

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
April 1, 2024**

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 1, 2024.

2. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Ashlee Mueller, Alicia Vickerman and Mayor Duane Poppe.

Members absent: Councilmember Mark Schulz.

Staff present: City Administrator Riley Grams, Public Works Director Nick Waldbillig and City Attorney Mary Tietjen.

Others present: Carri Levitski, Rum River Consultants; Morgan Dahl, WSB & Associates; Nick Torres, City Resident; Preston Kroska, City Resident; John Hall, City Resident; Kenny Nelson, City Resident; Sarita Nelson, City Resident.

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

5. CONSENT AGENDA

- A. Approve Internal Posting for Fire Chief 2 Position
- B. Approve Osseo Park Center Boys Lacrosse Exempt Permit for Gambling Activities on May 10
- C. Approve Osseo Maple Grove American Legion Auxiliary Gateway Sign Waiver
- D. Receive February American Legion Gambling Report
- E. Receive February Lions Club Gambling Report
- F. Set PSAC Meeting Date for April 16, 2024

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

6. MATTERS FROM THE FLOOR

Nick Torres, 133 8th Avenue NE, commented on the recent Council meetings, specifically to the comments made during Matters from the Floor. He stated Councilmember Schulz made some important statements at the last Council meeting regarding decorum when it comes to comments made by the public. He believed it was terrible that any Councilmember should ever be a victim to an attack directed to them or their families during a City Council meeting. He reported his comments will never condone such behavior. He indicated he agreed with Councilmember Schulz that there should be inherent respect for the Councilmembers and Mayor. However, he also understood that residents needed an opportunity to speak. He commented on how Councilmember Schulz was disappointed with the fact the Mayor has failed to use the power of the gavel. He stated an understanding of the power of the gavel was important, especially given the fact this was an election year. He believed the use of the gavel should be considered carefully and thoughtfully. He indicated the power of the gavel rests between a necessary tool of order and a potential tool of silence. He commented on how potential Mayoral candidates could come to a disagreement when in terms of when the gavel should or should not be used. He reiterated the power of the gavel comes with great weight and responsibility and when used appropriately ensures the following of rules. He explained the gavel should never be used to silence dissent or opinion. He recommended citizens maintain a reasonable amount of respect for elected officials, but noted this level of respect was required nor absolute when it comes to matter of public discourse. He stated civility was most important, civility with one another and with the political process. He reported it was unfortunate that society has allowed itself to become lax when it comes to the administration and expectation of civility. It was his hope that hope would reside in the Osseo Council Chambers, along with public civility. He appreciated how the Council worked to resolve issues without a loss of decorum or the use of a gavel. He was thankful that the current Mayor has the strength and fortitude to adhere to this principle. He discussed on a recent Supreme Court Case and the findings from this case were there was a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide open and that it may well include vehement, caustic and sometimes unpleasant sharp attacks on government and public officials. He stated this principle applies here in Osseo as it does everywhere in the country. He encouraged Council to continue to allow comments from the public to flow and that they not be suppressed by the gavel.

Preston Kroska, 601 Second Avenue NE, stated he agreed with everything Mr. Torres said. He commented further on the five elements included in the 1st Amendment. He stated there was freedom of speech, freedom of press, freedom to address grievances with the government, freedom of religion and one other freedom. He reported after feelings were hurt, he was surprised to see a member of this community attacked that used his 1st Amendment right. He indicated the Mayor was also attacked by Councilmember Schulz. He believed Councilmember Vickerman and Mayor Poppe had an understanding by the way they voted and held their composure. He stated the Council should not expect that everyone will like them. He explained if the public was not allowed to speak, people would turn to social media. He encouraged the Council to find ways to manage their feelings without attacking Commission members or taking their positions away from them. He was of the opinion the Council did not hold themselves to their own Code of Conduct with their recent actions.

John Hall, 808 3rd Street NE, reported he wanted to see the policy and motion regarding the City's special assessment policy. He indicated he would also like to address what was said by a Councilmember at the last Council meeting. He commended the Mayor for not gaveling people when they want to speak. He believed allowing the public to speak was a fundamental right. He understood he may not always agree with what people say, but as his father fought for freedoms in World War II, he too would fight for freedoms. He saw value in allowing residents to speak their peace. He did not appreciate the fact a Councilmember stated that residents need to be gavelled.

Mr. Hall addressed the 2024 street project. He stated he had photos of 9th Avenue where it goes into the cemetery. He reported the snow stacks up in this area and has no place to drain. He commented on the amount of standing water in this area and stated when the water level gets high enough it flows in front of his home. He discussed how this standing water was leading to deterioration of the asphalt. He suggested volunteers be organized to clean out the drainage ditch in order to improve the drainage situation versus spending City funds. He stated the City only had to assess 20% for the street project. He indicated if the City were to go above this percentage, the City was going above and beyond what was required by bonding companies. He urged the City to seek counsel given how many residents would be contesting their assessments.

Mr. Hall encouraged the Council to pursue State funding to assist with the expense of the new police/fire station. He reported there were grants available for the proposed municipal cannabis store.

Mr. Hall commented not all of the Council was on board with the hiring of the person from Massachusetts as the Police Chief. He indicated he was not one of the people who was in favor, but the Council decided to move forward with a 5-0 vote. He explained the alleged sexual harassment case never went to court, rather it was settled out of court by the League of Minnesota Cities. He reported when the Police Chief from Massachusetts was let go, the City was fortunate to have former Deputy Sheriff Tom Hartkopf come in and serve as the Police Chief because he knew the community.

Kenny Nelson, 509 Third Avenue NE, read a statement to the Council that he published to Facebook on March 18. He stated on February 26 he used his 1st Amendment right to give opinions on a variety of subjects and on March 11 he found out an additional item had been added to the City Council agenda calling for the removal of himself from the Public Safety Advisory Committee. He stated this was a shock to him. He indicated he reviewed the packet and noted he received no phone calls prior to the last Council meeting. He indicated to be clear, no City employees reached out to him regarding his comments. He explained he attended the EDA breakfast meeting for over two hours on February 27 and no one said anything about his comments. He reported he worked hard to review his comments before publishing them to Facebook on March 18. He commented he received an email from Police Chief Mikkelsen stating he was out of town and did not know what was going on, but that he would like to have a sit down meeting. He explained he sat down with Police Chief Mikkelsen this morning and had many discussions about many things. He suggested the Council address the locked doors at City Hall noting he would like the public to be able to attend public meetings. He also suggested the Council consider how to manage late amended agendas and how to inform the public of changes to the Council agendas. He clarified for the record he never said anything about not liking anybody. He advised the Council to review his twelve

minutes of comments. He stated he wished he had said things differently, but noted they were not a personal attack, but rather were a message to the Council to take some pause prior to purchasing a new building. He explained he went back and watched the only Public Safety Advisory Commission meeting he had attended and he did not believe he was moving off topic but rather was raising tough conversations. He thanked the Council for their time.

7. SPECIAL BUSINESS

A. RECEIVE 2023 RENTAL INSPECTION REPORT

Carri Levitski, Rum River Consultants, provided the Council with a presentation on the City’s rental inspection program. She commented on the benefits of a rental licensing program. She explained the purpose of the program was to be self-sustainable and to offer safe rental housing while protecting property values. She reviewed the number of units that were reviewed in 2022 and 2023. She stated she had an 80% success rate on the properties that were inspected. She thanked the City for working with her for the past two years and asked for comments or questions.

Hultstrom thanked Ms. Levitski for her presentation. She requested further information on how the A and B tier were set up. Ms. Levitski explained Tier A was the single-family rental homes and Tier B was the multi-family units in Osseo.

B. ACCEPT DONATIONS

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Premier Bank	\$5,000	Night to Unite

Staff recommended the Council accept the donations.

A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2024-22, accepting a donation from Premier Bank. The motion carried 4-0.

8. PUBLIC HEARINGS – None

9. OLD BUSINESS – None

10. NEW BUSINESS

A. APPROVE NEW LIQUOR LICENSE FOR MILAH’S ROYAL BISTRO & PRIVATE DINING

Grams stated Milah’s Royal Bistro LLC dba Milah’s Royal Bistro & Private Dining located at 204 Central Avenue Suite A has been operating at this location for over a year. Milah Kai, the owner, has applied for a liquor license (beer and wine) for the remaining license period through June 30, 2024. The 204 Central Avenue address has an existing CUP for an intoxicating liquor license and a condition that limits seating to 50 seats. Milah has been given a copy of the existing CUP and the conditions; a copy of the CUP has been included in the packet.

Grams reported on November 21, 2023, the City Clerk and the Alcohol and Gambling Board's Investigator met with the applicant to discuss the tenant's rental spaces. This building's current layout is unique and poses some issues for liquor licensing. The Alcohol and Gambling Board's Investigator indicated that the restaurant space would need to have a separate unit number assigned to have a license as the spaces are not compact and contiguous but are connected by a hallway. City Staff worked with the owner, Milah, and the post office and determined that currently three suite numbers are assigned to the 204 Central Avenue address: Suite A, B, & C. The owner sent an updated site plan which is included in the packet. City Staff has communicated to the owner that an additional suite number will need to be assigned by the post office if they intend to have the number of suites on the plan.

Grams explained Milah is currently renting three separate spaces: Suite A, a private dining space and a kitchen space. Suite A will hold the liquor license. The Alcohol and Gambling Board requires that there be 25 seats for a wine license which will need to be located within Suite A, which means the private dining space can only contain 25 seats under the current CUP. Staff will continue to monitor to ensure the current CUP conditions are being followed. The applicant has indicated that she would like to also serve liquor in the private dining space, and she has the option to apply for an Alcohol Catering Permit through the State to serve alcohol with food for events once she has an approved liquor license for her restaurant establishment.

A motion was made by Hultstrom, seconded by Vickerman, to approve the new liquor license for Milah's Royal Bistro LLC. The motion carried 4-0.

B. APPROVE PLANS AND SPECS AND AUTHORIZE BIDS FOR 2024 STREET PROJECT

Morgan Dahl, WSB & Associates, stated at the February 12, 2024, meeting the City Council voted to rescind the January 8, 2024, vote approving plans and specifications and authorizing advertisement for bids, and directed Staff to present alternative project scope. On February 26, 2024, the Council reviewed options for a mill and overlay or full depth reclamation of 3rd Street NE, 8th Avenue NE, 9th Avenue NE, 1st Street NE, and Broadway Avenue, referred to as the "8th/9th Ave Area" in this report. The Council directed WSB to modify the plans for the 8th/9th Ave Area to be a full depth reclamation, spot curb and gutter removal and replacement, extension of storm sewer, and replacement of hydrants. The replacement of hydrants will be bid as an alternate, meaning that the City can consider awarding the project with or without the hydrant replacement.

Mr. Dahl explained the streets in the 8th/9th Ave Area of the project will be reclaimed to a depth of 8 inches and the proposed new street section consists of 4½ inches of reclaim and 3½ inches of pavement paved in two layers: 2 inches of base course (the first layer) and 1½ inches of wear course (the second layer). The proposed street section will provide a better ride quality than one, 3 inch layer of pavement and provides adequate pavement thickness for a future mill and overlay. The projected costs for the project were further discussed.

Mr. Dahl reported spot curb and gutter replacement in the 8th/9th Ave Area will consist of removal and replacement of full panels that are severely damaged, have heaved, or

have settled. There are several panels throughout the 8th/9th Ave Area that are flat and therefore hold water for a period of time following rain events. In order to fix this issue, the street grade would need to be adjusted; therefore, these panels will not be replaced with this project. He commented further on how the project would be financed and requested the Council approve the plans and specs, and authorize bids for the 2024 street project.

Hultstrom indicated she has not seen a policy for how the City does assessments. She explained she would like to see this project move forward, but she has some concerns when it comes to the financing and assessing of this project. She suggested more attention be spent on this and noted she would like to review the City's written assessment policy.

Vickerman explained she has had questions regarding the bond requirements. She wanted to be assured the City was not assessing more than they have to. However, she noted she supported the project moving forward as proposed.

Mr. Dahl commented based on the bid results, there may be an opportunity for the Council to readjust the costs that are assessed.

Hultstrom stated for the record, the City had already bonded for this project.

A motion was made by Mueller, seconded by Vickerman, to adopt Resolution No. 2024-23, approving Plans and Specifications for the 2024 Street Reconstruction & Rehabilitation Project. The motion carried 4-0.

C. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

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

Vickerman thanked the Public Works Department for all of their efforts to remove the heavy snow after the recent snow event.

13. ANNOUNCEMENTS – None

14. ADJOURNMENT

A motion was made by Hultstrom, seconded by Mueller, to adjourn the City Council meeting at 7:55 p.m. The motion carried 4-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial