

## **MINUTES OF THE REGULAR COUNCIL MEETING**

**September 12, 2013**

The Council Meeting was called to order at 7:01 by Mayor John Schaaf at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Bruce Ackerman, Mike Egelston, Marty Long, Gregg Nelson and Mayor John Schaaf. Also present were Interim City Administrator Mike Robertson, City Attorney David Magnuson, Recording Secretary Linda Hanson and Videographers Kevin Scattum and Jean Stauffer.

### **Pledge of Allegiance**

The Mayor asked for a moment of silence in remembrance of James Kowalski a life-long friend of Mayor Schaaf and a resident of North Oaks who passed away the previous week. The Mayor stated that Jim was a generous, innovative man who will be missed by many in the Community.

### **Approval of Agenda**

Council Member Gregg Nelson moved to approve the Agenda. The motion was seconded by Council Member Marty Long and passed unanimously.

### **Citizen Comments**

John Doan asked to speak to the Council. Although not a resident in North Oaks at the present time, he was interested in purchasing 6 Black Oak Road which is currently in foreclosure. He had three concerns. One, since the property has a swimming pool with no fence around it at the present time, he wanted clarification if the bank needed to bring the property up to code or would the new buyer be responsible. Second, he wanted to know if the City planned to enforce the Pool Fence Ordinance. Third, he wanted to know if he purchased the property and had to put a fence in would he be able to get a time extension if needed depending on when the property closed. Final offers were expected to be complete the following day.

The Mayor explained that the City strongly enforces the code for pool fences and City Attorney David Magnuson stated that it would be within the Council's discretion to give the new owner an extended amount of time to complete this requirement if needed. Mr. Magnuson also stated that it would be very hard for the City to require the bank to put the fence in before the property is sold. Mr. Doan asked if there would be any assessment powers since this requirement was not disclosed and his worry was that he would be underbid since he is aware of the cost of the fence. The Mayor stated there was a legal process for assessing property but that this would not help him considering the time it would take.

Council Member Ackerman stated that he understood the dilemma Mr. Doan was facing and asked if Mr. Doan could talk to the bank or realtor about this lack of disclosure. It was agreed that if Mr. Doan did purchase the property, he could then come back to ask for an extension.

## **Consent Agenda**

1. Minutes of the Regular Council Meeting of August 7, 2013 for approval
2. Minutes of the Natural Resource Commission Meeting of August 20, 2013 for approval
3. Licenses for Approval:
  - General Contractors:** Frattalone Companies
  - Mechanical Contractors:** Airtech Thermax LLC, Binder Heating and Air Conditioning, C & K Plumbing, Flare Heating and Air, River City Sheet Metal
  - Arborists:** Fran's Tree Service, Vineland Tree Care
  - Sewer/Water Installation:**
4. Claims for Approval: Check numbers 10619-10651

The motion was made by Council Member Mike Egelston to approve the Consent Agenda with one correction to page five of Regular Council Minutes, to read that there was no VLAWMO meeting last month. The motion was seconded by Council Member Long and carried unanimously.

## **Petitions, Requests, & Communications**

### **1. Robert Parrott, CSO Report**

CSO Parrott gave a brief overview of the work he does in the City. He mentioned the list of duties he included in his 2012 report and stated they were much the same with the exception of the delivery of the Welcome packages for NOHOA. This is now being done by the NOHOA Executive Director, Dale Powers. Officer Parrott explained that he would miss this opportunity as he enjoyed meeting new residents.

He stated that he enjoyed going to the Night to Unite Block Parties. He wanted to encourage residents to consider hosting one if there was not one in the neighborhood. They are on the first Tuesday in August and are a great way to connect with neighbors.

He also wanted to encourage homeowners to call 911 if they see anything suspicious in the neighborhood. Ramsey County has increased its capacity for calls, so they can handle non-emergency calls also. If a homeowner sees a solicitor in the neighborhood, it is important to call as by receiving calls, the sheriff has a greater chance of catching these intruders. Only residents are allowed to solicit in the City.

The Mayor thanked CSO Parrott for his work.

## **Unfinished Business**

### **1. Signage for the intersection of East Oaks Road & East Pleasant Lake Road**

Interim City Administrator Robertson reviewed options that the Council could consider for this intersection. Council Member Ackerman was in favor of leaving the intersection unchanged as few if any of the options would have helped in the accident that occurred. Council Member Nelson mentioned that the City engineers found nothing wrong with the current signage. He stated that something perhaps could be done with the signage coming out of the Country Club and that maybe an

additional regulation sign could be added but he agreed that it would not have helped with the past accident.

The Council took no action.

## **New Business**

### **1. Rapp Farm Phase IV- Subdivision Approval**

Ben Gozola, City Planner with MFRA, presented the Final Plat Application for Rapp Farm Phase IV for final approval. This phase will include 24 buildable lots, a second entrance into the Development, and two lots for the club house/pool and a tot lot.

Mr. Gozola gave a brief history of the Development which was first approved in 1999. The plans are in conformance with the overall PDA and general Floor Area Ratio established for this development. The improvements follow the approved Master Development Plan. Wetlands and storm water guidelines have been followed. All utilities are in general conformance to the City's requirements and White Bear Township has signed off on all the sanitary sewer and water main improvements. All necessary permits to this point are in as well.

Mr. Gozola also stated that the applicant is no longer considering a retrofit to Monarch Way for an emergency only access point. Staff believes it should not be closed for safety reasons. He is recommending that the proposed Final Plat be approved.

Chris Heim, North Oaks Company, addressed the Council and stated she was pleased to present this application. According to what she has read, the economy appears to be improving and there appears to be a shortage of lots in the area at this time.

Council Member Ackerman had a question about the lot sizes in Phase IV as some appeared smaller than he expected. Ms. Heim explained that this is consistent with what has been done in Rapp Farm previously. She stated that some are similar in size and some are actually larger. The wetlands have been taken out of the lots and put into common area rather than being included in individual lots.

Mr. Ackerman's second question was about the number of spaces for enclosed parking. Ms. Heim explained that all homes will have at least two garage spaces.

Council Member Nelson asked where the wetlands were located on the map. Ms. Heim clarified the area. Mayor Schaaf asked for clarity on the timeline for the clubhouse and it was explained that they will probably start this fall and then work on the pool next year. Mayor Schaaf stated that the final plan would also be reviewed by the City Attorney and then the Mayor would sign off on the plan. The City Attorney, David Magnuson, stated that the applicant has always submitted the proper forms in a timely manner and some are now in for his review.

Council Member Gregg Nelson moved to approve Rapp Farm Phase IV Final Plat Review with the eleven conditions identified by MFRA. Council Member Egelston seconded the motion and it carried unanimously.

### **1. Approval Request for Proposals for City Auditor**

Interim City Administrator Mike Robertson shared a draft of the Request for Proposals for City auditor. He stated that 6 or 7 cities have already sent out RFP's for new auditors with 6 or 7 more going out this week. Mr. Robertson would like the proposals due by the end of October allowing two weeks before the Council Meeting to look them over. This would also allow time for any pre-proposal meetings a firm might want to complete. Interim City Administrator Robertson did meet with the current auditors, ABDO and Eick and they are interested in bidding. ABDO and Eick did state that there have been some changes in the General Accepted Accounting Principles (GAAP) which have added to the cost of an audit which is one of the reasons for more cities seeking RFP's this year.

Council Member Marty Long made the motion to direct the Interim City Administrator to send out Requests for Proposals for the yearly audit with a second from Council Member Ackerman. The motion carried unanimously.

## **Council Member Reports**

### **1. Council Member Mike Egelston**

#### **NOHOA**

Council Member Egelston attended the September 5<sup>th</sup>, 2013 NOHOA meeting. A concern about clear view issues was discussed. Some residents are concerned about overhanging trees and sight lines especially at intersections. Mr. Egelston stated that a dead tree fell on Hawk Lane making it difficult to get to homes. Some would like trees trimmed back further and dead trees removed while others believe this is part of North Oaks and should not be mandated.

There also was a discussion about replacing the hockey rink lights.

A discussion took place about working with the City and the ASC to make sure that homeowners are in compliance with the ordinances as well as the requirements to follow the Architectural Committee requirements.

### **2. Council Member Bruce Ackerman**

#### **VLAWMO**

Council Member Ackerman attended the VLAWMO meeting but requested that he report on it at the next Council Meeting. He stated that nothing urgent took place.

### **3. Council Member Marty Long**

#### **Planning Commission**

No meeting was held in August.

## **NRC**

The NRC meeting focused on the City's forests and the threat of the Emerald Ash Borer (EAB). A final draft of the EAB plan is almost complete. The members are working with the City Forester and looking at options. They also discussed issues affecting Pleasant Lake since the oxygenation equipment has been removed. The water quality is currently not good, but new equipment is going in and will take some time to improve the water.

#### **4. Council Member Gregg Nelson Lake Johanna Fire Department**

Council Member Nelson attended the Lake Johanna Fire Department Board meeting on August 21, 2013. Their final budget was reviewed and approved at this meeting.

### **Mayor John Schaaf's Report**

Mayor Schaaf stated that he has been working with the Interim City Administrator Mike Robertson and that he is doing a good job. The search for the full time Administrator is underway. The first Search Committee meeting was held before the City Council meeting and two more meetings are scheduled. The whole City Council will interview the final selections.

The Mayor took a bus tour of the Twin City Army Ammunition Plant courtesy of Ramsey County. They are returning the ground to a green field and will be complete by the end of next year. Some items are being saved for historical reasons and much is being reprocessed and sold.

The Mayor, Council Member Nelson and Mr. Robertson have been working on the 2014 Budget. They are on track with no surprises at this time.

Mayor Schaaf has been watching the St. Paul Regional Water Authority construct the new brick building and also the pipes on the west side of the Lake. Residents were reminded that boats will be on the Lake for the next several weeks as this equipment is being put into place.

He has received a number of calls from people interested in moving into North Oaks who wanted to learn more about the community. He stated this appears to be a good sign.

Mayor Schaaf also wanted to express his gratitude to White Bear Township and Town Manager Bill Short and Shoreview and City Manager Terry Schwerm for being great neighbors. He also wanted to thank Shoreview City Manager Terry Schwerm who is serving on the City Administrator Search Committee.

Mayor Schaaf and Interim City Administrator Robertson met with Dan Herbst from Pemtom and their engineers. The demolition of the Good Shepard property is in process and Mr. Herbst is also negotiating to secure more land from the Moga family.

Council Member Egelston and the Mayor had breakfast with State Senator Roger Chamberlain. Senator Chamberlain stated that it is difficult for small budget cities to have a

3% cap and yet cover unfunded police and fire liabilities that are greater than that. A ratio perhaps should be considered in cases like this. North Oaks will not have a problem this year, but it could if unfunded mandates keep happening.

### **Administrative Reports**

Council Member Egelston asked the City Administrator if the Oxygenation Project was on track time wise. Mr. Robertson stated that he believed it was, but that Dave Schuller would be at the next NRC meeting and could answer this more definitely.

#### **1. Update on 2014 Budget**

Interim City Administrator Robertson stated that there is a little good news for the 2014 Budget. The police have reduced their initial budget by \$7,000 as health care costs came in less than expected. The reason for the overall increase in the Police budget is that each County department now must pay their own post-employment benefits which then get passed on to those who purchase the services. Previously these costs had been paid for out of County central funds. An official request to have the cost be phased in over two years was put in. He was not too hopeful this would happen.

Currently there is \$8,800 dollars left in the contingency fund, but this will more than likely change as the final budget is completed.

Council Member Ackerman asked if there was any reduction in the cost of the Community Service Officer. The Mayor stated that the budget is still in process so the actual number is not yet accurate but is expected to be about the same as this year. Mr. Ackerman's concern is about the increase in the Safety Budget.

#### **2. Update on Highway 96 Repaving**

Paul Pearson, City engineer from MFRA, received an email from Ramsey County. It stated that the repaving of Highway 96 is still being considered for this fall.

#### **3. I-35E Steering Committee**

The I-35E Steering Committee is starting up again. A third lane between Little Canada Road and Highway 96 for a MN Pass lane is being considered. Council Member Ackerman and Interim City Administrator Robertson are both interested in serving on this committee.

Council Member Long made a motion to appoint Council Member Ackerman and Interim City Administrator Robertson to the I-35 Steering Committee. The motion was seconded by Council Member Nelson and the vote was unanimous.

#### **4. MPCA Violation Letter**

The violation letter stated that the report was not in by July 1<sup>st</sup> as required. This has been cleared up as the report arrived a few days past the due date.

## **5. Forester Report**

Interim Administrator Robertson reviewed a report prepared by City Forester Mark Rehder which updated the City on their work. He identified 50 trees with Dutch elm disease, 67 with Oak Wilt and 143 Oak trees that need to be removed. At this time no Emerald Ash Borer was found, but he expects it will be in the future.

Council Member Ackerman asked about an item he read in the NRC minutes about growing trees. He stated that this was never done before and he asked if this was something the City was considering. Council Member Long stated that they would like to identify a variety of tree species that could be used for reforestation if a lot of ash trees are lost. Interim City Administrator Robertson said that the idea was suggested to grow trees somewhere in North Oaks as a way to get an inexpensive supply of trees. The trees could be maintained by a service club. This is in the idea stage only at this time.

Council Member Egelston stated that he had a review of the trees on his lot done by the City Forester and found it to be very helpful. He encouraged the residents to consider having this done.

Interim City Administrator Robertson also mentioned that he attended a Pre-Construction meeting in regards to Charley Lake Preserves. The demolition of all Good Shepard buildings is expected to be done by the end of October or early November.

## **6. Closed Meeting per Data Privacy**

A closed meeting followed the City Council meeting to discuss personnel reviews and salaries. City Attorney David Magnuson stated that under Statute 13 this would be allowed.

### **City Attorney Reports**

1. No report

### **Miscellaneous**

**Next Regularly Scheduled Planning Commission Meeting September 26, 2013 @ 7:00 pm in the Community Meeting Room (since cancelled)**

**Next Natural Resource Commission Meeting October 1, 2013 @ 7:00 pm in the Community Meeting Room**

**Next Regularly Scheduled Council Meeting October 10, 2013 @ 7:00 pm in the Community Meeting Room**

**Adjournment**

On motion duly made by Council Member Long, seconded by Council Member Egelston and carried unanimously the meeting was adjourned at 8:07 pm.

Attest:

Respectfully Submitted

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Mayor John Schaaf

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Linda M. Hanson  
Recording Secretary