

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
July 27, 2020**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:06 p.m. on Monday, July 27, 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, Police Chief Shane Mikkelsen, Public Services Director Nick Waldbillig, and City Attorney Mary Tietjen.

Others present: None.

3. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

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

5. CONSENT AGENDA

- A. Receive Q2 Donation Summary
- B. Receive EDA Minutes of July 13
- C. Approve Council Minutes of July 13
- D. Receive June Lions Club Gambling Report
- E. Receive June Hockey Association Gambling Report
- F. Approve Resignation of PT Officer Adam Rolshouse

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

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

- A. COVID-19 LOCAL STATE OF EMERGENCY UPDATE

City Administrator Riley Grams stated on Wednesday, July 22, Minnesota Governor Tim Walz issued Executive Order 20-81 that requires all Minnesotans to wear a mask or face covering indoors to help stop the spread of COVID-19 beginning on Saturday, July 25. Included in the packet was a copy of Executive Order 20-81, information regarding face mask requirements and recommendations, and face mask frequently asked questions. Of importance is the enforcement of the mandate and how local law enforcement agencies should handle these issues. According to the State, local law enforcement agencies may be required to assist in situations where businesses and/or customers are not following the mandate.

Grams reported the goal of the Executive Order is to “advise Minnesotans that wearing a face covering will protect them, their families, their friends, and others, and the expectation is that Minnesotans will voluntarily comply with the Order’s requirements. Enforcement is not the goal of this Executive Order, but because these requirements are so important for the safety of our communities, Minnesotans who fail to comply with the Executive Order may receive a petty misdemeanor citation and a fine up to \$100”. Businesses may also face criminal charges and/or potential fines.

Grams explained the Emergency Management Team met late last week to discuss how to enforce the Governor’s Executive Order at the local level. The Police Department understands that there may be situations in which customers and/or businesses may be violating the Executive Order and there could be a need to assist in those situations. The Emergency Management Team recommends that the Police Department assist when necessary and ask the customer or business for voluntary compliance whenever possible. The Police Officers may also provide face masks if asked. The absolute last resort in enforcement should be the issuance of a petty misdemeanor citation for violating the Executive Order.

Grams stated the City’s Emergency Preparedness Plan already addresses required indoor face masks for those conducting business at City Hall (face masks will now be required for any customer) as well as for staff members. The Executive Order allows for situations where a face mask may be removed (such as a staff member working alone in their own office or cubicle where social distancing is maintained) or in a closed space with no other staff members present.

Grams indicated at the July 13 meeting, the Osseo EDA and City Council approved a program to be managed through the EDA to help local small businesses with grants up to \$3,000 using the allotted CARES Act funds. Staff completed the program details and went live with the program information on Friday, July 17. To date, staff has received a total of 33 grant applications totaling \$87,934.01.

Grams explained the EDA set up a Review Committee to accept, review, and approve/deny the grant applications. The Committee includes Executive Director Grams, EDA Member Deanna Burke, and EDA Member and City Council Member Harold E. Johnson. The program will continue until either the program funds have been exhausted (a total of \$120,000) or we reach early December, when all un-used funds must be returned by the end of the year.

Grams stated currently the City is hosting the Tuesday evening Movies and Music in the Park series. The Farmers Market has also continued this summer. Staff reached out to

Intermarque about its plans for a fall Osseo Car Show event. Earlier this spring, Intermarque decided to postpone the Spring Opener event in Osseo, hoping for a fall event. Since then, Intermarque has canceled all the various car shows around the Twin Cities, including the Osseo event.

Grams explained the City opted to reschedule the annual Spring Clean Up event to October 3. The Council should decide whether to move forward with that event. Public Works Director Nick Waldbillig is hesitant about the event because his crew would be handling many household items from residents. This is also a cash-based event, which means the Public Works crew would be handling cash on site. As of right now, the Night to Unite event is still planned for October 6. The National Night to Unite organization made the decision to reschedule the August event to the first Tuesday in October this year. The City will await word on whether that event will continue as scheduled this fall.

Hultstrom explained she understood Public Works Director Waldbillig's concerns. She stated she was inclined to cancel the fall clean up for health reasons.

Stelmach questioned if staff has had conversations with the County regarding refuse pick up. Waldbillig reported the only conversation he has had was with Randy's Sanitation, and they were willing to participate in a fall cleanup day. He commented at this time the transfer stations were up and running and taking trash/recycling.

Schulz indicated the cleanup days hosted by the City were a good opportunity for residents to get rid of unwanted items on their property. He stated if there was any way to safely host this event, he would like to see the City proceed. He suggested Randy's Sanitation staff or Osseo residents handle the items themselves instead of Public Works staff. He understood the payment situation would be an issue and encouraged staff to find a creative solution. He commented if the event were not held this fall, he recommended two events be held in 2021.

Stelmach asked what this event would look like if residents could move items without the assistance of staff. Waldbillig stated the event could possibly work this way, but lines may be longer as it would take longer for residents to get their items in and out of vehicles without staff assistance. He commented on how the City would be impacted if all three Public Works staff members were to come down with COVID-19.

Stelmach anticipated all three City staff members would not have to be present if members of Randy's Sanitation attended the clean up event. Waldbillig stated he could speak with Randy's and make this request.

Hultstrom questioned how people were charged for the items brought to cleanup day. Waldbillig stated residents were charged and paid cash for items brought to clean up day.

Hultstrom recommended the health and welfare of the Public Works staff be taken into consideration. She suggested the fall clean up day be canceled and that another event be planned for the spring of 2021.

Johnson stated he could go either way on this. Waldbillig commented the event could be publicized and residents could be encouraged to bring exact change, or the City could take checks.

Poppe supported the event being as contactless as possible with the help of Randy's employees and only one City employee. He explained the other option would be for staff to collect contact information and the City could bill residents for items brought to cleanup day.

Schulz asked if this were something Randy's could coordinate. Grams did not believe Randy's would be able to collect all this information on behalf of the City.

Grams summarized the discussion of the Council and stated staff would continue with the fall clean up day with only one Public Works staff member in attendance and additional staff members from Randy's Sanitation. He commented residents would have to unload their own items and would be encouraged to bring exact change or checks.

Schulz indicated it would be easiest for Randy's to bill residents for the items brought to clean up day. He requested staff speak with Randy's about this matter and see if they have staff members that can help facilitate the clean up day. He commented if Randy's was not available, then the event should be pushed off till spring. The Council agreed.

Police Chief Shane Mikkelson discussed his concerns regarding Night to Unite. He stated for 2020 he would recommend the event be held as block parties versus a large community gathering. He explained this would be the safer option. He commented all donations made to the 2020 Night to Unite event would be held over for 2021.

Grams reported this would be a one year change in the Night to Unite model. He indicated police and fire would still be visiting the neighborhood block parties. He stated this model would allow people to stay safely distanced.

Schulz stated he supported this recommendation and anticipated that people may not be inclined to gather this fall given the concerns surrounding COVID-19. He requested staff contact the individuals that made donations to the City for Night to Unite and ask if they would like a refund or if the donation could be held over for 2021.

Johnson indicated he supported Night to Unite moving back to block parties for 2020.

Chief Mikkelson commented on how the Police Department would be addressing the mask mandate. He explained he had a difficult time with this situation because he did not have masks to hand out to the public, nor did he want the officers getting into moral and ethical discussions with the public.

Hultstrom suggested the City consider sponsoring another mask drive to make masks available to the public. She indicated the mask drive held this spring was well received in the community. Chief Mikkelson stated the event held this spring was statewide, but noted he could try to host another mask drive in Osseo.

Stelmach commented he wanted to be fair to the department and stated the supply of masks may be limited.

Schulz stated there were strong emotional positions regarding mask wearing. He encouraged residents to not judge individuals not wearing masks and to instead consider underlying health issues. He explained not all individuals are able to wear masks at this time.

Hultstrom reported the local boy scouts have masks available for those that may need one in the community.

Johnson asked what the current policy was for Police Officers. Chief Mikkelson commented on the policy that was in place for the Police Officers noting masks had been provided to officers and would be worn at any public space. He indicated officers would not be wearing masks outdoors when they are able to social distance.

Grams explained all staff members were wearing masks at City Hall today as were all visitors to City Hall. He reported he had ordered additional masks for City Councilmembers for use when on official City business.

Further discussion ensued regarding mask wearing in Osseo.

#### B. RECEIVE YTD2020 CITY BUDGET

Grams stated staff is working on the annual budget process. The FY 2021 budget schedule outlines all the important dates in the second half of the year, and was being pieced together at this time. It was noted staff has a year-to-date budget review scheduled for the July 27 Council meeting.

Grams reviewed the year-to-date 2020 budget, including both the expenditures and revenues. As always, he warned Councilmembers to not get too hung up on the numbers, particularly those that are way more than 50% and those that are way less than 50%. Many of the annual expenditures and revenues come in at different times during the year. Most come in during the second half of the calendar year. Others are paid semi-annually or quarterly, and those may not come to the City until well after the half-way point of the calendar year. Most of the City's Departments have done a great job staying on budget halfway through this year.

Grams explained this review is meant to be informational for Councilmembers. If there are specific questions the Council has for staff, it would be appreciated if those questions were received prior to Monday night's meeting. Otherwise, staff can certainly follow up with answers to questions after the meeting.

Schulz requested the part-time worker for the Community Center have proper FICA and social security expenditures placed in that line item. He thanked staff for their work on the preliminary budget and stated it appears the City was on the right track.

Johnson stated he was pleased the revenue from property taxes was on schedule. He indicated he was concerned with the insurance numbers within the budget because

they had all come in over budget. He recommended the City's insurance package be looked at in further detail.

Hultstrom asked if the additional expenses at City Hall were due to COVID-19. Grams reported this was the case. He explained once the City receives CARES Act dollars, these extra expenses would be reimbursable.

Hultstrom recommended the City complete a carpet cleaning at City Hall before and after the primary and general elections. Grams stated he would schedule this work.

Johnson expressed concern with the fact the City was already over budget on snow removal. Waldbillig stated he could investigate this further but noted the City had purchased extra salt at the end of the year.

C. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Osseo Lions Club	\$3,000	Music/Movies in the Park
Osseo Lions Club	\$3,000	Beautification

Staff recommended the Council accept the donations.

**A motion was made by Hultstrom, seconded by Johnson, to adopt Resolution No. 2020-44, accepting a donation from the Osseo Lions Club. A roll call vote was taken. The motion carried 5-0.**

8. PUBLIC HEARINGS

A. APPROVE POLICE BODY-WORN CAMERA POLICY

Police Chief Mikkelsen stated the Police Department has asked for public comment since the June 22 Council Meeting. He reported he has received some public comments via email about the policy. He read these emails in full for the record. The emails were from Kenny Nelson, Alyssa Lucas, and Tim & Bobbie Paske. He discussed when it was okay for officers to turn body-worn cameras off. He requested the Council adopt the body-worn camera policy with any noted changes to allow him to outfit his officers with cameras.

Schulz recommended the police union contract have disciplinary measures in place for officers that are not following the body-worn camera policy. He stated there was always a chance technology could fail, but he wanted to be assured officers were collecting video when required and that these videos could not be altered. Police Chief Mikkelsen reported the system that was being purchased would not allow the videos to be altered. He commented further on the quarterly audits on the body-worn camera footage.

**A motion was made by Stelmach, seconded by Johnson, to open the Public Hearing at 8:04 p.m. A roll call vote was taken. The motion carried 5-0.**

No additional public comments were received.

**A motion was made by Stelmach, seconded by Johnson, to close the Public Hearing at 8:04 p.m. A roll call vote was taken. The motion carried 5-0.**

**A motion was made by Stelmach, seconded by Johnson, to approve the Policy Body-Worn Camera Policy as written. A roll call vote was taken. The motion carried 5-0.**

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE UPDATED SNOW EMERGENCY POLICY AND FIRST READING OF ORDINANCE

Grams stated the City Council discussed proposed changes to the City snow emergency policy and ordinance at the June 22 work session. The City last updated the snow emergency policy in 2017. Since that time, we have had change in staffing in the Public Works Department and purchased newer snow removal equipment. As a result, the overall snow removal process is operating more efficiently and effectively than in previous seasons. Over the course of this past winter season, Public Works Director Nick Waldbillig, Police Chief Shane Mikkelsen, and Grams have had several discussions about potentially 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 explained 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 during defined periods of time (the overnight hours during a snow emergency declaration). The biggest issue then was 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 the equipment, and requires more time, effort, and materials to completely remove the snow.

Grams commented by not requiring a specific timeframe for which the Public Works crew 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 or 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 also has the option to waive the second reading and adopt the proposed ordinance. As soon as the policy and ordinance are approved, staff will work to communicate the new policy and ordinance to the public. The more time we have to communicate these changes, the better off everyone will be.

Schulz thanked the Public Works crew for their tremendous efforts on behalf of the City. He explained he appreciated the new plan and the new snow removal equipment the City had in place. He stated his only concern with this situation was the fact that the City would not be aggressive enough with people leaving vehicles on the street. He encouraged the City to be communicating effectively with residents regarding the new policy.

Stelmach stated he looked forward to seeing how the new policy works for the City. He indicated the City Council could always revisit the policy if cars became a problem. Police Chief Mikkelsen discussed how the Public Works and Police Departments would be addressing cars in the street. He noted citations would be issued after cars have been plowed around after 24 hours.

Johnson noted the Public Works crews would have one more parking lot to clear this winter. Waldbillig reported this was the case.

Stelmach questioned if the Council needed to readdress the City's parking ordinance to ensure vehicles were forced to move more than an inch during snow emergency events. Police Chief Mikkelsen reported the new snow emergency ordinance addresses this concern.

Schulz questioned if the City Attorney believed this Ordinance would supersede the City's other parking ordinance. City Attorney Tietjen advised the parking requirements during a snow emergency were very clear within the proposed snow emergency ordinance.

Schulz requested staff review the language within the existing parking ordinance to ensure there is alignment with the proposed snow emergency ordinance. City Attorney Tietjen reported she would complete this task prior to the City Council holding the Second Reading of this ordinance.

**A motion was made by Hultstrom, seconded by Stelmach, to approve the updated Snow Emergency Policy and approve the First Reading of the updated Snow Emergency Ordinance. A roll call vote was taken. The motion carried 5-0.**



B. APPROVE NEW POLICE SQUAD PURCHASE

Police Chief Mikkelson commented this new squad purchase would replace the 2017 Ford Explorer currently operating in the department fleet. This would be a replacement under the planned every 4-year replacement schedule set up within the Capital Improvement Plan. The new item featured on this squad purchase would be the Noptic NV3 Camera that would be added. This camera is a Thermal Imaging camera that can see body heat outdoors. This camera would be mounted on the spotlight and viewed on the squad computer. This will assist officers to see people at night that are involved in possible criminal activity. He commented further on the police squad replacement plan and requested approval of the vehicle purchase.

Stelmach stated he supported the proposed thermal imaging technology. He indicated this would be a nice tool for the department.

Schulz asked what medium would be used to view the thermal imaging. Chief Mikkelson reported the in-squad computers would be used for viewing the images.

Schulz questioned how many more thermal imaging units would be requested from the department. Chief Mikkelson stated he would not be purchasing any additional units at this time, but rather would be purchasing them as new squads were built.

Grams inquired if this squad car would have the new graphics package. Chief Mikkelson reported this squad car would have the new graphics package.

**A motion was made by Hultstrom, seconded by Stelmach, to approve the purchase of a 2021 Ford Explorer with the Noptic NV3 Camera. A roll call vote was taken. The motion carried 5-0.**

C. APPROVE 2020 TECH UPGRADES

Grams stated he and the Council Risk Management Committee (Councilmembers Schulz and Stelmach) met with the City's IT consultant team (Element Technologies) to discuss the current state of technology, and what recommendations Element suggests for tech upgrades in 2020. The Council approved a sweeping tech upgrade in 2019. The current set of recommendations will continue to keep the City's tech infrastructure guarded and safe from intruders seeking harm.

Staff reviewed the recommendations in detail with the Council and recommended approval of the 2020 Tech Upgrades Plan. The Plan includes security awareness training, desktop & laptop refresh, email security, physical security, multi-factor authentication, and Dell server warranty renewal.

Stelmach thanked Element for working with the City on the proposed tech upgrades. He commented in further detail on the proposed upgrades and explained these improvements would serve the City well.

Schulz stated he was most supportive of the phishing software and test emails that would be sent to the City.

Johnson questioned why the City was at 94% of its budget for IT expenditures in 2020. Grams explained the City had to spend some unfunded dollars to allow employees to work from home for three months due to the COVID-19 pandemic.

**A motion was made by Hultstrom, seconded by Johnson, to approve the 2020 Tech Upgrades Plan. A roll call vote was taken. The motion carried 5-0.**

D. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

Schulz commented on the fees the City was incurring through processing credit cards and stated he would like the City to investigate these fees further.

**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 reported local candidate filing opens on Tuesday, July 28.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Mary Tietjen provided the Council with a brief update on non-profits and explained there was no express authority to distribute assistance to non-profit organizations. She reported the Treasury Department addresses small businesses but not non-profits. She indicated the City Council would have to consider the risk if funds were appropriated to a non-profit. She stated the City could be required to repay these funds.

Hultstrom encouraged residents to not leave "Free" items at the end of their driveways long-term.

Johnson stated he participated in the viewing of the CARES Act requests from businesses. He indicated he was pleased by how well this EDA program has been received by the business community.

Stelmach thanked the Review Committee members for taking the time to consider the requests for CARES Act dollars. He was proud of the fact the EDA was making dollars available to local businesses in need of assistance.

Stelmach thanked part-time Police Officer Adam Rolshouse for his service to the community.

13. ANNOUNCEMENTS

Poppe encouraged residents to visit the Osseo Farmers Market every Tuesday from 3 to 7 p.m.

Poppe reported the next Movies and Music in the Park event would occur on Tuesday, July 28. He noted the Dirty Shorts Band would be playing at 7 p.m. and the food truck Café Cairo would be in the park.

14. ADJOURNMENT

**A motion was made by Schulz, seconded by Hultstrom, to adjourn the City Council meeting at 8:59 p.m. A roll call vote was taken. The motion carried 5-0.**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*