

**WORKSHOP MINUTES
OAKDALE CITY COUNCIL
January 24, 2023**

The City Council held a workshop on Tuesday, January 24, 2023 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 5:00 PM.

Present: Mayor Kevin Zabel

Council Members: Jake Ingebrigtsen
Andy Morcomb
Susan Olson

City Staff Members: Christina Volkens, City Administrator
Sara Ludwig, City Clerk
Jim Thomson, City Attorney
Brian Bachmeier, Interim City Engineer
Andrew Gitzlaff, Community Development Director
Luke McClanahan, City Planner
Nick Newton, Police Chief
Lori Pulkrabek, Communications Manager
Katie Robinson, Deputy City Clerk / Licensing Clerk
Jim Romanik, Public Works Manager
Julie Williams, Recreation Superintendent
Jason Zimmerman, Finance Director

Other: Stan Karwoski, Washington County Commissioner
Erin Perdu, Stantec Senior Urban Planner
Wayne Sandberg, Washington County Public Works Director / Engineer
Sara Allen, Washington County Public Works Senior Planner
Matt Lysne, Principal at HCM Architects

GOLD LINE BRT COUNTY EQUITY SHARING PRESENTATION, WAYNE SANDBERG AND SARA ALLEN (WASHINGTON COUNTY)

Sara Allen, Public Works Senior Planner with Washington County, provided an introduction and background on the Gold Line design process and scope additions requested by the City of Oakdale. The items include:

- Hadley Avenue center left turn lanes
- Hadley Avenue/4th Street trail
- Tanner's Lake trail
- Hayward Avenue to 4th Street trail
- Helmo Station to 4th Street, west side trail

Ms. Allen noted there are benefits to the City by including these projects as part of the Gold Line BRT project. The Federal Transit Administration (FTA) is anticipated to pay 47% of the project cost. Additionally, Washington County submitted and secured a federal regional grant for the Tanner's Lake trail. Due to this, the total cost to Oakdale for this scope item was reduced by more than \$100,000.

The cost estimates included in the cooperative agreement are from a summer 2022 project construction bid. Washington County is requesting that the City pay \$202,446 for the additional scope items, however they are willing to work with the City on the timing of payment as the project proceeds with construction.

Mayor Zabel asked if Washington County anticipates any other project costs being included in the cost share agreement. Ms. Allen indicated that unless the project scope changes these will be the only items and costs included in the agreement.

Council Member Morcomb asked about the City's understanding of this cost share agreement from a historical perspective. City Administrator Chris Volkers clarified that the City knew back in 2019 there would be some cost sharing related to this project, however the amount and associated timeline was determined rather recently.

Council Member Ingebrigtsen asked Washington County Commissioner Stan Karwoski if the County would be willing to put in a larger share than what is proposed. Commissioner Karwoski said that as part of the Gold Line maintenance it is a requirement that each City have a financial stake in the project. He added that the City is only paying \$202,446 for projects worth many more times that amount. Additionally, the City will have a brand new 4th Street bridge at no cost as part of this project.

Council Member Olson said the proposed agreement was fair.

Council Member Morcomb was supportive of moving forward with the additional scope items given Washington County's financial assistance and willingness to offer a flexible payment schedule.

Ms. Volkers stated staff has spoken to Washington County about pushing the additional scope items out two to three years which will allow the City to include these items in their CIP.

Mayor Zabel's preference would be to use existing funds and not utilize special project funds.

GLENBROOK SMALL AREA PLAN UPDATE – SUMMARY OF FEEDBACK AND DRAFT GOALS

City Planner Luke McClanahan began the presentation by providing background about the Glenbrook Small Area Plan.

Stantec Senior Urban Planner Erin Perdu summarized the themes that arose from the stakeholder interviews and engagement activities. Residents indicated that truck traffic through the neighborhood is their biggest issue, particularly on 51st Street. When asked about the truck traffic, the local businesses said the trucks should not be using this route. Most businesses indicated they are happy with their location and have no plans/desire to move. Many of these businesses pre-date the residential development. Ms. Perdu noted that residents did not express complaints about any of the businesses aside from the truck traffic. There was some concern from both residents and businesses about redevelopment in this area and the implications it might have.

Ms. Perdu explained the various types of stakeholder engagement used in Phase 1 which included an online survey, an in-person meeting with residents, and individual meetings with many of the businesses, strictly in the Glenbrook Neighborhood. As part of Phase 3, the engagement scope will broaden to include the entire Glenbrook Study Area.

Mayor Zabel expressed concern about ensuring that each unit in the apartment complex was given the opportunity to share their feedback during these initial meetings. Mr. McClanahan said the City can look into other ways to reach these residents. Mayor Zabel further expressed concern about the current way the City engages with the community to solicit feedback. Ms. Perdu suggested having resident engagement meetings in the community room on the property, finding ways to publicize the survey website on the property site, and asking the property manager about resident availability to try to engage with more folks when it is convenient for them.

Mayor Zabel asked for more clarity on the specific concerns of the residents and businesses.

Ms. Perdu stated that residents are concerned about a large development such as multi-family housing or mixed-use. The businesses were mostly concerned about having reassurance that they will still have their space and current road access.

The next part of the presentation referenced the draft goals and strategies developed by Stantec and City staff.

Ms. Perdu said that the land-use pattern should not have big changes, but the focus should be on the access and the truck routes.

Ms. Volkers asked about limiting any future development if the plan proceeds in a certain direction.

Community Development Director Andy Gitzlaff noted that past proposals have not matched the neighborhood fabric. He suggested providing direction for use in that area so future developers have some guidance when bringing forth proposals. Another suggestion was bringing non-conforming uses into compliance over time. Lastly, he added that in his experience, providing detailed plans can incite more feedback.

AMENDING THE CODE OF ORDINANCES, CHAPTER 9 – LICENSE AND BUSINESS REGULATIONS, RELATING TO FEES FOR VARIOUS LICENSES

Licensing Clerk/Deputy City Clerk Katie Robinson began by explaining the changes within Chapter 9 were made to provide consistency throughout the chapter in regards to various licenses. Language around license fees, background investigation fees, and late fees were clarified. She added the changes are consistent with the new THC Ordinance.

Council Member Olson asked for more information about why the City would charge a late fee.

Ms. Volkers explained that a late fee allows a business the opportunity to still renew their license even if they have missed the deadline instead of denying them a license outright. She further explained there is more work involved to process these applications and it is essentially a fee to expedite. Council Member Olson was supportive of the late fee for this reason.

Mayor Zabel asked about the definition of late in this scenario.

Ms. Robinson stated she follows a preset guideline, which requires all paperwork be received by the City four weeks prior to license expiration. She added that a reminder email is sent eight weeks prior to the expiration date as the background check could take up to eight weeks.

Ms. Volkers asked about the ramifications if the license expires.

City Attorney Jim Thomson explained that if the license expires then staff should tell the business they cannot sell the product until the license is renewed.

Council Member Olson clarified that if the license expiration date is December 31, the City must receive all required paperwork by November 30, or the business incurs a late fee. Furthermore, if the license is not renewed on January 1, then the business should not be selling the product until the license is processed. She asked if the latter scenario is monitored by City staff. Police Chief Nick Newton said there is follow up by staff in these situations.

Council Member Olson asked if there is liability to the City if a business continues to sell with an expired license. Ms. Volkers indicated the City does not have liability. Mayor Zabel added the City will contact them and follow up.

The group was supportive of these proposed changes within Chapter 9.

AMENDING ARTICLE III OF CHAPTER 9 – REGULATION OF TOBACCO

Ms. Robinson reviewed the changes to Article III of Chapter 9 including changing the definition of a minor from 18 years of age to 21 years of age to be consistent with current Minnesota Statute 609.685, Subd. 2. Additionally, several sections within Article III have been changed to remain consistent with the recently passed THC Consumables Ordinance.

Council Member Olson asked how the City confirms that businesses are complying with the signage requirement. Chief Newton explained that the City does yearly compliance checks.

Mayor Zabel asked the Council to think about regulating the brightness of signage that is displayed inside the window of some of these retailers, specifically referencing fluorescent LED lights, rope lights around windows, and flashing lights and signs. He suggested making the signage requirement a condition of their license because tobacco and alcohol establishments can be in numerous zoning districts. He suggested that staff do research to determine a proposed lighting standard. Additionally, this can be revisited in a couple months as to not hold up the other Chapter 9 proposed changes.

Mayor Zabel pointed out that including the signage requirement as a condition of licensure allows for simpler and quicker compliance from an enforcement standpoint.

Ms. Volkers clarified that as part of the license application there would be signage requirement language. Attorney Thomson did not see any problems with the City making it a condition of licensure if the council concurs.

Mayor Zabel noted that whether it is part of the City Code or a condition of licensure, City follow up will be complaint-based.

Council Member Olson asked if the proposed signage requirement is strictly for tobacco licenses or will be part of all licenses. Mayor Zabel asked if lighting requirements for other kinds of businesses are covered under current zoning regulations. Staff was asked to research and report back findings.

Mayor Zabel asked if Council was supportive of regulating this kind of lighting. The group was in agreement to move forward with pursuing this regulation. Staff will need to research and propose how to do this and the quickest way to address infractions while balancing staff workload and equal license application language for all businesses.

TENT SALES AND TNT FIREWORKS

Ms. Volkens summarized the current City Code, Section 9-111 stating the City can license TNT tent sales for fireworks as long as they comply with National Fire Protection Association Standard 1124. She asked about the intent of Council regarding this type of license and the current City Code.

Ms. Volkens and Attorney Thomson explained that the National Fire Protection Association Standard 1124 is about how the fireworks are stored.

Mayor Zabel suggested hearing Fire Chief Kevin Wold's opinion on storing flammable materials inside a vinyl tent.

Ms. Volkens relayed Chief Wold's opinion that as long as the merchant complies with the noted standard in the City Code he is comfortable with this type of license.

Council Member Morcomb was supportive of keeping this type of license in the City Code.

Ms. Volkens asked the group if they would like to change the City Code to make obtaining this type of license easier, or to leave it as is.

Mayor Zabel said if they can comply with the current standards then they are able to get a license, and there is no need to change the Code. He noted if the Fire Department is required to audit the merchant for compliance as part of this license then it needs to be reflected in the license fee. Mayor Zabel's preference would be to treat firework sales in a tent the same as firework sales in a store.

Council Member Olson noted there are tent firework sales in other cities. Ms. Volkens explained that the compliance with the National Fire Protection Association Standard 1124 is unique to Oakdale.

Mayor Zabel suggested pushing this agenda item out to the next workshop to allow Chief Wold to talk to Council about the implications of this type of license from a safety perspective. Additionally, staff should look at ordinances from neighboring cities. Council Member Olson suggested looking at Blaine's and New Brighton's city codes.

LAWN CARE WEED AND FEED

Public Works Manager Jim Romanik explained that following the directive from Council during the July 26, 2022 workshop, staff sought out quotes from companies that provide organic fertilizer. He reminded Council that the application would only be for Guthrie Park, on a trial basis in 2023. He asked if Council would like to move forward with pursuing one of these quotes or to continue to use the Trugreen products on all parks instead of trying organic on Guthrie in 2023.

In response to Council Member Olson's question about the toxicity levels of bioLawn in comparison to Trugreen, Mr. Romanik stated it is significantly lower.

Council Member Olson was supportive of moving forward with the bioLawn quote.

Council Member Morcomb was comfortable moving forward with an organic fertilizer at one park on a trial basis.

Mayor Zabel asked about the concerns that were brought forth previously regarding the stickiness of the organic fertilizer and the hazard it causes when the grass gets wet, specifically on the athletic fields. His concern about doing the trial at Guthrie Park was that these past concerns would not be tested. He asked if the City should use an alternate park for the trial basis, one that has active baseball fields. Mr. Romanik explained that Guthrie Park was proposed for the trial basis because it does not have athletic fields. His concern was that if the organic fertilizer does not control the weeds it is likely the City will get more complaints if this occurs at a park with athletic fields. He added that Public Works is open to trying another City park.

Council Member Morcomb was concerned about the stickiness of the grass stating that once the grass becomes sticky it remains that way for the entire summer.

Council Member Olson referenced the July 26, 2022 Workshop Memo which states that bioLawn uses a hybrid fertilizer product that is a blend of organic and synthetic products which has less of an odor and does not stick to shoes.

Council Member Olson suggested phasing in the organic fertilizer, if it is effective, over a few years. She said the City could try it for weed control during the first year, and if it works, then try it on an athletic field the next year.

Ms. Volkers noted that due to the significant increase in cost, the use of organic fertilizer will have to be phased in slowly to all parks, if it proves to be effective.

Mayor Zabel was comfortable moving forward with Guthrie Park as the trial park, and agreed with Council Member Olson's phased-approach suggestion.

NEW PUBLIC WORKS FACILITY NEXT STEPS

Ms. Volkers began by stating that if Council is still supportive of a \$28M Public Works Facility then City staff will bring funding options to a future workshop for discussion.

She introduced Matt Lysne with HCM Architects and said the agreement to partner with them on this project will be on the next Council agenda.

Ms. Volkens explained that the project will involve a three-pronged management team. Mr. Romanik, Ms. Volkens, and the Facility Manager make up the first arm as the City is the owner and will oversee the contracts and project in total. The second arm is the architects who will provide the designs, subcontract with engineers, plumbers, HVAC, etc., and cover the technical side of the project. The third arm is the Construction Manager at Risk who ensures subcontracts are on-time and on-budget, and that a successful final product is delivered. See attached timeline. Ms. Volkens said if the timeline is pushed out any further then that will add another year of increased costs.

Mr. Lysne agreed with Ms. Volkens that the timeline for 2023 does not have much flexibility. Mayor Zabel suggested that Council have the mindset that the backstop for the additional \$6M is a property tax levy.

Council Member Morcomb said that if the City chose to delay future phases the estimated cost today would be greatly increased due to inflation and increased construction and labor costs.

Mayor Zabel asked about the plan for the current Public Works campus once the new facility is built. Mr. Romanik said the plan is to utilize the current storage facility on the north side for off-season storage.

Council Member Morcomb asked about the negotiation with 3M regarding their land donation and cleanup. Ms. Volkens stated that the City has been working with legal counsel and 3M on the specific terms. The City is requesting a clean site which requires a built-in vapor barrier and ongoing maintenance. The financial responsibility of cleaning the site is still under discussion. October 1, 2023 is the deadline for the site cleanup. The proposed project schedule revolves around having the site cleaned up and ready for construction by October 1st.

Ms. Volkens recapped the discussion confirming Council is supportive of moving forward with the \$28M build out site plan and entering into an agreement with HCM Architects. Ms. Volkens asked Council to be flexible along the way, but also continue to make timely decisions on items that are brought forth for discussion.

Council Member Olson asked if this \$28M build out site plan is expandable for future Public Work's needs. Mayor Zabel added a question about the number of residents that could be served by the current build out site plan. Mr. Lysne stated that if the facility had all desired amenities it would cost \$34-\$35M. He added that the use of the storage space on the north side of the current Public Works facility helped lower the overall project budget to the proposed \$28M, in addition to no fuel island planned. Additionally, creativity within the facility will help utilize the space.

Ms. Volkens brought up the Local Option Sales Tax (LOST) as it relates to the financing of the new Public Works Facility.

She asked Council to consider adding a Resolution of support to the agenda at the proceeding Council meeting. She clarified that the City will not go back to the voters for the authority to increase the terms of the L.O.S.T. The Council was supportive of moving forward with the proposed RCA and resolution relating to L.O.S.T.

Council Member Olson asked about the assurance from 3M that the donated land for the new Public Works Facility is safe. Ms. Volkens said the Minnesota Pollution and Control Agency (MPCA) will not approve the use of the land if it does not meet the brownfield program criteria which includes ongoing remediation as dictated by the Environmental Protection Agency (EPA).

Council Member Olson shared concerns about the safety and health of the Public Works employees due to the historical condition of the land and any ongoing remediation that may need to take place.

Council Member Morcomb asked if 3M will share what they find if they are required to remediate the land. Ms. Volkens confirmed the City will get every report. She reminded the group that the City has their own environmentalist as well.

CITY COUNCIL VACANCY PROCESS TO FILL

Ms. Volkens outlined the proposed process to fill the Council seat vacancy. She told the Council that there is flexibility with the supplemental and interview questions that will be submitted with the application.

The Council was comfortable with the proposed application and interview timeline but added further questions to the Supplement questionnaire to be submitted by the applicant.

Ms. Volkens indicated Council does not need to use the proposed applicant feedback form but does need to provide reasoning and justification for their decisions during this process for legal reasons.

Council Member Olson would like to establish a precedent for future councils.

Council Member Ingebrigtsen would prefer not to put an ordinance in place as that may cause problems for future councils.

Mayor Zabel told the group he will not appoint someone to fill the vacancy regardless of the fact the statute includes that option if the Council were to deadlock. He would prefer that the Council vacancy be a unanimous decision, although not required by statute.

Ms. Volkens suggested writing a policy to document the process if that is what the Council desires. Future councils would have the option to change it.

Mayor Zabel would like to leave the open-ended right of the council at the time and not write a policy.

Council Member Ingebrigtsen pointed out that if an ordinance were to be passed documenting the process, future councils could repeal or amend it if they did not like it.

Mayor Zabel transitioned to discussing the interview questions. He reminded the group that Ms. Volkens told them the supplemental form will be used for asking specific questions.

RECESS FOR REGULAR MEETING 6:54 PM

WORKSHOP RECONVENED 8:19 PM after the Regular Council Meeting

CITY COUNCIL VACANCY PROCESS TO FILL (CONTINUED)

Ms. Volkens stated that the application form including name, address, etc. cannot be changed due to legal reasons. She explained that questions included in the draft supplemental questions can be changed however Council would like. Additionally, she noted that language in the third paragraph will be clarified to reflect that council members are paid monthly.

