

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
September 26, 2016**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:00 p.m. on Monday, September 26, 2016.

2. ROLL CALL

Members present: Councilmembers Harold E. Johnson, Mark Schulz, Larry Stelmach, Anne Zelenak, and Mayor Duane Poppe.

Staff present: City Administrator Riley Grams, City Planner Nancy Abts, and City Attorney Mary Tietjen.

Others present: Sandy Danks and Ed Columbus.

3. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of September 12
- B. Approve Council Minutes of September 12
- C. Receive Planning Commission Minutes of September 19
- D. Receive Heritage Preservation Commission Minutes of September 20
- E. Receive August American Legion Club Gambling Report
- F. Receive August Fire Relief Association Gambling Report
- G. Receive August Osseo Maple Grove Hockey Association Gambling Report
- H. Accept Resignation of Firefighter Dave Lodge
- I. Accept Resignation of Planning Commission Todd Woods
- J. Approve Hire of Firefighter David Jorgenson

Stelmach requested a change to the Planning Commission minutes noting Chair Woods should be marked absent.

Stelmach requested the Heritage Preservation minutes welcome Evelyn in the same paragraph as Dan Spanier.

Zelenak explained that Evelyn and Mr. Spanier were encouraged to write letters of interest to the City about the Heritage Preservation Commission. She was uncertain if

these letters had been submitted. It was noted that the appointments to this Commission were made by the City Council.

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

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

A. ACCEPT DONATION TO BEAUTIFICATION FUND (Resolution)

City Administration Riley Grams indicated Randy's Environmental Services has donated \$500 to be placed in the Beautification/Flower Fund. Staff recommends the Council accept the donation.

A motion was made by Stelmach, seconded by Zelenak, to adopt Resolution No. 2016-60 accepting a donation from Randy's Environmental Services in the amount of \$500. The motion carried 5-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE OSSEO LIONS CLUB PROPOSAL TO CONSTRUCT A PICNIC SHELTER IN SIPE PARK

City Planner Nancy Abts stated Sipe Park is used for its ball fields, tennis and basketball courts, and a playground. The Osseo Lions Club proposes adding a picnic shelter to the park to be a gathering place for people before and after softball and baseball games, and for residents and visitors to picnic. There are no other public picnic shelters in Osseo, and the picnic tables in Boerboom Park are not easy for large groups to use.

Abts explained the Lions plan to build the picnic shelter and then turn it over to the City. In the Lions' current proposal, the City would be responsible for maintaining and managing the shelter after it is built. The City Council should ask any remaining questions about shelter features and operations before they let the shelter be built.

Abts reported there have been many questions about "reserving" the shelter after it is built. The City does not have a policy in place for managing the park shelter. If the project is approved this month, construction would probably be finished in late fall at the earliest. With the cooler weather, the shelter would probably not be used heavily. The City could continue to write a policy for the shelter that could be ready by the time the shelter is used again in spring.

Abts indicated the City owns Sipe Park and, under the Lions' current proposal, would be responsible for maintaining and managing the shelter after it is constructed. If the City will allow the shelter to be reserved for private parties, a reservation policy will be needed. The City Council might ask the Lions not to promote the shelter with any press releases, ribbon cuttings, or dedication ceremonies until a policy is in place so that the shelter is not overused before a policy is in place. It was noted the current plans include

electricity for the shelter. Staff recommended the Council approve the Lions proposal to construct a picnic shelter in Sipe Park.

Stelmach thanked the Lions for their generous donation to the City. He believed the picnic shelter would be a great gathering place for the community.

Schulz asked if the picnic shelter would have corner walls. Ed Columbus, Lions Club member, reported the shelter would have no walls. He explained the footings would go four feet into the ground and the posts would sit on top of the footings.

Schulz encouraged the Lions to purchase LED lighting for the picnic shelter as this would reduce the long-term expense of the shelter to the City. He suggested only one light remain on overnight for security purposes.

Stelmach recommended a bracket be placed on top of the footings in order to allow for the fast and easy exchange of the picnic shelter posts. Mr. Columbus stated he could discuss this option with the architect.

A motion was made by Stelmach, seconded by Johnson, to approve the Osseo Lions Club Proposal to Construct a Picnic Shelter in Sipe Park. The motion carried 5-0.

B. APPROVE SITE/BUILDING PLAN APPLICATION FOR A PICNIC SHELTER IN SIPE PARK

Abts stated on September 19, the Planning Commission reviewed the application for the picnic shelter. A Public Hearing was held, and all interested persons were invited to comment on the application. Following the public hearing, the Planning Commission voted unanimously to recommend approval of the Site/Building Plan Application.

Abts explained Sipe Park is located in a residential area in southeast Osseo. In 2014, the parcel was rezoned from R-1, Single Family to PI-Public Institution. Permitted uses in the PI Zone include recreation centers and other governmental facilities, as well as public parks, playgrounds and athletic fields or ice skating rinks. There are no setback, impervious coverage, structure size, or other zoning restrictions in the PI Zone. General Requirements and Development Standards Sipe Park is a neighborhood park and is less than a mile from all houses in Osseo. There is no off-street parking at Sipe Park, but there are more than 50 on-street parking spots available on the streets next to the park. Staff is confident that parking for any increased use can be accommodated in existing on-street spaces.

Abts reported no changes to landscaping are planned in the park. Because the picnic shelter only has a wooden roof and no walls or side enclosures, staff does not think the shelter is a "building." There would be different requirements if the shelter was a building. Staff reviewed the request further with the Council and recommended approval with conditions.

A motion was made by Johnson, seconded by Stelmach, to find that the application meets requirements in City Code, waive the application fee, and approve the Site & Building Plan application for the Sipe Park Picnic Shelter (the drawing without the benches and subject to Building Official approval) at 600 2nd St S E, subject to the following conditions of approval:

- a. Fire prevention plans, including plans for grills and coal disposal bins, must be approved by the Fire Chief/Fire Inspector, before these features are installed.
- b. Plans and specifications for furniture and waste disposal must be approved by City Staff before these features are installed.
- c. The applicant shall submit a lighting and electrical service plan for approval by City Staff prior to application for an electrical permit.

Schulz expressed concern with which plan was being approved by the City. While he didn't want to hold this matter up, he requested clarification from City staff and the architect on which plan would be completed. He asked if the matter could be turned over to City staff in order for these questions to be resolved.

Stelmach agreed there was some confusion with the drawings and requested clarification on which plans were being approved. Mr. Columbus requested the Council approve the picnic shelter plans without the stub walls.

Stelmach recommended an architectural rendering for the picnic shelter be provided to staff prior to the construction or request of a building permit. Mr. Columbus reviewed which drawing would be built by the Lions Club.

The motion carried 5-0.

C. CONSIDER PROCESS FOR TEMPORARY SIGN PERMIT CODE REVISIONS

Abts stated at this time temporary sign permits are allowed for business proprietors at their place of business. Each permit is valid for ten days. Businesses are allowed two temporary sign permits in a twelve-month period. These restrictions are meant to limit the temporary signs displayed in the City, to make sure that the signs really are "temporary," but they prevent businesses from promoting multiple seasonal sales by using temporary signs.

Abts explained this restriction is seen as a problem for many business owners. In addition, there are other problems with the current sign code. Most of the code was adopted in 1994, and only small portions of the code have been updated since then. Osseo's sign code does not include all current practices and protections for ensuring free speech. For example, the parts of City Code that talk about political signs are no longer consistent with the Minnesota laws. It would be helpful to remove the old requirements from our code.

Abts commented unequal restrictions on different types of signs—for example, event signs, temporary signs, permanent signs, and the like—and the potential "special treatment" for businesses and commercial speech have been challenged in recent Supreme Court cases. Since the current temporary sign permits are only available for "business proprietors at their place of business," others (for example, residents and nonprofit organizations) would be treated unequally because they are not able to display temporary signs. Following an influential decision in *Reed v. Town of Gilbert* last year, some advisors have suggested that cities tread lightly when enforcing outdated sign ordinances.

Abts reported updating the Sign Code will probably be a long and involved process depending on the number of changes needed. However, staff does not recommend

making only small changes to the code that do not correct the bigger issues in the ordinance.

Abts stated staff may be able to propose changes to the Sign Code more quickly than a committee working together. However, if only staff members are involved in the changes there might be unanswered questions or other problems with the code changes. The overall process might be faster, and the updates might work better for Osseo, if a committee is involved.

Abts indicated the sign ordinances are part of the City's Zoning Code. Before any changes are made to the Zoning Code, a public hearing must be held. Many communities include sign ordinances in the Zoning Code, because sign regulations may relate to the underlying zoning. However, some communities separate the sign ordinances into a separate chapter. Staff reviewed the request further and recommended a subcommittee be created to address Sign Code updates.

Schulz supported the City Council updating the Sign Code given the fact it has not been reviewed since 1994.

Johnson did not believe an update could be made quickly enough to impact this fall.

Schulz suggested the Sign Code be reviewed over the winter months in order to have it ready for next spring.

Johnson questioned if staff had enough time and resources available to address overhauling the Sign Code. Grams believed staff could put together a good framework for the Sign Code and suggested a member of the EDA also be involved in this process.

Johnson supported this recommendation.

Poppe questioned how the Council should proceed. Grams believed the Council should direct staff to begin gathering potential candidates that were willing to serve on Sign Code Review Subcommittee. Staff could then bring forward a recommendation to the Council at a future meeting.

Schulz recommended this item also be addressed by the EDA at its October meeting.

D. DECLARE COMMUNITY CENTER TABLES AND HOLIDAY DECORATIONS AS SURPLUS PROPERTY (Resolution)

Grams stated new tables have been purchased for the community center. The original tables have been in use since 2002 when the community center was constructed and are difficult to shift. Ease of use is required with the adult exercise classes held three times per week in the community center. A few of the old tables have been kept for use by various City departments. The excess tables should be declared surplus and brought to auction. There are 11 round and 7 rectangular tables. Also, some years ago holiday stars hung each winter on the street poles in downtown Osseo. They were subsequently replaced with other decorations, but the old stars were never disposed of. The old decorations should be declared surplus and brought to auction. There are 50 holiday decorations.

A motion was made by Johnson, seconded by Zelenak, to adopt Resolution No. 2016-61 declaring surplus City property and authorize staff to bring surplus items to auction. The motion carried 5-0.

E. APPROVE 2017 PRELIMINARY BUDGET AND PROPERTY TAX LEVY
(Resolution)

Grams reviewed the preliminary budget and property tax levy for 2017 with the City Council. He explained the City Council previously reviewed the preliminary 2017 budget developed by City staff at the work session on August 29. The recommendations made by the Council at the work session have been incorporated into the proposed budget attached to this agenda item. The Council also tabled action on this item at the September 12 Council meeting to allow staff additional time to complete the preliminary budget. The proposed 2017 city budget shows a full balanced budget between expenditures and revenue. The total proposed expenditures budget for 2017 is \$2,503,190. This represents an increase of 7.90% over the 2016 adopted budget (\$183,300 total increase). Staff has reviewed each department of the budget noting the updates that had been made and recommended approval of the preliminary budget and tax levy.

Johnson noted the proposed levy was a maximum and could not be increased, only decreased between now and December. Grams reported this was the case.

A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2016-62 approving the 2017 Preliminary Budget and Property Tax Levy.

Schulz reported he does not look forward to discussing the budget each year. He hoped the Council could work to reduce expenses further prior to approving the final budget in December.

The motion carried 5-0.

F. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR REPORT – None.
12. COUNCIL AND ATTORNEY REPORTS

Poppe stated the Planning Commission had a vacancy at this time. Any residents interested in serving in this capacity were encouraged to contact City Hall for further information.

Poppe discussed the events planned for the Osseo High School Homecoming Football game on Saturday, October 8.

Poppe reported there would be a candidate forum on Tuesday, October 11, at City Hall.

Poppe explained there would be a Lions Club Halloween Event on Saturday, October 29, at 11 a.m.

Poppe stated the final Farmers Market would be held on Tuesday, September 27. The season ends tomorrow.

13. ADJOURNMENT

A motion was made by Schulz, seconded by Zelenak, to adjourn the City Council meeting at 7:58 p.m. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.