

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
August 10, 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, August 10, 2020. Due to the COVID-19 pandemic this meeting was held virtually.

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 and City Attorney Mary Tietjen.

Others present: Joe Amerman.

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 taken. The motion carried 5-0.

5. CONSENT AGENDA

- A. Approve Council Minutes of July 27
- B. Approve Council Work Session Minutes of July 27
- C. Receive July Building Report
- D. Receive July Legion Gambling Report

Hultstrom requested a change to the work session minutes reflecting she would like the fire department bylaws reviewed every two years and not twice per year. Staff will make the correction to these minutes.

A motion was made by Stelmach, seconded by Schulz, to approve the Consent Agenda as revised. A roll call vote was taken. The motion carried 5-0.

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS – None.

8. PUBLIC HEARINGS

A. APPROVE FIRST READING OF TOBACCO ORDINANCE (Resolution)

City Administrator Riley Grams stated in May Governor Walz signed a bill raising the state tobacco sales age to 21. The new state law reinforces the federal Tobacco 21 law signed by President Trump in December 2019, and allows state and local units of government to conduct compliance checks to ensure the law is being followed. The June 29 Council work session provided discussion on proposed changes to City Code Chapter 112-Tobacco Regulations, as recommended by City Attorney Mary Tietjen. The proposed changes to the Code reflect the recent federal and state legislation.

Grams reported Attorney Tietjen suggested a 30-day period to allow public input on proposed tobacco changes. A notice was sent to the local licensed tobacco retailers notifying them of the public hearing scheduled for August 10. To date, staff has not received public input via phone or email. The Council should open the public hearing, allow for public comments, and then close the public hearing before considering the proposed ordinance amendment.

A motion was made by Stelmach, seconded by Johnson, to open the Public Hearing at 7:05 p.m. A roll call vote was taken. The motion carried 5-0.

There was no public input.

A motion was made by Stelmach, seconded by Johnson, to close the Public Hearing at 7:06 p.m. A roll call vote was taken. The motion carried 5-0.

City Attorney Tietjen reviewed an email that was forwarded to her from the Hennepin County Public Health Department and the Public Health Law Center. She reported this organization reviewed the City's Tobacco Ordinance and explained this organization had provided staff with comments on the penalty section of the ordinance. These comments and recommendations were reviewed with the City Council.

Stelmach explained he reached out to the owner of Sipe Bros and the manager of the Holiday gas station. He discussed with these businesses how they would be impacted by the federal government change. He stated he supported the Council approving the first reading with the second reading being approved at a future meeting.

Schulz questioned if this ordinance was the previous ordinance with just age changes. City Attorney Tietjen reported this was the case. She noted definitions were also brought up to date to be consistent with state law.

Schulz commented he would support the City Council approving this ordinance this evening and did not believe it was necessary for staff to wait.

Hultstrom stated she also supported this item being approved this evening.

Stelmach indicated he could approve the item this evening, or would support the item being approved at the Council's next meeting.

Johnson stated he preferred to hold this ordinance over to the second City Council meeting in August. City Attorney Tietjen advised the typical approval process for an ordinance was to hold a second reading and adopt the ordinance. She noted the Council did have the option of waiving the second reading.

A motion was made by Johnson, seconded by Poppe, to approve the first reading of an ordinance amending Chapter 112 – Tobacco Regulations. A roll call vote was taken. The motion failed 2-3 (Councilmembers Hultstrom, Schulz, and Stelmach opposed).

A motion was made by Schulz, seconded by Hultstrom, to approve the first reading of an ordinance amending Chapter 112-Tobacco Regulations and waive the second reading and adopt Resolution No. 2020-45 approving summary publication of the ordinance amendment. A roll call vote was taken. The motion carried 5-0.

9. OLD BUSINESS

A. APPROVE SECOND READING AND ADOPTION OF SNOW EMERGENCY ORDINANCE

Grams stated the City Council discussed proposed changes to the City's snow emergency policy and ordinance at the June 22 work session and approved the first reading of the updated ordinance at the July 27 Council meeting. The City last updated the snow emergency policy in 2017. Since that time, there have been some staffing changes in the Public Works Department and purchased newer snow removal equipment. As a result, the current snow removal process is operating more efficiently and effectively than in previous seasons. Public Works Director Nick Waldbillig, Police Chief Shane Mikkelsen, and Grams have had several discussions about updating the snow emergency policy to accomplish two things:

- 1) Allow for maximum flexibility for Public Works Staff to remove snow at any time when needed, and;
- 2) Provide easy and clear enforcement rules for the Police Department.

Grams reported staff is currently proposing moving away from the two-district system, and instead relaxing parking restrictions in the residential areas. With the previous snow emergency policy, Public Works was forced to only remove some snow during defined periods of time (the overnight hours during a snow emergency declaration). The biggest issue there is that snow events end at random times of the day, and if snow events end during the day, Public Works was unable to completely clear snow to the curb until the overnight hours. That delay would allow for temps to drop and the snow to become hardpacked with vehicles traveling over it all day. Removing that snow is much more difficult, harder on our equipment, and requires more time, effort, and materials to completely remove the snow.

Grams commented instead, by not requiring a specific timeframe for which the Public Works crews can only remove snow, they can focus on clearing streets more quickly throughout the day or night. Staff proposes we move to a "snowbird" system (which many metro cities use). This means that when snow plowing occurs, they will plow around any parked vehicle in the residential areas. That vehicle owner then has 24 hours to move their vehicle otherwise they face possible citation and/or towing at their

expense. Then, Public Works would come back with a smaller piece of equipment and quickly clear up the snowbird area the following day. This would make it easy for the Police Department to enforce because Public Works would communicate to them that plowing is occurring, starting the 24-hour clock. The vehicles should be completely removed from the snowbird area so that crews can get in there to clear up the area safely and efficiently.

Grams indicated another issue facing the Public Works crew is working several overnight hours in consecutive days. That schedule alters their ability to get proper sleep and effectively cancels out another full day of work for the crew (as they need to stay home and rest per OSHA requirements). There are no proposed changes to the downtown area (District A) except that the overnight parking ban (from 1st Ave NW to 1st Ave NE and from CR81 to CR30) would be in effect for one overnight period. This is still needed to allow Public Works to safely remove and haul away snow from the downtown area.

Grams stated the City-offered temporary snow emergency parking areas also remain unchanged and are shown on the snow emergency map. The Council asked City Attorney Tietjen and staff if this new ordinance interferes with any current on-street parking ordinance at the last meeting. After reviewing Section 70 of the City Code, both City Attorney Tietjen and staff believe that this updated ordinance would not clash with the existing on-street parking ordinance since these parking restrictions are only in effect when the City has an active snow emergency declared.

Schulz indicated his only hesitancy was that the Police Department was too interested in working with the Public Works Department on this new plan. He did not appreciate the fact that staff was working in this manner.

A motion was made by Stelmach, seconded by Johnson, to approve the second reading and adoption of the updated snow emergency ordinance. A roll call vote was taken. The motion carried 3-2 (Councilmembers Hultstrom and Schulz opposed).

10. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF AUGUST 10, 2020

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable and received an update on the EDA COVID-19 Small Business Relief Grant Program.

A motion was made by Schulz, seconded by Stelmach, to Confirm the EDA Actions of August 10, 2020. A roll call vote was taken. The motion carried 5-0.

B. APPROVE HIRE OF JOE AMERMAN AS COMMUNITY MANAGEMENT COORDINATOR

Grams stated in May the City Council approved the creation of the Community Management Coordinator position to replace the City Planner position. The City posted for the position and received 60 applications. City Administrator Riley Grams and City Clerk LeAnn Larson reviewed and scored all applications and invited the top scoring candidates to interview with the Council Human Resources Committee (Councilmembers Schulz and Stelmach) on July 27.

Grams commented after completing all the interviews, the Committee had a difficult decision to make as the interviewed candidates were excellent and would have been great employees. The Committee opted to offer the position to Joe Amerman. Joe and he negotiated the terms of his employment and Joe has accepted the position.

Grams reported Joe comes to Osseo with education and work experience. He graduated from Luther College with a Bachelor's in History and Political Science, and a Master of Public Policy from the University of Minnesota Humphrey School of Public Affairs. Joe most recently worked as the Community and Economic Development Intern for the City of Maple Grove and comes highly recommended by the Community Development Director. We believe Joe will be a great fit for the City of Osseo in this role. The position is on Pay Grade 9, and Joe will start on Step 2 (\$31.26/hour) of the Employee Compensation Plan. The position is a full-time position, and eligible for all full-time employee benefits per the Employee Personnel Policy. Joe plans to start on Monday, August 17.

Joe Amerman introduced himself to the City Council. Mr. Amerman discussed his educational and work history. He explained he was excited to be able to work with the City of Osseo where he would be able to address a variety of projects and issues.

Schulz commented on the process that was followed for the interviews and stated he believed Mr. Amerman was the right fit for Osseo.

Stelmach agreed. He stated he was pleased by the high caliber of candidates the City had for this position and welcomed Mr. Amerman to Osseo.

Hultstrom thanked the HR Committee for their assistance with the interviews.

A motion was made by Hultstrom, seconded by Johnson, to approve the hire of Joe Amerman as the Community Management Coordinator. A roll call vote was taken. The motion carried 5-0.

C. APPROVE CARES ACT FUNDS TO EDA COVID-19 SMALL BUSINESS RELIEF GRANT PROGRAM (Resolution)

Grams stated the City Council and EDA created the EDA COVID-19 Small Business Relief Grant Program on July 13. The program has been a big success with a total of 39 applications received and \$113,743.01 in requested funds (\$6,256.99 remains). That amount is close to the originally approved program amount of \$120,000. After consulting with City staff, we project a total of \$31,920.89 remaining from our original allotment of \$205,604.00 (after expenses already paid out and future projected expenses). To maximize the remaining amount of funds and make them available to our local small business, Staff recommends the Council direct an additional \$29,743.01 to the EDA for the COVID-19 Small Business Relief Grant program. This would give the EDA a total balance of \$36,000 (or 12 fully funded grant amounts at \$3,000 each). He explained the EDA recommended unanimously to move these funds to the EDA.

Johnson requested further information regarding the small business grant program. Grams explained this program was approved by the EDA and notifications were sent to

every business in town. He stated this program was available to businesses with 25 employees or less. He commented on the review process that was followed for the grant applications and thanked Johnson and EDA Commissioner Burke for their assistance in reviewing the applications. He discussed the documentation and paperwork that had to be in place to approve the small business grants. He reported the first batch of checks would be cut on Tuesday, August 11, and would then be sent to local businesses yet this week.

Johnson asked if the extra patrols from the riots could be covered by CARES Act funding. Grams stated he was uncertain if this expense would be covered by CARES Act dollars. He anticipated these expenses would be covered by a FEMA grant.

Hultstrom commented that not all the small business owners had applied for the full grant amount. Grams reported this was the case, noting four businesses had requested assistance to pay specific business expenses and this amount was less than \$3,000.

A motion was made by Hultstrom, seconded by Stelmach, to adopt Resolution No. 2020-46, authorizing conveyance of additional Coronavirus Relief Funds to the Osseo Economic Development Authority. A roll call vote was taken. The motion carried 5-0.

D. DISCUSS 2020 RENTAL LICENSE INSPECTIONS

Grams explained the City Council opted to postpone the 2020 rental inspections this past spring to this fall due to the COVID-19 pandemic. The City's contracted rental inspector, Roger Lenz, is ready to proceed with inspections in September. However, two Councilmembers (Hultstrom and Johnson) requested that this item be discussed by the Council. There are continued concerns about our inspector entering apartments with the on-going pandemic. However, the rental license inspections are critical to ensure that the City's rental properties are well maintained and that life safety concerns are being met. The Council should discuss whether to continue with 2020 rental inspections this year, or potentially postpone them until spring 2021.

Hultstrom explained she received a call from Don Lupke, the resident manager at North Oaks Apartments. She reported Mr. Lupke brought up some strong points about the transfer of COVID if rental license inspections were required. For this reason, she supported the inspections being completed in the spring of 2021.

Johnson stated he supported the inspections being completed in 2021. He understood that property owners were struggling at this time and he recommended this request be granted. He asked if the City had received any rental inspection fees to date. Grams explained the City has not collected any rental fees to date.

Hultstrom asked if the City had an agreement with Mr. Lenz. Grams reported the City does have an agreement with Mr. Lenz but noted fees are only paid if inspections are completed.

Stelmach questioned how many properties in Osseo were rental. Grams explained approximately 50% of the housing units in Osseo were rental.

Stelmach inquired what the difference was between replacing a water meter versus completing a rental inspection. Grams stated a water meter took only 15 minutes to complete. He indicated a rental inspection was lengthier and each room had to be inspected for life safety issues.

Johnson asked if the City has had any safety issues with the rental properties in Osseo in the last year. Grams commented there were issues from time to time. He stated most of these issues were dealt with between the tenant and the landlord.

Stelmach questioned what action staff was seeking from the City Council. Grams stated he would like direction and a motion from the Council regarding rental inspections.

Further discussion ensued regarding the rental inspection process that was being followed by Maple Grove.

Hultstrom questioned if staff would be comfortable completing inspections if complaints come forward. Grams stated 90% of these issues were taken care of between the tenant and the landlord. He reported if life safety issues were to occur, the City, police, or fire departments would have to step in.

Schulz asked how many housing units were listed on the City's rental inspection roster. Grams stated he would have to investigate this number.

Schulz commented there was no way 50 percent of the City's housing units were rental. He indicated he has been opposed to the rental inspection program for several years. He questioned if staff investigated homes when they go from homestead to non-homestead status. He suggested this program be pushed out as long as possible given the fact the program was not effective. He feared that this program was penalizing the people that were doing things right.

Hultstrom requested staff and the City Council review the rental inspection program prior to next spring.

A motion was made by Johnson, seconded by Stelmach, to postpone the rental inspection program to mid-March of 2021. A roll call vote was taken. The motion carried 5-0.

E. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

Johnson discussed the City workers' compensation policy and stated he had concerns with the proposed increase.

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

11. ADMINISTRATOR REPORT

Grams welcomed Joe Amerman to the City of Osseo.

Grams reported the Primary Election would be held on Tuesday, August 11. He encouraged all residents to participate in the Primary Election.

12. COUNCIL AND ATTORNEY REPORTS

Hultstrom welcomed Mr. Amerman to the City and stated she looked forward to working with him. She reported she would be attending a virtual meeting for the HR and Data Practices Committee with the League of Minnesota Cities on Tuesday, August 11. Hultstrom thanked the Council for supporting her and not moving forward with rental inspections in 2020.

Johnson reported the watershed district would be meeting this week and noted Central Avenue could be discussed.

Stelmach welcomed Mr. Amerman to Osseo and encouraged residents to get out and vote on August 11.

13. ANNOUNCEMENTS

Poppe encouraged all residents to vote in the Primary Election on Tuesday, August 11. He noted polls would be open from 7 a.m. to 8 p.m.

Poppe invited residents to visit the Osseo Farmers Market every Tuesday from 3 p.m. to 7 p.m. at Boerboom Park.

Poppe reported the next Music and Movies in the Park event would be held on Tuesday, August 11, where the Teddy Bear Band will be featured at 7 p.m. and the movie Coco will be screened at dusk.

14. ADJOURNMENT

A motion was made by Johnson, seconded by Stelmach, to adjourn the City Council meeting at 8:19 p.m. A roll call vote was taken. The motion carried 4-0 (Schulz was absent).

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial