



# **AGENDA**

## Oakdale Economic Development Authority

### **Special Meeting November 22, 2022 Council Chambers**

*(Following regular City Council meeting)*

**CALL TO ORDER / CALL OF ROLL**

**APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES: September 27, 2022**

**BUSINESS MATTERS**

**Approval of a Temporary Property Use Agreement with Ames Construction Relating to EDA-Owned Property at Tanners Lake**

- a) It is requested that the EDA approve a Temporary Property Use Agreement between Ames Construction (Ames) and Oakdale EDA for the EDA-owned property at Tanners Lake, along with authorizing the EDA President and Executive Director to sign the agreement on behalf of the EDA.

**ADJOURNMENT**



**ECONOMIC DEVELOPMENT AUTHORITY  
CITY OF OAKDALE  
MINUTES  
September 27, 2022**

**CALL TO ORDER**

A regular meeting of the Economic Development Authority of the City of Oakdale was held on Tuesday, September 27, 2022, at Oakdale City Hall, 1584 Hadley Avenue, Oakdale, Minnesota. The meeting was called to order by President Paul Reinke at 7:46 PM.

**CALL OF ROLL**

On a call of roll, the following were present:

President Paul Reinke

Commissioners:     Jake Ingebrigtsen  
                          Susan Olson  
                          Colleen Swedberg  
                          Kevin Zabel

Absent:               None

Also Present:       Christina Volkens, City Administrator and EDA Executive Director  
                          Rachel Tierney, Kennedy Graven  
                          Katie Robinson, Deputy City Clerk  
                          Andy Gitzlaff, Community Development Director

**APPROVAL OF THE AGENDA**

**A MOTION WAS MADE BY COMMISSIONER ZABEL, SECONDED BY COMMISSIONER SWEDBERG, TO APPROVE THE AGENDA AS PRESENTED.**

**5 AYES**

**APPROVAL OF MINUTES: August 23, 2022**

**A MOTION WAS MADE BY COMMISSIONER SWEDBERG, SECONDED BY COMMISSIONER OLSON, TO APPROVE THE MINUTES OF AUGUST 23, 2022, AS PRESENTED.**

**5 AYES.**

**BUSINESS MATTERS**

**a)     Approve of EDA Resolution Adopting City Policies**

Community Development Director Andy Gitzlaff reviewed the request stating the Economic Development Authority (EDA) of the City of Oakdale conducts many of the same activities and has many of the same obligations and duties as the City of Oakdale and the City has numerous policies

for how it conducts business which have been developed and amended over time to best suit the needs of the City and the individuals and entities it serves and interacts with. Individuals and entities often interact with the City and the EDA as if they were a single entity. Therefore, staff recommends that all policies of the City of Oakdale will also be the policies of the EDA unless the EDA adopts a separate policy applying only to the EDA.

**A MOTION WAS MADE BY COMMISSIONER ZABEL, SECONDED BY COMMISSIONER SWEDBERG, TO APPROVE OF EDA RESOLUTION ADOPTING CITY POLICIES.**

**5 AYES**

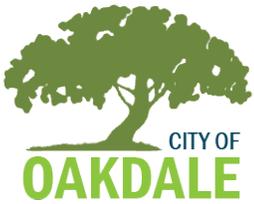
**ADJOURNMENT**

**A MOTION WAS MADE BY COMMISSIONER ZABEL, SECONDED BY COMMISSIONER SWEDBERG, TO ADJOURN THE EDA MEETING OF SEPTEMBER 27, 2022, AT 7:50 PM.**

**5 AYES.**

Respectfully submitted,

Katie Robinson,  
Deputy City Clerk



# REQUEST FOR EDA ACTION

Meeting Date: November 22, 2022

Requester: AG  
ED Approval: CV

Agenda Section: Business Matters

Title: Approval of a Temporary Property Use Agreement with Ames Construction Relating to EDA-Owned Property at Tanners Lake

## BACKGROUND

A proposal was received by Ames Construction (Ames) on October 21, 2022 for temporary usage of EDA-owned property at 253 Geneva Ave N adjacent to Tanners Lake for a field office and storage of construction materials related the Gold Line Bus Rapid Transit project (see attached schematic use drawing). Staff reviewed the proposal for compliance with the following conditions in Standard Operating Policy MIS-022:

- **Demonstration of Public Benefit:**  
Ames Construction has a construction contract with Metropolitan Council for the project. The Gold Line BRT is a publicly funded construction project that will benefit the region and the residents of Oakdale.
- **One-half Mile Limit:**  
The Location Map below shows that the site requested is within one-half mile of the Gold Line BRT project.

Location Map



- **Length of Temporary Use:**

The agreement is for one year with the option to renew for a second year, with the City's ability to cancel with a 30-day vacation clause for any reason. Although our policy states that temporary storage of construction materials and trailers tied to a construction project will only be approved for 180 days with an option for an extension, City staff is okay with the request for one year with an option to extend for an additional year due to the scale of the project and anticipated construction timeline of 2-3 years.

- **Only Reasonable Option for Use:**  
Ames indicated that they explored alternative public and private sites in Woodbury and Oakdale and this was the only reasonable option.

Staff prepared the temporary use agreement in consultation with the City Attorney. Below is a summary of the conditions of the agreement.

- Ames is aware that the City is actively marketing the site for redevelopment and will be providing the City with free identification signage onsite next to signage indicating their temporary use of the property.
- The Public will not have access to the site unless requested by the City. The site will be secured by 6' driven post chain link fencing on three sides and erosion control fencing on the lake side. The City may choose to have the chain link fence remain on the site once Ames vacates.
- Ames will be providing access to the City via a lock and key (at their expense).
- Ames will follow a Stormwater Pollution Prevention Plan.
- Ames will be responsible for all snow removal, leaf removal, lawn care and litter control, thus saving current city expenses.
- If the City sends notice to vacate prior to one year due to redevelopment, Ames will only be responsible for restoring the site to its original condition. If the site is used longer than one-year Ames will perform additional site restoration activities including rough grading, pavement removal, grubbing, etc. as agreed to by the City Administrator. If the site is used for the full two years, Contractor will perform at their expense relocation of sewer utilities including: approximately 500 linear feet of sanitary sewer removal, removal of two sanitary structures, installation of approximately 410 linear feet of 8" sanitary sewer, and installation of three sanitary structures.

### **FINANCIAL CONSIDERATIONS**

The Agreement ensures that the property is maintained accordingly for the temporary use and will require an escrow of \$20,000 and a reimbursement of City legal fees required in order to draft and/or enforce the agreement. The Agreement will protect the EDA from any claims that may arise from the use. Ames will provide a certificate of insurance.

### **STAFF RECOMMENDATION**

The City Administrator recommends that the EDA approve a Temporary Property Use Agreement between Ames Construction (Ames) and the Oakdale EDA for the EDA-owned property at Tanners Lake, along with authorizing the EDA President and Executive Director to sign the agreement on behalf of the EDA.

### **EDA ACTION REQUESTED**

It is requested that the EDA approve a Temporary Property Use Agreement between Ames Construction (Ames) and Oakdale EDA for the EDA-owned property at Tanners Lake, along with authorizing the EDA President and Executive Director to sign the agreement on behalf of the EDA.

### **Attachment**

Standard Operating Policy MIS-022

# Schematic Use Drawing



253 Geneva Ave.  
Schematic Use Drawing  
10/21/2022  
Rev. 11/8/2022





# Standard Operating Policy City of Oakdale

**Policy Number:** MIS-022

**Pages:** 3

**Subject:** Temporary Usage of City-Owned Real Property

**Approved:** October, 2022

**Amended:**

## 1.0 Introduction

- 1.1 The purpose of this standard operating policy is to establish a consistent standard for entering into a usage agreement related to City or Economic Development Authority (EDA) owned Real Property (“City Property”). The City will consider allowing temporary usage of City Property when there is clear public benefit.
- 1.2 This policy shall provide a process for staff to follow regarding entering into agreements for usage of City Property. The policy shall provide an outline of information that staff is to discuss and provide to those making requests, thereby streamlining City processes and reducing staff time necessary to consider such requests. This policy shall also provide City staff, City Council and the EDA with flexibility in applying the policy.

## 2.0 Definitions

“Real Property” means land and all things attached to it. Anything that is not real property is personal property.

“City Administrator” means the Administrator at the City of Oakdale or their designee.

“Requestor” means a person requesting to enter into a usage agreement for use of City Property with the City.

For the purpose of this policy “temporary” means non-permanent and generally two years or less.

“Fair Market Rent” means the rental income that the property would most likely command in the open market.

## 3.0 Usage

### 3.1 Uses Generally Allowed

Temporary usage of City Property (generally up to two years) will be considered when there is a demonstrated public benefit. Examples of public benefit may include, but are not limited to, any use that would avoid wear and tear on City roads, reduce disruptions for neighboring properties, support a public construction project, or aid in remedying a code compliance issue.

3.1.1 Requestors must demonstrate public benefit.

3.1.2 Requestors must demonstrate that the site is the only reasonable option for the use and that all other options have been researched.

3.1.3 Temporary usage will require City Council or EDA approval of a usage agreement.

3.1.4 Temporary storage of construction materials and trailers tied to a construction project adjacent to the City Property or a road construction project within close proximity defined as

less than one half mile will be allowed for up to 180 days. Extensions may be approved by city staff for unforeseen circumstances.

### 3.2 Uses Generally Prohibited

- 3.2.1 Any use that serves no public benefit or purpose is not allowed.
- 3.2.2 Any use not directly adjacent or within close proximity to the primary use.
- 3.2.3 Any use that involves the sales of good or services.

### 4.0 Approval Process

- 4.1 The City Administrator, with consultation of affected departments and City Attorney, may recommend to the City Council or EDA the execution of a temporary usage agreement if the conditions of this policy are met and the City Administrator determines that the agreement is in the best interest of the City.
- 4.2 The following conditions and criteria will be considered by the City Administrator and City Attorney when drafting the agreement.
  - 4.2.1 Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.
  - 4.2.2 Experience and reputation of the Requestor in the proposed usage activities.
  - 4.2.3 The residency, licensure, criminal background, tax status or similar qualifications of the Requestor in the City of Oakdale and/or the State of Minnesota. The City Administrator may require a background check or a reference list at their discretion.
  - 4.2.4 The Requestor will be responsible for any legal fees associated with the preparation, consideration and enforcement of the agreement including any background checks or other required licenses and permits.
  - 4.2.5 The highest and best use of the land will be considered, along with whether the duration of the temporary usage could hinder future development of the property.
  - 4.2.6 The City may consider leasing City Property that does not provide public benefit or purpose and/or could occur in the private market. In such a case, the City will charge a leasing fee at no less than fair market rent. Determination of rent shall take into consideration appraisal or current/future taxes or tax assessed values, highest and best use of the land, location, economic development objectives and existing or planned development on the land or neighboring properties. The City will charge the Requestor any fees incurred by The City in making this determination including, but not limited to real estate or legal fees. In this case the City would include new conditions related to lease renewal, subleasing, and any other conditions that the City Administrator deems appropriate to protect the City.
  - 4.2.7 All uses and activities on City-owned real property available for lease are subject to all applicable local, State, and Federal laws and regulations.

- 4.2.8 The City Administrator/EDA Director with the approval of City Council/EDA may issue a request for proposals (RFP) to lease specific City Property if multiple inquiries are received for a parcel, or if the City Council or EDA intends to lease land for commercial for-profit purposes based on an approved strategic or similar plan.
- 4.2.9 Any long-term lease of EDA owned property should comply with MN State Statutes related to the Sale of EDA Property.
- 4.2.10 The City Administrator may request a property usage plan including exhibits, a schedule of commencement and activities, a survey of the property, and/or a subdivision plat at the sole expense of the Requestor.
- 4.2.11 The City Administrator may reject any and all proposals that are not in the best interest of the City.
- 4.2.12 The City will collect a restoration escrow as part of any temporary usage or lease agreement to cover the costs of site restoration in the event the Requestor fails to comply with site restoration conditions by the required date in the approved agreement.
- 4.2.13 Any agreement the City enters into may contain additional conditions related to vegetation, contaminants, safety, security, site access, Emergency Medical Services (EMS) access, erosion control, preparing a stormwater pollution prevention plan (SWPPP), litter, mowing, snow removal, property restoration, site cleanup, ingress/egress, easement access, termination, indemnification, and liability insurance.