

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
July 24, 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, July 24, 2023.

2. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Ashlee Mueller, Mark Schulz, and Mayor Duane Poppe.

Members absent: Councilmember Alicia Vickerman.

Staff present: City Administrator Riley Grams, Police Lieutenant Kintzi, Alyson Fauske, WSB & Associates; and City Attorney Mary Tietjen.

Others present: John Hall, City Resident; Larry Stelmach, Osseo Northeast-Winslow Lewis Lodge; Phil Carlson, Osseo Northeast-Winslow Lewis Lodge; Peyton Carlson, Osseo Northeast-Winslow Lewis Lodge; Josh Duffy, Duffy's Bar & Grill; Sheryl Johnson, City Resident; Tom Johnson, City Resident; James Kelly, City Resident; Barry Super, City Resident; Denise Polich, City Resident; Mike Polich, City Resident; Becky Weidenbach, City Resident; Lettie Fundanet, 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.

Grams requested the addition of Item 10F – Discuss Interim HR Committee.

**A motion was made by Schulz, seconded by Hultstrom, to accept the Agenda as amended adding Item 10F. The motion carried 4-0.**

5. CONSENT AGENDA

- A. Approve July 10 Work Session Minutes
- B. Approve July 10 Council Minutes
- C. Set PSAC Meeting Date for August 23, 6:00pm
- D. Accept Resignations of Firefighters Billy Evans, Joe Moraczewski, and Ethan Walsh
- E. Receive June Lions Club Gambling Report
- F. Receive June Fire Department Gambling Report
- G. Receive Q2 Donations Report

- H. Receive June Building Report
- I. Receive June Hockey Association Gambling Report
- J. Receive June Fire Department Activity Report
- K. Approve Gateway Fee Waiver Request for Yellow Tree Theatre Summer Series

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

6. MATTERS FROM THE FLOOR

John Hall, 808 3<sup>rd</sup> Street NE, asked if the Council or Staff could put together a water usage report for last year and have this report compared to this year. He stated with water rates on the rise, it was his hope people were conserving.

7. SPECIAL BUSINESS

- A. ACCEPT DONATION OF PORTABLE FIRE SUPPRESSION TOOL FROM OSSEO NORTHEAST-WINSLOW LEWIS LODGE

Grams stated the Osseo Northeast-Winslow Lewis Lodge has graciously donated a portable fire suppression tool (FST) to the Osseo Police Department. An FST is a very effective tool used by emergency first responders. The tool is designed to rapidly drop the temperature of a fire, help slow its growth and to be another tool to lengthen the survivability window, greatly improving the outcome. These tools are designed to be non-hazardous to people, pets and electronic equipment. Typically these tools are carried in emergency vehicles and are made to be easily deployed and used in a moment's notice. The Osseo Police Department appreciates and thanks the Osseo Northeast-Winslow Lewis Lodge for their donation of a portable fire suppression tool.

Larry Stelmach, Northeast-Winslow Lewis Lodge representative, presented Lieutenant Kintzi with a portable fire suppression tool and explained this tool would help officers suppress fires quickly.

Lieutenant Kintzi thanked Mr. Stelmach and the Northeast-Winslow Lewis Lodge for their generosity.

**A motion was made by Hultstrom, seconded by Schulz, to accept the donation of a portable fire suppression tool from the Osseo Northeast-Winslow Lewis Lodge. The motion carried 4-0.**

- B. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

<u>Donor</u>	<u>Amount/Item</u>	<u>Designated Fund</u>
Osseo Lions Club	\$2,000	Music & Movies in the Park
Osseo Northeast-Winslow Lewis Lodge	Fire Suppression Tool	Police Department

Staff recommended the Council accept the donations.

**A motion was made by Hultstrom, seconded by Mueller, to adopt Resolution No. 2023-34, accepting a donation from the Osseo Lions Club and the Osseo Northeast-Winslow Lewis Lodge. The motion carried 4-0.**

8. PUBLIC HEARINGS

A. 2024 STREET PROJECT PUBLIC HEARING

Alyson Fauske, WSB & Associates, stated the Council approved the feasibility report for this project without the optional sidewalk improvements and without the 1st St NW improvements on June 26, 2023 and called for the improvement hearing to be held on July 24, 2023. The 2024 Street Reconstruction & Rehabilitation Project consists of street improvements throughout the City. Staff reviewed a list of streets included in the street improvement project. Street improvements consist of rehabilitating or reconstructing the existing bituminous pavement, utility improvements, and driveways. Some driveways in the reconstruction project corridor are steep however there appears to be minimal opportunity to reduce these grades and maintain sufficient slope on the street to convey drainage. She described the work that would be done on streets that were being rehabilitated, which included the milling of the top lift of pavement. Construction information, estimated assessment rates and project timelines were reviewed. Staff commented further on the proposed utility improvements that would be completed as part of this project and requested the Council hold a public hearing and adopt the Resolution.

**A motion was made by Schulz, seconded by Hultstrom, to open the Public Hearing at 7:29 p.m. The motion carried 4-0.**

John Hall, 808 3<sup>rd</sup> Street NE, asked if the Council or City staff contacted a State legislator to see if bonding was available to assist with this project.

Hultstrom reported she asked WSB to contact the legislature about small city street funding. Ms. Fauske reported it was her understanding because the legislative session ended, she was waiting to hear how to apply for the funding.

Mr. Hall indicated he spoke with the Senator and Representative and was told to get a dollar figure so that it could be put in the bonding bill. He noted the City could have received over \$2 million for this project. He commented on the custom driveways in his neighborhood and asked if the City would be replacing the colored and stamped concrete.

Ms. Fauske indicated her preference would be to avoid these, or find options to replace them in kind.

Mr. Hall explained 8<sup>th</sup>, 9<sup>th</sup>, 1<sup>st</sup> and 3<sup>rd</sup> were installed in 1974. He reported he worked in construction in 1973 and he understood all roads were two layers of bituminous. He noted the roads in his neighborhood was subpar because the pavement was only 1" to 1½". He discussed the watermain break that occurred on his street and his road was installed incorrectly in 1974 and noted there has only been two seal coatings since 1974.

He questioned why he should have to pay for that mistake now. He questioned if the low points would be addressed through this project.

Ms. Fauske reported all low points would be addressed and water would be directed to storm sewer drains.

Mr. Hall requested further information as to the dollar amount benefit to his property for having a new street and curbing.

Ms. Fauske explained the proposed assessment was based on what the proposed benefit would be based on the necessary improvements and costs following the City's assessment policy.

Mr. Hall anticipated his property value would not go up \$11,440 by putting in a street that was deficient to start with. He believed his home value increase would be \$0. He questioned if residents within the street improvement project would get a break on water because they would have to be watering new sod. He then questioned how thick the new layers of bituminous would be.

Ms. Fauske indicated the pavement thickness would be three inches for the first lift and two inches for the second lift for a total of five inches.

Mr. Hall stated he would be contesting his assessment because he did not believe this project met the 429 State Statute test. He hoped the City would request funding from the State legislature for this project.

**A motion was made by Schulz, seconded by Mueller, to close the Public Hearing at 7:39 p.m. The motion carried 4-0.**

**A motion was made by Mueller, seconded by Schulz, to adopt a Resolution, ordering improvements, and preparation of plans and specifications for the 2024 Street Reconstruction & Rehabilitation Project. The motion failed 3-1 (Hultstrom opposed).**

City Attorney Tietjen explained this Resolution required a 4/5ths vote in order to be approved.

Hultstrom stated she would not be changing her vote. She hoped the Staff would have spoken to the State legislature and this had not occurred. She indicated she would not change her vote until she knew if there was State funding available to assist with this project.

Schulz pointed out this was a carry over project from last year. He noted from last year to this year the assessments went up \$3,000 per home. He indicated if this project did not move forward this year, he anticipated the costs would increase again next year.

Grams explained the City would also be running up against the clock for bonding proceeds that were taken out for this project.

Schulz commented on the funding the City received for its infrastructure projects and noted the City received funding for these projects. He reported the City had not ever

received funding from the State for street projects in the past. He stated he supported the City asking for dollars, but noted there was no guarantee the City would receive funding. He reiterated that these streets will have to get done at some point in time, and the cost was only going to increase.

Hultstrom stated there was a specific pool of dollars available from the State for small city street projects. She indicated as soon as these dollars became available, she contacted WSB in regard to this funding.

Schulz asked if Hultstrom understood the application process.

Hultstrom stated she was uncertain and noted she asked Alyson Fauske to investigate this further.

Ms. Fauske reported it was her understanding, after speaking with a lobbyist from the League of Minnesota Cities, that they were looking at getting the mechanisms and application processes set up.

Schulz indicated the City may still be able to apply for these dollars once the application process was set up.

Poppe clarified at this point, the Council was not approving the project, but rather was ordering improvements along with the preparation of the plans and specifications. He questioned what the options were for the Council at this time.

City Attorney Tietjen stated at this time the motion has failed. She noted the Council could reconsider the motion, however it did not appear Councilmember Hultstrom was willing to change her vote. Otherwise, the Council could have this item brought back to a future meeting for reconsideration when the full Council was in attendance.

Schulz recommended the Council move on with the agenda as there was not support to reconsider the motion.

9. OLD BUSINESS

A. APPROVE POLICE OFFICER WELLNESS POLICY

Grams stated this policy recognizes the mental and physical stressors faced by Law Enforcement Officers and the overall need to retain a healthy workforce of Police Officers for the health and safety of the community. The policy calls for a required mental health sabbatical and a subsequent wellness travel and/or retreat reimbursement program. The policy would be effective beginning on January 1, 2024. The Council reviewed the initial draft of the Police Officer Wellness Policy at the June 26 meeting. Ultimately the Council tabled action on this policy to the July 24 Council meeting. Staff worked with the Council Risk Management Committee to further refine the draft policy, which included a wider range of reimbursables and an opportunity for Officers to appeal a denied reimbursement to the City Council.

**A motion was made by Hultstrom, seconded by Mueller, to approve the Osseo Police Officer Wellness Policy. The motion carried 4-0.**

10. NEW BUSINESS

A. APPROVE 1<sup>ST</sup> READING OF THC SALES LICENSE ORDINANCE

City Attorney Tietjen stated the City Council addressed cannabis and hemp product regulation at its work sessions on June 26 and July 10, 2023. The City Council adopted a 12-month moratorium on the sale of edible cannabinoid products (“ECP”, such as gummies and beverages) which will expire on August 18, 2023. The City Council determined it is in the best interest of the City to enact a licensing framework related to the sale of edible cannabinoid products until licensing and regulation of hemp products occurs at the state level. The proposed licensing ordinance does the following:

- Requires a business to obtain a city-issued license prior to offering edible cannabinoids for sale.
- Establishes one licensing period effective from the date of issuance until March 1, 2025, or until the state issues licenses for hemp products, whichever occurs first.
- Exempts edible cannabinoid products that only contain cannabinoil (“CBD”) from the license requirement.
- Licenses may only be obtained by businesses that are also licensed to sell tobacco or on or off-sale liquor (including club licenses).
- On-site consumption may only occur at businesses licensed for on-sale liquor consumption.

City Attorney Tietjen reported the proposed ordinance is largely modeled after the City’s tobacco licensing ordinance. One difference is that it does not require additional background checks to obtain an ECP license since tobacco and liquor licensees have already gone through a background check process. At the July 10 work session, Council requested City staff make a recommendation on the licensing fee, therefore, Staff recommended a fee of \$500. Staff requested further direction on how to proceed with the age of possession for THC products as well.

Schulz thanked Staff for their efforts on the Ordinance. He recommended the possession age be set at the purchasing age.

**A motion was made by Hultstrom, seconded by Mueller, to approve the First Reading of the THC Sales License Ordinance adding language that the possession age shall be set at the purchasing age. The motion carried 4-0.**

B. APPROVE PURCHASE OF TASERS FOR POLICE DEPARTMENT

Lieutenant Kintzi stated that this purchase would replace the two oldest tasers. The cost for two tasers, including a five-year warranty, is \$6,164. It was noted this purchase was included within the CIP.

**A motion was made by Hultstrom, seconded by Mueller, to approve the purchase of two tasers for \$6,164. The motion carried 4-0.**

C. APPROVE TAKE HOME VEHICLE POLICY

Grams stated a few supervisory employees are allowed City-issued take home vehicles through their Council approved employment agreements. The draft policy allows for City-issued take home vehicles and outlines acceptable uses for City-issued vehicles. Employees who are allowed take home vehicles must abide by the guidelines for forth in the policy. The Council Risk Management Committee has reviewed the draft policy and recommended it's approval.

**A motion was made by Schulz, seconded by Hultstrom, to approve the Osseo take home vehicle policy. The motion carried 4-0.**

D. APPROVE CERTIFICATION OF DELINQUENT CHARGES POLICY FOR UTILITY/REFUSE ACCOUNTS AND CITY SERVICES

Grams stated each year in September, Staff compiles a list of delinquent charges for utility and refuse accounts and sends out delinquent letters to account holders and the current property owner. The letter includes information regarding dates the Council will consider the assessment roll and the final date payments will be accepted until before they are certified to the County. When Staff attempted to find a policy or documentation of the certification process last year, they were only able to locate some notes and they did not provide complete clarity. To make this process efficient and clear in the future, Staff has compiled the details from the notes, researched statute requirements, and is proposing the included draft policy. The date of September 1 is the recommended date to use as the cut-off for outstanding accounts as this is required date per Statute for refuse; this date is in the middle of utility billing cycle, with the next billing going out in October, which therefore has no impact on when the data is pulled for utility accounts. This policy also addresses unpaid special service charges, which relates to ordinance enforcement and when public works must perform services due to non-compliance; services such as snow and ice removal from sidewalks, mowing or weed removal, or tree or brush trimming. Staff currently has an open invoice from the abatement at 124 1st Ave NE last year that will be assessed this year if it goes unpaid, so this is timely in approving this policy. Attorney Tietjen, City Accountant, and City Clerk have reviewed this draft policy.

Schulz requested further information regarding the policy and procedure #2 and asked why delinquent accounts less than \$25 would not be pursued. Grams explained the cost for staff's time would be greater than the amount the City was trying to collect.

Schulz explained he supported Staff working to collect on all delinquent accounts, nor did he like the proposed percentage being charged on top of the outstanding amount. He recommended a flat fee be paid on top of the outstanding amount to cover staff time. He suggested policy and procedure #2 be stricken and recommended #10 be revised with the fee set at \$30.

**A motion was made by Hultstrom, seconded by Schulz, to approve the Delinquent Charges Policy for Utility/Refuse Accounts and City Services as amended. The motion carried 4-0.**

E. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

F. DISCUSS INTERIM HR COMMITTEE

Grams stated he was alerted that Councilmember Vickerman may be out of the City for several weeks in August. He explained the City was looking to hire a Community Management Coordinator which would require review from the HR Committee. He thought it best to seek an interim replacement person for the month of August for the HR Committee.

**A motion was made by Hultstrom, seconded by Mueller, to recommend Councilmember Mark Schulz serve as the Interim HR Committee member.**

Schulz noted he would be out of town the week of August 7, but otherwise he would be happy to assist on the HR Committee on an interim basis.

**The motion carried 4-0.**

11. ADMINISTRATOR REPORT – None

12. COUNCIL AND ATTORNEY REPORTS

Hultstrom stated former Councilmember Harold Johnson entered hospice and he was no longer in a conscious state. She wished his family all the best during this difficult time.

Hultstrom indicated last Tuesday the League of Minnesota Cities (LMC) HR and Data Practices Committee met. She noted this committee had 49 members, four elected. She explained the LMC was seeing people are struggling with serving as elected officials given the amount of time it took to properly serve. She discussed the amount of time each Councilmember spent away from their family serving the community. She wanted to let the public know that what the Council was doing was more than just attending a few meetings on Monday nights.

13. ANNOUNCEMENTS

Poppe encouraged the public to attend the upcoming Music and Movie in the Park on Tuesday, July 25 at 7:00 p.m. where the Dirty Shorts Band will provide music and the movie Antman & the Wasp: Quantumania will be screened at dusk.

Poppe reported the farmers market opens on Tuesday, July 25.

14. ADJOURNMENT

**A motion was made by Hultstrom, seconded by Mueller, to adjourn the City Council meeting at 8:12 p.m. The motion carried 4-0.**



Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*