

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
June 26, 2023**

1. CALL TO ORDER

Mayor Duane Poppe called the regular meeting of the Osseo City Council to order at 7:15 p.m. on Monday, June 26, 2023.

2. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Ashlee Mueller, Mark Schulz, Alicia Vickerman and Mayor Duane Poppe.

Staff present: City Administrator Riley Grams, Police Chief Shane Mikkelson, Public Works Director Nick Waldbillig, Firefighter Blane Anderson, Police Officer Heather Starry, Alyson Fauske, WSB & Associates; and City Attorney Mary Tietjen.

Others present: Matt Zeller, Concrete Paving Association; Larry Stelmach, Northeast-Winslow Lewis Lodge Representative; Harold E. Johnson, City Resident; Frank Ruzicka, City Resident; John Hall, City Resident.

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.

Poppe requested the Council add to the Consent Agenda Item 5I – Set a City Council Worksession Meeting on July 10, 2023, at 6:00 p.m.

A motion was made by Vickerman, seconded by Mueller, to accept the Agenda as amended. The motion carried 5-0.

5. CONSENT AGENDA

- A. Receive June 12 EDA Minutes
- B. Approve June 12 Council Minutes
- C. Approve ICMA Annual Conference for City Administrator Riley Grams
- ~~D. Approve Bandshell Rental Fee Waiver for Northeast-Winslow Lewis Lodge Social/Fellowship Event~~
- E. Receive May Hockey Association Gambling Report
- F. Receive May Lions Club Gambling Report
- G. Receive May Fire Department Gambling Report
- H. Accept Resignation of Ashlee Mueller from Planning Commission
- I. Set a City Council Worksession Meeting on July 10, 2023, at 6:00 p.m.

Schulz requested Item 5D be pulled from the Consent Agenda for further discussion.

Hultstrom explained she needed to be listed on the PSAC within the June 12 Council Minutes.

A motion was made by Hultstrom, seconded by Schulz, to approve the Consent Agenda as amended removing Item 5D and correcting the June 12 Council Minutes. The motion carried 5-0.

D. Approve Bandshell Rental Fee Waiver for Northeast-Winslow Lewis Lodge Social/Fellowship Event

Schulz explained he did not support the City giving away assets for community activities. He noted the bandshell could be used without having a permit, however one was required if the user would like electricity. He indicated he would not be able to support this request.

Vickerman reported it was her understanding this group has met in the park before. She indicated this group wants to highlight Osseo and for this reason she would be supporting the fee waiver.

Larry Stelmach, Northeast-Winslow Lewis Lodge Representative, explained this event would allow different masonic lodge organizations to gather for fellowship. He reported this event was also held in 2022. He noted the lodge has deep roots in the community. He stated he was making this request given the level of interest in the event.

Hultstrom stated he did not have any problems with this fee waiver request.

A motion was made by Hultstrom, seconded by Mueller, to approve Bandshell Rental Fee Waiver for Northeast-Winslow Lewis Lodge Social/Fellowship Event. The motion carried 4-1 (Schulz opposed).

6. MATTERS FROM THE FLOOR

Harold E. Johnson, 12 6th Street NE, stated he has received eight email threats of censure from the City Administrator while he was a Councilmember. He indicated when he spoke previously to the Council regarding the City Administrator, some corrective action would occur. However, the Council has taken a different approach by approving a grade pay increase and additional tax deferred compensation. He explained City Administrator Grams was now the highest paid City Administrator in the State for cities with a population of 3,000 or less. He reported the City will pay almost \$3,000 for the City Administrator to attend a conference in Austin, Texas later this year. He believed this conference would be a benefit to the City Administrator and not the taxpayers. He questioned if the Council was closely reviewing accounts payable at each meeting. He expressed frustration with the amount of money that had been spent on the City's new utility and finance software. He commented on the 2020 alleyway project and how poor the conditions were. He recommended the Council keep on the contractor to ensure work was completed properly.

Frank Ruzicka, 12 6th Street NE, requested further information regarding the sidewalks on 9th Street. He questioned who would pay for the sidewalk on the State-owned streets and who would keep them clean in the wintertime. He encouraged the Council to remove the sidewalks for this roadway because it would not be properly maintained.

John Hall, 808 3rd Street NE, stated he was contesting his special assessment. He reported he researched assessment language with the State and he understood special assessments could not exceed the amount of market value to the property. He understood sidewalks were being considered for his street. He encouraged the Council to reconsider their sidewalk plans given the fact no one walks on his street. He stated back in 1973 his street was constructed and 50 years later he now has to pay for a new street and sidewalk. He recommended the Council begin setting aside dollars for street improvements. He asked how many of the Councilmembers have been into a cannabis dispensary. He noted he has been in many around the country and not one serves alcohol where cannabis products are sold. He encouraged the Council to reconsider their approach towards cannabis and THC products.

7. SPECIAL BUSINESS

A. OSSEO NORTHEAST-WINSLOW LEWIS LODGE FIRST RESPONDER AWARD FOR BLANE ANDERSON & HEATHER STARRY

Larry Stelmach presented a First Responder Award to Osseo Fire Department member Blane Anderson and to Osseo Police Department member Heather Starry. He thanked each of these individuals for striving to connect with the community and for serving with distinction.

8. PUBLIC HEARINGS – None

9. OLD BUSINESS – None

10. NEW BUSINESS

A. APPROVE 2024 STREET RECONSTRUCTION PROJECT FEASIBILITY REPORT AND CALL FOR PUBLIC HEARING

Alyson Fauske, WSB & Associates, discussed the history of this project. She stated the 2024 Street Reconstruction & Rehabilitation Project consists of replacement of the pavement, full curb replacement and utility improvements to the following streets:

8th Avenue NE	9th Avenue NE	3rd Street NE
1st Street NE	Broadway Street E	North Oaks Drive

Ms. Fauske reviewed photos showing the existing conditions of these streets. She explained the updated feasibility report includes an option to install a new sidewalk on 3rd Street NE, 8th Avenue NE, 1st Street NE and 9th Avenue NE. The project also includes pavement replacement for 1½ Street NE and the mill and overlay County Road 81 Service Road and 1st Street NW. She commented further on the areas that would be reconstructed versus rehabilitated and discussed the utility improvements that would be completed as part of this project. At the April 24, 2023, work session there was

discussion that 1st Street NW tends to function as an extension of the adjacent businesses and not a local street. If the Council wants to remove this street from the project the Resolution needs to be amended accordingly. The estimated project costs with and without sidewalks were reviewed. It was noted 50% of the street reconstruction costs would be assessed and the City would be paying for 100% of the all public utility improvement costs. The timeline for the project and next steps were discussed. Staff commented further on the proposed street improvement project and requested the Council receive the feasibility report and call for the improvement hearing.

Grams stated he has spoken with Ms. Fauske regarding the sidewalk installation. He understood the previous Council directed Staff not to include sidewalks in the project, but noted they were included for Council consideration. He requested Ms. Fauske speak further to the restoration of property.

Ms. Fauske explained a boulevard mix or common topsoil could be placed in boulevards and disturbed areas. She noted the topsoil would be closely monitored by the project manager. She reported the sod would come with a 30 day warranty and the contractor would be responsible for watering the sod for 30 days. She stated it would be her intent to communicate with residents prior to the 30 day time period to encourage residents to continue to water their sod, especially during draught periods.

Mueller indicated she appreciated the fact sidewalks were included in the project, but she did not believe they were necessary for this project.

Hultstrom spoke regarding 1st Street NW noting there have been issues with this street. She indicated the businesses on this street believe this is a private street. She did not be support the City paying the entire portion of this street. She recommended an assessment be charged for this portion of street. She agreed the sidewalks should not be included in this street improvement project. She suggested spot curb replacement be considered for this project, given the fact the expense for concrete has risen dramatically.

Schulz asked what the assessments were proposed to be in 2023. Ms. Fauske stated she did not recall the exact amount but estimated costs have risen by 25%-30%.

Mr. Hall indicated his proposed assessment in 2023 was \$8,944.

Schulz expressed concern with the fact prices had risen by 30%. He did not appreciate the position the Council had been put in, and questioned why this project had not been approved in 2023. He noted if this project had been approved last year this would have saved each resident in the project area \$3000. He stated he understood the aspect of sidewalks in this area. He explained the Council has approved sidewalks for every other area of the City and he did not believe it was fair to exclude this project. He understood that no one wanted sidewalks but the sidewalks were being used. He stated he has not taken the time to analyze the curbing in this area. He indicated when he took office in 2010 the balance in the street fund was between \$30,000 and \$40,000. He noted the street fund balance was now \$1.5 million. He explained he would like more information regarding the curb replacement. He supported the City taking a closer look at its

stormwater inventory. He stated he could support the project moving forward with sidewalks but recommended 1st Street NW be removed from the project.

Vickerman agreed 1st Street NW should be removed from the project. She supported spot replacement of curbs and asked that staff provide the Council with further information on how this would impact stormwater runoff. She indicated she did not support sidewalks being included in this project.

Poppe recalled that spot curb replacement was done in another project and the water runoff was a concern, and it did not save the City that much money.

Schulz agreed all curbs should be replaced for aesthetic and functionality purposes.

Hultstrom noted there was very few places within the project area where the curbs needed to be replaced. She anticipated the City could save a great deal of money if spot replacement were pursued. She asked that Staff bring back further information on this. She indicated she would remain adamantly against sidewalks within this street improvement project. She supported 1st Street NW being removed from the improvement project.

Poppe agreed sidewalks were not necessary within this project given the fact they are low volume streets.

A motion was made by Hultstrom, seconded by Mueller, to adopt Resolution No. 2023-31, receiving the feasibility report and calling for the improvement hearing on the 2024 Street Reconstruction & Rehabilitation Project removing the sidewalks and 1st Street NW and directing Staff to provide the Council with further information on the curb replacement. The motion carried 4-1 (Schulz opposed).

B. DISCUSS 2022 ALLEY PROJECT CONDITIONS

Alyson Fauske, WSB & Associates, stated this project includes reconstruction of several alleys throughout the City. The concrete work was done in June and July of 2022 and the northern portion of Alley 5 was repoured in October 2022. This spring it was noted that the alleys were scaling, meaning the surface is flaking or peeling, which is generally understood to be an aesthetic, non-structural condition. The causes of scaling are as follows:

1. Over-working or early finishing which causes water to rise to the top of the concrete.
2. Too much water due to:
 - a. The supplier of the concrete added too much water to the mix.
 - b. The contractor sprinkles water (referred to as "blessing") on the concrete after the concrete has been placed.
3. Inadequate curing as it allows the surface to dry out.

Ms. Fauske reported while not the cause of scaling, the application of salt to a concrete surface will over time accelerate the scaling process for concrete. Freeze-thaw cycles also accelerate scaling of a concrete surface. The concrete was tested at various locations during construction to ensure proper water content from the batches

delivered from the cement plant and the project specified a curing compound to promote proper curing.

Ms. Fauske explained Staff reached out to Matt Zeller, the Executive Director Concrete Paving Association (CPA) as a subject matter expert independent of the project. He indicated that it can be difficult to determine the exact cause of scaling. An option is to take samples and get a petrographic test done to determine if the surface became too dry and if the remainder of the concrete is durable and has sufficient strength to perform as expected. The cost for petrographic test is about \$10,000. The concrete was tested for strength during construction is sufficient to meet the intended purpose, therefore we do not expect any issues with the structural integrity of the alleys.

Ms. Fauske stated Mr. Zeller indicated there were more freeze-thaw cycles than usual in the winter of 2022/2023 and that the above-average snowfall and rain events followed by freezing temperatures exacerbates scaling. With additional freeze-thaw cycles, additional salt is often applied to roads and that salt can be tracked into the project with vehicle traffic. Matt will attend the meeting to answer questions and can also comment on the structural integrity of the concrete within the alleys based on testing results during construction. The contractor is aware that council, staff and residents are not happy with the surface condition of the alleys. They have expressed that the scaling is not a result of their work and would not be willing to remove and replace the panels without additional compensation. Staff commented further on the alleyway conditions, noted the options to consider and requested direction from the City Council on how to proceed.

Schulz thanked Ms. Fauske for the detailed Staff report and for speaking with experts in the field.

Hultstrom thanked Ms. Fauske for her efforts. She noted she had concerns with the pooling that was occurring on Alleys 8 and 9. She asked if this had been addressed. Ms. Fauske reported the southern portion of Alley 8 was repoured last fall. She indicated she needed to follow up with a resident regarding the amount of water that was on this alley this past winter. She commented on how the amount of snow this winter may have exacerbated water on the alleyways this past winter. She noted she had visited each alleyway and found there to be very little standing water after a recent rain event.

Hultstrom stated overall she believed the actions that have been taken have improved the conditions of the alleyways. She did not see the City putting any more money towards this project, nor did she believe the contractor could be held accountable.

Mueller asked if the scaling would continue to get worse. Ms. Fauske stated it was her understanding the first year was the worst for scaling. She indicated the same held true for the pop outs. She asked that Mr. Zeller come forward to speak to this further.

Matt Zeller, Concrete Paving Association, introduced himself to the Council and noted he has worked his entire career in pavement. He explained the damage was most likely done last year. He reported the damage that was done was a surface aesthetic flaw and noted the concrete was structurally sound.

Vickerman commented on the alleys that were completed in 2016 and recalled these alleys had scaling as well after their first winter.

Schulz stated after speaking with people about this, he was concerned with the fact the water runoff was not better addressed. He noted Osseo was very flat and the idea with these alleys was to invert them in order to get water draining. He supported the City taking a closer look at water runoff in all future projects.

Poppe discussed how the weather impacted the alleyways and noted this had a greater impact on the alleys than any faulty workmanship.

A motion was made by Mueller, seconded by Vickerman, to direct staff to do nothing further on the 2022 Alley Project. The motion carried 4-1 (Hultstrom opposed).

C. APPROVE PURCHASE OF PUBLIC WORKS CASE LOADER

Waldbillig stated the snow removal process in Osseo utilizes two front-end loaders, one works a plow route, the other clears Central Avenue and downtown. These front-end loaders also come together to load and haul snow out of the downtown area after each snow event. The loader is scheduled for replacement is 24 years old and has become problematic over the last few years with costly repairs to the transmission and cooling system. Parts for the machine are hard to find which causes large amounts of downtime. This machine was out of service from December of 2022 through the end of February 2023 creating gaps in snow removal and causing the department to stagger schedules to work with only one machine around the clock. Replacing the oldest machine also creates an opportunity to update the snow removal equipment from a plow to an HLA Snow wing, also referred to as a push box. This will give the operator more control while gathering snow for hauling and be more efficient in parking lots and intersections. Staff commented further on the proposed purchase and recommended approval.

Vickerman stated she was pleased with how well the Public Works Department managed the snow this past winter given the fact the loader was out of commission for several months.

Schulz discussed how the HLA blade helped improve the snow removal process throughout the entire community. He thanked Staff for being pragmatic and for thinking outside the box for the City. He stated he fully supported this purchase.

A motion was made by Hultstrom, seconded by Schulz, to approve the purchase of a Case Loader from Titan Machinery. The motion carried 5-0.

D. APPROVE HIRE OF MADELINE ZITZLSPERFER FOR FULL-TIME POLICE OFFICER

Police Chief Mikkelson stated Madeline Zitzlperger has been a Full-Time Detention Deputy with the Hennepin County Sheriff's Office for the past two years. She has participated in all interviews, background checks, and psychological and medical exams and is recommended for hire. If approved, Officer Zitzlperger's first day will be on July 10, 2023.

Vickerman explained she was very excited to have Officer Zitzlsperger joining the Osseo Police Department.

A motion was made by Vickerman, seconded by Schulz, to approve the hire of Madeline Zitzlsperger for the position of Full-Time Police Officer. The motion carried 5-0.

E. ACCEPT CENTERPOINT ENERGY GRANT AND APPROVE PURCHASE OF DIGITAL SPEED SIGNS

Police Chief Mikkelson stated the grant from CenterPoint Energy must be used for equipment or special projects that promote safety in the community served by CenterPoint Energy. The \$2,500 grant could not make up more than 50% of the equipment/project funds. He proposed purchasing two new digital speed signs. The City would then permanently mount two signs on Central Avenue and one on 6th Avenue NE. He would then have two signs that would be transportable to help with any speeding concerns. The signs would be purchased from All Traffic Solutions per the received quote. He commented further on the proposed purchase and stated he anticipated these new signs would assist with controlling the speed of traffic coming into the community.

Vickerman stated she appreciated the digital speed signs and believed they were impactful in the community.

A motion was made by Hultstrom, seconded by Mueller, to accept the CenterPoint Energy Community Safety Grant and approve the purchase of digital speed signs. The motion carried 5-0.

F. APPROVE JOINT POWERS AGREEMENT WITH HENNEPIN COUNTY FOR EMBEDDED SOCIAL WORKER PROGRAM

Police Chief Mikkelson stated the embedded Social Worker Program has grown in law enforcement around Minnesota in the last few years. The program is in response to the growing number of mental health calls for service that law enforcement has encountered. We were contacted by Hennepin County and asked if we would like to join their Embedded Social Worker Pilot Program. This program would give our officers access to social workers at the Hennepin County Emergency Communications Center when a mental health crisis arises. These Social Workers will assist our officers with some defined real-time information, give officers information on best practices, and offer help to those in mental health crisis. This pilot program will lay the groundwork for future expansion and, hopefully, agreements to provide these services to all of Hennepin County in the future. We are willing to discuss concerns and have meaningful conversations about this service. The City Attorney's Office has reviewed the agreement. He commented further on the proposed JPA with Hennepin County and recommended approval.

Mueller stated she greatly appreciated the Police Chief's efforts and she was excited to see how this pilot program goes over the next several years.

A motion was made by Mueller, seconded by Hultstrom, to approve the Joint Powers Agreement with Hennepin County for Embedded Social Worker Program.

Schulz asked what the City's financial responsibility was for this program. Police Chief Mikkelson stated there would be no financial responsibility for this program.

Vickerman indicated she appreciated this program, along with the Chaplain program.

The motion carried 5-0.

G. APPROVE POLICE OFFICER WELLNESS POLICY

Grams stated the Council Risk Management Committee recently reviewed a draft Police Officer Wellness Policy and recommended its approval to the full Council. The Policy recognizes the mental and physical stressors faced by Law Enforcement Officers and the overall need to retain a healthy workforce of Police Officers for the health and safety of the community. The policy calls for a required mental health sabbatical and a subsequent wellness travel and/or retreat reimbursement program. The policy would be effective beginning on January 1, 2024. The LELS #182 Union has received and reviewed the draft policy and recommended approval for its membership.

Schulz reviewed a minor correction that had to be made and noted some of his concerns that were discussed previously had not been addressed in the policy. He requested the policy provide opportunities for law enforcement families that would like to remain at home for a period of leave. He indicated he spoke with the Police Chief about what other aspects should be considered. Police Chief Mikkelson commented this policy would allow officers to have a paid 21 day sabbatical and \$6,000 every four years. He noted this means the officers would have 21 days to not work. He explained this would provide officers with a mental health break. He suggested the funding be allowed to be used for exercise equipment, massages or other relaxation methods.

Hultstrom stated she thought a staycation was on the same level as a vacation and that the money would be awarded no matter what. She did not want to see the funding limited only to vacations.

Vickerman agreed stating the costs for a day trip should also be covered.

Police Chief Mikkelson asked for further guidance on how to proceed with the policy.

Grams reviewed the language on the second page of the policy states staycations were permissible.

Hultstrom recommended the \$1,500 per year be considered a bonus as this would allow officers to use the money as they see fit. Grams stated if this were the case, the funds would be taxable.

Poppe indicated that was not the intent of this funding.

Schulz agreed stating he did not want to create a problem with the funding, but rather wanted to have the funding available to officers in order to assist with bettering their mental health.

City Attorney Tietjen recommended the funds remain reimbursable and that bonuses not be pursued.

Schulz suggested some of the language be removed and that the language read expenses will be reimbursed at the discretion of the Police Chief and City Administrator. City Attorney Tietjen stated this would be permitted.

Schulz recommended action on this item be tabled to allow staff to revisit this funding language and the Council could revisit this matter in four weeks. Grams supported this recommendation.

A motion was made by Schulz, seconded by Hultstrom, to table action on the Osseo Police Officer Wellness Policy to the July 24, 2023 City Council meeting. The motion carried 5-0.

H. APPROVE SUPERVISORY STAFF EMPLOYMENT AGREEMENT UPDATES

Grams explained the Council HR Committee met to discuss a number of changes to Supervisory Staff employment agreements. Supervisor Staff, or Exempt employees, all have employment agreements that are negotiated between the City and the employee. The proposed changes have been recommended for approval by the Council Human Resources Committee.

A motion was made by Hultstrom, seconded by Vickerman, to approve the updated Supervisory Staff member employment agreements. The motion carried 5-0.

I. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

A motion was made by Schulz, seconded by Mueller, to approve the Accounts Payable as presented. The motion carried 5-0.

11. ADMINISTRATOR REPORT

Grams welcomed Officer Zitzlsperger to the Osseo Police Department.

Grams addressed the comments made by former Councilmember Johnson noting some of the statements about him were inaccurate.

12. COUNCIL AND ATTORNEY REPORTS

The Council welcomed Officer Zitzlsperger to the City of Osseo.

Hultstrom reported she attended the Nominating Committee for the League of Minnesota Cities last week in Duluth, Minnesota. She explained the LMC discussed how important it was to have elected officials working on behalf of the community.

Mueller encouraged residents to consider applying to serve as a City Commissioner as there was openings on the Public Safety Advisory Committee, EDA, Planning Commission and Parks and Rec Commission.

Vickerman provided the Council with an update on the Just Deeds initiative. She reported a Resolution would be coming before the City Council at a future meeting.

13. ANNOUNCEMENTS

Poppe stated the City was seeking commissioners at this time for the EDA, Planning Commission, Parks and Rec Commission and the Public Safety Advisory Committee. Those interested were encouraged to visit the City's website or contact City Hall for further information.

Poppe encouraged the public to attend the upcoming Music and Movie in the Park on Tuesday, June 27 at 7:00 p.m. where Sawyer's Dream will provide music and the movie Spiderman: No Way Home will be screened at dusk.

Poppe reported City Hall will be closed on Tuesday, July 4 in observance of Independence Day.

Poppe explained the Red Cross would be holding a blood drive at the Community Center on Wednesday, July 12 from 1:00 p.m. to 7:00 p.m.

Poppe reminded the public that the trolley was available for rides Monday through Thursday from 9:00 a.m. to 2:30 p.m.

14. ADJOURNMENT

A motion was made by Hultstrom, seconded by Mueller, to adjourn the City Council meeting at 9:42 p.m. The motion carried 4-1 (Vickerman).

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial