N/Bottineau Boulevard (includes ancillary trail blazing signage) by no later than completion of project or elimination of full access;**
- 3. "County Road 30" directional sign at Southbound Highway 169 at 109th Avenue N (includes ancillary trail blazing signage) will be installed at no cost to the City by no later than elimination of full access;**
- 4. "County Road 30" directional sign will be installed at no cost to the City at Westbound Highway 610 at West Broadway (including ancillary trail blazing signage) by no later than elimination of full access; and,**
- 5. "County Road 30" directional sign will be installed at no cost to the City at Eastbound Highway 610 at Zachary Lane (including ancillary trail blazing signage) by no later than elimination of full access.**

The motion carried 4-1 (Schulz-nay).

Dahl noted the Economic Development assistance from the City of Brooklyn Park would be discussed by the EDA at its next meeting.

Schulz stated the City did have a lack of resources, but somehow allocated \$17,000 last year for marketing. He indicated he would like to see increased forward thinking on behalf of the EDA. Schulz pointed out the agreement with the City of Brooklyn Park did have a 90 day cancellation clause.

Weber expressed concern about the cancellation clause and recommended the economic assistance provided by the City of Brooklyn Park be long term, perhaps for the next three to five years.

Jason Aarsvold, City of Brooklyn Park EDA, understood the Council's concern and was in favor of a revised timeframe. He noted the City of Brooklyn Park's budget would be a determining factor in the ability to continue providing services to the City of Osseo. Mr. Aarsvold felt that services could be provided to the City of Osseo during construction and sometime thereafter, as this would be a reasonable timeframe.

Schulz requested the economic assistance services be offered for the next two years by the City of Brooklyn Park.

A motion was made by Poppe, seconded by Weber, to authorize the Business Development Agreement with the City of Brooklyn Park subject to review by the City Attorney. The motion carried 5-0.

B. CONSIDER CONDITIONAL USE PERMIT REQUEST TO ALLOW A PARTS, ACCESSORIES, AND SERVICE BUSINESS FOR RECREATIONAL VEHICLES AT 124 COUNTY ROAD 81 – TM2 CORPORATION (Resolution)

Dahl stated Todd Sigfrid, on behalf of TM2 Corporation, submitted an application for a Conditional Use Permit to allow for a parts, accessories, and service business for recreational vehicles at 124 County Road 81. The property is under the ownership of City County Federal Credit Union and is zoned C-2, Highway Commercial.

Dahl indicated this item was tabled at the March 28 Council meeting in order for the Council to consider additional information. It was also tabled at the April 11 Council meeting to allow staff to amend the conditions for approval addressing the concerns mentioned at the meeting (storage, loading, unloading, fence material, etc.) and to hear from Police Chief Hartkopf regarding the enforceability of the proposed conditions.

Dahl explained staff has added another condition regarding trailer storage and amended a condition to address concerns brought forth about maintenance and materials of the proposed fence. After speaking with Police Chief Hartkopf and the City Attorney, staff recommends approval of the conditional use permit with the amended 16 conditions.

City Attorney Magsam stated he did review the conditions with Police Chief Hartkopf with respect to violations of City Code. Police Chief Hartkopf provided the Council with an email response based on his findings. At this time, noise was the only item the City did not have enforceable as the City did not have a decibel level reader. Staff did feel the conditions were enforceable by issuing citations or by revoking the conditional use permit.

Weber indicated he knocked on each the door of homes adjacent to this property and all were in favor of the proposed business. For this reason, he would support the request.

Lindquist expressed concern about the general appearance with TM2's current business in Brooklyn Park. He wanted to be assured that the new location would remain in compliance with the City's outside storage requirements.

Dahl noted a small portion of the building frontage could be used for outside sales, if the Council were in favor.

Hartkopf indicated he did not want to see the exterior of the building becoming overwhelmed with storage and recreational vehicle sales.

Lindquist agreed stating he was in favor of the conditional use permit as long as the applicant complied with the City's conditions for approval. He encouraged TM2 to keep the site tidy, as the property abuts Co Rd 81.

Todd Sigfrid, the applicant, reviewed a landscaping rendering with the Council in detail.

A motion was made by Schulz, seconded by Weber, to adopt Resolution 2011-23, approval of a conditional use permit application by TM2 Corporation to allow for a parts, accessories, and service business for recreational vehicles at 124 County Road 81, subject to the following conditions:

- 1. Prior to opening for business, the property must meet all applicable sections of the City Code Chapter 93 and 151 regarding nuisances and property maintenance;**
- 2. The applicant shall provide for a minimum of seven (7) off-street parking stalls on site prior to opening for business;**
- 3. If the applicant acquires additional property to meet parking requirements, property must be acquired and combined prior to use;**
- 4. The applicant shall adhere to all regulations set forth in City Code Chapter 153, Sections 70-79, regarding off-street parking;**
- 5. Any outside storage and/or sales shall meet all requirements set forth in Section 54 of Chapter 153 of City Code;**
- 6. All repair/service shall take place indoors;**
- 7. Test driving and/or running equipment shall take place in front of the property (south) and not on any residential streets;**
- 8. Loading and unloading relating to the use shall occur only during normal business hours;**
- 9. All machines associated with the use that are louder than 85 decibels shall only be operated indoors;**
- 10. The applicant shall install landscaping, consisting of mulch/rocks and shrubs along the east side of the building and parking lot area. The landscaping must be approved by staff and installed prior to operation of use;**
- 11. The applicant shall notify and obtain all necessary permits from the Minnesota Pollution Control Agency in regard to any previous environmental issues associated with the site;**
- 12. The applicant shall obtain all necessary building, right of way, and sign permits related to the proposed use;**
- 13. Violation of any condition shall result in possible revocation of the CUP in accordance with the provisions of the Zoning Ordinance;**
- 14. Trailers of all sizes shall only be used for unloading and loading and shall not be used for storage purposes at anytime;**

15. **The privacy fence located north of the building shall be constructed with wood or vinyl and shall be maintained in order to prevent discoloration, rotting wood, etc.; and,**
16. **Public right of way shall not be utilized for loading and unloading.**

The motion carried 5-0.

10. NEW BUSINESS

A. APPROVE 2011 FARMERS MARKET

Dahl stated last year's Farmers Market was more successful than ever. With the 2011 growing season just weeks away, it was time to begin thinking about this year's market. The location would be on 5th Street NE next to Boerboom Veterans Park and would be in operation on Tuesdays from 2:00 p.m. to 6:00 p.m. from July 12 to September 20. The City is proposing to have 10 to 15 vendors.

Dahl reviewed the vendors allowed, which included produce, flowers, crafts, community organizations, and homemade delicacies. Staff hopes to attract entertainers and master gardeners. In 2010, market coordinator volunteer Tina Pashina offered to supervise the market from 30 minutes before opening to 30 minutes after closing. Tina Pashina has again graciously offered to serve in this capacity. Staff recommended approval of the 2011 Farmers Market plan with the estimated expenditures and revenues.

Weber thanked Ms. Pashina for her efforts in coordinating the Farmers Market.

Lindquist agreed stating the great success was due in part to Ms. Pashina's efforts.

Schulz questioned the fees charged in 2010 versus 2011. Dahl indicated the fees would remain the same in 2011. Staff was concerned with raising fees as this may deter vendors from the Farmers Market.

Schulz suggested the Council review this item later in the summer to perhaps extend the Farmers Market several weeks in the fall.

A motion was made by Poppe, seconded by Weber, to approve the 2011 Farmers Market Plan with expenditures and revenues to come in and out of the General Fund, and that the Council review this item later this summer to possibly extend the market later into the fall. The motion carried 5-0.

B. ACCOUNTS PAYABLE

Dahl reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Dahl stated there would be a Grand Opening at Vintage Jewelers at 8 3rd Street NW at 11:30 a.m. on May 5.

Dahl noted he received a number of calls regarding the Spring Clean Up. The date has been set for June 11 from 8:00 a.m. to 2:00 p.m.

Dahl indicated Step To It was going to begin shortly with Hennepin County. Those interested in this initiative could sign up at www.steptoit.com. He noted the City had a walking course with signs and he encouraged residents and workers in Osseo to get involved. Lindquist noted the City had brochures and pedometers available at City Hall.

Dahl thanked the fire fighters for the Easter Egg Hunt and Open House held on April 16. The event was well attended and the children had a great time.

Dahl explained the Police Relocation Committee met last week and a report would be presented to the Council at the first meeting in May. He noted the Council held a work session prior to this evening's regular meeting to discuss the CIP, FMP, and audio/visual improvements needed for the Council Chamber.

Dahl said the Risk Management Committee met earlier today (Poppe & Schulz) and discussed Ordinance changes along with Personnel Policy updates. This would be a large process, but was much needed. He noted the report from the 2011 Strategic Plan had yet to be discussed.

12. COUNCIL AND ATTORNEY REPORTS

Poppe reported last week he spent two days with the school district discussing its strategic planning. He felt there was a lot of great dialog to move the district forward. A foundation was being laid to build better schools for the future.

Schulz requested Poppe provide a summary to the Council from the school district's conversations. Poppe indicated this would not be available for several months.

Lindquist noted he attended a senior forum in Brooklyn Park. The speaker spoke about living a longer, more productive life. He noted he met Jane Geiger, with the Parkinson's Group, who was looking for a new facility. Lindquist would continue conversations with Ms. Geiger regarding this opportunity.

Lindquist indicated he heard Governor Dayton speak at the Metro Cities Annual Meeting. Governor Dayton emphasized the importance of shared services with surrounding communities.

Lindquist commented on longtime Osseo resident, Byron Braton, and his retiring from Hennepin Technical College after 35 years of employment.

Lindquist stated an organization called Beyond the Yellow Ribbon assisted military families. He noted he would be looking into the organization further, how it could assist Osseo residents, and would report back to the Council at a future meeting.

Lindquist explained he would be attending the Annual Conference of the Minnesota Mayor's Association in Owatonna this Friday and Saturday. The events planned covered a wide variety of topics, including shared services.

Lindquist encouraged residents to shop locally as it would greatly improve the local economy.

13. ADJOURNMENT

A motion was made by Schulz, seconded by Weber, to adjourn the City Council meeting at 8:19 p.m. The motion carried 5-0.

Respectfully submitted,

TimeSaver Off Site Secretarial Service, Inc.