

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
January 9, 2023**

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, January 9, 2023.

2. OATH OF OFFICE

City Attorney Tietjen administered the Oath of Office to Mayor Duane Poppe, Councilmember Mark Schulz and Councilmember Juliana Hultstrom. A round of applause was offered by all in attendance.

Schulz thanked the voters of Osseo for electing him to the City Council. He reported Osseo was his community and he wanted to see Osseo thriving in the coming years. He discussed how important respectful dialogue was to him and stated he was available to speak to residents in a respectful manner at any time. He encouraged residents to appreciate the differences of their neighbors and to start relationships with others. He reported his focus as a Councilmember would be on public safety, clean water, healthy infrastructure and a proper return on investment for City expenditures.

3. ROLL CALL

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

Staff present: City Administrator Riley Grams and City Attorney Mary Tietjen.

Others present: Deanna Burke, City Resident; James Kelly, City Resident; Teresa Aho, City Resident; Ashlee Mueller, City Resident; Dee Bonn, City Resident; Michael Olkives, City Resident; Kenny Nelson, City Resident; Sarita Nelson, City Resident.

4. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

5. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

A motion was made by Vickerman, seconded by Hultstrom, to accept the Agenda as presented. The motion carried 5-0.

6. CONSENT AGENDA

- A. Receive EDA Minutes of December 12, 2022
- B. Approve Council Minutes of December 12, 2022

- C. Accept IRS Mileage Rate of 65.5 Cents for 2023 Business Miles Driven
- D. Consider Statutory Tort Limits for City's Liability Coverage in 2023
- E. Receive November Hockey Association Gambling Report
- F. Receive December Building Report
- G. Approve Hire of Police Reserve Officer Shawn Muschik
- H. Approve Police Training List for 2023

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

7. MATTERS FROM THE FLOOR

Deanna Burke, 640 3rd Avenue NE, stated shortly after 11:00 a.m. that morning she received a call from Councilmember Vickerman. The purpose of the call was to discourage her from seeking a position on the EDA. She stated that it was her understanding that a Staff member asked Councilmember Vickerman to fill one of the three vacancies and the Staff member told her there were concerns about an upcoming financial project for the City. She anticipated this had to do with the Hall Sweeney project. She explained Councilmember Vickerman also informed her that two of the three EDA positions were automatically going to be assigned to Mayor Poppe and Councilmember Schulz. Therefore, only one position remains. She was told that the Staff person prefers that this position go to Councilmember Vickerman. She indicated this conversation angered her quite a bit. She noted she submitted her letter of interest for the EDA position on December 13, 2022, several weeks before the deadline. She understood Councilmember Vickerman did not submit a letter of interest before the January 7, 2023 deadline. She reported Councilmember Vickerman voluntarily resigned from the EDA last year. She explained she supported the City adding a new apartment building to the community, but she did not support giving a grant of \$470,000 in taxpayer money to Hall Sweeney for this project. She commented she opposed giving away such a large sum of taxpayer money, which meant she would be an obstacle to this development. She asked why Councilmember Vickerman was the preferred EDA candidate. She questioned if the Osseo Councilmembers do not support a fair and impartial selection process. She indicated she had no intention of rescinding her letter of interest. She believed Osseo taxpayers needed someone to represent them and work on their behalf.

Kenny Nelson, 509 3rd Avenue NE, explained there was a third member applying for the Planning Commission and noted he would happily step aside in order to allow this individual to serve. He stated he would be willing to be appointed to the Public Safety Commission instead. He commented 3rd Avenue has become quite tight due to all of the snow and requested the City address this concern.

James Kelly, 624 Third Avenue NE, asked if the official packet was available at City Hall or if this information was available online. Grams explained the packet that was online included the two letters of interest Staff received after the packet was sent to Council.

Mr. Kelly reviewed a joint powers agreement that was signed in 1996 and understood the City would be signing this agreement again. He commented on the minutes from the watershed district and reported State Statute requires the City to publish 15 days before an appointment is made. He noted he submitted his resume to the City and

explained he served the City over 10 years ago on the Northwest Hennepin Human Services Advisory Group.

8. SPECIAL BUSINESS

A. SUPPORT A RESPECTFUL WORK PLACE

Poppe read a Resolution in full for the record regarding support for a respectful work place.

A motion was made by Vickerman, seconded by Hultstrom, to adopt Resolution No. 2023-1, supporting a Respectful Workplace. The motion carried 5-0.

B. APPROVE TOBACCO LICENSE FOR THE GR8 VAPE LLC DBA THE GR8 VAPE

Grams stated Josh Haron, owner and manager, submitted an application for a new tobacco license for The Gr8 Vape LLC dba The Gr8 Vape located at 229 1st Ave NE. He has indicated that it will be a retail store that sells vapes and tobacco products, with the intention to specialize in THC products. He has been informed of the THC moratorium that is currently in place. Staff has collected prorated fees per city code for the remainder of the license period which is June 30, 2023. The Police Department has conducted a background investigation. The Council should allow for public comment to consider approval of the tobacco license for The Gr8 Vape LLC.

Hultstrom stated she spoke with Connie Aho after receiving her letter of support and noted she supported this new business in Osseo.

A motion was made by Hultstrom, seconded by Schulz, to open the public hearing at 7:21 p.m. The motion carried 5-0.

There were no comments from the public.

A motion was made by Hultstrom, seconded by Schulz, to close the public hearing at 7:22 p.m. The motion carried 5-0.

Johnson asked if smoking and vaping would be allowed within the vape shop. Grams explained no smoking would be allowed on premise.

Schulz explained he has known about this business for some time. He reported he supported this type of business within this venue. It was his understanding that this business had three owners and the City only conducted a background check on one of the owners. He asked if the City should reconsider its background check policy. He anticipated this was one of the first tobacco license the City has considered in the past 10 years. He questioned if the building owner should also have to sign off on the proposed tobacco use. He suggested the Council reconsider or revise its tobacco license procedure in the future.

Hultstrom thanked Councilmember Schulz for raising these concerns. She suggested the Council review the tobacco license procedure in conjunction with the THC ordinance. She noted she would be supporting this business tobacco license.

A motion was made by Hultstrom, seconded by Vickerman, to approve the new tobacco license for The Gr8 Vape LLC with prorated fees for six months. The motion carried 5-0.

C. ACCEPT DONATIONS

Grams stated the City has received the following donations:

<u>Donor</u>	<u>Amount/Item</u>	<u>Designated Fund</u>
Harold E. Johnson	\$750	Beautification

Staff recommended the Council accept the donations.

A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2023-2, accepting a donation from Harold E. Johnson. The motion carried 5-0.

- 9. PUBLIC HEARINGS – None
- 10. OLD BUSINESS – None
- 11. NEW BUSINESS

A. APPROVE 2023 OFFICIAL COUNCIL APPOINTMENTS

Grams stated each year the City Council should discuss the to various appointments to Council committees and other boards. Staff recently sent an email to the full Council asking for Council preferences to the committees and boards, and included a short description for each. Councilmembers were encouraged to respond to Gram’s email with their preferences. The City Council should consider appointments, discuss them, and motion to appoint Council members to the various boards, committees and other appointments via the proposed Resolution. As a refresher, the Council appointments for 2022 were the following:

Council Appointments

Acting Mayor	Larry Stelmach
Alternate Acting Mayor	Juliana Hultstrom
Economic Development Authority	Harold E. Johnson, Alicia Vickerman, Duane Poppe & Larry Stelmach
Fire Relief Association	Duane Poppe
Historical Preservation Committee	Harold E. Johnson
Shingle Creek & West Mississippi Watershed Management Commissions	Harold E. Johnson
Weed Inspector	Duane Poppe

Council Committee Appointments

Arts & Communications Committee	Juliana Hultstrom & Alicia Vickerman
Budget & Finance Committee	Harold E. Johnson & Duane Poppe
Human Resources Committee	Juliana Hultstrom & Alicia Vickerman
Intergovernmental Relations Committee	Juliana Hultstrom & Alicia Vickerman

Parks & Recreation Committee
Public Safety Advisory Committee
Risk Management Committee

Larry Stelmach & Alicia Vickerman
Larry Stelmach & Juliana Hultstrom
Larry Stelmach & Duane Poppe

Grams reviewed the Councilmembers that were interested in serving in the various positions and requested the Council discuss and make recommendations for the 2023 appointments.

Hultstrom explained she would be willing to serve as the Fire Relief Association representative.

Schulz withdrew his name from consideration for Acting Mayor and Alternate Acting Mayor. He indicated he was interested in serving on the EDA, noting he had 11 years of experience serving on the EDA. He reported he supported Johnson continuing on as the watershed district representative. He stated he was the Chair of CCX Media and he was interested in serving on this board. He explained his other area of interest would be the Risk Management Committee.

Hultstrom reported she has served as the Alternate Acting Mayor for the past two years and she believed the normal succession would be for her to move to the Acting Mayor. She noted she would gladly serve on the Fire Relief Association. She commented she would like to continue to serve on the Human Resources and Public Safety Committees.

Vickerman indicated she would like to remove her name from the Acting Mayor position and she would be willing to serve as the Alternate Acting Mayor. She explained she stood by her resolve that she wanted more residents to serve on the City's committees. However, her role as a Councilmember also led her to want to serve on the EDA. She stated she would leave this decision up to the Council. She reported she was interested in serving on the Arts and Communications Committee, Intergovernmental Relations, Human Resources Committee and with Parks and Recreation.

Hultstrom stated she was happy to let Councilmembers Vickerman and Schulz serve on the Intergovernmental Committee along with the Arts and Communications Committee.

Poppe summarized the appointments as discussed by the Council.

Schulz asked if Councilmember Johnson wanted to continue on the watershed district.

Johnson stated Mr. Roach should continue his service on the watershed district and noted he could give up his seat if there was another individual interested in serving.

Schulz suggested James Kelly be appointed to the other seat with the watershed district.

Johnson stated he would be willing to serve on the Fire Relief Association in lieu of not serving on the watershed district anymore.

Hultstrom reviewed the Fire Relief Association meeting schedule for 2023.

Further discussion ensued regarding the EDA appointments.

Vickerman stated she would be willing to serve on the EDA again. She understood Councilmember Johnson was concerned that the EDA was not made up of a majority of the Council. She indicated her intention was not to make anyone leave the EDA, but rather to fulfill her role as a Councilmember.

Schulz explained he would like to see Councilmember Vickerman serving on the EDA. He believed it was important for the Councilmembers to participate and understand the economic development aspects of the City. He reported he was appalled by the accusation that was made at the last EDA meeting that the Mayor had conflicting interests by serving on the EDA. He indicated he has served with the Mayor for many years and he respected the knowledge he had regarding commercial developments. He anticipated that without the Mayor, the City would have a bunch of empty EDA properties. He supported Mayor Poppe, Councilmember Vickerman and himself being appointed to the EDA.

Grams reported the EDA bylaws require two of the seven members being Councilmembers.

Hultstrom said that she understood in the past, four members from the Council served on the EDA. She asked if a resident and three Councilmembers could be appointed to the EDA. Grams stated this could not be done because this would create a board with eight members.

Hultstrom indicated she was conflicted on the EDA appointments. She understood why Councilmember Vickerman left the EDA. She stated at this time she would rather see the resident remain on the EDA, noting Councilmember Vickerman would be able to review the EDA matters at City Council meetings.

Vickerman explained she paid close attention to the EDA meetings, noting she watched the meetings.

Johnson stated he strongly supported individual residents being on these commissions and boards. He reported all of the actions of the EDA were reviewed and approved by the City Council. He believed it would not be in good taste to remove a resident from the EDA at this time and questioned why Staff would suggest this.

Schulz indicated there was no evidence that Staff suggested this, rather this was a statement from a resident. He encouraged Councilmember Johnson to not jump to conclusions based on resident comments.

Vickerman explained she reached out and spoke to each of the residents that expressed interest in serving on the City's boards and commissions. She reported the conversation she had with one particular resident was cut short and she was hung up on. She indicated she was fine with residents serving on boards and commissions and noted she stepped back from the EDA previously to allow this to happen. She reiterated that City Administrator Grams did not pressure her to push anyone off of the EDA, rather City Administrator Grams left this decision up to her.

Schulz stated in no way, shape or form was the Council removing a resident from the EDA. He reported the EDA had three seats open at this time and the Council had to

make appointments for the three open seats. He resented the fact that anyone was questioning the fact that the Council was acting on anything be the best interests of the City. He indicated it was not fair to Staff or the Council for opinions to be presented as fact.

Hultstrom stated she did not like the finger pointing and she would like for the Council to amicably resolve this situation. She reported she supported the resident remaining on the EDA and understood Councilmember Vickerman would pay close attention to all EDA matters going forward.

Vickerman explained she supported this recommendation.

Hultstrom requested the Public Advisory Committee meet quarterly for 2023, if possible. She suggested the Planning Commission have Council representation in the future.

Poppe reported this was outside of the scope of the Resolution before the Council.

Vickerman asked if Councilmember Hultstrom would like a seat added to the Planning Commission. Grams noted there was an open seat on the Planning Commission at this time.

Schulz suggested this matter be addressed at a future Council meeting in order to allow for additional discussion.

Poppe agreed and re-summarized the appointments as discussed by the Council.

A motion was made by Hultstrom, seconded by Schulz, to adopt Resolution No. 2023-3, appointing City Councilmembers to various committee positions as discussed. The motion carried 5-0.

B. APPROVE 2023 CITIZEN APPOINTMENTS (Resolution)

Grams stated Staff has received Letters of Interest for appointments and a Resolution that indicates where appointments are needed has been drafted. It was noted the following letters of interest had been submitted to staff:

Letters of Interest from:

Deanna Burke for Economic Development Authority
Dee Bonn for Parks & Recreation
Ralph Schroeder for Parks & Recreation
Ralph Schroeder for Planning Commission
John Hultgren for Planning Commission
Ashlee Mueller for Public Safety Advisory Committee
Kenny Nelson for Public Safety Advisory Committee
James Killmer for Historical Preservation Committee
James Kelly for Shingle Creek and West Mississippi Watershed Mgmt Commissions
John Roach for Shingle Creek and West Mississippi Watershed Mgmt Commissions

Vickerman suggested James Killmer would be appointed to the Historical Preservation Committee with a term ending December 31, 2025. She suggested Dee Bonn serve on the Parks and Recreation. She recommended Ralph Schroeder and John Hultgren serve on the Planning Commission. She supported Ashlee Mueller and Kenny Nelson serve on the Public Safety Advisory Committee. Lastly, she suggested John Roach (lead) and James Kelly (alternate) serve on the watershed commission.

Poppe recommended an appointment to the EDA also be made.

Vickerman recommended Deanna Burke serve on the EDA with a six year term.

A motion was made by Vickerman, seconded by Hultstrom, to adopt Resolution No. 2023-04, appointing citizens to the various boards/commissions/committees as discussed. The motion carried 5-0.

C. APPROVE 2023 CITY APPOINTMENTS AND DESIGNATIONS

Grams stated each year the City Council approves a Resolution that lists the City's appointments and designations. This includes consultant and other appointments, various designations, electronic funds transfers and all other financial designations. Staff reviewed the proposed designations in further detail with the Council and recommended approval.

Schulz commented on the credit card merchant being used by the City at this time and discussed how the credit card merchant was charging fees. Grams commented on how the City was currently integrating the Tyler Tech system with Global Payments.

Schulz questioned if the Council should be affirming a vendor that the City does not have a contract with currently. He suggested the credit card merchant line remain blank within this Resolution for the time being. Grams supported this recommendation and noted this Resolution could be brought back to the Council when the City was ready to move forward with a credit card merchant contract.

Hultstrom recommended a change be made to the Fire Relief Association representative. She commented on the City's official newspaper. She understood the *Osseo Maple Grove Press* may not have the best coverage, but was still the best option for the City.

Schulz asked if the City was still required to have an official newspaper, or if notices could be posted online. City Attorney Tietjen reported it was her understanding cities were still required to designate an official newspaper, but could also post notifications online.

Schulz requested Staff investigate this matter further and report back to the Council at a future meeting.

A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2023-05, approving 2023 City Appointments and Designations as discussed. The motion carried 5-0.

D. SUMMARY OF CLOSED SESSION ON DECEMBER 12, 2022

Vickerman stated the Council conducted a closed session meeting to review the performance of the City Administrator during the last Council meeting on December 12, 2022. Under the Minnesota Open Meeting Law, after a public body meets in a closed session to evaluate the performance of an employee, the body is required to summarize the conclusions at its next open meeting. Therefore, the Council Human Resources Committee shall provide a short summary of the closed session meeting from December 12.

E. 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.

12. ADMINISTRATOR REPORT

Grams reported he was really disheartened by Councilmember Johnson's comments this evening and indicated he did not pressure a Councilmember into speaking on his behalf. He stated he took great offense to the comments and did not appreciate the accusation. He hoped that 2023 would be another great year for the City.

13. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen wished everyone a Happy New Year and welcomed Councilmember Schulz back to the Council.

Johnson commented he was pleased Deanna Burke was re-appointed to the EDA. He thanked all of the City's Commission members for their service to the City.

Vickerman reiterated she was always looking for constructive conversations and in her attempt today, things were perceived as a gross miscommunication. She apologized to City Administrator Grams for the misunderstanding.

Vickerman welcomed Councilmember Hultstrom, Mayor Poppe and Councilmember Schulz back to the Council.

Hultstrom welcomed Shawn Muschik to the Osseo Police Reserves.

Hultstrom thanked the Osseo voters for electing her to another four year term. She stated that she was always available to speak with residents about their concerns.

Schulz thanked Hultstrom for her encouragement over the last several years. He stated he has been looking forward to coming back and serving on the Council, but was disappointed by the accusations that were made this evening. He believed these actions were hurtful, offensive and unprofessional.

Poppe welcomed Councilmember Schulz and congratulated Councilmember Hultstrom on her reelection.

14. ANNOUNCEMENTS

Poppe reported City Hall will be closed on Monday, January 16 for Martin Luther King, Jr. Day.

Poppe explained the City was seeking commission members. Those residents interested in serving should contact City Hall for further information.

15. ADJOURNMENT

A motion was made by Hultstrom, seconded by Schulz, to adjourn the City Council meeting at 8:28 p.m. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial