

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
January 11, 2021**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:01 p.m. on Monday, January 11, 2021. Due to the COVID-19 pandemic this meeting was held virtually.

2. OATHS OF OFFICE

City Attorney Tietjen discussed the requirements for Oaths of Office. She then administered the Oaths of Office to Mayor Duane Poppe and Councilmember Alicia Vickerman. A round of applause was offered by all in attendance.

3. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Larry Stelmach, Alicia Vickerman, and Mayor Duane Poppe.

Members absent: Councilmember Harold E. Johnson.

Staff present: City Administrator Riley Grams, Community Management Coordinator Joe Amerman, Police Chief Shane Mikkelson, and City Attorney Mary Tietjen.

Others present: Lee Gustafson-WSB, Brett Letourneau, and Ben Gale-WSB.

4. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

5. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

A motion was made by Hultstrom, seconded by Stelmach, to accept the Agenda as presented. A roll call vote was taken. The motion carried 4-0.

6. CONSENT AGENDA

- A. Receive EDA Minutes of December 14, 2020
- B. Approve Council Minutes of December 14, 2020
- C. Receive December Fire Relief Gambling Report
- D. Receive December Building Report
- E. Receive Planning Commission Minutes of December 21, 2020
- F. Approve Training request for Mayor Duane Poppe
- G. Receive December American Legion Gambling Report
- H. Accept IRS Mileage Rate of 56 Cents for Business Miles Driven

- I. Receive November Lions Club Gambling Report
- J. Receive November Hockey Association Gambling Report
- K. Accept Resignation of PT Officer Robert Anderson
- L. Approve 2021 Police Department Training List
- M. Accept Resignation of PT Officer Stephen Nelson
- N. Approve Hire of Reserve Officer Melanie Estrada

A motion was made by Hultstrom, seconded by Vickerman, to approve the Consent Agenda. A roll call vote was taken. The motion carried 4-0.

7. MATTERS FROM THE FLOOR – None.

8. SPECIAL BUSINESS

A. SUPPORT A RESPECTFUL WORKPLACE (Resolution)

Poppe read a resolution in full for the record that supports a respectful workplace at the City of Osseo.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2021-1, Supporting a Respectful Workplace. A roll call vote was taken. The motion carried 4-0.

B. CITY COVID-19 STATE OF EMERGENCY UPDATE

City Administrator Riley Grams stated on Wednesday, January 6, Minnesota Governor Tim Walz provided updated and relaxed restrictions for indoor gatherings. Based on the order from Governor Walz, the City's Emergency Management Team discussed some updated recommendations for the Council to consider. The new recommendations include:

- 1) The Osseo Community Center will re-open with a max of 50% capacity for any rental event (dependent on the size of the room they are using).
- 2) All safety protocols will remain in place in the Community Center, which includes the following: social distancing, use of masks, no more than 4 per table (provided the tables are spread out), no food/drink allowed, and continued heightened cleaning after each rental use (all touchpoints, tables, chairs, bathrooms, etc.).
- 3) Yoga and Jazzercise may re-start if they follow the safety protocols that are in place (capacity, masks, and so on) with a max of 25% capacity.
- 4) Seniors may meet in the Community Center, with all the previous safety protocols in place.
- 5) The City Hall staff will continue with the staggered schedule until further notice, which allows City Hall to remain open to walk up traffic.

Grams explained these recommendations will remain in effect until the Emergency Management Team reviews any updated restrictions or orders from Governor Walz and provides new recommendations.

Hultstrom asked what the capacity is for Room A and Room B in the Community Center. Grams estimated that the capacity for both rooms together was 150.

Stelmach stated he supported the Community Center being reopened. He recommended staff post the max occupancy of Room A and Room B noting this would allow residents to self-manage the space. Grams indicated he has these signs posted.

A motion was made by Stelmach, seconded by Vickerman, to approve the COVID-19 State of Emergency recommendations as presented. A roll call vote was taken. The motion carried 4-0.

C. ACCEPT DONATION (Resolution)

Grams stated the City has received the following donation:

Donor	Amount/Item	Designated Fund
Harold & Gayle Johnson <i>(in memory of Dennis Cardinal, Tom Hanneman & Marjorie Walter)</i>	\$300	Beautification

Staff recommended the Council accept the donation.

