

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
May 28, 2019**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:07 p.m. on Monday, May 28, 2019.

2. ROLL CALL

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

Staff present: City Administrator Riley Grams, City Planner Nancy Abts, Public Works Director Nick Waldbillig, Police Chief Shane Mikkelson, Fire Chief Mike Phenow, and City Attorney Mary Tietjen.

Others present: Martin Duffy, Josh Duffy, Mike Cogswell, Drew Cogswell, Chad Boelke, Blane Anderson, and Jennifer Bauernfeind.

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.

City Administrator Riley Grams requested the Council add a second quote for consideration under Item 10B.

**A motion was made by Hultstrom, seconded by Stelmach, to accept the Agenda as amended. The motion carried 5-0.**

5. CONSENT AGENDA

- A. Receive EDA Minutes of May 13
- B. Approve City Council Minutes of May 13
- C. Receive April Hockey Association Gambling Report
- D. Approve Exempt Permit for Raffle at American Legion by Fur, Fin & Feather
- E. Approve Liquor and Tobacco License Annual Renewals
- ~~F. Approve Waiver for Weekly Use of Community Center by Mosaic Church~~
- G. Approve Hire of Luke Wills for Seasonal Public Works Laborer Position
- H. Receive April Lions Club Gambling Report
- ~~I. Approve Bandshell Request from Comfort Keepers~~

**A motion was made by Stelmach, seconded by Hultstrom, to approve the Consent Agenda as amended removing Items 5F and 5I for further discussion. The motion carried 5-0.**

F. Approve Waiver for Weekly Use of Community Center by Mosaic Church

Johnson stated the Mosaic Church was not a local group. He questioned if the City should be waiving the fee for a church located outside of Osseo.

Hultstrom commented in February 2019 another religious organization requested use of the Community Center and this request was denied by the Council. She believed this set precedent for religious organizations not being able to use the Community Center and recommended this request be denied. She noted Mosaic Church was requesting to use the Community Center every Sunday evening through the summer.

Stelmach asked if the Community Center was available Sunday evenings. Abts indicated the space was typically open on Sunday evenings. She noted there was one conflict for the dates requested.

Stelmach questioned if Mosaic Church would carry a damage deposit. Abts reported this was the case.

Grams clarified for the record that the request from February was not denied because it was a church making the request, rather the Council discussed whether to dedicate the Community Center space to a long-term user on Saturday evenings. Grams further noted that the February request had been approved, not denied as was previously stated, but the user had been able to find a permanent meeting location, instead of the community center.

The Council also clarified that the request was for approval of weekly use of the Community Center, not for a fee waiver.

Schulz stated after hearing this information he could now support the request.

**A motion was made by Schulz, seconded by Stelmach, to approve the waiver allowing for weekly use of Community Center by Mosaic Church. The motion carried 4-1 (Hultstrom opposed).**

I. Approve Bandshell Request from Comfort Keepers

Stelmach asked how it would work to have a banner posted in the park for an event. He noted stakes could not be put into the ground given the irrigation system that was in place.

Jennifer Bauernfeind, Comfort Keepers, introduced herself to the Council and discussed the event she was planning for seniors on Wednesday, June 26. She noted her clients, caregivers, and community members would be invited to attend the event. She asked that a banner be allowed to be tied to trees in order to help seniors find the event.

City Planner Nancy Abts commented signs are allowed on public property with approval by the City. She explained a sign that was 50 square feet would be allowed and noted staff could work with the user to assist in having a banner displayed for the event.

Schulz encouraged the City Administrator and Public Works Director to work with applicants in the future in order to handle these types of requests at a staff level.

**A motion was made by Stelmach, seconded by Schulz, to approve the Bandshell Request from Comfort Keepers. The motion carried 5-0.**

6. MATTERS FROM THE FLOOR

Martin Duffy, Duffy's Bar at 337 Central Avenue, greeted the Council and noted Duffy's Bar and Grill would be celebrating 30 years in Osseo this June.

Josh Duffy, Duffy's Bar, explained a celebration was being planned for Saturday, June 22, from 8:00 p.m. to 12:00 p.m. He noted a live band called Black Dog Road would be playing at this event. He invited everyone to attend this summer party event.

7. SPECIAL BUSINESS

A. APPROVE DUFFY'S SUMMER PARTY SPECIAL EVENT PERMIT

Grams stated Duffy's Bar and Grill has requested a Special Event Permit to celebrate their 30<sup>th</sup> Anniversary on June 22, from 7:00 p.m. to 1:00 a.m. at 337 Central Avenue.

**A motion was made by Hultstrom, seconded by Schulz, to approve Duffy's Summer Party Special Event Permit. The motion carried 5-0.**

B. APPROVE SPARK MUSIC SPECIAL EVENT PERMIT

Grams stated Spark Music has requested a Special Event Permit for Student Appreciation Day on June 22, from 9:00 a.m. to 4:00 p.m., at the parking lot of 24 3<sup>rd</sup> Street NE. He noted live acoustic music would be at the event, along with a bouncy house and food.

Schulz asked what condition the alley would be in during the event due to the alley reconstruction project. Public Works Director Waldbillig reported the alley would be accessible during the event. He reported the alley would be a gravel surface and there would be no open trenches or trip hazards.

**A motion was made by Schulz, seconded by Stelmach, to approve Spark Music's Special Event Permit. The motion carried 5-0.**

C. APPROVE GRADUATION PARTY SPECIAL EVENT PERMIT

Grams stated Jason Luke has requested a Special Event Permit for a neighborhood graduation party on June 29, from 1:00 p.m. to 8:00 p.m., at 340 7<sup>th</sup> Avenue SE and 341 7<sup>th</sup> Avenue SE.

**A motion was made by Schulz, seconded by Johnson, to approve the Neighborhood Graduation Party Special Event Permit. The motion carried 5-0.**

D. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

<u>Donor</u>	<u>Amount/Item</u>	<u>Designated Fund</u>
Osseo American Legion	\$10,000	Police Equipment
Harold E. & Gayle Johnson <i>(in memory of Leroy Molencamp, Betty Olson, &amp; Thomas Tischner)</i>	\$ 300	Beautification Fund

Staff recommended the Council accept the donations.

**A motion was made by Schulz, seconded by Hultstrom, to adopt Resolution No. 2019-33 accepting donations from the Osseo American Legion 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 TOBACCO ORDINANCE AND SUMMARY PUBLICATION (Resolution)

Grams stated City Attorney Mary Tietjen prepared the draft Tobacco Ordinance. This ordinance has been discussed at several previous Council work sessions, and includes updated language and statutory requirements. He requested City Attorney Tietjen review the changes with the Council.

City Attorney Tietjen explained the Council approved the first reading of the Tobacco Ordinance at the May 13 Council meeting. City Attorney Tietjen has clarified language on pages 5-6 of the Tobacco Ordinance to reflect Council direction.

City Attorney Tietjen reported staff is seeking direction from the Council regarding the amount of the administrative penalty fees because, after the first reading of the ordinance, staff caught an inconsistency between the Tobacco Ordinance and the current Fee Schedule. Ordinance Section 112.13(C) Administrative penalties (on page 11) states the following:

(1) Licensees. Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative fine of \$75 for a first violation of this chapter; \$200 for a second offense at the same licensed premises within a 24-month period; and \$250 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven consecutive days.

Grams recommended the fine amounts be consistent with the fee schedule. He indicated staff was also recommending the background check fees remain at the \$300

and \$500 level for individuals and partnerships/corporation. He reiterated this was a one-time fee and not a yearly fee for tobacco license holders.

**A motion was made by Schulz, seconded by Hultstrom, to approve the Second Reading and Adoption of the Tobacco Ordinance changing the penalty amounts to be consistent with the Fee Schedule and adopt Resolution No. 2019-34 for summary publication. The motion carried 5-0.**

B. AMEND 2019 FEE SCHEDULE (Resolution)

Grams stated staff has reorganized the City Fee Schedule to list all typical business licenses in one grouping. Along with that reorganization, the background investigation fees for each of the business licenses should probably be increased to be consistent across the board for all business licenses, at \$300 for individuals and \$500 for partnerships/corporations.

**A motion was made by Stelmach, seconded by Schulz, to adopt Resolution No. 2019-35 amending the Fee Schedule for 2019. The motion carried 5-0.**

10. NEW BUSINESS

A. APPROVE CITY HALL ROOF REPAIR

Public Works Director Nick Waldbillig stated the roof at City Hall has been leaking periodically over the years during large rain events. During inspection it was found to be in good overall condition and is estimated to have 5 to 10 years of use before replacement. The leak is near a transition in the roof and believed to be running straight down the interior walls creating damage inside the building. This will be a cost-effective repair and allow us time to assess and plan for a complete roof replacement in the future. With complete replacement costing upwards of \$150,000, this would be a good place to start. The lowest quote for \$2,200 is from Jackson and Associates.

Schulz stated he supported the proposed roof repair.

Stelmach thanked Waldbillig for bringing this item forward after considering multiple options.

**A motion was made by Stelmach, seconded by Johnson, to approve City Hall roof repair per the quote of \$2,200. The motion carried 5-0.**

B. APPROVE CITY HALL ROOF TOP UNIT REPAIR

Waldbillig stated the A/C unit that needs replacement was installed in 2002 with the community center addition. The unit in question has had several repairs and is now being recommended for replacement.

**A motion was made by Schulz, seconded by Stelmach, to approve replacing air conditioning unit per the lowest quote of \$3,475 from Cedar Heating and Air Conditioning.**

Hultstrom questioned where Cedar Heating and Air Conditioning was located. Poppe reported this company was located in Maple Grove.

Hultstrom asked if the proposed A/C unit would be comparable to the Tranes listed on the Comfort Solutions quote. Waldbillig stated he did not know what type of unit would be installed but could report back to the Council with this information. He explained he had requested the A/C unit to be replaced with a comparable unit.

Hultstrom reported she had worked with Comfort Solutions in her home and was pleased with the work they did. She indicated Trane units were top of the line and questioned if Cedar Heating and Air Conditioning would be providing the City with the same high-end A/C unit.

Johnson stated he had this same question but noted he could support the request to go with Cedar Heating and Air Conditioning.

**The motion carried 5-0.**

C. APPROVE PURCHASE OF PUBLIC WORKS SNOW PUSH BOX

Waldbillig commented the Push Box would be an additional piece of equipment that will aid in snow removal efforts. The HLA Snow Push Box will attach to the current loader and be more efficient than a standard bucket. The Push Box has operable side panels that allow the operator to control and divert snow to the left, right, or by closing them to move large piles of snow down the street. The Push Box will mainly be used on Central Avenue and business areas where large quantities of snow need to be pushed long distances and ultimately removed. When using a standard loader bucket the operator has little control over the snow that spills off the sides creating more trips back and forth, making the process inefficient. This purchase will speed up the process and allow the operator to move on to other tasks and will reduce our time invested in snow removal.

Grams explained this item would be paid for out of the Equipment CIP. He noted this item was not in the 2019 CIP as the previous Public Works Director had thought to purchase a snow blower instead of this piece of equipment. However, he noted this item was much lower in cost and was a good solid purchase for the City.

Stelmach thanked staff for seeking an alternate solution and for providing a cost savings measure for this piece of equipment.

Schulz anticipated this piece of equipment would be used for more than just Central Avenue. He stated he was excited to see how this piece of equipment would improve snow removal for the businesses along Central Avenue.

**A motion was made by Schulz, seconded by Johnson, to approve purchase of Public Works Snow Push Box from Minnesota Equipment in the amount of \$17,985. The motion carried 5-0.**

D. APPROVE PURCHASE OF PUBLIC WORKS TRACTOR

Waldbillig stated the current tractor and its attachments are in need of replacement. Frequent break downs have required extensive repair and costly down time. The current model tractor is a 20 horse power front steer unit that is equipped with snow blower, broom, and 60" side discharge mower deck. The replacement tractor will be a 37 horse power rear steer unit that is equipped with snow blower, broom, and 72" rear discharge mower deck. The rear steer tractor will be more maneuverable during snow removal and lawn mowing, and provide better visibility during operation. The updated rear discharge mower deck will ensure safety during operation along county roads and populated parks. The new tractor comes with a 2 year or 2,000 hour warranty. Also, MN Equipment is offering a trade-in value of the old unit to offset the cost.

**A motion was made by Hultstrom, seconded by Schulz, to approve purchase of Public Works tractor in the amount of \$39,932.12 through MN Equipment. The motion carried 5-0.**

E. APPROVE PURCHASE OF FIRE DEPARTMENT UTILITY TRUCK AND DECLARE SURPLUS PROPERTY (Resolution)

Fire Chief Mike Phenow explained the Fire Department currently has a truck designated Utility 11 (11 refers to "station 1, unit 1"). It is a converted bread truck from decades ago. It serves a number of purposes: it carries the SCBA fill station, extra SCBA harnesses and tanks, firefighter rehab supplies, miscellaneous tools and supplies. It also has seating to transport a crew of firefighters. He explained a committee had been formed to investigate a new utility truck for the Fire Department. He provided further information on the new utility truck, described how it would be used and requested approval of the purchase.

Schulz thanked Chief Phenow for the detailed report on this item. He asked if this purchase was in the CIP for 2019. Grams reported this was the case. The cost of this truck is estimated at \$47,517.32.

Phenow recommended the 1989 Chevrolet box truck (Utility 11) and 2010 Ford Expedition Command Vehicle be declared surplus and authorized for sale.

Hultstrom explained this item was discussed by the Public Safety Advisory Committee at its May 22 meeting and the group supported this purchase.

Johnson thanked the committee members that worked on this project.

**A motion was made by Hultstrom, seconded by Schulz, to approve the purchase of a Fire Department Utility Truck, approve relocation of the SCBA fill station, and adopt Resolution No. 2019-36 declaring City property as surplus and authorizing its sale. The motion carried 5-0.**

F. APPROVE FIRE DEPARTMENT FACILITY AND TECHNOLOGY UPGRADES

Fire Chief Phenow stated the Osseo Fire Department Relief Association made a donation to the city in the amount of \$75,000 early in 2019. While \$30,000 was designated to go towards the Equipment CIP for the planned fire truck purchase, the initial thinking is that the remaining \$45,000 be used for needed Fire Department facility improvements.

There are a number of improvements that he would like to implement using these funds. He reviewed the proposed improvements in detail with the Council and requested approval of the upgrades. Facilities upgrades include garage door window tint, training room improvements, dispatch room computer equipment, SCBA bottles, and technology upgrades.

Schulz questioned where the TV would be located. Fire Chief Phenow discussed the proposed location for the TV.

Schulz encouraged the Chief to consider purchasing two TVs given the fact this was a large space and the Fire Department had enough funds to cover one additional TV. Fire Chief Phenow stated he would take this into consideration.

**A motion was made by Schulz, seconded by Stelmach, to approve the proposed facilities and technology improvements up to \$45,000. The motion carried 5-0.**

G. APPROVE CITY CELL PHONE PLAN

Police Chief Shane Mikkelson stated after speaking with AT&T and with Verizon he was able to get the same governmental emergency plan with Verizon that AT&T offers at a cheaper monthly rate. He had heard about the new First Net program from AT&T which gives government a way to still use cell phones and MIFI when a large emergency is occurring by pre-empting the tower for government use only. AT&T offered to lower costs but Verizon came out with a new pricing formula and government plan that gives the City the same advantages that AT&T First Net does, at an even lower monthly rate than AT&T. Chief explained the department would add a phone for a new full-time officer and he would like to add a MIFI device for training and travel. This new Verizon plan and cost is still lower than the current cost for current Verizon services.

**A motion was made by Hultstrom, seconded by Stelmach, to approve the move to the new Verizon wireless plan adding a cell phone and MIFI device.**

Schulz thanked Police Chief Mikkelson for investigating this item and coming back with a better rate for the City.

**The motion carried 5-0.**

H. APPROVE NEW PRINTER/COPIER/FAX UNIT FOR ADMINISTRATION

Grams stated the current copier/printer/fax machine in Administration is at the end of its five-year contract with Loffler. The state contract for these devices is from the MN Dept. of Administration Cooperative Purchasing Venture (CPV). Osseo has been a member of the CPV for almost ten years. Staff lacks the expertise to compare quotes outside of a state contract. Quotes for three of the four Contract Vendors for Contract Release C-1005(5) were obtained: Canon, Ricoh, and Toshiba. He provided further comment on this purchase and noted the City has been pleased with the Loffler Companies product and customer service. He requested direction from the Council on how to proceed.

Johnson believed that service was important for these types of products and for this reason he recommended the City stay with Loffler.

Schulz thanked City Clerk LeAnn Larson for her efforts on this item. He suggested the next five-year lease consider the value of the copier at the end of five years noting this piece of equipment could be passed along to the fire department or police department. He stated with the State bid the City did not have right to this piece of equipment after five years.

**A motion was made by Hultstrom, seconded by Johnson, to direct staff to enter into a contract with Loffler for a new printer/copier/fax unit and requesting staff return to the Council with this item at a future meeting. The motion carried 4-1 (Schulz opposed).**

I. APPROVE ACCOUNTS PAYABLE

Grams 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 – None.

12. COUNCIL AND ATTORNEY REPORTS

Abts reported she attended two training events last week, the first for a Metro Transit parking reform discussion and the second was a Sensible Land Use Coalition presentation on managing the City's message.

Abts noted today was the last day for the Step To It Challenge. She encouraged residents to log in and enter all activity on the Step To It webpage.

Hultstrom stated on Friday, May 21, she and Johnson attended a blessing service for the steeple at Steeple Pointe (the steeple was recently removed from the building).

Johnson reported he and Schulz completed a survey of the downtown streetscape along Central Avenue last week and it appears the deterioration was quite heavy over the winter.

Johnson commented on the email the City received regarding positive news about the recent car show.

Schulz explained a streetscape meeting was held to discuss Central Avenue. He indicated the group was discussing options for this corridor and noted a short-term plan would be brought to the Council for consideration, along with long-range concepts. He noted a lot of the damage appears to be mechanical from snow plows. He reported the City may need to find alternative solutions for removing snow along Central Avenue. He reported the streetscape committee would be meeting again in a month.

Schulz commented on the Memorial Day event that was held at the American Legion and apologized for not being in attendance.

Schulz discussed the properties that were for sale along Central Avenue and noted he wanted the EDA to discuss this further at a future EDA meeting.

13. ANNOUNCEMENTS

Poppe invited the public to attend the Music in the Park event on Tuesday, June 11, where the Teddy Bear Band would be performing at 7 p.m.

Schulz encouraged the public to contact City Hall if they knew of any food trucks that may be willing and able to attend the Tuesday Movie and Music in the Park events.

Poppe commented on the summer recreation rebate program that was now available to Osseo children ages 9 through 17.

14. ADJOURNMENT

**A motion was made by Johnson, seconded by Hultstrom, to adjourn the City Council meeting at 8:42 p.m. The motion carried 4-1 (Schulz opposed).**

Respectfully submitted,

Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*