

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
March 9, 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, March 9, 2020.

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, and City Attorney Mary Tietjen.

Others present: Lee Gustafson, Jeff Feulner & Emily Brown from WSB, Sarita & Kenny Nelson, Preston Kroska, James Kelly, Dave Nelson, and Teresa Aho.

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 Stelmach, seconded by Hultstrom, to accept the Agenda as presented. The motion carried 5-0.

5. CONSENT AGENDA

- A. Approve Council Work Session Minutes of February 24
- B. Approve Council Minutes of February 24
- C. Approve Annual MCMA Conference for City Administrator Riley Grams
- D. Approve Exempt Permit for National Wild Turkey Federation Raffle at Osseo American Legion
- E. Approve MN Chiefs of Police Conference for Chief Mikkelson and Officer Current
- F. Receive Resignation of Reserve Officer Aaron Fimon
- G. Approve Conditional Use Permit Application Fee Refund for Withdrawn Application
- H. Receive February Permit Report

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

6. MATTERS FROM THE FLOOR

Kenny Nelson, 509 3rd Avenue NE, reviewed several pictures of driveways and sidewalks with the Council. He requested the City work with the property owner at 640 3rd Avenue NE to protect their gardens. He recommended a portion of the sidewalk not be installed until plans are made for County Road 30 as this would allow the garden to remain in place. He also requested further information from the City regarding the bump out plans.

City Administrator Riley Grams reported Lee Gustafson from WSB was in attendance and could address these questions later in the meeting.

James Kelly, 624 3rd Avenue NE, stated he supported Kenny Nelson and encouraged the City to protect the gardens that belonged to Deanna Burke at the end of 3rd Avenue NE. He commented on how a swale could be made at this property to assist with reducing plow damage to the turf.

7. SPECIAL BUSINESS

A. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Osseo Fire Relief Association	\$2,000	Movies/Music in Park
Harold E. & Gayle Johnson	\$ 700	Beautification
<i>(in memory of Mary Barstad, Cheryl Ehlers, Howard Gray, Wilma Mastley, Linda Rokusek, Gregg Scherer, & Rev. Gregory Tyler)</i>		

Staff recommended the Council accept the donations.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2020-15 accepting donations from the Osseo Fire Relief Association and Harold E. & Gayle Johnson. The motion carried 5-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF MARCH 9, 2020

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable, received an update on the recent EDA Business Breakfast event, and heard a presentation from the I-94 West Chamber of Commerce.

A motion was made by Johnson, seconded by Stelmach, to confirm the EDA actions of March 9, 2020. The motion carried 5-0.

B. APPROVE BID AND ORDER PROJECT FOR 2020 STREET PROJECT – Lee Gustafson, WSB (Resolutions)

Lee Gustafson, WSB, reported 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.

Mr. Gustafson stated in addition to the needed work on 2nd and 3rd Avenues, the frontage road on the south side of CR 81 that extends from McDonalds to Lynde's Restaurant is in poor condition and in need of repairs, more specifically an overlay. In order to get good pricing for this work, the overlay was added to the 2020 Street Project during final design. This work is anticipated to have a construction cost of \$100,000 and will be funded by the City.

Mr. Gustafson commented approximately one month ago a water main break occurred on 2nd Avenue NE just north of 4th Street NE. The water main break was easily fixed with a standard repair band clamp. The water main did appear to look in good condition except for the break area. WSB later discussed the pipe condition with the Public Works Director. It was noted that the City has had few water main breaks in this area, and there is nothing to indicate that the water main should be replaced. Although the cost to repair the water main was about \$7,000 (including street repairs if needed), this cost is far less than the \$162,000 cost to replace the water main on this block.

Mr. Gustafson explained a petition was submitted to eliminate sidewalk from this project. A copy was included in the feasibility report that Council reviewed on October 28. Signatures have been added to this petition since it was first submitted. A more recent copy of the petition was submitted on February 13. No formal action is required regarding the petition.

Mr. Gustafson reported bids were received on March 3, 2020, for the 2020 Street Reconstruction Project. Eight bids were received in response to the call for bids. He summarized the bid and explained the apparent low bidder, ASTECH, has satisfactorily completed several similar projects in the metro area, including the Osseo 2018 and 2019 Street and Alley Reconstruction Projects.

Mr. Gustafson stated the total project cost is estimated at \$972,794.93, and includes all proposed street, utility, and sidewalk improvements as well as all engineering and administrative costs. 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. He noted an Assessment Hearing was scheduled for Monday, April 13. Staff commented further on the proposed project and recommended approval.

Schulz indicated he concurred with staff's recommendation regarding the City's water mains. He stated the City's water mains are cast iron and were susceptible to breaks. He questioned what material would be used today if a water main were to be replaced. Mr. Gustafson explained new lines were PVC or ductile iron.

Mr. Gustafson commented further on the questions that have been raised by residents. He described how a crown would be built into the service road to ensure this roadway condition was improved. It was noted the City would pay 100% of the expense for the work completed on the service road. He discussed the aerial imagery that was provided by Hennepin County and noted these images were not survey quality. He explained why the curbing plan sheet from MnDOT was dated 2017. He commented further on why the City uses MnDOT standard plans to provide consistency and remain efficient while meeting all ADA and liability requirements.

Johnson requested further information regarding the senior deferment program. Grams encouraged all residents with questions regarding the senior deferment program to speak with City Clerk LeAnn Larson. City Attorney Mary Tietjen discussed the State Statute requirements for deferred assessments, seniors, military members, and individuals who are permanently or totally disabled. She recommended those that may fall into one of these categories to contact the City Clerk.

Stelmach asked if the Council has been reaching out to WSB with questions or comments from the public. Mr. Gustafson indicated the City Administrator has been good about forwarding questions to him from the public. He stated he received questions from the Council, as well, and he tried to make certain he was addressing these concerns through his presentation.

Stelmach stated the best way to have questions or concerns addressed was to speak directly with the Council and not taking these issues to social media.

Johnson questioned if the sidewalk for the last house on 3rd Avenue NE could be addressed. Mr. Gustafson indicated this would be a decision that would have to be made by the Council, but would be an easy fix to make to the plans. He commented the sidewalk could end at the driveway, but the Council would have to consider how to pay for the future sidewalk extension.

Stelmach feared this action could create a precedent in the future.

Johnson inquired if the rest of the Council could support a change to the sidewalk plan for the property on 3rd Avenue NE.

Hultstrom indicated she could go either way on this issue. She noted she respected gardens and anticipated it would be easy to end the sidewalk at the driveway. She did not believe a precedent would be set for this request. She stated she could support the sidewalk ending at the driveway.

Poppe agreed and stated he could support the sidewalk ending at the driveway. He explained the sidewalk extension could be added into a future project.

Schulz commented his only concern with stopping the sidewalk at the driveway was that the City would have to cover the full expense of the sidewalk in the future. For this reason, he was against ending the sidewalk at the driveway. He recommended the Council remain fair and equitable for all homes within the project area. In addition, the property owner has not put forth a request to have the sidewalk changed but rather the request came through a neighbor.

Grams asked if the Council had to decide on this matter tonight. Mr. Gustafson explained this small portion of sidewalk would not impact the assessment rolls too much and the Council could decide at a future meeting. He reported if the sidewalk were installed at this time, the garden could be reshaped. He indicated he could work with the property owner by providing plenty of notice on when the area will be disturbed. He discussed how now was the time to address the boulevards and make sure the area was properly graded.

Mr. Gustafson suggested the Council not decide tonight. He indicated he would reach out to the property owner to discuss the garden and sidewalk situation.

A motion was made by Johnson, seconded by Stelmach, to adopt Resolution No. 2020-16 Declaring Costs to be Assessed and Ordering Preparation of Assessments for the 2020 Street Reconstruction Project. The motion carried 3-2 (Schulz and Stelmach opposed).

A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2020-17 Scheduling the Assessment Hearing April 13 for the 2020 Street Reconstruction Project. The motion carried 5-0.

C. APPROVE CENTRAL AVENUE STREETSCAPE PLAN – Lee Gustafson, WSB

Jeff Feulner, WSB, stated he has taken comments received at the previous Council work session and finalized a Streetscape Concept for Central Avenue – focusing on the City Hall block and another typical block which would apply to the rest of the corridor. The final concept includes two options for sidewalk treatment to be discussed by Council. It was noted Jeff had prepared additional suggestions for amenities that will complete the overall aesthetic of the corridor. The Council should consider the two options and select one as the final streetscape plan. This plan will then be used to replace block-by-block segments on Central Avenue as conditions deteriorate to the point that replacement is required. He commented further on the proposed plan and requested the Council approve a final streetscape concept plan.

Schulz stated issue he had with the plan was with the boulevard trees. He questioned why these were being proposed when the City currently had a moratorium on boulevard trees and was in the process of completing a tree study. He recommended the City follow its own rules. Mr. Feulner stated WSB was conducting a study on boulevard trees in residential areas at this time. He explained the proposed concept plans were proposing to replace the trees that were currently in place. Grams reported the tree study being completed by WSB was looking at residential areas and whether trees were appropriate.

Schulz understood this to be the case but explained whether a tree was planted along Central Avenue or 3rd Avenue NE it could still do infrastructure damage. For this reason, he could not support the proposed concept plans. He recommended the trees along Central Avenue not be replaced until the tree study was complete.

Stelmach stated he heard this concern and understood a tree study was underway. He commented the City should follow its own rules and regulations.

Grams commented the Council could table action on this plan until the City received the results from the tree study.

Mr. Feulner stated WSB could work around the existing trees or the plan could go forward with no trees and trees could be added in the future.

Schulz suggested the Council move forward with a concept plan and that spaces/grates be installed for future trees. He indicated he could not support moving forward with a concept plan that included trees given the moratorium that was currently in place.

Stelmach stated this made sense to him. He asked how Schulz felt about the planters.

Schulz explained he supported the planters.

Hultstrom asked if WSB had photos of colored concrete to review with the Council. Mr. Feulner stated he was not able to get photos given the time of year. He indicated now that the snow was melting, he could go and take photos and would provide these images to the Council.

Stelmach requested Mr. Feulner provide staff with addresses and locations that have colored concrete as this would allow him to drive and visit these sites.

Johnson stated he objected to not replacing the boulevard trees along Central Avenue. He understood the existing trees were a problem, but indicated the trees were a focal point for this corridor, especially in the winter months. He recommended the project not move forward until the concept plan included trees.

Stelmach supported the City holding off on the trees until the tree study was completed. He asked when the tree study would be complete. Grams stated the tree study was slated to be done in June. He noted the tree study would focus on how boulevard trees impact residential neighborhoods.

Schulz questioned how the impact of boulevard trees differed from a residential neighborhood to the Central Avenue corridor. Grams stated Central Avenue was highly developed with lots of concrete and a residential street had more grass and open space. Mr. Gustafson commented on the density of the materials under the street along Central Avenue and noted the concrete was thicker than a bituminous roadway on a residential street. He reported the tree study was reviewing what type of trees should be allowed to be planted by the City and residents in the boulevard for long-term success. He explained streetscape trees were viewed more like vegetation in a planter. These trees had to be gutted every 10 to 15 years. He stated there was a slight difference in the study and what recommendations would be made versus what should be done on Central Avenue.

Hultstrom indicated she was having a hard time moving forward with picking colors and designs without seeing more options. Mr. Feulner explained the Council did not have to select colors tonight but rather should consider which overall look should move forward. He reported the final colors would be selected later.

Johnson stated he preferred concept 2.

Stelmach agreed concept 2 should go forward as well with grates being installed.

Hultstrom indicated she was uncertain how to proceed given the fact she was not clear on how the colored concrete would look or how it would hold up over time. She explained she could go either way on this issue.

Schulz stated he liked the look and feel of concept 2. He commented he could support this going forward with the Council addressing the tree issue at a future date. He encouraged WSB to move the tree study along given the timeliness of the streetscape project.

Hultstrom requested Mr. Feulner include a date of original install of concrete samples with exact addresses when he provides staff with that information.

Johnson asked what the next step would be for this project. Mr. Gustafson reported WSB would be coming back with an estimate, color samples, and plans and specifications.

A motion was made by Johnson, seconded by Schulz, to approve Option 2 for the Central Avenue Streetscape Plan as discussed by the Council. The motion carried 5-0.

D. APPROVE REPLACEMENT OF FURNACE & AC UNITS AT PUBLIC WORKS

Public Works Director Nick Waldbillig stated the furnace that provides heat to the Public Works office, restrooms, and other storage areas has been found to have a bad heat exchanger and in turn gives off large amounts of carbon monoxide when in use. During the replacement of the furnace he felt it would be beneficial to replace the air conditioning system at the same time. The reasoning is the air conditioning 'A' coil and other various parts and plumbing for the AC will need to be moved and jostled around potentially causing future problems that would require service. The AC unit is scheduled to be replaced next year and, replacing it now, when combined with the furnace, will save some money. The existing furnace and AC unit is believed to be the original from construction of the Public Works building. He commented further on the proposed replacements and recommended approval.

Hultstrom questioned where the contractor Guardian was from. Waldbillig stated Guardian worked out of Cottage Grove.

Hultstrom supported hiring the Osseo business, Comfort Solutions.

Stelmach agreed with this recommendation and noted Comfort Solutions would be closer for repairs or service calls.

Johnson supported keeping the vendor local as well.

A motion was made by Hultstrom, seconded by Stelmach, to approve the Public Works Furnace and AC Replacement with Comfort Solutions Good Option. The motion carried 5-0.

E. APPROVE 1ST READING OF CENSUS WORKER ACCESS ORDINANCE

City Planner Nancy Abts stated renters and others who live in multi-unit housing are at higher risk of being undercounted in the Census. As over half of Osseo residents are renters (50.50 percent), it is important that Census workers can access the City's multifamily housing buildings to successfully complete their census duties. Complete, accurate census data is of critical importance to all Osseo residents for equal political representation; fair distribution of federal, state, and county funding; and sound planning and investment in infrastructure, real estate, business development, and public policy and programming.

As required by the US Constitution, the Census occurs every 10 years. Once the 2020 Census is complete, another census will not occur until 2030. The City Attorney notes that this Ordinance may be adopted as a transitory Ordinance, only in effect until the end of 2020.

Stelmach stated he had a conversation with Grams regarding this Ordinance. He questioned what the direct value was to having census workers being allowed into rental buildings and was told this came down to funding for the State of Minnesota and the City of Osseo. He commented because there was a direct benefit, he could support the Ordinance.

Johnson indicated he supported the Ordinance as well. He recommended the Ordinance not have an expiration date given the fact the census was completed every 10 years.

Stelmach recommended the Ordinance expire on December 31 because this would require census workers to get the job done on time.

Schulz supported the Ordinance remaining in effect without an expiration date.

Hultstrom asked if the Council could make this Ordinance effective just in census years.

Stelmach supported this recommendation.

City Attorney Tietjen reported she would have to consider how to draft language for this type of scenario.

Hultstrom explained she had to fill out a survey from the census bureau two years ago. Further discussion ensued regarding the American Communities Survey.

A motion was made by Hultstrom, seconded by Schulz, to approve the 1st Reading of the Census Worker Access Ordinance with changes as discussed.

Johnson asked when this Ordinance would go into effect. Abts stated if the Council approves the Second Reading at the March 23 meeting the Ordinance would go into effect on April 2.

Hultstrom questioned if the Council should waive the Second Reading and approve the Ordinance as amended. City Attorney Tietjen reported this would require a 5-0 vote.

Poppe recommended the Council go through with the First Reading and approve the Ordinance on March 23.

Schulz called the question.

The motion carried 4-1 (Johnson opposed).

F. 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

Grams reported a Presidential Primary was held last Tuesday. He thanked City Clerk Larson for all her efforts on this election. He stated the next round of elections would be in August and November.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen spoke to the Council regarding Coronavirus stating in the event an emergency was declared and meetings could not be held, there were State laws in place for public bodies to enable them to still conduct business.

Abts indicated she was excited about Census Day, which was Wednesday, April 1. She encouraged all residents to complete their census information and be counted.

Abts commented the City would begin taking election judge applications for election judges for the Primary and General Elections beginning Wednesday, April 1.

Hultstrom thanked City Clerk Larson and election judges for all their hard work on the Presidential Primary.

Hultstrom stated the Northwest League of Municipalities would meet on Wednesday, March 11. She explained she would be having knee replacement surgery in April and would be unable to attend Northwest League of Municipalities meeting on April 8. She encouraged another Councilmember to attend in her place.

Stelmach thanked Police Officer Aaron Fimon for his service to the Osseo community and wished him well in the future.

Johnson encouraged all residents in Osseo to complete their census forms. He reported this information could be completed via phone or online.

13. ANNOUNCEMENTS

Poppe read a notice of vacancy for the Shingle Creek Watershed Commission and Mississippi Watershed Commission. Those interested in serving with this organization were encouraged to apply to the City of Osseo.

Poppe stated the American Red Cross would be holding a Blood Drive on Wednesday, March 25, at the Community Center in Room A from 1 - 7 p.m.

14. ADJOURNMENT

A motion was made by Johnson, seconded by Stelmach, to adjourn the City Council meeting at 8:53 p.m. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial