

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
June 28, 2021**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:18 p.m. on Monday, June 28, 2021. Due to the COVID-19 pandemic this meeting was held virtually.

2. ROLL CALL

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

Staff present: City Administrator Riley Grams, Community Management Coordinator Joe Amerman, Public Works Director Nick Waldbillig, City Accountant Shelly Cisewski, Fire Chief Mike Phenow, and City Attorney Mary Tietjen.

Others present: City Engineer Lee Gustafson.

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.

Grams requested the addition of Item 5H, Approve Gateway Sign Fee Waiver for Maple Grove Women of Today, to the Consent Agenda.

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

5. CONSENT AGENDA

- A. Receive EDA Minutes of June 14
- B. Approve Council Minutes of June 14
- C. Receive May Osseo Maple Grove Hockey Association Gambling Report
- D. Receive May Osseo Fire Relief Association Gambling Report
- E. Receive Planning Commission Minutes of June 21
- F. Receive May Fire Report
- G. Approve Exempt Permit for Wild Turkey Federation Raffle at Osseo American Legion
- H. Approve Gateway Sign Fee Waiver for Maple Grove Women of Today

Vickerman requested Item 5H be pulled from the Consent Agenda for further discussion.

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

H. Approve Gateway Sign Fee Waiver for Maple Grove Women of Today

Vickerman stated in the past the City Council has not waived fees for non-Osseo entities. She reported it looks like the Maple Grove Women of Today were requesting advertisement of three separate events. She questioned how the Council wanted to proceed with this request.

Stelmach asked what the rules were for fee waivers of gateway signs. He stated it was his understanding fee waivers were only offered to entities that were partnering with the City of Osseo. Grams commented this was generally correct. He indicated the unique circumstances about this event was that it was being held at the American Legion in Osseo.

Vickerman explained there was a church that had a Maple Grove address that requested to use the Community Center and the gateway fees were not waived for this group. She recommended the Council be consistent with its actions.

Stelmach stated he had an opportunity to speak with Ellen Anderson who was a member of the Maple Grove Women of Today. He understood the American Legion would be benefiting from the event, but he did not get the feeling that the fundraiser would benefit the City of Osseo.

Johnson commented this group would be putting funds back into the Osseo schools, which meant Osseo would be benefiting from this event. He stated he supported the Gateway Sign fee waiver.

Hultstrom encouraged the Council to be mindful of the reasons why the Gateway Sign was established and one of these reasons was to be a revenue source for the City. She stated when City sponsored events and events that partner with the City should receive fee waivers, but other events held in the City should not be free.

**A motion was made by Vickerman, seconded by Hultstrom, to deny the Gateway Sign fee waiver for Maple Grove Women of Today. A roll call vote was taken. The motion carried 4-1 (Councilmember Johnson opposed).**

6. MATTERS FROM THE FLOOR

Grams read a message in full for the record that he received from Kenny Nelson at 509 3<sup>rd</sup> Avenue NE stating Mr. Nelson had concerns with the way City employees are treated. Mr. Nelson understood City employees don't always receive the courtesy they deserve, and he thanked each and every City employee for helping to make this a lovely community. Mr. Nelson offered a round of applause for the City Administrator, City administration staff, the Police Department, and the Fire Department. The Council offered a round of applause.

Grams read a message in full for the record that he received from James Kelly at 624 3<sup>rd</sup> Avenue NE stating Mr. Kelly had questions about how and when the Heritage Preservation Commission vacancy would be filled. Mr. Kelly understood there were two people that applied for the position, and he was declaring interest for the record.

Grams read a second message in full for the record that he received from James Kelly at 624 3<sup>rd</sup> Avenue NE stating Mr. Kelly had a question about why information was required for the Heritage Preservation Commission per Minnesota Statute 471.193 Subdivision 5.

Grams read a third message in full for the record that he received from James Kelly at 624 3<sup>rd</sup> Avenue NE stating Mr. Kelly hopes to recite the pledge of allegiance at a future City Council meeting.

7. SPECIAL BUSINESS

A. RECEIVE MAYORAL STATEMENT AND APPROVE TERMINATION OF THE OSSEO LOCAL EMERGENCY

Grams discussed the mayoral statement and determination regarding conducting meetings by telephone or other electronic means. He discussed how the Council moved to remote public meetings due to COVID-19 and stated moving forward this mayoral statement would rescind the local emergency and all future meetings would be conducted in person, allowing for remote participation per law. He requested the Council adopt a resolution that would terminate the local emergency related to COVID-19.

**A motion was made by Stelmach, seconded by Vickerman, to adopt Resolution No. 2021-36, Terminating the Local Emergency related to COVID-19.**

Johnson asked if hybrid meetings would be held going forward. Grams stated by law the City would have to make this option available. City Attorney Tietjen reported there were certain conditions that would have to be met in order to allow for virtual attendance to occur for City Council members.

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

B. RECEIVE 2020 AUDIT – Matt Mayer, Bergan KDV

Matt Mayer, Bergan KDV, provided the Council with a presentation on the 2020 audit. He reported the City received an unmodified or clean opinion. He indicated the only area of improvement the City had would be to further segregate accounting duties; however, he understood the City had a small number of staff members. He commented further on the City's General Fund Revenues and Expenditures along with the City's Enterprise Funds. He commended the City on its strong financial position and asked for comments or questions.

Johnson discussed how the City's payroll was broken down among different accounts and asked if all payroll expenditures were accounted for. Mr. Mayer reported this had been reviewed in detail and all payroll expenditures were accounted for.

Johnson recommended the five material weaknesses within the organization be discussed at a future Council work session. He further discussion how the City should be planning for upcoming retirements within the budget.

Grams thanked Mr. Mayer and BerganKDV for their tremendous efforts on behalf of the City of Osseo.

Vickerman commended staff for managing City funds so well over the past year.

C. APPROVE YELLOW TREE THEATRE SPECIAL EVENT PERMIT AND OMNI BREWING TEMPORARY LIQUOR LICENSE FOR JULY 22

Community Management Coordinator Joe Amerman stated Yellow Tree Theatre would be hosting another event at Boerboom Park in conjunction with Omni Brewing on July 22, and they are requesting approval of a temporary liquor license along with the event.

Hultstrom explained she attended the Yellow Tree event in the park, and she spoke with several Yellow Tree board members. She reported these board members were thankful for the partnership with the City. She indicated she would be in support of approving the two special event permits.

Stelmach commented he only heard good things from the community on the Yellow Tree event. He also supported the special event permit.

Vickerman concurred and commended Yellow Tree and Omni Brewing for handling the event well.

**A motion was made by Hultstrom, seconded by Stelmach, to approve the Yellow Tree Theatre Special Event Permit and Omni Brewing Temporary Liquor License for July 22, 2021. A roll call vote was taken. The motion carried 5-0.**

D. APPROVE YELLOW TREE THEATRE SPECIAL EVENT PERMIT AND OMNI BREWING TEMPORARY LIQUOR LICENSE FOR AUGUST 24

Amerman stated Yellow Tree Theatre would be hosting another event at Boerboom Park in conjunction with Omni Brewing on August 24, and they are requesting approval of a temporary liquor license along with the event.

**A motion was made by Hultstrom, seconded by Johnson, to approve the Yellow Tree Theatre Special Event Permit and Omni Brewing Temporary Liquor License for August 24, 2021. A roll call vote was taken. The motion carried 5-0.**

E. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Ronald & Nancy Roden (in memory of Gayle Johnson)	\$20	Beautification
Teri & Al Portinen	\$50	Beautification

<i>(in memory of Gayle Johnson)</i>		
Juliana Hultstrom	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
Kenny & Sarita Nelson	\$25	Beautification
<i>(in memory of Gayle Johnson)</i>		
Sherry Murdock	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
Judy Mikolich	\$25	Beautification
<i>(in memory of Gayle Johnson)</i>		
Lois Froebel	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
Gary & Dian Walker	\$15	Beautification
<i>(in memory of Gayle Johnson)</i>		
Dorothy Knuckey	\$20	Beautification
<i>(in memory of Gayle Johnson)</i>		
Dean & Heidi Selvig	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
Sarah & David Kise	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
Beverly Gustafson	\$20	Beautification
<i>(in memory of Gayle Johnson)</i>		
Gwen Watkins	\$20	Beautification
<i>(in memory of Gayle Johnson)</i>		
Richard & Jacky Lovberg	\$50	Beautification
<i>(in memory of Gayle Johnson)</i>		
James Vanderheyden	\$20	Beautification
<i>(in memory of Gayle Johnson)</i>		
Elaine Underwood	\$10	Beautification
<i>(in memory of Gayle Johnson)</i>		
Anna Mae Valerius	\$10	Beautification
<i>(in memory of Gayle Johnson)</i>		
Ruth Warne	\$10	Beautification
<i>(in memory of Gayle Johnson)</i>		
Sharilyn Wissink	\$30	Beautification
<i>(in memory of Gayle Johnson)</i>		
Alicia & Scott Bohn	\$5	Beautification
<i>(in memory of Gayle Johnson)</i>		
Joel & Jean Erickson	\$20	Beautification
<i>(in memory of Gayle Johnson)</i>		
Kennedy & Graven Chartered	\$100	Beautification
<i>(in memory of Gayle Johnson)</i>		
WSB & Associates	\$100	Beautification
<i>(in memory of Gayle Johnson)</i>		
Harold E. Johnson	\$750	Beautification
Ronald & Nancy Roden	\$100	Beautification
Osseo Fire Relief Association	\$20,000	Fire Equipment
Osseo Fire Relief Association	\$2,945	Fire Equipment
Osseo Fire Relief Association	\$2,000	Music & Movies in Park

Staff recommended the Council accept the donations.

**A motion was made by Vickerman, seconded by Stelmach, to adopt Resolution No. 2021-37, accepting donations from Ronald and Nancy Roden, Teri & Al Portinen, Juliana Hultstrom, Kenny & Sarita Nelson, Sherry Murdock, Judy Mikolich, Lois Froebel, Gary & Dian Walker, Dorothy Knuckey, Dean and Heidi Selvig, Sarah & David Kise, Beverly Gustafson, Gwen Watkins, Richard & Jacky Lovberg, James Vanderheyden, Elaine Underwood, Anna Mae Valerius, Ruth Warne, Sharilyn Wissink, Alicia & Scott Bohn, Joel & Jean Erickson, Kennedy & Graven Chartered, WSB & Associates, Harold E. Johnson, and the Osseo Fire Relief Association. A roll call vote was taken. The motion carried 5-0.**

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE BIDS AND CONSTRUCTION SERVICES PROPOSAL FOR CENTRAL AVENUE PROJECT – Lee Gustafson, WSB & Associates (Resolution)

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. This improvement hearing was held on January 11, 2021. On April 26, 2021, the assessment hearing was held for this project. No objections were heard to the proposed assessment.

Mr. Gustafson explained the Central Avenue improvements consist of replacing paver surfaces (roadway, sidewalk, and boulevard) 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 project also consists of installing two sets of rectangular rapid flashing beacons (RRFB) at the 4th Avenue/Central Avenue and 5th Avenue/Central Avenue intersections. The RRFB's will be installed on separate decorative poles that are of the same design as the streetlights.

The low bidder is Create Construction, LLC, of Maple Grove, at \$294,242.

Mr. Gustafson reported City staff and the city engineer reviewed the landscaping concept for this project last week, and noticed existing trees planted in the wrong location (under the historic elm) and several other items that should be reviewed prior to completing the final landscape plan. City staff and the city engineer are therefore recommending that the Streetscape committee or a few Council volunteers meet with

staff to develop the final landscape recommendations. He commented further on how the project would be financed and recommended the Council accept the bids and award the contract. It was recommended the Streetscape Committee meet to discuss several matters on the City Hall and Steeple Pointe blocks.

Hultstrom asked if some of the WSB costs were paid in 2020 or did these expenses carry over to 2021. Mr. Gustafson discussed how this project began in 2020 along with the alleyway project. He reported some of the money that was spent on the residential alleys would be recouped.

Hultstrom questioned if the Steeple Pointe sidewalk would be completed as part of this project. Mr. Gustafson reported the sidewalk in front of Steeple Pointe would be completed in 2021.

Vickerman explained she would be willing to serve on the Streetscape Committee and recommended the Gerabaldi's also be invited to attend this meeting with staff to discuss the City Hall and Steeple Pointe blocks.

Johnson commented he would also be willing to serve on the Streetscape Committee.

**A motion was made by Hultstrom, seconded by Johnson, to adopt Resolution No. 2021-38, accepting bids and awarding the contract for the 2021 Central Avenue Reconstruction Project to Create Construction, LLC. A roll call vote was taken. The motion carried 5-0.**

**A motion was made by Johnson, seconded by Stelmach, to approve the construction services proposal with WSB for this project. A roll call vote was taken. The motion carried 5-0.**

B. APPROVE QUOTE FOR LIFT STATION UNDERGROUND TANK REMOVAL – Lee Gustafson, WSB & Associates (Resolution)

Lee Gustafson, WSB & Associates, stated after receiving bids for the lift station project, it was noted that there was a pipe sticking out of the ground adjacent to Lift Station No. 1. It was determined that this was a fill pipe for an abandoned underground fuel tank. Underground fuel tanks that are not in service for several years are required to be removed by the MPCA. This underground fuel tank has not been in use for decades. Removing the underground fuel tank as part of the overall lift station project works well and will ensure all needed improvements around Lift Station No. 1 are completed. The actual removal process only takes a few days and should be easily coordinated with the Lift Station Nos. 1, 2, and 3 and SCADA Improvements Project contractor.

The low bidder is Ramsey Companies at \$6,600.

**A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2021-39, accepting bids and awarding the contract for the Lift Station #1 Underground Storage Tank Removal Project to Ramsey Companies. A roll call vote was taken. The motion carried 5-0.**

C. UPDATE ON WATER METER PROJECT

Grams commented the City Council approved the water meter project with Ferguson and approximately 92% of the installations have been completed. There are roughly 70 installations yet to be completed. Each of these properties have now received four notices (a mailed letter first notice, a mailed postcard second notice, a mailed letter third notice, and a fourth door knock and posted notice at the property).

Grams reported of those 70 remaining, 37 are single family homes. Of those, only two appear to be rental properties. If the listed property owner differs from the actual physical property address, notices were sent to both addresses. 33 appear to be either apartment buildings or commercial properties. The contract with Ferguson says that the meter replacements should be completed July 1. In speaking with Ferguson representatives, they are willing to extend the timeframe to complete meter installations by as much as two weeks without any additional cost to the City. However, the City should make a concerted effort to get the remaining 70 properties to schedule a meter install. There are a few options available:

- 1) Include a uniformed Police Officer to go door-to-door to contact property owners. Most times, the sight of a uniformed Police Officer will get people's attention and may help get some installs scheduled.
- 2) Institute a quarterly fine approach. Our City Code allows for a \$75 per quarter fine to be levied if the property owner does not allow the City to change out their water meter. Additionally, we could include Public Works and Finance Department time. The City's fee schedule includes charges of \$50 per hour minimum for Public Works time and \$75 per hour minimum for Administration time to hand read their old water meter and process the utility bill. This means a total of \$200 per quarter could be attached to their quarterly utility bill.
- 3) Shut off water. A fifth and final notice would be delivered to the property address giving the property owner a set amount of time to schedule an installation appointment. If no appointment is made, the City would shut off the water to the property until an installation is scheduled.
- 4) Any combination of the above.

Grams reported many of the remaining 70 properties are the same properties that fail to pay their quarterly utility bills. It is likely that even charging the quarterly fees may not entice the property owner to schedule an install and the fees would annually be assessed to the property taxes, just like delinquent utility charges would be. In those cases, the City may not get the chance to change out the water meter until the property changes owners, which may be into the future. If those old meters remain, there would be substantial time and effort on the part of City staff to manually hand read the meters (Public Works) and then download the data and hand enter the utility charges into a new utility bill (Finance).

Stelmach asked if Option 3 had been vetted and was within the purview of the City. City Attorney Tietjen reported this would be allowed within City Code and proper notice would have to be given to the property owner.

Hultstrom stated she supported the City taking a hard stance on this given the fact four notices have already been sent to these properties and people are still not complying. She recommended the water be shut off because this would get their attention quickly.



She anticipated there would be a shut off/reconnect fee that would be charged to these properties. Grams reported this was the case.

Hultstrom recommended the City put some teeth into this to get action from the remaining properties so this project can be completed. She did not want the City's Public Safety Officers delivering notices because they have enough on their plate.

Johnson agreed and suggested a uniformed officer make the presentation that the water would be shut off.

Vickerman stated as long as proper notice was given, she could support the City shutting off the water in order to have the water meters replaced.

Stelmach explained he respected the comments that were made but indicated he would rather see the City delivering certified letters to these properties versus shutting off their water. He supported the City pursuing a fining approach versus shutting off water.

Poppe inquired if State Statute had requirements on how much notice had to be given to these properties. City Attorney Tietjen stated she was not aware of a defined notice requirement within State Statute. Mr. Gustafson commented he was not aware of a statutory requirement either.

Stelmach suggested before the Council shuts water off that messaging be run on the gateway sign to inform the public of what was coming if they did not replace their water meter. Grams explained the City has been running messages regarding the water meter replacement project.

Stelmach recommended bright yellow door handle signs be printed and hung on the properties that will have their water shut off to motivate these property owners to have their water meter replaced prior to having to shut their water off. City Attorney Tietjen commented the City authorizes discontinuance of service for violation of the code and by code residents are required to allow installation of the water meters. She explained this would mean the City was allowed to shut water off with proper notification to the property owners.

Stelmach asked if there were any drought restrictions in place in the state. City Attorney Tietjen stated she was not aware of any restrictions.

Hultstrom questioned if there was a cost difference between sending out certified letters versus having notifications hand delivered by staff on paid overtime. Grams estimated a certified letter cost \$4.80 to send and discussed the cost to have Public Works or Public Safety Officers deliver these letters. He noted the Ferguson employees have been door knocking on the properties that need water meters and these properties have been unresponsive to date.

Vickerman stated she understood Councilmember Stelmach's concerns about going to this level. However, if Ferguson employees have already been trying to reach these property owners, she believed shutting the water off may be the best way to get their attention for them to act. She commented some people may respond to a letter being delivered by a Police Officer.

Johnson indicated certified letters would require a signed receipt and if these people are not answering their door for the Ferguson employees, he did not believe they would answer the door for the mailman. He recommended the City take a more serious action to get the attention of these property owners. He suggested the City pursue options 1 or 3.

Grams stated he could draft a final notice for the 70 properties that had not replaced their water meters letting them know their water would be shut off in X number of days unless they scheduled an appointment to have their water meter replaced. In addition, uniformed police officers could try and make a connection with these property owners as well.

Johnson recommended the uniformed police officers deliver the final notifications and contact the property owners.

The Council agreed with this recommendation.

Hultstrom asked if staff could get these notifications printed out and delivered by the end of this week. Grams explained this may be difficult because this was a holiday weekend. He recommended the letters be delivered on Tuesday after the 4<sup>th</sup> of July holiday.

Stelmach recommended the letters have a specific date listed as to when appointments should be made and a specific date when the water would be shut off. Grams agreed with this recommendation. He suggested property owners be required to make an appointment by Friday, July 16, 2021. Public Works Director Nick Waldbillig believed this was too lengthy given the fact these property owners have already been given four notices. He stated Ferguson was trying to wrap this project up. He recommended property owners be encouraged to make appointments sooner rather than later. Grams recommended residents be given one week to set an appointment to have their water meter replaced, which would give them until Tuesday, July 13, and this would serve as the shut off date.

Stelmach suggested the final notification letter explain what the fee would be to have the water turned off and reconnected along with the expense that would be charged to have a water meter installed, should a resident fail to set an appointment to have the water meter replaced within the City's timeline. Grams stated he would include this information within the final notification letter.

Stelmach requested staff provide the Council with a copy of the letter that was sent to these 70 properties should any comments or questions arise.

Johnson asked if the Council should make a motion directing staff to draft a final notification letter. City Attorney Tietjen explained staff has been provided direction but noted the Council could make a motion to this effect.

**A motion was made by Hultstrom, seconded by Johnson, to direct staff to draft a final notification letter to the 70 residents that have not replaced their water meter, that these letters be delivered by uniformed police officers on July 6, 2021, alerting the**

**property owner of the deadline to make an appointment to have their water meter replaced, the water shut off deadline (July 13, 2021), and the fees associated with replacing a water meter/water reconnect should the property owner take no action. A roll call vote was taken. The motion carried 4-1 (Councilmember Stelmach opposed).**

D. APPROVE WATER METER CHANGE ORDER – Lee Gustafson, WSB & Associates (Resolution)

Lee Gustafson, WSB & Associates, stated the Water Meter RFP that the City sent out for bids did not include meter replacements for the two interconnects with the City of Maple Grove because it was uncertain at that time if the meters needed to be replaced, and secondly, what type of replacement meter would be needed. As part of the project development process with Ferguson Waterworks - the City's water meter contractor, it was determined that the City should replace the two interconnect meters and add transmitters to the meters to report water flow data to the City's new AMI system.

Mr. Gustafson commented as reported on May 11, during the lift station bid award discussion, the Lift Station Nos. 1, 2, and 3 and SCADA Improvements Project was originally going to include SCADA monitoring for the City water interconnects with Maple Grove to obtain real-time water flow measurements coming through those interconnects. However, through the design process and coordination with Ferguson Waterworks, it was determined that the City can add a few components to the new water meters that are being installed at these two locations and obtain the water flow data through the new AMI system vs. the SCADA system. This change in data collection will save the City approximately \$40,000. Since the City needs to add the two interconnect meters to the Water Meter contract, a change order should be executed to document the agreed upon pricing. The SCADA monitoring for the two interconnects was removed from the Lift Station Nos. 1, 2, and 3 and SCADA Improvements Project prior to going out for bids on this project.

Johnson asked if Maple Grove had meters on their outgoing pipes. Mr. Gustafson stated it was his understanding there was one meter in the pit. Waldbillig reported this was correct, the water lines only had meters from the City of Osseo and this allowed the lines to be maintained and the meters to be read by City staff.

Johnson stated he was surprised that both cities did not have a meter along these lines.

Hultstrom questioned if the City has addressed the situation with the Brooklyn Park customers. Mr. Gustafson explained he was in the process of reaching agreements with residents in Brooklyn Park.

**A motion was made by Hultstrom, seconded by Vickerman, to adopt Resolution No. 2021-40, approving Change Order #1 for the Water Meter Installation Project. A roll call vote was taken. The motion carried 5-0.**

E. APPROVE FIRE DEPARTMENT VEHICLE REPAIRS

Fire Chief Mike Phenow stated in March Emergency Apparatus Maintenance, Inc. (EAM) conducted annual testing and servicing on all four in-service fire trucks. In the past, they had conducted annual testing and servicing on just the two fire pumps and three

generators. Last year we got a quote to have all four vehicles fully serviced in addition to the fire pumps and generators and budgeted accordingly for that additional cost. In the past, the servicing of the trucks had been conducted by a combination of department members, public works staff, and various outside auto shops. We thought it best to have it consistently performed by one company that specializes in emergency apparatus.

Chief Phenow explained in the follow up to their testing and servicing, EAM provided a list of 46 outstanding items that should be addressed, along with quotes for each item. Because this was the first year that we've had this more comprehensive testing and servicing performed, it is difficult to know if these items all arose in the past year or have been present for longer but went undetected or unaddressed. Their more limited testing last year did result in some outstanding items, but none of them were deemed immediately critical and we were being cautious about spending because 1) we did not know what unforeseen expenses we might have to incur due to the ongoing pandemic and 2) the OFDRA was being conservative with its limited funds given all of the time its fundraising operations were shut down last year. He commented further on the work necessary and requested the Council approve the proposed Fire Department vehicle repairs.

**A motion was made by Johnson, seconded by Hultstrom, to approve the expense for the proposed Fire Department vehicle repairs. A roll call vote was taken. The motion carried 5-0.**

F. RECEIVE CENTERPOINT ENERGY GRANT AND APPROVE PURCHASE OF FIRE DEPARTMENT AED'S

Fire Chief Phenow stated the existing Automatic External Defibrillators (AEDs) were purchased in August 2016 and have a five-year warranty. Those AEDs are manufactured by LIFEPAK and are the style that North Memorial Ambulance Service previously carried on all their ambulances. North Memorial recently switched to carrying ZOLL AEDs. It is beneficial for us to carry the same style of AEDs as North Memorial because the pads are compatible so they can quickly swap their machine for ours when on scene without having to put new pads on the patient. They also then provide us with replacement pads from their supply when we use ours on scene. In April, we submitted a grant application to the CenterPoint Community Partnership Grant program. We applied for matching funds to help replace our existing AEDs. We were recently notified that we were awarded the \$2,500 grant.

**A motion was made by Stelmach, seconded by Johnson, to accept the CenterPoint Energy Grant and approve the purchase of the Fire Department AEDs.**

Johnson asked if the AEDs in the community at local businesses should be checked and replaced. Fire Chief Phenow stated these were the responsibility of the businesses to have them checked.

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

G. APPROVE CONDITIONAL USE PERMIT APPLICATION FOR 337 COUNTY ROAD 81 (Resolution)

Community Management Coordinator Joe Amerman stated Milton Kyne has operated Makona Business and Car Sales, LLC, in Ramsey, MN, for the past six years. Their customers primarily come from the cities of Osseo, Brooklyn Park, and Brooklyn Center. As business has expanded, they have looked to move closer to their customer base and have identified 337 County Road 81 as an ideal location. The space is owned by Argishti Melikian and leased to Mr. Kyne; it is neighbored by Koehler Car Wash and Northern Tractor and Equipment. Staff reviewed the standards for granting a Conditional Use Permit and reported the Planning Commission recommended approval with conditions.

Stelmach commented on the acknowledgement of responsibility page within the packet. He asked if the existing address or the new address would be used for this business. Amerman reported the applicant has signed a lease at the address in Osseo.

**A motion was made by Johnson, seconded by Stelmach, to adopt Resolution No. 2021-41, approving the Conditional Use Permit request with the following conditions:**

1. Vehicle Storage. Any vehicle waiting for repairs for longer than 12 hours shall be stored inside an enclosed space or screened from public view;
2. Indoor Operations. Any vehicle repair or maintenance shall take place indoors. Idling of vehicles for diagnostic or repair purposes is allowed outdoors;
3. Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:
  - a) No auto wrecking, junk, and salvage shall be stored on properties in the C2-S District, per Osseo City Code.
  - b) Vehicles on the property shall be licensed for operation, shall not be kept for scrapping, and shall meet other requirements of Osseo City Code § 93.20.
  - c) Any waste tires shall be stored inside an enclosed space or screened from public view (Osseo City Code § 153.054) and protected from the elements so as not to provide habitat to rodents or insects (Osseo City Code § 93.18).
  - d) Any trash enclosure shall be screened from public view (Osseo City Code § 153.057).
  - e) Modifications to the building shall be in accordance with Osseo City Code and the approved site and building plan on file with the City (Osseo City Code § 153.153).
  - f) Signage relating to the use shall adhere to Osseo City Code § 153.090 - § 153.098.
  - g) If the facility generates any hazardous waste as defined by Hennepin County or the State of Minnesota, the facility shall always meet all requirements imposed by Hennepin County or the State of Minnesota.
4. Test Drives. Vehicles for sale or undergoing repair or maintenance at the property may not be driven through residential districts;
5. Employee Parking. Parking by employees shall be restricted to the back of the property, or farthest away from the main entrance, when available, to allow for all other parking for customers;

6. Customer Parking. A minimum of six customer-only parking stalls shall be located on the property at all times (Osseo City Code Chapter 153 Appendix B), closest to the main entrance of the business;
7. Sale and Repair Parking. A maximum of 12 outdoor for sale and repair parking stalls shall be always located on the property. No vehicle for sale or under repair may be parked outside of a clearly marked parking stall;
8. Open to Inspection. During any hours at which the business is open, the business shall be open to any State or County official and to any City official or police officer, when accompanied by Applicant, for inspection to determine compliance with the stated conditions of approval;
9. Recording Requirement. The City of Osseo shall memorialize the conditional use permit by adopting a resolution that the applicant shall record in the office of the County Registrar of Titles withing 60 days of its adoption by the City; and
10. No Waiver. Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term;
11. Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur;
12. Binding Effect. This permit and its conditions are binding on the Owner and Applicant, their successors, and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property;
13. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.

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

H. APPROVE APPOINTMENT TO HERITAGE PRESERVATION COMMISSION  
(Resolution)

Grams stated staff has received letters of interest from Ryan Radzak and James Kelly for the Heritage Preservation Commission vacancy. He discussed an email he sent to the City Council and stated it may be wise for the Council to take a step back and further consider the role of the Heritage Preservation Commission prior to making an appointment.

Hultstrom supported the Council tabling action on this item to further consider the role of this Commission. She anticipated the City Council would be leaning on this group to assist with planning the 150<sup>th</sup> celebration.

Stelmach agreed action on this item should be tabled and the role of this Commission should be discussed at a future work session.

Johnson explained he served as the Council representation to this Commission. He indicated this Commission has little or nothing to do and could use direction from the City Council.

Stelmach commented it was his understanding the Council was not recommending this group be disbanded but rather would not be part of City Code. City Attorney Tietjen explained there is a State Statute that authorizes the establishment of a Heritage Preservation Commission. She stated it was her understanding that the Commission may not be operating along those lines but was more of an informal group. She indicated it may benefit the City to amend City Code to align with the function of this group.

**A motion was made by Hultstrom, seconded by Stelmach, to table action on this item to a future City Council work session. A roll call vote was taken. The motion carried 5-0.**

I. APPROVE APPRAISAL QUOTE FOR PROPERTY LOCATED AT 17 5<sup>TH</sup> STREET NE FOR PARK EXPANSION

Grams stated the City has acquired three of the four single family homes located on the eastern half of the block containing Boerboom Park in downtown Osseo. The fourth home has now become available, and he has been in communication with the property owner. They would prefer to sell the property to the City to realize the City's goal of expanding Boerboom Park into a full block park. The process is straight forward. The City should obtain an appraisal of the property to determine its fair market value. City staff and the property owner would then negotiate on the purchase price for the property. Grams obtained a quote for an appraisal of the property that would look at six nearby comparisons. The quote is from The Appraisal Group out of Maple Grove for a cost of \$600. The Council should consider approving the quote to move forward with the property acquisition. The cost of the appraisal will be paid for out of the Park Fund.

**A motion was made by Johnson, seconded by Vickerman, to approve the quote from The Appraisal Group for an appraisal for 17 5<sup>th</sup> Street NE.**

Johnson anticipated it would be difficult to find a comparable home for this property.

Poppe indicated there will be a few homes like this property in Osseo.

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

J. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR REPORT

Grams reported he looked forward to the City Council holding in person meetings again in July.

12. COUNCIL AND ATTORNEY REPORTS

Vickerman stated she enjoyed attending the League of Minnesota Cities Annual Conference last week. She reported she attended several Music and Movie in the Park events and they have been well attended. Vickerman commented on the Just Deeds Project and explained she had staff investigate this matter further. She stated there were 30+ properties in Osseo that have jarring and outdated verbiage with racial covenants. She explained if there was interest from the Council this issue could be denounced by the Council at a future meeting. City Attorney Tietjen reported the Minnesota City Attorneys Association was leading this group and organized this project along with the Mapping Prejudice at the Main U. She reported she would speak with staff more about this matter to discuss how to have these covenants removed from titles.

Hultstrom reported she attended the League of Minnesota Cities Annual Conference and served on the nominating committee as well. She stated she conducted 15 interviews this year and commented it was rewarding to see so many great candidates coming forward. She noted she was pleased to announce she was placed on the HR and Data Practices Policy Committee for 2021-2022. Hultstrom thanked all who have been working to keep Boerboom Park looking good throughout the drought.

Johnson thanked the Osseo Fire Department Relief Association for providing pull tab funds which fund a large portion of the expenses for the Osseo Fire Department.

Stelmach explained he was talking to Tyler Tech regarding the financial suite that was being provided for the City and anticipated this software would be rolled out in the next couple weeks. He stated he was looking forward to the fact the new software would allow for credit card payments.

13. ANNOUNCEMENTS

Poppe stated the next Movies/Music in the Park event would be held on Tuesday, June 29. He reported Bluedog would be providing music at 7 p.m. and The Fantastic Pet would be screened at dusk.

Poppe reported City Hall would be closed on Monday, July 5, for the Fourth of July holiday.

Poppe invited the public to attend the Farmers Market every Tuesday from 3 to 7 p.m.

Poppe reported the Red Cross would be hosting a Blood Drive at the Community Center on July 14, from 1 to 7 p.m.

14. ADJOURNMENT



**A motion was made by Johnson, seconded by Hultstrom, to adjourn the City Council meeting at 9:38 p.m. A roll call vote was taken. The motion carried 3-2 (Councilmember Hultstrom and Mayor Poppe opposed).**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*