

**REGULAR MEETING MINUTES
OAKDALE CITY COUNCIL
August 23, 2022**

CALL TO ORDER

A regular meeting of the City Council of the City of Oakdale was held on August 23, 2022, at Oakdale City Hall, 1584 Hadley Avenue, Oakdale, Minnesota. The meeting was called to order by Mayor Paul Reinke at 7:00 PM.

CALL OF ROLL

On a call of roll, the following were present:

Mayor Paul Reinke

Council Members: Jake Ingebrigtsen
 Susan Olson
 Colleen Swedberg
 Kevin Zabel

Staff Present: Christina Volkens, City Administrator
 Jim Thompson, City Attorney
 Katie Robinson, Deputy City Clerk
 Andrew Gitzlaff, Community Development Director
 Lori Pulkrabek, Communications Manager
 Jason Zimmer, Finance Director
 Nick Newton, Police Chief
 Kevin Wold, Fire Chief
 Jim Romanik, Public Works Manager

Others Present: Kevin Magnuson, County Attorney
 Stan Karwoski, County Commissioner
 Lauren Volz, Baker Tilly US, LLP
 Brian Bachmeier, Interim Engineer

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG, TO APPROVE THE AGENDA AS AMENDED FOR THE MEETING OF AUGUST 23, 2022.

5 AYES

APPROVAL OF MINUTES

A MOTION WAS MADE BY COUNCIL MEMBER SWEDBERG, SECONDED BY COUNCIL MEMBER OLSON TO APPROVE THE SPECIAL WORKSHOP MINUTES OF AUGUST 4, 2022.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER OLSON TO APPROVE THE WORKSHOP MEETING MINUTES OF AUGUST 8, 2022.

5 AYES

A MOTION WAS MADE BY COUNCIL MEMBER OLSON, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 8, 2022.

5 AYES

PROCLAMATIONS

Mayor Reinke proclaimed the month of September in 2022 as "Suicide Prevention Awareness Month". Mayor Reinke also proclaimed September 11 – 17, 2022 as "Direct Support Professionals" week.

OPEN FORUM

None

INTRODUCTION TO COUNTY ATTORNEY KEVIN MAGNUSON

Mayor Reinke asked Council's permission to move the introduction to later in the agenda upon County Attorney Magnuson's arrival.

CONSENSUS MOTIONS

- a) Requested per City Code, Chapter 2, Article IV, Sec.2-36 (c) and per City Personnel Policy PE-031, Section 5.0, that the City Council appoint Shane Kurpis as full-time probationary Firefighter/EMT effective September 12, 2022, at a rate of pay consistent with the City base pay schedule.
- b) Requested per City Code, Chapter 2, Article IV, Sec.2-36 (c) and per City Personnel Policy PE-031, Section 5.0, that the City Council appoint Mitchell Griser as full-time probationary Firefighter/Paramedic effective September 12, 2022, at a rate of pay consistent with the City base pay schedule.
- c) Requested per City Code, Chapter 2, Article IV, Sec.2-36 (c) and per City Personnel Policy PE-031, Section 5.0, that the City Council appoint Miranda Williams as full-time probationary Accounts Payable Specialist effective August 24, 2022, at a rate of pay consistent with the City base pay schedule.
- d) Requested that the City Council authorize the Mayor and City Administrator to sign on behalf of the City of Oakdale to execute the joint powers agreement addendum with the Washington County Sheriff's Office.
- e) Requested the Council waive reading and adopt Resolution 2022-88, approving a variance to Section 19-4(e) of the Noise Ordinance to allow Miller Excavating Inc. to work from 7:00 p.m. to 7:00 a.m. from August 24 to September 7.
- f) Requested the City Council waive reading and adopt Resolution 2022-89 granting a driveway/access easement as reflected on the easement document.
- g) Requested that the City Council waive the reading and adopt Resolution 2022-91. Designating MEDSURETY LLC and Matrix Trust as Health Reimbursement Arrangement Trustee.
- h) Requested that the City Council authorize the Mayor and City Administrator to enter into an agreement with Enduring Cities LLC to provide economic development support services and adopt Resolution 2022-92, approving the appropriate budget amendment.
- i) Requested the City Council waive the reading and adopt Resolution 2022-90 authorizing the publication of Ordinance 882 by Title and Summary

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO APPROVE CONSENT AGENDA ITEMS A THROUGH I AS PRESENTED.

5 AYES

Mayor Reinke spoke to acknowledge the hiring of two new Firefighter/EMTs (Consent Items A and B) for the City of Oakdale, Shane Kurpis and Mitchell Griser.

ADVISORY BOARDS AND COMMISSIONS

Environmental Management Commission (met on 8/15/22, Council Liaison, Kevin Zabel)

Council Member Zabel shared that the EMC kicked off the commission feedback portion of the Bike and Pedestrian Plan with an open discussion and an activity, he then noted that the process is currently moving along and thanked the EMC for their work on this project.

Parks and Recreation Commission (met on 8/16/22, Council Liaison, Jake Ingebrigtsen)

Council Member Ingebrigtsen shared that the Parks and Recreation Commission discussed the Parks CIP (Comprehensive Improvement Plan) and voted to recommend to Council as presented for approval.

AWARD OF BID

Award of Bid for Testing Services for City Project R2022-02, 40th Street North Reconstruction

- a) **It is requested that the City Council authorize the Mayor and City Administrator to sign the Agreement between Braun Intertec and the City of Oakdale.**

Interim Engineer Brian Bachmeier, reviewed the background on the bid for testing services and stated project testing services will be needed for concrete, and road construction materials including sand subbase, and class 5 gravel base for City Project R2022-02. This project addresses the storm sewer installation, roadway construction, and restoration along 40th Street North between Interstate Highway 694 and Ideal Avenue North (CSAH 13).

Bids were collected for the testing services, two service providers submitted proposals for the work and Braun Intertec came in with the lowest estimate at \$29,112.00. He expressed that this bid is very competitive as they can combine travel and staffing costs for multiple projects. It is important to note, however, the bid states this is an estimate only

Council Member Swedberg asked how close this estimate was comparative to the other estimate received by this vendor for other projects. Mr. Bachmeier replied that the bids were very close.

Council Member Zabel asked to clarify if the estimate amount is the cap, understanding that the total can come in lower, but is there a possibility of the total coming in higher. Mr. Bachmeier replied confirming that no, this estimate total is not a cap, if there was a need for more testing, then yes it would be higher, but that is not likely to happen.

Mayor Reinke stated both of the Council Members questions are good and with his experience within his practice/profession he has experienced this (estimates coming in higher once a project is complete) and stated, there has to be a rationale and approval process for going above and beyond what the estimated services are and it would either return to the Project Manager (if it's within his/her scope to approve) or it would go back to the authorizing agency (in this case City Council) to approve.

Council Member Zabel asked what is the policy that guides that process? Is it a certain percentage over the estimate and does the City Administrator make that call? He explained that in his experience bids have always been at the cap and the fiduciary responsibility of this body is knowing what we are spending.

City Administrator Volkens said that it is not unusual to receive estimates and there is no change order process because it's part of bid itself that it might be higher or be lower and we do have staff on site that will be monitoring this. Ms. Volkens then asked Mr. Bachmeier to offer some explanation. Mr. Bachmeier stated that generally when the City awards a contract for street construction, it's base do not include all quantities and therefore there can be a change. It's typical to see the change come in less than the original estimate as the engineers are generally conservative.

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN THE AGREEMENT BETWEEN BRAUN INTERTEC AND THE CITY OF OAKDALE.

5 AYES

INTRODUCTION TO COUNTY ATTORNEY KEVIN MAGNUSON

Upon County Attorney Magnuson's arrival, Mayor Reinke asked County Commissioner Stan Karwoski to proceed with the introduction.

Commissioner Karwoski approached the podium and welcomed newly appointed County Attorney Kevin Magnuson.

County Attorney Magnuson introduced himself to Council, staff members, guests and online viewers. County Attorney Magnuson took the time to share details of his personal life and his journey to becoming the County Attorney of Washington County. He also said he is very excited about the journey ahead of him and is proud to be part of Washington County.

County Attorney Magnuson grew up in Lake Elmo, served in the Army and was deployed to the Gulf War. He was medically retired from the Army and eventually went back to school to study law. Deceased County Attorney Pete Orput was a dear friend and mentor to County Attorney Magnuson and encouraged him to make the switch to 'county' work. He spoke of Pete stating he was a born leader with a good moral compass who always did the right thing and held people accountable. County Attorney Magnuson continued by saying that, some people encounter the justice system early and want to turn their life around and we want to do what we can to assist with that process while holding them accountable. Diversion programs are a good result of that situation. Washington County is a tremendous place to work. They treat co-workers, victims, community and all others with humanity, that is the legacy Pete Orput left, and County Attorney Magnuson wants to keep the office on the same tracks.

County Attorney Magnuson. Magnuson stated change is difficult but it's an opportunity for growth and he is excited to take the office, build on what former County Attorney Orput did and see all ongoing projects to the end. We are committed to holding people accountable. We want people to know in Washington County, if they do something wrong, they will be charged. If law enforcement refers something to the Washington County Attorney's Office with probable cause, they will be charged. There is a possibility of diversion in some cases if the situation is right. The County Attorney's Office is looking out for victims and try to do the best possible for all people in the county that need services such as collecting child support, child protection, domestic situations, mental health issues and addictions. Washington County has programs working on all of these topics.

Mayor Reinke thanked County Attorney Magnuson for his time and ask Council members if they had any questions.

Council Member Olson asked County Attorney Magnuson if he could speak more about the diversion programs? County Attorney Magnuson replied yes, we are proud of the program and there is a lot of variation of Diversion and we have to pick the right people for them, which is typically the non-violent individuals.

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County Attorney Magnuson continued to say, who does not know someone who is 16 with a drug problem or have a neighbor and a friend that are at the point they don't know what to do for that person in crisis. When that person is arrested, that is the one time you get their attention and the diversion programs have consequences hanging over their heads. Diversion programs are probation-like programs and can last up to a year or longer. The individual also gets the services they need, such as mental health, addiction, and anger management. The County Attorney's Office does see pretty good results with these programs.

Council Member Olson stated that it seems to her the juvenile crimes are getting more violent, how do you plan to address that? County Attorney Magnuson responded that we are seeing unprecedented levels of juvenile crime with a level of violence we have not seen before. During COVID kids were not in school which did not help. There were a lot of kids that had no supervision whatsoever. They spent a lot of time on social media looking at gangster stuff coming out of Chicago and New York. It's not like the 1990's where we had big gangs, now we have all these kids trying to one-up each other, trying to get street credit, pose with a gun, steal a car and make sure their friends know they are "pretty cool". As a result, it's a challenge, but law enforcement understands it and knows what to do. We are catching these kids. The biggest problem we face is that the system overall is broken and there has been a lot of attention to that over the last year. There used to be consequences where there were juvenile detention facilities available. Washington County does use the facility in Anoka and has guaranteed ability to have kids go there that are sentenced in Washington County. However, a lot of other counties closed their facilities as there was an idea that there were all these social services that were supposed to come in and work with these kids and give them all the guidance they weren't getting in the detention centers. That never happened. Those services are not there, so what's happening now is they are getting picked up for crimes and then they are just let go in some counties and that's a huge problem. I am hoping after this election when everything settles down and we know who all the county attorneys are, as a metro, we can start trying to push for some changes at the legislature.

Council Member Ingebrigtsen shared that as a resident of a metro area it's incredibly frustrating that there are county attorneys in the Twin Cities that come right out and say "I am not prosecuting certain felonies". They do not realize it does not just impact the residents in that county, it impacts all of us. County Attorney Magnuson replied by stating, for 50 juveniles we pick up for something fairly serious, three of them are from Washington County. I do not have the exact number however, that is generally, what it looks like. There is just a sense now in the big city that you can do whatever you want and that did not happen five years ago, it is a huge problem.

Washington County Commissioner Karwoski asked to add something to the conversation and stated in the 2023 budget with County Attorney Magnuson being new, he asked for more tools and the County Board approved. Our budget has not passed yet, but we added more staff members so he can prosecute more cases. Also, the county board has a tradition of supporting the needs of the attorney's office and supporting good policing and working with the sheriff's department. Commissioner Karwoski knows that the County Attorney and his staff works with Chief Newton and the sheriff's department and we have applied some money towards crisis mental health units working with police. Our county board is prepared, on a yearly basis, to designate money to help defend Washington County and keep it safe. It's always tough at budget time but as you know, as elected officials, public safety is a number one priority so we try to do our best to support our prosecution office.

County Attorney Magnuson replied by stating he is very grateful to the board for funding additional resources and for giving the sheriff deputies pay increases so they can retain those deputies. Commissioner Karwoski has been one of the leaders in making sure that gets done. County Attorney Magnuson then thanked everyone for the time.

Mayor Reinke then thanked both Commissioner Karwoski and County Attorney Magnuson for their time.

STAFF REPORTS

Police Department

- a) **Requested that the City Council authorize the Mayor and City Administrator sign and execute the Police Liaison Agreement with ISD 622 for the 2022-2023 school year.**

Mayor Reinke strongly stated the \$74,000 that ISD 622 contributes to this position is simply not enough and the importance of having more than one person in this role is vital to avoid stretching the one police liaison's time to accommodate several schools and that has to change for 2023.

Council Member Ingebrigtson asked Police Chief Newton if it is fair to say that having one liaison is adequate. Chief Newton replied, one liaison is adequate for the high school alone.

Council Member Olson agreed the district needs to hire more than one liaison and not having adequate staffing for that role is putting kids at risk.

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR SIGN AND EXECUTE THE POLICE LIAISON AGREEMENT WITH ISD 622 FOR THE 2022-2023 SCHOOL YEAR.

5 AYES

Engineering

- a) **Requested the City Council amend the Site Improvement Performance Agreement from December 15, 2021 to November 3, 2023 for the Willowbrooke Second Addition and authorize the Mayor and City Administrator to sign and execute.**

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO AMEND THE SITE IMPROVEMENT PERFORMANCE AGREEMENT FROM DECEMBER 15, 2021 TO NOVEMBER 3, 2023 FOR THE WILLOWBROOKE SECOND ADDITION AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN AND EXECUTE.

5 AYES

CITY ATTORNEY

No report

ADMINISTRATOR'S REPORT

Acknowledge Moody's Investor Services Upgrade to Oakdale's Credit Rating

- a) **Staff is requesting Council formally acknowledge the rating increase, as presented by representatives from Baker Tilly, Oakdale's financial advisor.**

City Administrator Volkens shared that on June 23, 2022, Moody's Investors Service upgraded Oakdale's general obligation unlimited tax (GOULT) rating to Aa1 from Aa2. Moody's also assigned an Aa1 rating to the city's \$5.6 million General Obligation Improvement Bonds, Series 2022A. Moody's press release indicated the rationale for the rating increase which included "the city's very strong financial position, growing tax base with solid resident wealth and income, and moderate debt burden."

She continued to explain that Moody's credit rating increase is a testament to the stewardship and leadership of the City. This increase should find the City better positioned to leverage future debt obligations, reduce borrowing costs, and provide greater benefit to the residents, business owners, and visitors of Oakdale.

Ms. Volkens then introduced Ms. Lauren Volz from Baker Tilly US, LLP to present a framed award to Council and the City of Oakdale.

COUNCIL PRESENTATIONS

Council Member Olson shared the partnership with Companion Animal Control which is now active and sent a big thank you to staff and Council for making this happen. She shared that the organization has a strong on-line presence in assisting with reuniting lost animals with their owners.

Website link; <https://www.companionanimalcontrol.com/>
Phone number: 715-220-1332

Mayor Reinke reminded the group and online viewers of the following; Farmer's Market that takes place every Wednesday from 2PM – 6:30 PM in the parking lot of the City Hall, Family Fun Inflatables event which is a free event will be held on September 17th from 11AM – 4PM at Walton Park, and the Touch a Truck event which is another free event for the community that will include City trucks from various departments will be held on September 13th from 5PM – 7PM.

Council Member Swedberg noted there is a Self-Defense course hosted by the Oakdale Wellness Club to be held on September 15th from 5PM – 7PM at the Oakdale Discovery Center.

CLAIMS (Recommendation: Approve Claims for the period August 5, 2022 to August 19, 2022 in total of \$1,817,648.27.

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO APPROVE CLAIMS FOR THE PERIOD OF AUGUST 5, 2022 to AUGUST 19, 2022 in total of \$1,817,648.27.

5 AYES

Mayor Reinke asked for a motion to recess the Council meeting and move into the Economic Development Authority (EDA) meeting.

A MOTION MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO RECESS THE COUNCIL MEETING AT 8:02 PM AND MOVED INTO THE EDA (ECONOMIC DEVELOPMENT AUTHORITY) MEETING.

5 AYES

COUNCIL MEETING RECONVENED AT 8:07 PM

PENDING LITIGATION

City of Oakdale v. Tina Voss and Public Employees Retirement Association OAH No. 82-3600-37420
Motion to close session per Minn. Stat. §13D.05, subd. 3 (b) to discuss pending litigation City of Oakdale v. Tina Voss and Public Employees Retirement Association OAH No. 82-3600-37420

A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER SWEDBERG TO MOVE INTO CLOSED SESSION AT 8:08 PM.

5 AYES

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A MOTION WAS MADE BY COUNCIL MEMBER ZABEL, SECONDED BY COUNCIL MEMBER OLSON, TO ADJOURN THE CLOSED SESSION AT 8:17 PM.

COUNCIL MEETING RECONVENED AT 8:17 PM.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRITSON, SECONDED BY COUNCIL MEMBER SWEDBERG, TO ADJOURN THE COUNCIL MEETING AT 8:17 PM.

Respectfully Submitted,

Katie Robinson
Deputy City Clerk