

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
April 22, 2019**

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, April 22, 2019.

2. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Harold E. Johnson, Larry Stelmach, and Mayor Duane Poppe.

Member absent: Councilmember Mark Schulz

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

Others present: Connie Aho, Michelle Aalbers, Gary Groen, John & Mary Jo Engstrom, and Kristen Bahner.

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 Hultstrom, to accept the Agenda as presented. The motion carried 4-0.

5. CONSENT AGENDA

- A. Receive EDA Minutes of April 8
- B. Approve Council Minutes of April 8
- C. Receive March American Legion Gambling Report
- D. Receive March Fire Relief Association Gambling Report
- E. Receive March Osseo Lions Club Gambling Report
- F. Approve Posting for Part-Time Firefighters
- G. Approve Posting for Movie Attendant
- H. Receive Planning Commission Minutes of April 15
- I. Receive Heritage Preservation Commission Minutes of April 16
- J. Approve League of MN Cities Annual Conference for City Councilmember Juliana Hultstrom
- K. Approve League of MN Cities Annual Conference for City Councilmember Mark Schulz
- L. Receive March Fire Reports

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

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

A. APPROVE 2019 INTERMARQUE VINTAGE FOREIGN CAR SHOW AND CRAFT FAIR

City Administrator Riley Grams stated the Vintage Foreign Car Show and Craft Fair is back for another exciting event. The car show is scheduled to take place on Saturday, May 11, from 10 a.m. to 3 p.m. The event is scheduled rain or shine, and includes a number of local car clubs (Mercedes, Jaguar, MG, Citroen, Triumph, Austin Healey, Lotus, Mini, Alfa, and others) showcasing their cars for visitors to see. The Craft Fair in the Park will also be back again this year, with great vendors showing and selling various craft items. The event requires the closure of several streets in the downtown area.

Grams reviewed the Special Events Permit for the event. The permit allows City Staff the chance to review the event, and determine if any special needs are required to run the event. The Car Show and Craft Fair will require a small amount of Public Works time to set out the necessary No Parking signs and traffic barricades prior to the event. The event organizers then set the barricades out the day of, and put them back at the end of the event with the help of the Police Department. The fee associated with this work is 1 hour of Public Works time at \$50 per hour. Additionally, there is a \$50 application fee. The applicant has paid the \$100 permit fee for this event. Staff understands that the applicant will seek a waiver of the permit fees for this event, and asks for free advertising on the Gateway Sign.

John Engstrom, InterMarque Vintage Foreign Car Show, thanked the City for its continued support. He reviewed the proposed parking map with the Council. He commented on special speakers that were being planned for this year's event.

Johnson encouraged Mr. Engstrom to have the times posted for the special guest speakers. Mr. Engstrom stated he would be doing this with the car clubs, through a press release and on social media.

Johnson asked how many cars would participate in this year's event. Mr. Engstrom reported this event brought 250 cars to Osseo last year and hoped to have the same number again this year.

Poppe questioned how many years the car show has been held in Osseo. Grams stated 2019 would be the City's seventh year hosting this event.

A motion was made by Hultstrom, seconded by Stelmach, to approve the 2019 Osseo Vintage Foreign Car Show and Craft Fair with associated fee waiver and street closures. The motion carried 4-0.

B. ACCEPT DONATION TO MOVES IN THE PARK FUND (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Northwest Area Jaycees	\$1,000	Movies/Music in the Park
Harold E. & Gayle Johnson	\$ 400	Beautification Fund
<i>(in memory of James Allan, John Gilbert, Barb Mortenson, & Judith Nelson)</i>		

Staff recommended the Council accept the donations.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2019-26 accepting donations from the Northwest Area Jaycees and Harold E. & Gayle Johnson. The motion carried 4-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE YEAR END FINANCIAL TRANSFERS (Resolution)

Gary Groen, Finance Consultant, stated the City maintains various funds within its accounting system. At the end of each year, it is necessary for the Finance Department to transfer funds into various accounts in order to balance the budget, repay the debt service costs of various projects, and to satisfy the City's best accounting practices. The list of financial transfers suggested by the Finance Department were reviewed. Staff requested the Council consider these transfers and adopt a resolution approving the interfund transfers.

A motion was made by Johnson, seconded by Stelmach, to adopt Resolution No. 2019-27 approving interfund transfers for the year ended December 31, 2018. The motion carried 4-0.

B. APPROVE CONDITIONAL USE PERMIT FOR WELLNESS STUDIO AT 233 1ST AVENUE NE (Resolution)

City Planner Nancy Abts stated the storefront located at 233 1st Avenue NE is located in the CBD (Central Business District). It is owned by First Avenue Commons LLC and was formerly occupied by Dante Computer. The location is part of Common Interest Community 0994, First Avenue Commons, so individual units are distinct 'properties' with shared common areas.

Abts explained the proposal uses an existing storefront for a business that provides classes and wellness services, as well as massage therapy. The applicant is enthusiastic about bringing her business to Osseo after operating in Brooklyn Park for many years. Jodi Baglien's Wellbeing & Wisdom Studio, offering services including Shiatsu Massage, is located in 'Unit 4' in the building, 221 1st Avenue NE. However, because conditional use permits (CUPs) are specific to the legally-distinct property and not the apparent 'building' where the property is located, a different CUP is required for this use. Staff provided further comment on the request and reported the Planning Commission recommended approval.

Stelmach thanked this business owner for choosing to move her business to Osseo.

Michelle Aalbers introduced herself to the Council and discussed the purpose and goals of her business. She noted she does Thai massage. She explained it was her passion to empower people to take a bigger role in health and healing.

Johnson questioned when Ms. Aalbers started her business. Ms. Albers stated she started her business in 2011.

A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2019-28 granting a Conditional Use Permit to allow for a business providing group classes and massage therapy at 233 1st Avenue NE with the following conditions:

- 1) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following: a. The business must at all times meet any requirements of Hennepin County and the Minnesota Department of Health relating to massage uses; b. Any trash enclosure

must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d); c. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and d. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;

- 2) Rates displayed. Price rates for all classes and services shall be prominently displayed near the business entrance in a location accessible to all prospective customers;
- 3) Employee training. Massage therapy services may only be provided by a massage therapist who has a minimum of 500 hours of class credits from a massage therapy school accredited by an organization of therapeutic massage professionals which has a written code of ethics, and the massage therapist(s) certification(s) shall be prominently displayed within the business in a location accessible to all prospective customers. If massage therapy services are not currently being offered, a statement to that effect shall be displayed in the same fashion;
- 4) Employee age. No person less than eighteen (18) years of age shall be employed as a massage therapist;
- 5) Employee criminal history. No person who has any prostitution or prostitution-related criminal convictions or any controlled substance criminal convictions shall offer massage services at this location;
- 6) Employee covered. Any person giving, demonstrating, or providing instruction in massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a nontransparent covering, and no other person shall touch any such area;
- 7) Recipient covered. A person receiving a massage shall at all times have his/her breasts, buttocks, anus, and genitals covered with a non-transparent covering, and no other person shall touch any such area, except male breasts need not be covered and portions of the breasts and buttocks may be uncovered when such portion of the body is being massaged. At no time shall any other person touch the nipples, genitals, or anus of the person receiving a massage;
- 8) Recipient age. All individuals under the age of eighteen (18) years of age shall have written parental permission and the parent must accompany the minor for the first visit for massage services. All signed parental permission forms shall be kept on file with the applicant and be made available for inspection by the City when requested;
- 9) Open to inspection. During any hours at which the business is open, the business shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval;
- 10) Hours of operation. The hours of operation shall not be earlier than 5:30 AM and not later than 10:00 PM;
- 11) No Waiver. Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
- 12) Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.
- 13) Binding Effect. This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
- 14) Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.

The motion carried 4-0.

C. APPROVE PARK USE POLICIES

Abts stated the Bandshell Policy was adopted originally in 2007 and updated in 2011 to include language regarding tobacco-free parks. In 2016, the policy's fee schedule was updated to establish rates for events requiring special approval by the City Administrator. This change came following a local yoga teacher's request to use the parks to host classes. (To date, no events requiring special approval by the Administrator have been held in the bandshell.)

Abts commented the Sipe Park Shelter is now also available for use, and the City has received a few requests to reserve it for private events. The policy will clarify how reservations are made. As part of the process of creating the Sipe Park Picnic Shelter Policy, possible revisions to the Boerboom Park Bandshell Policy were identified in 2017. We have waited to present final changes to the Parks & Recreation Committee until the Special Event ordinance was in place, to make sure that the park use policies and ordinance were in line with each other.

Abts reported under the ordinance, when events involve "use of any city ... property for any purpose other than the normal operations of the facilities," a Special Event Permit will be required. Under these policies, free performances, and gatherings are considered within the scope of 'normal operations' for the city parks, but Special Event approval would be required for money-making events or other unusual circumstances.

Abts explained updates to the bandshell policy are proposed to clarify the additional charge for events requiring special approval by the City Administrator and/or a Special Event Permit, and to remove the section regarding firearms. Language clarifying the fee schedule is also proposed. The Picnic Shelter Policy is a new document, modeled after the Bandshell and Community Center policies. However, because the facilities are in different areas and are used differently, there are separate policies for their use.

Stelmach thanked the Parks and Recreation Committee and staff for their efforts on this document. He commented his only concern was that residents wanting to take wedding or senior pictures at the bandshell would be charged \$25 for a half-hour of time. He suggested a one-hour fee waiver be considered for this type of event.

Johnson stated he could support a one-hour reservation for pictures at no cost to residents. He indicated it may benefit the City to have signage posted when the bandshell was reserved.

Stelmach questioned if it would be too much for Public Works to post signs each and every time the bandshell was rented. He suggested a permanent sign be posted at the park to direct residents to the City website for further information about park space rental. Abts commented the City does have a page setup for Sipe Park and another page could be created for the bandshell with a calendar.

Hultstrom stated another option would be for staff to provide the renter with a sign when the space is reserved. The sign could then be posted by the renter during the event.

Johnson anticipated that local residents would be using the bandshell without making reservations. Abts stated this may occur from time to time.

Poppe commented day to day this would occur but the proposed policy would allow a resident to reserve the space for a special occasion.

A motion was made by Hultstrom, seconded by Stelmach, to approve the changes to the Park and Shelter Use Policies as presented.

Stelmach asked if this included the one-hour reservation option.

Abts commented this would be addressed on the fee schedule.

The motion carried 4-0.

D. APPROVE FEE SCHEDULE AMENDMENTS (Resolution)

Abts stated the Parks and Recreation Committee reviewed policies for the Boerboom Park Bandshell and Sipe Park Picnic Shelter. Review began in 2017 and was recently completed, following adoption of the city's Special Event ordinance. Picnic Shelter fee recommendations were made after examining what other communities charge for similar facilities. After reviewing the recommended fees, however, staff suggests making the fees consistent with what is currently charged for (weekday) Community Center rentals. Fees for use of these facilities will be set in the City Fee Schedule.

Abts reported city staff also suggests a change to the current Fee Schedule for Amusement Machines. State Statute Ch. 449.15 states, "A home rule charter or statutory city may impose by ordinance a license fee on amusement machines of no more than a demonstrated and verifiable actual cost of issuing the license or \$15 per location plus \$15 per machine." (There has not been an application for amusement machine license for 20 years; however, fees should not be set too high in case someone applies for a license.) The suggested investigation fee now matches that of alcohol licensing.

Abts commented a free one-hour reservation of the bandshell for Osseo residents could be added to the fee schedule.

Stelmach thanked staff for making this recommendation, noting the residents of Osseo would appreciate this consideration.

Johnson indicated he would like all of the fees to remain consistent at \$30 and \$50. The Council supported this recommendation.

A motion was made by Stelmach, seconded by Johnson, to adopt Resolution 2019-29 amending the Fee Schedule for 2019 as proposed for the Sipe Park Shelter and Amusement Machines, but having the bandshell fees be \$30 for residents and \$50 for non-residents and adding the one-hour free reservation of the bandshell for Osseo residents. The motion carried 4-0.

E. DISCUSS RECOMMENDATION FOR CITY DOG PARK

Abts stated the City has previously evaluated several possible off-leash dog areas, including using the hockey rink at the Osseo Education Center as an off-leash dog area in the off season, as a demonstration project funded by a Healthy Communities grant, and as part of the Boerboom Park Master Plan. The School District did not agree to use the hockey rink as a dog area, and the City has not pursued other options. Possible locations may be along the sound wall along T.H. 169, or acquiring or leasing a vacant property. Staff requested the Council provided feedback on how to proceed.

Johnson explained the Parks and Recreation Committee had a long discussion about dogs at movies and music in the park events. He indicated not all pet owners clean up after their pets, which was becoming a concern. He stated one suggestion was to ban dogs altogether from Boerboom Park in order to keep the seating areas free from dog waste. He understood the school district did not want to have a dog park within the ice rink. He commented the dog

population in the City has gone up exponentially in recent years which meant more pet waste was being left in City parks. He stated a dog park may be a good idea to address this concern.

Stelmach reported he attends music and movies in the park events and stated he did not have any recollection of there being a pet concern. He was of the opinion the vast majority of pet owners were responsible and he did not want to have to limit attendance at these events to non-pet owners. He did not support banning dogs from Boerboom Park. In addition, he did not support the City having to purchase additional land for a dog park. He suggested signage be posted to encourage pet owners to clean up after their dogs.

Hultstrom stated she was against a City owned dog park. She suggested additional waste stations be considered in the City to assist with addressing the concern of pet waste in Boerboom Park.

A motion was made by Hultstrom, seconded by Stelmach, to direct staff to not continue to explore dog park options.

Johnson recommended the Council discuss how to address pet waste at Boerboom Park at a future Council work session.

The motion carried 3-1 (Johnson opposed).

F. ADOPT RESOLUTION DECLARING FIRE SURPLUS ITEMS (Resolution)

Grams explained Fire Chief Mike Phenow reports there are a number of old items from the fire department that have no resale value, and he suggests disposal of these items at the upcoming city cleanup day. They are a CRT TV & ceiling mount, couch, love seat, whiteboard, and five chairs.

A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2019-30 declaring surplus Fire Department property and authorize staff to bring surplus items to City Clean Up Day for disposal. The motion carried 4-0.

G. 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 4-0.

11. ADMINISTRATOR REPORT – None.

12. COUNCIL AND ATTORNEY REPORTS

Stelmach stated he was pleased by the efforts of the City Commissions and Committees. He thanked those who were serving with these groups.

Johnson updated the Council on the discussions that were held by the Heritage Preservation Commission at its recent meeting.

13. ANNOUNCEMENTS

Poppe stated the City Clean Up Day would be held on Saturday, April 27, from 8 a.m. to 12 noon

Poppe explained the Step To It Challenge would begin on Wednesday, May 1. He encouraged all Osseo residents to participate. He noted a kick-off walk would be held at 4:30 p.m. in Boerboom Park on May 1. He stated a clean up of Boerboom Park would be held on Tuesday, May 7.

Poppe reported the Citywide Garage Sales would be held May 9 through May 12.

Poppe noted the InterMarque Vintage Foreign Car Show and Craft Fair would be held on Saturday, May 11, from 10 a.m. to 3 p.m.

14. ADJOURNMENT

A motion was made by Johnson, seconded by Stelmach, to adjourn the City Council meeting at 8:03 p.m. The motion carried 4-0.

Respectfully submitted,

Heidi Guenther
TimeSaver Off Site Secretarial, Inc.