

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 9, 2009**

1. CALL TO ORDER

Mayor John Hall called the regular meeting of the Osseo City Council to order at 7:05 p.m. on Monday, March 9, 2009.

2. ROLL CALL

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

Member absent: Council member Ken Schreiber.

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

Others present: Al Lindquist, John Cochran, Kristin & Jason Spangler, Matt Aclar, Justin White, Alicia Miller, 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 4-0.

5. CONSENT AGENDA

- a. Approve City Council Minutes of January 26
- b. Receive February Building Report
- c. Receive February Fire Report
- d. Receive February Police Report
- e. Accept donation of \$1,000 from Osseo Community Foundation for Concerts in the Park
- f. Approve Accounts Payable (Listing 030909AP, dated 3/5/09, 10:14 AM, for \$84,836.27)

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 Business Association present, reminded everyone about plays at Yellow Tree Theater and upcoming Movies/Concerts in the Park. He stated park

improvements could be made with profits from the concerts. The pianist Lorie Line will be coming to Osseo for an outdoor concert on Tuesday, August 11.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

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

City Planner Jeffrey Dahl stated this item had been tabled from the last Council meeting in order to consider additional information that the applicant, Kristin Spangler, presented at the meeting. The additional information was a document authored by the League of Minnesota Cities (LMC) regarding the basics of issuing a conditional use permit. Staff utilizes the LMC as a resource with a number of issues.

Hall asked if a Conditional Use Permit (CUP) stays with the property. City Attorney Loren Magsam said yes, a CUP stays with the property. The CUP would expire if not used within one year.

Kleven asked about this type of CUP. Magsam said this request was to amend the current CUP to allow for a café & wine bar with on-sale intoxicating liquor service.

Hall stated he has concerns with allowing on-sale liquor service so close to residential areas. He said wine and beer service is different from strong liquor.

Kleven commented there was a house immediately to the east of this property and close by on the other side. Dahl said to the west of the property is residential buildings/apartment complexes.

Kleven asked if any other on-sale establishments were next to residential areas. Hall said the current on-sale licenses belong to Dick's Bar, Duffy's Bar & Grill, and Lynde's Inn. Dahl said the Osseo American Legion is near residential but has a Club license—not on-sale license. It is open to members and guests. Kleven said he wanted to keep on-sale licenses on Central Avenue, if located downtown.

Menth stated there were apartments directly east across the street from Dick's Bar—above Design Wear. Dahl stated the downtown area is designated in the Comprehensive Plan for mixed use—housing above commercial.

Hall suggested a full Council be present to vote on this matter, and the subject could be brought back to the Council at the next Council meeting. Withers stated the next Council meeting would be lengthy due to the public hearing for the Central Avenue Side Street Lighting Project and discussion of the Central Avenue Project, as a whole.

Hall suggested tabling this matter to the April 13 Council meeting.

Withers asked about the 60-day rule for zoning purposes. Magsam said the City has the right to extend this matter for 60 more days upon proper notification to the applicant.

A motion was made by Kleven, seconded by Hall, to table this matter to the April 13, 2009, Council meeting. The motion carried 4-0.

A motion was made by Hall, seconded by Menth, to direct staff to proceed with proper notification to the applicant of the extension of 60 days for consideration of this request. The motion carried 4-0.

10. NEW BUSINESS

- a. CONSIDER AUTHORIZING ADMINISTRATOR TO OBTAIN APPRAISAL FOR 25 4TH STREET NW

Withers stated David Tafoya owns PCS Engineering, Inc., and the building in which it is located at 25 4th Street NW. He has been contacting neighboring property owners, City Council members, City staff, police officers, and others saying he is going to move his business to a smaller building in the industrial area on Jefferson Highway and wants to sell his building.

The City would be interested in the building because of the Master Redevelopment Plan. That plan shows the building removed and replaced with a public safety – police and fire – building and parking area. It also shows the existing fire department area expanded and occupied by the Post Office. Both of these topics have been discussed recently by people in the community.

Withers asked if the Council was interested in purchasing this property. Before any negotiations with Tafoya can commence, the City must get an appraisal of the property. An expert's opinion as to the value of the property is important. The cost of a commercial property appraisal is about \$3,500.

Withers said this building may or may not be a good idea for a public safety building at this time. If the building was occupied when the City purchased it, we would have to pay relocation costs for the current business.

A motion was made by Menth, seconded by Kleven, to authorize the City Administrator to obtain a commercial appraisal of 25 4th Street NW at a price not to exceed \$3,500. The motion carried 4-0.

- b. CONSIDER CALLING SPECIAL JOINT MEETING OF THE COUNCIL, EDA, AND PLANNING COMMISSION TO RECEIVE INFORMATION ON THE CENTRAL AVENUE PROJECT

Withers stated the Central Avenue Project is a huge project for Osseo, and there is much information that has to be shared in order for everyone to feel comfortable with the Project details. He suggests a joint meeting of the Council, EDA, and Planning Commission to review the financing details.

The EDA said they did not know enough about the financing details to make a recommendation about the project, and the last time financing was discussed by the Council a great portion of the project was to be funded by EDA-controlled money. The Planning Commission will be asked next week to also make a recommendation to the Council on whether the Project should proceed. Its recommendation will be based on whether the Project fits with the Comprehensive Plan and the City's Capital Improvement Plan.

The EDA suggested and the Mayor agrees the meeting should be held immediately following Monday's Planning Commission meeting. More facts about the Project will aid the Council in its decision about the Project.

A motion was made by Menth, seconded by Parks, to conduct a special joint meeting of the City Council, Economic Development Authority, and Planning Commission on Monday, March 16, 2009, at 7:30 p.m. or as soon after the Planning Commission meeting as practical, in the Council Chambers for the purpose of discussing financing options for the Central Avenue Project. The motion carried 4-0.

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Withers noted the last open house for the Central Avenue Project, along with the Side Street Lighting component of the project, will be this Wednesday, March 11, from 5-7 p.m. in the Community Center. Most of the design details are complete and will be available for review then.

12. COUNCIL AND ATTORNEY REPORTS

Magsam stated he will be on vacation from March 10-20.

Menth said there are grants available to offset the police chief wages, and dollars can be saved by the Police Department leasing a new copier rather than its current older model.

Parks had no report.

Kleven had no report.

Hall showed a report reflecting Osseo's current tax rate and projected with loss of LGA, and a report reflecting fines collected by jurisdiction for moving and non-moving violations. He expressed concern about the proposed loss of LGA and how it would impact taxpayers and services provided by the City. Hall urged everyone to contact Osseo's legislators.

Hall said a council is elected to make informed decisions for the good of the whole City based on consideration of all facts and figures presented. He also read an excerpt from the League of MN Cities Handbook (Ch 6: Elected Officials). "The cornerstone of city government in Minnesota is the elected city council. The city council fashions the policies that determine a community's present and future well-being. Because people look to their local government for leadership, much of the responsibility for community development falls on the shoulders of city council members. Council members should be concerned, not only with the conduct of daily affairs, but also with the future development of the city." Hall stated the public hearing on March 23 on the Side Street Lighting project, as part of the Central Avenue Project, was an important step for the future of the City.

Hall stated the ice skating rinks are closed for the season.

13. ADJOURNMENT

A motion was made by Parks, seconded by Menth, to adjourn the City Council meeting at 7:53 p.m. The motion carried 4-0.

Respectfully submitted,

LeAnn Larson
Deputy Clerk