Discussion ensued about which questions should be included in the supplemental questionnaire.

The discussion continued about which questions should be included in the interview questions. Ms. Volkens explained that each Council Member would share their opinion about the applicants with her only, not with each other.

Council Member Ingebrigtsen asked if they were interviewing every applicant. Mayor Zabel and Ms. Volkens stated the Council gets to decide who they would like to interview.

In response to Council Member Olson's question about how Ms. Volkens would solicit their opinions about the applicants, Mayor Zabel noted that that part of the process would have to be part of the public record. He suggested that after all applications are received, a discussion is had at the following workshop in which each Council Member will share their top three choices. To keep anonymity, each application will be numbered so the applicant name is not included during the discussion.

The group decided that a special workshop meeting will be held at 5:30 PM on Thursday, February 23, 2023, to interview the selected applicants. Once the applications are received then the Council will decide how much time will be slotted for each interview.

Mayor Zabel requested that the interview questions be determined at a later date once the applications have been received and reviewed.

In response to Ms. Volkens question to the Council about if they would like a rating on the applicant feedback form, the Council agreed that they would not.

Mayor Zabel explained to the group that once this process opens they will get asked questions, however all questions need to be directed to Ms. Volkens.

ADMINISTRATOR TOPICS

Ms. Volkens explained that she has been meeting with the Age-Friendly group about various grants they want to apply for. After several discussions, the group has decided they want to apply for a state grant to help fund the installation of benches along some of the walking trails and possibly in some of the parks. Ms. Volkens noted the current moratorium, but stated she has intentions to lift it this spring. This group identified specific popular walking trails that are along Helmo Avenue and Hadley Avenue.

Staff have expressed hesitation with these locations given the maintenance responsibility.

Mayor Zabel stated the suggested placement of the benches along Hadley Avenue are not ideal.

Ms. Volkens said the group has indicated bench placement in East Side Park along Helmo Avenue. Mayor Zabel referenced the current City policy that limits the number of benches per park and said this park has most likely reached that limit.

Council suggested that the group focus on the parks and abide by the current City policy regarding donations. They were comfortable with staff providing suggestions to the Age-Friendly group.

In regards to the Century Avenue Coalition, it was determined that Ms. Volkens will be the staff member at the meetings with Mr. Gitzlaff as the alternate staff member until a City Engineer is hired, and Mayor Zabel will be the elected representative with Council Member Ingebrigtsen as the alternate elected representative.

Mayor Zabel indicated he will write a summary after each meeting to ensure his colleagues are kept in the loop. Ms. Volkens will share this written summary with staff.

The last topic Ms. Volkens brought to Council was Council Members attending events in the community. She asked the group their thoughts on Council attending these events.

Mayor Zabel expressed hesitation about saying yes to attending some events and no to attending others as there is no policy guiding these decisions.

Council Member Morcomb does not see a problem with networking with residents while supporting the troops and public safety officials as an example of an event coming soon called Salute Dinner.

Mayor Zabel asked the group to determine a standard above the legal argument.

Council Member Ingebrigtsen said he is comfortable going to these events if legal confirms it is okay.

Mayor Zabel suggested that elected officials pay for their own ticket and staff attendance is covered by the budgeted funds, but capped at a certain number of events per year.

Council Members Ingebrigtsen, Olson, and Mayor Zabel expressed interest in attending the upcoming Oakdale Salute event and paying for it themselves. Council Member Morcomb was going to check his schedule to see if he can attend.

COUNCIL TOPICS

Council Member Olson would like to discuss the reason for asking new businesses to pay park dedication fees to the City during Council Topics at the next workshop.

Council Member Morcomb brought up the current ordinance that does not allow ice cream trucks to operate in the City. He would like to look into changing the ordinance to allow for these types of vendors. Ms. Volkers asked for all Council Members intent to pursue so she can offer ordinance revisions.

Mayor Zabel said that Hill Murray reached out to him about making a donation for a turf field in Oakdale. They are currently working with Maplewood as well. It could be an application as part of the Willowbrooke development. He suggested letting staff handle this request so it can go through the formal process.

Ms. Volkers added that the City is working with BlueCross BlueShield on a possible grant to supply park amenities within Willowbrooke.

ADJOURNMENT

The workshop was adjourned at 8:55 PM.

Respectfully submitted,

Sara Ludwig, City Clerk