

**WORKSHOP MINUTES
OAKDALE CITY COUNCIL
FEBRUARY 14, 2023**

The City Council held a workshop on Tuesday, February 14, 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 Volkers, City Administrator
Sara Ludwig, City Clerk
Andrew Gitzlaff, Community Development Director
Lori Pulkrabek, Communications Manager
Katie Robinson, Licensing Clerk / Deputy City Clerk
Jim Romanik, Public Works Manager
Julie Williams, Recreation Superintendent
Kevin Wold, Fire Chief
Jason Zimmerman, Finance Director

Other: Glen Bearth, President of Maplewood Oakdale Lions Club
Marc Cove, Oakdale Resident
Larry Eberhard, Oakdale Resident
Vickey Eberhard, Oakdale Resident
Pam Jungmann, Oakdale Resident
Angie Propp, Oakdale Resident
Paul Reinke, Oakdale Resident

SUMMERFEST 2023 AND TRANSITION

Mayor Zabel introduced the topic of Summerfest 2023 and the transition plan to move the event from City-run to a private non-profit organization. There were three main points to discuss – the funding source, the cost for staff time for/during/after the event, and the phase down of City involvement and city cost contributions down the road.

Oakdale Resident Paul Reinke asked if the group would be open to using the pull-tab fund as the shortfall funding guarantee mechanism. He then mentioned soliciting cooperate sponsors for a three-year process to ramp up contributions and reduce city funding.

Finance Director Jason Zimmerman explained that due to the statutory language about the City's use of charitable gambling funds, the creation of an unaffiliated 501c3 would be beneficial, as this entity would have the authority to use the charitable gambling funds. Mayor Zabel asked the group if there was any concern using charitable gambling funds for this purpose. The Council did not have any issues with this use.

City Administrator Chris Volkens provided some monetary context stating fireworks for the event cost \$11,500 and other costs totaled \$30,000 - \$35,000 plus staff costs. The staff costs consist of any additional hours needed for event preparation, maintenance, and teardown, outside of normal job duties. This would include any overtime that is incurred. In response to Mayor Zabel's question about the cost of fireworks to the City being net or gross, Ms. Volkens said it is a gross cost. Mayor Zabel noted that the mobile vendor registration fees could help offset some of the costs. Ms. Volkens suggested charging a minimal dollar per hour amount for City personnel costs, much like other cities do, to show in-kind service. In response to Mayor Zabel's question about staff costs being billed to charitable gambling or general operations, Mr. Zimmerman said the costs would remain in the general fund where the employees reside for funding.

Ms. Volkens indicated that if needed, the Recreation Department could program the 5k; however, it does produce a small profit so the committee may want to handle it if that is a possibility. She added that the skateboard contest has been a net zero for the past ten years, and will likely be paid for by the same sponsor again this year. Ms. Volkens continued that the City will put on the parade this year noting current Recreation Department programming.

Ms. Volkens asked the Summerfest Committee what they would like the City to help with. Paul Reinke noted that without a clear answer for the dollar shortfall it is hard to discuss plans with certainty. He suggested taking direction from Mr. Zimmerman to ensure they are complying with the auditors.

Oakdale Resident Marc Cove said that the Summerfest Committee is capable of transitioning the event from the City to a private group, but that it could take one to two years to get to that point. The main challenge lies with delegating the various responsibilities to unpaid staff from private organizations. He suggested local businesses are put in charge of applicable events that are part of Summerfest.

Oakdale Resident Vickey Eberhard noted that Summerfest may have to be fine-tuned to determine what makes sense from a community aspect as it may pose a challenge to find volunteers for all of the planned events.

Oakdale Resident Angie Propp said that the organizations that are taking over long-term will need to shadow the current Summerfest Committee to understand the operational side.

Mayor Zabel proposed a three-year transition plan including City-involvement and a 2023 shortfall threshold of up to \$40,000 that will come from the charitable gambling fund; a maximum up-to \$25,000 shortfall in 2024, and a reevaluation to take place in 2025. Council Member Morcomb noted that a reevaluation will have to take place after 2023 once staff costs are better understood. All agreed.

Mr. Cove pointed out that at some point down the road Summerfest has to be self-sustainable. Mayor Zabel added that once the transition takes place, the City will not have any say in the planning or operations of this event if we are no longer funding or contributing.

SPECIAL EVENTS DEFINITION AND PROCESS

Licensing Clerk Katie Robinson asked Council for guidance on clarifying the definition of a 'special event' which includes establishing guidelines, designating the issuing authority, and determining an application fee.

Mayor Zabel offered that the threshold could be staff interpretation of an undue burden on civic resources.

Council Member Ingebrigtsen stated that if the event is on private property with no exceptions to City Code then a special event permit is not needed.

Ms. Volkens pointed out that the current City Code gives the issuing authority to the City Administrator as there would be less of a legal burden when it comes to denying a permit, however, she does not want that burden. She prefers the City Council make the issuance decision for a permit.

Council Member Morcomb inquired about the current threshold that would require a police and/or fire presence for a park gathering. Recreation Superintendent Julie Williams said there is no requirement currently in place. Council Member Morcomb suggested that Council ask Police Chief Nick Newton's opinion on the matter in regards to public safety.

Mayor Zabel stated that there are certain parameters that would not require a special event permit such as events on private property if it doesn't affect city resources or conflict with city ordinance and using City infrastructure for its intended purpose. He added that the special event permit is for spontaneous large-scale organized events that deviate from their intended purpose.

Fire Chief Kevin Wold indicated from a public safety perspective, the upcoming JW's Bierstube event including live bands and fireworks will need a special event permit. Additionally, when Fleet Farm has a dozen or so food trucks in their parking lot during the summer that will require a special event permit because it is out of the norm of weekend or daily activities.

Mayor Zabel reiterated that the definition could include any unreasonable burden on public expectations. Due to the difficulty of drawing a Council-approved standard, the issuing authority should be kept with the City Administrator. He added that there should be an appeal process in which the applicant can appeal the City Administrator's decision to the City Council. Community Development Director Andy Gitzlaff indicated there is appeal process language in the Temporary Outdoor Patio license that can be used for this permit as well.

Mayor Zabel requested that staff develop some language to loosely define the special event permit. Ms. Volkens said that the Management Team will work on this definition.

FIREWORK TENT SALES AND RELATED CITY CODE CHANGES

Chief Wold stated that the process should be the same for both indoor and outdoor firework sales. He also pointed out that the federally enforced NFPA 1124 Code only applies to vendors who sell a certain quantity of fireworks making some vendors exempt if they only sell limited quantities.

Chief Wold's recommendation was to allow firework tent sales as long as the vendor complies with all requirements. He suggested periodic compliance checks just as the Fire Department currently does for indoor firework sales. Council was comfortable allowing firework tent sales in the City.

Mayor Zabel asked about the changes that need to be made to the current licensing process to allow firework tent sales. Ms. Robinson said that legal counsel indicated it is lawful to require both a Garden Center / Tent Sale License and a Fireworks Sales License. A vendor would need both to sell fireworks from a tent.

Council Member Morcomb suggested adding checkboxes to the current Tent Sale License so that any applicant who indicates they would like to sell fireworks from a tent would have to complete and submit a supplemental Firework Sales License application. Chief Wold added that it is common for cities to require both licenses for firework tent sales.

In response to Ms. Volkens' inquiry about the license fees, Ms. Robinson said Garden Tent Sales is \$400 and Firework Sales is \$100.

Chief Wold pointed out that there has to continue to be two separate licenses because of the vendors that sell fireworks inside their store.

Going forward, both a Garden Center / Tent Sale License and a Fireworks Sales License will be required to sell fireworks from a tent. The applicant will be required to pay both license fees. Once the license application process moves to OpenGov, the Tent Sale License will include checkboxes for various types of sales, i.e., garden center, fireworks, etc.

NO MOW MAY IN OAKDALE

Mayor Zabel asked the group if they would like to revisit the discussion from last summer about amending City Code to include language about City support of No Mow May, or if they would like to leave it as a flexible administrative standard.

Council Member Morcomb expressed concern about not tending to and maintaining the City parks and public property during the month of May.

Council Member Olson suggested the City put out messaging on social media that some residents may be participating in No Mow May. Mayor Zabel noted that City staff should respond to citizen complaints about code violations during the month of May letting them know that some residents are participating in No Mow May therefore code enforcement is temporarily and administratively flexible.

Council concluded that the City is not officially doing No Mow May, but there should be continued administrative flexibility during the month of May in regards to code enforcement.

MANAGEMENT DISCUSSION – COMMUNITY DEVELOPMENT DIRECTOR

Council Member Olson stated that she would like to discuss how park dedication funds are determined at a future workshop.

Ms. Volkens requested that the Council provide feedback on community engagement. Mayor Zabel noted that the subject matter would drive the community engagement medium. He added that engagement is a moving target and it is difficult to know what the best approach is. For example, in-person events that the City thought would bring out resident participation – Truth in Taxation Council Meeting and Body Worn Cameras Open House – resulted in minimal resident participation. Council Member Morcomb asked Communications Manager Lori Pulkrabek if the City is still looking into apps that can be used to connect with residents. He added that the City has to meet residents where they are at, whether that is via text message, the *Monday Morning Minute*, or by setting up a City table at a Hmong New Year event, for example. Mr. Gitzlaff noted that the Bike and Ped pop-up at the Farmer's Market was a successful community engagement event. He would like to get creative with ways to take the engagement to the community members.

Mayor Zabel asked for an update on the Bike and Ped Plan and the EV Audit. Mr. Gitzlaff said that both the Bike and Ped Plan update and the EV Audit results are on the agenda for one of the upcoming March workshop meetings.

In response to Council Member Morcomb's question about the City proactively asking businesses about future expansion plans, Mr. Gitzlaff said the Business Retention, Expansion, and Attraction (B.R.E.A.) Program is and recently has been the City's main mechanism to help foster conversations with current businesses about what is in their pipeline and if there are any needed resources for expansion. Mr. Gitzlaff asked Council to recommend businesses for future B.R.E.A. visits.

REVIEW OF APPLICATIONS FOR VACANT COUNCIL MEMBER SEAT

The submitted applications were reviewed to determine who should be interviewed for the vacant council member seat. The Council shared their opinions on submitted applications, and after much discussion it was determined that four 30-minute interviews would take place at a special workshop meeting on Thursday, February 23, 2023 at 5:30 PM.

Mayor Zabel asked that Ms. Volkers set up the interviews for the selected candidates and prepare a thank you letter to those applicants that were not selected for an interview, adding language about serving on a City board or commission.

ADMINISTRATOR UPDATE

Ms. Volkers did not have anything to report.

COUNCIL TOPICS

Council Member Olson brought up a recent shoplifting experience at the local Walgreens. Ms. Volkers stated that Police Chief Nick Newton would be at the next workshop meeting if she would like to discuss the matter further.

Council Member Morcomb requested more information about the mental health data that was shared by Chief Newton last summer. Ms. Volkers said she would pass along the additional information that was requested. Mayor Zabel mentioned that Council direction was given at the time of the presentation in regards to a public-facing video that addresses this data. Ms. Volkers suggested using SCCTV to assist with this.

RECESS FOR REGULAR MEETING AT 6:54 PM

WORKSHOP RECONVENED AT 7:23 PM after the Regular Council Meeting

COUNCIL TOPICS (CONTINUED)

Mayor Zabel recapped several meetings he and Ms. Volkers had the previous week, noting that they are going to continue to work with Representative Leon Lillie on the bonding for the 40th Street Bridge. There may be a funding opportunity through the federal Safe Routes grant program for that bridge.

Council Member Morcomb brought up the possibility of sponsorships to help fund the building of several City parks. Mayor Zabel said they might have to revisit City Policy MIS-001: Ads at Walton Park Ballfield Complex, which was repealed/edited back in 2021.

In response to Council Member Olson's question about City-issued phones for employees, Ms. Volkers stated only licensed police officers have them. Council Member Olson expressed concern about the data mining risks surrounding the TikTok application especially if employees are allowed to have this app on their City-issued phone. Ms. Volkers stated she would ask about the stipulations and security concerns around City-issued phones for employees.

ADJOURNMENT

The workshop was adjourned at 7:32 PM.