

MINUTES OF THE REGULAR COUNCIL MEETING

February, 9, 2012

The Council Meeting was called to order by Mayor John Schaaf at 7:00 p.m. 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

Council Member Gregg Nelson moved to approve the agenda. The motion was seconded by Council Member Bruce Ackerman and passed unanimously.

Citizen Comments

None

Consent Agenda

1. Minutes of the Regular Council Meeting of January 12, 2012 for approval
2. Planning Commission Minutes of January 26, 2012 for approval
3. Licenses for Approval:
Mechanical Contractors: Affordable Comfort Mechanical, Aspen Ventilation & Heating Co., Centerpoint Energy, Heating & Cooling Two, Inc., Metropolitan Mechanical Contractors, Residential Heating & Air, Riccar Heating & Air, TLT Enterprises, Inc.
Plumbing & Heating:
General Contractors:
Arborists:
Sewer/Water Installation: Dirtworks, Inc.
4. Claims for Approval: Check # 9874-9910
5. LMC Liability Coverage Waver Form

Council Member Ackerman had a question about the stated floor plan ratio square footage in the Planning Commission Minutes. Ms. Coleman agreed to verify the correct number.

Council Member Dunleavy made the motion to pass the Consent Agenda with the removal of the Planning Commission Minutes until further review. Council Member Nelson seconded the motion and it passed unanimously.

Petitions, Requests & Communications

1. LJFD Chief Boehlke Annual 2011 Fire Report

Police Chief Tim Boehlke handed out his 2011 Annual Fire Department Report to the Council Members. He reported the following highlights:

- In 2011 the Lake Johanna Fire Department received 1,810 calls for fire and emergency services. Of those calls, 235 were in North Oaks which amounts to 13% of their calls. There was a significant call increase due to additional staffing during week nights allowing the fire department to respond to more medical emergency calls.
- The total estimated property loss for the contracted cities was \$3,027,756 with 84% due to building fires. Of the total, 1.1 million was in the city of North Oaks for the two significant house fires.
- The average response time is 3 minutes faster when shift crews are on duty. Out of the 1,810 calls, 1505 were handled by shift crews. Each year the department is expanding the number of hours for duty shifts. Chief Boehlke stated that one minute can make a big difference in a fire especially in a city like North Oaks where there are not as many fire hydrants.
- Fewer call backs for crews are needed now that the number of shift crew hours has increased.
- Response time average last year was 5.1 minutes. For North Oaks the average response time in the day is just over seven minutes. In the evening when crews are staffed, the response time is 6.3 minutes and when no crew is on duty the time is approximately nine minutes.
- During the staffed hours, the response time is much faster. The Chief, Assistant Chief, or Deputy Chief when not on duty often make it to the call before the engine and can apprise the crew on the status of the fire when it arrives.
- In 2011, 53% of all calls were in the day hours and 30% were in the evening.
- Sundays are the quietest days with Thursday and Friday being busier. Monday mornings get the most emergency medical service calls.
- Structure fire response times are on average 5.8 minutes when shift crews are on duty. When not, the response time is around 9 minutes. The general rule of thumb is that a fire doubles in size every two minutes. Today's fires spread faster due to the use of petroleum based products that burn hotter and spread faster.
- In 2011 there were 55 fire events consisting of 18 building fires, 13 vehicle fires, 7 grass fires and 17 miscellaneous fires. In addition, they had 1,190 calls (most for emergency medical service) with 66 hazardous conditions calls, 210 good intent calls and 183 false alarms. A good intent call is when residents call in to report what they might think is a fire or emergency. False alarms have dropped due to better technology and also the fact that many cities have started fining residents for false alarms.

- Of all the calls, 52% are for households.
- The fire department is very involved in community events and public fire awareness. They attended 109 community events in 2011.
- They also do a number of inspections. New construction is down, but it takes a two year cycle to inspect all commercial businesses. Some properties do require annual inspections.

Council Member Dunleavy asked about the age of the average fire fighter and how it compares to other fire departments. Chief Boehlke explained that the department has a good maturity level, but also will be hiring more young fire fighters as others retire. He feels the department has a good mix at this time.

The 20 year plan was also discussed. All of the trucks are on a cycle for replacement. The two ladder trucks get replaced every 25 years. The engine trucks get replaced every 20 years and the utility trucks last between 10 and 15 years.

Council Member Dunleavy stated that the Fire Department has done a great job of staying on budget and spending wisely.

Chief Boehlke also stated that in April of 2012, the fire department will be adding a day shift on Saturday and increasing the hours from 8AM through 9PM to 7:30 AM through 10 PM, Monday through Thursday. Their goal is to eventually get to coverage 24 hours a day, 7 days a week.

Mayor Schaaf wanted to also acknowledge the injuries that occurred at Pleasant Lake hydrant drill involving fire fighters from Vadnais Heights. Both have since recovered.

The Mayor also wanted to express the City's gratitude for the hard work done by the Lake Johanna Fire Department.

Citizen Comments Revisited

Mayor Schaaf acknowledged the residents in the audience and asked if they would like to come to the podium to speak.

Douglas Tiffany and Judy Ohannesian of 1 West Shore Road came to the podium.

Doug and Judy expressed their concern about the latest report of chemicals found in some wells in North Oaks. They noticed that the chemicals appear to be spreading to new areas in the City. Their concerns were especially with the rise in vinyl chloride and other volatile organic compounds. This issue started in 2007, but this is the first time detections were found in new areas. In the past, the area has been on the North end of West Shore Road. Now the results show contamination on the South end as well as on Duck Pass.

The Mayor stated that it would be a good idea to have Keith Banker and Sarah Illi from Calistoga Rover Associates to come in and discuss the results of their testing. City Administrator Coleman explained that she did email the two of them to ask them to come to a Council meeting. She is suggesting April as more residents would be home from winter travels.

Council Member Ackerman expressed his interest in getting a more detailed map of the results. He noted that a map exists for vinyl chloride, but not for volatile organic compounds. He would like to see VOC's reported either on the current map or at least on an additional map. The Mayor explained that the City does get a more detailed report and all reports are on the City webpage.

Once Mr. Banker and Ms. Illi respond, the agenda item will be added for an upcoming Council Meeting.

Unfinished Business

None

New Business

None

Council Member Reports

1. Tim Dunleavy

Finance Committee

The Finance Committee met the morning of February 9, 2012. Ms. Coleman will present information on this meeting in her Administrative Report.

Lake Johanna Fire Board

Mr. Dunleavy stated that the Chief had done a good job reporting on the Lake Johanna Fire Department.

2. Bruce Ackerman

NOHOA

Council Member Ackerman attended the NOHOA Planning meeting on January 24, 2012. Erich Young was elected the new Board member. He will be responsible for trails.

Time was spent on discussing the printing of the directory. Some felt that it was time to change to a computerized system and not spend the additional

\$6,000 for a printed directory. Mr. Ackerman stated that he disagreed with this idea. With many older residents and those who are not computer savvy, he believed this would not serve all residents. David White stated this could become a divisive issue and George Rux stated that it would take up a lot of staff time to switch over. President Mark Azman stated that he would print the directory this year, but send an email blast to see if anyone would rather not receive one. If anyone does not want a directory, they should contact NOHOA.

Other items of interest for the future were discussed. This included the beach pavilion, playground equipment for the East Rec Center, the maintenance shed, the Ponderer's Point Bridge that is in poor condition, and reserve planning.

The Architectural Supervisory Committee questioned what to do with homes that are not maintained. A discussion followed on when a property is considered rustic and when is it required to be maintained.

Council Member Ackerman also attended the Board Meeting on February 2, 2012 in which two directors were appointed. Renee Michalow received six votes and John Murphy received four. They both will take office until the end of the year when their term will end along with three other Board members.

City Administrator Coleman, NRC Chair, Stan Hokanson and City Forester Mark Rehder gave a presentation on the Emerald Ash Borer. They discussed a need for an EAB Preparedness Plan. It was also explained that chemicals can be used to treat trees that are worth saving.

An extensive report was given by the Entrance Committee. Four options were discussed. The first involves tearing down the current gate house and rebuilding near the parking lot. This would be the most expensive option at \$238,000 and would involve closing Willow Road. The second option involves tearing down the gate house and rebuilding on the current site for a cost of \$232,000. Renovating the current gatehouse is the third option at \$214,000 and the last option involves removing the gatehouse and providing landscaping only. This option would be the least expensive at \$46,000. A short discussion followed on how a plan might be funded with suggestions to have a concierge service for drop off of school children and laundry for example.

The Safety and Security Committee rejected the idea of a staffed guard house and physical gate. The focus was on using an electronic gate with video surveillance. This would cost over \$800,000 with an annual maintenance cost of \$63,000. Some had concerns that residents would not like to be tracked coming and going. This system could track non-residents only.

Other ideas that were discussed included the need for no trespassing signs, a white line to denote boundaries, a turn-around at the entrances, and beautification.

In other actions, the Board transferred \$18,000 that had been removed from the Land and Water Management Budget back into that category and renamed it Emerald Ash Borer Planning. NOHOA will partner with the City to address the upcoming issue.

A Governance Committee was also established and consists of the following members: Chis Knopf, Nancy McKee, Rebecca Orttel, Renee Michalow, Kareen Ecklund, Diane Gorder, Dick Leonard, and Mark Azman.

The North Oaks note has been paid off, so at this time, NOHOA has no debt.

3. Marty Long

VLAWMO

VLAWMO has received another \$100,000 grant. The person hired to find grants has been doing an excellent job on securing finances for this organization. VLAWMO will be working on joint projects with homeowners offering some funds for engineering issues.

NRC

The meeting scheduled for February 7, 2012 was changed to February 13 due to caucuses held on the 7th. Council Member Long reminded the public that they are invited to attend these meetings.

Currently two students from St. Paul Academy are doing volunteer work for the City. Grace Owens-Kurtz will be going around the City doing inventory of large trees found on the trails. Sarah Colton will be researching information from other cities who have dealt with EAB.

4. Gregg Nelson:

PLANNING COMMISSION-

Council Member Nelson attended the January 26th, 2012 Planning Commission Meeting. At this meeting, the Commission for the first time worked under the new zoning ordinance that now uses the language of **practical difficulties**. A request for a proposed home on the Island was seeking a variance on two sections of the zoning code: one for height and the other for the floor area ratio. Considering the lot, the Commission was not concerned with the height; however, they did have concerns about the floor area ratio. The Commission did not feel that the increase in the FAR fit the language of practical difficulties. The land owners decided to withdraw their request and will come back to the Commission with a new plan.

Mayor John Schaaf

The Mayor met with two Minnesota and two North Dakota Mayors. He noted that cities in North Dakota have different circumstances now that oil has been found in that state. A proposal to do away with all property taxes is being considered. The public has some concerns that it may take away some of their control.

The Mayor from Osseo is dealing with a city that is not growing and the Mayor from Arden Hills is dealing with a city that will more than likely expand. The Mayor stated that local government will get more challenging in these difficult economic times.

Administrator Reports

1. **2011 Budget Review: Discussion of reduced property tax collections**
City Administrator Coleman stated that the City recently learned that it would not receive the \$69,000 property tax settlement it had expected. There were a number of tax court petition refunds dating from 2008 to 2011 that were granted and Ramsey County is holding out an additional \$15,000 for cases that still may arise in 2012. Ms. Coleman expressed her concern that the City was not informed of the final decisions until now and that the decisions covered a four year period. She stated that in the future she plans to be in better communication with Ramsey County and expects to be better informed so that this type of news does not come as a surprise in the future.

Most of the petitions were from one property owner who owns 52 parcels of land in North Oaks. The City would like to know in the future when these petitions go to court so that the City can be informed of the final decisions.

The Mayor explained that in the past the City has not had a large amount held back. City Attorney Dave Magnuson explained that these cases all went to court. Mr. Ackerman stated that the City would not want to be involved in determining the value of the land. The City would, however, want to know what decisions are made in the future. At this time, there are no other cases in court. The auditors have stated that the reduction in funds can be booked in the 2011 budget.

On the Financial Statement and Budget Comparison it shows the impact of this deduction. A deduction is shown on the income side. However, for licenses and permits, the City exceeded its expectations. Fees for services were also higher than expected. Over all the year ended with \$160,000 additional income over the budget.

On the expenditure side, the City did go a over budget on some items. Elections added a cost to the City. Ms. Coleman is in discussion with Ramsey County proposing the idea that Ramsey County take over elections for the City .The expenses in 2011 exceeded the budget due to the School Board Election. In addition, the office expense budget was over due to the office rent that was not stated properly in the 2011 Budget. The City Attorney was over budget as well due to the Sarpal case.

The City was under budget for Public Safety due to the timing of the pre-payment of the fire truck. It will come out of the fire truck capital expenses in 2012. Also the cost for the CSO came in under the budgeted amount in 2011.

On the expenditure side, there is an escrow account that is basically a pass through of funds. Homeowners, who are building a home and putting in a pool, must give the City an escrow amount that allows the homeowners to move into their home before the fence is built. Once the fence is in, the money is returned to the homeowners.

Roads were slightly over budget due to a billing error where work done in 2010 did not get billed until 2011. In the future Mel's Services will be billing on a quarterly schedule so this should not happen in the future. Sewer and Water was over budget due to a system improvement, but was reimbursed by White Bear Township. Finally, the recycling budget was over due to an accounting error that has since been remedied.

This ends the year with a \$1,700 surplus. One payment of \$7,000 for a water charge for Charley Lake is still due. The accountants will advise the City on if that can go into the 2011 Budget.

2. Review of expenses to date on LGWA Project

Ms. Coleman reviewed the expenses for the LGWA Project. So far the cost is \$800,075.99. At this point the cost for the City Attorney and staff time has come out of the General Fund.

Council Member Long asked if any money will be held back until all work is done. Ms. Coleman explained that a small amount has been held back but that Magney Construction has very little work to complete. There is a rehabilitation of the golf course that still needs to be done which will come out of the LGWA Project funds. There will be additional legal and sign off expenses that will finalize the project.

3. 2012 Budget Planned vs. Actual

The updated expenses for 2012 were given to the Council. No comments were

made.

4. I-35 Corridor Management Study Update

Ms. Coleman gave the Council a report prepared by a group of people that have been studying the transportation needs in the area. The update includes conclusions and recommendations to help get funding approved from the Met Council. The City would like to see an improvement on County Road J between Centerville Road and Otter Lake Road as it is a dangerous area. The report is a long range plan in which the City contributed \$2,500.

Council Member Ackerman appreciated the information of what might come in upcoming years.

5. EAB Preparedness Plan Update

City Administrator Coleman and City Forester Mark Rehder made a presentation to the NOHOA Board on the preparedness plan for dealing with Emerald Ash Borer. They were very receptive and willing to work with the City. Mr. Rehder is working on a budget for this plan and research will continue to find resources for funding this plan. A video will also be created to help identify ash trees and locate ash trees on the trails.

A Council Member is doing research on the deer feeding ordinance. More information will be coming at a later date.

Also each member of the NRC is doing an article for the North Oak News which will appear over the next year.

6. North Oaks Housing Tour

Ms. Coleman reviewed the property taxes and stated that more than half of the residents pay more than their share of City taxes. She has a concern about declining house values. She would like to organize a City tour involving the Council, Planning Commission, and NOHOA members to look at the state of housing in the City. The Mayor suggested that the Building Inspector, Greg Schmidt be invited. Council Member Dunleavy asked if perhaps the tax assessor could also be invited. It was decided that perhaps the tax assessor could come to a Council meeting instead.

A motion was made by Council Member Ackerman and seconded by Council Member Nelson to direct the City Administrator to plan this event and also to ask the tax assessor to come to a future Council meeting. The motion passed unanimously.

Dates will be determined soon.

7. Home of the Good Shepherd

Dan Herbst from the Pemtom Company requested an informational meeting to

include the Council, Planning Commission and NOHOA Board members to review their plans. The meeting is tentatively set for March 27th.

8. Zoning and Planning Processes

Ms. Coleman gave the Council a packet explaining in detail the zoning and planning process. The City has the legal authority to zone. A comprehensive plan is created that gives the vision for the future. All Comprehensive Plan Amendments need review and approval of the Metropolitan Council. In addition to zoning, other tools that a city can use are subdivision ordinances, building and housing codes, nuisance codes, and capital improvement programs.

Zoning ordinances may include mixed or hybrid districts, planned use developments or cluster developments and overlay districts.

The Municipal Planning Act mandates that the City follow specific processes for zoning amendments or planning requests which include re-zonings, CUP's, amendments and other changes. The application process needs to be spelled out and all requests must be made in writing with all requested information and a fee paid. If a denial is given, the City must give written reasons. If a failure to approve an application takes place, it constitutes a denial.

The City can take an additional sixty days to consider an application, but must give a written notification of the extension and the reason for it. The applicant can also ask for an extension.

The application review goes through the zoning administrator (in this case, Ms. Coleman), then the Planning Commission, any Planning Departments or Consultants, and finally the City Council. Cities follow a "rational basis standard" when drafting and adopting zoning ordinances but do have great discretion in choosing language and specifying uses as permitted, prohibited or conditional. If an ordinance is in place, the City is more limited and must follow the standards and requirements of said ordinance.

Public hearings are state law for any new codes, CUP's, variances or comprehensive plan changes. These hearings must be posted in the newspaper 10 days ahead of the meeting and neighbors within 350 feet must be notified. These hearings are for developing findings of fact.

Neighborhood input is allowed, but if the application meets the requirements of the ordinance, it cannot be used as a basis for denying a zoning application.

Council Member Ackerman stated that the information was very helpful and asked if the City Comprehensive Plan currently has a density stated for the Home of the Good Shepard property. Ms. Coleman stated that it does at this time. If that land is developed in the City and the zoning is changed, the next steps

involve platting, development agreements and a Metropolitan Council Review.

Council Member Long asked if the City has deadlines for the process so that all information is given ahead of time. Ms. Coleman explained that the process usually starts a month ahead of time.

Council Member Dunleavy and the Mayor expressed their appreciation of the zoning information presented.

City Attorney Reports

1. Ms. Coleman, Mark Azman and Mr. Magnuson met with John Blackstone and Dave Schuler from the St. Paul Water Department. Mr. Magnuson showed a view of the current shed that would be demolished and the proposed place for the new pad that would contain the oxygenation equipment. The equipment would be screened and was stated to be six feet tall if the tank was placed in its side.

The ownership of the land must first be determined. Some of the land belongs to the Water Board, but some is owned by NOHOA and the golf course. He pointed out what he believes is the meander line that is established to help measure area within a government lot that includes shoreline. NOHOA will have to determine what part of the property is on their land. The Water Board may also have easement rights.

Once the Water Board knows their rights, they will more than likely move forward with a plan for an oxygenation project. It should be a quiet system and has the potential to make a big difference in the quality of the water. Once the oxygen starts to fill the lake, they would hope to put in an even smaller system. Very little equipment will be in the lake. It could make the clarity in Pleasant Lake go from three feet to ten feet.

They are willing to work with the residents of the City to make this project work for everyone.

Council Member Nelson asked if the shed would be torn down now. Mr. Magnuson explained that they plan to do nothing until a plan is approved. Council Member Ackerman asked if they had all the information about the City's concerns. Mr. Magnuson stated that most of the issues will be NOHOA issues which they are aware of. NOHOA may also be seeking grants to deal with other issues. Council Member Dunleavy stated that they may not need any additional approval. Council Member Ackerman asked if they would have to follow ordinances in their design. City Attorney stated that setbacks would need to be followed. Concerns about the height of any equipment were expressed by Council Member Ackerman. Mr. Magnuson believes that the equipment will be kept under six feet tall. Mr. Dunleavy stated that more input will be needed before a plan is put into place. City Attorney Magnuson commented that the Water Department could use the existing

easement to install the new line and most likely has the power of eminent domain to obtain an easement from NOHOA if necessary to do the project. Council Member Long stated that this organization is very concerned about residents' concerns. He stated that this project will be of great benefit to the community. The Mayor stated that it is best to not pre-judge and that when the time comes, a committee will be created to look at the plan.

The Mayor announced that Karen Emanuelson will be moving to Florida and will be resigning as the editor of the North Oak News. He asked that Ms. Coleman invite Karen and James to a Council Meeting before they move to Florida.

On a motion made by Council Member Long and seconded by Council Member Nelson the meeting was adjourned at 9:10 PM.

Miscellaneous

Next Regularly Scheduled Council Meeting – Thursday, March 8th, 2012 @ 7:00 pm in the Community Meeting Room

Next Natural Resource Commission Meeting – Monday, February 13th, 2012 @ 6:00 pm. in the Community Meeting Room

Next Planning Commission Meeting – Thursday, February 23rd, 2012 @7:00 pm in the Community Meeting Room

Adjournment

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

Attest:

Respectfully submitted,

Mayor John Schaaf

Linda M. Hanson
Recording Secretary