

**OSSEO CITY COUNCIL  
REGULAR MEETING MINUTES  
October 25, 2021**

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, October 25, 2021.

2. ROLL CALL

Members present: Councilmembers Harold E. Johnson, Larry Stelmach, and Mayor Duane Poppe.

Members absent: Councilmembers Juliana Hultstrom and Alicia Vickerman.

Staff present: City Administrator Riley Grams, Public Works Director Nick Waldbillig, and City Attorney Mary Tietjen.

Others present: Lee Gustafson-WSB & Associates and James Kelly.

3. PLEDGE OF ALLEGIANCE

Poppe led the Pledge of Allegiance.

4. APPROVAL OF AGENDA [Additions - Deletions]

Poppe asked for additions or deletions to the Agenda.

**A motion was made by Stelmach, seconded by Johnson, to accept the Agenda as presented. The motion carried 3-0.**

5. CONSENT AGENDA

- A. Receive Parks and Recreation Committee Minutes of October 5
- B. Receive EDA Minutes of October 11
- C. Approve City Council Minutes of October 11
- D. Receive Hockey Association Gambling Report
- E. Receive September Building Report
- F. Accept Resignation of Firefighter Bryce Merrill
- G. Receive Fire Report
- H. Receive Quarter 3 Donation Report
- I. Receive Quarter 3 Investment Report

**A motion was made by Johnson, seconded by Stelmach, to approve the Consent Agenda. The motion carried 3-0.**

6. MATTERS FROM THE FLOOR – None.

## 7. SPECIAL BUSINESS

## A. APPROVE SPECIAL EVENT PERMIT FOR MINNESOTA MEDITATION CENTER

City Administrator Riley Grams requested the Council approve a Special Event Permit for Minnesota Meditation Center for an event that would be held on Saturday, October 31, from 8:00 a.m. to 12:30 p.m. at the Minnesota Meditation Center at 224 1st Avenue NW. He stated the event calls for a street closure from 7:30 a.m. to 1:00 p.m. to allow for the festival and ceremony. He noted the request has been reviewed by staff and was being recommended for approval.

**A motion was made by Johnson, seconded by Stelmach, to approve the Special Event Permit for Minnesota Meditation Center. The motion carried 3-0.**

## B. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Harold Johnson	\$200	Police
Harold Johnson	\$200	Fire
Harold Johnson	\$750	Beautification

Staff recommended the Council accept the donations.

**A motion was made by Stelmach, seconded by Poppe, to adopt Resolution No. 2021-59, accepting donations from Harold Johnson. The motion carried 3-0.**

## 8. PUBLIC HEARINGS

## A. APPROVE DELINQUENT UTILITIES AND WASTE CHARGES (Resolution)

Grams stated Osseo City Code Section 51.37(C) allows delinquent accounts for utilities to be assessed to property owners. It also states that the amount certified shall include late payment penalties and administrative charges, and the amount shall bear interest as determined by Council resolution. All property owners with delinquent amounts due to the City of Osseo and Randy's Environmental Services as of September 13, were notified by letter of the pending assessment on the following dates:

- City utility accounts: September 14
- Randy's Environmental Services accounts: September 14

Grams explained the City accounts are for water, sanitary sewer, and storm sewer utility services. Randy's Environmental Services accounts are for garbage, recycling, and yard waste disposal services provided to residential properties in Osseo. As part of the current agreement with Randy's Environmental Services, the City assists in collection of delinquent garbage costs by certifying delinquent garbage accounts as allowed by MS 443.015. If unpaid by November 15, 2021, the amount in the Certify column will be assessed to Hennepin County property taxes along with 14 months of interest at a rate

of 3.35 percent. Assessments must be adopted by resolution to be placed on a property owner's property tax statement per Minnesota State Statute 444.075 Subdivision 2a. Staff commented further on the request and noted a public hearing was not required for this matter.

**A motion was made by Stelmach, seconded by Johnson, to adopt Resolution No. 2021-60, certifying delinquent utility charges and delinquent waste removal charges against specified properties as presented in Exhibits A & B. The motion carried 3-0.**

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. APPROVE PROPOSAL FOR LIFT STATION SITE INVESTIGATION – Lee Gustafson, WSB & Associates

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 soon determined that this was a fill pipe for an abandoned underground fuel tank. Underground fuel/storage tanks that are not in service for several years are required to be removed by the MPCA. This underground fuel tank had not been in use for decades. On June 28, the City Council awarded bids for this Underground Storage Tank (UST) removal. As part of the removal for the 500-gallon UST, a petroleum (fuel oil) release was identified in the soil. The City was then required to report the contamination release to the MPCA Duty Officer.

Mr. Gustafson reported the next step in the MPCA process for a petroleum release is to perform a Limited Site Investigation (LSI) at the UST site. The purpose of the LSI is to define the magnitude and extent of the release and assess any potential risks for the soil or groundwater. The procedures or scope for an LSI is based on the Minnesota Department of Commerce Request for Proposal for a Limited Site Investigation – Standard Scope of Work. The proposal from WSB complies with the MPCA - LSI process. If the petroleum leak originated from this tank system, a large portion of the investigation and cleanup cost (usually 80%) are eligible for reimbursement through the Minnesota Department of Commerce Petrofund Program. Upon completion of the project, WSB will complete the Petrofund application for reimbursement. It was noted it could take the MPCA six months or more to review and reimburse the City for this project. He commented further on the proposal and recommended approval.

Stelmach asked if the City could cover the cost for this entire project with the understanding 80% would be reimbursed. Grams explained the City did have funding in place to cover the full cost at this time.

Johnson requested further information regarding the probes or holes that will be drilled. Mr. Gustafson commented on the holes that would be drilled noting they would be 365 degrees around the tank.

Johnson questioned if any property owners had private wells in Osseo. Mr. Gustafson reported this was a catchall statement within the proposal.

**A motion was made by Stelmach, seconded by Johnson, to approve the engineering proposal with WSB. The motion carried 3-0.**

**B. APPROVE UPDATED EMPLOYMENT AGREEMENT FOR PUBLIC WORKS DIRECTOR NICK WALDBILLIG**

Grams stated the City entered into an employment agreement with Public Works Director Nick Waldbillig in April 2018 upon his hire for that position. Recently, Public Works Director Waldbillig requested the use of a take home vehicle during the winter months so that he can safely respond to snow emergency events. Considering his position is classified as a 24 hour a day, 7 days a week type position, Mr. Waldbillig must respond to any Public Works related City emergency at any time, including snow fall events during the winter months. Grams discussed this request with the Council Human Resources Committee (Mayor Poppe and Councilmember Stelmach) and they have recommended allowing Mr. Waldbillig to take home a Public Works vehicle from November 1 through March 31 each winter. The employment agreement reflects that item (item number 14). Mr. Waldbillig is allowed for incidental personal use of the vehicle in certain situations. Otherwise, the city vehicle must be used only in accordance with City policies. The remainder of the employment agreement has been updated by City Attorney Mary Tietjen to reflect current employment laws and regulations. Staff commented further on the request and noted the City would budget for the cost of providing a take home vehicle for the Public Works Director if approved by the Council.

Stelmach questioned if Item 14 was the only change to the contract. City Attorney Tietjen pointed out the minor language changes she made to the agreement.

Stelmach recommended the language discussing mileage reimbursement be removed from the agreement because Public Works Director Waldbillig would be using a City vehicle. City Attorney Tietjen suggested this language read: Mr. Waldbillig may use a City issued credit card to cover any expenses related to official use of the City vehicle between November 1 and March 31 of each year.

**A motion was made by Stelmach, seconded by Johnson, to approve the updated employment agreement with Public Works Director Nick Waldbillig with the noted change. The motion carried 3-0.**

**C. APPROVE AGREEMENT WITH ELECTRICAL INSPECTOR ANDY SLOTH (Sloth Inspections, Inc.)**

Grams commented the City has long worked with Peter Togle (Togle Inspections) for all electrical permits and inspections. Peter has recently decided to retire and is transferring all his client cities over to his partner, Andy Sloth. Andy has worked with Peter for several years and, with Peter deciding to retire, Andy started his own electrical inspections company and will be taking on all of Peter's clients beginning December 1, 2021. Andy currently provides electrical inspection services for the City of Brooklyn Park, Ham Lake, and East Bethel and carries all necessary licensing and insurance requirements through the Minnesota Department of Labor and Industry. The fee schedule includes modest permit increases which will take effect on December 1, 2021.

Stelmach asked if the City Attorney had a chance to review this agreement. City Attorney Tietjen reported the old agreement was used and updated for the electrical inspection agreement with Sloth Inspections.

**A motion was made by Johnson, seconded by Stelmach, to approve the electrical inspections agreement with Sloth Inspections, Inc., commencing December 1, 2021. The motion carried 3-0.**

D. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

**A motion was made by Johnson, seconded by Stelmach, to approve the Accounts Payable as presented. The motion carried 3-0.**

11. ADMINISTRATOR REPORT – None.

12. COUNCIL AND ATTORNEY REPORTS

Johnson thanked staff for putting together a summary of the 3<sup>rd</sup> quarter investments.

Stelmach reported he was in contact with Mr. and Mrs. Claus to have them ride on the back of a fire truck for Minidazzle. Stelmach commented he was excited to see the storefronts in Osseo filling with two new businesses. He thanked the downtown businesses for sponsoring the trick or treating event this past weekend.

13. ANNOUNCEMENTS

Poppe stated the Central Avenue Light hanging event would be held on Saturday, November 6, beginning at 9 a.m.

Poppe reported City Hall would be closed on Thursday, November 11, to honor Veterans Day.

14. ADJOURNMENT

**A motion was made by Johnson, seconded by Poppe, to adjourn the City Council meeting at 7:38 p.m. The motion carried 2-1 (Stelmach opposed).**

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*