

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
November 8, 2021**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:07 p.m. on Monday, November 8, 2021.

2. ROLL CALL

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

Members absent: Councilmember Larry Stelmach.

Staff present: City Administrator Riley Grams and City Attorney Mary Tietjen.

Others present: Mark & Cathy Lynde and family, Teresa Aho, and Kenny Nelson.

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 Vickerman, seconded by Hultstrom, to accept the Agenda as presented. The motion carried 4-0.

5. CONSENT AGENDA

- A. Approve Council Work Session Minutes of October 25
- B. Approve Council Meeting Minutes of October 25
- C. Receive October Building Report
- D. Approve Posting for Skating Rink Attendants
- E. Approve Hire of Firefighters – Ty Domben, Ryan Gross, Jacob Schumacher

A motion was made by Johnson, seconded by Vickerman, to approve the Consent Agenda. The motion carried 4-0.

6. MATTERS FROM THE FLOOR – None.

7. SPECIAL BUSINESS

- A. PROCLAIM NOVEMBER 8 AS WE CARE PROGRAM DAY IN OSSEO

City Administrator Riley Grams discussed the work Lynde's Catering did to provide home bound senior citizens with hot meals during the pandemic. He thanked Mark Lynde and his family for their tremendous service to the community.

Mark Lynde explained this program was started by his wife after bringing a meal to his dad after the pandemic started. He discussed how his family worked to serve seniors by delivering over 15,000 meals in the community through the We Care Program. He thanked his family, his chef, and all the people who helped him make this program possible.

Poppe read a proclamation for the record declaring November 8, 2021, We Care Program Day in the City of Osseo.

**B. APPROVE SPECIAL EVENT PERMIT FOR OSSEO ECONOMIC DEVELOPMENT
AUTHORITY SMALL BUSINESS SATURDAY EVENT (November 27)**

Grams requested the Council approve a Special Event Permit for the Osseo EDA for the Small Business Saturday Event that would be held on Saturday, November 27. He explained the only change to the permit would be that food trucks would not be allowed in order to allow patrons to visit the local restaurants in town.

Johnson explained he was still opposed to the closing of the street. He reported there was no guaranty that the block in front of City Hall would be open. He was concerned with how businesses would be impacted if two blocks were closed along Central Avenue. For this reason, he would be voting against this permit.

Hultstrom indicated there were businesses that have spoken to her and opposed the one block road closure. She feared that the Small Business Saturday event was put together and was highlighting some Osseo businesses, but not all small businesses. She noted she received an email from Red Savoy's Pizza today with concerns. She noted she would be opposing this request as well.

Vickerman stated she was concerned that Central Avenue may not be finished in time for Small Business Saturday.

Poppe questioned if only the 200 block of Central Avenue was spoken to for this event.

Hultstrom stated this was not the case, but rather some business owners have contacted her personally and Dean's Supermarket contacted the full Council. She reported there were several businesses that feel they were excluded from the event.

Poppe requested further information on how staff reached out to the local businesses regarding Small Business Saturday.

Grams explained he can't speak to the idea that Joe excluded some businesses or not. Rather he understood an email blast was sent out to businesses that staff had on hand. In addition, all commercial properties received information in the most recent utility bill regarding Small Business Saturday. He reported Joe also tried to visit with each business on Central Avenue.

Vickerman asked if the fire pits could be located on the sidewalk or would they have to be on a closed off street. Grams anticipated the Fire Chief would want these on a closed off street and not on a sidewalk.

Hultstrom suggested the fire pits be redirected to the City Hall parking lot or to Boerboom Park in order to make other businesses feel included. She reiterated the Dean's opposed the road closure.

Johnson commented the street reconstruction project was a concern to him and he feared the City Hall block would not be open in time for the Small Business Saturday event. For this reason, he would be opposing the permit. Grams explained he received an update from the crews today noting half of the street was poured today and the second half would be poured tomorrow. He reported the concrete would take seven to ten days to cure and would then be reopened for use.

Vickerman stated if the Council can't get behind closing the 200 block, could the fire pits be moved to Boerboom Park in order to have this be less of a defined festival. Grams reported this could be done but goes against the nature of having a pedestrian friendly, walkable event.

Hultstrom discussed how the road closures for Lions Roar and the car show were properly advertised. She explained she did not believe this event was of the same nature because it was focused on one block.

Johnson reported the northeast corner of 3rd and Central could be used for the fire pits. Grams stated this may be difficult because this was private property.

City Attorney Tietjen commented another action for the Council to consider would be tabling this item to the November 22 Council meeting. She stated the Council would know more about the City Hall block by that time.

Hultstrom indicated Dean's would still oppose the road closure.

A motion was made by Vickerman, seconded by Johnson, to table action on a Special Event Permit for a Small Business Saturday Event to the November 22, Council meeting. The motion carried 4-0.

C. MAYORAL FINDING OF NEED FOR VIRTUAL MEETINGS DUE TO ONGOING COVID-19 PANDEMIC

Grams stated three City Councilmembers approached him asking if the Council should be meeting virtually as the COVID-19 pandemic goes on. He reported the reasons to consider this would be due to the large gatherings that would be held during the upcoming holidays, along with a rise in cold and flu cases.

City Attorney Tietjen stated Minnesota Statutes, section 13D.021, allows a public meeting to be conducted by telephone or interactive technology if an authorized individual (the presiding officer, chief legal counsel, or chief administrative officer) determines that an in-person meeting is not practical or prudent because of one of the

following justifications: 1) health pandemic; 2) local emergency; or 3) statewide emergency.

City Attorney Tietjen explained both the local and statewide emergencies related to COVID-19 terminated on June 28 and July 1, 2021, respectively. The local emergency was terminated in part because the city no longer needed to utilize emergency powers and relied on the increased availability of vaccines and the reduction in the number and severity of cases. Mayor/President Poppe, for similar reasons, rescinded the determinations to allow remote meetings for the City Council and EDA on June 28, 2021.

City Attorney Tietjen reported to return to remote meetings under Minn. Stat. 13D.021 without a declared emergency, an authorized individual may rely on the existence and impact of a "health pandemic." The term "health pandemic" is not defined in state law and therefore the safest approach when there was a declared emergency was to rely primarily on the existence of a declared local or statewide emergency. However, the existence of a "health pandemic" alone is a lawful justification to hold remote meetings and there is little doubt that the pandemic remains with us today. Relying on the existence of a "health pandemic" is also a more conservative step than declaring an emergency when the only "power" needed is the ability to meet remotely.

City Attorney Tietjen stated the decision/determination to allow the city council, EDA, and other public bodies to meet remotely is made by an authorized individual (generally, the mayor or president of an EDA) and does not require action by the City Council or EDA board. A declaration to allow remote meetings would rely on the spread of the Delta variant and the associated increases in cases, deaths, and hospitalizations to justify that it is not practical or prudent to conduct in person meetings. The declaration could also determine whether, as was done previously, the meetings should be fully remote because it is "unfeasible" to have at least one member of the body, chief legal counsel, or chief administrative officer present at the regular meeting location.

City Attorney Tietjen explained the draft determinations for the City Council and EDA include the additional determination that it is "unfeasible" to have any person attend the meeting at the regular meeting location. If this determination is removed, then some members of the body and public can attend in-person while others attend remotely. If the determination is left in, all members of the body and members of the public must participate remotely.

Grams discussed how he was working to address the hybrid option and noted ARP funds may be used to assist with making this a possibility. He reported hybrid meetings may require an overhaul of the City's technological system.

Hultstrom reported she had great concerns with who was and was not wearing masks. She explained she had to be in isolation due to a recent exposure to COVID. She indicated she would like for Councilmembers to be able to attend meetings remotely and in person through a hybrid format. Because the hybrid format was not possible at this time, she supported the Council meeting remotely for the time being due to the fact COVID cases were on the rise.

Johnson reported the watershed district has only held one in person meeting and then switched back to virtual meetings.

Vickerman commented she wanted to be available to participate in meetings and to be able to conduct the business that she has been elected to conduct. She did not want issues of exposure of being sick make it so a lot of people cannot participate in meetings. She supported the City reevaluating its technological equipment in order to make hybrid meetings a possibility and, for the time being, she supported moving back to virtual meetings.

D. ACCEPT DONATIONS (Resolution)

Grams stated the City has received the following donations:

Donor	Amount/Item	Designated Fund
Eldon Tessman	\$50	Fire

Staff recommended the Council accept the donations.

A motion was made by Johnson, seconded by Hultstrom, to adopt Resolution No. 2021-61, accepting a donation from Eldon Tessman. The motion carried 4-0.

8. PUBLIC HEARINGS – None.

9. OLD BUSINESS – None.

10. NEW BUSINESS

A. CONFIRM EDA ACTIONS OF NOVEMBER 8, 2021

Grams discussed the actions of the EDA. He noted the EDA approved accounts payable, finalized plans for the Osseo Small Business Saturday event, reviewed the draft 2022 EDA budget, and did not decide for the EDA to meet virtually due to the on-going health pandemic.

A motion was made by Vickerman, seconded by Johnson, to Confirm the EDA Actions of November 8, 2021. The motion carried 4-0.

B. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council noting one change to an expenditure.

A motion was made by Johnson, seconded by Hultstrom, to approve the Accounts Payable as presented. The motion carried 4-0.

11. ADMINISTRATOR REPORT

Grams thanked the Public Works staff members and residents who helped hang holiday lights on Central Avenue trees on Saturday.

12. COUNCIL AND ATTORNEY REPORTS

Johnson stated the tree light hanging went really well. He thanked all the volunteers that helped with this event.

Hultstrom encouraged the Council to support moving meetings back to WebX. She reported on Tuesday, October 26, she attended a virtual housing for all bus tour.

Vickerman stated Thursday, November 11, was Veterans Day and thanked all veterans for their service.

13. ANNOUNCEMENTS

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

Poppe explained there would be a Stormwater Pollution Prevention Program Public (SWPPP) Hearing meeting on Monday, November 22, at 7 p.m.

Poppe reported Osseo would be celebrating Small Business Saturday on Saturday, November 27, with events planned from 10 a.m. to 4 p.m.

Poppe stated Minidazzle would be held on Friday, December 3, from 6 to 8 p.m. and Lunch with Santa would be held on Saturday, December 4, from 11 a.m. to 1 p.m.

14. ADJOURNMENT

A motion was made by Hultstrom, seconded by Johnson, to adjourn the City Council meeting at 7:59 p.m. The motion carried 4-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial