

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
April 13, 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, April 13, 2020. Due to the COVID-19 pandemic this meeting was held via WebEx.

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, City Engineer Lee Gustafson, Police Chief Shane Mikkelsen, and City Attorney Mary Tietjen.

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

5. CONSENT AGENDA

- A. Receive February Fire Relief Association Gambling Report
- B. Receive Planning Commission Minutes of March 16
- C. Approve Council Minutes of March 23
- D. Approve Work Session Minutes of March 23
- E. Approve Work Session Minutes of March 30
- F. Receive March American Legion Gambling Report
- G. Receive February Hockey Association Gambling Report
- H. Receive March Building Report

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

6. MATTERS FROM THE FLOOR

City Administrator Riley Grams stated Preston Kroska at 601 2nd Avenue NE asked if the frontage road between McDonald's and Lynde's could be piggy-backed on the County Road construction. Mr. Kroska anticipated this would save the City money in

engineering and construction fees. Mr. Kroska encouraged the City to fight for these savings. Mr. Kroska recommended Central Avenue walkways be patched and sealed as most walks were fine noting this should make the pavers last another ten years.

Grams stated Mr. Kroska had another comment regarding the difference between an RFP versus an RFB. Mr. Kroska recommended the City pursue the cost difference between hiring a contractor to sweep City streets versus buying and maintaining a new sweeper. Mr. Kroska would like to better understand if the City understood the numbers.

Grams explained Mr. Kroska would like to thank the Osseo Police and Fire Departments for their work on Saturday. Mr. Kroska appreciated how the community was coming together through hearts in windows and Christmas lights. Mr. Kroska encouraged the staff, City Council, and Mayor to also come together. Mr. Kroska feared the Council was overreaching and forcing residents into things they do not want. Mr. Kroska believed that many homes have been put on the market since the Council has served lies to the public. Mr. Kroska encouraged the Council to get their house in order and to stop trampling on his rights.

Grams stated he received a comment from Kenny Nelson at 509 3rd Avenue NE encouraged the Council to hold open comments during the assessment hearing. Mr. Nelson expressed concern with the fact residents would not be able to offer live commentary and ask questions during the assessment hearing.

Grams explained he received a comment from Sarita Nelson at 509 3rd Avenue NE stating she would like to thank City employees, in particular Riley Grams, LeAnn Larson, and Police Chief Mikkelson for the assistance given to her family while they navigate the ongoing pandemic. Ms. Nelson thanked the Fire Department and Police Department for the egg delivery this past weekend as it was a bright spot for her family.

Grams reported he received a comment from James Kelly at 624 3rd Avenue NE stating he had attended the last two watershed meetings. Mr. Kelly had references from both meetings and noted he could continue to perform these duties.

7. SPECIAL BUSINESS

A. 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
Osseo Fire Relief Association	\$ 11,100	Fire Department
Harold E. & Gayle Johnson	\$ 500	Beautification
<i>(in memory of Richard Copeland, Betty Isaacson, Robert Kinnan, Ronald Raum, & Delores Salmons)</i>		

Staff recommended the Council accept the donations.

Johnson questioned whether Duffy's had made additional donations, as donations in these same amounts and designations had been accepted at the previous Council meeting. Grams reported he believed this to be the case.

A motion was made by Schulz, seconded by Hultstrom, to adopt Resolution No. 2020-22 accepting donations from Duffy's Bar & Grill, Osseo Fire Relief Association, and Harold E. & Gayle Johnson. A roll call vote was taken. The motion carried 5-0.

8. PUBLIC HEARINGS

A. 2020 STREET PROJECT ASSESSMENT PUBLIC HEARING (Resolution) – Lee Gustafson, WSB & Associates

Grams reported the City Council would be allowing for real in-time comments from the public regarding the assessments for the 2020 Street Project. He recognized people could not be present for the meeting but explained staff was taking emails and comments from the public.

