

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
January 27, 2020**

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 27, 2020.

2. ROLL CALL

Members present: Councilmembers Mark Schulz, Larry Stelmach, and Mayor Duane Poppe.

Members absent: Councilmembers Juliana Hultstrom and Harold E. Johnson.

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

Others present: Lee Gustafson, Nick Preisler, Kenny & Sarita Nelson, James Kelly, Preston Kroska, Michael Grigg, Bryan & Ann Ahner, Ashlee Thostenson, Alicia Miller, Dave Aanerud, Sherilyn Miller, Jason Hegerle, Becky Weidenbach, Carol & Russell Nielsen, Deanna Burke, Teresa Aho, Andrew Sandahl, Rick Weber, Dennis Smith, Kerstin Schulz, and Jeffrey Hafferman.

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 addition of Item 5J to the Consent Agenda, Accept Resignation from Public Works Maintenance Worker Josh Schillinger, and the addition of Item 10F, Approve the Posting for the Public Works Maintenance Worker Position.

**A motion was made by Schulz, seconded by Stelmach, to accept the Agenda as amended. The motion carried 3-0.**

5. CONSENT AGENDA

- A. Receive EDA Minutes of January 13
- B. Approve Council Minutes of January 13
- C. Set Public Safety Advisory Committee Meeting for February 5 at 6:00 p.m.
- D. Receive 2019 Fourth Quarter Donation Report
- E. Receive December Hockey Association Gambling Report
- F. Receive December Lions Club Gambling Report

- G. Approve Amended Agreement with Business Watch International for Pawn Transactions
- H. Receive Conditions Assessment for 1915 Water Tower
- I. Receive Heritage Preservation Recap of January 22 Meeting
- J. Accept Resignation from Public Works Maintenance Worker Josh Schillinger

**A motion was made by Schulz, seconded by Stelmach, to approve the Consent Agenda. The motion carried 3-0.**

6. MATTERS FROM THE FLOOR

Richard T. Weber, 332 4<sup>th</sup> Avenue NE, stated the Council's responsibility is to operate the Capital Improvement Budgets and establish policies, regulations, and planning for the City's future. He explained Osseo's Strategic Plan calls for responsible leadership. He encouraged the Council to stop being friends with everyone and do what is best for the City of Osseo. He reported sidewalks are installed during construction and not later as a second thought. He noted he was a second generation Osseo resident and noted his father has been in the City since 1954. He stated when he was on the Council he worked hard to get the City to where it is now. He explained the City has come a long way financially and strategically. He reported WSB was hired to do a job, to design a street with sidewalks per the Council's request. He explained Mr. Gustafson has over 30 years of experience in his field. He questioned why one person with no experience in this field was able to lead an attack against the engineering firm and the Council. He understood Mr. Kroska was getting quite worked up about the street project and has been posting things online. He explained he visited the Minnesota State Judicial website and what he found surprised him. He encouraged the residents of Osseo to not believe the statements that have been made online.

Bryan Ahner, 601 3<sup>rd</sup> Avenue NE, reviewed a resolution that was signed by the Council in 2019. He explained he had fears that WSB had not properly done its job as the proposed street project was not submitted without sidewalks for cost comparison purposes. He believed more time should have been spent on this. He was of the opinion the Council should have been fact checking the statements being made by Mr. Gustafson regarding parking and parking requirements. He indicated the City Council was elected to serve the public. He stated he has been personally attacked by Councilmember Schulz. He believed this was against the Council's policies for behavior. He reviewed a picture of Councilmember Schulz's property and noted on two instances he has had cars parked across the sidewalk. He questioned how the Council could stand up and speak about how safety was a priority when the Councilmembers themselves were not following the sidewalk rules. He believed the Council was not serving the public but rather was working to create its own legacy. He explained Preston Kroska went around and received 60+ signatures from neighbors not in support of the proposed sidewalks. He recommended the Council move to censure Councilmember Schulz based on his actions. He explained he does not want sidewalks or to have his street narrowed. He encouraged the Council to vote no to sidewalks.

Deanna Burke, 640 3<sup>rd</sup> Avenue NE, expressed concern with the sidewalks and proposed reduction in her street width. She feared that if the width of 3<sup>rd</sup> Avenue was reduced traffic would have a difficult time navigating down the street given the fact there were always cars parked on both sides of the street. She explained this would become more

of a concern in the winter months. She stated her usable roadway was currently only 27 feet wide due to snow and the existing street width was 35 feet. She recommended her roadway width not be reduced to 32 feet as this would dramatically impact the flow of traffic on her street. In addition, she had fears that emergency vehicles would have a difficult time making it down her street. She read a letter she drafted to WSB stating she opposed having a sidewalk in front of her home. She noted she was approaching 70 and did not want to clear the snow. She commented on the changing demographics of the community and reported 25.6% of the population in Osseo was 65 or older. She stated one quarter of Osseo's population consisted of senior citizens living on fixed incomes. She questioned if the Council had considered how the sidewalks will impact seniors living on a fixed income. She stated she would be forced to hire a service to clear her sidewalk which would cost her \$35 per snow occurrence. She indicated the other alternative for seniors would be to try and shovel the sidewalk, which could result in back injuries, slip and fall events, broken bones, or even a heart attack. She felt confident that the fear of injury was a serious concern for seniors. She requested the Council take into consideration the needs of 25% of the residents in Osseo.

Preston Kroska, 601 2<sup>nd</sup> Avenue NE, stated it came to his attention the Council has not received his petition. He provided staff with a copy of his petition. He reviewed a picture of a boulevard and sidewalk after a snow plow has driven down the street. He did not support the City dead ending the sidewalk in a ditch at the end of his street. He expressed frustration with the fact the City did not clear its own sidewalks and reviewed several photos of City Hall that showed snow on the sidewalks. He then reviewed several photos of homes within the alleyway projects that he believed showed the City had gone over the right-of-way. He explained the Mayor laughed at him in September stating the City does not go over the right-of-way. He indicated these homeowners could take the City to court for violating their property rights. He stated he feared how his roadway would be impacted when it is narrowed and sidewalks were added. He did not want to see the City going over the right-of-way.

David Aanerud, 416 3<sup>rd</sup> Avenue NE, explained he has lived in Osseo for the past 20 years. He reported he has lived in three homes in the City and none have had sidewalks. He stated this has never been a problem for him. He questioned why the sidewalk issue was now being pushed. He recommended his street simply be resurfaced and not be replaced with sidewalks. He stated he strongly opposed the extra expense for sidewalks.

Carol Nielson, 400 2<sup>nd</sup> Avenue NE, stated she sent a letter to the City Council several weeks ago regarding her concerns and only heard back from Councilmember Hultstrom. She indicated she has lived in Osseo for the past 40 years. She explained in the last 20 years there had not been an accident on her street with a vehicle, pedestrian, or bicycle. She understood there was a need for safety for children on main thoroughfares but noted 2<sup>nd</sup> and 3<sup>rd</sup> Avenues NE do not have the same level of traffic. She discussed how the sidewalks would impact property values and driveway parking access. She indicated she also opposed the street width being narrowed. She explained this could be a danger for emergency vehicles in the winter months given the fact there are cars parked on both sides of the street at all times. She stated the assessments would be burdensome for seniors. She commented on how the sidewalks would remove yard area from young families with children. In addition, trees would be lost. She

encouraged the Council to respectfully listen to the residents and not move forward with the sidewalks in this project.

Sarita Nelson, 509 3<sup>rd</sup> Avenue NE, stated she was disappointed at the last meeting when Councilmember Hultstrom expressed interest in serving on the HR Committee and was ignored. She expressed concern with the fact a member of the City Council has treated a member of the community disrespectfully. She read the City's code of conduct and believed action should be taken against Councilmember Schulz based on his actions against Mr. Ahner. She reported she did not support the proposed sidewalks in the 2020 street project. While she understood sidewalks made some areas safer, she did not believe the sidewalks were necessary on her street. She encouraged the Council to listen and hear the voices of the residents and not move forward with sidewalks.

James Kelly, 624 3<sup>rd</sup> Avenue NE, stated he did not support the City spending \$600,000 to update the City's old water tower. He then signed a petition and presented the petition to staff.

Kenny Nelson, 509 3<sup>rd</sup> Avenue NE, explained he recently completed watching 10 years of Council videos. He summarized the actions that have been taken by the Council over the past 10 years with respect to street improvement projects. He reviewed how the street standards have changed over the past 10 years. He requested the City properly replace the water and sewer lines prior to putting in the new street. He explained he did not support the narrowing of his street.

