

**REGULAR MEETING MINUTES
OAKDALE CITY COUNCIL
October 11, 2022**

CALL TO ORDER

A regular meeting of the City Council of the City of Oakdale was held on October 11, 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 Ingebrigtson
 Susan Olson
 Colleen Swedberg

Absent: Kevin Zabel

Staff Present: Christina Volkers, City Administrator
 Jim Thompson City Attorney, Kennedy & Graven
 Sara Ludwig, City Clerk
 Katie Robinson, Deputy City Clerk
 Andrew Gitzlaff, Community Development Director
 Luke McClanahan, City Planner
 Nick Newton, Police Chief
 Lori Pulkrabek, Communications Manager
 Jim Romanik, Public Works Manager
 Kevin Wold, Fire Chief
 Jason Zimmerman, Finance Director

Others Present: Brian Bachmeier, Interim City Engineer
 Vishal Dutt, AV Development
 Mike Kuntz, September Son Architecture LLC.
 Josh McKinney, Measure Group LLC

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER OLSON, TO APPROVE THE AGENDA AS AMENDED FOR THE MEETING OF OCTOBER 11, 2022.

4 AYES

APPROVAL OF MINUTES

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER OLSON TO APPROVE THE WORKSHOP MEETING MINUTES OF OCTOBER 11, 2022.

4 AYES

A MOTION WAS MADE BY COUNCIL MEMBER SWEDBERG, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 11, 2022.

4 AYES

PUBLIC HEARING

Oakdale Marketplace Apartments/Oakdale Marketplace Sixth Addition – PUD Amendment, Preliminary & Final Plat, and Site Plan

City Planner Luke McClanahan addressed the Council and began by stating AV Development LLC, has requested a Planned Unit Development (PUD) amendment, preliminary and final Plat, and site plan to establish a 155-unit market rate apartment building (located on the north side of 32nd Street North and the west side of Market Place North). The specific property in question is parcel ID 1702921420013 (legal description: Outlot A of Oakdale Marketplace Fifth Addition), a vacant lot consisting of approximately 4.4 acres located on the west side of Market Place North, approximately 400 feet south of its intersection with 34th Street North/Hwy 14.

The Planning Commission held a public hearing at their meeting on September 1, 2022 to obtain comments from the public. The only comments made were by the applicant with the exception of one written comment in support of the request by The Avalon Group LLC, who owns most of the real estate within the Oakdale Marketplace PUD. The Commission voted 4 to 1 to recommend approval of the request, subject to the provisions and conditions listed in the ordinance and resolutions.

Request City Council waive reading and adopt Ordinance No. 886, approving an Amendment to the Oakdale Marketplace Planned Unit Development.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER SWEDBERG TO WAIVE READING AND ADOPT ORDINANCE NO. 886, APPROVING AN AMENDMENT TO THE OAKDALE MARKETPLACE PLANNED UNIT DEVELOPMENT.

3 AYES

1 NAY (MAYOR REINKE)

Request City Council waive reading and adopt Resolution 2022-105, approving the Preliminary and Final Plat of Oakdale Marketplace Sixth Addition, with conditions included in the attached resolution.

Mr. McClanahan shared significant conditions that must be met for the approval of the preliminary and final plat of Oakdale Marketplace Sixth Addition to include;

1. Approval of an amendment to the Oakdale Marketplace Planned Unit Development to allow multifamily use;
2. Execution of a Site Improvement Performance Agreement;
3. Approval of the public improvement's construction plans by the City Engineer.
4. Permits and approvals must be obtained from other regulatory agencies and proof of approvals must be provided to the City.
5. Satisfaction of park dedication requirements.
6. An additional Sewer Availability Charge of \$300 per residential unit to cover the cost of increased flow to the lift station at the corner of Ideal Avenue and Stillwater Boulevard.
7. The developer enters into an agreement with the City to contribute towards the cost of improvements at the intersection of 34th Street North and Market Place North.

8. The final plat must be revised as necessary to meet all requirements of the City Attorney's plat opinion, and that the Buyer/Developer shall further adhere to all recommendations of the City Attorney regarding title matters and recording instructions for instruments associated with Development.

Mayor Reinke stated in regards to condition #7, he asked Mr. McClanahan how he envisions the improvements at the intersection of 34th and Marketplace North? Mr. McClanahan responded there is a bit of wiggle room to work on that and it would be a condition of the site improvement performance agreement; working with the City Engineer and the developer to ensure that language is in there. Mayor Reinke said his fear is that the developer would say they are bringing all these developments to the table that would benefit the city (the intersection improvement) and not the development. When / if it came to an issue like that, is it possible to put more definition around what that agreement is going to be?

Mr. McClanahan replied if the council wanted to add to the conditions of approval we can do that. Mayor Reinke suggested the way to do this is when the applicant presents and has the time to answer questions, maybe they can comment on that for public record tonight.

Applicant Josh McKinney, Measure Group LLC addressed the Council to comment briefly on the presentation and share how the building will address the street at Oakdale Marketplace. Mr. McKinney continued by stating between the Planning Commission meeting and the Council meeting they have amended the architectural plans of the building to include some walkout units that would directly front Market Place Street. He brought up one of the concerns that was voiced during the workshop process was the lack of interaction with neighbors, so by adding the walkout units they believe it will begin to activate that interaction. There will also be a landscape buffer between the walkout units and the street. He went on to state that thought process would be that something similar in terms of landscaping and street activation would be present on the opposite side of Market Place N when those plans come forward.

Another concern of the Planning Commission was the parking ratio and what would happen if they came up short in the number of spaces provided. The developer and applicant reached out to the pipeline folks and confirmed that in the event they are short, they can create surface improvements to the pipeline area and provide additional parking over that area.

Mr. McKinney also stated they (the developer) will contribute to improving the intersection of 34th St N and Market Place N will be up to and estimated \$100,000, which is based on staff's estimate.

Applicant Vishal Dutt, AV Development, asked for clarification on contribution of the \$100,000. Mr. McClanahan explained the intersection improvements will be a City project that the developer simply contributes up to \$100,000 towards. The details about how the developer will make the \$100,000 payment will be in the Site Improvement Performance Agreement.

Mr. McKinney asked Council for questions and there no further questions. Mayor Reinke opened up the public hearing to anyone in the audience who would like to comment and there were no comments. Mayor Reinke closed the public hearing.

Mayor Reinke then opened up the comments to Council and asked each member to share how they felt about the project.

Council Members Ingebrigtson, Olson and Swedberg were all supportive of the plan. Mayor Reinke stated he is not in favor of the plan, not because of the quality of the applicant or quality of the project, he is not in favor of making the change to the PUD for several reasons such as the City is making final decisions on Willowbrooke and approving multi-family housing there. There is also multi-family housing happening in the south part of town by the Helmo Station/Gold Line so Mayor Reinke prefers to continue to support those projects in process. Previously, when Mayor Reinke was asked by other developers about the potential to locate multi-family housing the Oakdale Marketplace area, he directed them toward those other locations where there is tax payer investment, so he is holding true to that.

A MOTION WAS MADE BY COUNCIL MEMBER SWEDBERG, SECONDED BY COUNCIL MEMBER OLSON TO WAIVE READING AND ADOPT RESOLUTION 2022-105, APPROVING THE PRELIMINARY AND FINAL PLAT OF OAKDALE MARKETPLACE SIXTH ADDITION, WITH CONDITIONS INCLUDED IN THE ATTACHED RESOLUTION.

**3 AYES
1 NAY (MAYOR REINKE)**

Request City Council waive reading and adopt Resolution 2022–106, approving the Site Plan for Oakdale Marketplace Apartments with conditions included in the attached resolution.

Mr. McClanahan shared significant conditions that must be met for the approval of the site plan of Oakdale Marketplace Sixth Addition to include;

1. Permits and approvals must be obtained from the Valley Branch Watershed District.
2. Update the Site Plan to show the locations of all outdoor ground mechanical equipment and trash and recycling areas, along with proper screening of these features.
3. Obtain approval from the City's Fire Marshal for the proposed fire hydrant locations.
4. Obtain a determination and approval from the City's Utility Superintendent to remove the water stub on Market Place North if necessary.
5. The developer provides a booster pump for domestic water and fire protection for the building if needed.
6. The developer includes additional place making and decorative elements along the east side of the building fronting Market Place North.
7. The developer includes four to six walkout units along Market Place North.

A MOTION WAS MADE BY COUNCIL MEMBER OLSON, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO WAIVE READING AND ADOPT RESOLUTION 2022–106, APPROVING THE SITE PLAN FOR OAKDALE MARKETPLACE APARTMENTS WITH CONDITIONS INCLUDED IN THE ATTACHED RESOLUTION.

**3 AYES
1 NAY (MAYOR REINKE)**

Mayor Reinke asked for an additional condition to include four to six walkout units towards Market Place Street North.

A MOTION WAS MADE BY COUNCIL MEMBER OLSON, SECONDED BY COUNCIL MEMBER INGEBRIGTSON, TO APPROVE THE AMENDMENT TO RESOLUTION 2022-106 TO ADD A CONDITION (#7) TO INCLUDE FOUR TO SIX WALKOUT UNITS TOWARDS MARKET PLACE STREET NORTH.

3 AYES

1 NAY (MAYOR REINKE)

PROCLAMATION

Pregnancy and Infant Loss Remembrance Day

Mayor Reinke read the stated proclamation and proclaimed the 15th Day of October, 2022; to be recognized as Pregnancy and Infant Loss Remembrance Day.

OPEN FORUM

None

CONSENSUS MOTIONS

- a) Request that the City Council authorize Resolution 2022-103 and authorize the Mayor and City Administrator to enter into an agreement with Sta-Mar Services to provide building inspections support services.
- b) Request that the Council waive reading and adopt Resolution 2022-104, approving Change Order No. 1 & 2 for City Project R2022-04; 40th Street North, Street and Storm Sewer Improvements.
- c) Request that the City Council adopt Policy FR-023 – Conduit Debt.
- d) Request that the City Council approve new Policy MIS-022: Temporary Usage of City-Owned Real Property.
- e) Request that the City Council approve a one-day temporary liquor sales license and charitable gambling license approval for Transfiguration Church Octoberfest event on Saturday, October 29, 2022.
- f) ~~Request that the City Council authorize the Mayor and City Administrator to sign and execute a service agreement with LS Pro, LLC, to provide professional audio/visual services, on an as needed basis.~~
- g) Request the Council waive the reading and adopt Resolution 2022-102 initiating City Project R2023-01 (2023 Street Improvements, Reconstruction, and Overlay Program) and authorizing the City Administrator to enter into a service contract with an engineering consultant for the preparation of feasibility reports to improve the pavement, utility, and lighting conditions on the following roadways: with the assumption that these projects will be approved in the 2023 CIP.
- h) Request that the City Council approve Tartan High School to host a 5K at the Oakdale Nature Preserve for their Relay for Life event.

- i) Request 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 Lisa Ritchie as a full-time probationary Administrative Assistant effective October 26, 2022, at a rate of pay consistent with the city base pay schedule, conditioned on passing appropriate background and reference check(s).
- j) Request that the City Council authorize the Mayor and City Administrator to enter into the agreements for relocation of Lumen's telecommunication facilities in connection with the 40th Street Project between the City and Lumen and between the City, White Star Farms and Lennar.

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER SWEDBERG TO APPROVE CONSENT AGENDA ITEMS A THROUGH J, WITHOUT F, AS PRESENTED.

4 AYES

ADVISORY BOARDS AND COMMISSIONS

Economic Development Commission (no meeting, Council Liaison, Susan Olson)

Environmental Management Commission (no meeting, Council Liaison, Kevin Zabel)

Planning Commission (met on 10/6/22, Council Liaison, Colleen Swedberg)
Council Member Swedberg was not able to attend the meeting, however she obtained notes from Mr. McClanahan and gave a brief update. She stated the Planning Commission discussed the Roers development at Willowbrooke's 7th addition. This will include a 190-unit apartment building along with 79 townhomes, all are market rate rental units. The request is a PUD amendment, preliminary and final plat, noise variance, and site plans for two different landscaping plans, to facilitate the development.

There were a few public comments about the traffic that will be generated from the development and the status of 40th Street. The commission concurred with staff and recommended approval of the requests subject to certain conditions.

Parks and Recreation Commission (no meeting, Council Liaison, Jake Ingebrigtsen)

Tree Board (no meeting, Council Liaison, Mayor Reinke)

AWARD OF BID

None

STAFF REPORTS

Police Department

Denial of Massage Therapy and Premise License: Panda Massage Xin LLC

Request that the City Council approve the Oakdale Police Departments recommendation of denial of the Therapy and Premise license renewal for Panda Massage Xin LLC, located at 5695 Geneva Avenue North.

Police Chief Newton addressed the Council and provided a brief summary on their recommendation to deny therapists and premise massage license renewal for Panda Massage, located at 5695 Geneva Avenue North.

In June of this year, the Bureau of Criminal Apprehension (BCA) received a tip reporting illicit activity occurring at Panda Massage. The BCA sent this tip to East Metro Sex Trafficking Task Force. The task force initiated an investigation based on that tip. During the investigation the detectives conducted several days of surveillance and also stopped individuals leaving the establishment. During six days of surveillance the detectives noted they saw 79 people enter the establishment, all 79 were male. Detectives also noted the registration tags of vehicles shown that a lot of people drove a long distance to go to that massage business. They conducted traffic stops on a few of the individuals leaving Panda Massage. The detectives learned there was an offer for sexual activity to one gentleman, another gentleman stated he was not offered any sexual activity however, the massage therapist took his hand and placed it on her own breast as she massaged his groin area and that gentleman was asked by detectives if any of his bodily fluids would be found in that establishment and he answered "it could have happened by happenstance".

Detectives also found on-line advertisements showing illicit activity for the business of Panda Massage. Then, twice in August, detectives stopped two males leaving the establishment. Both individuals admitted they received a massage, one reported he masturbated to ejaculation in front of the female employee and the other male reported he masturbated while receiving a massage.

The East Metro Sex Trafficking Task Force closed their investigation recommending no criminal charges, however the Oakdale Police Department reviewed all of the reports and in light of all the information documented by the detectives the Police Department, they recommended the denial of the massage therapists and premise license on the grounds of significant business misconduct that is not of good moral character or repute and failure to comply with basic health standards.

Chief Newton asked Council for any questions, there were none at the time.

Mayor Reinke invited the applicant (Ms. Wei) to the podium to speak and explained it is not a public hearing, but rather a chance for Council to hear her comments and take note of them.

Nathan Hansen, Attorney retained by Ms. Wei spoke first and stated it seemed there were an extraordinary amount of recourses spent on this and compared it to a client he had last year whose son had passed away from a fentanyl overdose in Oakdale. The client was told by the detective in that case that one person dies every week in Oakdale of a fentanyl overdose. The client talked to the detective about how to locate the person who sold his 21-year-old son the fentanyl and Mr. Hansen relayed he was told the city did not have the resources for that.

He continued to say that this situation had six days of surveillance, 79 people, and his current client is a Chinese refugee. He did look at the allegations which had no names attached to them but he does understand that and explained to his client that there is a lower level of consideration/proof for licensure versus a criminal case and they are two different things. He also mentioned there is someone else that works with Ms. Wei and Ms. Wei adamantly denies any misconduct at her establishment.

He then introduced Ms. Wei as Mayor Reinke welcomed her to speak to the Council.

Ms. Wei introduced herself and shared she is 35 years old, a mother of twin 11-year-old boys and a daughter and stated the reason for sharing that information is because the police do not know everything about her.

She has been in the United States almost 7.5 years and in Minnesota for almost 6 of those years. Her reputation is very important to her and she is more concerned about the 'reasoning' for the denial than the denial itself. She asked that the reasoning not be labeled as "not of good moral character". She stated the individuals who gave the reports to detectives are lying and she wants another chance because she has spent a lot of money on her business by herself and has two more years to pay on the rent.

She continued to say she respects everyone who has made these decisions, but she cannot accept the reason of "not of good moral character" as the reason to the denial of renewing her licenses.

Mr. Hansen then returned to the podium and said the police obtained a warrant for a tracking device to put on her vehicle, tracked her for three months and did not find any criminal activity. He said he understood there is a difference between licensure and criminal activity but thinks all things considered the city should give her a chance and keep an eye on it. He continued to say he just wished that this level of scrutiny was given to the fentanyl problem when people are dying. As a resident in Washington County he stated he is shocked to have had a client who was told there are not enough resources to go after fentanyl dealers, but they have six days and a three month warrant to pursue this activity at the massage business.

Mr. Hansen then asked what the procedure is for the renewal of the license and wants her comments to be incorporated into her file.

City Attorney Jim Thompson spoke and clarified that the decision for the renewal/non-renewal will be voted on during this Council meeting. He then stated that he wanted to ensure Mr. Hansen understood that the application is for two types of licenses; one is the establishment to run the business and the other is the individual massage license for the owner and any other employees. Mr. Thompson addressed the Council and said he wanted to ensure they understood that as well. He also said for the record that he did give Mr. Hansen a copy of the Police Report and asked Mr. Hansen to confirm that. Mr. Hansen confirmed that. Mr. Hansen did confirm that. Mr. Hansen then asked that since the allegations are here say, could Ms. Wei be given another chance.

Mayor Reinke thanked both Mr. Hansen and Ms. Wei for their time and for addressing the Council.

Council Member Ingebrigtsen asked Mr. Thompson if there is a legal threshold or if the decision is solely subjective to the Council members.

Mr. Thompson stated the standard that the police chief referenced is a legitimate basis for denying a license whether you think the facts support that or not is up to the Council to decide. Council Member Ingebrigtsen said he respects Chief Newton's recommendation but this is dealing with someone's livelihood and he is a big believer that if you are going to do business in Oakdale you have to conduct yourself in a way that adheres to the law.

Council Member Olson asked Chief Newton if any minors were involved, he replied no. She then asked what the reason was to not press charges?

Chief Newton replied the East Metro Sex Trafficking Task Force is specifically geared toward sex crimes and human trafficking and based on the information they received they consulted with prosecutors for the County Attorney's office and our City Prosecutor. He continued to say when you are talking about sex crimes it is specific to sexual contact and they felt there was not enough information/evidence to pursue a criminal charge based on the fact that these men were reportedly pleasuring themselves.

Council Member Olson then asked, in relation to the human trafficking comment, was there any evidence related to that? Chief Newton responded stating he can say the investigation for Panda Massage in Oakdale is closed, however, there are still other potential active investigations being worked on.

Council Member Ingebrigtsen asked if those other investigations are a result of the Panda Massage investigation. Chief Newton responded by saying he does not know that for a fact as he has not been able to review all the reports as some of them had been redacted and he did not have access to that information, however if it were related, he would not be able to divulge that information.

Council Member Swedberg asked how often does the Police Department come up here and ask us to deny a license? It does not happen very often and believes this is the first time since she has been on council. Therefore, she feels this speaks volumes that there must be something there and would support a denial at this time unfortunately.

Mayor Reinke stated the ordinance has that moral behavior piece and based on what he has heard and has read internally, the establishment has gone beyond that and he is not proud of what has allegedly taken place there so he is comfortable denying the licenses.

Council Member Ingebrigtsen stated he is never comfortable with a denial, but based on what the council knows he is comfortable with supporting this denial.

Mr. Thompson stated the appropriate motion would be to deny both licenses based on the information presented by Chief Newton and the report he prepared for this matter.

A MOTION WAS MADE BY MAYOR REINKE, SECONDED BY COUNCIL MEMBER INGEBRIGTSON TO APPROVE THE OAKDALE POLICE DEPARTMENT'S RECOMMENDATION OF DENIAL OF THE THERAPY AND THE PREMISE LICENSE RENEWAL FOR PANDA MASSAGE XIN LLC, LOCATED AT 5695 GENEVA AVENUE NORTH, AND THIS IS BASED ON THE INFORMATION THAT WAS PRESENTED BY THE POLICE CHIEF NEWTON ALONG WITH THE INFORMATION IN CHIEF NEWTON'S REPORT.

3 AYES

1 NAY (COUNCIL MEMBER OLSON)

CITY ATTORNEY

No report

ADMINISTRATOR'S REPORT

No report

COUNCIL PRESENTATIONS

Council Member Swedberg gave a shout out to Public Works for doing such a great job with all the street cleaning due to falling of the leaves.

She also mentioned that she was asked to expand on her vote at the last council meeting for approving a deck variance. This topic referred to a deck which expanded beyond the 5-foot setback. She stated the reason why she chose to approve the variance was because the deck was in effect for over 30 years and when it was redone in 2019 there was no evidence that it expanded from what it was originally built as. She continued to say this is an unfortunate incident for both the resident and the neighbor. She also believed that adding the additional fee to the permit was the right thing to do to move on from there.

Council Member Ingebrigtsen gave a shout to City Administrator Chris Volkens for doing a great job with the State of the City presentation at the Oakdale Area Chamber of Commerce the previous week.

Mayor Reinke stated that the State of the City is a cool thing to be able to do and the background work that was done by Communications Manager Lori Pulkrabek and Ms. Volkens to prepare that for him was immense. He also said that his disappointment of not being able to be there was just as large and thanked Ms. Volkens for filling in for him.

He noted that the State of the City presentation will be available online next week via the City of Oakdale website.

Mayor Reinke expressed 2022 was a great year due to the following; a credit rating upgrade, a new OpenGov financial tool, a website redesign, special community events, a confirmation from Community Development Director Andy Gitzlaff there are a number of development projects with 32 currently active, and the workload of Building Inspections led by Chief Building Official Greg Brady is approaching 1700 permits for new roofs.

He continued with the following announcements;

- Oakdale voters will see two questions on the ballots this fall, these are for the Local Option Sales Tax (L.O.S.T.) designed to fund two city capital projects. The first project is the expansion and remodel of our current police facility, the second project is the new public works building.
- The last Farmers Market of the year will be held on Wednesday, October 12 from 2:PM – 6:30 PM in the City Hall parking lot.
- Two new events related to L.O.S.T.
 - Walk with The Mayor – October 18, 2022, 5:PM at the Public Works campus located at 1900 Hadley Avenue North.
 - Walk with The Mayor – October 29, 2022, 9:AM at the Police Department, located within the City Hall at 1584 Hadley Avenue North.

The walks will give community members an opportunity to share opinions and thoughts with the Mayor while walking around the city properties seeing firsthand the conditions the city is working with at those facilities. He encouraged the community to come, share their thoughts, tour the facilities and learn about the L.O.S.T. No registration is required, it is suggested to wear comfortable shoes and meet at the walk location per date and time. The information will be on the city's website as well.

CLAIMS (Recommendation: Approve Claims for the period September 28, 2022 to October 11, 2022 of in the amount of \$4,073,914.91)

A MOTION WAS MADE BY COUNCIL MEMBER INGEBRIGTSON, SECONDED BY COUNCIL MEMBER SWEDBERG TO APPROVE CLAIMS FOR THE PERIOD SEPTEMBER 28, 2022 TO OCTOBER 11, 2022 IN THE AMOUNT OF \$4,073,914.91.

4 AYES

ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER OLSON, SECONDED BY COUNCIL MEMBER SWEDBERG TO ADJOURN THE MEETING AT 7:57PM

4 AYES

Respectfully Submitted,

Katie Robinson
Deputy City Clerk