Lee Gustafson, WSB & Associates, stated the 2020 Street Reconstruction Project consists of reconstructing portions of 2nd Avenue NE and 3rd Avenue NE, from 4th Street NE to County Road 30, including repairing or minimal reconstruction of the storm and sanitary sewer, adding sidewalk to the east side of both streets, and full replacement of curb and gutter. The project also consists of overlaying the frontage road on the south side of CR 81. It is expected that the roadway improvements can be completed within existing road rights-of-way or drainage easements for work on all streets. It was noted the City received fantastic bids for this project and the per unit residential assessment would be \$5,919.34. Mr. Gustafson commented further on the project timeline, along with how the project would be funded and recommended the Council adopt a resolution for the 2020 Street Reconstruction Project.

Johnson commented the 2020 economy was strong when the year began. He explained the City had approved a budget based on this strong economy. He stated in March things changed when COVID-19 attacked the United States. He reported the stock market has dropped, many people have been laid off, the state budget surplus has disappeared, and Minnesota has a stay at home order, while closing schools, restaurants, and bars. He indicated this has increased the level of unemployment in the state. He commented on the federal and State programs that have been created to assist small businesses. He discussed how pandemic worries were impacting consumer prices.

Johnson questioned if now was the right time to move forward with this street improvement project given the current COVID-19 crisis and the considerable number of disagreements that have been voiced by the property owners. He reported the property owners within the project area have all been directly impacted by the pandemic. If the project were to move forward, he requested the Council consider removing the sidewalks from the project and that the street not be narrowed in order to address the concerns that have been voiced by the public. He anticipated these changes

to the project would reduce the overall expenses and reduce the assessments for the property owners as well.

Hultstrom stated she agreed with Johnson's comments. She supported the project being amended to remove the sidewalks and that the road not be narrowed. She encouraged the Council to hear the voices of the 50 residents living within the project area. She feared if the Council did not listen to these voices, the Council would be doing a great disservice to its residents. She recommended the roads remain the same width and that the sidewalks be removed.

Stelmach commented he appreciated the study Chief Mikkelson completed for the Council. He understood all residents believed a pedestrian versus car accident would not happen on their street. He stated he was not an alarmist but commented these were typically a "not yet" occurrence. He discussed the probability of these types of occurrences and noted they ended with horrible consequences. He asked what changed for Johnson to not support this project, when in the past he had supported sidewalks and the narrowing of the street width.

Johnson explained the overall climate in the country due to the COVID-19 crisis was changing his mind. He understood the street had to be replaced but recommended the street not be narrowed and that the sidewalks be removed in order to calm the objections that have been brought to the Council. He wanted to see the Council unite versus further dividing the City.

Stelmach stated he respected what Johnson did during the previous projects and understood he wanted the streets to be safe. He asked when the proposed assessments would become effective. Grams explained once the assessments were certified the first payment would not be due until the first half of 2021.

Schulz reported the City of Brooklyn Center made some changes to their planned street projects and was now being sued by contractors.

Hultstrom stated this was a different scenario because the City of Brooklyn Park had canceled or postponed their projects. She indicated these projects were canceled due to COVID-19 and resident's health concerns.

Stelmach explained he typically does not vote based on emotions. He believed when making a decision regarding the street improvement project the Council would have to look at the facts. He stated at some point each Councilmember would vote on an item that hurts but was best for the community. He indicated he has received more support to keep the sidewalks than to remove the sidewalks. He understood the voices against the sidewalk have been louder, but noted there were people within the project area that supported the sidewalks. He stated this was a community that was united 95% of the time. He indicated he supported the project going forward with sidewalks.

Hultstrom asked if Stelmach forwarded a list of names or any of the emails he received where residents were in support of the sidewalks. She stated out of all the correspondence she has received, she only had four emails in support.

Stelmach commented he has a list of residents but noted he would not be sharing this information because he did not want to violate the trust these residents had in him. He anticipated if these residents would have wanted to talk to Hultstrom they would have. He stated he encouraged these residents to reach out to Councilmembers that they were comfortable speaking with.

A motion was made by Schulz, seconded by Stelmach, to open the Assessment Hearing at 7:33 p.m. A roll call vote was taken. The motion carried 5-0.

City Attorney Mary Tietjen discussed the guidelines that would be followed for the Assessment Hearing. She understood the City had received complaints given the fact this was not an in person meeting. She noted a published and mailed notice was completed for this assessment hearing. In addition, a second mailed notice was sent to impacted residents to inform the public about the hearing. She understood this was not an ideal situation, but she believed staff had done a great job keeping the public informed on how to participate in this assessment hearing.

Grams thanked City Attorney Tietjen for her comments. He then began reading the comments staff had received from the public. He stated the first comment was from Shawn Hansen at 541 3rd Avenue NE reporting this resident opposed the proposed sidewalks. Mr. Hansen indicated he was still paying for a previous road project and requested the project not move forward at this time due to the COVID-19 crisis. Mr. Hansen encouraged the Council to hear the concerns that have been voiced by the residents and see that this project is burdensome on the residents.

Grams reported the second comment was submitted and signed by 13 different property owners. He read the statement in full for the record, stating the residents on 2nd Avenue NE and 3rd Avenue NE have made known their objection to the proposed sidewalks through voiced concerns and a petition. He explained this petition as deemed irrelevant by the Council. These residents encouraged the Council to be representative of Osseo residents and to understand their unalienable rights. He reported these residents believe the Council's actions show disregard, contempt, and arrogance for the wishes of the majority. He stated these residents view the Council to be abusing their power while ignoring the concerns that have been voiced. He explained this document had been signed by David Aanerud at 416 3rd Avenue NE, Mary Dramstad at 617 2nd Avenue NE, Dennis and Diana Johnson at 608 3rd Avenue NE, David Andrews at 501 3rd Avenue NE, Randall Dalluge at 525 3rd Avenue NE, Richard F. Weber at 424 3rd Avenue NE, Cynthia Castle at 309 4th Street NE, Linda Krois at 417 3rd Avenue NE, Jodi Halliday at 425 3rd Avenue NE, Michael Panchyshyn at 408 3rd Avenue NE, Sarita and Kenny Nelson at 509 3rd Avenue NE, Brent Maves at 533 3rd Avenue NE, and James Kelly at 624 3rd Avenue NE.

Grams reported the next comment was from Kenny Nelson at 624 3rd Avenue NE stating Mr. Nelson did not believe his comments should not be limited to 1000 words. Mr. Nelson objected to this hearing because proper notification was not sent out two weeks in advance as required by law. Furthermore, Mr. Nelson objected to how the City was taking comments for the assessment hearing. Mr. Nelson stated one-fourth of the American economy was in a coma and unemployment was near 12% noting this number could approach 20% by the end of next week. Mr. Nelson stated he may be taking a pay cut and he anticipated other residents were being severely impacted. Mr. Nelson

commented if the street project were to go through, he would have to choose between handing over \$100 of interest or \$6,000 he had saved, which would come in handy if he were to lose his job. Mr. Nelson encouraged the Council to fight for the residents living on 2nd and 3rd Avenues NE. Mr. Nelson commented on the City's sidewalk replacement policy and noted all trees were to be paid for by the City and not be split by the residents. Grams read minutes from last September where the Council discussed a City policy for tree payment. Mr. Nelson had requested a copy of this policy from staff and had not received this policy as of Monday, April 13. Mr. Nelson discussed the street design as of 2014 noting 1st Avenue was narrowed four feet. Mr. Nelson explained Johnson was a private citizen at that time and Johnson opposed the narrowing of 1st Avenue. Mr. Nelson questioned why it was acceptable to take three feet from his street width. Mr. Nelson indicated lighting on his street would be beneficial for pedestrian safety. Mr. Nelson recommended back of curb sidewalks be considered as this would move the sidewalks further away from the houses. Mr. Nelson stated he was strongly considering selling his home and moving out of Osseo. Mr. Nelson feared the Council was not acting in the best interests of the residents. Mr. Nelson was frustrated the Council could treat its neighbors this way and understood the Council did not want to hear any further from its residents. Mr. Nelson explained he was dyslexic, and it took him a great deal of time to write out his thoughts. Mr. Nelson sent his best regards from an angry and frustrated resident.

Grams reported the next comment was from Preston Kroska at 601 2nd Avenue NE stating there was no reason to narrow the street and force sidewalks onto residents along 2nd Avenue NE and 3rd Avenue NE. Mr. Kroska explained other cities have roads without sidewalks. Mr. Kroska feared the Council was lying to residents and providing false data. Mr. Kroska believed the City was violating right-of-way space and the residents were losing confidence in the Council. Mr. Kroska was of the opinion the Council had an improper relationship with WSB.

Grams reported the next comment was from Deanna Burke at 640 3rd Avenue NE stating she objected to the amount that would be assessed to her property for the 2020 street improvement project.

Grams reported the next comment as from Sarita Nelson at 509 3rd Avenue NE stating she reminded the Council that the residents had been told "nothing was in stone" from the very first meeting. Ms. Nelson asked the Council to consider these words as a decision was made about the future of these streets. Ms. Nelson commented on the uncertain times given the COVID-19 crisis and she anticipated the economic downturn would impact her neighbors. Ms. Nelson noted the City of Golden Valley had postponed their 2020 street project because of the current crisis. Ms. Nelson stated the sidewalks and narrowing of the street was a sticking point for her along with many other residents. Ms. Nelson expressed frustration with the fact the Council did not take the first petition seriously. Ms. Nelson commented these neighbors could have removed their names if they wanted to. Ms. Nelson believed it seemed rash to narrow the streets and stated this would impact the length of driveways along with the number of cars that could be parked in driveways. Ms. Nelson feared if the Council were to move forward with the project with the sidewalks it would be to prove a point. Ms. Nelson anticipated nothing the residents could say would change the Council's mind. Ms. Nelson hoped the Council would heed her husband's request and end the sidewalk on 3rd Avenue at the last house's driveway in order to allow the existing gardens to remain

in place. Ms. Nelson implored the Council to listen to the residents living along 2nd Avenue NE and 3rd Avenue NE and not proceed with narrowing the street and adding sidewalks.

Grams reported the next comment was from James Kelly at 624 3rd Avenue NE stating he objected to his assessment amount. Mr. Kelly believed double lots should be charged as such. Mr. Kelly objected to Osseo's assessment policy. Mr. Kelly requested further information from WSB regarding the assessment rates and why double lots pay the same as single lots. Mr. Kelly stated 58 properties were paying the same as two double lots. Mr. Kelly supported the people being able to vote on this street improvement project.

Grams reported the next comment was received via email from Kenny Nelson at 509 3rd Avenue NE stating residents will have to pay interest if they are not able to pay their full assessment up front.

Grams reported the next comment was received via email from Bryan Ahner at 601 3rd Avenue NE stating it was clear, as noted by Stelmach, that residents want to remain anonymous because members of the Council may attack someone at their place of work.

Grams reported the next comment was received via email from Sarita Nelson at 509 3rd Avenue NE thanking Councilmembers Johnson and Hultstrom for their comments.

Grams reported the next comment was received via email from Bryan Ahner at 601 3rd Avenue NE stating it was difficult for him to consider the comments from Stelmach given the fact he had no evidence and was keeping the residents anonymous. Mr. Ahner indicated Schulz had personally attacked a constituent with no reprimand. Mr. Ahner commented Schulz and Stelmach's wives inner circle do not make up the pulse of the City.

Grams reported the next comment was received via email from John Cochran at 501 2nd Avenue NE challenged Stelmach's assertion that he has heard a majority of positive comments in favor of sidewalks. Mr. Cochran stated if 50 people have already gone on record against the sidewalks, how could Stelmach have heard from a majority in favor. Mr. Cochran indicated Osseo was a safe and walkable community, and he failed to see how these sidewalks would make the community safer than it already was.

Grams reported the next comment was received via email from an anonymous person stating this resident was in favor of the sidewalks and this resident would like to see sidewalks on both sides of the streets. This resident believed sidewalks beautified the area and provided additional pedestrian safety. This resident understood COVID-19 has thrown a curve ball to all residents but recommended the project move forward.

Grams stated that at no other messages had been received via email.

A motion was made by Schulz, seconded by Hultstrom, to close the Assessment Hearing at 7:58 p.m. A roll call vote was taken. The motion carried 5-0.

Poppe asked if there were any additional comments or questions regarding the project.

Mr. Gustafson commented the cost to remove the four trees within the project area was \$3,080 and was split amongst the property owners. He discussed the parking on these streets and explained parking restrictions would not be put in place. He reported the assessments for each residential lot was based on the lot itself and not the lot width.

Johnson asked how much the City would save if the street width were to remain as is and the sidewalks were removed. Mr. Gustafson estimated this would save the City \$60,000. He anticipated this would impact the per unit assessment by \$400.

Grams explained the Council was being asked to approve a resolution approving the 2020 Street Reconstruction Project.

A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2020-23 approving the 2020 Assessment Roll and Street Reconstruction Project.

Johnson commented if this item were to move forward the sidewalks would be included along with the narrowing of the streets. Mr. Gustafson reported this was the case, noting the project would include a 32 foot wide street and five foot sidewalk on one side of the street.

A roll call vote was taken. The motion carried 3-2 (Hultstrom and Johnson opposed).

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF APRIL 13, 2020

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable, considered and approved membership in the I-94 West Chamber of Commerce, discussed results from the Osseo Business Survey, and discussed assistance for small businesses during the COVID-19 crisis.

A motion was made by Schulz, seconded by Stelmach, to confirm the EDA actions of April 13, 2020. A roll call vote was taken. The motion carried 5-0.

B. CONSIDER CUP AT 108 BROADWAY STREET WEST (Resolution)

City Planner Nancy Abts stated Vitaly Nagoryanksy, who operates Auto Star, Inc. located in Maple Grove just across the border from Osseo, has made an application to the City to move his business to a tenant space located at 108 Broadway Street West. The proposed business will be in an existing structure. However, planned reconstruction of County Road 81 through Osseo includes removing the current access point from Broadway Street West to County Road 81 and converting the intersection to a cul-de-sac. Hennepin County staff recommended the City consider ROW acquisition as part of the land use approval process. After hearing that the current property owner objects to this dedication and that the City Attorney does not recommend pursuing ROW acquisition at this point, staff recommends not including this item as a condition of approval for the CUP.

Abts reported the property located at 108 Broadway Street West is in M zone (Manufacturing and Industrial) and is owned by M C Ryan Et AL. The applicant proposes to lease the space to operate his business at this location. The proposal calls for the applicant to use roughly 3,094 square feet of space in the existing building, as well as outdoor storage space. The property currently holds a CUP for Minor Automotive Repair and Tire Sales and prohibiting Automotive Wrecking and Junk. Staff discussed the differences between Automotive Repair and Junk per City Code.

Abts explained at the Planning Commission meeting the applicant discussed business practices of receiving “wrecked” vehicles to evaluate for reconstruction under a salvage title. This practice requires auto wrecking to be on the property, a component of the conditional use not indicated in the original application. There are potentially significant environmental impacts from this use, even if it is incidental and ancillary to the primary major automotive repair and sales use. After conferring with staff from Hennepin County Environmental and the Minnesota Pollution Control Agency (MPCA), Conditions of Approval are proposed to ensure that the property meets the requirements of these agencies. The MPCA regulates the storage of “scrap” and salvage vehicles, while Hennepin County enforces requirements relating to Hazardous Waste. Staff reported the Planning Commission reviewed this item in March and recommended approval of the request with conditions.

Hultstrom stated she received a call from Howard Hornibrook requesting the right-of-way along County Road 81 be removed from the CUP. Abts reported this was not included in the CUP.

Johnson stated he sent an email to both the Police and Fire Departments. He explained he was concerned with the fact Hennepin County was going to shut out emergency vehicles from taking the shortest route to properties along County Road 81. He questioned if the City would have any rights to address these concerns with Hennepin County.

Schulz agreed this was a concern and recommended access be preserved for the properties on this side of County Road 81. He asked if the applicant objected to any of the conditions recommended by staff. Abts reported staff had not received any concerns regarding the proposed conditions.

A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2020-24 approving a Conditional Use Permit to allow for major automotive repair and indoor automotive sales with incidental storage of auto wrecking at 108 Broadway Street West Suite A, subject to 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) A valid Minnesota Vehicle Dealer License is required for Automotive Sales;

- b) Any waste tires must be stored inside an enclosed space or screened from public view and protected from the elements so as not to provide habitat to rodents or insects, per Osseo City Code § 93.18;
 - c) Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (3) (b) (4);
 - 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) The facility shall follow the Minnesota Pollution Control Agency's requirements for storage and transportation of waste tires and inoperable and salvage vehicles; and
 - 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;
- 2) Indoor Activities. Any vehicle repair or maintenance shall take place indoors.
 - 3) Customer Parking. A minimum of 8 customer parking stalls for the use shall be located on the property at all times, close to the main entrance of the business, and these spaces shall be clearly designated with signage and permanent pavement markings. All of the area utilized for parking space and driveways shall be surfaced with an impervious material to control dust and drainage. These parking spaces shall be in addition to spaces for "for sale" vehicles. Additional parking spaces may be required by Osseo City Code and must be provided;
 - 4) Vehicle Sales. Parking spaces for "for sale" vehicles shall be provided indoors and in addition to customer parking. Occupancy of the property for vehicle sales shall be consistent with the plans included as Exhibit B. Occupancy of additional tenant bays or portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
 - 5) Vehicle Storage. Any vehicle awaiting repairs for longer than 12 hours must be stored inside an enclosed space or properly screened from public view;
 - 6) Auto wrecking. Any wrecked, unsalvageable, or otherwise similarly irreparable vehicles stored on site must be stored inside an enclosed space or completely screened from public view. Such vehicles are subject to the requirements of the State of Minnesota, the Minnesota Pollution Control Agency, and Hennepin County. Copies of the current Notice of Coverage from the Minnesota Pollution Control Agency, the applicant's current Stormwater Pollution Prevention Plan, and current Hazardous Waste License from Hennepin County (or documentation from the appropriate agency that these documents are not required) must be on file with the City. Occupancy of the property for storage of auto wrecking shall be consistent with the plans included as Exhibit B (for indoor storage) and Exhibit C (for open storage). No more than 10 percent of the area indicated for "Auto Star Outdoor Storage" maybe be used for open storage of auto wrecking.
 - 7) 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 for inspection to determine compliance with the stated conditionals of approval.
 - 8) Recording Requirement. The City of Osseo will memorialize conditional use permit by adopting a resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.

- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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.

C. APPROVE PURCHASE OF NEW POLICE SQUAD VEHICLE

Police Chief Shane Mikkelson stated the proposed new police squad vehicle, a 2021 Ford Explorer, would be added to the fleet to meet the needs of the department given the fact the department has added two more officers in the last year. The current plan is to keep the Grey Ford Explorer as part of the fleet and its replacement would be added to the patrol fleet. This replacement Ford Explorer would be a blue color with what is called Ghost Graphics. It was noted the graphics would be the same color as the car and would be reflective at night. This vehicle would be used by the newly created mid-shift traffic officers. He commented further on the proposed purchase and noted seizure funds could be used to assist with purchasing the radio for this squad.

Schulz asked why the squad would be blue versus gray or black. Police Chief Mikkelson explained this was to create an undercover type squad for the department. He noted the officers recommended blue.

Hultstrom questioned if this vehicle purchase would replace the previous vehicle purchase. Police Chief Mikkelson indicated this purchase would be in addition to the previous vehicle purchase. He explained the previous purchase was made in August of 2019 and was canceled by Ford. He reported he requested the Council make this purchase in January of 2020. He indicated this vehicle was supposedly on a train on its way to Osseo.

Hultstrom inquired if the silver car would become the Chief's vehicle. Police Chief Mikkelson stated this was the plan.

Johnson indicated Ford was having a hard time meeting its orders at this time. He asked if other vendors were having the same problem. Police Chief Mikkelson

commented Ford decided to retool their cars which led to the canceling and delay of orders. He discussed how his officers liked the consistency provided by having all Ford vehicles and stated he was not interested in changing to a Chevy or Dodge model.

A motion was made by Hultstrom, seconded by Schulz, to approve the purchase of a 2021 Ford Explorer, computer, printer, and inter office mount. A roll call vote was taken. The motion carried 5-0.

D. APPROVE CLOSED POINT OF DISTRIBUTION FOR POLICE DEPARTMENT

Police Chief Mikkelson stated the Minnesota and Hennepin County Departments of Health offer what is called a Closed POD or Point of Distribution for government employees to keep the government operating during a time where vaccinations are needed. This would allow all employees of the City of Osseo and their families to be given a vaccine at City Hall instead of waiting at a public distribution site. This allows government employees to keep working to serve the public interests quicker and with more confidence than if they had to wait in line at a public distribution site. He commented further on the benefits of the closed point of distribution and recommend approval.

Johnson asked who would administer the medication. Police Chief Mikkelson stated this would depend on the type of medication. He stated pills or vaccines could be self-administered. He reported if a vaccine needed to be administered by a health professional the Minnesota Department of Health would likely dispense those vaccines.

Johnson questioned if this was a new program. Police Chief Mikkelson reported this program has been in existence for some time.

A motion was made by Hultstrom, seconded by Stelmach, to approve the agreement with the Minnesota Department of Health and the Hennepin County Department of Health for a closed point of distribution. A roll call vote was taken. The motion carried 5-0.

E. CONSIDER WAIVER OF UTILITY LATE FEES DUE TO COVID-19

Grams explained many cities have been looking for ways to help residents and business owners who may be struggling right now due to the COVID-19 crisis. One example might be to have the Council considering waiving late fee penalties on quarterly utility billings.

Grams stated first quarter utility billings are set to be mailed the week of April 13. The Council may choose to waive the late fees if property owners have not paid their utility fees on time. They would still be responsible for paying for actual utility charges, however. Historically, late utility penalties range from around \$3,000 to \$6,000 each quarter. Staff reviewed the recent history breakdown of paid utility late penalty fees for 2019 and the first part of 2020. If approved, this would result in a reduction of revenue to the utility funds. If the Council wants to waive late utility penalty fees, the Council should direct which 2020 quarters should be waived.

Poppe proposed waiving the late fees for 2020 and having the City tack on late fees if the utilities were to be certified with the County at the end of the year. Grams did not recommend the Council waive the late fees now only to tack them on later.

Schulz questioned what the City charged for late fees. Grams explained the City charged a \$30 administrative fee plus 10% per quarter until the fees are certified to the tax rolls.

Johnson supported the City waiving the late penalties for 2020. He questioned if the City's Water Fund could support a loss in penalty revenues and perhaps an increase in delinquencies. Grams stated the City typically had \$5,000 in delinquencies each quarter and noted the Water Fund could support a \$20,000 loss in revenues for 2020. He commented this amount may be more given the current crisis. He stated the Council did not have to approve the waiver of late penalty fees, but noted it was an option available to the Council to help its residents.

Johnson stated he supported the City waiving the penalty fees and recommended this item be reviewed after the first quarter payments were made by residents to better understand the impact.

A motion was made by Johnson, seconded by Stelmach, to approve waiver of utility late penalty fees for the first and second quarters of 2020 and direct staff to review this with the Council after the second quarter.

Schulz suggested the penalties be waived for the first, second and third quarters of 2020.

Johnson stated he would like the motion to remain as is because this would allow the Council to review the impact of the waiver prior to certification of unpaid bills.

Hultstrom supported the motion as presented.

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

F. APPROVE APPOINTMENTS TO WATERSHED COMMISSIONS (Resolution)

Grams explained staff received letters of interest from Harold Johnson, John Roach, and James Kelly prior to the deadline of March 31, 2020. He thanked these volunteers for their interest in serving the City. He requested the Council make an appointment to the City's watershed commissions.

Hultstrom suggested Councilmember Johnson and John Roach serve as representatives for the Shingle Creek and West Mississippi Watershed organizations with James Kelly serving as an alternate.

Johnson suggested John Roach serve as the appointee for the Shingle Creek Watershed District and that he (Johnson) serve as the appointee for the West Mississippi Watershed District. He suggested Mr. Roach serve as his alternate and he would serve as Mr. Roach's alternate. He indicated he was uncertain that Mr. Kelly would be an asset to these commissions.

A motion was made by Hultstrom, seconded by Stelmach, to adopt Resolution No. 2020-25 appointing representatives to serve on the Watershed Management Commissions as discussed. A roll call vote was taken. The motion carried 4-1 (Schulz opposed).

G. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

Johnson discussed the Banyon contract.

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

11. ADMINISTRATOR REPORT – None.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen reported the Hennepin County Board would be meeting tomorrow to discuss the abatement of late payment fees on first half property taxes. She explained advances were also being considered for payroll and debt service payments to cities.

Abts explained the self-response rate for the 2020 Census was just over 59% in Minnesota. She encouraged residents to take ten minutes to fill out their Census information.

Hultstrom thanked the Police and Fire Department for visiting the residents of Osseo this past weekend. She believed this was a nice way for the City to celebrate during the COVID-19 crisis. Hultstrom sent her condolences to Mike Olkives after the loss of his wife, Lynn. Hultstrom reminded the public of Osseo's leash law and noted her dog was recently bit by a dog that was off leash. She noted this bite required surgery and her dog was still recovering. She indicated this would have been quite serious if the dog would have bitten a small child. She noted she had received an apology from the pet owner, which gave her hope but she reminded all dog owners that leashes were required per City Ordinance.

Stelmach thanked the Osseo Fire and Police Departments for delivering Easter eggs this past weekend. He believed this was a great way to create community this past weekend. Stelmach explained Hennepin County had a help line for residents impacted by COVID-19 noting clothing, groceries, medical equipment, and financial assistance was available. The number for this help line was 612-348-3000. He encouraged residents to share this number with those in need. Stelmach thanked residents for providing their feedback both for and against the 2020 Street Improvement Project. He indicated this has been a challenging project for the Council.

Johnson sent his condolences to Mike Olkives on the loss of his wife. He reported Bill and Kristin Princeton lost their son and he sent his condolences to this family as well.

13. ANNOUNCEMENTS

Poppe stated the Citywide clean up event and garage sale has been delayed until fall. He reported individuals were still allowed to have garage sales while practicing safe distancing.

14. ADJOURNMENT

A motion was made by Schulz, seconded by Hultstrom, to adjourn the City Council meeting at 9:13 p.m. A roll call vote was taken. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial