

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
June 22, 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, June 22, 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, Police Chief Shane Mikkelsen, and City Attorney Mary Tietjen.

Others present: Lee Gustafson with WSB.

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 Johnson, 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 EDA Minutes of June 8
- B. Approve Council Minutes of June 8
- C. Receive April and May Fire Relief Gambling Reports
- D. Receive May American Legion Gambling Report
- E. Receive May Lions Club Gambling Report
- F. Approve Training for Public Works

**A motion was made by Stelmach, seconded by Johnson, 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 reported he received a comment from Kenny Nelson at 509 3rd Avenue NE stating he was concerned with sidewalk plowing and requested the Council discuss this matter at a future work session. Mr. Nelson had visited several streets last winter and saw several varying conditions for sidewalks from bare pavement to being piled high with ice packed snow. Mr. Nelson commented most residents do a

good job clearing their sidewalks, but it only took one resident along a street to make the sidewalk impassable. Mr. Nelson commented it would benefit the City to take over snow removal for sidewalks as this would ensure all sidewalks were passable during the winter months and less salt would be used.

Grams reported he received a comment from Rick Weber at 332 4th Avenue NE stating Mr. Weber was concerned with the recent posts on Facebook where a sewer grate had been dragged onto a newly completed City street. Mr. Weber believed this sewer grate was moved intentionally and discussed how Mr. Preston Kroska was harassing the street crews. Mr. Weber believed that Mr. Kroska was slowing down the street crews and feared what he would do next to sabotage this project. Mr. Weber encouraged Mr. Kroska to cease and desist to not prolong and increase the cost of this project.

7. SPECIAL BUSINESS

A. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Harold E. & Gayle Johnson <i>(in memory of Matthew Abts, Maxine Chapman, Dolores Farr, Craig Biegert, Orville Hanken, Paul Peloquin, Jeffrey Stern, &amp; Leonard Wirtz)</i>	\$800	Beautification

Staff recommended the Council accept the donations.

**A motion was made by Hultstrom, seconded by Stelmach, to adopt Resolution No. 2020-39 accepting a donation from Harold E. and Gayle Johnson. A roll call vote was taken. The motion carried 5-0.**

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. DISCUSS STREET AND ALLEY PROJECT CIP AND CENTRAL AVENUE IMPROVEMENT PROJECTS – Lee Gustafson, WSB

Lee Gustafson, WSB, stated Jeff Feulner (WSB) met with City staff and the Streetscape Committee early in 2020 to develop ideas to improve the Central Avenue streetscape. Pavement and sidewalk, specifically paver areas, throughout the corridor are failing causing unsightly and unsafe conditions. Reconstruction of these corridor areas will need to be addressed soon. Given the number of deteriorated pavers within the City Hall block, schematic repair concepts were prepared for this block based on priorities identified in these planning meetings - considering maintenance, lifespan, functionality, and overall aesthetic of the corridor. These concepts were presented to the Council during a work session on February 24, 2020.

Mr. Gustafson reported WSB then took the work session comments and used them to develop a final Streetscape Concept for Central Avenue. The final concept included two color scheme options which were discussed by Council on March 9. Council preferred the color palette in Option 2, which includes materials that coordinate with the original streetscape paving, to achieve a warmer overall look and assure consistency as improvements may be phased in throughout the area. The approved concept includes plain concrete drive lanes throughout the entire corridor which will be bordered by dark gray parking lanes and crosswalks in the City Hall block. Sidewalks will be a tan colored concrete, which was a color that was used throughout the original streetscape construction. Boulevard areas will be paved with colored concrete - stamped with a brick pattern. This treatment will keep the look of brick pavers while retaining the durability of cast in place concrete.

Mr. Gustafson explained other elements included in the Central Avenue streetscape improvements will be iron tree grates, refinishing (painting) of existing raised planters, irrigation repairs, and introduction of a new planting scheme. Plantings in the raised planters will be replaced, while street tree options will be evaluated for future installation. Working with staff and the streetscape committee, additional details will be developed through the final design process. Pavement samples will be provided for review prior to installation of each part of the project. It is anticipated that these changes will be made along the entire Central Avenue corridor over time, as current materials fail and need replacement. The City Hall block is the highest priority to be completely redone, as the drive lane pavers and sidewalks have deteriorated rapidly creating a safety hazard.

Mr. Gustafson stated staff recommends reconstructing the residential alleys and repairing the commercial alleys as listed on the updated 2021-2022 CIP map during the 2021 construction season. In addition, staff also recommends including the Central Avenue repairs for the City Hall block as a part of this alley project because it is similar type work which should hopefully result in good bids for the entire project. The Central Avenue repairs as described for this block are estimated at \$230,000.

Mr. Gustafson commented it is presently planned that the paver sidewalk on the Steeple Point block (west side of Central) will be removed and replaced with colored concrete by the 2020 street contractor within the next few months. The pavers in this area are essentially blowing up and repairs cannot wait until 2021. Initial discussions with the contractor indicate they are very interested in doing this work and will likely give the city a good price because they are already in town doing work. The addition of this work will be formalized as a change order to the 2020 street project.

Mr. Gustafson commented on the concerns that have occurred to residents being too close to project workers in the 2020 Street Project area. He encouraged residents with concerns to contact WSB. Grams stated he hated to call out residents in a public meeting, but noted Preston Kroska has been difficult to work with and was now causing delays and issues with the contractor. He indicated these delays were going to cost the City more money. He explained this behavior would not be tolerated and the City may pursue legal action against Mr. Kroska if he was not able to keep himself out of the project area.

Hultstrom explained she lived in the project area slated for 2021. She reported this project area had been notified and she did not believe it was transparent for the City Council to decide tonight without receiving feedback from the public. She anticipated if the project were pushed out another year the project cost would increase. She did not believe it was a good way to conduct business by proposing a project and then taking it away. She suggested action on this item be tabled until the residents can be notified.

Stelmach stated he understood Hultstrom's concerns, but explained the City Council had changed streets and projects in the past. Mr. Gustafson discussed how street projects changed from time to time in other communities after streets blow up over the winter months and action had to be taken. He reported his recommendation to the City Council was the most cost effective method for the Council to move forward. He commented on the benefits of including the alleyways with the Central Avenue project.

Hultstrom indicated she believed the residents should have been notified that these changes were being discussed. Mr. Gustafson stated the residents were not notified individually but explained the updated CIP was on the City's webpage for residents to review.

Hultstrom reported the residents in this area were expecting these streets to be redone in 2021. She did not believe the City was acting in a transparent manner by changing the year in which the project was going to be completed without any notice to the residents. She expressed further frustration that the ball had been dropped on Central Avenue. She believed this project should have been completed in 2020.

Stelmach questioned how many times the City Council had made changes to the street improvement plans in the past and what kind of notification was made. Grams discussed the process on how staff makes these recommendations to the City Council. He reported each year staff sits down with the Public Works Director and the CIP that is in place. He explained after this was completed staff determines the logical order to complete projects. He reported the Council then discussed the recommendations from staff. Mr. Gustafson indicated the County Road 81 frontage road was added to the 2020 project after such a meeting and discussion between staff.

Hultstrom stated she would like the City to notify the residents that were told their project would be completed in 2021 that the project was now being considered for 2022. She did not want the City to have further consternation regarding a future street project but rather wanted the City to be transparent with its residents.

Poppe asked what type of notification was sent to residents on 8<sup>th</sup> and 9<sup>th</sup> Avenues NE from the City or WSB. Mr. Gustafson did not recall anything being sent.

Hultstrom stated a notification letter was sent to residents along 8<sup>th</sup> and 9<sup>th</sup> stating residents along these streets were included in the 2021 street project. She reported the residents along these streets were already angry and there would be a lot of push back on sidewalks. Mr. Gustafson anticipated that the people that were on these streets were tree surveyors but were not affiliated with WSB or the City.

Stelmach questioned if letters were sent to this area regarding the three year plan for this area. Grams stated he was trying to recall and explained letters may have been sent at the request of the Council. He apologized for not knowing if letters were sent or not.

Hultstrom stated clearly for the record a letter was sent out and she received it. She reported she was not the only resident that received this letter. She noted an Osseo logo was on this letter and it informed her that she was included in the 2021 street project.

Stelmach indicated he would like to review the letter that was sent to the residents for context purposes.

Hultstrom reported she received this letter in late 2019 or early 2020 but she did not recall if she kept the letter. She stated she would speak with her neighbors to see if someone has a copy.

Stelmach commented he understood the frustration and stated he would like to review the letter Ms. Hultstrom received. However, he explained residents would have to understand the City was working with positive intent on behalf of residents. He would like to believe the City Council was working to be transparent and he believed this matter came up because from a technical standpoint, it made more sense to move in a new direction for 2021.

Hultstrom indicated one of her neighbors referred to Item 10F within the January 13 City Council packet. Grams reported this item refers to the tree inventory that was completed.

Stelmach stated with his street reconstruction was predicted for one year and was then pushed back to allow another street to be completed.

Johnson asked if these streets could be milled and overlaid versus a full reconstruction given the fact these were not old streets. Mr. Gustafson commented before decisions were made core samples had be taken.

Johnson inquired if the Streetscape Committee would be reviewing this item. Mr. Gustafson reported this was the case.

Poppe questioned if it would make sense to table action on this item until a recommendation could be made by the Streetscape Committee. Grams anticipated that the Streetscape Committee could meet and make a recommendation for the City Council prior to the next Council meeting.

Schulz reported the Streetscape Committee had already made a recommendation to the City Council. He did not believe it was necessary for this item to be further delayed. Mr. Gustafson reported this was the case and noted a lot of direction had already been provided from the Streetscape Committee and City Council. For this reason, he did not believe it was necessary to table action.

Mr. Gustafson commented he sought direction from the City Council regarding how to proceed with the sidewalk in front of Steeple Pointe. He explained the Streetscape Committee could be involved in selecting the proper color for the sidewalk replacement.

Johnson questioned when the core samples would be taken and analyzed by the City. Grams was not certain when the core samples would be completed and if they would be back in time for the Council to discuss at its next meeting.

Schulz stated he would not be available from June 29 through July 5.

Further discussion ensued regarding the 2021 and 2022 proposed street projects.

Poppe questioned how the Council wanted to proceed. He indicated he would like to understand what was sent, the Council could then answer the questions that have arisen from this letter and then could determine how to move the project forward. He noted the Steeple Pointe sidewalk would be moving forward once the Streetscape Committee provides input on sidewalk color.

Stelmach volunteered to meet with Johnson to address concrete colors.

**A motion was made by Stelmach, seconded by Johnson, to table action on this item to the July 13, 2020, City Council meeting. A roll call vote was taken. The motion carried 4-1 (Schulz opposed).**

B. APPROVE PROPOSAL FROM WSB FOR 2021 ALLEY PROJECT – Lee Gustafson, WSB

Lee Gustafson, WSB, stated the 2021 project consists of reconstructing the residential alleys and likely repairing the commercial alleys located in the following areas:

- The alley surrounded by 3rd St SE, 4th Ave SE, 2nd St SE, and 5th Ave SE
- The alley surrounded by 3rd St SE, 5th Ave SE, 2nd St SE, and 6th Ave SE
- The alley surrounded by 2nd St NW, 1st Ave NW, 3rd St NW, and Central Ave
- The alley surrounded by 3rd St NW, 1st Ave NW, 4th St NW, and Central Ave
- The alley surrounded by 3rd St NE, Central Ave, 4th St NE, and 1st Ave NE
- The alley surrounded by 4th St NE, 4th Ave NE, 93rd Ave N (CR 30), and 5th Ave NE

Mr. Gustafson reported the 2021 project also consists of reconstructing Central Avenue from 4th Street to 5th Street. This reconstruction includes removal of paver surfaces in the traffic and parking lanes, sidewalks and boulevard areas, and replacement with concrete pavement in varying finishes as shown on the approved concept layout prepared on March 5. As part of this work, WSB will review the pedestrian crossings. Staff will review the crossings based on previously collected data, provide a recommendation for improvements, and final design for pedestrian crossing improvements.

Mr. Gustafson commented it is understood that the existing alley and street widths will be maintained, and minimal impacts will be made outside of the alleys and street with the exception for impacts related to utility work and sidewalk/driveway replacement. Geotechnical evaluation will be performed as part of this project.

Mr. Gustafson stated it is also understood that the project funding includes assessments. WSB will prepare the preliminary assessment roll at the feasibility stage of the project, based on preliminary costs. The assessment rolls will include all necessary information including parcel identification numbers, property owner name and address, and basis of assessment and assessment amount. The preliminary assessment roll will be updated based on the bids received for the project at the time of the assessment hearing, prior to beginning construction. The proposed scope of services will include preparation of feasibility report, public involvement, development of construction documents including final plans and project specifications, and bidding assistance.

Poppe reported the City would have to coordinate with the local businesses to ensure that deliveries could still be made during the alleyway project.

Johnson asked if some of the alleyways were narrower than others. Mr. Gustafson commented the alleyways would fit within the City's right-of-way.

**A motion was made by Johnson, seconded by Hultstrom, to table action on this item to the July 13, 2020, City Council meeting. A roll call vote was taken. The motion carried 4-1 (Schulz opposed).**

C. DISCUSS POLICY BODY CAMERA POLICY

Police Chief Shane Mikkelsen stated on June 8 the City Council authorized the police department to purchase body worn cameras for the department. He would like to implement these body cameras when they are received. Minnesota Statue 626.8473 states that a local law enforcement agency must provide for public comment before it implements a portable recording system. It states that we must accept public comment electronically or via the mail. It also states that the agency must provide an opportunity for public comment at a regularly scheduled council meeting.

Mikkelsen commented he would like to open a public option and take comments from the public for the next 30 days. We will place a PDF of the policy on the city website and direct people to comment either to the department email address or via mail to the police department. The department email is Osseopd@ci.osseo.mn.us and the mailing address is 415 Central Avenue, Osseo, MN 55369. A final policy will be discussed and then implemented for body worn cameras.

Stelmach summarized the discussion that was held regarding the Body Camera Policy at the Public Safety Advisory Committee meeting on June 17.

Johnson noted several typos that need to be corrected within the policy. He asked what "discretion to record" meant within the policy. Mikkelsen explained this meant his officers would have the discretion to record when there is evidentiary value.

Johnson requested further information regarding the biannual audit. Mikkelsen reported the department would have to complete a biannual audit and explained the League of Minnesota Cities would complete this task, or another outside firm. He indicated this audit had to be completed by law and this would come at an expense. He noted the audit would ensure videos were being tagged properly within the system for retention purposes.

**A motion was made by Schulz, seconded by Stelmach, to direct staff to post the Body Worn Camera Policy and take public comment via email and mail, and to set a public hearing at the July 27, 2020, City Council meeting at 7:00 p.m. A roll call vote was taken. The motion carried 5-0.**

D. APPROVE RESOLUTION SUPPORTING THE COMMUNITY TELEVISION ACT  
(Resolution)

Grams stated the Northwest Suburbs Cable Communications Commission (NWSCCC) and CCX Media are requesting the support of the Protect Community Television Act by passing a resolution. NWSCCC signed a 10-year franchise agreement with Comcast in October 2014 and will run through October 2024. In the signed agreement, Comcast agreed to provide Cable Hooks Ups (CHU) and basic cable service to all public buildings, schools, etc., at no charge. They have also agreed to run cables to specific government buildings within a certain number of feet from the street at no charge. These are just two examples that have been standard in all NWSCCC franchise agreements since the franchise started back in 1982. In many cases throughout the country this would be included in cable franchise agreements. The FCC acted to not allow this anymore even though this has been written into an agreement and agreed to for the term of the franchise.

Grams commented what this would mean is that Comcast would be able to deduct the value of these services from the franchise fee payments which would mean NWSCCC would have less funding. NWSCCC was not only concerned about this current situation but future rulings that will have a negative effect on community media in general in terms of its overall funding if the FCC keeps chipping away at language in our agreements. NWSCCC is asking all member cities (including Osseo) to support this resolution to protect community television. Cities around the country and the National League of Cities, National Association of Counties, and the Minnesota League of Cities have supported approval of similar resolutions.

Schulz explained the franchise fees paid by residents with cable pays for the operation of CCX media, along with putting dollars into the City Cable Fund. He discussed how the FCC changed the rules. He noted this resolution of support would assist with upholding the current contract in place.

**A motion was made by Stelmach, seconded by Johnson, to adopt a resolution Supporting the Community Television Act. A roll call vote was taken. The motion carried 5-0.**

E. DISCUSS 2020 MUSIC/MOVIES IN THE PARK

Grams explained Councilmember Hultstrom and Johnson requested a discussion of the 2020 Music & Movies in the Park series. Currently, the City has cancelled the June Movies & Music in the Park dates due to the COVID-19 pandemic. We are scheduled to begin the series starting on Tuesday, July 7. Currently, the Governor's guidelines for safe outdoor gatherings is for no more than 250 people in an outdoor space while practicing safe social distancing. The City believes we can safely provide these events given those current guidelines.



Grams commented as of right now there is a full schedule of musical acts for June and July. However, several musical acts have reached out to the City with some concerns about performing amid the COVID pandemic. Some of the larger musical acts, such as the Classic Big Band, have indicated that they will bring a smaller group of musicians so that they can properly space themselves out while performing. Others have indicated they are taking a wait and see approach before deciding whether to go through with their performance. As a reminder, the agreements we have in place with each musical act allow for either party to cancel the performance at any time for any reason. If acts are taking a wait and see approach, we may be faced with last minute cancellations. Otherwise, the City is prepared to move ahead with the acts that still want to perform.

Grams reported the City also is prepared to move ahead with the movies series, as well. Staff recently learned that long-time Osseo Lion Ed Columbus has indicated he is not willing to participate in the Music & Movies in the Park series this summer given COVID concerns. Each summer, the Lions allow the City to use their audio and visual equipment to show the movies. With Ed not participating this year, the Lions are not willing to lend the audio and visual equipment to the City for use this summer. The City does own a BluRay player and projector that could be used to show the movies. However, the City does not own speakers or other audio equipment large enough for this type of outdoor use. The City could buy audio equipment and proper connections if necessary. We estimate a system to fit this need would cost around \$500-1,000 depending on the size and quality of the equipment. Public Works could go and purchase proper equipment for the movies if directed. We would then train the movie attendant on how to set up and take down the equipment properly.

Grams explained the City has also invited a variety of food trucks to come to these events to offer food options for attendants. Staff has reached out to several food truck vendors that we have scheduled in the past to see if they are willing to participate again this year and get them scheduled accordingly. Unfortunately, those that we have connected with opted out this year, noting the increased risk and concerns with COVID-19. Staff has left several messages for food truck vendors and have not heard back from them yet. Currently, there are no food trucks scheduled.

Hultstrom stated there was some concern with the short timeline to move this item forward. She explained she did not feel it was proper to move forward with Music and Movies in the Park given the fact there was so much unknown regarding COVID-19. She did not want the City to create events that could become a liability to the community.

Johnson agreed with Hultstrom and recommended the City not pursue any Music or Movies in the Park for 2020. He did not believe it was reasonable for the City to be promoting these types of events even though the State was beginning to open things up. He feared proper spacing would not occur in the park. He recommended Music or Movies in the Park be put off until 2021.

Stelmach asked if any of the bands were ready to hold concerts. Grams believed the bands were waiting to see how other communities were responding to concerts prior to moving forward. He stated bands were willing or tentative at this time.

Stelmach commented on the bands that were playing in garages in Osseo at this time and were inviting people to bring a lawn chair to listen in the street/yard.

Stelmach reported he has read several articles (one from the Army) regarding the spread of the virus. He feared a great deal of false information was available. He commented people were already beginning to gather in small groups and noted the governor was allowing gathering sizes to increase. He stated he supported the movies moving forward and noted signage could be posted to encourage people to be six feet apart. He indicated if there were high risk bands, these dollars could be used elsewhere. He supported the City returning to a sort of normalcy that was in alignment with the governor's orders.

Schulz commented the City owns all the audio/visual equipment already. He noted the only piece of equipment the City needed was another piece audio equipment that would cost the City \$400 to \$500. He stated the City has been promoting yoga and believed the same sense of promotion should be considered for Music/Movies in the Park. He explained he supported the City following the governor's orders. He indicated people do not have to attend the Music/Movies in the Park events, but for those that do feel comfortable, this should be allowed. He believed that these type of events would help address resident's mental health and he supported these events moving forward in July and August. He commented on the minimal staff/attendant time that would be required to run these events. He anticipated the community was eager to get out of their houses and would be interested in attending these type of community events. He supported the Council moving forward with Movies/Music in the Park with the Council directing staff to purchase the necessary audio equipment.

Stelmach understood this was a scary time and he indicated it would be easy to slip into the reasons why this cannot be done. However, he wanted to figure out how to move forward so long as the City was following the governor's executive orders.

**A motion was made by Schulz, seconded by Stelmach, to direct staff to move forward with Music and Movies in the Park beginning on July 7 and authorizing staff to spend up to \$500 to purchase the associated audio equipment.**

Stelmach commented if staff were having challenges getting food trucks, he would be happy to make calls.

Schulz indicated he would be willing to provide staff with the addresses of the garage bands that have been playing in the community to see if they were interested in playing at Music in the Park.

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

F. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

Johnson commented on an Ehlers expense for the 5 Central Project and recommended this expense be paid by the EDA.

Stelmach asked how Ehlers would feel about delaying payment on this. Grams stated he could reach out to Rebecca Kurtz and receive feedback on this item.

Johnson proposed paying the 5 Central Project expense at the first EDA meeting in July.

Stelmach commented he could support staff reaching out to Ehlers to ask if they were comfortable with the EDA paying this bill and if not that the expense be defaulted back to the City.

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

11. ADMINISTRATOR REPORT

Grams reported information was sent out via Facebook and Twitter over the weekend that allows Osseo High School graduates to place a notice on the City's gateway sign. He reported congratulations will be posted on the sign intermingled with the other messages on the gateway sign.

12. COUNCIL AND ATTORNEY REPORTS

Johnson reported businesses that have fewer than 50 employees that have been impacted by COVID-19 can apply for MN DEED grants beginning tomorrow. He encouraged Osseo businesses to consider seeking assistance if needed.

Johnson commented on the loss of pull tab/charitable gambling revenues that has occurred for the first part of 2020.

Hultstrom stated she would be attending the virtual LMC Annual Conference on Thursday and would be serving on the nominating committee all day on Wednesday.

Stelmach explained it has been good to see more and more businesses in Osseo opening again.

Schulz welcomed Skyline Roofing to the City.

13. ANNOUNCEMENTS

Poppe stated the Osseo Farmers Market would be open again on Tuesday, July 7.

14. ADJOURNMENT

**A motion was made by Hultstrom, seconded by Johnson, to adjourn the City Council meeting at 9:23 p.m. A roll call vote was taken. The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*