

APPROVAL OF MINUTES: Workshop, August 22, 2023
 Regular Meeting, August 22, 2023
 Special Workshop, August 29, 2023

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER WILLENBRING TO APPROVE THE WORKSHOP MEETING MINUTES OF AUGUST 22, 2023.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER HER TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 22, 2023.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER MORCOMB TO APPROVE THE SPECIAL WORKSHOP MEETING MINUTES OF AUGUST 29, 2023.

5 AYES

PUBLIC HEARING

a) Vacating the Alley Within Block 3, Forest Park Second Addition

Community Development Specialist Max Lohse explained that this request came out of a finding during a real estate transaction. After staff did additional research, they found that property owners along the alley have multiple apparent encroachments into the public right-of-way. Additionally, the alley has remained unused for decades for right-of-way purposes and is not needed to provide access to any property. As a result, staff recommends that the alley be vacated.

Mayor Zabel opened the public hearing and welcomed comments from the audience. No comments were heard. Mayor Zabel closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER HER TO WAIVE READING AND ADOPT RESOLUTION 2023-86, APPROVING THE VACATION OF AN ALLEY WITHIN BLOCK 3, FOREST PARK SECOND ADDITION.

5 AYES

b) Adopting an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses Within the City of Oakdale, and Authorizing Publication by Title and Summary

City Administrator Chris Volkers explained that the State of Minnesota Legislature legalized possession of recreational cannabis effective August 1, 2023, however, the regulatory framework for the licensure will not be complete until approximately January, 2025. During this interim period, cities are permitted to pass moratoriums on the operation of cannabis businesses to allow a study period for consideration of whether to and how to place restrictions on the time, place, and manner of cannabis businesses. During this time, the Office of Cannabis Management is expected to develop model ordinances to help cities navigate the regulation of cannabis. Ms. Volkers stated that the proposed ordinance was posted on the City's website on September 1, 2023.

In response to Mayor Zabel’s question about an exemption written into the cannabis law regarding the length of the moratorium, City Attorney Jim Thomson confirmed there is a provision within the State statute that allows the City to adopt an interim moratorium until January 1, 2025.

Mayor Zabel opened the public hearing and welcomed comments from the audience. No comments were heard. Mayor Zabel closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER HER TO WAIVE READING AND ADOPT ORDINANCE NO. 905, ADOPTING AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF OAKDALE.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER MORCOMB, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO WAIVE READING AND ADOPT RESOLUTION 2023-88, AUTHORIZING PUBLICATION OF ORDINANCE NO. 905 BY TITLE AND SUMMARY.

5 AYES

OPEN FORUM

a) Proclamation: Direct Support Professional Recognition Week

Mayor Zabel proclaimed the week of September 10th – 16th as “Direct Support Professional Recognition Week”.

b) Proclamation: Constitution Day & Week

Mayor Zabel proclaimed the week of September 17th – 23rd as “Constitution Week”, and September 17th as “Constitution Day”.

Mayor Zabel invited comments from the audience.

Les Larson, Oakdale resident, requested that the vote for Ordinance No. 906 be postponed a month or more to resolve issues within the proposed ordinance.

CONSENSUS MOTIONS

Council Member Willenbring pulled consensus items h) and j).

A MOTION WAS MADE BY COUNCIL MEMBER MORCOMB, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE CONSENSUS MOTIONS A-G, I, AND K-P:

- a) Request that the City Council waive reading and adopt Resolution 2023-85, authorizing publication of Ordinance No. 884, by title and summary.**
- b) Request that the City Council appoint Tony Jenkins and Pang Vang to the Economic Development Commission to fill two vacancies for the period of September 13, 2023 to June 30, 2025.**

- c) Request that the City Council appoint John Stark as a temporary, part-time Interim Special Projects Manager conditioned on successful completion of all preemployment screening.
- d) Request that the City Council approve the noise variance requested by Mr. Neri Garcia Nava for the date of September 15, 2023, from 6:00-9:00 PM subject to the City Administrator approving the Special Event Permit.
- e) Request that the City Council authorize the Mayor and City Administrator to sign and execute the encroachment agreement for 6482 47th Street North.
- f) Request that the City Council authorize the Mayor and City Administrator to sign and execute the Development Agreement for Willowbrooke Ninth Addition.
- g) Request that the City Council authorize the City Administrator to execute the Grant Agreement Amendment between the State of Minnesota and the City of Oakdale for the Operation and Maintenance of Carbon Treatment System for Wells 5, 7, and 9.
- i) Request that the City Council waive reading and adopt Ordinance No. 904, amending the Oakdale MN Code of Ordinances, Chapter 9 – Article 17 Tetrahydrocannabinol (THC) Products, Allowing Liquor License Holders to Obtain a THC License.

Request that the City Council waive reading and adopt Resolution 2023-89, authorizing publication of Ordinance No. 904 by title and summary.

- k) Request that the City Council authorize the Mayor and City Administrator to enter into an agreement for restoration services between the City of Oakdale and RES Great Lakes, LLC for City Project P2023-06 for an amount not to exceed \$98,240.60.
- l) Request that the City Council amend City Policy FR-007: Investments and Cash Management.
- m) Request that the City Council amend City Policy FR-019: Fund Balances.
- n) Request that the City Council amend City Policy FR-021: Federal Grant Awards Administration Policy.
- o) Request that the City Council adopt City Policy FR-024, Post-Issuance Debt Compliance Policy.
- p) Request that the City Council appoint Riley Eviota as a probationary Police Officer at a start date to be determined, at a rate of pay consistent with the City base pay schedule conditioned on successful completion of all preemployment screening.

5 AYES

Consensus item h) – part 1: Request that the City Council waive reading and adopt Ordinance No. 906, amending the Oakdale MN Code of Ordinances for the City of Oakdale, amending Chapter 4 – Animals and Waterfowl – to regulate the keeping of poultry.

Consensus item h) – part 2: Request that the City Council waive reading and adopt Resolution 2023-87, authorizing publication of Ordinance No. 906 by title and summary.

In response to Council Member Willenbring’s question about how passing this ordinance would affect current license holders, Police Chief Nick Newton said they would be given a grace period to come into compliance.

In response to Mayor Zabel’s question about the timing of the license renewal and how current license holders would be notified, Chief Newton explained that the licenses are renewed annually, and that staff would proactively reach out to current license holders to notify them of the ordinance change.

In response to Council Member Willenbring’s question about where the coop regulation information within the ordinance was obtained, Ms. Volkens stated that Assistant City Attorney Rachel Tierney used the regulations found in sample ordinances from surrounding cities and compiled them for Ordinance No. 906.

Council Member Willenbring stated that she will be voting ‘no’ because she is against slaughtering within private residences which is permitted within the proposed ordinance.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER MORCOMB TO APPROVE CONSENSUS MOTION H, PART 1, AS PRESENTED.

**4 AYES
1 NAY – WILLENBRING**

A MOTION WAS MADE BY COUNCIL MEMBER MORCOMB, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE CONSENSUS MOTION H, PART 2, AS PRESENTED.

**4 AYES
1 NAY – WILLENBRING**

Consensus item j) – part 1: Request that the City Council waive reading and adopt Ordinance No. 903, amending the Oakdale MN Code of Ordinances, establishing Chapter 13 – Article 8 Smoking of Cannabis and Hemp in a Public Place.

Consensus item j) – part 2: Request that the City Council waive reading and adopt Resolution 2023-90, authorizing publication of Ordinance No. 903 by title and summary.

A MOTION WAS MADE BY COUNCIL MEMBER HER, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE CONSENSUS MOTION J, PART 1.

Mayor Zabel opened it up for discussion. Council Member Willenbring recommended the removal of any language referencing private interests in Section 3.A. as she would like to keep the definition of “public place” strictly government-related.

A MOTION WAS MADE BY COUNCIL MEMBER WILLENBRING TO AMEND CONSENSUS ITEM J, PART 1, STRIKING SECTION 3.A. AND REPLACING IT WITH “ANY INDOOR OR OUTDOOR PROPERTY OWNED, LEASED, OR CONTROLLED BY A GOVERNMENT UNIT, INCLUDING THE CITY.” MOTION FAILED DUE TO LACK OF A SECOND.

Council Member Willenbring noted that edibles cannot be smoked and suggested removing any reference to “lower-potency hemp edibles” found in Ordinance No. 903. Attorney Thomson concurred.

A MOTION WAS MADE BY COUNCIL MEMBER WILLENBRING, SECONDED BY COUNCIL MEMBER HER TO AMEND CONSENSUS ITEM J, PART 1, TO STRIKE THE WORDS “LOWER-POTENCY HEMP EDIBLES.”

5 AYES

In reference to Section C of the proposed ordinance, Council Member Willenbring asked Chief Newton to explain what fines are associated with a petty misdemeanor. Chief Newton explained that a petty misdemeanor is a non-arrestable, monetary offense issued by citation, and does not get included in a criminal record.

In response to Council Member Willenbring’s question about the fine amount for a petty misdemeanor, Chief Newton said that one has not been established. Attorney Thomson stated that the State’s maximum fine amount for a petty misdemeanor is \$300. The City can set its own fee, but that fee cannot exceed the State’s maximum amount.

Council Member Willenbring stated that she cannot support Section C, without knowing the established fee, which would have to be extremely low or nonexistent for her to support.

Mayor Zabel brought back to the forefront Consensus item j) – part 1 noting that it has been amended, but that there has already been a motion and a second. He asked if there are any other amendments or final comments. No amendments or comments were raised. He then asked for a vote.

4 AYES

1 NAY – WILLENBRING

A MOTION WAS MADE BY COUNCIL MEMBER HER, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE CONSENSUS MOTION J, PART 2, AS PRESENTED.

4 AYES

1 NAY – WILLENBRING

A MOTION WAS MADE BY MAYOR ZABEL, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO RECONSIDER CONSENSUS MOTION I, AS PRESENTED.

5 AYES

Consensus item i) – part 1: Request that the City Council waive reading and adopt Ordinance No. 904, amending the Oakdale MN Code of Ordinances, Chapter 9 – Article 17 Tetrahydrocannabinol (THC) Products, Allowing Liquor License Holders to Obtain a THC License.

Consensus item i) – part 2: Request that the City Council waive reading and adopt Resolution 2023-89, authorizing publication of Ordinance No. 904 by title and summary.

Mayor Zabel explained that some of the provisions within Chapter 9 – Article 17 may not be feasible for liquor stores. Attorney Thomson clarified that the provisions mentioned by Mayor Zabel are within other sections of the City Code that are not part of Ordinance No. 904. He advised that if Council would like to make changes to those provisions, that would be done under a separate ordinance consideration that would be brought forth for adoption at a subsequent Council meeting. He offered an alternative option to table consensus motion i), if Council would like to make further changes, and bring it back later for a formal vote. There was Council support to approve the ordinance as presented, but to discuss other possible changes within Chapter 9 – Article 17 at a future workshop meeting.

A MOTION WAS MADE BY COUNCIL MEMBER HER, SECONDED BY COUNCIL MEMBER MORCOMB TO APPROVE CONSENSUS MOTION I, PART 1, AS PRESENTED.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER HER TO APPROVE CONSENSUS MOTION I, PART 2, AS PRESENTED.

5 AYES

Consensus item i) – part 1 and part 2 passed as they were presented under Consensus Motions with no changes made to Ordinance No. 904 or Resolution 2023-89.

ADVISORY BOARDS AND COMMISSIONS

Economic Development Commission (9/6/23 meeting rescheduled, Council Liaison Her)

Environmental Management Commission (no meeting, Council Liaison Zabel)

Planning Commission (met on 9/7/23, Council Liaison Ingebrigtsen)

Council Member Ingebrigtsen reported that the Planning Commission reviewed a conditional use permit for a home occupation for a dog grooming business.

Parks and Recreation Commission (no meeting, Council Liaison Morcomb)

Tree Board (no meeting, Council Liaison Willenbring)

AWARD OF BID

None

STAFF REPORTS

FINANCE

a) Adopt the Proposed 2024 Property Tax Levy and Establish the Date for the Truth-in-Taxation Meeting

Accounting Manager Kyle Stasica presented on the 2024 proposed tax levy noting key dates and steps that must be acknowledged and completed by the City.

Council Member Her complimented council members and City staff on the effort that went into the 2024 budget.

Mayor Zabel thanked City staff for their time spent on the 2024 budget.

A MOTION WAS MADE BY COUNCIL MEMBER HER, SECONDED BY COUNCIL MEMBER WILLENBRING TO WAIVE READING AND ADOPT RESOLUTION 2023-84, ADOPTING THE PROPOSED 2024 PROPERTY TAX LEVY AND ESTABLISHING THE DATE FOR THE TRUTH-IN-TAXATION MEETING.

5 AYES

CITY ATTORNEY

No report

ADMINISTRATOR'S REPORT

No report

COUNCIL PRESENTATIONS

Council Member Willenbring reminded residents to get a yearly skin cancer evaluation.

Council Member Morcomb thanked Mr. Larson for coming to speak to the Council during Open Forum. He encouraged Mr. Larson to reach out to City staff with his proposed changes to Ordinance No. 906.

Mayor Zabel made announcements about the following:

- Thank you to all residents, staff, and partners for another successful Touch a Truck event.
- The St. Paul Area Chamber is hosting a Leaders in Local Government Awards ceremony on Wednesday, September 13th. The City is a finalist in two categories.
- On Saturday, September 16th, the City will be hosting Family Fun Flatables from 11 AM – 4 PM at Walton Park. Thank you to the sponsors for this event.
- The Oakdale Farmers Market continues for five more weeks from 2 PM – 6 PM in the City Hall parking lot.
- Voting for the Oakdale Summer Photo Contest is open on the City's Facebook page. Fans can vote for their favorite photo by selecting "like" on each photo. Voting continues until September 30th.

CLAIMS

A MOTION WAS MADE BY COUNCIL MEMBER MORCOMB, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE CLAIMS FOR THE PERIOD AUGUST 23, 2023 TO SEPTEMBER 12, 2023, IN THE AMOUNT OF \$2,678,910.54.

4 AYES

ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER WILLENBRING TO ADJOURN THE MEETING AT 8:20 PM.

4 AYES

Respectfully submitted,

Sara Ludwig, City Clerk