

MINUTES OF THE REGULAR COUNCIL MEETING

December 13, 2012

The Council Meeting was called to order at 7:02 by Mayor John Schaaf at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Gregg Nelson, Marty Long, Bruce Ackerman, Tim Dunleavy and Mayor John Schaaf. Also present were City Administrator Melinda Coleman, City Attorney Dave Magnuson, Recording Secretary Linda Hanson, and Videographer Kevin Scattum.

Pledge of Allegiance

Approval of Agenda

With an addition to the Consent Agenda and New Business, Council Member Marty Long moved to approve the agenda. The motion was seconded by Council Member Bruce Ackerman and passed unanimously.

Citizen Comments

Representative Matt Dean came to the podium to introduce himself to the Council. He is anxious to work with the Community.

Consent Agenda

1. Minutes of the Regular Council Meeting of November 8, 2012 for approval
2. Planning Commission Minutes of October 25, 2012 for approval
3. Licenses for Approval:
 - Mechanical Contractors:** Corval Constructors, Genz-Ryan Plumbing & Heating, Kath HVAC, Hugo Plumbing & Pump Service, Inc., Fireside Hearth & Home, Metropolitan Mechanical Contractor, Standard Heating & Air, The Snelling Company
 - General Contractors:** Classic Construction of Cedar MN.
 - Arborists:** Leroy and Joseph Houle Contracting, Langer's Tree Service, Quality Turf Maintenance St. Croix Tree Service
 - Sewer/Water Installation:** Classic Construction of Cedar MN.
 - Liquor Licenses:** North Oaks Golf Club, Panino's, North Oaks Hospitality/Tria Restaurant, Bar, & Market, Winestreet Spirits, Suishin Restaurant, Inc., Taste of Scandinavia
 - Cigarette Licenses:** Winestreet Spirits, Walgreens
4. Claims for Approval: Checks # 10308-10348
5. Resolution #1267 Requesting 2013 Score Grant Fund

Council Member Long moved to accept the Consent Agenda. The motion was seconded by Council Member Ackerman and passed unanimously.

Petitions, Requests & Communications

1. Proclamation Tim Dunleavy Day

Mayor Schaaf stated that Council Member Dunleavy is retiring from the Council after ten years of service. Mr. Dunleavy's wife Jennifer was also in attendance. Mr. Dunleavy also served on the Financial Committee and has been on the Council with

two Mayors, two City Administrators, and eight Council Members. The Mayor proclaimed Friday, December 14th, 2012 as Tim Dunleavy Day.

Council Member Gregg Nelson presented to Mr. Dunleavy a U.S. flag that had flown on the U.S. Arizona and City Administrator Melinda Coleman presented a plaque for his work from 2003-2012. General Manager Dick Haugen from the North Oaks Golf Club gave him a bottle of wine.

Council Member Dunleavy thanked his wife and family and stated that being a Council Member has been fun. He stated that North Oaks is a unique city and that the Council does a good job of being stewards of the Community. He has decided to step back at least for a while and may consider running again at another time.

2. Certificate of Appreciation for County Commissioner Tony Bennet

The Mayor also acknowledged the work done by the retiring Ramsey County Commissioner, Tony Bennet. He noted that he has been a life-long public servant and that he has improved the quality of life for Ramsey County residents.

Council Member Nelson made the motion to approve the Certificate of Appreciation and Council Member Long seconded it. The motion carried unanimously.

3. County Commissioner Elect- Blake Huffman

County Commissioner Elect Blake Huffman introduced himself to the Council. He has a background in City government and is retiring from the Shoreview City Council to take this position. He wanted the Council to know he is open to what is important to the citizens of North Oaks and is excited to work with the City.

Unfinished Business

None

New Business

1. LGWA General Obligation Improvement Bond Award- Springsted

City Administrator Coleman introduced Doug Greene from Springsted to review the sale of the Bond for the Lake Gilfillan Project. Mr. Greene explained that the sale of the bonds was successful especially since the bonds were non-rated and of a small size (\$550,000). They received a few bids and the winning bid went to Vining Sparks, a Memphis company. The actual interest rate will be 1.54%. These will be ten year bonds and compared very closely to bonds secured for AAA ratings.

The Mayor stated that this is the first time the City of North Oaks did a bond outside of Waverly Gardens. The purpose of this action was to preserve Lake Gilfillan and

will be paid for by the residents around this lake. The Mayor was amazed at the price which is good for the City but also indicates a slow economy.

Both Mr. Greene and Mr. Nick Dragasich expressed their gratitude for working with the City Council and the City Administrator who has done an excellent job.

Council Member Long made the motion to approve Resolution 1268 for the sale of bonds for the Lake Gilfillan Water Augmentation Project and was seconded by Council Member Nelson. It carried unanimously.

2. **Annual DNR Deer Permit Request**

City Administrator Coleman presented a letter written by former Mayor Tom Watson for approval. The letter covered the usual deer removal program and in addition a plan to remove more deer that will be done by the DNR. Because of the Chronic Wasting Disease found in deer in North Oaks, the DNR plans to remove 100 more deer than what is usually removed and all deer will be tested. Because of the additional number of deer and the work involved, Mr. Watson is asking for possible reimbursement for his time and expenses. In the past he has done this work as a volunteer. An additional cost could be incurred for testing the deer. An additional letter to the DNR was also presented for the application of the usual deer permit.

David White, 21 Pheasant Lane

Mr. White came to the podium to speak in favor of the deer removal program. He believes a greater number needs to be removed. The DNR states the optimum number of deer is 8 to 12 deer per square mile. North Oaks has about 20. Health is a concern due to Lyme's Disease and other diseases. Safety is also an issue with deer/car accidents. Additional deer have led to greater expenses for residents including landscaping replacement and fences needed to keep deer out. It is important to keep the natural resources in balance. The higher number of deer is affecting the reforestation of the City.

Tom Bagnoli, 5 Deer Lane

Mr. Bagnoli agreed with Mr. White that there are safety, health, and economic reasons to remove more deer. Deer have destroyed eight of his trees and caused him \$6,000.00 in damages. The problem in North Oaks is that there are pockets of deer and some residents are not aware of how much of a problem they cause for those who are on the deer path.

Bob Larson, 21 Nord Circle Road

Mr. Larson addressed the Council and stated that the number of white tail deer have risen dramatically and have created a number of deer/car accidents. He believes that removal of more deer will help to eliminate some of the safety hazards created by the deer.

Council Member Long made a motion to approve the letter requesting the harvesting permit to the Department of Natural Resources and Council Member Nelson seconded the motion. A discussion on deer removal then took place.

Council Member Ackerman stated that he agreed with the citizen comments and stated that he lives on a deer path. He has a concern about Lyme's Disease as well. He feels that the City in the past has not taken out enough deer. In a letter to the Mayor from Mr. Watson, it stated that North Oaks should have 15-20 deer per square mile and 8 to 12 in an urban area which Council Member Ackerman states is too many. The second letter to the DNR states that the number should be 15-25, again too many according to Council Member Ackerman. He stated that each year North Oaks asks for a permit to remove 200, but in reality much less are removed.

The Mayor stated that Tom Watson has worked with the DNR and that more than likely more deer this year would be removed in the urban areas. An additional bow hunt by the DNR will take place this year. Also when there is more snow, it is easier to trap deer. The deer in the City are quarantined and all deer removed need to be tested.

Council Member Ackerman requested that the letter to the DNR be changed. It currently indicates that the City wants to sustain a city-wide deer population of 15-25 deer per square mile. He would like the letter to refer to a goal of 8-10 deer per square mile. Council Member Ackerman is most concerned that the numbers taken out in the past have not been close to the number stated in the permit. The Mayor disagreed that the removal of deer is not enough. Because they are migratory animals, deer do pass through the City. The last count showed that there were around 240 deer. The Mayor stated that it should be left up to the DNR at this time.

The Natural Resource Commission is looking at the ideal number and will make a presentation in 2013. City Administrator stated that because of the Chronic Wasting Disease the DNR is involved this year and they do have the power to do this. The deer hunt this year can happen sooner, so more deer will probably be removed.

Council Member Nelson asked to amend the motion to preapprove up to \$1,500 for Mr. Watson's time. Council Member Long asked that this amendment be a separate motion. Mr. Dunleavy added that since the DNR is taking over, they will hunt where they see fit. The Mayor stated that the DNR will manage a hunt and will also oversee the usual hunt done by the City.

Tom Bagnoli, 5 Deer Lane

Mr. Bagnoli stated that the number of deer is unclear. He would like to see a policy that states 8-12 deer per square mile.

The Mayor stated that the DNR is aware that some deer are migratory especially in the north section of the City. An aerial count of the animals will take place soon and then the DNR will then issue the permit.

Dave White also agreed that he would like to see a target level set. The Mayor stated that if Chronic Wasting Disease is infecting the deer, more could be taken. The Mayor asked the residents to stay away from the traps as this is a misdemeanor to disturb the traps.

Council Member Ackerman stated a concern that under current city policy traps are not used on a property if neighbors object. He believes this is not fair to those who want deer removal.

Council Member Long made a motion to direct the Mayor to approve the letter to the DNR and Council Member Nelson seconded the motion. The motion passed with Council Member Ackerman voting against the motion.

Council Member Nelson made a motion to allow the City to authorize up to \$1,500 (set at \$100 an hour) for Mr. Watson's additional work to include an itemized bill and notification of when the charges begin. Council Member Tim Dunleavy seconded the motion.

Council Member Long wanted to know more about the cost before the vote. Mr. Watson has agreed to let the City know if he needs to charge the City. He has volunteered for 20 years but this could be much more work. Council Members Long and Ackerman also expressed willingness to work with the DNR. The DNR will test all deer this year which will add to the cost and work.

The above motion carried with a vote of 4 to 1 with Council Member Ackerman voting against the motion.

3. Adoption of the 2013 Budget

Council Member Dunleavy stated that the Finance Committee has had five meetings in front of the Council as well as the Truth in Taxation meeting. The final Budget, Version 4.7 has a few final adjustments. The increase in the General Tax Levy is set at \$40,000 with \$29,000 set aside for capital expenditures for the Lake Johanna Fire Department and an additional \$11,000 for increasing the hours covered for the Lake Johanna Fire Department and a 3% increase in the Ramsey County Sheriff.

The total levy is set at \$1,253,459. Ms. Coleman pointed out a few changes on the latest version of the 2013 Budget. Ms. Coleman and the financial consultant, Sue Iverson completed a salary survey and found that the office positions are below the median in comparison to cities about the same size. Ms. Coleman recommends that an additional increase of .38 cents per hour be given to the Office Assistants before the pay equity plan is filed in January. This will amount to \$812 for the year and will be taken from the contingency fund leaving a \$6,046 balance.

Council Member Dunleavy spoke in support of the salary increase and stated that the Council appreciates the work the staff does.

Council Member Dunleavy made the motion to approve Version 4.7 of the 2013 Budget and Council Member Gregg Nelson seconded the motion.

Council Member Ackerman questioned if the goal for the City is to be average or above average in pay. Council Member Dunleavy stated that the amount does not amount to much and is important for those working in the City. The Mayor stated that they also looked at the Commercial market information on salaries as well.

The vote was taken and the motion passed unanimously.

Appreciation to both Council Member Dunleavy and City Administrator Coleman for the fine job they did on the Budget was expressed.

4. Approval of the 2013 Contract with Kunde Associates

Ms. Coleman presented a letter from Kunde and Associates signed by Steve Sylvester, President of Kunde and Mark Rehder the City forester for the 2013 Contract. The contract is basically the same cost as 2012 with an additional line on the 2013 Budget for an Emerald Ash Borer analysis. Mr. Rehder has agreed to go out to homes and do an EAB lot analysis for \$50.00 and the NRC has suggested that an additional charge be added for a reforestation program. Mr. Rehder has been helpful at the NRC meetings and NOHOA meetings for no additional cost.

Council Member Long spoke in favor of renewing the contract with Kunde and Associates. The motion to approve the 2013 Contract with Kunde and Associates was made by Council Member Ackerman and seconded by Council Member Nelson and passed unanimously.

5. Approval of the 2013 Contract with the City Administrator

The City Council and City Attorney met in an executive meeting to discuss the City Administrator's contract and her performance. The Council is happy with Ms. Coleman's performance and her unique skill set.

Council Member Dunleavy made the motion to approve a two year contract with Ms. Coleman and the motion was seconded by Council Member Long. It carried unanimously.

Council Member Dunleavy also stated that Ms. Coleman's engineering background has been helpful and that she has made the office a real office that the residents of North Oaks can be proud. Ms. Coleman has been with the City for four years. Ms. Coleman thanked the Council for their support.

Council Member Reports

1. Tim Dunleavy

Finance Committee

Council Member Dunleavy already presented the 2013 Budget and has attended his last financial meeting. He stated that it is a good Budget and that the City is cautious in spending.

Lake Johanna Fire Board

Council Members had a copy from the Lake Johanna Fire Board so no added report was given.

1. Bruce Ackerman**NOHOA**

Council Member Ackerman attended both the Annual Meeting and the December Director's Meeting of NOHOA.

At the Annual Meeting the results of the election were given. Six people ran for the NOHOA Board with the following results: Bill NcNee, Renee Michalow, and Mark Azman will serve for three years, and John Murphy and Peter Ploumidis will serve for two years.

The Rec Center proposal was defeated with 1,142 voting against the proposal and approximately 600 voting in favor. The Budget was approved and includes a \$20 dues increase from \$840 to \$860.

At the Director's Meeting a discussion took place on restructuring the office staff. A closed workshop will be held in January to look at this issue.

Tom Dougherty from the North Oaks Company is involved in a contract with NOHOA to transfer the open space in the Rapp Farm Development. It appears that new issues have developed that have not been in previous contracts. Questions remain on who should be responsible for the storm water, retention ponds and berms. In the past, there were no areas such as this to manage as they were always on private land.

A discussion on the Home of the Good Shepherd property took place. It appears that a new plan is being developed with 63 lots which will increase the cost of the homes. The developer will get City approval and then decide if they want to ask NOHOA for membership. The developer plans to go to the Planning Commission meeting in February and is looking for a group of builders to be part of this plan, instead of just one builder.

The deer issue was also discussed and a request was made for an article that would discuss the health, safety and other issues discussed earlier in this meeting. It was recognized that this was a city responsibility. Mr. Ackerman explained that the City had just passed a deer feeding ordinance, was working on the other issues, and that several articles about the deer had

recently been published in the North Oaks News.

2. Marty Long

NRC

Council Member Long stated that the NRC has had a busy month. They have been studying the deer issue and the impact of Emerald Ash Borer. They are reviewing the networking and focus of the Committee for the last five years. Every Monday beginning in January there will be a walk to see what the NRC is doing and look at the importance of the natural resources in the City. It will have a social element as well and residents will be invited.

VLAWMO

VLAWMO has also had a busy month. Council Member Long mentioned that John Blackstone who worked at VLAWMO for years passed away last month. They are now meeting with Dave Schuler.

The Committee is also concerned about the managing of the wetlands that are now part of common grounds in Rapp Farm. Because of the redesign, the land is now part of a separate entity creating an issue of maintenance and the responsibility for this.

Council Member Long also mentioned that two Mayors serve on the VLAWMO Board of Directors so with their busy schedule the City Council Representative may have to be more active in this Committee.

3. Gregg Nelson

Planning Commission

Council Member Nelson stated that the Planning Commission voted to approve the CUP 12-12 for the installation of the new aeration system that was later approved by the City Council.

Pleasant Lake Oxygenation Committee

Now that the Conditional Use Permit has been approved, the Committee is basically done with their work.

Mayor John Schaaf

Mayor Schaaf has the draft form of the City Council assignments for 2013. He has asked each Council Member to look over the assignments. The Mayor has made some changes so that the members can experience other areas. Mike Egelston will be seated in January of 2013.

Administrator Reports

1. Report on the 2012 Election Costs

City Administrator Coleman explained that the Staff spent a lot of time on the elections. The approximate cost was \$27,000 or about 800 hours of Staff time. The City had a 94% voter turnout with only 200 who did not vote. The City led in

absentee ballots in Ramsey County. Next year the cost will be around \$10,000.

2. NYFS Letter of Intent

Ms. Coleman presented the letter of intent to continue to support Northwest Youth and Family Services. The cost to the City is \$6,012 and represents a 1.7% increase. This cost is included in the 2013 Budget.

Council Member Nelson moved to approve the letter of intent and Council Member Long seconded the motion. It passed unanimously.

3. Adbo, Eick and Meyers, Audit Engagement Letter

Ms. Coleman explained that Sue Iverson, the financial consultant, has helped the City and by doing so has reduced the amount of the contract with the auditors by \$1,095. The current contract is \$8,450.

Council Member Ackerman moved to adopt the Letter of Engagement for Abdo, Eick, and Meyers. Council Member Long seconded the motion and it carried unanimously.

4. Update on the Home of the Good Shepherd Property

City Administrator Coleman stated that she did not have a lot to add to Council Member Ackerman's report. She has heard from Dan Herbst from Pemtom. He stated that he had met with neighbors close to this property to share a new site plan and that the neighbors seemed pleased with the plan. He will be sending Ms. Coleman a letter declining the last application and will then send a new application. Ms. Coleman has asked for additional escrow to pay for continue planning and legal services which she has now received. Mr. Herbst has also been in contact with the City Engineer, Ben Gonzola as well.

Ms. Coleman also mentioned that she has received the new landscaping and screening plans from the St. Paul Regional Water Services. They are proposing a new brick screening wall. It appears they are planning to keep as many trees as possible.

Ms. Coleman also presented the Financial Statement and Expenses to Date. She will have a yearend analysis at the January City Council Meeting, but currently the City is under Budget.

The County is withholding about \$32,000 from the taxation payments for 2012. This is primarily due to non-payments. Ms. Coleman is waiting to hear more about this from the County.

City Attorney Reports

No report

The Mayor stated that if the City has a balance remaining in the 2012 Budget, it will go into a fund to the Lake Johanna Fire Department for capital equipment needs in the coming years.

Miscellaneous

Next Regularly Scheduled Planning Commission Meeting – Thursday, December 20th, 2012 @ 7:00 pm in the Community Meeting Room

Next Natural Resource Commission Meeting – Tuesday, January 8th, 2013 @ 7:00 pm. in the Community Meeting Room

Next City Council Meeting – Thursday, January 10th, 2013 @7:00 pm in the Community Meeting Room

Adjournment

On motion duly made, seconded and carried unanimously, the meeting was adjourned at 8:50 p.m.

Attest:

Respectfully submitted,

Mayor John Schaaf

Linda M. Hanson
Recording Secretary