A motion was made by Stelmach, seconded by Hultstrom, to adopt Resolution No. 2021-2, accepting a donation from Harold E. and Gayle Johnson. A roll call vote was taken. The motion carried 4-0.

9. PUBLIC HEARINGS

A. IMPROVEMENT HEARING FOR 2021 CENTRAL AVENUE PROJECT – Lee Gustafson, WSB & Associates

Lee Gustafson, WSB & Associates, stated the City Council approved the feasibility report for this project on October 26, 2020 and called for the improvement hearing to be held on November 23, 2020. After the public hearing on November 23, the City Council adopted a motion to reject the proposed resolution ordering the improvements because it was opposed to proceeding with the alley portion of the project. On December 14, 2020, the City Council adopted a resolution to proceed with the Central Avenue improvements only, as described in the Engineer's feasibility report. The resolution also scheduled an improvement hearing - just for the sidewalk repairs in front of Steeple Pointe.

Mr. Gustafson reported the 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 – Option 2. The concept layout was approved by the City Council in early 2020. 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.

Mr. Gustafson reported the project 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. The existing trees and planter vegetation on Central Avenue within the project limits will be removed and replaced. The species of tree will be determined during final design and be appropriate for boulevard planting. The existing planters will be repaired and repainted as needed with the project. The tree planting and planter landscaping is currently proposed to be done under a separate contract with a landscaping company.

Mr. Gustafson stated the existing irrigation system on Central Avenue will be replaced within the project limits including the planter locations, tree grates, and hanging baskets. No streetlight changes are proposed. At the December 14 meeting, significant discussion occurred with regards to using colored concrete on this project. A question was recently asked with regards to the cost savings between using colored concrete and normal white concrete. The following information has been prepared for Council's consideration:

- The cost savings to use normal concrete for the sidewalk and the parking lanes versus colored concrete is \$7,400. This assumes colored and stamped concrete would still be used for the boulevards and crosswalks.
- Different joint patterns and finishing can be used with normal concrete to improve appearance.
- Both Central Avenue concepts were reviewed for reference.

Mr. Gustafson reviewed the project timeline and recommended approval of the Central Avenue improvement project.

Stelmach thanked Mr. Gustafson for providing the Council with pictures of the proposed earth tones for the concrete sidewalks.

Hultstrom asked if the colored concrete would have to be sealed or maintained in a special way. Mr. Gustafson reported the examples provided to the Council had never been sealed.

Vickerman questioned if the stamped concrete options were compared to some of the existing pavers along Central Avenue to ensure they matched. Mr. Gustafson stated the pavers along Central Avenue are failing and noted any type of stamped concrete design could be chosen going forward.

Poppe understood residents were concerned about the cost of stamped concrete versus pavers. He requested further information from staff on the price difference. Mr. Gustafson discussed the cost for using normal concrete for the sidewalk and parking lanes would be a \$7,000 savings over using colored concrete. He commented further on the type of spray sealer that is used on colored concrete.

Poppe asked staff for staff to comment on MNDOT's spec on colored concrete. Mr. Gustafson stated it was his understanding that when using colored concrete staff would have to work closely with the supplier to make certain the specifications are met and

hold up well. He explained MNDOT does not use colored concrete and therefore were not the experts on colored concrete.

A motion was made by Stelmach, seconded by Vickerman, to open the Public Hearing at 7:31 p.m. A roll call vote was taken. The motion carried 4-0.

Grams reported staff had not received any comments for this Public Hearing.

A motion was made by Stelmach, seconded by Vickerman, to close the Public Hearing at 7:32 p.m. A roll call vote was taken. The motion carried 4-0.

A motion was made by Stelmach, seconded by Vickerman, to adopt Resolution No. 2021-3 Ordering Improvements, and Preparation of Plans and Specifications for the 2021 Central Avenue Reconstruction Project. The motion carried 4-0.

10. OLD BUSINESS – None.

11. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF JANUARY 11, 2021

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable, elected EDA officer positions, and discussed the 2021 EDA projects and goals.

A motion was made by Stelmach, seconded by Vickerman, to Confirm the EDA Actions of January 11, 2021. A roll call vote was taken. The motion carried 4-0.

B. APPROVE 2021 MS4 PERMIT – Lee Gustafson, WSB & Associates

Lee Gustafson, WSB & Associates, stated a municipal separate storm sewer system (MS4) is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) which is owned by a public entity that has jurisdiction over wastes or stormwater that discharge to waters of the United States. The City of Osseo is therefore classified as an MS4 entity and is permitted as such. He commented further on the new requirements within the MS4 permit.

Ben Gale, WSB & Associates, reviewed several acronyms with the Council and reported the main purpose of the MS4 Permit is to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems. Public entities that own or operate an MS4 are required to develop and implement a stormwater pollution prevention program (SWPPP) to reduce the discharge of pollutants from its storm sewer system, to the maximum extent practicable. An effective SWPPP is required to include 6 Minimum Control Measures (MCMs), as follows:

1. Public education and outreach that includes teaching citizens about better stormwater management
2. Public participation: Include citizens in solving stormwater pollution problems
3. A plan to detect and eliminate illicit discharges to the storm sewer system (like chemical dumping and wastewater connections)

4. Construction-site runoff controls
5. Post-construction runoff controls
6. Pollution prevention and municipal “good housekeeping” measures, like inspecting and maintaining infrastructure, covering salt piles, and street sweeping

Mr. Gale explained as a part of the Application of Reauthorization, the regulated entity must also identify best management practices (BMPs) which will be implemented to reduce pollution from reaching impaired waters that are covered by a total maximum daily load (TMDL) study. A TMDL is the maximum amount of a pollutant a body of water can receive without violating water quality standards and an allocation of that amount to the pollutant’s sources. The TMDL process identifies all sources of a pollutant and determines the amount that each source (i.e. each MS4 owner/operator) must reduce its contribution by in order to meet the standard.

Mr. Gale reported on November 16, 2020, the MPCA released an updated MS4 permit that gives MS4 owner/operators until April 15, 2021 to submit an Application for Reauthorization. The MS4 permit update includes changes to TMDLs and each of the MCMs. The Application for Reauthorization that is submitted to the MPCA will include updates to the City of Osseo’s current MS4 program to meet the new requirements outlined in the updated MS4 permit.

Mr. Gustafson explained this permit approval process was like approving a Comprehensive Plan and noted the City had to comply with the new permit requirements.

Vickerman asked if the City was aware of any discrepancies that need to be addressed at this time. Mr. Gale described at length the six MCM’s within the new MS4 permit. Mr. Gustafson reported that every city would have to comply with the new requirements.

Stelmach thanked staff for the detailed presentation on the new requirements. He asked how the training of Public Works staff would be provided. Mr. Gustafson discussed how the educational and training pieces would be provided to cities.

Further discussion ensued regarding the implementation phase for the new MS4 permit.

Stelmach questioned when the City would learn more about the zoning ordinance amendments that would be required. Mr. Gustafson reported he did not anticipate this would be a huge dollar amount. He explained he would know more later in 2021. He guessed that the LMC would get involved to assist with creating standardized ordinances.

Hultstrom inquired if the MS4 permit became more complicated for Osseo because the City was within two watershed districts. Mr. Gustafson stated this was common among cities and would not complicate Osseo’s MS4 permitting process.

A motion was made by Vickerman, seconded by Stelmach, to approve the engineering proposal with WSB & Associates as presented for the 2021 MS4 Permit Reissuance. A roll call vote was taken. The motion carried 4-0.

C. APPROVE TOWING AGREEMENT WITH CITYWIDE TOWING

Police Chief Shane Mikkelson stated in November 2015 the City entered into an agreement with Citywide Towing to use them for the impound service for the police department. The agreement was for a five-year term. That first five-year term has now expired. In the contract under terms section 2B, it states, "Renewal. The parties may renew this Agreement for a second five-year period upon mutual agreement by the parties." He suggested that the City renew this contract under this term. He reported he had no reservations about using Citywide Towing. Citywide Towing has presented an updated contract for review. The only changes they made to the contract is under the costs section. Citywide Towing submitted a letter that explains their reasons for the changes. It was noted City Attorney Mary Tietjen had reviewed the contract and has recommended approval of the current version.

Brett Letourneau, Citywide Towing, thanked the Council for its time and consideration. He stated he appreciated the working relationship he had with Osseo and appreciated the City's continued support.

Stelmach reported Citywide Towing has been very responsive to the City and indicated he supported the contract renewal.

A motion was made by Stelmach, seconded by Hultstrom, to approve a new five-year contract with Citywide Towing. A roll call vote was taken. The motion carried 4-0.

D. APPROVE SUBSCRIPTION TO TIP411 SYSTEM

Police Chief Mikkelson stated Tip411 is a web-based tool for two-way anonymous tip communication, tip management, community alerts, and social media publishing. This web-based tool also offers crime mapping, push notifications to the user in the public, and it is agency-branded. This tool will allow the police department to condense all public communications into one place and help give the residents an interactive experience with the police department.

Stelmach asked how tips were forwarded to officers. Chief Mikkelson explained all tips would be sent to on duty Police Officer phones through the application. It was noted the tips would also be sent to the Police Chief.

A motion was made by Hultstrom, seconded by Vickerman, to approve the purchase of the subscription to Tip411. A roll call vote was taken. The motion carried 4-0.

E. APPROVE CONDITIONAL USE PERMIT AMENDMENT REQUEST BY JESSE PAUL MYHRE OF JM AUTOMOTIVE AT 401 COUNTY ROAD 81 (Resolution)

Community Management Coordinator Joe Amerman explained Jesse Myrhe has operated JM Automotive in Osseo since 2015. Between 2015 and 2017 the business grew and transitioned from a joint auto repair and sales business into an exclusively

auto repairs business specializing in Subaru vehicles. Since 2017 the business has continued to grow and has outgrown the space available at the current address. As a result, JM Automotive is moving the repair business to a larger location located on County Road 81 near Zachary Lane in Maple Grove. The intention of Mr. Myrhe is now to operate 401 County Road 81 as a second business, to include Auto Sales. The property is located on County Road 81 Service Road West. Nearby businesses are Twin Cities Pawn, Budget Car Rental, and Pioneer Midwest located in the building to the southeast. The property is owned by Dan Koehler and is also home to a self-serve car wash. Staff reviewed the standards for granting a conditional use permit with conditions and reported the Planning Commission recommended approval of the request.

Hultstrom asked if the City would strike the language in Condition 12. Amerman reported this would be up to the Council.

Stelmach explained he spoke with the applicant regarding the number of parking stalls on the site and noted 20 parking stalls were being requested.

A motion was made by Stelmach, seconded by Vickerman, to adopt Resolution No. 2021-4, granting the request from Jesse Paul Myhre for a Conditional Use Permit to allow for Used Auto Sales and Minor Auto Repair at 401 County Road 81 with the conditions as presented. A roll call vote was taken. The motion carried 4-0.

F. APPROVE 2021 OFFICIAL COUNCIL APPOINTMENTS

Grams stated each year the City Council discusses the various appointments to Council committees and other boards. In late December he sent an email to the full Council asking for Council preferences to the committees and boards and included a short description for each. Each Councilmember responded to with their preferences. The proposed resolution outlines those responses. The committees and appointments in black show a full complement of appointments, while those in red either have too many responses, or not enough responses for those positions. The Council should consider the responses, discuss them, and motion to appoint Councilmembers to the various boards, committees, and other appointments.

Poppe questioned if this item could be postponed to the January 25, 2021, City Council meeting to allow for Councilmember Johnson to be in attendance. Grams reported this item could be delayed to that meeting.

A motion was made by Stelmach, seconded by Hultstrom, to table action on the 2021 Official Council Appointments to the January 25, 2021, City Council meeting. A roll call vote was taken. The motion carried 4-0.

G. APPROVE 2021 CITIZEN APPOINTMENTS (Resolution)

Grams stated citizen appointments are made each year to various boards/commissions/committees. Announcements have been made at prior Council meetings and included in Council packets. The Press and social media have been used to reach interested volunteers, also. Staff reviewed several letters of interest for the appointments and requested the Council adopt a resolution making the 2021 Citizen Appointments.

Stelmach stated he reached out to everyone who applied prior to this meeting, except for Mr. Kelly, Ms. Quant, and Ms. Schulz. He explained he supported Ashlee Thostenson and Jason Hegerle being appointed to PSAC. He indicated he supported the two Park Commission candidates as submitted. He noted for the Heritage Preservation Committee he recommended Patty McLean and Brittney Quant be re-appointed. He suggested Kirsten Schulz and Mike Olkives be appointed to the Planning Commission.

Hultstrom reported Mr. Kelly called her the other day and had a brief discussion. She indicated this conversation was slightly confusing and therefore she supported the recommendations as suggested by Councilmember Stelmach.

Vickerman concurred stating she read the email from Dee Bonn and understood she was willing to step aside if someone else wanted to serve.

A motion was made by Hultstrom, seconded by Stelmach, to adopt Resolution No. 2021-5, approving the 2021 Citizens Appointments as discussed. The motion carried 4-0.

H. APPROVE 2021 CITY APPOINTMENTS AND DESIGNATIONS (Resolution)

Grams requested the Council adopt a resolution approving the 2021 City appointments and designations. He reviewed the consultant appointments, other appointments, and designations with the Council in further detail and recommended approval.

A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2021-6, approving the 2021 City Appointments and Designations. The motion carried 4-0.

I. APPROVE 2021 FEE SCHEDULE (Resolution)

Grams stated each year the Council formally updates the City's fee schedule with any new or updated fees for City related services. Staff reviewed the proposed changes and recommended approval of the 2021 Fee Schedule as presented.

Stelmach asked if the water heater fee depended on the cost of the water heater. Grams reported this was not the case. He indicated the fee had moved from \$16 to \$76.

A motion was made by Stelmach, seconded by Vickerman, to adopt Resolution No. 2021-7, amending the Fee Schedule for 2021. The motion carried 4-0.

J. SUMMARY OF CLOSED SESSION ON DECEMBER 14, 2020

Stelmach stated the City Council conducted a closed session meeting to review the performance of the City Administrator during the Council meeting on December 14, 2020. Under the Minnesota Open Meeting Law, after a public body meets in a closed session to evaluate the performance of an employee, the body is required to summarize the conclusions at its next open meeting.

K. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

A motion was made by Hultstrom, seconded by Vickerman, to approve the Accounts Payable as presented. A roll call vote was taken. The motion carried 4-0.

12. ADMINISTRATOR REPORT

Grams reported he was happy to be turning the page on 2020. He looked forward to many good things in 2021. He welcomed Councilmember Alicia Vickerman to the EDA and City Council. He provided the Council with a quick update on the sewer cleaning and lining project that was taking place in Osseo.

13. COUNCIL AND ATTORNEY REPORTS

City Attorney Tietjen welcomed Councilmember Vickerman to the City Council.

Hultstrom welcomed Councilmember Vickerman to the City Council. Hultstrom thanked the part-time police officers that assist the Osseo Police Department. She welcomed all new Commissioners and thanked them for their service to the community. Hultstrom commented it was heartbreaking to see what happened in the country last week. She hoped for peace in 2021.

Stelmach welcomed Councilmember Vickerman to the City Council. He thanked everyone who applied to serve in the City of Osseo. He believed that is what made Osseo a special community. He thanked everyone who worked to pull off the tremendous holiday parade.

Vickerman thanked the Council and staff members for the warm welcome. She stated she was looking forward to serving Osseo on the City Council. She explained she did not condone the events that occurred in Washington D.C. on January 6.

Poppe welcomed Councilmember Vickerman to the City Council. He thanked all the community members who volunteered to serve on City boards and commissions.

14. ANNOUNCEMENTS

Poppe stated City Hall will be closed on Monday, January 18, in observance of Martin Luther King, Jr. Day.

15. ADJOURNMENT

A motion was made by Hultstrom, seconded by Vickerman, to adjourn the City Council meeting at 8:55 p.m. A roll call vote was taken. The motion carried 4-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial