

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 23, 2009**

1. CALL TO ORDER

Mayor John Hall called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, February 23, 2009.

2. ROLL CALL

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

Staff present: City Administrator Greg Withers, City Attorney Loren Magsam, City Planner Jeffrey Dahl, and Deputy Clerk LeAnn Larson.

Others present: Mark Lynde, Marcus Thomas & Sarah Rippke-Bolton & Menk, Bruce Chamberlain-HKGi, Mark Ziemer-Barr Engineering Company, Bruce Wiley, John Cochran, Alicia Miller, Steve & Linda Trippel, Susan Hanson, Kristin Spangler, Connie Aho, and Ron Barger.

3. PLEDGE OF ALLEGIANCE

Hall led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Hall asked for additions or deletions to the Agenda.

A motion was made by Menth, seconded by Parks, to accept the Agenda as presented. The motion carried 5-0.

5. CONSENT AGENDA

- a. Receive Planning Commission Minutes of January 20
- b. Receive American Legion January Gambling Report
- c. Receive Firemen's Relief Association January Gambling Report
- d. Receive Lions Club January Gambling Report
- e. Receive Osseo-Maple Grove Hockey Association January Gambling Report
- f. Approve Osseo Community Foundation Board of Trustees
- g. Approve Accounts Payable (Listing 022309, dated 2/19/09 11:46 AM, for \$137,000.31)

A motion was made by Menth, seconded by Parks, to approve the Consent Agenda as presented. The motion carried 5-0.

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

a. REVIEW CENTRAL AVENUE SIDE STREET LIGHTING REPLACEMENT FEASIBILITY REPORT & ASSESSMENT ROLL (Resolution)

Sarah Rippke, Bolton & Menk, presented an addendum to the Central Avenue Improvements Preliminary Engineering Report, the replacement of the street lighting for the side streets flanking the Central Avenue corridor.

Similar to the streetscape for the Central Avenue Improvements, it is proposed that the side street lighting be assessed to the adjacent properties on a lineal foot basis, based on 50% of the improvement costs. The total estimated project cost for the side street lighting improvements is \$454,239. The properties benefiting from the proposed improvements were presented. The proposed assessment amount equally divided among this adjacent footage equates to a proposed assessment rate of \$31.34/lineal foot. From an engineering standpoint, Rippke said the side street lighting replacement is feasible, cost effective, and necessary and can best be accomplished by letting competitive bids for the work.

Bruce Chamberlain, HKGi, and electrical engineer Mark Ziemer, Barr Engineering, were present to respond to questions or concerns. Chamberlain noted HKGi was to assess the replacement of decorative light poles on streets and on public land adjacent to Central Avenue.

With the planned replacement of street lights on Central Avenue, the City wishes to assess the feasibility of also replacing existing lighting on side streets to match Central Avenue. Existing street lights have broken parts, yellowed fixtures, and inefficient light output/energy use. The following assessments have been determined about the side street lighting:

- All wiring is approximately 20 years old and in need of replacement.
- Existing wiring is in conduit. It appears to be feasible to pull out old wiring and pull in new.
- A majority of the existing concrete bases appear large enough for re-use. Old bolts would be cut off and new expansion anchors installed to support new poles.
- HKGi estimates approximately 25% of the total existing bases will need replacement due to a need for relocation, or existing diameter being too small. This replacement effort would include some ancillary work such as patching and sidewalk panel replacement.
- HKGi has assumed no convenience receptacles on the poles, nor grade-level receptacles such as are proposed for Central Avenue.

The cost estimate identifies construction costs as well as project costs in addition to construction including contingency and design/administration fees. Because it is a likely possibility that Central Avenue lighting will be LED, the use of LED lighting was assumed in side-street lighting, as well.

Several of the existing lights are adjacent to residential single-family properties where the City has recently enacted policies that decorative street lights will not be installed. As a result, those existing lights will be removed but not replaced.

Withers asked about the side street on 3rd Street NE next to C & J's Auto, where there currently is no street lighting mid-block.

Hall said C & J's has an extra wide driveway and the owner has expressed a desire to avoid impeding traffic to/from his business with installation of any sidewalk and/or street light there.

Withers noted one example of where the side street lighting will not be replaced is on the west side of 1st Avenue NE, between 3rd and 4th Streets. This area is mostly residential, and owners there have agreed to the lights not being replaced.

Schreiber asked about illumination of the lights on the poles and the possibility of reducing the number of poles slated for replacement. He wondered if a sample light might be put up for a limited time. Chamberlain said a sample light is possible.

Hall suggested the sample light be on a side street apart from other illumination already in place. He also asked about energy savings by reducing power consumption.

Withers noted the Council has already approved a Public Space Lighting Policy that outlines number and location of lights.

Council consensus was to call for the Public Hearing to be held on March 23, 2009, at 7:00 p.m. After conducting the public hearing, final plans for the side street lighting along with the final plans for the Central Avenue Improvements would be prepared.

A motion was made by Kleven, seconded by Schreiber, to adopt Resolution No. 2009-11 Receiving the (Feasibility) Report and Calling a Hearing on Improvement for Side Street Lighting. The motion carried 5-0.

b. CONSIDER ADOPTION OF FIRE DEPARTMENT MUTUAL AID AGREEMENT (Resolution)

Fire Chief Mark Lynde recently attended the monthly meeting of the Hennepin County Chief's Association. He was welcomed to the group and then told he needed to take care of a couple items:

- 1) Osseo had not paid its dues for 2008 or 2009;
- 2) Osseo does not have a signed mutual aid agreement with the Hennepin County Departments.

Lynde said the payment of dues is on the Accounts Payable list. He presented a mutual aid agreement form and resolution for adoption. The agreement is a template in affect for all Hennepin County Fire Departments. It is legally required in order for any department to respond to mutual aid calls to other cities, and cities really do not have the authority to call other departments without the agreement in place.

A motion was made by Menth, seconded by Parks, to adopt Resolution No. 2009-12 Approving the Agreement for Joint and Cooperative Use of Fire Personnel and Equipment. The motion carried 5-0.

c. CONSIDER APPROVAL OF POLICY FOR AUTOMATIC MUTUAL AID WITH BROOKLYN PARK FIRE DEPARTMENT

Lynde stated he has discussed automatic mutual aid within the Osseo Fire Department and with Brooklyn Park Fire Chief. This type of aid would be set up in connection with Hennepin County dispatch. In the event of a fire in the western part of Brooklyn Park, the Osseo Department would be automatically dispatched. By being automatically dispatched, this saves the time of waiting until Brooklyn Park arrives on the scene and then paging Osseo. For Osseo, dispatch would be paging Brooklyn Park in the event of a fire in Osseo, or even a critical medical call. Lynde stated Brooklyn Park is interested in working with Osseo on this partnership. From a budget standpoint, he said this would not appear to be costly because of the mutual aid agreement. The benefits would be in the lives and property that we would be able to save by getting there sooner.

Kleven asked what area of Brooklyn Park is involved in this partnership. Lynde responded from Brooklyn Boulevard north to 93rd Avenue and west of Zane Avenue.

Council consensus was in agreement that this was a win-win situation for both Osseo and Brooklyn Park Fire Departments.

A motion was made by Menth, seconded by Schreiber, to approve a policy for automatic mutual aid with the City of Brooklyn Park Fire Department. The motion carried 5-0.

d. CONSIDER APPOINTMENT TO FIRE DEPARTMENT LIEUTENANT 11 POSITION

Lynde stated two candidates had been interviewed for the Lieutenant 11 position. The recommendation is to appoint Patty Lyden to serve as Lieutenant 11 effective immediately, at a salary of \$600/year plus on-call pay.

A motion was made by Parks, seconded by Menth, to appoint Patty Lyden to serve as Lieutenant 11 effective immediately, at a salary of \$600/year plus on-call pay. The motion carried 5-0.

The complete slate of Fire Department Officers is as follows:

Chief 1 Mark Lynde
Chief 2 Chuck Gisvold
Captain 11 Erin Lynne
Captain 12 Pat McGrane
Lieutenant 11 Patty Lyden
Lieutenant 12 Bill Evans

e. CONSIDER DONATION OF FIRE DEPARTMENT'S SELF-CONTAINED BREATHING APPARATUS EQUIPMENT

Lynde stated the Osseo Fire Department was gifted with a federal grant from FEMA in 2008 for the replacement of its old and outdated, but functioning, self-contained breathing apparatus (SCBA) packs. He suggested donating the used equipment to a department that doesn't have any or is looking to update its equipment. This donation would be done on an AS IS basis to avoid any liability by the City of Osseo for gifting the SCBAs to another department.

The Council determined that the equipment was no longer needed and was surplus, and that a public purpose would be served by donating the surplus equipment.

A motion was made by Menth, seconded by Schreiber, to approve the donation of the City of Osseo's old Fire Department Self-Contained Breathing Apparatus equipment on an AS IS basis. The motion carried 5-0.

- f. CONSIDER CONDITIONAL USE PERMIT REQUEST FROM LILLY'S CAFÉ & WINE BAR TO ALLOW FOR ON-SALE INTOXICATING LIQUOR SALES AT 33 2ND STREET NW (Resolution)

City Planner Jeffrey Dahl stated applicant Kristin Spangler had submitted a request to amend a previously approved Conditional Use Permit (CUP) in order to allow on-sale intoxicating liquor sales as a part of Lilly's Café and Wine Bar at 33 2nd Street NW. This request was considered by the Planning Commission at its meeting on February 17. The Planning Commission concurred with staff and recommended approval of the amended CUP request by a vote of 5-0. In its recommendation, however, the Planning Commission eliminated staff's suggestion that a condition be added that would prohibit liquor and food sales in the outdoor seating area after 12 am. There also was discussion pertaining to the size of the outdoor seating area. The Planning Commission received feedback from the applicant and agreed that a condition should be added that limits outdoor seating to 50. Since that meeting, staff has determined that this condition is not needed as the outdoor seating plan would require Council approval anyway.

Per Dahl, the whole point of a Conditional Use Permit is to place conditions on a use so that it is more similar to what is allowed in the immediate area and that it meets the intent of the zoning district. Staff has added specific conditions regarding noise, seating, and hours of service in order to minimize any negative impacts to the nearby residents and businesses.

Susan Hanson, Planning Commission chair, stated the Planning Commission did not mind that Lilly's could serve liquor and food past midnight, as it was sufficiently buffered from nearby residential area.

Kleven noted a CUP stays with the property, and additional thought or conditions might be wise in considering future owners of the property.

Hanson said we cannot be guessing as to what might happen down the road, and other bars in Osseo are serving food and liquor to at least 1:00 a.m.

Schreiber reminded everyone there is a residential property immediately next to the patio area that would involve outdoor seating/serving.

Hanson stated the nearby resident, Bob Wiering, at 25 2nd Street NW, said he didn't mind the outdoor seating area being next to his house as long as there is a fence.

Hall stated he liked condition #13 stating, "Food and liquor service shall be prohibited in the outdoor seating area after 12 a.m." as future protection. He asked whether the on-sale license goes with the owner or stays at a particular location.

City Attorney Magsam stated a liquor license is granted for an owner at a certain premise. However, if the owner relocates to another premise in the same city and all other requirements are met, the liquor license would be transferred to the new location.

Kristen Spangler, applicant, stated the City can increase the number of on-sale liquor licenses through a vote at a general or special election. She also said the Council does

not have quasi-judicial authority to deny an on-sale liquor license. Spangler stated the Council needed to make its decision based on facts, not opinions of staff or others.

A motion was made by Kleven, seconded by Hall, to table this matter to the March 9 Council meeting. The motion carried 3 (Hall, Kleven & Parks-aye) – 2 (Menth & Schreiber-nay).

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Withers noted several upcoming meetings and a League of Minnesota Cities (LMC) webcast on how to apply for federal stimulus monies. He also noted recent discussions by the LMC on cities implementing a street utility district to help maintain city streets. Withers also stated the Police Chief selection committee will be meeting soon to review applications for the Chief position.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Magsam had no report.

Menth said the city should not put a damper on the Lilly's Café and Wine Bar project.

Parks stated he looks forward to the spring opening of Lynde's new restaurant on County Road 81.

Kleven had no report.

Schreiber asked about the storage issue at Heinen's building at 101 Central Avenue. Dahl responded that a recent inspection showed all flammable and storage materials had been removed from the building.

Hall said the ice skating rinks are still open. He will be going to the Capitol to seek additional funds for the Central Avenue project. Hall said he was in favor of green initiatives such as wind generators in Osseo. He reminded everyone about the upcoming dance held by the Fire Department at the Legion this Friday, February 13.

13. ADJOURNMENT

A motion was made by Menth, seconded by Parks, to adjourn the City Council meeting at 8:35 p.m. The motion carried 5-0.

Respectfully submitted,

LeAnn Larson
Deputy Clerk