

The Council Meeting was called to order at 7:00 by Mayor John Schaaf at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Mike Egelston, Marty Long, Gregg Nelson, and Mayor John Schaaf. Council Member Bruce Ackerman was absent due to illness. City Administrator Michael Robertson, City Attorney David Magnuson, Recording Secretary Linda Hanson and Videographer Kevin Scattum were present

Pledge of Allegiance

Approval of Agenda

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

Citizen Comments

None.

Consent Agenda

1. Minutes of the Regular Council Meeting of January 9, 2014 for approval
2. Minutes of the Regular Planning Commission Meeting of January 24, 2014 for approval
3. Minutes of the Natural Resource Commission of January 16, 2013 for approval
Mechanical Contractors Plumbing & Heating: All Heating, Air & Geothermal, Inc.; C & K Plumbing, Inc.; Centerpoint Energy Resource Corp.; Chimney Caps Plus Inc; Ferguson Enterprises Inc.; Forced Air Ind. dba Wenzel Heating and A/C; G & H Heating and Air; Gallagher Heating & Air Conditioning; Genz-Ryan Plumbing & Heating; Heating & Cooling Solutions; Hugo Plumbing & Pump Service, Inc.; Larson Plumbing & Heating; Master Gas Fittings; Plumb Right Corporation; The Snelling Company; St. Paul Plumbing, Heating, and Air; Walter Mechanical, Inc.; Woodland Stoves & Fireplaces
Arborists: Central MN Tree Service; Precision Landscape & Tree, Inc.; Tim's Tree Service, Vineland Tree Care
General Contractors:
Sewer/Water Installation:
4. Church of St. Odilia Gambling Exemption Permit
5. Ramsey County Computer Aided Dispatch Agreement
6. Approval of Claims 10784-10819

The Consent Agenda was unanimously approved.

Petitions, Requests, & Communication

1. Turtle Lake Playground Report

Jen Sprain, the Project Chair for the Turtle Lake Playground Committee, introduced Principal Darin Johnson. He shared the final design of the proposed playground. The hope is to raise enough money by April 1st of 2014 so that construction can begin with the playground ready by this summer. Currently, they have raised about 42% of their goal or \$120,000 of the \$280,000 goal. They were thankful for the gift from the North

Oaks Community Organization, but still have a considerably way to go. Anyone interested in donating can go to their website at www.turtlelakeplayground.weebly.com. A link will be put on the City web site as well.

2. Coralie Wilson, CTV North Suburbs Presentation: Comcast's Contract Update

Coralie Wilson the Executive Director of the North Suburban Communications Commission and CTV North Suburbs presented an update for the City Council. CTV began 20 years ago with public access, but today it is more of a Community Media Center. They work with the public, school districts, local government entities, and community organizations in the ten cities they service. In 2011 they moved into a new facility and are now doing more productions. In 2012 there were 716 and 2013 there were 764. Also they have provided more free staff hours for production and technical assistance with an increase of almost 200 hours over last year. Growth was also seen in the Youth Media Program which grew from 85 participants in 2012 to 161 in 2013. Community training is also up and they are pleased with the Adult Learning program for adult learners who are learning English.

Ms. Wilson reported that they have received a number of complaints since January 2013 due to the reorganization of Comcast's call center. There were long waits and occasional language barriers as Comcast was using off-shore personnel. Ms. Wilson stated complaints are considerably higher in 2014.

The Commission also requested a formal rate review for 2013 to get a better understanding of the cost of equipment vs. services. Comcast appealed and asked for a stay. So far, the FCC has not given one, but it may take years before a decision is made. The Commission is negotiating the franchise renewal contract with Comcast and in April requested a formal proposal due by the end of July of 2013, which they did not receive until December. Comcast has not been willing to give the HD channels that the Commission requested. It appears both sides are fairly far apart in the negotiations. Comcast also wants the cities to pay for the institutional network and the strands of fibers that are used for video and the telephone and internet the City of North Oaks uses provided by Roseville. CTV believes that Comcast has already been compensated for these six strands and CTV paid for the equipment. Also, it costs little to maintain these fibers. The Mayor noted that there is no public right of way as it is private property and he asked if this should be brought up to Comcast. Ms. Wilson said she has not yet made it an issue as they are trying not to complicate things. She will bring it up with her team however. The Cities may need to look at other options and perhaps build their own network.

Ms. Wilson also mentioned that the technical environment is changing significantly. They are seeing a drop in subscriber numbers because all of the broadcasters are delivering High Definition signals that can come over antennae which can cost less than \$100. Also many are getting their video from sites like Netflix, Hulu etc. Losing members will affect cable TV. However, if Comcast continues to raise rates and not give good customer service alternatives are often considered. Ms. Wilson also mentioned that we pay more for less in regards to internet service compared to other countries.

Unfinished Business

None

New Business

1. Final Plat-Subdivision Application 13-14 Charley Lake Preserve 2nd Addition

Two action items were presented for Council approval. The first was an Administrative Amendment to the Planned Development Agreement. This came from a request from the City Building Inspector, Greg Schmit. City Planner Ben Gozola stated that in North Oaks height is measured differently depending on the age of the home. In older homes where lots were not graded for walk-outs the maximum height is 35 feet. In newer developments where lots are graded for walkouts, the height can go up to 45 feet in the back and sides of the home. The amendment would make the language consistent with what has been allowed in the East Oaks PDA with both agreements using the same language.

Council Member Nelson moved to amend the current PDA for the Charley Lake Preserve Development to show that height will be measured as follows; *Principal and attached accessory buildings height: 35 feet, and in lots suited for walkout homes, 45 feet at the back and on the sides, and otherwise measured consistent with the City Zoning Ordinance.* Council Member Long seconded the motion and it carried unanimously.

The second action item requested approval of the Final Plat for the Charley Lake Preserve, 2nd Addition. City Planner Ben Gozola reviewed the proposal. Originally the first addition was approved to build 32 homes. Because of the interest in this area, Mattamy Homes has decided to move forward for approval on the remaining 31 lots. Mr. Gozola stated that the Staff and Planning Commission are recommending approval of the 2nd Addition. City Engineer Paul Pearson has determined that all engineering issues have been addressed and the City Forester has made a site visit to make sure Mattamy is in compliance.

Council Member Nelson asked why this was done in two stages. Mr. Gozola stated that this is up to the applicant and because of the interest, they decided to move forward more quickly. He also stated that this application is consistent with the Preliminary Plat.

Mayor Schaaf asked about the power line placement. Ryan Bloom, project engineer from Westwood, explained that the power line remained in its current location and will be on an easement that will lie between lot lines of a few homes and go over the park area. Mayor Schaaf also asked if the tower would be a concern in regards to someone climbing it. Mr. Bloom stated that it is the same H frame type pole and it would be difficult to climb. Mr. Bloom also stated that Pentom did the initial planning but once Mattamy took possession of the land, they wanted to move forward. Steve Logan, President of Mattamy Homes, stated that the model is started and should be completed at the end of May or early June and that sales would begin at that time. He also stated

that they now have an understanding with NOHOA and are hopeful that they can join the Homeowner's Association.

Mr. Logan explained that they currently own the lots purchased on a Contract for Deed. They are planning to sell off about ten lots to a custom builder in the most wooded area. Council Member Nelson asked for further clarification on the owner of the lots. Pemtom closed with the Sisters of the Good Shepherd as the Developer and at the same time Mattamy Homes entered into a Contract for Deed. Pemtom remains in the middle of the transaction, but Mattamy Homes actually will pay the Sisters. Council Member Egelston asked about the intent to sell the lots. Mr. Logan stated that his intent is to build about 24 homes a year. He does not want to move too quickly as he wants to do a good job in making his customers happy with their new homes.

City Administrator Mike Robertson stated that the Fire Chief came in with some concerns, but once Mr. Robertson contacted Pemtom and Mattamy, they were addressed quickly. Mr. Robertson also stated that Pemtom is still the owner of the guarantee of the money to the City.

Council Member Nelson moved, seconded by Council Member Egelston, to approve the Charley Lake Preserve 2nd Addition Final Plat based on the findings of fact listed in the report including the associated easement documents and construction plans and the Developer's Agreement to ensure the remaining 13 conditions are completed as agreed by the developer. Motion passed unanimously.

2. Variance 13-15 Cheng Wan, 20 South Long Lake Trail, Septic Variance

City Planner Ben Gozola presented the staff report. This is a corner lot and a variance is needed to replace the current failing septic system. The applicant is asking to encroach 15 feet into the 30 foot required side yard setback and 10 feet into the required 30 foot rear yard setback.

Residential Testing Solutions noted that the current tanks are not water tight, the proposed system is properly designed for the existing home, and the new plan ensures a 50 foot separation to surrounding wells. A question came up about an alternative site on the property. The engineer that evaluated the site stated that the alternative was too close to surrounding wells. The Staff and the Planning Commission recommend approval of this variance as it is in harmony with the general purposes of the Ordinances, the design protects public health and the location is reasonable due to the location of the existing driveway, significant tree cover, and the proximity to surrounding wells.

Council Member Nelson asked if the surrounding wells were identified before choosing an alternative site that needed a variance. It was decided that a to-scale site plan with well locations identified should be done to ensure that another location not requiring a variance could not be used.

Mayor Schaaf questioned why a site survey is not required. City Attorney Dave Magnuson explained that a survey is much more expensive, so in the past identification of the corner markers and the proposed system is used to make sure the system is installed in the correct location.

Council Member Nelson moved to approve the requested Variance 13-15 for construction of a new septic system site at 20 South Long Lake Trail based on the findings of fact listed in the report. In addition to the original four conditions, the recommendation includes a 5th condition to have a detailed site plan showing that the discussed alternative site would be in violation of City Ordinances before approving the requested site. Council Member Long seconded the motion and it carried unanimously.

3. Variance 14-01 Craig Janssen, 4 Poplar Lane, Septic Variance

City Planner Ben Gozola presented the staff report. This site has several practical difficulties. It has shoreline on one side and is heavily wooded. This is a tight site and does not have room for a traditional system. A performance system would need to be used, but would still need a variance encroach 15 feet into the required 30 foot northern property line and 5 feet into the required 30 foot eastern property line is needed.

The Staff and Planning Commission recommend the Council's approval as the existing system is currently non-compliant, the site is limited in space, and the new design will conform to shoreline setbacks and will be located the proper distance from all surrounding wells. This site meets the practical difficulties because of difficult soils, heavy woods, and slopes on this property.

Council Member Egelston asked how the performance system is different from a regular system in protecting the lake. Mr. Gozola stated that there is not a lot of differences as both systems are meant to handle the waste water. There are no alternative sites on this property that would not require a variance.

Council Member Nelson moved to approve the requested Variance 14-01 for construction of a new septic system at 4 Poplar Lane based on the findings listed in the report. The recommendation includes the condition that the ISTS shall be located per the survey/site plan provided and must include the lot line boundaries to the satisfaction of the City Building Official and all work to be completed by January 1, 2015. Council Member Egelston seconded the motion which passed unanimously.

4. Approval of Kathy Laur as Administrative Assistant

City Administrator Robertson reviewed the process of hiring a new Administrative Assistant and recommended formal approval of the hiring of Kathy Laur.

Council Member Nelson moved, seconded by Council Member Egelston to approve the hiring of Kathy Laur as Administrative Assistant. Motion carried unanimously.

5. Resolution 1279: Amendment to the Joint Powers Agreement with the City of Shoreview regarding provision of water and water billing rates for North Oaks Commercial Center

City Administrator Robertson explained that the work on this amendment was started with former City Administrator Coleman. The Commercial Center was paying water rates at the highest level. With this amendment, the water bill will go down to the 2nd tier and will be a cost savings to the tenants.

Council Member Nelson moved to approve Resolution 1279 amending the Joint Powers Agreement with the City of Shoreview regarding a reduction in water billing rates for the North Oaks Commercial Center. With a second from Council Member Egelston, the motion carried unanimously.

6. Resolution 1280 Amendment to the Joint Powers Agreement with the City of Shoreview regarding provision of water to Charley Lake Preserve & Red Pine Farms

The Mayor made a comment that at the top of the Resolution Red Pine Farms needs to be added to the document. City Administrator Robertson stated that this resolution allows for the provision of water from the City of Shoreview to Charley Lake Preserves and Red Pine Farms. The City of Shoreview will require payment when water is turned on at the developments. For Charley Lake the water will go on in two or three months and the cost will be \$67,327. Then in six or seven months the water will be turned on for Red Pine Farms at a cost of \$26,156. Currently the City has money in escrow for the first amount. Additional escrow will be paid to the City prior to the development of Red Pine Farms. The amount charged is based on the hookup fee. The Mayor thanked Shoreview Mayor Sandy Martin, the Staff and City Council for their cooperation and stated that they are terrific neighbors.

Council Member Egelston moved to approve of Resolution 1280 to amend the Joint Powers Agreement with the City of Shoreview regarding the provision of water to both Charley Lake Preserve and Red Pine Farms. The motion was seconded by Council Member Nelson and passed unanimously.

Council Member Reports

1. Council Member Mike Egelston

NOHOA

Council Member Egelston attended the NOHOA Board Meeting. The agreement with Mattamy Homes for Charley Lake Preserves and Red Pine Farms is moving forward.

2. Council Member Bruce Ackerman

VLAWMO

No report due to Council Member Ackerman's absence.

3. Council Member Marty Long NRC

Council Member Long stated that the final draft of the ordinance to protect significant and heritage trees will be coming to the City Council next month.

Ramsey County Sheriff Meeting

Council Member Long attended the Ramsey County monthly meeting in which the problem of heroin was discussed as its use is spreading. The importance of properly getting rid of prescription drugs was discussed.

4. Council Member Gregg Nelson Financial Committee

It was noted that there were a number of new NOHOA Board members this year. They were invited to meet with the City to review the City/NOHOA responsibilities.

Planning Commission

Council Member Nelson attended the Planning Commission meeting in which the two variances and one subdivision request were presented and approved to move on to the City Council.

Mayor John Schaaf's Report

Mayor Schaaf, Council Member Egelston and City Administrator Robertson attended a meeting in White Bear Lake to discuss the issue of ground water. Representatives from White Bear Lake, Mahtomedi, Hugo, White Bear Township and Dellwood also attended. They discussed the low level of water in White Bear Lake and the underlying aquifer. North Oaks was happy to share their experience augmenting Lake Gilfillan.

Mayor Schaaf along with City Administrator Robertson and Council Member Nelson sat in on the interviews for the Administrative Assistant. There were a number of fine candidates. The Mayor also interviewed with the auditors and the audit is well under way.

Council Members Nelson and Egelston with Mayor Schaaf attended the Annual Meeting of the Lake Johanna Fire Department. On behalf of the City, the Mayor thanked the members for their hard work in protecting the City.

Administrative Report

1. 2013 Unofficial Budget Results

Administrator Robertson reported that before the final audit there appears to be an approximately \$165,000 surplus in the 2013 budget. This came from higher growth than was expected. Due to a higher number than expected of building permits, revenue and expenses were both higher. In regards to the surplus the City previously moved \$10,000 to the Fire Fund and \$15,267 to the 2014 Budget as revenue.

Robertson recommended that an additional \$35,000 be moved to the Fire Equipment Fund as two fire trucks will be replaced in the near future. Second, he is suggesting that \$20,000 be set aside to cover the cost of a study of the municipal takeover of private sewer and water systems. This number is probably high and should more than cover that cost. Third, he suggested that \$85,000 be moved into the General Fund Balance giving the City a 70% revenue surplus as a reserve which is fiscally conservative. This leaves a Fire Fund balance of \$95,000 to \$100,000 which will go for future fire equipment. He also recommended that the Building Fund with a current balance of approximately \$8,500 be renamed to Office Equipment Fund for any upcoming office expenses.

Mayor Schaaf mentioned that North Oaks has traditionally kept approximately a 60-70% budget reserve. This is because bills are often due before taxes are paid to the City, so having a reserve is a good practice to follow. Also, by putting money aside for the fire trucks in the future it will prevent having to raise the tax levy later.

Council Member Nelson moved, seconded by Council Member Egelston, to approve Resolution 1281 making transfers between various city funds with the amendment to add a number five renaming the Building Fund to Office Equipment Fund and moving the current number five to number six. The motion carried unanimously.

2. Ramsey County Committees

City Administrator Robertson mentioned that Ramsey County is looking for elected officials to serve on some of the County committees if there is an interest.

3. Ramsey County Blue Light Enforcement

Mr. Robertson stated that a new program will begin to install blue enforcement lights on several County roads. This system is used to identify those who enter intersections once the traffic light has turned red.

4. Lisa Sjobeck Letter

Ms. Sjobeck, a Mounds View School Board Member and a North Oaks resident, thanked the Council for participating in the meeting with Mounds View Schools and allowing the use of the North Oaks Community Room.

5. Review of Long Range Goals

City Administrator Robertson presented a list of his long range goals for feedback. Mr. Robertson included a review of the City and comments from the City Staff. He has begun to work on some of the financial issues with the auditors and these will be addressed with the auditor's report. He would like to update the Zoning Ordinances which will probably take over a year and he would like to look at an Emergency Management Table Top Exercise. He would also like to work on a personnel policy as the City currently does not have one.

Council Member Long questioned the report that Mr. Robertson plans to do regarding the audit. Mr. Robertson explained that he wants to write a report that could be understood by all and not just those with a financial background. In this report he would like to explain items like the bonding for Lake Gilfillan, the Fire Fund and what it is used for and how it is funded, the reserve policy and other items.

Council Member Egelston mentioned that when reviewing the Zoning Ordinances more clarity for the City and NOHOA on the responsible parties is helpful. Mr. Robertson would like to make these more readable also. City Council Member Nelson also would like to see that they are more searchable and better organized in a PDF format. The Mayor encouraged Mr. Robertson to move forward and stated he should let the Council know if he needs any additional help.

City Attorney Reports

Mr. Magnuson had no report this month.

The Mayor thanked Administrative Assistant Linda Hanson for helping out in the transition of office personnel.

Miscellaneous

Next Natural Resource Commission Meeting, February 20, 2014 @ 7:00 pm in the Community Meeting Room

Next Regularly Scheduled Planning Commission Meeting February 27, 2014 @ 7:00 pm in the Community Meeting Room

Next Regularly Scheduled Council Meeting March 13, 2014 @ 7:00 pm in the Community Meeting Room

Adjournment

On motion duly made by Council Member Long, seconded by Council Member Nelson and carried unanimously, the meeting was adjourned at 8:46 pm.

Attest:

Respectfully Submitted

Mayor John Schaaf

Linda M. Hanson, Recording Secretary