

**OSSEO CITY COUNCIL
REGULAR MEETING MINUTES
January 22, 2024**

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, January 22, 2024.

2. ROLL CALL

Members present: Councilmembers Mark Schulz, Alicia Vickerman and Mayor Duane Poppe.

Members absent: Councilmembers Juliana Hultstrom and Ashlee Mueller

Staff present: City Administrator Riley Grams, Police Officer Matthew Peterson, Police Chief Shane Mikkelson, Administrative Assistant MaryLou Baier, and City Attorney Mary Tietjen.

Others present: Cub Scouts Pack 211 Members; Kenny Nelson, City Resident; Nick Torres, City Resident; John Hall, City Resident; Connie Aho, Osseo Business Owner; Chad & Alex Weber, Maple Grove City Residents; Jameson & Greg Schultz, Maple Grove Residents; Jon & Corbin Renshaw, Maple Grove Residents.

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 explained the agenda was amended to include Item 10D – Approve 2024 Citizen Appointment.

A motion was made by Vickerman, seconded by Schulz, to accept the Agenda as amended. The motion carried 3-0.

5. CONSENT AGENDA

- A. Approve January 8 Council Minutes
- B. Approve Hire of Kim Klocek for Part-Time Public Works Maintenance
- C. Approve Membership to MN Marijuana Association
- D. Receive Q4 Building Permit Report
- E. Approve MCMA Conference for City Administrator Riley Grams
- F. Receive December Lions Club Gambling Report
- G. Receive January American Legion Gambling Report
- H. Receive December Fire Activity Report

- I. Accept Resignation of Part-Time Police Officer Nick Englund
- J. Accept Resignation of Part-Time Police Officer Anthony Mortinson
- K. Accept Resignation of Part-Time Police Officer Adrienne Lamers
- L. Accept Resignation of Part-Time Police Officer Brendan Current

A motion was made by Vickerman, seconded by Schulz, to approve the Consent Agenda. The motion carried 3-0.

6. MATTERS FROM THE FLOOR

Kenny Nelson, 509 Third Avenue NE, reminded the Council to speak into their microphones for the benefit of the viewing public. He noted he listened in on the recent worksession meeting and it appears the City was considering spending \$500,000 in order to sell marijuana. He questioned where the City would get the capital for this project. He stated he appreciated the Council considering this as an option to raise addition funding for the City, but explained this may be too big of an investment. He explained Osseo was less than one square mile and he did not believe it was worth the investment. He anticipated many buyers would go to Maple Grove or Brooklyn Park. He urged the Council to use caution before expending huge amounts of money for this venture. He indicated he was bothered by the fact the City was considering selling marijuana in order to pay for the police when the police was already worried about the drugs in the community.

Nick Torres, 133 8th Avenue NE, read a notarized third party expert opinion into the record regarding the proposed Osseo street project. He explained the opinion was dated January 13, 2024. He stated the opinion came from Harold Mahold who was an owner of a blacktop paving company for the past 40 years. He noted Mr. Mahold's company was the third company in Minnesota to begin performing milling and reclaiming. He discussed how Mr. Mahold served as a subcontractor to other companies in Minnesota and five other states. He noted Mr. Mahold was now 80 years old and he sold his company 10 years ago. He explained Mr. Mahold was trying to pass along his experience and knowledge to the City of Osseo. He discussed how he used to work for Mr. Mahold and was related to him through marriage. He indicated Mr. Mahold has visited the streets in Osseo and reviewed copies of the core samples. Mr. Mahold believed the streets show little signs of deflection or rutting of the bituminous surface, which means the roadways have a strong aggregate base and subgrade. Mr. Mahold indicated the low spots were indicative of low crown in the street and were hampering drainage to the gutter. Mr. Mahold reported sand in the subgrade was not the enemy, sand was more stable and compacts better than clay and perks moisture better than clay. Mr. Mahold addressed the moisture in the subgrade and noted this could be from water entering through cracks, or not enough crown in the street. Mr. Mahold indicated most new streets have at least a 2% crown from the center of the street to the crown. Mr. Mahold believed the proposed street improvements would have great success if the roadway were edge milled across the curb, the desired thickness in overlay. Mr. Mahold explained edge milling was cutting two inches deep across the curb line and seven feet away across the mill. The results would be a wedge cut. It noted this milling could be completed in one day for the entire project and structures could be adjusted. Mr. Mahold indicated the entire project area could then be covered with a two inch bituminous wear course. Mr. Mahold stated this would be the least disruptive solution for residents and would have the least overall project costs. Mr. Mahold explained

another method would be to reclaim all of the streets within the project to a depth of 10" to 11" deep. All of the material would be pulverized and act as a strong aggregate base. A motor grater would be used to prep the street for paving. All aggregate would be compacted with four inches of bituminous on top. He provided further details on the suggested crown in order to provide adequate water runoff for the street. Mr. Mahold stated there would be no water flooding the driveways any more than now and the bituminous would match the curb, not overlay it. This method is environmentally friendly because most of the material is reused. Mr. Mahold reported the cost would be higher than the overlay and would take longer to complete. Mr. Mahold stated the third option for the street would be to complete a full 11" excavation, which was the option the Council has moving forward, with 5" of bituminous. Mr. Mahold indicated all aggregate base would be hauled in, graded, and compacted and the bituminous base is installed along with a wear course. Mr. Mahold explained the final results can be good if everyone can handle the negatives. The existing streets were over 30 years old and the City has received good service from them. Mr. Mahold commented on how the dump truck traffic would be enormous and impactful on both the neighbors and streets. Mr. Mahold indicated the project could take several months to complete, which would further impact residents. Mr. Mahold thanked the Council for considering his comments and encouraged the Council to reach out to him with any comments or questions. He urged the Council to consider alternatives for its streets and to seek a second opinion on how to move forward with the street improvement project.

John Hall, 808 Third Street NE, read into the record some statements from the League of Minnesota Cities regarding special assessments. He stated special assessments are presumptively valid if the land receives a special benefit for the improvement. The assessment does not exceed the special benefit measured by the increase in market value due to the improvement. The assessment is uniformly applied to the same class of property in the assessed area because special assessments are appealable to district court. It was important for the City to consider the benefit to the property as a result of the specific improvement. The Council could retain a qualified licensed appraiser and the Council may choose to have this appraiser present at the assessment hearing in order to provide a written or oral report on the increase in market value as a result of the improvement. A special assessment that exceeds the special benefit is a taking of property without fair compensation and violates the 14th Amendment of the United States Constitution and the Minnesota Constitution. He reported properties assessed must enjoy a corresponding benefit from the local improvement. This was a different concept than property tax valuation. He discussed how appellate courts have routinely upheld decisions that went against cities because there was a lack of evidence of a market value increase equal to or exceeding the amount of a special assessment. He noted with regard to street improvements, it can be difficult to demonstrate there is an increase in market value due to resurfacing or reconstruction of a roadway. He stated when the court disallows a portion of the assessment because it was in excess of the benefit to a property, the City may not try to recoup the disallowed amount through another method. Rather when the cost of the improvement exceeds the benefit, the cost must be borne by the City as a whole. He reported one of the City Councilmembers claims to be an environmentalist, but when the City considers its street projects, they were not environmentally sound. He encouraged the City Council to look into the proposed project further and to consider an overlay or reclamation project. He reminded the Council that inflation has gone from 9% to 3% and unemployment was down to 2%. He stated if the City was looking to bond for this project, it may be better

to hold off for a few more years as interest rates will continue to decrease. He encouraged the Council to continue to hear the voices of its residents when it comes to the street improvement project. He understood one of the Councilmembers has an issue with WSB and noted there has been issues with recent improvement projects. He questioned why all of the curbs were slated for replacement. He indicated he has walked the project area many times and he believed the curbs were only bad in front of four homes. He urged the Council to investigate this further, along with a stormwater taxing district. He expressed concern with the fact the big dip in the road by the school would not be corrected. He suggested the City seek a donation from the church for the improvements that would be made in front of the cemetery property. He recommended the City contact MnDOT and local legislators in order to seek assistance for its infrastructure projects. In the end, he feared that his property value would not increase \$11,000, which meant the City could not assess him for that amount. He commented on how those living on a fixed income would be impacted by the proposed street assessments given the fact property taxes were already on the rise.

7. SPECIAL BUSINESS

A. WELCOME CUB SCOUTS PACK 211

Grams welcomed Cub Scouts Pack 211 to the Council meeting and thanked them for attending this meeting.

B. SWEARING IN CEREMONY FOR POLICE OFFICER MATTHEW PETERSON

Police Chief Mikkelson introduced Officer Matthew Peterson to the Council.

City Attorney Tietjen administered the Oath of Office to Officer Peterson and welcomed him to the Osseo Police Department. Officer Peterson’s badge was pinned on and a round of applause was offered by all in attendance.

C. ACCEPT DONATIONS

Grams stated the City has received the following donations:

<u>Donor</u>	<u>Amount/Item</u>	<u>Designated Fund</u>
Gerald & Georgia Kiffmeyer	\$50	Fire
Osseo Fire Department Relief Assc	\$63,000	CIP Fire Equipment
Osseo Fire Department Relief Assc	\$25,500	Fire Equipment

Staff recommended the Council accept the donations.

A motion was made by Schulz, seconded by Vickerman, to adopt Resolution No. 2024-9, accepting a donation from Gerald and Georgia Kiffmeyer and the Osseo Fire Department Relief Association. The motion carried 3-0.

8. PUBLIC HEARINGS – None

9. OLD BUSINESS – None

10. NEW BUSINESS

A. APPROVE HIRE OF MARYLOU BALER FOR ADMINISTRATIVE ASSISTANT

Grams stated this year, current Administrative Assistant Karen Broden announced her retirement for early February. This will leave a vacancy in the Administrative Assistant position. The City posted for the position and received over 40 applications. City Administrator Riley Grams reviewed and scored all applications and invited the top scoring candidates to interview with the Council Human Resources Committee (Councilmembers Schulz and Hultstrom) on January 16. After completing all the interviews, the Committee had a very difficult decision to make as the interviewed candidates were excellent and would have been great employees. However, in the end, the Committee opted to offer the position to MaryLou Baier. MaryLou and Grams negotiated the terms of her employment and she has accepted the position. MaryLou comes to Osseo with great education and work experiences. We believe she will be a great fit for the City of Osseo in this role. The position is on Pay Grade 3, and MaryLou will start on Step 4 (\$27.48/hr) of the Employee Compensation Plan. The position is a full-time position, and eligible for all full-time employee benefits per the Employee Personnel Policy. MaryLou plans to start her first day on Tuesday, January 23.

MaryLou Baier introduced herself to the Council noting she was thrilled to be working for the City of Osseo. She indicated she would work to bring value to her position every day and she looked forward to meeting the people in the community.

Schulz stated he believed MaryLou was the perfect person for this position. He looked forward to the energy MaryLou would bring to the City.

A motion was made by Schulz, seconded by Vickerman, approve the hire of MaryLou Baier for the Administrative Assistant position. The motion carried 3-0.

B. APPROVE PURCHASE OF RED DOT SIGHTS AND HOLSTERS

Police Chief Mikkelson stated with several agencies already purchasing Red Dot Sights for their issued handguns, they sent Officers Peterson and Swanson to investigate the reasons for the switch. They found that these sights have improved officers' accuracy while using their handguns. The sight allows the officer to have a fixed point to use as a reference while shooting. They also learned that since the sights have been on the market, the sights have been improved enough to handle the daily wear and tear of an officer carrying the sight on a gun in a holster daily. Both Officers Swanson and Peterson then evaluated different types of Red Dot Sights to see which ones they would recommend. If approved to purchase these sights, we additionally would also have to issue all officers new holsters to fit the new sights.

Staff recommends that we purchase 15 Holoson EPS Red Dot Sights at \$290.00 per sight, totaling \$4,350.00. The sights need to have an attachment plate and a night sight, costing \$124.60 per gun for a total of \$1,869.00. The total purchase would come to \$6,219.00. The chosen holster is an Alien Gear Rapid Force holster for \$157.88 per gun for a total of \$2,368.00.

A motion was made by Vickerman, seconded by Schulz, to approve the purchase of Red Dot Sights and Holsters for \$8,587. The motion carried 3-0.

C. APPROVE SUMMARY PUBLICATION OF CENTERPOINT GAS FRANCHISE ORDINANCE

City Attorney Tietjen stated the Council approved a second reading of the CenterPoint Energy franchise ordinance on January 8, 2024. By law, the City must publish all ordinances and can publish a summary in the case of lengthy ordinances. Because the CenterPoint Energy ordinance is quite lengthy, it would be very expensive to publish it and Staff is recommending adoption of a resolution to approve summary publication. This was inadvertently not included in the last Council packet when the second reading was approved. She asked that the Council now approve the summary publication Resolution for Ordinance No. 2024-1.

A motion was made by Schulz, seconded by Vickerman, to adopt Resolution No. 2024-10, approving Summary Publication of Ordinance No. 2024-1. The motion carried 3-0.

D. APPROVE 2024 CITIZEN APPOINTMENT

Grams stated Staff has received a letter of interest from Connie Aho and drafted a Resolution that indicates the appointment needed on the Planning Commission.

A motion was made by Schulz, seconded by Vickerman, to adopt Resolution No. 2024-11, approving 2024 Citizen Appointment. The motion carried 3-0.

E. APPROVE ACCOUNTS PAYABLE

Grams reviewed the Accounts Payable with the Council.

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

11. ADMINISTRATOR REPORT

Grams welcomed Matthew Peterson and MaryLou Baier to the City of Osseo.

Grams thanked Cub Scouts Pack #211 for attending this meeting.

12. COUNCIL AND ATTORNEY REPORTS

Vickerman thanked Police Officers Englund, Mortinson, Lamers and Current for serving as part time officers in the community. She welcomed Officer Peterson and Ms. Baier to the City of Osseo.

Schulz welcomed the new employees and stated he believed the City was off to a great new year.

13. ANNOUNCEMENTS – None

14. ADJOURNMENT

A motion was made by Vickerman, seconded by Schulz, to adjourn the City Council meeting at 7:45 p.m. The motion carried 3-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial