

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 27, 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, April 27, 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: Marcus Thomas, Sarah Rippke & Lanol Leichty-Bolton & Menk, Bruce Wiley, John Cochran, Alicia Miller, Susan Hanson, Al & Barb Lindquist, Craig Wissinck, Kevin Nordeen, Vinay Mehta, Tim Lindholm, Will Lienemann, 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.

Hall requested item 10.g. Discuss Appraisal of 9 Central Avenue be added to the Agenda.

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

5. CONSENT AGENDA

- a. Receive Planning Commission Minutes of March 16
- b. Receive American Legion March Gambling Report
- c. Receive Firemen's Relief Association March Gambling report
- d. Receive Lions Club March Gambling Report
- e. Receive Osseo-Maple Grove Hockey Association March Gambling Report
- f. Approve revised Bandshell Park Policy
- g. Approve Accounts Payable (Listing 042709, dated 4/23/09 2:23 PM, for \$18,395.51)

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

6. MATTERS FROM THE FLOOR

Tim Lindholm, 523 Central Avenue, stated he and the majority of the Central Avenue business owners are opposed to the Central Avenue Project. He does not think the City needs new watermain for the project as watermain typically lasts a long time. Lindholm thinks the problem with lack of water flow is in the supply lines. He stated he thought the proposed upgrade of the lighting system was fine.

7. SPECIAL BUSINESS – STORM WATER POLLUTION PREVENTION PROGRAM

City Engineer Marcus Thomas stated a public meeting was held this evening at 6:30 p.m., before the Council meeting. A short presentation on the City's Storm Water Pollution Prevention Program (SWPPP) at the public meeting. This public meeting is a requirement of the National Pollution Discharge Elimination System Phase II storm water permit. After the presentation, a summary of the draft annual report was given, and public comments and questions were allowed.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

a. CONSIDER AMENDED CONDITIONAL USE PERMIT FOR LILLY'S CAFÉ & WINE BAR

City Planner Jeffrey Dahl stated at the April 13 Council meeting, the Council tabled action on the amended Conditional Use Permit request to allow on-sale intoxicating liquor service at 33 2nd Street NW. Since then, the applicant, Kristin Spangler, met with City Administrator Withers and City Attorney Magsam and indicated that she is no longer interested in pursuing the CUP and opening Lilly's Café & Wine Bar.

Menth asked if the applicant would get her application fee returned to her. Withers stated application fees for Conditional Use Permits are not refunded. The fees are meant to cover some of the costs of the process.

A motion was made by Kleven, seconded by Menth, to adopt Resolution 2009-22 Denying the Application of Kristin Spangler to Amend a Conditional Use Permit for a Café & Wine Bar with On-Sale Intoxicating Liquor Service at 33 2nd Street NW. The motion carried 5-0.

10. NEW BUSINESS

a. REVIEW CENTRAL AVENUE IMPROVEMENT PROJECT BIDS AND ORDER ASSESSMENT HEARING (Resolutions)

City Engineer Marcus Thomas presented a summary of the bids for the Central Avenue Improvements. Bids were received and opened at Osseo City Hall at 10:00 a.m. on April 21, 2009. There were a total of eight (8) bidders on the project, and the low bidder for both the "base bid" and "base bid plus alternate" is Forest Lake Contracting, Inc. out of Forest Lake, Minnesota. The "base bid" improvements include all street, utility, and streetscaping improvements along Central Avenue. The "base bid plus alternate" improvements include all of the "base bid" improvements as well as the additional side street lighting improvements.

The low bid was from Forest Lake Contracting, Inc.:

Base Bid	\$4,381,611
Base Bid Plus Alternate	\$4,737,861

Thomas said it was his opinion the low bid by Forest Lake Contracting is a very good bid. He recommends the Council adopt the resolutions calling for assessment hearings for the Central Avenue project and the side street lighting project, both scheduled for May 26, 2009. If these hearings are authorized, Bolton & Menk would prepare assessment roles for the projects and mail out individual notices to the assessed properties, informing them of the hearing as well as the specific proposed assessment for their property.

Menth commented that the project has increased in cost to \$5.5 million.

Schreiber asked if paving stones were still planned for the project. Thomas said yes.

Hall noted exact project costs are unknown. However, the \$5.5 million total project cost is conservatively high.

Thomas stated the Central Avenue Project is the improvement of Central Avenue between CSAH 81 and CSAH 30. The contract (bid) price (estimated cost) for such improvement is \$4,381,611, and the expenses incurred or to be incurred in the making of such improvement amount to \$1,118,389 so that the total cost of the improvement will be \$5,500,000. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$3,500,000 and the portion of the cost to be assessed against benefited property owners is declared to be \$2,000,000.

A motion was made by Kleven, seconded by Parks, to adopt Resolution 2009-23 Declaring the Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the Central Avenue Project. The motion carried 3-2 (Hall, Kleven & Parks-aye; Menth & Schreiber-nay).

A motion was made by Kleven, seconded by Parks, to adopt Resolution 2009-24 Calling a Hearing on the Proposed Assessment for the Central Avenue Project. The motion carried 3-2 (Hall, Kleven & Parks-aye; Menth & Schreiber-nay).

Thomas stated the Side Street Lighting Project is the improvement of side street lighting on 1st, 2nd, 3rd, 4th and 5th Streets N. between 1st Avenue NW and 1st Avenue NE and on 1st Avenue NW and 1st Avenue NE between 1st Street N. and 5th Street N. by the City of Osseo. The contract (bid) price (estimated cost) for such improvement is \$356,250, and the expenses incurred or to be incurred in the making of such improvement amount to \$143,750 so that the total cost of the improvement will be \$500,000. The portion of the cost of such improvement to be paid by the city is hereby declared to be \$250,000 and the portion of the cost to be assessed against benefited property owners is declared to be \$250,000.

A motion was made by Parks, seconded by Kleven, to adopt Resolution 2009-25 Declaring the Cost to be Assessed, and Ordering Preparation of Proposed Assessment for the Side Street Lighting Project. The motion carried 3-2 (Hall, Kleven & Parks-aye; Menth & Schreiber-nay).

A motion was made by Parks, seconded by Kleven, to adopt Resolution 2009-26 Calling a Hearing on the Proposed Assessment for the Side Street Lighting Project. The motion carried 3-2 (Hall, Kleven & Parks-aye; Menth & Schreiber-nay).

Withers noted the upcoming special Council meeting to consider the Bond Sale scheduled for Monday, May 4, at 6:30 p.m., prior to the EDA regular meeting.

b. CONSIDER PLANNING COMMISSION ITEMS

i. MORATORIUM ON CONDITIONAL USES IN THE CENTRAL BUSINESS DISTRICT

Dahl stated at its March 23rd meeting, the City Council called for a Public Hearing at the April 20, 2009 Planning Commission Meeting in order to consider issuing a moratorium on the following conditionally permitted uses in the CBD, Central Business District: drive-in businesses, auto service stations, and mortuaries.

A moratorium acts as an interim ordinance which, in this case, would temporarily halt the aforementioned uses from being conditionally permitted in the CBD until the Zoning Ordinance is amended or until one-year has passed---whichever occurs first.

This issue was considered by the Planning Commission at its Public Hearing on April 20. There was one public comment from Joe Sullivan, of 5th Street Ventures, LLC, representing 501 Central Avenue, indicating the moratorium would prevent 501 Central Avenue from being operated as a gas station. He indicated that a gas station was the best use for the property.

The Planning Commission concurred with staff and recommended adoption of an interim ordinance instituting a moratorium on the following conditionally permitted uses in the CBD: drive-in businesses, minor auto service stations for retail sale and service; mortuaries; and dry-cleaning, laundry, linen towels, diaper, and similar supply services. Dry-cleaning, laundry, linen towels, diaper, and similar supply services were added after brief discussion between staff and the Planning Commission. The recommendation was approved unanimously.

A motion was made by Kleven, seconded by Menth, to approve the first reading of an interim ordinance amendment of Chapter 153 of the City Code. The motion carried 5-0.

ii. GARAGE SIZE AND HEIGHT VARIANCE REQUEST FOR DARRELL HEALY, 216 3RD AVENUE NE (Resolution)

Dahl stated the applicant, Darrell Healy, has submitted a variance application from the Zoning Code for a detached garage that is 1,080 sq. ft. in size and 17 ft. 4 in. in height. The property is located at 216 3rd Avenue NE. The maximum garage or accessory space allowed under section 153.056 (C) of the zoning ordinance is 1,000 sq. ft. Also, the maximum height, which is measured from the ground to the midpoint of the pitch, is 15 feet. A variance from the Zoning Ordinance is needed in order to allow an additional 80 sq. ft. of accessory space and 2 feet 4 inches in height.

The intent of this district, per 153.035 of the City's Zoning Ordinance, is to recognize fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use. Staff understands that

the current ordinance, with respect to restrictions on size and height of accessory structures, was drafted for two reasons:

- Limiting the size of accessory structures will discourage residents to operate private businesses or accessory uses that are not consistent with what is allowed in the R-1 Zoning District; and
- Limiting the size and height of accessory structures will prevent them from being out of scale with the surrounding neighborhood in which some of the homes' footprints are smaller than the size of the proposed garage (including the subject property).

There was not undue hardship in needing more space/height than what the code allows in order to: provide shelter for three large vehicles; store additional personal property; allow for additional work and living area; and provide more space for maneuvering around the vehicles.

Staff recommended denial of the variance requests.

Menth noted another large garage nearby on a neighboring property. Dahl said that neighbor was granted a variance.

Hall asked about the side yard setback. Dahl said the current structure on located within the five-foot side yard setback, but the new structure would have correct setbacks.

A motion was made by Menth, seconded by Kleven, to adopt Resolution 2009-27 Denying a Variance Application for a 1,800 Square Foot and 17 Foot-4 inch high detached garage at 216 3rd Avenue NE. The motion carried 4-1 (Hall-nay).

Hall stated he wished the homeowner would have adjusted the size of the structure to conform to the city code.

iii. **CONDITIONAL USE PERMIT FOR INTOXICATING LIQUOR AT 204 CENTRAL AVENUE (Resolution)**

Applicant Kevin Nordeen has submitted a request to amend a previously approved Conditional Use Permit (CUP) in order to serve intoxicating liquor and to expand the restaurant (café and wine bar) area at 204 Central Avenue. The property is under the ownership of VKAS, LLC.

The subject property is entirely surrounded by the CBD Zoning District. The properties on the east side of 1st Avenue NE, approximately 400 feet from the café and wine bar, are zoned R-1, One and Two Family Residential District and are guided as single-family. Some of the existing uses adjacent to the property include a bar and grill to the west; screen printer, apartment, and gas station to the south; newspaper company to the east; and various office and retail establishments along Central Avenue. Per Section 153.037 of the City's Zoning Code, on- or off-sale liquor establishments (taverns, pubs) and restaurants selling or serving liquor as part of regular business are allowed as a conditional use.

On August 27, 2007, the City Council approved a CUP application for the property from Kristin Spangler of Lilly's Café & Wine Bar to allow for a café and wine bar with on-sale wine service. An amended CUP is required if the business owner wishes to serve other intoxicating beverages than wine and if the business owner wishes to expand the original dining area, which was reviewed as a part of the original approval.

This request is to provide intoxicating liquor service as a part of the café and wine bar's regular business operations versus just wine, and to expand the restaurant area from approximately 522 sq. ft. to 1,790 sq. ft. The applicant is planning on expanding the restaurant in phases. The following issues should be considered regarding this request:

The parking requirement for the space is virtually the same as it was when Lilly's Café & Wine Bar and Quality Books and Music (retail) occupied the space. Given the amount of on-street public parking spaces in the immediate area, there should not be any major parking concerns assuming the indoor seating capacity stays below 50.

The applicant would like to use City right-of-way in front of the restaurant for patio seating. The previous CUP required staff approval for any outdoor patio operations. Typically, a six (6) foot pedestrian walkway is needed parallel to the property line/building. The remaining space between the walkway and street is known as the amenity area and is used for benches, trees, etc. As the pedestrian walk way should remain clear, the amenity area and bump out area could be used for outdoor dining with City approval. The applicant has not submitted a patio plan but will need to prior to implementation if he wishes to utilize public right-of-way.

Staff feels that the previously approved CUP included conditions that appropriately addressed most of the issues associated with serving intoxicating liquor. Staff recommends approval of this amended CUP application by adding two more conditions: one that limits indoor seating capacity to 50 and another that requires a SAC determination and payment by the applicant prior to the opening of the business.

Staff recommended approval of the amended CUP request to expand the restaurant area and serve on-sale intoxicating liquor at 204 Central Ave, subject to the following conditions;

- 1) The on-sale intoxicating beverages shall adhere to all applicable federal, state, and county statutes and regulations in addition to local ordinances;
- 2) Outdoor television, video, or similar projection shall not be allowed in the outdoor patio area;
- 3) Any outdoor music shall be at a noise level such that it cannot be heard more than 50 feet from the premises and at the premises shall not exceed 60 decibels of intensity on site;
- 4) The outdoor patio area shall be enclosed by some sort of barrier (fence, rope, etc.) if alcohol is to be served outdoors;

- 5) The patio area shall not impede normal pedestrian traffic;
- 6) Alcoholic beverages shall not be allowed to be taken out of the inside of the building or enclosed patio area;
- 7) The off-street parking area on the east side of the property shall be free of weeds and debris at all times;
- 8) An outdoor patio seating plan that conforms to ADA requirements shall be submitted and approved by staff prior to any outdoor service;
- 9) The indoor seating plan shall not exceed 50;
- 10) The applicant shall submit a seating plan (indoor and outdoor) to staff prior to operation. The seating plan/s will then be sent to the Metropolitan Council for a SAC Determination. The applicant will be required to pay the appropriate SAC fee based on the determination, prior to the opening of business; and
- 11) Violation of any condition shall result in revocation of the CUP in accordance with the provisions of the Zoning Ordinance.

Schreiber stated there were problems with the patio area that was operated by Lilly's Café & Wine Bar. He is not in favor of a patio area on the sidewalk next to the building because people have to walk around the patio area to continue walking on the sidewalk. Schreiber said he wanted no chains across a sidewalk area next to the building.

Hall noted that if the Central Avenue Project happens, there will be a few more feet of sidewalk space once the project is complete.

Susan Hanson, Planning Commission Chair, stated several current businesses have sidewalk seating contiguous to the buildings. There is difficulty in cordoning off people in a bump-out area of the sidewalk separate from the building.

Withers said there should be a six-foot space between the building and any amenity area, such a patio seating for food and/or liquor service. He also stated he would consider the amenity area to be contiguous with the building.

John Cochran, Planning Commission member, said he observed adequate space around the patio portion at Lilly's when it was operating last year. He stated a contiguous area should be next to the building, not separated. City staff needs to approve any patio seating plan.

Kevin Nordeen, the applicant, stated he would prefer the patio area not be abutting the building, but in a separate area with roping or such around it.

A motion was made by Menth, seconded by Schreiber, to adopt Resolution 2009-28 Granting a Request of Kevin Nordeen to Amend a Conditional Use Permit in Order to Expand the Restaurant Area and Serve On-Sale Intoxicating Liquor at 204 Central Avenue. The motion carried 5-0.

iv. CONCERN ON NUMBER OF LIQUOR LICENSES

Dahl stated until recently it was thought that, per MN State Statutes, the City of Osseo could approve four (4) on-sale intoxicating liquor licenses within the City limits [340A.413, Subd. 1, (7)]. It was recently discovered that this statute was amended in 2003 to exclude “restaurants” from the aforementioned restriction [340A.413, Subd. 4, (2)].

Most on-sale liquor establishments in Osseo are excluded from the restricted amount because “restaurants” are defined as “*an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority* [340A.101, Subd. 25].” Dick’s and Duffy’s both have limited meal preparation on their premises and may meet the criteria of being a “restaurant.” The new Lynde’s Restaurant will meet the criteria.

At its April 20 meeting, the Planning Commission discussed this matter and became concerned that the City is not able to control the quantity of on-sale intoxicating liquor establishments coming into the City. Currently, on-sale and off-sale liquor establishments are allowed as conditionally permitted uses in ALL of the commercial districts of the City.

The Planning Commission directed staff to bring this issue to the Council for discussion. Dahl said because the Zoning Ordinance will be overhauled this year, staff can incorporate comments and concerns when drafting the new ordinance in relation to on-sale intoxicating liquor licenses.

Kleven asked if there might be criteria established in relation to the amount of liquor versus food served.

Dahl commented that distances from schools or churches for liquor licenses could be established by the City, if desired.

Kleven said he thought the best areas for liquor should be in the Central Business District and along Co Rd 81.

c. **APPROVE LETTER OF SUPPORT FOR HWY 169/CO RD 30 INTERCHANGE PROJECT IN BROOKLYN PARK**

Withers stated he proposes a letter to the City of Brooklyn Park Traffic Engineer in support of the application for Surface Transportation Program (STP) funding for the TH 169/CSAH 30 junction. The City of Brooklyn Park is planning to submit an application soon for federal funding for a new half-diamond type interchange. Brooklyn Park is seeking Osseo’s support in hopes of receiving a grant to use towards the construction of the interchange.

Withers further noted the concern that Osseo has for this junction in that the project plans do not allow for a south bound exit from TH 169 permitting traffic to travel east or west on CSAH 30. He has requested additional signage to adequately advise motorists how to proceed to Osseo. Withers said the plans indicate CSAH 30 will go up and over TH 169.

Hall said he, too, is concerned about the lack of access from south bound TH 169 to Osseo. He wants a tall sound wall erected along the entire west side of TH 169 between CSAH 81 and CSAH 30 to buffer vehicle noise.

Kleven said the City and Osseo Business Association will have to implement a strong plan to help get people to Osseo. He said there will have to be additional signage on TH 169 from the south to aid people in getting to Osseo.

A motion was made by Menth, seconded by Parks, to approve the letter of support to the City of Brooklyn Park Traffic Engineer as written, with the addition of the desire for a sound wall along the entire stretch of TH 169 in Osseo. The motion carried 5-0.

d. DISCUSS POTHOLE PLAN

Withers stated Public Services Director Randy Korfiatis is on vacation so will not be at the Council meeting. Korfiatis has shown two companies around town to inspect the streets and submit quotations on the price of their work. RCM Specialties, Inc., has given the lowest quote, and they have done the work for us in each of the last two years. City staff has been satisfied with their work. The work they did in the past years has not let loose, and does not have to be redone. All “potholes” this year are new. The majority of the patches will be where the wear course has separated from the base blacktop due to poor material at the time of initial application.

All streets in the City will be patched per the quotation, except Central Avenue and all alleys. (The alleys were done last year.) This year’s quote of \$12,975 is less than last year.

We recommend Council accept the quote of \$12,975 from RCM Specialties, Inc., for spray patching of City streets as needed. The expense will be paid from the Street/Alley Maintenance Fund. It is anticipated we will again receive \$6,000 from the County to help offset the total cost. RCM says it will complete all work before the June 27 Band Festival.

Withers noted it would be very costly to mill and overlay streets and/or reconstruction. This option provides the best fix for potholes at this time.

A motion was made by Menth, seconded by Kleven, to approve the spray patching project in Osseo as outlined, per the quote of \$12,975 including all time and materials. The motion carried 5-0.

e. APPOINT NEW POLICE CHIEF

Withers stated the Interview Committee for seeking a new Osseo Police Chief was composed of Mayor Hall, Council member Schreiber, Gary Current, Martin Duffy, St. Francis Police Chief Jeffrey Harapat, and Withers. Twenty-nine applications were received with this round. Those scoring 66 points and above were selected to be interviewed. No current Osseo officers applied. Oral interviews were scored on the following factors: Police Officer Experience, Continuing Education & Training, Supervisory Experience, Creativity & Innovation, Leadership Capability, Management Skills, Public Relations Strengths, Law Enforcement Relationships, Communications Strengths, Vision and Ability to Accomplish, and Awareness of Police Dept Environment & Stakeholders.

Each Committee member scored each candidate. The scores were summed and an average score given to each candidate. The candidates were then ranked. Average scores ranged from 68.4 to 96.4 out of a possible 110 points. Since there were only 2.6 points separating the top two candidates, the Committee decided to run background checks on both candidates and have psychological exams given to both candidates.

Reports from our consultants, Richard Setter and Lisa Lynn, were reviewed by the Committee and it was unanimously agreed to recommend Timothy Patrick Ryan, former Chief of Police of Millville, Massachusetts, to be Osseo's next Police Chief. Withers said he was excited to work with Mr. Ryan, who is a graduate of the FBI Academy. The caliber of the officers who graduate from the Academy are a grade above all others. Withers said he believes Ryan will relate well with the people of Osseo, will be a leader of our officers, will bring changes to our department to update the style of police service, and will be an overall asset to the Osseo community.

Withers stated he was currently negotiating an Employment Agreement with Ryan. He proposed the starting salary range of \$65,000-\$75,000. This compares to similar-sized cities and police departments. Items in the Employment Agreement include a position statement, effective date, pension plan, salary, paid time off (PTO), general insurance, dues & subscriptions, professional development, use of a City vehicle, uniform allowance, cell phone, hours of work, moving/relocation expenses, termination benefits, general conditions of employment, and term of Agreement.

Withers stated Chief Ryan would begin duties in Osseo on May 18.

Schreiber and Menth both said we were offering Ryan too high a salary to start.

Schreiber said former Police Chief Mike Haller was making \$65,500 annually when he retired after almost 20 years of service to Osseo.

Menth said it appeared the offering salary was at \$70,000 to start, with a six-month review and increase in salary, then a 12 month review and increase in salary, an 18 month review and increase in salary, and a 24 month review an increase in salary. He asked if the increases could be stretched out a bit.

Hall noted we have to pay fair wages.

Withers said three conditions still remain for Ryan to satisfy: 1) passing a physical exam prior to hire; 2) passing Bureau of Criminal Apprehension and finger print checks; and 3) achieving certification for firearms in Minnesota. He noted Ryan has also asked about a death on duty clause, which City Attorney Magsam is looking into.

A motion was made by Hall, seconded by Menth, to offer the position of Police Chief to Timothy Ryan, subject to the three conditions as noted. The motion carried 5-0.

A motion was made by Menth, seconded by Parks, to authorize Withers to continue negotiations of an Employment Agreement with Timothy Ryan as Osseo Police Chief, with starting annual salary of \$70,000. The motion carried 5-0.

f. DISCUSS NOISE ORDINANCE AMENDMENT

Dahl noted a complaint about loud noises from loading and unloading operations at Berkshire Residence (501 2nd Street SE) in the early hours of the morning has been received. This area is within the R-1, One and Two Family Residential Zoning District.

The current ordinance does not contain specific language that would limit hours of loading and unloading in a residential zoning district, and the Police Department is unable to take any action regarding the complaint. Staff is looking for direction in this matter. Staff could draft an ordinance amendment that restricts hours of loading/unloading in residentially zoned districts for the Council's review at an upcoming meeting. Staff is unsure of the level of negative impact an amended noise ordinance would have on commercial properties in residential areas.

Menth said making deliveries to the nursing home is important. He asked if a fence might buffer some of the noise from these loading/unloading activities.

City Attorney Magsam suggested the matter be researched to determine the location of other businesses already operating in residential areas. A public hearing is a good way to solicit public comments on any proposed changes to the noise ordinance.

Hall asked Magsam to look into this matter more closely.

g. DISCUSS APPRAISAL AT 9 CENTRAL AVENUE

Hall stated City staff has already discussed the possibility of purchasing the property at 9 Central Avenue from Advanced Home Improvements (AHI). Also, AHI had indicated the possibility of donating the land to the City for gateway improvements. Hall said it appears work is being done to improve the building, and the property should not be improved, at this point.

Dahl stated the owners of the property have commenced with building renovation to repair some of the fire damage from 2007.

Withers said an appraisal must be obtained in order to determine fair market value of the property. An appraisal must be obtained before negotiations take place.

Menth asked if the City was planning to condemn the property. Withers said he hoped there would be Council support for this process should it be necessary. Withers noted the property would be "eliminated" in the future with Bottineau Boulevard roadway improvements, and would be used as part of the Central Avenue Project.

Kleven said he was uncomfortable with an appraisal for the property when the property is not for sale.

Schreiber said he does not agree with condemnation action. He also questioned whether the City has the money to purchase the property, and improvements to the property only increase the value.

A motion was made by Kleven, seconded by Parks, to authorize City staff to proceed with an appraisal of commercial property located at 9 Central Avenue. The motion carried 3-2 (Hall, Kleven & Parks-aye; Menth & Schreiber-nay).

11. ADMINISTRATOR-CLERK-TREASURER'S REPORT

Withers stated City Planner Dahl would be focusing on a re-write of the zoning ordinance over the next five months due to cost savings measures. The proposed consultant fee for the zoning ordinance work has been eliminated from the 2009 budget.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Magsam had no report.

Menth welcomed the new business coming to Osseo.

Kleven said he has been in contact with Osseo School Superintendent Susan Hintz as part of improving intergovernmental relations.

Parks had no report.

Schreiber noted concerns about a hole in the road at 5th Avenue NE/Broadway Street East, speeding on 1st and 5th Avenues NE, and welcomed the new business to Osseo.

Hall said he has been talking with area legislators about Local Government Aid matters. The Hwy 610 project will commence construction from Hwy 169 to Co Rd 81. The Step To It program will have a registration event on Saturday, May 16, at Boerboom Park from 10 a.m. to noon. One and two mile routes have been established. He also welcomed the new business to Osseo.

13. ADJOURNMENT

A motion was made by Menth, seconded by Parks, to adjourn the City Council meeting at 9:40 p.m. The motion carried 5-0.

Respectfully submitted,

LeAnn Larson
Deputy Clerk