

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
June 25, 2018**

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, June 25, 2018.

2. ROLL CALL

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

Members absent: Councilmember Mark Schulz.

Staff present: City Administrator Riley Grams, Planning Intern Kyler McLachlan, and City Attorney Mary Tietjen.

Others present: Mike Cotten.

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 Stelmach, seconded by Zelenak, to accept the Agenda as presented. The motion carried 4-0.

5. CONSENT AGENDA

- A. Receive EDA Minutes of June 11
- B. Approve Council Minutes of June 11
- C. Receive May Fire Relief Association Gambling Report
- D. Approve Training Conference for City Accountant Teri Portinen
- E. Receive May Lions Club Gambling Report
- F. Receive May Fire Report
- G. Receive May Osseo Maple Grove Hockey Association Gambling Report
- H. Receive Planning Commission Minutes of June 18

A motion was made by Zelenak, seconded by Stelmach, to approve the Consent Agenda. The motion carried 4-0.

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

- A. ACCEPT DONATIONS (Resolution)

City Administrator Riley Grams stated the City has received the following donations:

| Donor | Amount/Item | Designated Fund |
|---|-------------|-------------------------------|
| American Legion Post 172 | \$500 | Music/Movies in the Park Fund |
| American Legion Post 172 | \$500 | Beautification/Flower Fund |
| Harold E. & Gayle Johnson <i>(in memory of Carol Emmans, Jacqlin Johnson, Lowell Kleven, and Roman Utecht)</i> | \$400 | Beautification/Flower Fund |

Staff recommended the Council accept the donations.

A motion was made by Stelmach, seconded by Zelenak, to adopt Resolution No. 2018-40 accepting donations from the American Legion Post 172 and Harold E. & Gayle Johnson. The motion carried 4-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS

A. APPROVE 2ND READING AND ADOPTION OF GOLF CART ORDINANCE

City Attorney Mary Tietjen reported the draft Golf Cart Ordinance currently includes a provision that the City will issue a permit only to applicants who have submitted a certificate from a “physician” *or* proof of a valid driver’s license. The Council has asked what its options are with respect to defining “physician”. Minn. Stat. § 169.045, subd. 2, allows cities to require a physician’s certificate as part of the permitting process, but the statute does not define the term “physician.” The Council has a few options to address this:

1. Leave out the physician’s certificate requirement altogether. If this option is chosen, the driver’s license requirement must also be removed.
2. Use the term “physician” as it is used in the statute. In my opinion, if there were ever a dispute about what type of doctor was sufficient, the Council could construe the term in the manner probably most likely intended – i.e., a person qualified to practice medicine, an M.D., general practitioner, etc. By way of example then, if an applicant submitted a certificate from a dentist or a psychologist, it would not qualify.
3. Define the term more specifically in the ordinance. For example, the Council could define the term as: medical doctor, including general practitioners, physician’s assistants, etc. (the Council can decide who to include in the list).
4. Adopt a meaning from another statute. For example, the Council could define “physician” as a “regulated person” pursuant to Minn. Stat. Chapter 147. This statute covers any person licensed, registered, or regulated by the Board of Medical Practice.

City Attorney Tietjen requested the Council direct staff on how to proceed.

Stelmach stated the first option would be the simplest but noted he could support option two as well.

Zelenak explained she spoke to her insurance agent and noted she could only be insured for on street driving in a golf cart if she was a licensed driver and a physician’s note would not matter. City Attorney Tietjen reported the City’s Ordinance required golf cart

operators to have insurance. Further discussion ensued regarding auto insurance and the various requirements for golf carts.

Zelenak thanked staff for providing clarification on this issue. She indicated she wanted to make sure all drivers operating a golf cart in the City were covered by insurance. City Attorney Tietjen reported all golf cart operators would have to provide the City with proof of insurance.

Zelenak expressed concern with the City having young drivers operating golf carts that could provide a doctor's note but were not insured under their parents' policy. City Attorney Tietjen stated if the golf cart was operating without an insured driver this would be a violation of the permit. Grams said each licensed driver, or driver with a doctor's note, in a household would be required to receive a permit. He indicated the permit would not run with the golf cart but rather would be with the drivers.

Zelenak stated she could support option 2.

A motion was made by Stelmach, seconded by Zelenak, to adopt Ordinance No. 2018-3, an Ordinance Amending Section 70.32 of the Osseo Code of Ordinances relating to the Regulation of Motorized Carts, with the noted amendments. The motion carried 4-0.

(Stelmach left the Council table at 7:24 p.m.)

B. APPROVE PROPOSAL FOR DOWNTOWN BANNERS

Grams stated at the June 11 Council meeting the Council approved final designs for the downtown banners. Staff obtained several quotes for the printing and production of the banners, and found the Northern Lights Display quote to be the most cost effective. The quote is for 140 new banners for the downtown area, with enough extras as banners fade or need to be replaced. The banners include the two sets, a summer and a winter set, and will be digitally printed both sides with a limited three-year warranty.

Grams reported there are two different options for the banners. The first option is a heavy duty 22-ounce vinyl banner, while the second option is a poly canvas. The poly canvas is a heavy material and would last longer than the vinyl option. The price breakdown is as follows:

| | |
|---|---------|
| 140 banners printed on vinyl (\$21 each) | \$2,940 |
| Shipping | \$ 220 |
| Total | \$3,160 |
| 140 banners printed on canvas (\$43 each) | \$6,020 |
| Shipping | \$ 220 |
| Total | \$6,240 |

Staff commented the canvas material would cost more, but noted staff was recommending the Council proceed with this option.

Johnson asked how long the last banners lasted. Grams stated the old banners only lasted about three years.

Zelenak indicated she supported the printed canvas banner option.

Poppe agreed stating the canvas banners would hold up better to the weather.

A motion was made by Zelenak, seconded by Johnson, to approve the Northern Lights Display quote for canvas banners at a total of \$6,240. The motion carried 3-0 (Stelmach was absent for the vote).

10. NEW BUSINESS

A. APPROVE SITE-BUILDING PLAN APPROVAL FOR 152 COUNTY ROAD 81 E – COTTEN’S NAPA

Planning Intern Kyler McLachlan stated the property in question is located in Osseo’s central-western quadrant, south of 2nd Street SE and west of 3rd Ave SE, next to Highway 81. Napa is planning to expand its storage space into two former tenant bays that were occupied by The ‘Sota Shop. This will involve interior renovations, including changes to the mezzanine level and racking. The intent is to expand operations for Napa and remain competitive with larger operations. They will be able to purchase more bulk materials, earning a discount from manufacturers. They will continue to receive deliveries from the Napa distribution center, as well as direct shipments from suppliers, and will re-deliver materials from this store to other locations across the metro. Michael Cotten estimates an additional 3 deliveries/departures per day once the project is completed. Staff provided further comment on the site plan and recommended approval.

Johnson requested further information regarding the two overhead doors that would be facing the parking lot. Mike Cotten, Cotten’s Napa representative, explained only one additional overhead door would be added.

(Stelmach returned to the Council table at 7:32 p.m.)

A motion was made by Johnson, seconded by Stelmach, to approve the Site Plan request for 152 County Road 81 E, subject to the following condition of approval:

1. Napa will continue with the SAC determination process.

The motion carried 4-0.

B. SET PUBLIC HEARING FOR LIQUOR FEE(S)

City Attorney Tietjen stated at a recent Council meeting when the new liquor ordinance was being discussed, Councilmembers suggested that the fee for off-sale liquor licenses be increased since state law provides for the option to apply for a reduction of \$100 with a new application or with a renewal application based on several criteria being met. Currently, the fee for an off-sale liquor license is \$100. State law allows a fee of up to \$240 for a city our size (less than 5,000 pop.).

CITY CODE § 113.09 LICENSE FEES

(B) The Council may establish from time to time in its fee resolution the fee for any of the liquor licenses it is authorized to issue. The license fee may not exceed the cost of issuing the license and other costs directly related to the enforcement of the liquor laws and this Chapter. No liquor license fee shall be increased without providing mailed notice of a hearing on the proposed increase to all affected licensees at least 30 days before the hearing.

(F) Off-sale intoxicating liquor licensees may request a reduction in their annual license fee by the amount specified in Minn. Stat. § 340A.408 [\$100] if at the time of initial application or renewal they:

(1) Agree to have the city's police department or a private vendor otherwise approved by the Chief of Police train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;

(2) Post a policy requiring identification checks for all persons appearing to be 30 years old or less;

(3) Establish a written incentive program to award employees who catch underage drinkers and a written penalty program to punish employees in the event of a failed compliance check;

(4) Failure to abide by the provisions of this paragraph may result in suspension of the license until the conditions of the fee reduction are met and may result in suspension and/or revocation of the license pursuant to § 113.22.

City Attorney Tietjen commented further on the proposed Liquor Ordinance and requested the Council set a public hearing date for August 26.

Stelmach discussed the differences in the fees for on-sale versus off-sale liquor licenses. He recommended the off-sale liquor license rate be increased.

Zelenak questioned when the proposed changes would go into effect. Grams reported the changes would take effect July 1, 2019.

Zelenak reported she would like to better understand the fees prior to making a decision on this matter.

Johnson asked when the training requirements would take effect. City Attorney Tietjen clarified the Ordinance would take effect after it was published and would be applied when licenses were renewed next summer. She noted any establishment that were to apply for a tobacco license between now and next July would have to follow the new Ordinance.

Poppe stated he looked forward to discussing this further with the license holders at the Public Hearing.

The Council directed staff to provide further information on potential fees for liquor licenses at a public hearing in the future.

C. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council. The Council discussed a watermain break that occurred in the City.

A motion was made by Johnson, seconded by Zelenak, to approve the Accounts Payable as presented. The motion carried 4-0.

11. ADMINISTRATOR REPORT

Grams stated it was good to be back at work after the birth of his daughter.

12. COUNCIL AND ATTORNEY REPORTS

Zelenak wished everyone a safe and happy 4th of July.

Johnson discussed the March for Your Lives event that was held at the Osseo High School. He thanked all who were able to attend this community event.

Johnson stated he would be attending a Housing for All meeting at 9:30 a.m. on Tuesday, June 26, at St. Joseph the Worker's Church in Maple Grove.

Johnson encouraged Osseo residents to participate in Night to Unite on Tuesday, August 7. He commented further on the activities being planned for this free community event.

Poppe reported a Snake Discovery Presentation would occur at Boerboom Park on Tuesday, June 26, at 7 p.m. He noted Movies in the Park would be screening Jumanji on Tuesday evening after the Snake Discovery Presentation.

Poppe stated City Hall would be closed on Wednesday, July 4, for Independence Day.

Poppe explained the Farmers Market would begin on Tuesday, July 10, from 3-7 p.m. and would run through September 25. He noted the Farmers Market would be held at near Boerboom Veterans Park.

13. ADJOURNMENT

A motion was made by Zelenak seconded by Johnson, to adjourn the City Council meeting at 7:58 p.m. The motion carried 4-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.