Andrew Sandahl, 532 2<sup>nd</sup> Avenue NE, stated he did not support sidewalks on his street. He explained he did not want this issue to become an "us versus them" topic. He understood the Council wanted the City to be great; however, he also wanted the Council to take into consideration the comments that have been made by the residents.

Schulz indicated he received a request for an interview from Alicia Miller. He explained he was asked by Ms. Miller if he had ever spoken to Bryan Ahner's boss and, if so, what was said. He understood Mr. Ahner had sent an email to the Mayor regarding his lack of professionalism. He described the intent of his statement noting his wife had been personally attacked for offering clarity on the Council's actions last December. He read his response to Ms. Miller's questions in full for the record.

Stelmach explained Councilmembers can speak to their interests when appointments are made for committee positions. He indicated each Councilmember has the same opportunity to express interest and it takes three out of five members to vote to approve the appointments.

7. SPECIAL BUSINESS

A. APPOINT ELECTION JUDGES FOR PRESIDENTIAL NOMINATION PRIMARY  
(Resolution)

Grams stated that with the Presidential Nomination Primary coming on March 3, election judges that may serve at this election should be appointed. City staff can also be part of any absentee ballot board that may be necessary for the processing of

absentee ballots. If additional judges are needed, this resolution serves to appoint those people to fill any vacancies or to make substitutions even if not listed on this resolution.

**A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2020-7 appointing election judges and absentee ballot board for the Presidential Nomination Primary. The motion carried 3-0.**

**B. ACCEPT DONATION TO MOVES IN THE PARK FUND (Resolution)**

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Osseo Maple Grove Hockey Association	\$1,500	Music/Movies in the Park
Osseo American Legion	\$1,500	Music/Movies in the Park
UMI Company, Inc.	\$ 100	Fire Department
Harold E. & Gayle Johnson	\$ 600	Beautification
<i>(in memory of Frank Folwarski, Agnes Iten, Donald Mattson, Gary Mitsch, Sharon Schmidt, &amp; Dr. P.H. Shah)</i>		

Staff recommended the Council accept the donations.

**A motion was made by Stelmach, seconded by Schulz, to adopt Resolution No. 2020-8 accepting donations from Osseo Maple Grove Hockey Association, Osseo American Legion, UMI Company, Inc., and Harold E. & Gayle Johnson. The motion carried 3-0.**

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

**A. APPROVE PLANS AND SPECIFICATIONS FOR 2020 STREET PROJECT (Resolution)**

Lee Gustafson, WSB, stated on November 25, 2019, the City Council held the improvement hearing and adopted a resolution ordering the improvements for this project and the preparation of plans and specifications.

Mr. Gustafson explained the 2020 Street Reconstruction Project consists of reconstructing portions of 2nd Avenue NE and 3rd Avenue NE, from 4th Street NE to CR 30, including repairing or minimal reconstruction of the storm and sanitary sewer, and full replacement of curb and gutter. All driveways in the project area will receive a concrete apron. It is expected that the roadway improvements can be completed within existing road rights-of-way or drainage easements for work on all streets. He commented further on the improvements that would be completed.

Mr. Gustafson indicated the total project cost is estimated at \$1,034,500, and includes all proposed street, utility, sidewalk, and storm sewer improvements, as well as all engineering, legal, financing, and administrative costs. Detailed cost estimates can be found in the feasibility report. The opinion of probable cost is based on projected construction costs for 2020 and includes a 10% contingency and 25% indirect costs. The

indirect costs include engineering, legal, and administrative costs associated with the project. No right-of-way acquisition is expected as a part of this project.

Mr. Gustafson reported financing the 2020 Street Reconstruction Project will be based on the City's special assessment policy which calls for 50% of the proposed improvements to be specially assessed including all administrative costs. The remaining 50% and 100% of the storm and utility costs will be financed by the City through street and enterprise funds. The proposed per unit assessment is \$6,720.

Mr. Gustafson stated there are two resolutions recommended that approve plans and specifications and authorize the advertisement of bids. Staff is recommending the City Council adopt the resolution that includes electronic bidding as per the newly adopted policy. If for some reason Council is hesitant to use electronic bidding in this case, staff has provided an optional resolution for Council's consideration that authorizes paper bidding.

Mr. Gustafson reviewed the utility improvements that would occur within this project and discussed the street design considerations. The sidewalk impacts were reviewed with the Council. He commented further on the proposed project and recommended approval of the plans and specifications and authorization to advertise for bids.

Nick Preisler, WSB, discussed the benefits of the electronic bidding process with the Council. It was his hope the new process would lead to the City receiving more bids and a lower overall price.

Stelmach stated he had no interest in a project that results in a parking restriction. Grams explained the City did not intend to put parking restrictions in place on 2<sup>nd</sup> and 3<sup>rd</sup> Avenues NE.

Stelmach questioned if the City had any concerns with getting emergency vehicles down these streets if the roadway width were narrowed. Grams stated the City did not have any concerns. He reported emergency vehicles would be able to get down the streets even with the reduced roadway widths.

Stelmach inquired if staff had reviewed the condition of the City's water and sewer lines. Mr. Gustafson explained the condition of these lines had been reviewed.

Stelmach reported there had been 15 incidents between a car and a pedestrian and there had been two accidents between pedestrians and bicycles. In addition, there were 16 incidents that occurred between bicycles and cars. He wanted to make the public aware of this information.

Stelmach asked if the City would see any savings given the fact the roadway width would be reduced by three feet. Mr. Gustafson reported there would be a savings as three feet less gravel and pavement would be needed along the entire roadway.

Stelmach apologized for not responding to one of the speakers that emailed the Council. He stated he typically tried to respond but noted her comments had been heard. He stated just because the Council was not agreeing with the people speaking does not

mean the residents have not been heard. He thanked everyone for coming forward and speaking to the Council respectfully.

Grams stated the traffic data information was provided by the Police Chief.

**A motion was made by Stelmach, seconded by Poppe, to adopt Resolution No. 2020-9 approving the Plans and Specifications and Authorizing the Advertisement for Bids for the 2020 Street Reconstruction Project using electronic bidding. The motion carried 3-0.**

**B. APPROVE LIFT STATION ASSESSMENT WITH WSB**

Lee Gustafson, WSB, stated the City of Osseo owns and operates a sewer collection and conveyance system consisting of three lift stations that ultimately discharge wastewater to the regional MCES (Met Council system). The largest lift station is a dry well-wet well station and the two smaller lift stations are submersible stations. The City would like to assess the process, mechanical, and structural components of the lift stations relative to condition and performance in order to identify needed improvements and determine budgetary costs for lift station rehabilitation. This assessment will also incorporate information from the 2019 Lift Station Controls Improvements Assessment relative to the electrical and controls components. He reviewed the proposal noting the specific project components. The cost to complete the scope of work outlined in the proposal will be on an hourly basis for a not-to-exceed amount of \$9,000.

**A motion was made by Stelmach, seconded by Poppe, to approve the Lift Station Assessment proposal with WSB for an amount not to exceed \$9,000. The motion carried 3-0.**

**C. APPROVE SITE AND BUILDING PLAN APPROVAL FOR 9 CENTRAL AVENUE**

Abts stated the Planning Commission held a public hearing on this application at its January 21 meeting. Following the public hearing, the Commission voted 5-0 to recommend that the City Council approve the Site/Building plan subject to the conditions listed in the packet. On May 27, 2003, the City Council granted variances for lot area, lot width, front, rear, and corner side yard setbacks, as well as variances for parking and an expansion of a non-conforming building to allow a second floor addition for the property. Since the 2003 variances were approved, setbacks and parking requirements for the property have changed. Once issued, a variance is a property right that runs with the land so the 2003 variance still applies to the property.

Abts reported the property received an Architectural Design Guidelines Grant from the Osseo EDA in 2003. The scope of work for the grant included adding second story vinyl awnings, Central Avenue signage, shutters, doorway trim, and molding. The building was damaged in a fire on April 16, 2008, and was not immediately restored. After having the fire-damaged property appraised in 2009, the Osseo EDA ultimately decided against purchasing the property for use as a Gateway Development or public right of way.

Abts explained the property is located on the southwest end of Central Avenue, at the northwest corner of the intersection of Central Avenue and County Road 81 in Osseo.

The parcel is almost completely occupied by the existing one-story building. The building was previously home to Advanced Home Improvements and is now home to A to Z Contracting.

Abts provided further comment on the request and reviewed the analysis for Site/Building Plan Approval. Staff recommended approval of the Site-Building Plan Approval with conditions.

Schulz commented he reviewed the request and stated he was excited about the plans for this property. He believed the improvements would turn this property into a great gateway entrance for the City. He welcomed the applicant to the City of Osseo and stated he would be offering his support of the request.

Stelmach agreed and welcomed the applicant to the City of Osseo.

**A motion was made by Stelmach, seconded by Schulz, to approve the Site and Building Plan for 9 Central Avenue with the following conditions:**

1. The improvements shall match the site plan submitted for approval by the City Council;
2. Any necessary payment for SAC charges must be made prior to issuance of any building permits;
3. The applicant shall obtain all necessary building and sign permits and pay all fees related to the proposed improvements;
4. All trash shall be stored within the building or a properly screened enclosure.

**The motion carried 3-0.**

D. APPROVE APPOINTMENTS TO PUBLIC SAFETY ADVISORY COMMITTEE  
(Resolution)

Grams stated the City received a letter of interest from Nate Berg for the Public Safety Advisory Committee vacancy. Staff thanked this volunteer for his interest in serving the City of Osseo.

Stelmach explained Mr. Berg has a background as a paramedic and understood he was interested in getting more involved in the community.

Schulz stated he has found Mr. Berg to be detail oriented and believed he would bring a passionate voice to the Public Safety Advisory Committee.

**A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2020-10 approving the appointment of Nate Berg to the Public Safety Advisory Committee. The motion carried 3-0.**

E. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.



**A motion was made by Schulz, seconded by Stelmach, to approve the Accounts Payable as presented. The motion carried 3-0.**

F. APPROVE POSTING FOR PUBLIC WORKS MAINTENANCE WORKER

Grams explained staff received a letter of resignation from Public Works employee Josh Schillinger. He reported staff would like to post for this soon-to-be vacant position. It was noted this position would be posted on the City's website, with the League of Minnesota Cities, and other various sites. He recommended the posting remain open until filled.

**A motion was made by Stelmach, seconded by Schulz, to approve posting for the Public Works Maintenance Worker. The motion carried 3-0.**

Schulz thanked Josh Schillinger for his dedicated service to the City of Osseo.

11. ADMINISTRATOR REPORT

Grams thanked Josh Schillinger for his years of service with the City. He wished him well in his future endeavors.

Grams reported he was recently elected to the MAMA (Metropolitan Area Managers Association) Board of Directors. He stated it would be an honor to serve with this group.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Mary Tietjen commented on the dispute that occurred between a resident and a City Councilmember. She discussed the City's role in this type of occurrence noting she represents the City and does not represent individual Councilmembers or residents. She explained the things that were or were not said between these individuals must be dealt with privately. She also clarified that elected officials were not City employees.

City Attorney Tietjen explained Councilmember Hultstrom had emailed her and City Administrator Grams earlier in the day. She reported Councilmember Hultstrom had let her know she would not be attending meetings for the foreseeable future. She indicated a timeframe was not given to staff. She commented under State law, if a Councilmember for whatever reason, does not attend a meeting for 90 days, the Council can declare a temporary vacancy and an appointment can be made to fill the seat temporarily.

City Attorney Tietjen reported a letter was handed to a Councilmember after the last Council meeting. This letter alleged that the Council had violated Federal law in appointing a resident as an alternate to the Watershed Commission. She explained no Federal laws were violated through this appointment.

Abts stated she had registered her notary commission with Hennepin County.

Stelmach congratulated Grams for being appointed to the MAMA Board of Directors. He thanked Nate Berg for applying and being willing to serve on the Public Safety Advisory Committee. He thanked all residents who had reached out and spoken respectfully regarding the 2020 street project.

Poppe thanked Josh Schillinger for his service to the City. He also welcomed Nate Berg to the Public Safety Advisory Committee.

13. ANNOUNCEMENTS

Poppe stated the Housing for All Breakfast would be held on Tuesday, January 28, at 7 a.m. at St. Joseph the Worker Catholic Church in Maple Grove.

Poppe reported absentee voting was now taking place at City Hall for the Minnesota Presidential Nomination Primary and would occur through Monday, March 2. He explained residents could also vote in-person at City Hall on Tuesday, March 3.

Poppe stated the Fire Department Relief Association's Annual Fireman's Dance would be held on Friday, February 14, from 8 p.m. to 12 a.m. at the Osseo American Legion.

14. ADJOURNMENT

**A motion was made by Schulz, seconded by Stelmach, to adjourn the City Council meeting at 8:55 p.m. The motion carried 3-0.**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*