

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
October 26, 2020**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:04 p.m. on Monday, October 26, 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: Community Management Coordinator Joe Amerman, Public Services Director Nick Waldbillig, and City Attorney Mary Tietjen.

Others present: Kristin Bahner, Lee Gustafson-WSB, and Molly Just-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 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 October 12 EDA Minutes
- B. Approve October 12 Council Minutes
- C. Receive September Lions Club Gambling Report
- D. Accept Resignation of Firefighter Gary Current
- E. Receive September Hockey Association Gambling Report
- F. Accept Resignation of City Accountant April Weller
- G. Approve Hire of Part-Time Officer Adrienne Lamers

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

Representative Kristin Bahner addressed the Council. She provided an update from the Capitol stating a bonding bill was recently approved. She explained tax conformity was also addressed within the recent special session. She commented further on the items

that were included within the bonding bill. She reported funding had been provided for the completion of TH610 and noted the North Metro range would be expanded. She discussed the tax rate for charitable gambling organizations and noted she hoped this issue would be addressed in 2021.

Poppe thanked Representative Bahner for her update.

7. SPECIAL BUSINESS

A. ACCEPT DONATIONS (Resolution)

Amerman stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Harold & Gayle Johnson <i>(in memory of Bruce Dahlheimer, Irene Gleason, Mary Lou Holt, Richard Leitner, James Sanford, & Jerry Smith)</i>	\$600	Beautification

Staff recommended the Council accept the donations.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2020-58 accepting a donation from Harold E. & Gayle Johnson. A roll call vote was taken. The motion carried 5-0.

8. PUBLIC HEARINGS

A. APPROVE VACATION OF PROPERTY AT MEMORIAL BASEBALL FIELD (Resolution)

Amerman stated in 2018 the Osseo Baseball Booster Club began planning for a series of improvements to Osseo Memorial Baseball Field. In addition to work on the viewing and concession area, plans were made for a Batter's Eye in the outfield. A Batter's Eye highlights the flight of the ball from the pitcher's mound and allows the batter to better judge its approach. As Staff reviewed the proposal, it was discovered that the land directly beneath the proposed improvement was a 60' wide plat-dedicated street that had never been formally vacated. The subject street consists of an unused vestige of what was first known as Zimmermann St, now called 3rd Ave NW. Today this portion is disconnected from the rest of 3rd Ave NW because of a 1949 quit claim deed from the Village of Osseo to ISD and subsequently upheld by a 2011 court decision. This deed and the subsequently issued decision formally vacated 3rd Ave NW from 5th Street N (formally known as 3rd Street) to the southern edge of the Maple Grove Addition to Osseo's Block 10. Vacating this street would allow the title of the underlying land to revert to the abutting landowners, primarily ISD 279, and allow for the construction of the Batter's Eye.

Amerman explained a portion of the land abutting the subject street on the southern end is owned by Hennepin County as CSAH 81 Right of Way. As this piece is where the Batter's Eye will be located, City Attorney Mary Tietjen reached out to the County for comment. It has been determined that after vacating the land, and before the Batter's Eye is constructed, ISD 279 will have to enter into an agreement with the county called a "Acceptance of Encroachment Permit". In this agreement the school district will be

allowed continued use of Hennepin County Right of Way for this purpose, but the County would retain the right to have the school district remove any improvements within the right of way at their own cost if there ever comes a time that the County Engineer deems it necessary. This agreement would also apply to the portion of the left field fence which currently encroaches on Hennepin County Right of Way.

Johnson indicated this property was half City and half school district until the mid-1960s. He explained the school wanted this land. He commented when the land was to be transferred a court case came about. He questioned what happened in this court case. Amerman reviewed the court documents with the Council. He stated the school filed for several building permits for safety improvements to the parking lot. As a result, the school district filed a petition with the 4th Judicial District to have 3rd Avenue NW vacated by court order. He reported the Court ended up siding with the school district and approved the vacation.

Johnson commented he originally believed the school should pay some of the cost the City would be incurring for this street vacation. However, after hearing about the court ruling, he recommended the street vacation be approved with the City bearing the cost.

A motion was made by Schulz, seconded by Johnson, to open the Public Hearing at 7:24 p.m. A roll call vote was taken. The motion carried 5-0.

City Attorney Tietjen reported the City received an email from the County regarding the street vacation. She indicated this email reiterated the history of this vacation and noted the County did not object to the request.

There was no other public input.

A motion was made by Stelmach, seconded by Schulz, to close the Public Hearing at 7:25 p.m. A roll call vote was taken. The motion carried 5-0.

A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2020-59 vacating the remaining portion of Third Avenue NW. A roll call vote was taken. The motion carried 5-0.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE FEASIBILITY REPORT FOR 2021 ALLEY PROJECT – Lee Gustafson, WSB & Associates (Resolution)

Lee Gustafson, City Engineer with WSB & Associates, stated the proposed 2021 Alley and Central Avenue Reconstruction Project consists of alley improvements throughout the City as listed, and Central Avenue street improvements for the City Hall block and sidewalk improvements in front of Steeple Pointe.

- The alley surrounded by 3rd Street SE, 4th Avenue SE, 2nd Street SE, and 5th Avenue SE

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

Mr. Gustafson explained alley improvements consist of replacing the existing bituminous or concrete pavement with concrete pavement, minor utility improvements, and driveway and sidewalk repair. For the alley behind Dean's Supermarket, some concrete panels are proposed to be replaced.

Mr. Gustafson reported Central Avenue improvements consist of replacing paver surfaces (roadway and sidewalk) with concrete pavement for the City Hall block and replacing the sidewalk and boulevard pavers with concrete in front of the Steeple Pointe property between 6th Street and 93rd Avenue. All Central Avenue improvements will be in accordance with the approved concept layout shown in the feasibility report. The concept layout was approved by the City Council earlier this year.

Mr. Gustafson indicated the Central Avenue intersections with 4th Street and 5th Street (City Hall block) are areas with significant pedestrian crossing. Striping improvements were previously made at these crosswalk locations to improve visibility of the crossings. Pedestrian visibility and vehicle yielding continue to be issues at these intersections. It is currently proposed to install rectangular rapid flashing beacons (RRFB) at these Central Avenue intersections to improve pedestrian visibility and safety. Analysis of the effectiveness of the RRFB at each of these intersection locations will be completed with final design. The RRFB would be installed on a separate, decorative pole like the streetlights. Staff commented on the assessment policy that would be followed for this project. The financing for this project was discussed in further detail and staff recommended approval of the 2021 Alley and Central Avenue Reconstruction Project.

Stelmach questioned if a commercial alley had to be thicker than a residential alleyway. Mr. Gustafson reported six inches was a universal number. He reported six inches of concrete would be sufficient for both residential and commercial alleyways.

Stelmach asked what type of feedback staff received at the project open house. Mr. Gustafson explained there was a concern voiced about the drainage in the American Legion Club alleyway. He reported he could work with the Legion to assist in slowing the water down. He commented further on how alleys assisted with water drainage.

Stelmach inquired how many residents or property owners attended the open house. Mr. Gustafson stated nine people were in attendance.

Stelmach supported the assessments for the residential units being separate from the assessments for the commercial properties. He did not recall these assessments being

blended in the past. Mr. Gustafson stated it was not uncommon to have the assessments blended.

Johnson asked who received open house notices for the proposed project. Mr. Gustafson reported notices were sent to property owners within the project area.

Johnson commented the properties along Central Avenue were mostly rental which meant the individual renters were not notified of the open house and would not have had the opportunity to provide the City with feedback. He stated the owners of Dean's Supermarket spoke to him and asked how one delivery a week could be completed when the alleyway was under construction. Mr. Gustafson stated a half panel could be poured to maintain access to Dean's. He explained he would work with this commercial property to address their concerns.

Johnson questioned if the panels that have sunk could be mud jacked. Mr. Gustafson reported this is an option for panels that were fully intact. He noted this would not be an option for this project because the panels were broken into several pieces.

Johnson asked if permeable pavers were an option between the park and City Hall. Mr. Gustafson reported he would not recommend pavers be used in the parking lanes. He stated pavers could be used in the boulevard areas. He noted pavers required increased maintenance but were a less costly option than colored concrete.

Schulz reported the Council already discussed this matter and agreed due to the maintenance of pavers these were cost prohibitive.

Johnson indicated he was asking these questions because the City was not receiving anything from the watershed district. He then requested further information regarding the proposed crosswalks. Mr. Gustafson reviewed the concept plan with the Council and commented on the highlighted crosswalks which would include rectangular rapid flashing beacons (RRFB). He described how the flashing beacon would function.

Johnson stated he would like the Council to think about delaying this project one more year, except for a portion along Central Avenue near City Hall and the Steeple Pointe sidewalk. He did not want to see the City upsetting businesses along Central Avenue due to the ongoing pandemic.

Amerman reported the City received an email from Kenny Nelson requesting clarification on the alley assessments. Mr. Nelson addressed the alley assessments from 2017, 2018, and 2019. Mr. Nelson asked how WSB comes up with their estimates. Mr. Gustafson responded his estimates are based on past projects. He explained he had to make certain that he was not too low. He noted his proposed assessments were keeping in line with previous assessment rates. It was his hope the City would receive favorable bids for the 2021 project.

Stelmach commented the cost for building supplies were on the rise. He asked if this spilled over to the cost for concrete and asphalt. Mr. Gustafson stated he did not see much of a difference in the fall of 2020. He indicated supply costs may rebound over the winter.

Stelmach explained he appreciated Councilmember Johnson's concerns, but noted he would be supporting this project moving forward.

Hultstrom questioned how long it would take to complete the alleyway behind Dean's. Mr. Gustafson anticipated this alleyway could be removed and replaced in two weeks, weather pending. He noted he would work to accommodate the businesses.

Schulz discussed the impact this project would have on commercial businesses. He understood Dean's was a concern. He anticipated deliveries could be taken from the front of the building for a limited period. He commented further on how deliveries are made to the businesses along Central Avenue. He recommended the City consider widening the approach in and out of Dean's. He stated he was concerned about the financial impact of this project, but noted these businesses could contact the City with any concerns they may have. He reported it was up to the people in this project area to speak up. He indicated he did not support the City stopping every single project moving forward for one concern or another. He commented on what was taking place in the residential housing market in Osseo. He stated he would like to see the entire project bid as one but recommended the assessments be separated between residential and commercial properties.

Mr. Gustafson reviewed the assessment options available to the Council.

Johnson stated he would be voting no on this project moving forward, but noted he believed Option 1 was the fairest assessment option.

Stelmach reported Option 1 has been the assessment option used in the past. He recommended the City use Option 1 again in 2021.

Hultstrom agreed.

A motion was made by Stelmach, seconded by Schulz, to adopt Resolution No. 2020-60 receiving the feasibility report and calling for the improvement hearing for the 2021 Alley and Central Avenue Reconstruction Project. A roll call vote was taken. The motion carried 4-1 (Johnson opposed).

B. APPROVE PLANS AND SPECS, AND AUTHORIZE BIDS FOR 2021 SEWER LINING PROJECT – Lee Gustafson, WSB & Associates (Resolution)

Mr. Gustafson stated the 2020 sanitary sewer lining project consists of lining approximately 6,190 lineal feet of sanitary sewer pipe in the northeast part of the City with a cured-in-place epoxy resin pipe liner. The proposed improvements will help reduce groundwater infiltration into the system, eliminate root growth at joints, and ultimately extend the serviceable life of this underground infrastructure. The sanitary sewer lines that are proposed for rehabilitation are located on several streets throughout the City.

Mr. Gustafson reported the recommended sewer repairs were determined after analyzing the sewer televising that was completed in 2019. Some of the alleys scheduled for replacement in 2021 were not included in the 2019 televising work. As such, additional televising will be done in conjunction with the 2020 sanitary sewer

lining project so that sanitary sewer lining can be completed, if needed, prior to construction of the alleys. In 2021, sanitary sewer televising is also planned for sewer pipes outside of this project area. The results of this televising will be reviewed later next year to determine how many pipes need to be rehabilitated with the next lining project. Staff commented further on the recommended repair and requested the Council approve plans and specifications and authorize the advertisement of bids for the 2020 Sewer Lining Project.

Stelmach requested further information on why these areas were selected. Mr. Gustafson reported these areas were selected after being televised in 2019. He commented the proposed lining work would extend the life of these sewer lines. He guessed that over time every sewer line in the City would be lined.

Hultstrom asked what the life expectancy was for the sewer pipe liner. Mr. Gustafson explained he was uncertain but noted he completed his first sewer lining project 30 years ago and these pipes still look fantastic.

Hultstrom questioned how long services would be impacted while these lines are worked on. Mr. Gustafson reported the lines would typically be down for a day or two at the most. Waldbillig stated he was excited to have this project completed as it would make cleaning the sewer pipes much easier.

Schulz commented on how this project would help the function of the sewer lines, as well as the longevity of the sewer lines. Mr. Gustafson reported this was the case.

Johnson inquired if the new vacuum truck would be used more or less to clean the sewer lines. Waldbillig explained the City had a fair number of roots that had to be cleared from existing sewer pipes. He noted this project would complete one-third of the City's sewer lines, but two-thirds would still require City maintenance.

Johnson asked who would be responsible for cutting the roots out of the project area. Mr. Gustafson reported the contractor would be responsible for this work.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2020-61 approving plans and specifications and authorizing the advertisement of bids for the 2020 Sewer Lining Project. A roll call vote was taken. The motion carried 5-0.

C. APPROVE LIVABLE COMMUNITIES ACT ENROLLMENT (Resolution)

Molly Just, WSB, commented the Metropolitan Council develops housing goals for 10-year periods. To be eligible to apply for LCA grant funding, communities must adopt "life-cycle" and "affordable" housing goals. Goal ranges for units are established for both affordable housing and life-cycle housing. The Met Council has established cost limits for affordable rental and owned housing units per schedules. Osseo's affordable housing units would be restricted to those earning up to 80% of the Area Median Income, or \$75,500 for a family of four (note this is less than 80% of our AMI because the amount is capped at the U.S. national median family income). Life-cycle housing, per the Met Council, does not have any income restriction but does have to be developed at a minimum density of 8 units per acre. Staff commented further on the

Livable Communities program, the proposed housing goals and recommended the Council enroll in this program.

Johnson asked if the City participated in this program over the past ten years. Ms. Just reported this was the case.

Johnson noted the 5 Central project included 10% affordable units, which would have aligned with this program. Ms. Just discussed the scorecards that must be submitted by cities on a yearly basis to address how they are meeting affordable housing and life-cycle housing goals. She noted Osseo has been a participant in good standing with the Met Council.

Johnson questioned if the grants could be used for new construction or other types of projects. Ms. Just discussed the type of grants that were available from the Met Council. She indicated grants were available for brownfield cleanup and to preserve existing affordable housing stock. She noted there was great competition for the grants. Further discussion ensued regarding AMI and affordable housing.

A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2020-62 approving Met Council's Life Cycle and Affordable Housing Goals.

Stelmach thanked Ms. Just for her presentation. He asked if accepting these goals bound the City to any specific action. Ms. Just reported the City would not be bound to any actions.

A roll call vote was taken. The motion carried 4-1 (Schulz opposed).

D. APPROVE ACCOUNTS PAYABLE

Amerman reviewed the Accounts Payable with the Council.

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.

E. APPROVE POSTING FOR CITY ACCOUNTANT POSITION

Amerman stated with the recent resignation of the current City Accountant April Weller, the Council should consider approving the posting for this position. At the request of the Council Human Resources Committee, the position should be open and available to all internal and external candidates. The application, interview, and hiring process will be discussed soon. The Council HR Committee may play an active role in the interviewing of potential candidates, selecting the candidate, and negotiating the employment particulars along with the City Administrator.

Schulz asked if this was the same posting that was used a year and a half ago. Amerman reported this was the case.

Johnson stated this was an inopportune time to not have a City Accountant given the fact the City was transitioning to a new software program. He commented on the number of yearend activities that had to occur.

Schulz understood this was unfortunate, but noted Ms. Weller had resigned her position with the City. He encouraged Councilmember Johnson to speak with the City Administrator regarding how tasks would be accomplished by year end.

A motion was made by Hultstrom, seconded by Schulz, to approve posting for City Accountant Position. A roll call vote was taken. The motion carried 5-0.

11. ADMINISTRATOR REPORT – None.

12. COUNCIL AND ATTORNEY REPORTS

Hultstrom thanked Firefighter Gary Current for his dedicated service to the City of Osseo. She thanked Community Management Coordinator Amerman for leading the Council through this meeting. She welcomed Officer Adrienne Lamers to the City and welcomed Two Scoops to Osseo.

Hultstrom sent her condolences to the Grams family after the loss of Riley's father-in-law.

Johnson reported Gary Current was born in Osseo and lived a block from City Hall growing up. He explained Gary Current's dad and Ray Rooney started R&W Welding in Osseo. He noted the sons have since taken over this business. He stated he has known Gary for quite some time. He indicated he was proud of all Gary has accomplished and for supporting the City of Osseo.

Stelmach thanked Gary Current for his service to the Osseo community and thanked April Weller for her service to the community.

Stelmach welcomed Officer Lamers to the Police Department. He also welcomed Two Scoops to the City and wished them all the best.

Stelmach encouraged all residents in Osseo to get out and vote on November 3.

Schulz thanked Gary Current for his many contributions to the City. He explained he and City Administrator Grams tried to keep April Weller on staff, but noted she received an offer she could not refuse. He indicated April would be backfilling the position until the position can be filled.

Schulz sent his condolences to City Administrator Grams after losing his father-in-law.

Poppe reported both Gary Current and April Weller would be missed.

Poppe sent his condolences to City Administrator Grams after the loss of his father-in-law. He discussed the numerous accomplishments his father-in-law had as a firefighter in St. Paul and noted he would be missed.

13. ANNOUNCEMENTS

Poppe discussed the absentee voting options available to residents and encouraged all residents to vote. He indicated the General Election was on Tuesday, November 3.

Poppe stated City Hall would be closed on Wednesday, November 11, for Veterans Day.

14. ADJOURNMENT

A motion was made by Schulz, seconded by Hultstrom, to adjourn the City Council meeting at 9:29 p.m. A roll call vote was taken. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial