

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
March 23, 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 23, 2020. He read a statement regarding how the City of Osseo would be conducting meetings via telephone or other electronic means per State Statute 13D.021.

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, City Attorney Mary Tietjen, Police Chief Shane Mikkelsen, and Fire Chief Mike Phenow.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of March 9
- B. Approve Council Minutes of March 9
- C. Approve Council-League of MN Cities Training for July 6 at 6:00 p.m.
- D. Approve Proposal from Abdo Eick & Meyers for 2018 Employee Payroll Consulting
- E. Receive February American Legion Gambling Report
- F. Receive February Lions Club Gambling Report
- G. Approve Gateway Sign Fee Waiver Request from Lynde's Catering
- H. Receive March Planning Commission Minutes
- I. Approve Extension of Review for Conditional Use Permit for Major Automotive Repair and Indoor Auto Sales at 108 Broadway Street West

Johnson requested information regarding Item 5I. City Planner Nancy Abts explained the staff was requesting the extension of a CUP for Major Automotive Repair and Indoor Auto Sales for the property at 108 Broadway Street West. She indicated staff needed more time to investigate some of the concerns raised by the Planning Commission at its meeting last week prior to this item being reviewed by the City Council.

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

6. MATTERS FROM THE FLOOR

Poppe noted the City received several emails from the public and these emails were included in the Council packet. Kenny Nelson, 509 3<sup>rd</sup> Avenue NE, thanked public works staff for wintertime snow removal and City staff and WSB for helping with some engineering concerns. Sarita Nelson, 509 3<sup>rd</sup> Avenue NE, thanked all City departments for navigating these uncertain times and asked that residents be heard during Council meetings under Matters from the Floor. James Kelly, 624 3<sup>rd</sup> Avenue NE, stated he felt disenfranchised in the community due to limited access and needs.

7. SPECIAL BUSINESS

A. MAYOR'S PROCLAMATION AND DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 (Resolution)

Poppe read a proclamation in full for the record declaring a Local Emergency due to COVID-19. He requested the Council adopt a resolution extending the period of a Mayor-Declared local emergency.

City Administrator Riley Grams reported there were no known cases of COVID-19 in the City of Osseo. He explained this emergency was being declared to assist the City with recouping costs from the State or Federal government should costs occur as a result of this crisis.

**A motion was made by Hultstrom, seconded by Stelmach, to approve the Mayoral Proclamation of a local emergency due to COVID-19.**

Schulz stated he has reviewed the City's emergency action plan. He asked how this resolution would impact the Council's ability to make decisions regarding COVID-19. Grams reported the current emergency management plan calls for the Emergency Management Team to meet and make decisions on the crisis. He indicated his job would be to communicate those decisions and information to the City Council. He explained this was how the plan was set up currently.

Police Chief Shane Mikkelsen explained the City's emergency management plan was last reviewed in 2011. Grams indicated he was planning to have the Council review this plan later this year.

Schulz questioned if this resolution would suspend actions to a public or emergency Council meeting. He stated he was more comfortable having more people involved in the decision making. He understood the component within the declaration that made the City eligible for State and Federal aid. However, he believed the Council was giving away a lot of authority and oversight in this process. He supported as many people as possible be involved in the decision making process, even if participation was online.

City Attorney Mary Tietjen explained this resolution and declaration provides the utmost flexibility for potential reimbursement of costs and the purchasing of supplies. She indicated this resolution does not impede the City Council's ability to meet on an emergency basis with short notice should an issue arise.

Grams agreed stating the Council could still call an emergency meeting with short notice. He reported he has been holding daily meetings with the Emergency Management Team which consisted of the Police Chief, Fire Chief, Public Works Director, the Mayor, and himself. He stated if the Council wished to hold an emergency meeting, this could certainly be done.

Schulz asked what type of issues the Emergency Management Team would be addressing that may require an emergency meeting. Grams stated a citywide curfew or a potential national lockdown could be addressed by the City Council.

Schulz indicated he wanted to better understand how issues would be handled going forward. He supported more people being involved for the benefit of the entire community, without slowing down the decision process. Grams indicated the purpose of an Emergency Management Team was to assist the City through a crisis while providing the City with essential services expediently.

Schulz stated he was concerned with this time of uncertainty becoming a governmental run-away train. He wanted to be assured all members of the Council and staff were on the same page. Fire Chief Mike Phenow explained he understood these concerns but stated from his perspective he was trying to think ahead and be prepared to keep his department safe. He commented a larger discussion could be held if call volumes and the crisis were to adversely impact the City of Osseo.

Schulz requested comment from the Police Chief. Police Chief Mikkelsen reported he was in the planning stage and explained all efforts were to slow the spread of this virus per the guidelines from the Center for Disease Control. He commented as a front line emergency manager he was gathering information, following in the footsteps of other agencies, while staying on the phone daily with other emergency managers. He indicated if a serious health crisis were to occur in Osseo, he would engage a wider scope of the City Council to ensure all were comfortable with how to move forward.

Johnson asked how 911 calls were being handled from residents that could potentially have the virus. Police Chief Mikkelsen explained the Police and Fire Departments would not be responding to certain types of medical calls. For people with flu-like symptoms and another emergency (such as a heart issue), officers would respond with a mask and gloves for protection. He commented in an arrest situation, masks would be placed on the suspect for the officer's protection. He indicated goggles and face shields were on order. If officers have been exposed to a confirmed COVID-19 individual, procedures were in place from the Minnesota Chiefs of Police. He reiterated there were no known COVID-19 cases in Osseo at this time.

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

**A motion was made by Hultstrom, seconded by Johnson, to adopt Resolution No. 2020-18, Enacted Pursuant to Minnesota Statutes Section 12.29, Extending the Period**

**of a Mayor-Declared Local Emergency. A roll call vote was held. The motion carried 5-0.**

**B. ACCEPT MINNESOTA OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION SAFETY GRANT – Mike Phenow, Fire Chief**

Fire Chief Phenow stated Firefighter and OFDRA Gambling Manager Dave Jorgenson applied for this grant from OSHA on February 25. On March 10, we were notified that we had been approved for the grant.

Fire Chief Phenow reported in January the Council approved the purchase of approximately 10 full sets of bunker gear. This was funded through a recent donation from the OFDRA, funds remaining after a previous project funded by the OFDRA, and regularly budgeted CIP funds for the purchase of bunker gear. Those sets were for the 7 new hires and 3 sets that were at the end of their serviceable life. Those sets are on order and should be arriving in the coming weeks.

Fire Chief Phenow explained some of the remaining sets of gear are also quickly approaching the end of their serviceable life. Some gear also sustained damage from direct sunlight.

Fire Chief Phenow stated acquiring new gear before existing gear is completely unusable allows us to build up a slight surplus in gear. This has several benefits. First, it allows us to outfit new hires with gear while they are in training and rely less on borrowing gear from neighboring departments for this purpose. Second, provides some spare sets of gear that could be used while other gear is being laundered or repaired following a fire incident. Finally, given the recent dramatic shortages of PPE (personal protective equipment), such spare gear could be put to productive use as part of an alternative-PPE strategy as part of the larger response to the COVID-19 pandemic. He requested the Council accept the grant and approve the purchase of the equipment.

**A motion was made by Schulz, seconded by Hultstrom, to accept the grant and approve the purchase of the equipment. A roll call vote was held. The motion carried 5-0.**

**C. ACCEPT DONATIONS (Resolution)**

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Duffy's Bar & Grill	\$1,000	Fire Department
Duffy's Bar & Grill	\$1,000	Police Department

Staff recommended the Council accept the donations.

**A motion was made by Schulz, seconded by Johnson, to adopt Resolution No. 2020-19 accepting donations from Duffy's Bar & Grill. A roll call vote was held. The motion carried 5-0.**

**8. PUBLIC HEARINGS – None.**

9. OLD BUSINESS

A. APPROVE 2<sup>ND</sup> READING, ADOPTION, AND SUMMARY PUBLICATION OF CENSUS WORKER ACCESS ORDINANCE (Resolution)

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. Staff explained that at this time 26% of Minnesotans have responded to the census.

Johnson stated he received three invitations regarding the census. He reported residents are only required to respond to one of the letters. He encouraged all Osseo residents to respond to the census.

**A motion was made by Hultstrom, seconded by Johnson, to approve the 2<sup>nd</sup> Reading, Adoption, and Summary Publication of the Ordinance (Resolution No. 2020-20) as presented. A roll call vote was held. The motion carried 5-0.**

10. NEW BUSINESS

A. APPROVE CONDITIONAL USE PERMIT FOR LANDSCAPING BUSINESS AT 332 2<sup>ND</sup> STREET SE (Resolution)

Abts stated Chad and Anna Wolfe currently operate Twin Cities Property Preservation from a location in Maple Grove. The Wolfes have made an application to move their business to a tenant space located at 332 2nd Street SE. The proposed business will be located on a property owned by Chris Rains. The property is home to two single-family residential structures and three garages and is in the C2N Highway Commercial District North.

Abts reported the applicants propose to lease the space to operate their business at this location. They will live in one of the single family structures and use two accessory buildings and outdoor parking space for their business. The second single family structure and associated garage will be leased to a separate residential tenant. The City of Maple Grove noted that it did not have any land use complaints at the current location. Staff commented further on the request and explained the Planning Commission recommended approval of the Conditional Use Permit with conditions.

Schulz asked if the CUP was necessary because the property was in a Commercial zoning district. Abts explained the CUP was possible because the property was in a Commercial district. She noted this would not be allowed as a home occupation in a residentially owned property.

Johnson stated garage #3 belonged to the second residence and was accessed by the common driveway. He questioned if access to garage #3 would have to be made from

4<sup>th</sup> Avenue. Abts stated garage #3 does not have the same access. She indicated garage #3 was accessed off 2<sup>nd</sup> Street. Further discussion ensued regarding how the garages on this property would be accessed.

Stelmach stated he appreciated the discussion that was held at the Planning Commission meeting and explained the business owners would be doing their best to fit into the neighborhood. For this reason, he could support the request.

**A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2020-21 approving a Conditional Use Permit for a Lawncare and Snow Removal Business Use for the property at 332 2<sup>nd</sup> Street SE with the following conditions:**

- 1) 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. Domestic power equipment, excluding snow removal equipment, shall be operated only between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday in accordance with Osseo Code § 93.18 (V) (2);
  - b. No inoperable vehicles shall be kept outdoors, per Osseo City Code § 93.20;
  - c. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);
  - d. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
  - e. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
  - f. 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;
  - g. No small engine repair shall occur on the property without obtaining a separate Conditional Use Permit for the use, per Osseo City Code § 153.038 (A) (3);
- 2) Open to inspection. During any hours at which the use is active, the property shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval;
- 3) Parking. The applicant must provide on-site parking as required by Osseo City Code 153.079. The parking spaces shall be continuously maintained in a clear and visible manner in compliance with the approved site plan. Required parking spaces shall be provided in addition to outdoor equipment parking spaces.
- 4) Occupancy. Occupancy of the property for the conditional use, including outdoor equipment parking, shall be consistent with the plans included as Exhibit B. Occupancy of additional portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
- 5) 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.
- 6) 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.

- 7) 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.
- 8) 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 held. The motion carried 5-0.**

**B. APPROVE HIRE OF JOSHUA LUNDE FOR PUBLIC WORKS MAINTENANCE POSITION**

Grams stated with the recent resignation of a Public Works Maintenance employee the Council approved the hiring process for the vacant Public Works Maintenance position. The City posted the position opening, and received 19 applications. A Committee made up of City Administrator Riley Grams and Public Works Director Nick Waldbillig reviewed and scored the applications. The top four were selected for an interview. The four candidates were interviewed by the interviewing Committee, which included the City Administrator, Public Works Director, and the Council Human Resources Committee (Councilmembers Schulz and Stelmach). The unanimous decision was to select Joshua Lunde.

Grams reported Mr. Lunde impressed the Committee with his years of experience in many different aspects of public works. Josh showed he has a wonderful work ethic and a can-do attitude, which is important in a small Public Works crew. Josh also has experience plowing snow and will make a great addition to our Public Works team. It was noted Mr. Lunde will be hired starting at Pay Grade 5, Step 3 (\$25.50 hourly) and will be subject the Osseo Personnel Policy for all other terms of his employment. It is anticipated that Mr. Lunde will start with the City on April 6.

Schulz commented on the hiring process. He thanked staff for bringing the HR Committee a group of qualified candidates for this position. He stated Mr. Lunde would be a great fit for the Osseo Public Works Department.

**A motion was made by Hultstrom, seconded by Schulz, to approve hiring Joshua Lunde for the Osseo Public Works Maintenance position. A roll call vote was held. The motion carried 5-0.**

**C. APPROVE REVISED EMPLOYMENT AGREEMENT WITH POLICE CHIEF SHANE MIKKELSON**

Grams commented recently Police Chief Mikkelson approached the Council HR Committee with a request to update and revise his employment contract with the City. Chief Mikkelson met with City Administrator Riley Grams and the Council Human

Resources Committee (Councilmembers Schulz and Stelmach) to discuss the proposed revisions to the employment agreement. The revisions are as follows:

- 1) The employment agreement was formatted to follow the City's new format for employment agreements.
- 2) The agreement was updated to reflect the recently approved Osseo Personnel Policy (specifically the move from sick/vacation to paid time off).
- 3) Change the health insurance benefit to state that Mikkelson would be eligible for the higher benefit amount between the City employee benefit amount and the negotiated Police union contract.
- 4) Allow Mikkelson to cash out accrued and unused PTO hours during the year, at his current rate of pay.
- 5) Increase the retiree health insurance benefit from 55% to 65% (to match the current Police union contract).
- 6) Provide an opportunity to Mikkelson for a take home vehicle in order to respond to emergency calls at any time. Currently, Mikkelson is the City's Emergency Management Coordinator and is on-call 24/7. Currently the City does not have a take home vehicle policy. If the Council were to approve this addition, the City would need to create a policy to manage that. Additionally, the City would need to plan for such a vehicle purchase through the Equipment Capital Improvement Plan.

Grams stated the HR Committee's recommendation was for the full Council to discuss these revisions in an open meeting.

Police Chief Mikkelson explained the request for a take home car was something he has been thinking about for some time. He reviewed the amount of time he spends going to and from work and discussed the number of calls he responds to during this time. He commented further on the vehicle replacement program for the Police Department. He understood the new vehicle purchase would not happen overnight and discussed how the virus has impacted the car industry. He discussed three different options the City had available. He noted the 2013 squad car needed replacement. He stated this vehicle was due for replacement and noted the new squad purchase was within the CIP. He recommended the new squad car has ghost graphics. He indicated the department was using its squad cars more and was putting on more miles after the new hire. He believed the best option for the City would be for him to use the unmarked squad for the time being. He commented further on how it would be easier for him to have a take home squad car to respond to emergencies.

Hultstrom asked if the Fire Department had a vehicle that was not being used at this time. Grams stated the Command Car had been declared a surplus. He was uncertain if the vehicle had been taken to auction.

Police Chief Mikkelson discussed the health benefit changes to his Employment Agreement. He commented on the cash payout of PTO. He explained he left the police union when he accepted his position as Police Chief, and he would like his retiree health care bumped from 55% to 65% to match the current union. He understood he was an unproven talent when he was appointed Police Chief, but he believes he has since proven himself.

Schulz commented several of these requests were straight forward when they were discussed by the HR Committee with the Police Chief. He anticipated Items 3, 5, and 6 require Council discussion. He believed that the Police Chief was a proven entity and he supported the proposed changes to the Employment Agreement.

Stelmach indicated he also supported the proposed changes.

Johnson explained he was not involved in the previous discussions where an employee could take a vehicle home. He questioned why this became an issue.

Schulz stated it was his understanding a previous chief was allowed to have a take home car for emergency response purposes. He indicated the take home car use was never taken away, but rather a new chief was hired that lived in town and did not require a take home vehicle.

Johnson commented he understood a take come vehicle would assist Police Chief Mikkelson when responding to an emergency call. He believed the chief would not abuse this benefit. He questioned if the City has reviewed the numbers to see if the 2020 budget can support the additional expense. Grams commented staff has not budgeted for the take home vehicle. He explained a policy would have to be created for the take home vehicle. He indicated expected expenses for the take home vehicle would be gas and insurance.

Police Chief Mikkelson anticipated he would not be able to use the unmarked squad as a take home vehicle until 2021. This would allow the Council ample time to draft a policy and budget for the expense. He explained he had to leave the unmarked at City Hall until the previously ordered squad was received. He indicated he could support the take home vehicle going into effect in 2021. Grams agreed that it was more realistic that the take home squad would go into effect in 2021.

**A motion was made by Hultstrom, seconded by Johnson, to approve the revised Employment Agreement with Police Chief Shane Mikkelson. A roll call vote was held. The motion carried 5-0.**

**D. APPROVE ACCOUNTS PAYABLE**

Grams reviewed the Accounts Payable with the Council.

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

**11. ADMINISTRATOR REPORT**

Grams thanked his staff and the Councilmembers for their patience while attending this virtual Council meeting. He stated he was pleased with how this had worked out. He reported staff was working diligently to look out for the citizens of Osseo in order to combat the crisis. He encouraged residents to take care of each other and to check in on their neighbors. He reminded the public to not use flushable wipes in the City sewer system.

Grams thanked his staff members for working through a very stressful week at work. He thanked Police Chief Mikkelson, Fire Chief Phenow, Public Works Director Waldbillig, and all staff for their dedicated service to the community. He explained these individuals were providing a continuum of services to Osseo residents.

12. COUNCIL AND ATTORNEY REPORTS

Police Chief Mikkelson stated the Police Department was available to Osseo residents through these trying times. He understood these were stressful times, but he wanted the public to understand the Police Department was fully operational. He noted an officer would continue to be on duty 24/7 throughout this crisis.

City Attorney Tietjen reported this has been a stressful week and she explained she was proud of how efficient the City staff has been. She commended staff for their efforts in preparing for this online meeting and for keeping the City moving forward in a positive direction. She indicated she would continue to keep staff informed as information is presented to her from the State.

Abts thanked the City Council for being so accommodating in these unprecedented times. She noted the Step To It Challenge would be going forward as planned and would begin on May 1. She encouraged residents to participate with their families, to get outside, and to focus on the good things this situation brings.

Johnson stated he was thankful for the free meals being provided to Osseo residents over the age of 65 by Lynde's Catering, Premier Banks, Heinen's Motor Sports, and NW Landscape. He explained the residents in his building were also appreciative. He thanked these local businesses for stepping up and providing these meals. He indicated one of his neighbors was willing to help people with their finances. Those interested in receiving this help were encouraged to contact Councilmember Johnson personally.

Hultstrom welcomed Mr. Lunde to the City of Osseo. She thanked the Osseo yoga instructor that has been offering free online guided meditation and yoga classes. She stated this has been important for her in relieving stress. She thanked the Lynde family for the meals they have been providing to the elderly. She noted she attended a NW Hennepin League of Municipalities meeting on Wednesday, March 11, where Tax Assessor Jim Atkinson was the guest speaker. She thanked City staff for their dedicated service to the community at this time.

Stelmach thanked staff for working so hard to make this digital meeting possible and for continuing to provide a high level of services to Osseo residents. He stated he was proud of the great things taking place in Osseo.

Schulz stated it was great to see the City come together while staying apart. He appreciated the tremendous efforts of staff. He reiterated that flushable wipes were not to be used in the City's sewer system.

Poppe thanked staff and the City Council for being flexible and making this online meeting work. He stated he appreciated the meals that were being delivered to the elderly in Osseo. He explained Premier Banks-Osseo was taking donations to support this service.

13. ANNOUNCEMENTS

Poppe stated all City buildings are closed to in-person business due to COVID-19. He explained limited City staff continues to work at City Hall in a limited capacity and will do their best to answer phone calls and emails in a timely manner.

14. ADJOURNMENT

**A motion was made by Schulz, seconded by Hultstrom, to adjourn the City Council meeting at 8:26 p.m. A roll call vote was held. The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*