

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
March 27, 2023**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:13 p.m. on Monday, March 27, 2023.

2. ROLL CALL

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

Staff present: City Administrator Riley Grams, Community Management Coordinator Joe Amerman, Public Works Director Nick Waldbillig, Police Chief Shane Mikkelson, Alyson Fauske, WSB & Associates, and City Attorney Mary Tietjen.

Others present: Aaron Stith, Champlin Auto Care.

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

5. CONSENT AGENDA

- A. Receive March 13 EDA Minutes
- B. Approve March 13 Council Minutes
- C. Receive March 20 Planning Minutes
- D. Approve Osseo Lions Club Gateway Sign and Fee Waiver Request
- E. Approve Public Works Seasonal Position Job Posting
- F. Receive February Lions Club Gambling Report
- G. Receive February Hockey Association Gambling Report
- H. Approve Hire of Firefighter Brody Marietti
- I. Accept Resignation of Part-Time Police Officer David Johnson
- J. Approve Osseo Maple Grove American Legion Auxiliary Gateway Sign and Fee Waiver Request

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

6. MATTERS FROM THE FLOOR – None

7. SPECIAL BUSINESS

A. HENNEPIN COUNTY 2023 UPDATE – Commissioner Jeff Lunde

Hennepin County Commissioner Jeff Lunde provided the Council with an update from the County. He reviewed his committee assignments, noting he served as the Chair of the Law, Safety and Justice Committee. He discussed how Hennepin County was working to roll out its 911 mental health response pilot program. He commented on the external partners the County was working with for the Youth Interventions and Statewide Cannabis Task Forces. He provided an overview on how juveniles are being processed by Hennepin County and reviewed the types of diversion programs in place. He described how the housing crisis was impacting Hennepin County and updated the Council on the Blue Line Extension project timeline.

B. APPROVE SPECIAL EVENT PERMIT FOR FIRE DEPARTMENT EASTER EGG HUNT

Grams requested the Council approve a special event permit for the Osseo Fire Department for their annual Easter Egg Hunt. He noted the event would be held on Saturday, April 1 from 11:30 a.m. to 12:30 p.m. at Boerboom Park.

A motion was made by Johnson, seconded by Hultstrom, to approve the Special Event Permit for Fire Department Easter Egg Hunt. A roll call vote was taken. The motion carried 5-0.

C. ACCEPT DONATIONS

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Realife Cooperative of Osseo	\$250	Fire
Osseo Maple Grove Hockey Association	\$5,000	Music and Movies in the Park

Staff recommended the Council accept the donations.

A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2023-16, accepting a donation from Realife Cooperative of Osseo and the Osseo Maple Grove Hockey Association. A roll call vote was taken. The motion carried 5-0.

8. PUBLIC HEARINGS – None

9. OLD BUSINESS

A. APPROVE SECOND READING AND ADOPTION OF CITY CODE ENFORCEMENT ORDINANCE

Police Chief Mikkelson stated at the March 13, 2023, Council meeting, the first reading of this Ordinance was approved. At this Council meeting, Staff is seeking approval of the second reading and adoption of the Ordinance.

A motion was made by Schulz, seconded by Vickerman, to approve the Second Reading and Adoption of the Ordinance adding Chapter 37 under Title III: Administration. A roll call vote was taken. The motion carried 5-0.

10. NEW BUSINESS

A. APPROVE CONDITIONAL USE PERMIT FOR 116 COUNTY ROAD 81

Amerman stated Champlin Auto Care has operated in Champlin, MN since 1994. Aaron Stith has been with the company for the last 18 years, becoming the owner four years ago. Due to a change in ownership of the building they currently occupy at 12130 Champlin Dr, they are now looking for a new space to occupy and have identified the building at 116 County Rd 81 as an ideal location. The building is owned by John P. Rohach of County 81 Holdings, LLC. The owner is fully supportive of this application. Formerly the home of Osseo Powersports, a recreational vehicle sales and repair business, the parcel is the subject of a Conditional Use Permit approved in 2012 which will be rescinded as part of this application. The parcel is bordered by properties zoned Edge Mixed Use to the North, R-1 Residential to the East, Commercial District North to the South, and County Rd 81 to the West. Staff commented further on the request and reported the Planning Commission recommended approval with conditions.

Johnson reported he watched the Planning Commission meeting and noted he supported the proposed CUP request.

Schulz questioned if the applicant could work with the parking that was available onsite.

Aaron Stith, the applicant, stated the site had adequate parking for his business model. He noted the salt sheds may be removed from the property which would create more parking spaces. He explained he would be reducing his hours of operation to 8:00 a.m. to 5:00 p.m. and noted he could park 18 to 20 vehicles inside the building.

Vickerman asked if the business name would remain the same. Mr. Stith reported he would be changing the business name to Osseo Auto Care.

A motion was made by Hultstrom, seconded by Schulz, to adopt Resolution No. 2023-17, approving the Conditional Use Permit for the property at 116 County Road 81 with the conditions listed below.

- 1) Vehicle Storage. Any vehicle waiting for repairs for longer than 12 hours shall be stored inside an enclosed space or screened from public view;
- 2) Indoor Operations. Any vehicle repair or maintenance shall take place indoors. Idling of vehicles for diagnostic or repair purposes is allowed outdoors;
- 3) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such

other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:

- a) No auto wrecking, junk, and salvage shall be stored on properties in the C2-N District, per Osseo City Code.
 - b) Vehicles on the property shall be licensed for operation, shall not be kept for scrapping, and shall meet other requirements of Osseo City Code § 93.20.
 - c) Any waste tires shall be stored inside an enclosed space or screened from public view (Osseo City Code § 153.054) and protected from the elements so as not to provide habitat to rodents or insects (Osseo City Code § 93.18).
 - d) Any trash enclosure shall be screened from public view (Osseo City Code § 153.057).
 - e) Modifications to the building shall be in accordance with Osseo City Code and the approved site and building plan on file with the City (Osseo City Code § 153.153).
 - f) Signage relating to the use shall adhere to Osseo City Code § 153.090 - § 153.098.
 - g) If the facility generates any hazardous waste as defined by Hennepin County or the State of Minnesota, the facility shall at all times meet all requirements imposed by Hennepin County or the State of Minnesota.
- 4) Test Drives. Vehicles for sale, or undergoing repair or maintenance at the property may not be driven through residential districts;
 - 5) Employee Parking. Parking by employees shall be restricted to the back of the property, or farthest away from the main entrance, when available, to allow for all other parking for customers;
 - 6) Customer Parking. A minimum of 6 customer-only parking stalls shall be located on the property at all times (Osseo City Code Chapter 153 Appendix B), closest to the main entrance of the business;
 - 7) Sale and Repair Parking. A maximum of 12 outdoor for sale and repair parking stalls shall be located on the property at all times. No vehicle for sale or under repair may be parked outside of a clearly marked parking stall.
 - 8) Open to Inspection. During any hours at which the business is open, the business shall be open to any State or County official and to any City official or police officer, when accompanied by Applicant, for inspection to determine compliance with the stated conditions of approval.
 - 9) Recording Requirement. The City of Osseo shall memorialize the conditional use permit by adopting a resolution that the applicant shall record in the office of the County Registrar of Titles within 60 days of its adoption by the City.
 - 10) No Waiver. Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
 - 11) Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.

- 12) Binding Effect. This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
- 13) Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.

A roll call vote was taken. The motion carried 5-0.

B. ACCEPT QUOTES AND AWARD BID FOR SOD REPLACEMENT PROJECT

Alyson Fauske, WSB & Associates, explained a boulevard topsoil mix was specified as an alternate as it does not allow for material larger than $\frac{3}{4}$ " diameter. The quote package requires the contractor to submit documentation to the construction observer verifying that the topsoil import meets the specifications. On March 1, 2023 the quote package was emailed to eight contractors and was posted on Quest CDN to garner as many quotes as possible. Three quotes were received and the low quote is from K.P. Miller Construction, LLC in the amount of \$29,086 for alternate 1 (boulevard topsoil) or \$28,036 for alternate 2 (common topsoil). K.P. Miller is a newer company. References from projects that the General Manager and Project Manager worked on at their previous employer indicate that they are able to coordinate work of this magnitude. The contractor indicated that they intend to perform the work as soon as sod is available; his supplier indicates that sod should be available May 1. The proposed schedule is noted in the draft letter to the property owners where topsoil and sod is proposed to be replaced. The letter will be updated to include any changes that the Council deems appropriate. She commented further on the proposed project and recommended the Council accept quotes and award the bid.

Johnson asked if the boulevard topsoil would be used for this project. Ms. Fauske reported this was the case.

A motion was made by Hultstrom, seconded by Johnson, to adopt Resolution No. 2023-18, accepting quotes and awarding the contract for the topsoil and sod replacement in the 2020 Street Reconstruction Project.

Johnson stated he believed it was better to have this project completed in the spring versus the fall. He thanked Staff for all of their efforts on this project.

A roll call vote was taken. The motion carried 5-0.

C. APPROVE PURCHASE OF ASPHALT TRAILER FOR PUBLIC WORKS

Waldbillig stated the purchase of a heated asphalt trailer will greatly improve the quality and efficiency during pothole patching and street repair. He said there are several alleys in need of asphalt repair, along with the Southeast Frontage Road, North Oaks Drive, 8th & 9th Avenue, and 1½ Street. The City performed a large mill and

overlay project in 2015 with a 10-year life span. This project shows reflection from the base course and is beginning to deteriorate requiring patchwork and frequent maintenance. A heated asphalt trailer will allow Staff to load hot asphalt at the plant in Maple Grove and deliver it to the areas of concern. Delivering a hot pliable product is key to the application processes and longevity of the repair. The equipment will provide flexibility needed to perform patchwork on an as needed basis, allowing the department to provide a consistent pavement surface. Staff commented further on how this piece of equipment would be utilized by the public works department and recommended approval.

Johnson questioned if this was a piece of equipment that could be shared with another City. Waldbillig explained he could look into sharing the piece of equipment with neighboring communities.

A motion was made by Hultstrom, seconded by Johnson, to approve the purchase of an asphalt trailer for Public Works. A roll call vote was taken. The motion carried 5-0.

D. CLOSED SESSION – EMPLOYEE PERFORMANCE REVIEW

City Attorney Tietjen reported the Council would be meeting in Closed Session in order to conduct a performance review pursuant to Minnesota Statutes Section 13D.05, Subd. 3(a). It was noted a summary of this meeting will be given at the meeting on April 10, 2023.

A motion was made by Hultstrom, seconded by Schulz, to recess to a Closed Session pursuant to Minnesota Statute Section 13D.05 Subd. 3(a). The motion carried 5-0.

Poppe recessed the Council meeting at 8:05 p.m.

A motion was made by Hultstrom, seconded by Johnson, to reconvene the City Council meeting at 8:36 p.m. The motion carried 5-0.

E. CONSIDER ACTION ON CLOSED SESSION MEETING

Poppe explained the Council met in a closed session review on March 13, 2023, to discuss the performance of Officer Mike Smith. He explained based on Officer Smith's medical condition, he would no longer be able to serve the City. He thanked Officer Smith for his 21 years of dedicated service to the Osseo Police Department.

A motion was made by Hultstrom, seconded by Vickerman, to accept Resolution No. 2023-19, separating Mike Smith from employment with the City of Osseo with an effective date of April 1, 2023. A roll call vote was taken. The motion carried 5-0.

F. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

A motion was made by Johnson, seconded by Vickerman, to approve the Accounts Payable as presented. A roll call vote was taken. The motion carried 5-0.

11. ADMINISTRATOR REPORT

Grams thanked Officer Mike Smith for his 21 years of service to the City of Osseo and wished him all the best in the future.

Grams noted he and the mayor would be at the Capitol for a Senate hearing on the governor's bonding bill on Tuesday, March 28.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen reported she was keeping an eye on the cannabis bill to better understand how this may impact the City.

Hultstrom explained on Wednesday, March 22 she attended a PSAC meeting.

Vickerman and Hultstrom thanked Officer Smith for his tremendous service to the community.

Schulz thanked the Council for allowing him to attend this meeting remotely. He wished Officer Smith a speedy recovery and thanked him for his dedicated service to the City of Osseo.

13. ANNOUNCEMENTS – None

14. ADJOURNMENT

A motion was made by Hultstrom, seconded by Schulz, to adjourn the City Council meeting at 8:44 p.m. A roll call vote was taken. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial