

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
April 13, 2023**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Krista Wolter. Council Members Mark Azman, John Shuman, Sara Shah, Tom Watson (attended via teleconference).

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, Engineer Tim Korby, City Planner Kendra Lindahl

Others Present: Videographer Kenny Ronnan, Geoffrey Maas, NOHOA President Andrew Hawkins, Jim Bowyer (on behalf of the Charley Lake Condominium Association).

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There were no citizen comments.

5. APPROVAL OF AGENDA

Administrator Kress asked to move item 9a under section 7, Petitions, Requests and Communications.

MOTION by Shah, seconded by Azman, to approve the Agenda as amended. Motion carried unanimously by roll call.

6. CONSENT AGENDA

a. Approval of Licenses:

- a. Arborist: Arboreal Tree Care; Rainbow Tree Companies; Rivard Companies; Sorenson Companies;**
- b. Mechanical: Johnson Heating & Cooling; Logan Companies; Metro Gas Installers; Super Heating & Cooling**
- b. Approval of City Council Special Meeting Minutes of 2.27.2023 and Regular City Council Meeting Minutes of 3.9.2023**
- c. Approval of City Financials**
- d. Approval of Animal Humane Society Impound Contract Renewal**

MOTION by Azman, seconded by Shah, to approve the Consent Agenda. Motion carried unanimously by roll call.

7. PETITIONS, REQUESTS & COMMUNICATIONS

- a. Officer Matt Lassegard Report**

Officer Lassegard gave an update, stating he welcomes people to call him, however he encourages them to call 911 and shared that he recently had a call about a vulnerable adult with dementia walking off. He was able to contact the caregiver but noted if the need is more immediate, please call 911. He spoke about bear hibernation ending and noted there may be sightings; he encouraged people to stay away and to remove garbage and bird feeders as the bears will be looking for food. Officer Lassegard noted it is tax season and encouraged people to drop their tax forms and checks in a blue postal mailbox rather than putting the flag up on their personal mailbox to avoid theft. He reminded the public that the IRS (or any government agency), will not call to ask for money, cryptocurrency, or gift cards. Officer Lassegard spoke about a red flag fire warning and suggested that people do not have recreational fires and to be watchful. He shared about incidents in the City including a suspicious person, a theft at Walgreens, and noted road restrictions are still in place.

Member Shuman asked Officer Lassegard to continue messaging the Neighborhood Watch captains, and to engage the Community Safety Team from the Sherriff's office to map out where the captains are located and where there are vacancies to help with recruiting. He also asked if Officer Lassegard would consider hosting informational sessions on fraud, noting it is a huge problem and targets the elderly in many respects.

b. Lake Johanna Fire Department (LJFD) Fire Chief Tim Boehlke Report

Fire Chief Boehlke introduced himself noting he has been with the department for 38 years in the role of Chief for almost 21 years. Tonight he has Deputy Chief Matt Sather with him, noting he was asked to share about the 2022 Annual Report. He walked through the City Council through stats from the Annual Report including the 581 calls in North Oaks (13.5% of total calls); he noted with more development in the City they expect to see a rise in the number of calls. Chief Boehlke noted the previous year there were quite a few structure fires and he shared about fire dollar loss, noting North Oaks had zero loss last year. He spoke about staffing and explained like any industry they are losing people, are short-handed, have a smaller pool of people, and noted in December the department hired 5 firefighters and within a month 2 of them went to other agencies. He spoke about the 85 part-time firefighters who do a great job but noted the department is starting to see some cracks and the need to shore that up with adding some full-time staff. Chief Boehlke stated they have spent time educating the cities on the direction they need to go, he thinks everyone agrees with that, and now they need to follow-up to make sure those priorities are funded.

Member Shuman asked where LFJD falls in the pay range for part-time firefighters.

Chief Boehlke replied for Ramsey County part-time positions, they are probably close to the top in hourly wage. Full-time captain wages will need to be competitive because if the starting wage is too low they will hire them and lose them right away. Comparative case studies have been done and recently there has been an uptick in people leaving and moving to a career department due to pay, benefits, or shorter commute. He continued the Annual Report and shared about response time of 5 minutes 49 seconds noting many calls are to Presbyterian Homes on Centerville Road, and it is a drive to get there with trucks. Chief Boehlke spoke about building

fires, public fire education events, and Fire Marshall duties including code enforcement and fire inspections.

Member Azman asked if the department has trouble with any of the dry hydrants in North Oaks, such as Deep Lake canal or Charley Lake.

Chief Boehlke noted there is a problem dry hydrant by Nord Circle because it is so shallow there. Divers go out to inspect, clean off zebra mussels, and he clarified the department will do everything they can to not have to use dry hydrants. They are an option for the department, however if they can get on site fast and give a quick fire attack, they can control that fire before it becomes larger. When drafting water out of the lake many things can go wrong and he noted there is robust auto aid with neighboring departments. He shared many times the department will look for the closest municipal hydrant and have the engines/tankers drive out, refill, and return.

Member Shuman asked about the synergy with Ramsey County Sherriff in partnering on issues such as someone falling through the ice.

Chief Boehlke noted they work very cooperatively with the Sherriff on water rescue, searches, and spend a lot of time training together.

Member Shah asked about the SAFER grant.

Chief Boehlke thinks they will hear by September.

Member Shah noted funding impacts and that the City will have to take a look at it in regards to the 6 full-time captains and the new fire station.

Chief Boehlke explained that Shoreview, North Oaks, and Arden Hills requested State bonding dollars to pay for 50% of the cost of the headquarters fire station. He has not heard yet but thinks by the end of the month they will know about those bonding dollars. He noted the Fire Board is beginning to discuss a Fire District, which has special direct taxing authority for operating capital costs. The Fire District would also have the ability to bond for large projects in the future.

Member Shah asked when the City will talk next about the budget.

Administrator Kress noted the Fire Board will start meeting monthly and perhaps they will start looking at budget in May or June, but always before September, as it is needed for levy approval.

c. County Presentation - Geoffrey Maas Imagery collection in North Oaks for Ramsey County Assessor's Office and Public Safety interests

Geoffrey Maas gave a presentation on behalf of Ramsey County, noting many of the services the County provides requires aerial imagery including orthophotography, oblique, LIDAR, and street-level imagery. He showed examples on screen from Cyclomedia and shared a main reason for the photography is due to activities for assessors to understand changes to the landscape such as new buildings, demolitions, and parking lot changes. This helps the County understand

property value and assessment changes. He explained why Ramsey County does not just use Google street map for the street-level views due to time stamping, blurring of images, resolution of imagery, and lack of additional measuring tools. Mr. Maas noted a previous misunderstanding (2018-2019) about the private streets of North Oaks during data collection and stated the County is formally requesting permission from the City of North Oaks and North Oaks Home Owners Association (NOHOA) to collect street-level imagery in fall 2023. If permission were granted, street-view imagery will not be publicly viewable or available as one must have a registered account with Cyclomedia through the County; imagery would be made available to City Staff, and Police, Fire, and Emergency Services. Mr. Maas noted the County Assessor can perform work remotely and reduce traffic within the City. Mr. Maas noted formal letters requesting permission will be sent to the Mayor and NOHOA for consideration.

Mayor Wolter asked whether aerial imagery is updated every five years or so.

Mr. Maas replied in the affirmative noting the collection of aerial imagery began in the 1930s to 1950s.

Member Shah asked about the miscommunication in 2018-2019.

Mr. Maas explained the vendor drove into North Oaks without permission. Pictures were not collected as the vendor drove in and was immediately stopped.

Member Shuman would like a comprehensive list of people who would be granted permission or access to street-level views and what their purpose is for seeing that.

Member Azman asked whether the City has authority to grant permission on this request.

Member Shah noted roads are owned by residents and if they do not have their consent, how does the City have legal authority to give permission?

Member Azman asked who has discretion on deciding what people have access when they apply for an account.

Mr. Maas replied in North Oaks, it would be a municipal partner such as City Staff of Vadnais Heights. He does not know who would make that definitive decision.

Member Azman asked whether a contractor who wants to evaluate whether to market within the City could get access.

Mr. Maas replied in the negative noting permission is not granted to any private party, it is only for government employees who have a legitimate business purpose use.

Member Azman thinks it is a good idea, but he does not like it.

Mayor Wolter imagines a big part would be for the Assessor's office.

Attorney Nason spoke to the question of legal authority in granting access to the roads, and would like to see what legal authority the County thinks the City has. Second, when she goes on Ramsey County and clicks on a property record in any location other than North Oaks it pulls up a photo of the front of the home, which she assumes are the Cyclomedia photos.

Mr. Maas stated they would not collect the front of building photos throughout North Oaks. They would collect only from the street, but not a still shot.

Attorney Nason asked what the data practices classification of this data and if it is something other than public, on what basis?

Mr. Maas suspects it would be subject to Data Practices Act Chapter 13, however he is unclear on that. If someone from the public said they know the County has collected this data, and are demanding access to a screen shot from the street view, that may be something to talk to the County's Attorney about.

Attorney Nason's expectation is that it would be classified as public data, which is why she would like to clarify the County's position as the entity maintaining that data.

Member Watson shared that this topic is not new to North Oaks noting Google vehicles were in the City in 2008. As Mayor at the time, Mr. Watson spoke to the Google Attorney and indicated that they were trespassers as they did not own property or receive permission to be in the City. Member Watson noted one has no idea where the information is going. He shared that a couple of years ago he called a company for gutter cleaning and the company sent an image (from a drone or Google Earth) showing the exact measurements, showed his house from the front and all sides. In 2008, the City set a standard that one is a trespasser unless they have permission of property owners via NOHOA to go on the streets. Member Watson is in support of the County wanting to do these things, but it is similar to tax or income information filed with the State tax department, one cannot presume it is safe if someone wants access to the data. He is opposed to this.

Member Azman does not know whether NOHOA has authority to grant approval, either.

Member Shah has talked to some constituents who were very alarmed as it would violate the privacy of every resident in North Oaks.

Andrew Hawkins, President of NOHOA, noted the Board has plans to discuss the matter in June and thinks from a legal authority issue, there is a 2017 contract with the City saying NOHOA has the exclusive right to grant permission on the easements of the roads on behalf of the homeowners. Mr. Hawkins echoes what he has heard tonight and thinks they must give residents time to think it over and get a pulse-check of the community. He appreciates that the Mr. Maas has come to ask permission and the City and NOHOA should continue to have a conversation.

MOTION by Shah, seconded by Azman, to table the item until June. Motion carried unanimously by roll call.

d. Update and approval of Wilkinson Lake BMP project by VLAWMO

Phil Belfiori, VLAWMO Administrator, gave an update noting they will ask for consideration of approval for the projects they will present tonight, the Wilkinson Lake Deep Wetland Restoration project and Water Quality Management project. Mr. Belfiori shared about the project noting a 60% grant was received, North Oaks Company is meeting 20% of the local match, and the other half is VLAWMO. He showed a map onscreen of the project area noting it will be a place to slow water down, get sediment to filter out through the wetland restoration so the phosphorous is deposited in this location before dumping into Wilkinson Lake which is an impaired water body they are trying to clean up for nutrients.

Dawn Tanner, VLAWMO Program Development Coordinator, shared history of the grant received through the Environmental Protection Agency and the Pollution Control Agency, the feasibility study, concept development, and permitting procedures. On screen, Ms. Tanner showed the project design, including protection of a bald eagle nest, ditch depths, the creation of a berm to the west, which will be reseeded on site, cross-sections of the depths in the area, erosion control plan, and SWPPP (Storm Water Pollution Prevention Plan) narrative.

Mr. Belfiori noted VLAWMO is looking for consideration of any relevant permits the City has for this project.

Member Shuman asked Administrator Kress based on his interactions with engineering and VLAWMO, does he have any concerns?

Administrator Kress replied in the negative, noting they have been working on the project for a long time, the City's engineering Staff read it and gave comments. He noted VLAWMO is looking for a motion authorizing the Administrator to draft a letter of approval or acknowledgement of the project for their files.

Member Shah asked the timeline going forward.

Mr. Belfiori hopes to start construction in fall or winter.

Member Azman asked if Wilkinson Lake would then clean itself up or whether there would need to be follow-up work on the lake.

Mr. Belfiori noted this grant is the first of a four-phase grant program over 16 years focusing on the watershed and trying to clean up Wilkinson Lake, Birch Lake, and Tamarack Lake. They will continue measuring and monitoring the water, educating on lawn management and rain gardens, and that it is a comprehensive approach to make a tangible benefit to the lakes in the future.

MOTION by Shah, seconded by Shuman, to approve the request for a letter to be sent to VLAWMO. Motion carried unanimously by roll call.

8. UNFINISHED BUSINESS

a. **Discussion and possible action on engineering services, Infrastructure Master Plan, City Engineering consultant**

Mayor Wolter noted it would be nice to have 1-2 more submissions from engineering firms on the Infrastructure Master Plan, and she would like to have those companies come in and talk to the City Council.

The Council discussed engineering firms, the interview and presentation process, seeing examples of similar projects the firms have participated in, and sorting out the engineering within the City prior to the Infrastructure Master Plan.

Member Azman thinks the City Council needs to make a decision on the City Engineer because he would like their input on the Infrastructure Master Plan. He asked Engineer Korby if HR Green would submit an Infrastructure proposal.

Engineer Korby stated after listening to the Council he thinks is better served to assist the City with the RFP and review of the proposals as he has 36 years doing this type of study throughout the Twin Cities area. He thinks he could work as an asset on behalf of the City to evaluate the scope and proposals. He knows the other firms, noting each has advantages and disadvantages. His preference would be to work on behalf of the City and not submit a proposal.

Member Shah asked the Council for dialogue on the City Engineer and making a decision on who is the best fit. She noted Sambatek is the other firm that she and Member Azman have worked with, as well as HR Green. She noted Sambatek has almost 33 years of knowledge in working with the City.

Member Shuman asked if there would be a cost reduction in making a change from HR Green to Sambatek.

Administrator Kress replied in the affirmative.

Member Shuman asked if the cost reduction would be significant, in Mr. Kress' opinion.

Administrator Kress replied in the affirmative, noting it is pretty significant at \$190,000 for Sambatek versus \$250,000 each for Engineer Korby and Engineer Morast from HR Green.

Mayor Wolter noted with new residents coming in and building homes, it seems that there has been a shift in costs for a CUP when they are building.

Administrator Kress noted it will be more expensive with two primary engineers, which is what the City currently has, versus having one engineer at a lower rate. Typically, one would see about \$3,000 for a CUP or variance but there were a number of times it was well above that at \$15,000-\$20,000 for a home-height CUP, for example.

Member Azman clarified some of these issues are with the City as if they do not want two engineers at the meeting they should tell them that and they will not have to pay for it. He noted

it is not fair for the service to be provided and to then complain about it, as it is not the engineers' fault.

Member Shah feels the residents are being abused by these costs, saying the City does not have an open checkbook and there must be an understanding when numbers are racking up. She noted it is insane to charge residents between \$22,000-\$35,000 for a CUP.

Member Azman went to the League of Minnesota Cities and heard "criticize in private, praise in public," and he does not think this is a good forum, noting Mr. Korby is sitting here and has to hear all of this, as it is public. Member Azman is uncomfortable with this discussion now noting they can have a work session. He noted Ms. DeWalt at Sambatek did a great job but is not present tonight and he is not comfortable publicly engaging.

MOTION by Shah, seconded by Shuman, to authorize Administrator Kress to solidify the contract with Larina DeWalt to be the primary Engineer for the City of North Oaks.

Member Watson clarified that Sambatek was only in the City for about eight years, rather than 32, and were an employee of a former engineering company that worked in the City.

Engineer Korby commented on the CUPs noting except for Nord, HR Green has been zero dollars on the CUP reviews as that is part of general engineering and part of the \$1000/month retainer. Nord was expensive because HR Green was asked to evaluate for the walkout and the groundwater, which had additional evaluations and meetings, which got expensive. Other than the Nord homes, HR Green has been charging zero dollars.

Motion carried by roll call as Members Shuman, Azman, Shah, and Wolter voted for; Member Watson voted against.

9. NEW BUSINESS

a. Update and approval of Wilkinson Lake BMP project by VLAWMO

This item was moved under section 7, Petitions, Requests, and Communication.

b. Discussion and possible action on CLCA water connection, bid results, bid acceptance, schedule

Jim Bowyer, CLCA representative, gave a high-level history and overview of the project noting 20 homes/users are utilizing a pump house that is obsolete and needs a lot of work. In March 2021 they began talking to the City about hooking into the Shoreview water system, a feasibility study was done, and after a long journey an agreement was reached with 20 special assessment agreements. He noted the design is oversized and can services dozens more homes; down the road they would have some provisions in agreements about future hookups that may need access to municipal water. Today, CLCA is experiencing sticker shock, noting the engineering estimates in late 2022 was \$165,000 for the capital work and does not include engineering and legal work. He noted the lowest bid for the work came in at \$240,000 and is still missing one item. In round numbers, CLCA is looking at around \$400,000 for this project which is double what they thought it would be in October/November of 2022. They are committed to proceeding,

however, it is a bigger number than they thought. The City very nicely agreed to finance the project on a 10-year basis at 5% which are very good terms, and CLCA would like to see if North Oaks is willing to help, take part of the share, as it is also the City's asset and responsibility is shared for it. Regarding lift station #4, it was excluded from a utility transfer agreement from North Oaks Company and the City of North Oaks. The lift station serves 57 homes and it is CLCA's responsibility to service that lift station and they do not want to be in that business. He asked if sub-associations should be in the utility business.

Member Azman asked if grants are available through Met Council or the State.

Administrator Kress replied in the affirmative, but grants are not available as quickly as they were trying to accommodate the request for CLCA.

Mayor Wolter asked how many more homes that could service.

Mr. Bower noted Engineer Korby said the 8-inch line would serve a small town.

The City Council discussed timeline of the project, ways to lower cost such as the City paying for the upsize, the high-cost of engineering estimates, a situation with the Golf Course where they made the lines smaller rather than upsizing, and the usage of ARPA funds. After discussion, the City Council shared the desire to help with a portion of costs.

Attorney Nason shared another option, noting the project was competitively bid so they have the right to reject all the bids and rebid the project, although costs include delays in timelines and preparations of the documents. She does not think it will accomplish any significant change in the cost.

The City Council discussed approving the Resolution tonight for \$240,000 and then continuing discussion at the next meeting about how the City could contribute after Administrator Kress does the analysis.

MOTION by Azman, seconded by Wolter, to approve Resolution #1480, awarding contract to Minger Construction Co., Inc. For Charley Lake Water Connection Project. Motion carried by roll call as Members Azman, Shuman, Shah, and Wolter voted for; Member Watson abstained.

10. COUNCIL MEMBER REPORTS

Member Shuman remind the public that he will keep working to making Pleasant Lake a healthy, safe lake to swim in without contracting a parasite. He went to the Rapp Farm monthly meeting and discussed safety initiatives, he noted demonstrations happening regarding emergency notifications, and they are looking at bids for ingress/egress license-plate enabled cameras around the perimeters of the community.

Member Watson is working with White Bear Township on the JPA renewal, sharing about a bill in legislature to put the administering of water in the White Bear area and surrounding five miles overseen by Met Council.

Member Shah spoke about the Fire Board now meeting on a monthly basis, and reminded people to be vigilant as they are walking on the streets.

Member Azman is on the Cable Commission Board and will have more to report on a bill at the legislature after the next meeting.

Mayor Wolter thanked the first responders, reminded the public that road restrictions are still on, she attended the NOHOA egg hunt with about 500 people in attendance, and she thanked HR Green for their service to North Oaks. She spoke about losing power in her home for two days during the recent storm and thinks an important part of the Master Infrastructure Plan is looking at areas where power lines are not yet buried.

11. CITY ADMINISTRATOR REPORTS

City Planner Lindahl noted the Planning Commission met the previous night and recommended approval of a Comprehensive Plan amendment for Red Forest Way South, which would allow them to come into the MUSA (Metropolitan Urban Service Area).

Member Azman shared the Planning Commission will also be looking the Ordinance regarding their authority on amending the Comprehensive Plan and a task force of Mr. Kress, Dave Cremons, and Member Azman will work with Staff to discuss and bring forward to the Council.

Administrator Kress spoke to the USDA regarding deer management and hopes for a presentation on waterfowl, turkey, deer, and relation to diseases and tick management. He is also working with the City Forester to look at diseased trees.

12. CITY ATTORNEY REPORTS

Attorney Nason said there are some images publicly available that could only have been obtained by entering the City of North Oaks and driving on the private roads, seemingly without permission by residents, the City, or NOHOA. She has drafted a cease-and-desist letter and wants to receive approval for her office to send the letter and take follow-up action necessary.

The City Council supports sending the letter and looking at what next steps may be.

13. MISCELLANEOUS

a. April 2023 Forester Report

14. ADJOURNMENT

MOTION by Shuman, seconded by Azman, to adjourn the meeting at 9:32 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Krista Wolter

Krista Wolter, Mayor

Date approved 7/13/2023