

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
June 11, 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 11, 2018.

2. ROLL CALL

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

Staff present: City Clerk LeAnn Larson, Police Chief Shane Mikkelson, and City Attorney Mary Tietjen.

Others present: Juliana Hultstrom and Charles Flynn.

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 Schulz, seconded by Stelmach, to accept the Agenda as presented. The motion carried 5-0.**

5. CONSENT AGENDA

- A. Approve Council Minutes of May 29
- B. Approve Exempt Permit for Raffle by The Langenfeld Foundation at Osseo American Legion
- C. Approve Fee Waiver Request for Library Program in October.
- D. Approve ICMA Conference for City Administrator Riley Grams
- E. Approve Council Work Session Minutes of May 29
- F. Receive May American Legion Gambling Report
- G. Approve Hire of Seasonal Movie Attendant
- H. Receive May Building Report
- I. Approve Training for Police Officer Brendan Current

**A motion was made by Johnson, seconded by Stelmach, to approve the Consent Agenda. The motion carried 5-0.**

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

- A. APPROVE DUFFY’S BAR & GRILL SUMMER PARTY

City Clerk LeAnn Larson stated Duffy's Bar & Grill, 337 Central Avenue, annually holds a summer party for its patrons. The event is scheduled for Saturday, July 21, from 5 p.m. to midnight and includes live music from 8-11:30 p.m. located in the parking lot at Duffy's. The temporary band trailer will be provided by the Osseo Lions Club. The area will be fenced in and security will be provided by Duffy's staff. No additional Osseo Police services will be required for the event.

Larson commented approval of this party is required by the City Council due to the sale of alcohol off premise (in the parking lot as opposed to inside the bar itself). Additionally, the Council will need to approve the live music component of the party, as amplified noise is subject to §93.18, Public Nuisances. Duffy's has done a nice job of managing the amplified music component of the party in the past.

**A motion was made by Schulz, seconded by Johnson, to approve Duffy's Bar & Grill Summer Party on July 21. The motion carried 5-0.**

**B. APPROVE SPARK MUSIC STUDIO EVENT**

Larson stated Spark Music Studio, located at 24 3rd Street NE, would like to host a free event for its students and family members on Saturday, June 23. The event is a thank you to its clients, and will take place in the parking lot area behind the multi-tenant building. The event will include free food, games, and live music. No alcoholic beverages will be served.

Larson commented the live music component of the event will take place from 12-2 p.m. The Studio staff will ensure that the decibel level meets City Code requirements. There will also be a bouncy castle, bag toss boards, free hot dogs, ice cream sandwiches, and face painting. Staff has no concerns with the event other than making sure the alley remains free for traffic. Public Works indicated that they will drop off barricades to help separate the event from the alley area.

Schulz asked what the fee was for this special event. Larson commented the applicant had paid \$50 for a special use permit.

Schulz requested an additional fee to drop off and pick up barricades be charged to the applicant because this would occur on a weekend.

Stelmach agreed. Larson reported staff did not believe it was necessary to charge a fee for dropping off and picking up barricades.

Schulz questioned how much staff time had to be expended in order to charge an additional fee. Larson explained she was uncertain and noted this request was reviewed by the new Public Works Director and the barricades may have been overlooked.

Johnson commented this was a new process for staff to work through and he supported this item moving forward with the understanding staff would have to consider how to charge for extra work/staff time.

Stelmach stated he was very sensitive to the precedent that could be set. He explained he wanted the City to be perceived as being business friendly and did not want to delay action on this item.

Schulz reported he received a text from the City Administrator and was told the applicant was charged an additional \$50 for the barricades and this amount was paid by the applicant.

**A motion was made by Schulz, seconded by Zelenak, to approve the Sparks Music Studio Event for June 23. The motion carried 5-0.**

C. ACCEPT DONATIONS (Resolution)

Larson stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Duffy's Bar & Grill	\$200	Beautification/Flower Fund
Realife Cooperative of Osseo	\$350	Beautification/Flower Fund
LCI-Lawinger Consulting Inc	\$300	Beautification/Flower Fund
Harold E. & Gayle Johnson	\$300	Beautification/Flower Fund
<i>(in memory of Leonard Johnson, Stanley Kondziolka, and Sandy Nerlien)</i>		

Staff recommended the Council accept the donations.

**A motion was made by Schulz, seconded by Zelenak, to adopt Resolution No. 2018-37 accepting a donation from Duffy's Bar & Grill, Realife Cooperative of Osseo, LCI-Lawinger Consulting Inc., and Harold E. & Gayle Johnson. The motion carried 5-0.**

- 8. PUBLIC HEARINGS – None.
- 9. OLD BUSINESS

A. APPROVE 2<sup>ND</sup> READING AND ADOPTION OF LIQUOR ORDINANCE

City Attorney Mary Tietjen stated the Council discussed a draft liquor ordinance at the May 29 meeting. In her memorandum to the Council, staff noted several discrepancies between the City's current code and that of the proposed LMC model liquor ordinance. The Council directed staff to solicit feedback from all liquor license vendors. It was noted a letter was sent to all liquor license holders to request comments/concerns. Staff also met to discuss some of the concerns/questions that staff had about the new language. Since that time, more edits to section numbering has improved the readability and organization of the new language as it covers statutory limits and authority. She provided further comment on the proposed changes and recommend approval of the Ordinance.

Schulz asked if the deadlines within the Ordinance were practical. Larson stated staff supported the timelines as it fit with the State of Minnesota approval process for liquor applications and renewals.

Schulz questioned if the Council should amend the special event permit to allow outdoor service of liquor by an establishment holding a liquor license. City Attorney Tietjen commented it was not a matter of whether liquor is being served inside or outside of the building, but rather whether liquor is being served within the licensed premises. She noted State law states liquor can only be served within the licensed premises. She advised liquor may not be served in parking lots unless the parking lot is within the licensed premises or a special permission is granted.

Johnson requested staff provide further information on the process that must be followed to receive a liquor license from the City. Larson reviewed the process in detail with the Council.

**A motion was made by Schulz, seconded by Stelmach, to approve the 2<sup>nd</sup> reading and adoption of Ordinance No. 2018-2, an Ordinance repealing Chapter 113 of the City Code relating to Intoxicating Liquor Sales and 3.2% Malt Liquor Sales and replacing it with a new chapter as amended. The motion carried 5-0.**

**B. APPROVE DOWNTOWN BANNER DESIGNS**

Larson stated the City Council has discussed new downtown banners for several months and suggested modest changes to the design. The orange coloring has been darkened and the gradient background flowers have been restricted near the “Osseo” wording. If the final design is approved, staff will obtain quotes for the printing and production of the banners and bring that back to Council for approval at a future Council meeting.

**A motion was made by Zelenak, seconded by Schulz, to approve the final designs for the downtown banners from Heriot Creative. The motion carried 5-0.**

**10. NEW BUSINESS**

**A. CONFIRM EDA ACTIONS OF JUNE 11, 2018**

Larson discussed the actions of the EDA. She noted the EDA approved accounts payable and received an update on the North Central Redevelopment Project.

**A motion was made by Schulz, seconded by Johnson, to confirm the EDA Actions of June 11, 2018. The motion carried 5-0.**

**B. APPROVE PURCHASE OF POLICE DEPARTMENT ID MAKER**

Police Chief Shane Mikkelson stated in 2010 the Osseo Police and Osseo Fire Department Relief Association combined to purchase the last ID Maker. The ID Maker that was purchased at that time no longer works. Software and hardware upgrades no longer can be done, and the machine needs to be replaced. The recommendation is to purchase an upgraded and new ID maker from the same company that it was purchased from before, called IDVille. He noted a sizeable donation was received from the Fire Relief Association to assist with this expense. The cost of the ID Maker from IDVille is \$2,741.14 (minus \$800 from OFDRA). The remaining cost of \$1,941.14 will come from the contingency fund.

Schulz encouraged the Police Chief to place this item on a five-year replacement plan to ensure the City is not surprised again when the ID maker fails.

**A motion was made by Schulz, seconded by Stelmach, to approve purchase of ID Maker from IDVille. The motion carried 5-0.**

**C. APPROVE 1<sup>ST</sup> READING OF GOLF CART ORDINANCE**

City Attorney Tietjen stated the City Council directed staff to review Osseo’s current ordinance regulating motorized golf carts. The Council discussed a new ordinance at the April 23 work session. At that time, staff was directed to create a new ordinance based on

MN State Statutes and bring it back to a future work session meeting for consideration. At the May 29 work session, the Council reviewed a draft ordinance and provided comments and suggestions. The draft includes language that was questioned by the Council at the previous work session. Under the Definition section, the words “smooth tires” are included as this was in the original Osseo ordinance. This language is intended to perhaps differentiate the tires from those on an ATV or similar vehicle.

City Attorney Tietjen reported the Council questioned the requirement of a physician’s note to state the operator was medically able to operate a golf cart. Staff discussed the idea of requiring either a physician’s note OR a valid driver’s license. In conducting further research, City Attorney Tietjen found an example from the City of Shakopee that does not require either, but simply restricts golf cart use to the day time hours (sunrise to sunset). It is up to the Council on what they would like to require.

City Attorney Tietjen stated the Council questioned what kind of physician could provide a note. The intent is to have a licensed physician review the applicant and make a determination of whether they could safely operate the golf cart. In theory, a dentist, who is a licensed physician, could provide such a note, but staff doesn’t believe that is likely. A licensed physician most likely will not provide a note stating the applicant’s medical history unless that physician knows the applicant’s history and is willing to provide such a determination.

City Attorney Tietjen commented the Council questioned the use of the word “original” under Times of Operation. This is taken directly from the applicable Statute, which states “...unless equipped with original equipment headlights, taillights...”. Staff believes the intent here is that the City does not want makeshift golf carts operating on the public roadway. However, staff is aware of aftermarket equipment that is safe and legal to use. Council can discuss this section and provide direction to staff if necessary.

Schulz asked if it was against State Statute to require additional equipment on the golf cart. City Attorney Tietjen reported this provision has to do with the time a cart can be operated noting if an operator wanted to use their golf cart outside of this time period, additional equipment would be required.

Schulz expressed concern with Section A and how motorized cart was defined. He reported there were golf carts that could hold more than four individuals and recommended this portion of code be amended.

Schulz suggested that a copy of an applicant’s insurance card be placed on file with the City and that drivers not be required to carry an insurance card at all times. He stated he supported golf cart drivers being offered a grace period if they did not have their insurance card on them at all times. Police Chief Mikkelson commented some insurance companies had an app that provided proof of insurance on smart phones. He noted proof of insurance was necessary in the case of an accident and he recommended the Council keep this requirement in place.

Schulz recommended the language referring to a licensed physician be amended. He suggested chiropractor and physician’s assistant be added to this portion of the ordinance. Police Chief Mikkelson suggested this portion of the code refer to State Statute. City Attorney Tietjen agreed with this recommendation. She reported another option would be to eliminate the physician’s note requirement.

Zelenak stated she was in favor of keeping the language more broad in nature.

Stelmach indicated he was in favor of being more specific. City Attorney Tietjen reported she could come back to the Council at the next meeting with several options on how to better define physician.

**A motion was made by Stelmach, seconded by Schulz, to approve the 1<sup>st</sup> Reading of §70.32 regulating Motorized Golf Carts in the City of Osseo as amended. The motion carried 5-0.**

D. APPROVE LIQUOR LICENSE RENEWAL FOR ETHNIC FOODS COMPANY

Larson stated several liquor and tobacco license renewals were already approved at the May 29 Council meeting. The following renewals had not been submitted by the due date and are being presented now. The background check was clear, per the Police Department. Approval of the following licenses is recommended:

ON SALE LIQUOR LICENSE - Ethnic Foods Company \$5,500  
SUNDAY LIQUOR LICENSE - Ethnic Foods Company \$200

Johnson expressed frustration with the fact this business owner did not have their liquor license renewals completed in a timely manner.

Schulz stated the Council voted unanimously to approve the new liquor ordinance which did allow for some amount of flexibility in the approval timeline.

**A motion was made by Stelmach, seconded by Johnson, to approve liquor license renewals for Ethnic Foods Company for July 1, 2018, to June 30, 2019. The motion carried 5-0.**

E. APPOINT CHARLES FLYNN TO EDA BOARD (Resolution)

Larson explained the City Council accepted the resignation of Todd Woods from the Economic Development Authority at the April 23 Council meeting. Mr. Wood's term was set to expire at the end of 2019. One resident, Charles Flynn, has offered to serve on the EDA board to fill the vacancy.

Charles Flynn introduced himself to the City Council and thanked them for their consideration.

Schulz asked Mr. Flynn what interested him in with the EDA. Mr. Flynn commented he has been a resident of Osseo for the past year and noted he wanted to become a part of this vibrant, small town.

**A motion was made by Schulz, seconded by Johnson, to adopt Resolution No. 2018-38 appointing Charles Flynn to the Economic Development Authority to fill a vacancy expiring December 31, 2019. The motion carried 5-0.**

F. DECLARE AUGUST 24 AS AMERICAN LEGION DAY (Resolution)

Larson stated the first national convention of The American Legion was held in November 1919 in Minneapolis. The 100th anniversary national convention will be held in Minneapolis in August 2018. Planners for the upcoming national convention are attempting to get signed resolutions from each city throughout Minnesota that has an

American Legion Post. This resolution would declare August 24 as American Legion Day in Osseo.

Stelmach stated he would be offering his full support to the resolution.

Poppe read the resolution in full for the record.

**A motion was made by Stelmach, seconded by Johnson, to adopt Resolution No. 2018-39 declaring August 24 as American Legion Day in the City of Osseo. The motion carried 5-0.**

G. APPROVE LETTER OF SUPPORT FOR CRYSTAL LAKE REGIONAL MULTI-USE TRAIL PROJECT

Larson stated Hennepin County asked the Council to consider approving a letter of support for Hennepin County's efforts to obtain funding funds for the multi-use trail project along County Road 81 between CSAH 109/85<sup>th</sup> Avenue N to 1st Street NW. The proposed trail location would close a major trail gap for people walking and biking. Upon completion of this trail extension, people will be able to access the Medicine Lake Regional Trail, the Rush Creek Regional Trail, and the Grand Rounds in Minneapolis.

Larson stated the draft letter will come from the City Administrator and be on Osseo letterhead. The letter shows Osseo's support for the project and would strengthen the changes of Hennepin County receiving the federal funds to complete the project. The letter in no way binds Osseo to any costs associated with this project. It is simply a show of support for the County's efforts.

Johnson feared there was not enough room on the north side of County Road 81 to fit a trail.

Schulz discussed the future plans for Bottineau Boulevard and commented a portion of the trail would have to be maintained by the City of Osseo, which included snow removal and future repair. He indicated he could support the trail application, but did not support the City maintaining a regional trail.

Zelenak reported the expansion of the Crystal Lake Regional Trail was written into the City's 2040 Comprehensive Plan.

**A motion was made by Zelenak, seconded by Schulz, to approve the Letter of Support for the Crystal Lake Regional Multi-Use Trail Project. The motion carried 4-1 (Johnson opposed).**

H. APPROVE ACCOUNTS PAYABLE

Larson reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR REPORT

Larson thanked the Council for their patience this evening.

12. COUNCIL AND ATTORNEY REPORTS

Johnson commented the City reduced the amount of funding being put into the flower beds along Central Avenue. He noted these flowers were currently in bad shape and in need of replacement and trimming. He recommended the Council discuss these plantings at a future work session.

Schulz stated he was looking forward to attending the League of Minnesota Cities Conference in St. Cloud on June 20.

Stelmach welcomed Charles Flynn to the EDA. He thanked City Clerk Larson for filling in this evening.

Poppe reported the Teddy Bear Band would be featured at Boerboom Park on Tuesday, June 12, at 7 p.m. Following the band, a Movie in the Park, *The Lion King*, would be screened.

Poppe stated on Tuesday, June 19, the Native Blues band would be playing in Boerboom Park.

13. ADJOURNMENT

**A motion was made by Schulz, seconded by Zelenak, to adjourn the City Council meeting at 8:27 p.m. The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*