

**WORKSHOP MINUTES
OAKDALE CITY COUNCIL
APRIL 25, 2023**

The City Council held a workshop on Tuesday, April 25, 2023 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 6:00 PM.

Present: Council Member and Acting Mayor Jake Ingebrigtsen

Council Members: Noah Her
Andy Morcomb
Susan Olson

City Staff Members: Sara Ludwig, City Clerk
Andrew Gitzlaff, Community Development Director
Nick Newton, Police Chief
Lori Pulkrabek, Communications Manager
Jim Romanik, Public Works Manager
Rachel Tierney, City Attorney
Kevin Wold, Fire Chief and Acting City Administrator
Jason Zimmerman, Finance Director

Absent: Mayor Kevin Zabel
Christina Volkens, City Administrator

PARK DEDICATION FEE OVERVIEW

Community Development Director Andrew Gitzlaff began by explaining the reason for the discussion was the result of a request from Council at the February 14, 2023 workshop meeting to provide more information on park dedication fees. He provided an overview of the changes that took place in 2022 which resulted in the City updating the park dedication fee schedule to better align with identified park land needs, industry best practices, and to comply with a recent court ruling (*Puce v. City of Burnsville*). Mr. Gitzlaff noted that State statute gives the City authority to require park dedication, but also provides the standards and foundation for setting the amount of such dedication. Additionally, Chapter 21, Sec. 21-10 of the City Code, authorizes the City to collect park dedication as part of the land subdivision process.

Council Member Olson asked for clarification on when the City can require park dedication fees. Mr. Gitzlaff explained that within Planning there are two types of Code – Zoning, which lays out the types of uses that can develop and general performance standards, and Subdivision – which regulates how land can be subdivided. If land is subdivided or replaced, the City can require park dedication fees.

Mr. Gitzlaff explained that in creating the City’s methodology to calculate park dedication fees, the City wanted to be able to show they had a reasonable need for park dedication. Staff consulted with the City’s legal counsel during this process to ensure there was defensibility if park dedication fees were challenged.

Mr. Gitzlaff went on to review the detailed calculations included in the methodology that was used to develop the amended 2022 park dedication fees (which are the same as the current 2023 fees) for both residential and commercial sites. He noted that the methodology can vary by city, and made reference to the attached fee schedule comparison to other cities in the metro.

Mr. Gitzlaff stated that 2023 park dedication fees are still relevant as they were adopted in June 2022, however, staff may look at re-evaluating the 2024 fees during the annual review of the City's fee schedule, as updated appraisal values will be available at that time.

Lastly, Mr. Gitzlaff explained how the City applies the park dedication methodology to a development project. If there's a park need in the area then the City will seek land dedication. If there is not a park need directly in the area then the City will seek a cash equivalent. The cash collected in the latter scenario is held in a separate park dedication account and can only be used for an identified capital need or an improvement project. He added that these conversations with developers happen early on in the process so that whatever is agreed upon for park dedication is a condition of approval.

In response to Council Member and Acting Mayor Ingebrigtsen's question about the State legislature setting the standard for all municipalities, City Attorney Rachel Tierney explained that it could be unconstitutional if there was one uniform standard as it relates to taking land. She added that Minnesota State Statute 462.358 is derived directly from U.S. Supreme case law.

In response to Council Member Ingebrigtsen's question about the City's ability to charge a park dedication fee if it is fully developed, Attorney Tierney stated that there will likely always be a need for parks as the City redevelops and evolves. She expressed the importance of conducting studies and having evidence to support the City's need for park land.

Council Member Ingebrigtsen asked for clarification on the specific language mentioned in the State statute in regard to physical land versus a cash equivalent. Attorney Tierney clarified that the statute allows for a cash equivalent as there is an understanding that park maintenance is a cost for cities.

In response to Council Member Morcomb's question about the City's responsibility to develop a park if the developer dedicates land versus a cash equivalent, Attorney Tierney stated that there has to be a common-sense agreement between the City and the developer. Mr. Gitzlaff added that the specific responsibilities of each party would be included in the development agreement.

As a follow up question to Council Member Morcomb's statement that it is common for cities to have these fees, Council Member Olson asked if the park dedication fee could be used as a way to bring development into the City, especially if the fees were lower than surrounding cities. Mr. Gitzlaff stated that the City's park dedication fees have not been looked at as a way to attract developers.

Council Member Her asked for examples of how park dedication fees have been used by the City in the past. Public Works Manager Jim Romanik noted that the last park built in the City was Powerline Park, which was prior to 2018. Finance Director Jason Zimmerman pointed out that park dedication funds have been used for other park-related capital improvements since then.

In response to Council Member Her's question about using the park dedication fund to update the City's parks, Mr. Gitzlaff noted that this is one of the sources. He added that the City has to clearly indicate how the park dedication fees are being used and identify indirect correlation to the development.

Council Member Olson asked about the justification for charging park dedication fees to commercial developers, specifically the theory about employees using local park facilities. Mr. Gitzlaff indicated more in-depth research is needed to find the answer to this question, however, the City needs to be flexible in this regard. Council Member Olson asked a follow up question about the City needing sound justification if their fees are going to fluctuate based on the individual development. Attorney Tierney clarified that the law requires the City to do an individual assessment of its need so each project should be looked at on an individual basis using the developed methodology discussed previously. She further added that these determinations are made at a staff level, and Council should feel comfortable relying on the staff's assessment, but that they may be called upon if a developer appeals the staff's determination of the park dedication fee.

In response to Council Member Her's question about comparing the City's park dedication fees for commercial properties to the Met Council's Sewer Availability Charge (SAC) and Water Availability Charge (WAC) methodology, Mr. Gitzlaff stated the same logic is used in terms of portioning out the fees needed to cover the infrastructure that is needed to support the use.

In response to Council Member Ingebrigtson's question about the expectation of Council to largely rely on staff's recommendation when it comes to park dedication fees, Mr. Gitzlaff said that is to be expected, however, staff does expect feedback and questions from Council as they can provide a different perspective.

Council Member Olson stated she will do additional research online to try to understand the history and theory behind park dedication fees for commercial developments. In response, Mr. Gitzlaff offered to have staff look into this as well and provide additional information via email.

In response to Council Member Her's question about the possibility of waiving park dedication fees for commercial development, Mr. Gitzlaff noted that there could be a gap in the park dedication fund if the City chooses to do that.

COUNCIL TOPICS

Council Member Her shared that he attended the Oakdale Area Chamber of Commerce (OACC) Spring Fling. Also, his family participated in the Park Clean Up Week helping pick up trash along Hadley Ave North. He thanked City staff for picking up the garbage bags in a timely manner.

Council Member Morcomb shared that he attended the Washington County Board of Commissioners meeting. He suggested that the City look into having a drop-off collection box for used needles and old prescription drugs at City Hall which would be owned and managed by Washington County.

Council Member Olson asked to discuss Section 13-4 – Trapping – of the City Code after she saw a complaint from a resident on Facebook in relation to live-trapping. If there is support from her colleagues, she requested that additional language be added about the timeframe in which a resident must remove an animal from a live-trap.

In response to Council Member Her's question about policing this type of ordinance, Council Members Olson and Ingebrigtsen said it would be complaint-based.

Council Member Morcomb asked if the City receives calls from residents about removing wild animals from their property. Police Chief Nick Newton confirmed that these calls do come in.

Chief Newton offered to ask the Minnesota Department of Natural Resources if there is sample "live-trap" language that can be added to the City Code as Council Member Olson is suggesting.

Council Member Morcomb would be supportive of adding additional "live-trap" language to ensure that trapped animals are not being treated inhumanely.

In reference to Section 13-3 – Curfew – of the City Code, Council Member Olson asked if the City uses the language as a guide for policing juvenile activity. Chief Newton explained that officers use it as a baseline, but citations are rarely issued. Council Member Olson noted that she is not looking to change anything in this section, but merely wanted to ask questions about it.

Council Member Her noted some graffiti on garbage cans and the pavilion at Guthrie Park. He also mentioned that on a portion of the Hadley Avenue North Trail there is dog feces that is not being picked up. He suggested posting signs stating "pick up after your dog."

Council Member Her asked staff if a building permit is needed for a treehouse as he saw a resident question about this on Facebook. Staff is to look into this and provide clarification.

Council Member Her mentioned that he saw on Facebook several residents who have cancelled trash service have been charged a large fee for the removal of their trash receptacle. Council Member Olson noted that the City Code related to trash haulers does address this, however, staff should review the specifics and address accordingly.

Council Member Ingebrigtsen asked for support from the group to move forward with adding a mental health professional for the police department with funding provided by Washington County. He suggested that Commissioner Karworski attend a future workshop to discuss this possibility. The Council was supportive.

Acting City Administrator and Fire Chief Kevin Wold recapped the action items to relay back to City Administrator Volkers upon her return.

ADJOURNMENT

The workshop was adjourned at 6:48 PM.

Respectfully submitted,

Sara Ludwig, City Clerk