

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
November 23, 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, November 23, 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 Mikkelson, Community Management Coordinator Joe Amerman, Public Works Director Nick Waldbillig, and City Attorney Mary Tietjen.

Others present: Rebecca Kurtz-Ehlers and Lee Gustafson-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 November 9 EDA Minutes
- B. Approve November 9 Council Minutes
- C. Receive October Building Report
- D. Approve Addendum to Recording Secretary Service Agreement for 2021
- E. Receive September and October Fire Relief Association Gambling Reports
- F. Receive October Osseo Lions Club Gambling Report
- G. Approve November 13 Special Council Meeting Minutes
- H. Approve WSB 2021 Rate Schedule
- ~~I. Approve Gateway Sign Fee Waiver Request for Moe 123 Scholarship Fund~~
- J. Receive October Osseo Maple Grove Hockey Association Gambling Report
- K. Approve Winter Seasonal Hires of Hunter Confair and Grant Dehmer

Schulz stated he would like to discuss Item 5I. He noted he did not support the Gateway Sign fee being waived for this request because the business was in Brooklyn Center. He explained this has not been done in the past and he feared that this would set a

precedent. He recommended the scholarship organization pay the \$200 fee to advertise in the City of Osseo. City Attorney Tietjen suggested Item 5I be removed from the Consent Agenda for a separate vote.

A motion was made by Schulz, seconded by Hultstrom, to approve the Consent Agenda as amended removing Item 5I. A roll call vote was taken. The motion carried 5-0.

I. Approve Gateway Sign Fee Waiver Request for Moe 123 Scholarship Fund

A motion was made by Schulz, seconded by Hultstrom, to deny the approval of a Gateway Sign Fee Waiver Request for Moe 123 Scholarship Fund.

Stelmach explained he would be supporting the motion because the request violated the City's policy.

Schulz thanked the Council for their support on this motion.

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

6. MATTERS FROM THE FLOOR

Grams reported staff had received three letters from James Kelly at 624 Third Avenue NE. He read Mr. Kelly's letters in full for the record.

7. SPECIAL BUSINESS

A. UPDATE ON COVID-19 STATE OF EMERGENCY

City Administrator Riley Grams stated in the wake of the sharp increase in COVID cases in and around Minnesota, staff has expressed some legitimate concerns regarding being in the office and interacting with the public. I reached out to fellow City Managers around the Twin Cities to ask how they have been handling things since the case rate has gone up more recently. Many communities are going back to some of the restrictions that were in place in early summer as a precautionary move. This includes restricting use of communal spaces and changing employee schedules to reduce the risk of exposure and gatherings.

Grams reported Governor Walz instituted some new restrictions on November 13 and November 18. These restrictions would last four weeks (ending December 18). Those restrictions create some difficulties for our on-going activities in the Community Center as the restrictions include no more than 10 individuals OR people from three or more households gathering. This also casts some serious doubt about Minidazzle and whether the City should host an event in which a few hundred people gather, even if it is outdoors.

Grams commented based on those new restrictions and recommendations, he had contacted the Emergency Management Committee to discuss these events and develop a list of new recommendations for the Council to consider. The new recommendations and staffing model were reviewed in detail with the Council. He stated sadly staff was

recommending the cancellation of Minidazzle and no warming house be secured for the 2020-2021 winter season. It was noted the skating rink would still be flooded for community use.

Grams explained he wanted to stress to all Councilmembers that the City staff does not WANT to take on these restrictions and precautions. We all would much prefer that we go on about our lives as normal but we are simply not in the position to do that right now. Everyone is concerned with the upcoming holidays that each of our bubbles are going to be expanded because we will be gathering with friends and family. That may increase everyone's exposure, and if our ultimate goal is to ensure that our staff and residents are safe, and that we keep City Hall open for business, then the Committee believes these recommendations should be enacted by the Council on Monday night.

Grams stated if the Council approves these measures, the changes to the Community Center will be active through the current four-week restriction period which ends December 18. Because the Council will not hold another meeting after that date this year, the Council should consider giving authority to the City Administrator and the Emergency Management Committee to consider changes to the proposed recommendations if/when the Governor changes them. If more restrictions are included after December 18, the City Administrator, at the recommendation of the full Emergency Management Committee should be authorized to change those restrictions on City operations. Of course, Grams will be in constant communication with the full Council when we get to that point and would alert the Council of what changes, if any, would be made to the current restrictions. Staff commented further on the proposed changes and requested feedback from the Council.

Schulz explained as City Hall staff begins to work more and more from home, he was struggling with the fact residents would have to leave messages at City Hall for staff to return later. He suggested the City Hall phone system be forwarded to an outside number when working remotely. He requested the Council consider the technology that would have to be in place to make this happen. He suggested the Lions Club benches at Public Works be placed outside the skating rink. He recommended the Council consider holding the second meeting in December due to COVID-19.

Stelmach stated customer service was a big deal and he wanted to be assured that residents were attended to by staff. He indicated it was a good idea to close the warming house for this season and appreciated the fact there would be benches next to the ice. He explained he could support meeting a second time in December given the fact the City was in the middle of a pandemic.

Hultstrom commented she did not have a problem with a second meeting in December. She appreciated the benches being located outside the ice rink. She stated she was saddened by the fact Minidazzle had to be canceled, but indicated another event could be considered later this winter if it were safe to gather. She agreed staff should investigate forwarding phone calls from City Hall.

Johnson agreed with what has been said and the recommendations from staff. He stated he would like to see staff address some of the questions that were raised by Councilmember Schulz regarding the City's phone system.

Schulz reported the City should have COVID dollars left that could be used to cover the expenses. He explained moving staff remotely would be a valid COVID expense. He thanked the Council for their support of his suggestion. Grams commented in terms of computers, there were four staff members in administration. He noted he had the ability to work from home because he has a laptop and City cell phone. He indicated the other three staff members have laptops as well and can log in remotely. He reported phones were the biggest issue because these staff members do not have City phones. He stated he would have to investigate purchasing a short-term contract for these three staff members.

Poppe questioned if the phone system had an app that would allow staff members to make phone calls from their personal cell through the City's phone system. Grams stated he would have to investigate this.

Stelmach explained he would support staff members having a short-term (burner) cell phone to work remotely. He indicated this would allow staff members to continue to offer a high level of customer service. He did not support staff members having to use their personal cell phone for City functions.

Hultstrom commented cell phones could be programmed for a specific number to show City Hall on caller ID. She reported burner phones were not registered with a social security number and therefore may run the risk of showing up as SPAM on caller ID's. She supported staff seeking an app or having personal phones programmed to show City Hall on caller ID.

Schulz asked what happens to the City's old phones when their contracts expire. Police Chief Shane Mikkelsen reported the phones are sold back.

Schulz stated he had done a little research on short-term use phones. He discussed the rates that would be charged and explained he supported staff purchasing three smart phones. He indicated the current pause could run through February or March of 2021. He reiterated that this would be a valid COVID expense.

A motion was made by Schulz, seconded by Hultstrom, to affirm the recommendations from the Emergency Management Committee, also authorizing City Administrator Grams to secure communications equipment for three staff members and related expenditures; and adding a second City Council meeting in December which would be held on December 28, 2020. The motion carried 5-0.

B. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

| Donor | Amount/Item | Designated Fund |
|--|-------------|-------------------|
| Anonymous | \$100 | Police Department |
| Harold & Gayle Johnson | \$300 | Beautification |
| <i>(in memory of Reverend Jerry Anderson, Margie Hakanson, & Peggy Skaggs)</i> | | |

Staff recommended the Council accept the donations.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2020-64 accepting donations from an anonymous doner and Harold E. & Gayle Johnson. A roll call vote was taken. The motion carried 5-0.

8. PUBLIC HEARINGS

A. IMPROVEMENT HEARING FOR 2021 ALLEY PROJECT – Lee Gustafson, WSB & Associates (Resolution)

Lee Gustafson, WSB & Associates, stated the City Council approved the feasibility report for this project on October 26 and called for the improvement hearing to be held on November 23. The 2021 Alley and Central Avenue Reconstruction Project consists of alley improvements throughout the City, and Central Avenue street improvements for the City Hall block and sidewalk improvements in front of Steeple Pointe.

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. Photographs of the current alleyway conditions were reviewed in detail with the Council. The proposed assessments for the alleys for residential and commercial properties were discussed along with the project timeline.

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 NW 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. The Central Avenue intersections at 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.

Mr. Gustafson explained 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 city streetlights. Staff commented further on the utility improvements and landscaping, described how the project would be funded, and recommended the Council order the improvements.

A motion was made by Stelmach, seconded by Schulz, to open the Public Hearing at 7:44 p.m. A roll call vote was taken. The motion carried 5-0.

Grams reported he received two comments from James Kelly at 624 3rd Avenue NE. He read these comments in full for the record noting Mr. Kelly had concerns with WSB and if they were honoring the 2020 Street Improvement contract.

A motion was made by Schulz, seconded by Hultstrom, to close the Public Hearing at 7:47 p.m. A roll call vote was taken. The motion carried 5-0.

Johnson asked if the renters that were business owners were noted of this project. Mr. Gustafson explained project letters were sent to the property owners and tenants.

Johnson discussed the low spot along on the alley between 4th and 5th. He questioned if a catch basin was in the low spot. Mr. Gustafson reported this was the case and explained staff would be looking at making improvements to this catch basin.

A motion was made by Stelmach, seconded by Poppe, to adopt Resolution No. 2020-xx ordering improvements, and preparation of plans and specifications for the 2021 Alley and Central Avenue Reconstruction Project. A roll call vote was taken. The motion failed 2-3 (Hultstrom, Johnson and Schulz opposed).

9. OLD BUSINESS

A. APPROVE PURCHASE OF WORKSTATION FOR CITY ACCOUNTANT

Grams stated at the November 9 meeting the Council tabled action on this item to seek some clarification on whether this purchase was necessary, given that the Council approved the purchase of a Surface laptop for this position a little more than a year ago. Grams contacted former City Accountant April Weller to ask that question, and her response was that this position does need this workstation because she must remote into the workstation while out of the office. The Surface is meant to be a mobile option for the position as that position meets with Staff outside of the Finance office. Also, with the move to more remote working, the Surface is used by that position at that time and must remote into the workstation at City Hall to complete all finance duties. Grams also checked with IT Consultant (Brad Johnson with Element) and he agreed with April's assessment that this position needs a separate stationary workstation to complete the necessary finance duties.

Grams explained since the need for this workstation involves being able to work remotely due to the on-going COVID-19 pandemic, we feel that we should be able to get this paid for with CARES Act funds. CARES Act funds must be spent by November 30 (while final reporting was due on November 15). If the Council approves this purchase before November 30, there is a good chance we can get the cost covered by CARES Act funds. If not, the cost will come out of the Cable Fund where this workstation is already scheduled to be replaced.

Grams reported Element Technologies provided a quote for a new workstation and setup. The quote includes a Dell OptiPlex 7080 Tower workstation and a projected four hours for setup and install (install time is only an estimate, actual install time will be billed). The total cost of the purchase is \$2,002.92. The workstation is expected to be set up and ready for the new City Accountant hire.

Johnson commented this workstation would be necessary for the year end functions of the City. For this reason, he supported the proposed quote for the City Accountant workstation.

A motion was made by Johnson, seconded by Hultstrom, to approve the quote of \$2,002.92 for a new City Accountant workstation. A roll call vote was taken. The motion carried 5-0.

10. NEW BUSINESS

A. APPROVE WATER METER PROJECT BIDS (Resolution)

Grams stated the current water meters and water meter software used by the City are over 20 years old and past their useful lifespan. The water meter software itself is scheduled to lose all support by December 31, 2021, and parts for the actual meter reading devices are no longer being produced. Also, some meters around town are not accurately tracking water usage resulting in millions of gallons not being billed out. City staff have been working with the Council Risk Management Committee over the last few months reviewing the current problems and meeting with prospective local vendors regarding the City's meter replacement project. City staff also connected with several local Twin Cities communities to get insight and advice on different types of meters.

Grams reported the City's current meters are positive displacement meters, which have a mechanical moving component that is used to measure the amount of water used. Over time, especially with hard water, these types of meters lose their ability to accurately measure the amount of water running through them, and at times the moving mechanical component can become stuck and unable to move, thus not measuring any water usage. Because of this, staff is recommending moving to a solid-state meter which does not have moving parts that degrade over time and better retains its accuracy over the life of the meter.

Grams explained another important component to the water meter project is the system by which the meters are read. Currently, Public Works utilizes the drive-by method for reading all city meters on a quarterly basis. This means a Public Works employee must physically drive by each property with the meter reading equipment to obtain quarterly meter reads. The reading equipment is then delivered to City Hall where the Finance Department downloads the data into the utility billing system. Staff would like to migrate to a fixed-network reading system which would allow staff to pull all reads automatically with a click of a button from their computer. This fixed network system will also enable staff to set alerts for various meter issues, such as meter tampering, backwards flows, no flow, and leak alerts.

Grams indicated the Council was supposed to review this item at its November 9 meeting, but the item was pulled to allow staff more time to review the matter. He explained staff has a new recommendation for the Council.

City Attorney Tietjen reported this process was followed pursuant to competitive bidding laws. She indicated the City was required to advertise the project, draft plans and specs, in addition to advertising and publishing the project. She reported the legal process for the bidding was followed for this project and removing this item from the agenda at the previous City Council meeting was wise. However, she reiterated that all legally required bidding steps had been followed.

Lee Gustafson, WSB & Associates, discussed the steps that had been followed by staff. He commented on the reasons this item had been pulled from the agenda on November 9. The first reason was due to the evaluation of annual service costs being randomly obtained from the bidders. Second, the bidders were required to install each meter with remote registers to the exterior of each building. He commented one bidder did not bid with remote registers and therefore staff recommended the item be pulled from the agenda on November 9. He reviewed the bids that were received by the City from five bidders in October. He reported two of the bids were for installation only and did not meet the bid requirements. For this reason, staff recommended these two bids be rejected.

Mr. Gustafson commented further on the bid analysis. He stated a second AMI collector was to be included in the bid, but noted all three remaining bidders stated this would not be necessary. Two of the three remaining bidders included the cost for a second AMI collector. He stated the lowest apparent bidder was Dakota Supply Group (DSG), followed by Ferguson and Core & Main. (It was noted Vanguard and HydroCorp were not being considered as responsible bidders). After further evaluation of the bids DSG was considered not a responsible bidder because their bid was incomplete as submitted. In addition, DSG did not supply the cost for outside radios. He commented on the discussions he had with DSG and stated several of his questions were not answered. He shared a spreadsheet of the costs from the three remaining vendors. He explained that when doing an apples to apples comparison, DSG goes from the low vendor to the high bidder.

Mr. Gustafson discussed the experience the Public Works Director has had with DSG from a previous place of employment. He noted DSG was inattentive and the water meter replacement process went poorly. He explained with DSG being removed as the low bidder, the next lowest responsible bidder was Ferguson and should be awarded the contract. He reported Ferguson does not have the exact equipment that was specified by the City; however, it was determined to be an approved equivalent as authorized within the project specifications. He noted Ferguson was a large supplier of water meters in the Twin Cities and the five state area. He indicated he reviewed the references from Ferguson and explained they were willing to work out software and maintenance agreements to what makes the most sense for the City of Osseo.

Grams stated the selected contractor would be required to set up and manage the entire installation process. This includes setting up installation dates/times with each property. The installation process is typically simple and should take around 15-20 minutes. There will be some properties that will require additional plumbing needs for a variety of reasons. The contractor would work with each property owner on those issues. Installers will be required to wear PPE to help guard against COVID-19 transmission. Staff commented further on the bidding process and recommended the Council approve the bids and award the water meter replacement agreement to Ferguson.

Johnson stated he would not be supporting this project because he did not support the last four items mentioned being open ended with the contractor. He stated once these four items were costed out, he could support the agreement moving forward. Mr. Gustafson reported the recommendation from staff was to award the contract noting an agreement would not be signed at this time. He explained staff would be finalizing

these costs with the contractor prior to signing the agreement. City Attorney Tietjen reviewed the proposed resolution noting one of the clauses directs staff to meet with Ferguson prior to execution of the agreement to negotiate these details.

Johnson asked if this item would come back to the Council prior to the agreement being approved. Mr. Gustafson stated this item could come back to the Council.

Johnson reported he would still not be able to support this item moving forward until the open ended items were addressed with the contractor.

Hultstrom stated she had a lot of concerns with the water meter replacement contract. She noted she had several conversations with DSG herself. She commented on these conversations further noting there was a feeling of unease and that not all the truth was being told. She believed it was in the City's best interest to uphold a clean reputation for DSG. She did not feel the City was comparing apples to apples for both companies. She understood Public Works Director Waldbillig worked with this company in the past, but since that time installers have changed. She explained she was uneasy about this entire project. For this reason, she would not be in support of this project moving forward tonight.

Schulz commented he did not understand Councilmember Hultstrom's feelings regarding this matter. He asked if Councilmember Hultstrom only spoke with DSG or if she also spoke with Ferguson and Core & Main. He did not understand the allegations that were being put forth. He discussed the rigorous process that must be followed for bids. He stated it was important for him to have Public Works Director Waldbillig's impression be considered. He feared how the City would manage the situation if challenges were to arise with the contractor. He reported the current water meters had been supplied by DSG, which has been a concern. He stated he could support the project being awarded with the understanding staff would be working through the items that needed to be costed out.

Mr. Gustafson explained the process that was followed by staff since November 9. He indicated discussions were held with every bidder and staff allowed each bidder to submit additional information. He stated he started with DSG and noted he would be recommending the Council not award the bid to DSG. He reiterated that there were several questions DSG would not answer regarding the remote meters. He stated he had concerns with the fact DSG's remote meters were \$145 while all other bidders were around \$80. He indicated this project was a 20 year partnership and he wanted the City to be comfortable with the vendor that it would be aligning itself with for the next 20 years. He reported after conversations with DSG, he had some tough conversations with Ferguson to better understand their components and software. After speaking with Core & Main, he determined that Ferguson was the apparent low bidder.

Stelmach thanked the Committee and staff members for really digging into this issue. He discussed the conversations staff had with each of the vendors. He questioned if Councilmember Hultstrom had approached Core & Main and Ferguson with her same questions.

Hultstrom reported she did not reach out to DSG, they reached out to her through an email Councilmember Johnson had received two weeks ago. She explained she did not

have a chance to read through all the attachments within this email. She reported the City Administrator saw the email as sour grapes because they would not be awarded the contract. She indicated there were a lot of points and issues that were brought up why they were not a viable bidder. She understood DSG's product had a reader built into the meter and an exterior piece of equipment was not necessary. She explained this would save putting an exterior reader on every home in Osseo. She stated she was not an expert and she did not have any of the other companies reach out to her. She commented further on the email she received on November 9 and the problems/inconsistencies that were found in the DSG bid. She reiterated that she was uncomfortable with the process and noted she would not be supporting this project.

Stelmach explained he received Councilmember Johnson's emails but noted he did not respond to these emails for open meeting law reasons. He stated he forwarded these emails to City Administrator Grams for follow up purposes. He indicated he did not reach out to DSG because the committee was trying to funnel this communication. He reported he was not an expert on water meters and therefore was leaving the recommendation to the trusted experts. He asked if Councilmember Johnson reached out to anyone besides DSG.

Johnson stated he reached out to Mill Bank Waterworks who was doing work in Champlin. He explained this was what led him to believe this project was not an open bid and did not follow the general bidding process. He indicated Mill Bank Waterworks was interested in this project. He commented if he had not gotten on this issue prior to November 9 the City would have proceeded with Core & Main. He stated he was not happy with the fact the City was proposing to move forward with a contract that was open ended. He questioned why the City had not opened this project up to all bidders.

Stelmach requested further information on how this project was published. City Attorney Tietjen clarified the legal requirements for public bids are for legal publication in the City's newspaper. Grams noted City also published the bid on the City's website.

Stelmach stated the City had followed all publication requirements for the public bid and no vendors were excluded. City Attorney Tietjen reported this was the case.

Johnson commented he was not happy with how the whole process has gone.

Grams explained there seems to be some confusion or frustration with the process. He took blame for this because he was out of the office for personal reasons after losing his father-in-law and the birth of his second child. He apologized for the timing on these issues. He stated he was at home to support his family. He commented if two Councilmembers were upset about the process that was followed, he encouraged the Council to put the blame on him and not onto Mr. Gustafson or the City Attorney. He stated the accusations that staff was not being honest upset him. He reported this was not the case as staff had acted in the Council's best interests. He explained Mr. Gustafson and the City Attorney have been tremendous assets and staff has learned through this bidding process. He indicated he was thankful this item had been pulled from the last City Council agenda. He stated staff has worked through the bids further and had come forward with the best recommendation for the City for the next 20 years.

Schulz asked how long Johnson had served on the City Council.

Johnson reported he had been on the Council for the past six years.

Schulz indicated through this time Councilmember Johnson should have been well aware of the fact it was not okay to bring Councilmember Stelmach in on an email due to open meeting rules.

Johnson stated he forwarded the information to Councilmember Stelmach alone. He noted the information was forwarded to Councilmember Hultstrom later through City staff.

Schulz asked if Johnson knew how Schulz would vote on the street improvement hearing.

Johnson commented he was not aware how Councilmember Schulz would vote.

Schulz expressed frustration with the fact Councilmember Johnson assumed that he would have voted to approve Core & Main as the contractor. He reiterated that Councilmember Johnson does not know or understand how he would vote. He stated he made the motion to pull this item from the agenda on November 9. He reported he was part of the committee addressing this item, along with Councilmember Stelmach. He explained he has spent at least 20 hours on this project. He explained he did not appreciate the accusations Councilmember Johnson was putting forth about how he would or would not vote. He noted he read the emails from DSG and indicated there were a lot of assertions. He stated Councilmember Johnson was saying he does not trust the process, and he doesn't believe the City Administrator, the City Engineer, or the City Attorney.

Johnson commented this was not what he said.

Schulz stated by Councilmember Johnson stating he did not trust the process, he did not trust those who were involved in the process. He reiterated that the project was posted legally, and this was confirmed by the City Attorney. He indicated Councilmember Johnson had nearly broken the open meeting law by sending an email to Councilmember Stelmach. He stated the Council was inciting the committee and staff was acting illegally and this was not necessary.

Stelmach clarified the email he was referring to regarding this item was sent to him alone from Councilmember Johnson on November 6 and November 9. He noted he also received another email regarding this item through the City Administrator on November 9. He explained he did not respond to the emails from Councilmember Johnson due to open meeting law requirements. He stated sending emails through the City Administrator would be the correct action to take.

A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2020-65 approving bids and awarding the contract to Ferguson for the Water Meter Replacement Project. A roll call vote was taken. The motion carried 3-2 (Hultstrom and Johnson opposed).

B. APPROVE PURCHASE OF SIMUNITION TRAINING AIDS FOR POLICE DEPARTMENT

Police Chief Shane Mikkelsen stated Simunition training gear is used for realistic scenario training on use of force situations that officers may encounter while working. All the new data on officer training suggests that the more realistic the training the better that training is for officers. Simunition equipment includes three Glock handguns, two bolts for old rifles, protective gear for officers, and rounds for each gun. The ammo will include marking and non-marking rounds.

Police Chief Mikkelsen explained this will allow the department to put on training where the scenarios would include weapons that officers would use on the street. The officers would be able to have the sound associated with weapons being fired and, when using the marking rounds, they will be able to see how accurate they are. This will allow us to integrate shoot, don't shoot scenarios, de-escalation methods, and be as realistic as possible. The protective gear will be worn by officers and actors in scenarios. The total for the training equipment is \$4,816.44. He commented further on the items included in the bid. It was noted the police department had dollars remaining in its training budget to cover this expense. He reported the Public Safety Committee support this purchase moving forward.

A motion was made by Stelmach, seconded by Hultstrom, to approve purchasing the Simunition equipment as outlined. A roll call vote was taken. The motion carried 5-0.

C. APPROVE PURCHASE OF LESS LETHAL EQUIPMENT FOR POLICE DEPARTMENT

Police Chief Mikkelsen stated with the addition of new officers to the department in the last two years the department now has multiple officers working at the same time more often than officers working alone. With that new development the police department would like to add some new equipment that would help provide access to less lethal technology.

Police Chief Mikkelsen reported this technology would be for the purchase of four Remington shotguns that fire less lethal rounds only. This technology in certain circumstances would allow an officer to effectively end a lethal scenario using a less lethal method. There are many factors that would go into when an officer would use this technology, but it gives the officer another less than lethal option. He believed this would be another great way to keep the community safe while also keeping others in certain scenarios from possibly having a lethal force option used. It was noted the department currently has two shotguns that will be traded in towards the purchase of the new shotguns. The department will be receiving \$100 per shotgun on trade. The cost of the four shotguns is \$3,810.44. After the shotguns are purchased, staff would then be looking at what type of less lethal ammo should be purchased. He reported the Public Safety Committee support this purchase moving forward.

Stelmach stated this item speaks to the culture of the Police Department. He explained purchasing a lower level of force would provide officers a way to not have to raise the stakes to a lethal level whenever possible. He thanked the Police Chief for bringing this item forward and noted he would be supporting the request.

Schulz commented eight or more years ago less lethal options were being discussed and he appreciated that this was now being brought forward.

A motion was made by Hultstrom, seconded by Stelmach, to approve the purchase of the less lethal shotguns as outlined. A roll call vote was taken. The motion carried 5-0.

D. APPROVE OFFICER DAVID JOHNSON TO JOIN WEST METRO FIELD FORCE GROUP

Police Chief Mikkelson stated the West Command Mobile Field Force is a group of 250 officers that are from Suburban Hennepin County agencies to help assist those participating agencies with any civil unrest. This mobile field force will be run with an executive board from the Hennepin Chiefs of Police. He explained if the City of Osseo participates, we will be able to call for assistance from this group to help us if we have any civil unrest for any reason. There have been internal discussions within the police department and Officer Johnson has been chosen to participate in this group from our agency.

Police Chief Mikkelson reported currently we have a Joint Powers Agreement with all agencies in Hennepin County for mutual aid if needed. The Hennepin Chiefs of Police is drawing up an addendum to the Joint Powers Agreement that will specifically name the West Command Mobile Field Force which is in process now. That will come before the Council later and will be vetted by the legal counsel at that time. Currently the training starts in December so Chief would like Officer Johnson to start training with the group and not be put into active service until an addendum is agreed upon. He commented further on the structure of this organization and recommended approval of Officer Johnson joining this group. He reported the Risk Management Committee and Public Safety Committee supported this item moving forward.

Stelmach asked if the City would incur additional costs for the training Officer Johnson would receive. Chief reported there would be no cost to the City for this training. He noted this training would be available to all other Osseo officers later.

Hultstrom inquired if there would be a time commitment concern for Officer Johnson. Police Chief Mikkelson reported the department could assign someone new if this became a concern, but noted the required training was only conducted on a quarterly basis.

A motion was made by Hultstrom, seconded by Stelmach, to approve assigning Officer David Johnson to the West Command Mobile Field Force. A roll call vote was taken. The motion carried 4-1 (Schulz opposed).

E. APPROVE UTILITY AGREEMENT WITH OSSEO URBAN TOWNHOME ASSOCIATION

Grams explained several years ago the Osseo Urban Townhome Association (then under different management) failed to pay quarterly utility charges to the City. The City entered into an agreement with the Association to repay the delinquent utility charges. However, shortly after that, that management company left, and a new management company took over. The new company was not aware of the agreement and after the City reached out to them to inquire about continuing to make payments, they asked to

re-work it and enter into a legally binding agreement. The City Attorney's office drafted the repayment agreement, which has been reviewed and approved by the Townhome Association Board.

Grams reported under normal circumstances with delinquent utility charges, the City would simply assess those charges against a property. However, because each of the townhome units is a separate PID, and the Association handles the collection and payment of all utility charges; the City is unable to legally charge the delinquent utilities to those individual PIDs. We do not know who has paid and not paid, and units have been purchased and sold meaning new owners could be stuck with the delinquent charges for services they did not receive. Per City Attorney Tietjen's advice, the best course of action is to enter into a legal agreement with the Association that spells out the terms of the repayment.

Johnson stated he did not understand what utility was unpaid. Grams stated this was for water and sewer. He reported the townhome association board includes all the Osseo Townhome units on the property. He explained even though each unit has a separate PID, they paid utilities to the Urban Townhome Association and the association then makes the payment to the City. He stated once the association failed to make payments, it was impossible for delinquent charges to be made to the individual PIDs. He reported this requires the City to work through the association. City Attorney Tietjen reported if the association fails to make payments, the City does have the authority to fairly and reasonably distribute the costs proportionally and equally to the townhome units.

Johnson questioned how long the association was delinquent. Grams indicated this was for quite some time.

Johnson asked who would be responsible for making the delinquent payments. Grams reported the agreement is with the Osseo Urban Townhome Association, and they would be responsible for the delinquent payments.

Schulz questioned if the City had the opportunity to individually meter each unit through the water meter replacement project. Grams reported this could be done.

A motion was made by Stelmach, seconded by Johnson, to approve the delinquent utility repayment agreement with the Osseo Urban Townhome Association. A roll call vote was taken. The motion carried 5-0.

F. APPROVE 2021 UTILITY RATES – Rebecca Kurtz, Ehlers (Resolutions)

Rebecca Kurtz, Ehlers & Associates, stated last fall the City worked with Ehlers to complete a rate study that anticipated certain capital improvements in 2020 and 2021. This spring, as capital plans were finalized, it became clear that rates would need to be higher to cover the planned improvements. Prior to issuing bonds in the spring of 2020 for the street and utility projects and equipment, the City requested Ehlers to revise the rate recommendations. The revised rates for 2021 were reviewed in detail with the Council.

Ms. Kurtz reported the City plans to revise the rate study again after the new water meters are installed and the City has one year's worth of billing data in place. The financial implications of not raising the utility rates was discussed. She commented on how the City's utility funds would be impacted if increases were not approved. She recommended the Council approve the proposed utility rate increases for water, sanitary sewer, and storm water.

Johnson discussed the projected utility rates for the next ten years. He commented over ten years the proposed increase would compound to a 50% increase in the water rates. Ms. Kurtz reported this was the case, but noted rates would be reviewed again in a year or year and a half. She stated at that time a 4.75% increase may not be necessary.

Johnson questioned if the proposed increases would begin on January 1, 2021. Ms. Kurtz explained the rates would be effective at the 1st of the year.

Hultstrom asked what the annual percentage raise was for the water purchased from the City of Maple Grove. Grams noted this percentage increase was five percent annually.

Schulz stated he appreciated the fact that the utility rates would be reviewed again in February or March of 2022. He indicated the new water meters would be more accurate than what residents have now. He explained the new utility payment system would also have a positive effect on the City's utility funds. He discussed how COVID was impacting water usage in the community. He reiterated that the City wanted to encourage residents to conserve water usage.

Johnson asked if the City should defer the rate increase until the new water meters were in place.

Poppe stated he did not support this recommendation. Ms. Kurtz discussed the compounding effect of not putting the rate increase in place now and how this would impact the City's utility funds. She reported it would be a year to year and a half before the City had enough information on the new meters.

A motion was made by Hultstrom, seconded by Schulz, to adopt Resolution No. 2020-66 setting the water user fees in 2021. A roll call vote was taken. The motion carried 5-0.

| Quarterly Water Rates | |
|--|--------|
| | 2021 |
| Flat Rates | |
| Minimum (includes 8,000 gallons for single family residential users) | 20.95 |
| 3/4" | 20.95 |
| 1" | 20.95 |
| 1.5" | 31.43 |
| 2" | 41.90 |
| 3" | 104.75 |
| 4" | 419.00 |
| 6" | 419.00 |
| Usage Rates | |
| Residential | |
| Tier 1 (8,000 to 16,000 gallons) | 4.19 |
| Tier 2 (16,000-24,000 gallons) | 5.24 |
| Tier 3 (over 24,000 gallons) | 6.55 |
| Multi Family | |
| all Usage | 4.45 |
| Commercial | |
| Tier 1 (to 50,000 gallons) | 4.19 |
| Tier 2 (50,000-100,000 gallons) | 4.82 |
| Tier 3 (100,000-125,000 gallons) | 5.54 |
| Tier 4 (over 125,000) | 6.37 |
| Irrigation | |
| All usage | 6.55 |
| Bulk Water Sales | |
| All usage | 6.55 |

A motion was made by Schulz, seconded by Stelmach, to adopt Resolution No. 2020-67 setting the sanitary sewer user fees in 2021. A roll call vote was taken. The motion carried 5-0.

A base charge of \$53.31 per quarter which includes 15,000 gallons and \$10.26 per 1,000 gallons beyond 15,000 gallons.

A motion was made by Johnson, seconded by Schulz, to adopt Resolution No. 2020-68 setting the storm water utility fees in 2021. A roll call vote was taken. The motion carried 5-0.

\$38.10 per REF per quarter

G. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

Johnson raised a question regarding the WSB bill. Grams discussed this bill in detail 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.

11. ADMINISTRATOR REPORT

Grams reported he would be following up with Mr. Kelly on his Matters from the Floor. He noted he would be working with Lee Gustafson, WSB, on this matter.

Grams thanked the Council and City staff for managing the City while he was away. He noted his father in law passed away unexpectedly and then his second child was born, named Walter. He stated this has been both an exciting and difficult time for his family.

Grams apologized for being absent, but he thanked his staff members for their tremendous efforts during the recent election.

Grams wished everyone a Happy Thanksgiving.

12. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen wished everyone a Happy Thanksgiving.

Hultstrom stated last Thursday she attended the Metro Cities policy meeting and voted for the Osseo representative. Hultstrom explained the Minnesota Department of Health and the governor's office had a conference this afternoon. She commented on the COVID Aware app that was now available through Google or Apple. Hultstrom understood there were a lot of businesses struggling right now. She explained Hennepin County had extra grant funds that were available to these businesses. She encouraged these businesses to consider applying for a grant.

Johnson reported businesses only had one week to apply for grants through Hennepin County. Johnson thanked the press for publishing a full page article on the Fire Department. He stated he was proud of the tremendous dedication of the Phenow family to the Fire Department and their 100 years of service to the community.

13. ANNOUNCEMENTS

Poppe discussed the City's Snow Emergency Policy with the public. He encouraged residents to sign up for up to date email notifications.

Poppe encouraged residents to consider donating a new, unwrapped toy to the Police Department's Toys for Tots drive. He reviewed the drop off sites in Osseo and noted the drive was going on now through December 16.

Poppe stated City Hall would be closed on Thursday, November 26, and Friday, November 27, for the Thanksgiving Holiday.

Poppe reported the City needed volunteers to serve as Commission and Committee members. Those interested were encouraged to contact City Hall for further information.

14. ADJOURNMENT

A motion was made by Schulz, seconded by Hultstrom, to adjourn the City Council meeting at 9:49 p.m. A roll call vote was taken. The motion carried 5-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial