

CITY OF NORTH OAKS

Regular Council Meeting
Thursday, July 11, 2019
7 P.M., Community Meeting Room
100 Village Center Drive

COUNCIL MEETING AGENDA

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Citizen Comments - *Individuals may address the City Council about any item not included on the regular agenda. Speakers are requested to come to the podium, state their name and address for the record, and limit their remarks to three minutes. Generally, the City Council will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

Consent Agenda - *These are items considered to be routine and will be enacted by one motion. There will be no separate discussion, unless requested for separate consideration at which point the item will be removed from the Consent Agenda and placed as a separate item on the agenda.*

1. Minutes of the Regular Council meeting of June 13, 2019 for approval
2. Minutes of the Natural Resources Commission meeting of June 20, 2019 for approval

Licenses for Approval: Legacy Mechanical Services; Kramer Mechanical; Faircon Service Company; Rivard Companies (Arborist);

Approval of Claims: Check#:

Petitions, Requests & Communications

1. Tick Task Force Presentation
2. Resolution 1347 Endorsing Pollinator Protection and Protecting Pollinator Habitat
3. Jim Bowyer-American Promise
4. Deputy Mike Burrell Report

Unfinished Business

1. Final Plan Approval-Wilkinson Lake Villas
2. Discussion of Septic Ordinance

New Business

1. Approve 2nd Amendment to JPA – VLAWMO
2. Discussion of Ordinance 130 Restructuring the Planning Commission
3. Approve Appointment of New Planning Commissioners
4. Approve Revised City Council Responsibilities
5. Approve Appointment of New City Attorney
6. Review of Potential Changes to Trespassing Ordinance
7. Discussion of East Oaks PDA Decennial Review

Council Member Reports

- Kara Ries
- Katy Ross
- Marty Long
- Rick Kingston
- Mayor Gregg Nelson

City Administrator Reports

City Attorney Reports

Miscellaneous

Next Natural Resource Commission Meeting is Thursday, July 18, 2019 @ 7:00 pm
Next Planning Commission Meeting is Thursday, July 25, 2019, @ 7:00 pm
Next Regularly Scheduled Council Meeting is Thursday, August 8, 2019 @ 7:00 pm

Adjournment

The Council Meeting was called to order at 7:05 p.m. by Mayor Gregg Nelson at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Mayor Gregg Nelson, Councilmembers Rick Kingston, Marty Long, and Kara Ries; City Administrator Mike Robertson, City Attorney David Magnuson, City Planner Bob Kirmis, Recording Secretary Deb Breen, and Videographer Maureen Anderson. Councilmember Katy Ross was absent.

Pledge of Allegiance

Approval of Agenda

Council Kingston moved to remove Meeting Rules for Decorum in favor of doing this another time. Councilmember Long seconded and passed unanimously.

Councilmember Ries moved to approve the revised Agenda. Councilmember Kingston seconded and passed unanimously.

Citizen Comments

Lisa Dujmovic -15 Black Lake Road. She requested that residents be allowed to discuss items that are on the agenda. She understands that Council may not take action on new topics brought up by residents the same evening they were voiced.

Don Nightingale – 11 Nord Circle. He would like the Mayor to explain the reason for the new policy regarding the Planning Commission composition.

Franny Skamser-Lewis – 3 Red Maple Lane. She asked for confirmation that Rules of Decorum was dropped from agenda and received it. She would like explanation on how Rules of Decorum are different than Ordinances. Attorney Magnuson stated that no public hearing is required for approval of Rules, but a public hearing is required for Ordinance changes.

Steve Elias – 5 Sunset Lane. He read a letter regarding changes in membership regarding Planning Commission composition. He asked that both sides deescalate the rhetoric. He feels that both sides need to pay attention and prevent words from escalating issues.

Bill Ecklund – 15 Larkspur Lane. Mr. Ecklund read from a document titled the Rules of the City of North Oaks regarding Agenda and Conduct for City Council meetings dated November 5th, 1992. These rules were adopted after the ordinance was adopted that created rules for City Council meetings and feels those rules should still govern City Council meetings.

Consent Agenda

1. Minutes of the Regular Council Meeting of May 9, 2019 for approval.
2. Minutes of the Natural Resources Commission meeting of May 16, 2019 for approval.
3. Minutes of the Planning Commission meeting of May 30, 2019 for approval.
4. Proposed Variance 19-03 –ISTS 1 Wishbone Lane - 30 feet into the 30 foot setback on the West side of the Property

5. Approve Resolution 1349 Amending the 2017 Joint Powers Agreement with Vadnais Lake Water Management Organization – To add language to Clarify Liability and Extent of Insurance Coverage.

Licenses for Approval: Binder Heating & Air Conditioning; Dok's Heating and Air Conditioning; Home Energy Center, Select Mechanical Services

Approval of Claims: Checks #013251-013290

Councilmember Kingston motioned to approve the Consent Agenda, Councilmember Long seconded. Unanimously approved.

Pettions, Requests, & Communication

Appoint Andrew Hawkins to NRC

Mr. Hawkins introduced himself as a resident who moved to the North Oaks in June. He is a Microbiologist by trade and has experience previously in Parker, Colorado as part of the Parker Cultural and Scientific Commission. He enjoys applying skills from his day job into the community and is looking forward to engaging the community and being an active part in preserving and enhancing our natural resources.

Motion was made by Councilmember Long to appoint Andrew Hawkins to the Natural Resource Commission, seconded by Councilmember Ries. Unanimously approved.

Presentation of 2018 Audit

Justin Nilson from the firm Abdo, Eick, & Meyers gave their presentation on Annual Financial Audit of the City of North Oaks. He thanked Council; Administrator Robertson and Deputy Clerk Marty for assistance in pulling the needed information together. They found clean audit with no issues. There were only 2 findings which are very common in small cities:

- 1) The Auditor prepares financial statement on behalf of the City, based on information provided.
- 2) There is a limited segregation of duties – very common for small organizations with a limited number of people doing the financial transactions.

Financial results: Over the last five years the City has maintained a fund balance reserve of about 60% of the overall budget. The General Fund will always need some reserves to pay bills due to tax receipts arriving only twice per year. Key points mentioned:

- Property taxes make up the bulk of revenues.
- Public safety is biggest item of spending.
- The Lake Gilfillan bonds mature in 2023. There is currently a \$150,000 cash reserve available plus assessments to pay the \$285,000 in remaining payments.
- Utility Funds. In 2018 receipts were lower than disbursements. The City's target cash balance for the Utility Fund is \$450,000. Currently the balance is \$367,942.

Administrator Robertson stated that there are 11 neighborhoods where sewer and water systems are still independently run. Eventually the City will be responsible for water/sewer for those neighborhoods as well.

- Overall the City is doing well financially.

A motion was made by Councilmember Ries to accept the 2019 Audit as presented. Seconded by Councilmember Kingston and approved unanimously.

Deputy Mike Burrell Report:

- Deputy Burrell reported that a repeat trespasser was found to be a Shoreview resident who would walk to the liquor store and go back to his home through North Oaks. He was arrested and ticketed for trespassing. He has not been seen since on North Oaks property.
- There was an early morning burglary. The burglars gained entrance to a garage by entering an unlocked car and using the garage opener. The home was unlocked and a wallet, keys & car were taken. There have been dozens of similar robberies reported across the metro area. The Sherriff's department has made some arrests and the department continues to work on the case.
- Trespassing is an issue. If there are people you think don't belong here, call 911.
- Pedestrian safety, motorists need to slow down and be aware. Pedestrians need to walk on the proper side of the road. Let Deputy Burrell know if speeding is an issue in a certain area and he will put speed enforcement in place.
- Councilmember Kingston mentioned that he has had a conversation with NOHOA President Kathy Emmons about how as the community grows both groups need to tackle security together. He noted that the NOHOA Facebook page is not the most efficient method of reporting incidents and encouraged residents to call the Sherriff, Councilmembers or staff for a quicker response.
- Councilmember Ries suggested we look at making the trespassing ordinance stronger. Deputy Burrell mentioned he is working with Administrator Robertson on this. Robertson said he would put this item on the next Council agenda.

Unfinished Business

1. Approve Resolution 1350 Approve Submission of Comprehensive Plan to Met Council

Administrator Robertson presented the Comp Plan which was recommended for approval by the Planning Commission. Once the Comp Plan is submitted to the Met Council, it will be returned with feedback to be revised. Other cities have gotten multiple pages of requests for changes from the Met Council and he expects the same. Councilmember Long asked what housing unit numbers are being submitted. Councilmember Ries indicated that the tables have been updated based on known information at this time. The final unit numbers will be updated after the upcoming decennial review with North Oaks Company. Councilmember Ries asked if there was a written checklist for what is needed to be in Comp Plans. Planner Kirmis stated there are system statements that show what the Comp Plans should contain. Planner Kirmis will forward the system statements to Robertson to send onto Council. Councilmember Ries discussed the items added to the Comp Plan under resiliency.

Councilmember Ries asked for 3 non material changes be made to Comp plan: Page 10, the number of Non-NOHOA homes should be 15. Page 25 Table 2A under commercial mixed

use 50.42 should be changed to 48.92. Table 20 should add to the label " Non-public and private". Councilmember Kingston asked for clarification that the changes were not ones that needed to be approved again by Planning Commission. Robertson agreed they were non-material.

Councilmember Long moved to approve Resolution 1350 to forward the current Comprehensive plan to the Met Council for their review. The motion was seconded by Councilmember Ries and passed unanimously.

2. Public Hearing for Proposed Ordinance Chapter 34 Related to Planning Commission Structure, Composition and Authority

Mayor Nelson reviewed the reasons for proposing a change to the language regarding the Planning Commission. The proposed ordinance would repeal ordinance 150.075-150.077 and replace it with the new Title 3, Chapter 34. He believes the current ordinance was poorly drafted, is laid out in an unusual order and needs to be tightened up to ensure the Planning Commission is independent from the Council. The proposed changes do not change the Planning Commission's responsibilities. The changes include: allowing 1 City Councilmember to serve on the Planning Commission as a Liaison, outlining an attendance requirement, and allowing the City Council to remove a Planning Commission appointee with or without cause with a majority vote. He feels these guidelines are consistent with neighboring cities and that Planning Commission representatives should be separate from the City Council to ensure unbiased votes at both levels and not take up a seat that another interested resident could hold. The Planning Commission is a 7 member body that is a valued advisory body that takes on the hard work of vetting land use applications and evaluating the merits using their expertise and experience.

The Public Hearing was opened at 8:05.

John Murphy - 6 Evergreen Road. He is opposed to changing the ordinance to remove Planning Commission members with 3 votes instead of 4 votes. Mayor Nelson mentioned that other votes to appoint Commissioners are a majority vote and asked Mr. Murphy his opinion on this.

Dave Plummer - 14 North Deep Lake Road. He asked why a change to the ordinance is needed now if the system is not broken. This comes on heels of contentious meetings in which residents were well represented by members of the Planning Commission that provided valued input. It's worked well in past and he believes a decision should be made based on our unique circumstances, not what neighboring communities do.

Joanne Hanson - 5 Sumac Lane. She is opposed to the proposed ordinance and asked for her previous written comments be submitted into the record. She believes we are not like other communities. This ordinance permits just 3 Councilmembers out of 5 to remove Planning Commission members for any reason. She questioned why a resident would agree to a 3 year appointment to Planning Commission knowing they can be removed at any time. She believes it actually removes much needed checks and balances and allows

just 3 people to have the ability and power to shape every decision of the City Council and Planning Commission.

Franny Skamser Lewis - 3 Red Maple Lane

She is pleased that the North Oaks News article provided information and clarification on this topic. She has done some research and spoke with Richard Painter who is a University of Minnesota law school professor. He believes the purpose of any government committee is to review and act as an advisory. She believes eliminating the "cause" requirement can allow potential for corruption.

Rich Dujmovic - 15 Black Lake Road. He is opposed to the ordinance. In regards to the topic of potential bias of having Councilmembers also on Planning Commission he sees the Commission working together respectfully as a team right now. The City will have opportunity to appoint several new Commissioners when terms are up at the end of the year and questions why it must be done now. He feels we have a great Planning Commission in place now.

Cheryl Blackford - 7 North Deep Lake Road. She is opposed to changing the ordinance. Per the Mayor's article in the North Oaks News she is concerned about Council interference in the Planning Commission process. The 3 out of 5 vote seems to be City Council interference. This proposed ordinance seems unnecessary when the Planning Commission process has served us well in the past.

Bill Ecklund - 15 Larkspur Lane. He believes there are basic structural problems with the ordinance and asked the Mayor to clarify if this is a repeal or change. He asked if Chapter 150.078 regarding Comprehensive plan is still in place. Mayor Nelson indicated that 150.078 - 150.083 should be left unaffected. Mr. Ecklund thinks that the Council shouldn't take any action until the ordinance is revised.

Jeff Zinn - 51 East Pleasant Lake Road. He is concerned with Section 34.03 Terms, Oaths and Vacancy. He has reviewed other City ordinances and he believes the sentence "will be removed the effective date they were sworn into the City Council" should be removed from the proposed ordinance.

Susan Hinrichs - 55 East Pleasant Lake Road. She asked if approved when the ordinance would take effect. Administrator Robertson stated it would be when it was published, which would be approximately 30-40 days after it was approved. She asked the Mayor to describe the conflict of interest. Mayor Nelson stated that the 2 members of City Council that are also on the Planning Commission have the potential to vote in two different ways. Ms. Hinrichs doesn't believe the members have a conflict of interest.

With no further comments the Public Hearing was closed at 8:36 p.m.

Administrator Robertson and City Attorney Magnuson stated they do not believe that members of Planning Commission need to be members of NOHOA. Mayor Nelson agreed this change in wording is a good idea.

Mayor Nelson asked Attorney Magnuson if he has any input on the "removal without cause" wording. Magnuson sees the opportunity to be heavy handed and there is a danger in having power to remove without cause. He believes it should state removal is with cause only. Mayor Nelson agreed to this change, and mentioned that every ordinance currently requires a 3-2 vote to pass. Councilmember Kingston doesn't have an issue if the vote to remove a Commissioner requires less than four votes as long as Councilmembers cannot be on the Commission. He is concerned if Planning Commissioners were also on the City Council then we could never get to a 4/5 vote to remove them.

Councilmember Kingston stated the current ordinance does not give a limit to the number of Planning Commissioners that can be on the City Council. With an election coming up, he wants to ensure lots of resident input and the inclusion of new residents. He believes we have lots of talented individuals to appoint to the Planning Commission and would like to see advice from an independent Planning Commission and then let the City Council make the final decision. He stated the last time we had Planning Commission openings there were 9 very qualified applicants, some of which we didn't have positions available to appoint. He is concerned with having too much power in the City Council and prefers to have a completely independent Planning Commission. He is supportive of having 1 or 2 Councilmembers assigned to the Planning Commission as non-voting liaisons. He would prefer wording that there could be a transition period to appoint new Planning Commissioners with a newly elected Councilmember staying on the Commission for a maximum of 6 months to help in training and assisting the new commissioners.

Councilmember Long said when NRC was formed they looked at the Planning Commission as a model. He would like to see the Planning Commission be able to make their own rules, have bylaws for attendance and to appoint its own Chair. He doesn't want two Councilmembers on the Commission.

Councilmember Ries feels the Planning Commission is an important body in the City and they do time consuming work to come to an independent evaluation of each application. She doesn't see any concerns with the current structure. She feels that valid reasons for ordinance changes include: address something wrong, comply with state law, or reduce City risk. She feels it has been valuable for her to be part of the Planning Commission, have ability to review the detail and then come to Council with valued input. She indicated that at one time Gregg Nelson was on both the Planning Commission and Council and voted on both during that time. She believes Councilmember Katy Ross has been doing a great job as Commission Chair and feels the Council should just focus on the structure of Planning Commission, and who is eligible to be elected chair instead of changing the entire ordinance. She hasn't seen any type of misuse of the current structure. This is a unique community, with no full time City Council, Mayor or Commissioners and she feels our ordinances should remain in place to reflect the possible benefits of having overlap of these volunteers. She noted that as the two Councilmembers that are on the Planning Commission, Councilmembers Ross and Ries called residents last fall and asked if they might be interested in joining the Commission. This led to 11 applicants with these personal outreach efforts.

Currently the same person is appointed as both Chair and Council Liaison, however the terms for both Councilmembers Ross and Ries expire at end of year so this will become a moot point. She reminded everyone that there are many important events taking place now including review of the Comp Plan, North Oaks Company development plans, and the East Oaks PUD. There are lots of things to focus on right now except the structure of the Planning Commission. It is currently functioning with well-prepared people and she believes the Council needs to redirect its focus to other long term planning.

Attorney Magnuson stated there are 2 types of conflict of interest: 1. Personal conflicts of interest such as voting on your own projects, and 2) Financial conflict such as voting for financial gain. He sees the issue as members of the City Council who are on the Planning Commission are being paid for being on the Commission and therefore Councilmembers Ross and Ries shouldn't be allowed to vote or there could be potentially a conflict. Councilmember Ries stated that both herself and Councilmember Ross have waived any compensation so this shouldn't apply. Attorney Magnuson thought it still may be a conflict of interest since the issue directly affects them. Councilmember Long wants to get back to business and just vote. Councilmember Ries would like to look into the potential conflict of interest further.

Councilmember Long made a Motion to approve the new Chapter 34 Ordinance with the following changes: retaining a 4-1 vote to remove a member of the Planning Commission, no requirement of NOHOA membership, removal of Planning Commission members for cause only, there to be one non-voting City Council liaison on the Planning Commission, that the Chair needs to be a member of Planning Commission, any Planning Commission compensation changes would require majority Council vote, the Planning Commission nominate their own Chair and present it to the City Council for the formal appointment, and that a 3 day notice is required for special meetings of the Planning Commission.

Councilmember Ries believes this ordinance change is a waste of time and it is shameful to be talking about this right now. She feels it is only fair to wait to have Councilmember Ross in attendance to have the opportunity to speak on this issue since she is directly affected. **The motion was amended by Councilmember Kingston with Councilmember Long's consent, to remove the provision for the Planning Commission to nominate its own Chair. Councilmember Kingston seconded the revised motion. Motion was approved 3-1, Councilmember Ries opposed.**

Process for Reviewing Subdivision Application. Councilmember Ries feels that the process for reviewing subdivision applications can be improved to help new Planning Commissioners be trained and ready to review applications and track documents as they come in. Ries has put together a flow chart that outlines a process for reviewing applications and to check them against appropriate ordinances. It doesn't reach any legal conclusions but helps remind Commissioners to check the various key documents while reviewing applications coming to the Planning Commission. She will give it to staff, Council and Planning Commission to review for input. The goal is to streamline the process and use

the document to help the Planning Commission. This is a process flow procedure rather than a document issue tracker which has previously been discussed.

New Business

Pleasant Lake Weed Removal – Administrator Robertson stated there have been discussions with NOHOA about weed removal. NOHOA has granted the permit to do it this year and weeds will be taken to the Ramsey County compost site.

Set Workshop for City Attorney Interviews; Administrator Robertson stated that Council members have agreed on 2 open slots for upcoming workshops. Monday July 8th at 5 p.m. has been confirmed with the North Oaks Company as the Decennial Review. Wednesday July 10th at 5 p.m. will be the Council interview of the three finalists selected as the potential new City Attorney. A half hour has been allotted for each firm. Mayor Nelson and Councilmember Ries interviewed 9 attorney firms and all were very qualified. Staff will work with Council to find additional workshop times to complete the following: annual review of the City Administrator and discussion of staff needs, complete long range planning, and have Fire Chief Boehlke present the department needs study.

Discussion of CTV social media proposal. Administrator Robertson said that CTV is proposing to do 1 free month of social media for the City of North Oaks on a trial basis. If we were to choose to move forward, it would be \$3,000 - 4,000 annually to do this. CTV would provide content and City staff would review and post as appropriate.

Motion made by Councilmember Long for CTV to do City social media for a month. Seconded Councilmember Kingston and unanimously approved.

Discussion of Cesspools – Councilmember Ries stated that City Septic Inspector Brian Humpal gave an informative discussion at the last Planning Commission meeting on different types of septic systems as part of staff review of a septic variance application. He stated that existing cesspools could affect the aquifer as they have no treatment. Councilmember Ries thinks this topic should be discussed again. Mayor Nelson stated the pushback before was from realtors but he didn't feel good with the decision. Administrator Robertson stated it was thought that banks might require removal of cesspools at point of sale but this has not always happened. Councilmembers Long and Kingston also believe that it is time for it to be readdressed.

Current ordinances do not give Inspector Humpal any authority to enforce removal of cesspool. Councilmember Kingston believes that it should be more than just point of sale regulation. This item will be put on the next agenda.

Website Update and Budget. Councilmember Ries requested that funding be set aside to budget for a website update. It will take a while to implement and there are different services at different price points, but we need to know funds are being set aside to begin

this process. Mayor Nelson asked how much may be needed for this. Ries thought a well-designed website will come between \$8,000-\$16,000 and would provide better information to residents while allowing them to more securely conduct city business and process some permits online, as well as better navigate ordinances. All Council members agreed to work on a Communications budget line item for this up to \$16,000.

Councilmember Reports

Councilmember Ries has been working with website providers and working with Deputy Burrell to post some public safety videos on the website. The next video will be on personal safety and how to prevent becoming a target. The Cable Commission is working on the impact of new Senate law 998 and how it will affect cities. She was grateful to be involved in the interview of great City Attorney candidates.

Councilmember Long reported on information from the Fire Department that cottonwood seeds are flammable and can create a fire hazard. He continues to work on bringing fire hydrants into the Nord development. There was no meeting with VLAMO this month. He complemented Councilmember Ross on the success of having 110 mailboxes sold within the community.

Councilmember Kingston is working with Planning Commissioner Mark Azman regarding a home maintenance ordinance. He visited with Administrator Robertson and Deputy Burrell regarding some troubled properties. He is also working with NOHOA on security to determine how to collaborate on our community becoming harder targets. The Tick Task force has closed their survey and will be giving survey results to all the Boards.

Mayor Nelson - no report.

City Administrator Report

- The North Oaks Tick Task Force has won a City of Excellence Award from the League of Minnesota Cities for its efforts to reduce Lyme Disease. The awards presentation is on Thursday June 27th in Duluth. Councilmember and task force member Kingston will attend. He will also check to see if he can get someone else from Tick Task Force to attend as well. Members of the Task Force, NOHOA, NRC, and Mayor Nelson were all interviewed on video last Monday, and the feature will be shown to 500 cities at the League of Minnesota Cities Conference. Our Lyme Disease plan will be used by the League as an example for other cities who contact them about the issue.
- 2 Eagle Ridge Conditional Use Permit - Administrator Robertson said the approved CUP stated the property owner would haul dirt off site. Instead they have been spreading it on the property. NOHOA put a stop work order on the property because they did not have an approved landscape plan and the City said no more earth moving until the

owner submits and receives approval for a grading plan. They are allowed to continue work on garage because it will help hold up the hill. There is concern by neighbors' regarding definition of the property line, and possible undercutting of tree foundations when they dug into the embankment. There has been a survey completed by applicant, and the City has recommended neighbors do their own survey if they are concerned with its accuracy. The City is trying to force the construction to move quicker but much of work is being done by the homeowner. The property owner has been cited for not following the CUP and not cleaning up the yard. The City will also require an as-built survey when work is completed.

Resident Sue Casey – 4 Eagle Ridge. She stated the surveyor came back out and the stakes are back in. The bank cut is right on the line. Councilmember Ries believes the homeowner should finish cleanup of the yard, complete the retention wall and that they are in violation of the original CUP approval.

- 14 Lost Rock Rental License – The homeowner completed a 2016 rental application, but never got an inspection because they indicated they did not have a tenant. The current tenant is claiming there is mold onsite. The Building Inspector will be making an inspection of the property next week.

City Attorney Report

None.

Miscellaneous

Next Natural Resource Commission Meeting is Thursday, June 20, 2019 @ 7:00 pm

Next Planning Commission Meeting is Thursday, June 27, 2019, @ 7:00 pm

Next Regularly Scheduled Council Meeting is Thursday, July 11, 2019 @ 7:00 pm

Next Tick Task Force Meeting is Tuesday, July 16, 2019 @ 7:00 pm

Adjournment

On motion duly made by Councilmember Ries, seconded by Councilmember Kingston and carried unanimously, the meeting was adjourned at 10:05 p.m.

Attest:

Respectfully Submitted

City Administrator Mike Robertson

Debbie Breen
Recording Secretary

Natural Resources Commission Minutes

June 20, 2019

7 P.M.

Call to Order:

Chair Bob Larson called the meeting to order at 7:00 p.m.

Roll Call:

Present: Chair Bob Larson, Vice Chair Kate Winsor, Commissioners David White, Damien LePoutre (via conference call), Dan McDermott (via conference call), Andrew Hawkins, NOHOA Liaison Diane Gorder, and Mayor Gregg Nelson

Staff: Recording Secretary Gretchen Needham and City Administrator Mike Robertson

Approval of Agenda:

Commissioner White moved to approve the agenda. Vice Chair Winsor seconded. Motion approved unanimously.

Approval of Minutes:

Mayor Nelson moved to approve the May 16, 2019 minutes. Commissioner Hawkins seconded. Motion approved unanimously.

Revised Pollinator Ordinance

Vice Chair Winsor, Commissioner Hawkins, NOHOA Liaison Gorder, and Mayor Nelson suggested some changes to the wording of the ordinance, and the rest of the commissioners agreed to those changes. Erin Rupp of Pollinate Minnesota would be available to give a short presentation at the next City Council meeting explaining the importance of pollinator ordinances.

Vice Chair Winsor moved to recommend the Pollinator Resolution 1347, with the changes adopted, for approval at the City Council July meeting. Commissioner Hawkins seconded. Motion approved unanimously.

North Oaks against Oriental Bittersweet

Administrator Robertson noted that Justin Townsend of Ramsey County will recommend sites for removal of Oriental Bittersweet. Volunteers will be gathered to help chop and remove the noxious weed. Liaison Gorder asked that Justin provide a step-by-step process for how the bittersweet is removed.

Review of the NRC's Mission Statement

Chair Larson suggested that education be added to the Mission Statement, and well as some slight wording changes. A revised Mission Statement will be ready at the next NRC meeting.

Tick Task Force Report

- The 2019 City of Excellence Award by the League of Minnesota Cities will be given to the City of North Oaks for the efforts of the TTF at a June 27 awards dinner in Duluth.
- The TTF survey has concluded and the data will be analyzed soon. The survey results will be publicized on the City's website, Facebook page, email blast, and in the North Oaks News.

- The next Tick Task Force meeting will be Tuesday, July 16.

Kate Winsor's Report

The week of June 16 is Pollinator Week. Vice Chair Winsor submitted articles for the North Oaks News about taking pride in outdoor spaces and a "weed of the month." Next month, there will be an article in the paper that the deadline for the Conservation Award is approaching. She suggested that NOHOA is nominated for an award.

City Update

- Pleasant Lake weed removal will start the week after July 4. Next year, NOHOA will be heading up weed removal.
- Administrator Robertson had a meeting with the Sheriff about the crime activity of late with thieves entering unlocked cars and then gaining access to the home and vehicles. The advice from law enforcement is to lock vehicles, park them in a locked garage, and lock doors to the home at night.
- City Council has two workshops coming up in July for the Decennial Review and to do the second round of City Attorney interviews.
- Planning for Resilient Cities Workshop is in Roseville this week. Vice Chair Winsor and Commissioner Hawkins expressed interest in attending workshops such as these in the future.

NOHOA/NEST Update

- Liaison Gorder talked about the Frog and Toad event on May 31. About 30 people attended to learn about types of frogs and toads found in the area, and the importance of these amphibians to our ecosystem.
- Dawn Tanner of the Vadnais Lake Area Water Management Organization (VLAWMO) has been mapping the locations of yellow iris, an invasive species, through canoe trips around North Oaks lakes.
- A resident of Island Road wrote a letter to Diane Gorder about his home's cesspool septic system, which failed soon after he bought his house. He would like to see the City approve a Point of Sale Ordinance at some point in the near future. This topic is already being discussed at the next City Council meeting.

Adjournment:

Vice Chair Winsor made a motion to adjourn. Commissioner White seconded. The motion was approved unanimously. The meeting ended at 8:23 p.m.

Next Meeting: July 18, 2019



State of Minnesota)
County of Ramsey) ss
City of North Oaks).

RESOLUTION NUMBER 1347
Endorsing Pollinator Protection and Promoting Pollinator Habitat

WHEREAS, pollinators, including bees, butterflies, and other insects, are an indispensable component of a healthy ecosystem and food system, providing flowering plants with the pollination needed to grow fruits, vegetables, nuts, and herbs; and,

WHEREAS, scientific research has shown that pollinator populations are in rapid decline in the State of Minnesota, and across the United States; and,

WHEREAS, research has shown that the decline is a result of multiple, interacting factors, including loss of food and habitat, pathogens and parasites, climate change, and the increased use of pesticides, including neonicotinoids; and,

WHEREAS, neonicotinoids are a class of systemic chemical insecticides that have been shown to impair pollinators at low doses and kill them at higher doses; and,

WHEREAS, alternative land management practices are available that would significantly increase pollinator habitat and reduce maintenance costs; and,

WHEREAS, Minnesota state law preempts municipalities' ability to regulate pesticides, but does not restrict a municipality's support of public and private efforts to protect and promote healthy pollinator habits including, without limitation, the North Oaks Homeowners' Association (NOHOA) and its sub associations, and collectively North Oaks property owners; and,

WHEREAS, many North Oaks residents, businesses, and private organizations are concerned about the well-being of pollinators; and,

WHEREAS, the North Oaks Home Owners' Association values the natural environment; its mission includes preserving and enhancing North Oaks through stewardship of its natural resources, and its vision includes being a place where people, history, and nature grow together.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Oaks:

The City of North Oaks is hereby declared a Pollinator Friendly Community. The City of North Oaks celebrates current policies and practices that protect and promote pollinator health. The City of North Oaks seeks to incorporate pollinator habitat with storm water management.





The City of North Oaks seeks to incorporate pollinator habitat with storm water management.

The Natural Resources Commission has implemented a Conservation Award Program that recognizes residents and organizations for excellence in habitat management and wildlife conservation on their property. One category of the award program is for best practices in pollinator conservation.

NOHOA, with the help of NOHOA volunteers, successfully converted approximately 2,000 square feet of association owned Lake Gilfillan shoreline into pollinator habitat.

NOHOA is developing a pollinator habitat on passive recreation property near the main entrance of North Oaks (approximately 33,000 square feet).

NOHOA's shoreline restoration projects emphasize the use of a wide variety of native pollinator-friendly plants.

NOHOA's pollinator habitats have the potential to serve as a seed source for other pollinator projects within the City of North Oaks.

NOHOA's buckthorn removal at the 3.4-acre Mary Hill Park has allowed flowering plants to once again flourish in the sunny areas of the site and more pollinator friendly plants will be added to the site over time.

With the exception of tick habitats, NOHOA tries to minimize the use of insecticides or herbicides on its properties and instead emphasizes landscape modification strategies for tick management such as more frequent mowing of its recreation land and trail systems.

The North Oaks Garden Club uses vendors who do not use neonicotinoids on their annuals, vegetables, and herbs sold at the Annual Plant Sale.

The North Oaks Garden Club distributes Mammoth sunflower seeds at their annual plant sale, encouraging residents to grow them, thereby providing food for pollinators.

The North Oaks Golf Club maintains native plants, including wildflowers, on their property, implements integrated pest management techniques when pests are encountered, and uses licensed pesticide applicators who are trained to reduce exposure to non-target species, specifically foraging bees. The North Oaks Golf Club is participating in the Audubon Cooperative Sanctuary Program.





The Hill Farm Historical Society maintains a one-acre prairie on their six-acre site. The prairie is filled with native plants that serve as pollen and nectar sources for pollinators. In addition, they manage approximately 300 feet of shoreline on Pleasant Lake.

BE IT FURTHER RESOLVED that the City of North Oaks shall undertake its best efforts to reverse pollinator decline by adopting new policies and practices that protect pollinators, including:

The City of North Oaks shall seek to clarify guidelines against the use of neonicotinoid pesticides and pesticide treated plants.

The City of North Oaks will prioritize nurseries that refrain from using neonicotinoids when purchasing plants.

When feasible, the City of North Oaks shall allow coarse woody debris to accumulate in open or natural, forested areas as a means of nesting and overwintering habitat for pollinators.

The City of North Oaks will encourage developers seeking permits to plant more pollinator forage where appropriate.

The City of North Oaks shall also encourage developers to incorporate pollinator friendly plantings into required landscaping.

The City of North Oaks shall manage for pollinators by selecting native plantings for any future stormwater management projects.

The City of North Oaks shall review and revise the current Integrated Pest Management Plan to better accomplish the goal of controlling pests with the least possible disruption to ecosystems.

The City of North Oaks Natural Resources Commission and NOHOA shall support efforts to educate the broader community about the importance of creating and maintaining pollinator friendly habitat.

The City shall encourage the North Oaks Garden Club to continue to host an annual plant sale that offers a variety of pollinator friendly plantings, including native plants.

North Oaks will encourage the identification, protection and promotion of pollinator habitat projects.

The Natural Resources Commission shall provide periodic reports regarding the success of the agenda presented in this resolution.





BE IT FURTHER RESOLVED that the City of North Oaks urges all property owners, residents, businesses, institutions, and neighborhoods to assist pollinators by adopting practices including:

Committing to avoid using pesticides, including systemic insecticides, on their property;
Avoid planting flowering plants that have been treated with systemic insecticides;
Discontinuing the sale of pesticides and plants that are treated with systemic insecticides;
Incorporating more pollinator forage into their property;
Refraining from treating lawns with pesticides.

BE IT FURTHER RESOLVED that the City of North Oaks transmit copies of this resolution to the Minnesota Department of Agriculture, Governor Tim Walz, State Representatives and Senators, U.S. Representatives and Senators, U.S. Environmental Protection Agency, and U.S. Department of Agriculture, and will continue to advocate at the State and Federal level for pollinator friendly policies.

The City of North Oaks shall post a copy of this resolution on the City of North Oaks website and periodically post a Pollinator Friendly Activities Report on the website and in the North Oaks News.

PASSED BY THE COUNCIL of the City of North Oaks this 11th day of July, 2019.

APPROVED:

Gregg Nelson, Mayor

ATTEST:

Michael Robertson
City Administrator



Mike Robertson

From: Jim Bowyer <jimbowyer@comcast.net>
Sent: Monday, June 24, 2019 4:00 PM
To: Mike Robertson
Subject: July 11 Council Meeting
Attachments: Legacy of Citizens UnitedMN.docx; Why A Constitutional Amendment.docx; SHERBURNE CO. RESOLUTION_.docx

Caution: This email originated outside our organization; please use caution.

Mike:

This is a follow-up to our brief conversation of this morning regarding an opportunity to briefly address the Council on July 11. As promised, I have enclosed a bit of information regarding the Citizens United issue for inclusion in the meeting packet. Attached are:

- (1) A link to a Ted Talk by Harvard professor Larry Lessig (<https://www.youtube.com/watch?v=PJy8vTu66tE&feature=youtu.be>) in which the essence of the Citizens United legacy is explained. The case is clearly made in the first 10-11 minutes of this 20 minute video. Although corrective actions suggested at the end of this presentation are a bit different from what we (American Promise) are proposing (and we believe likely less effective), the issue is clearly stated.
- (2) A brief summary of the legacy of the Citizens United decision.
- (3) A brief summary of why a Constitutional Amendment is needed and why a supporting North Oaks City Council resolution is requested.
- (4) An example of the resolution that we are seeking from city and county governmental units. This example is provided by a copy of the resolution passed by Sherburne County, a resolution that is essentially the same as resolutions passed by all other jurisdictions. Note that the resolution itself is just a few lines at the end of a long list of 'whereas's. Identical resolutions have been passed by the city councils of Minneapolis, St. Paul, Duluth, Lauderdale, and New Brighton.

In addition, the following is a link to American Promise with which I am working as a volunteer in the effort to turn things around.

American Promise

https://www.americanpromise.net/?gclid=EAIaIQobChM1146-87md4QIV1iCtBh3vEaf9EAAYASAAEgJRKPD_BwE

Our view is that the current situation is directly undermining the very premise of our Constitution – that ours is a government of, for, and by the people, and that we, as citizens, cannot allow this situation to continue. The Supreme Court has exercised poor judgment seven previous times in our history severe enough that citizens rose up to change the Constitution. It is time to do it again.

I look forward to addressing the Council on July 11.

Jim Bowyer

13 Anemone Circle
North Oaks
jimbowyer@comcast.net
(651) 490-7688

Why A Constitutional Amendment?

In the 2010 Citizens United decision, the U.S. Supreme Court ruled that it was unconstitutional to ban political spending by entities such as unions and corporations as long as spending was not coordinated with campaigns. A subsequent district court decision, which was handed down only two months later and which cited Citizens United, removed spending limits on organizations not affiliated with campaigns. Combined, these two decisions effectively removed all limits on campaign fundraising and spending.

Because the court made its decision based on the finding that establishment of campaign spending limits is unconstitutional, the only way that the uncontrolled spending problem can be solved is through a Constitutional amendment. While precise language as to what such an amendment should say has not been firmly established, an example is provided by wording from a draft document now circulating in Congress:

The draft simply states that:

- Congress and the States may regulate and set reasonable limits on the raising and spending of money by candidates and others to influence elections.
- Congress and the States may by appropriate legislation distinguish between natural persons and corporations or other artificial entities created by law, including prohibiting such entities from spending money to influence elections.

Amending the Constitution may seem like an impossible task, but on seven previous occasions in the 20th century the Supreme Court has gotten it wrong to the point that citizens groups rose up to amend our founding document. We can do it again.

Article V of the U.S. Constitution provides two paths for amending the document:

Path 1

- Two-thirds of both houses of Congress pass a proposed constitutional amendment. This sends the proposed amendment to the states for ratification.
- Three-fourths of the states (38 states) ratify the proposed amendment, either by their legislatures or special ratifying conventions.

Path 2

- Two-thirds of state legislatures (34 states) ask for Congress to call "a convention for proposing amendments."
- States send delegates to this convention, where they can propose amendments to the Constitution.
- Three-fourths of the states (38 states) ratify an amendment approved by the "convention for proposing amendments," either by their legislatures or special ratifying conventions.

Because getting Congress to jointly agree on anything these days appears near to impossible, the strategy we are employing is a modified version of Path 2. We are seeking resolutions of support for limits to campaign contributions and spending from 38 states – enough to ensure passage of an amendment should Congress fail to act. So far, 20 states have passed such resolutions; Minnesota is not yet one of them. Past history shows that when the number of states involved begins to approach the magic number of 38, Congress will, in fact, take action. So we believe that if we can get 33-35 to indicate support that will be sufficient. If not, we'll continue our efforts until we reach 38.

In states where legislative bodies have been slow to act, a strategy found to be effective is for smaller units of government – cities, towns, townships, counties – to enact resolutions of support of an amendment, all for the purpose of placing pressure on the state legislature to take action. Over 800 cities and towns across the U.S. have so far passed resolutions in support, as have numerous county boards. We are attempting to use this approach in Minnesota as a means of forcing action at the state level.

RESOLUTION

SHERBURNE COUNTY BOARD OF COMMISSIONERS

April 3, 2018

Date

Number

WHEREAS, in 2010 the United States Supreme Court ruled in *Citizens United vs. Federal Election Commission* that corporate entities have the same free speech rights as natural persons; and

WHEREAS, the Supreme Court's decision in *Citizens United* defined independent expenditures as a form of free speech and ruled that corporate entities have the same rights as natural persons to unrestricted spending on political speech; and

WHEREAS, corporations are not people, but artificial entities both nonprofit and for profit, bound by the laws of this country, this state and this city; and

WHEREAS, the Court's decision has the effect of permitting unlimited corporate and undisclosed spending to influence elections, campaigns, and public policy decisions, and

WHEREAS, the Supreme Court's decision which overturned some provisions of the federal Campaign Reform Act enacted in 2002, greatly encumbers the ability of federal, state and local governments to enact and enforce reasonable campaign finance regulations regarding corporate political activity, and

WHEREAS since the Supreme Court's decision there has been a significant growth in contributions and spending for media messaging and independent electioneering activities, and

WHEREAS, government should require that permissible contributions and expenditures be publicly disclosed; and

WHEREAS, several proposed amendments to the constitution have been introduced in Congress that would allow federal, state and local governments to require the disclosure of money and to regulate the raising and expending of money by corporations to influence elections and public policy decisions; and

WHEREAS, the people of the United States have on several occasions used the constitution amendment process to correct decisions of the United States Supreme Court that are widely deemed to be egregious or wrongly decided or significantly out-of-step with the prevailing values of the populace;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Sherburne County supports the call for the United States Congress to pass an amendment to the United States Constitution to provide that:

1. Corporations are not natural persons and only natural persons are endowed with Constitutional Rights.
2. Federal, State and local government shall have the power to regulate contributions and expenditures for elections and campaigns, and require public disclosure of the sources of contributions and expenditures for elections and campaigns.



MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner
Mike Robertson, City Administrator

DATE: July 8, 2019

RE: North Oaks - Wilkinson Villas (Phase 1A) Final Plan

FILE NO: 321.02 - 19.03

BACKGROUND

At the City Council's regular meeting on May 9, 2019, the Council considered the Preliminary Subdivision application the North Oaks Company for the Wilkinson Villas (Phase 1A) project.

The subdivision consists of four "villa" lots located upon 36 acres of land located south of Osprey Court and west of Centerville Road. The majority of the 36-acre site is devoted to permanent open space. The City Council approved the Preliminary Subdivision application subject to a number of conditions.

At this time, the North Oaks Company has requested Final Plan approval of the subdivision.

Attached for reference:

- Exhibit A - Approved Preliminary Subdivision
- Exhibit B - Existing Conditions
- Exhibit C - Final Overall Plan
- Exhibit D - Final Plan Detail
- Exhibit E - Easement Plan
- Exhibit F - Final Lot Layout
- Exhibit G - Final Street Plan
- Exhibit H - Final Utility Plan
- Exhibit I - Final Grading Plan
- Exhibit J - Final Erosion Control Plan
- Exhibit K - VLAWMO Letter dated 7/3/19



ISSUES AND ANALYSIS

Planned Development Agreement Directives. The proposed subdivision lies within the northern one-half of "Development Site F," as identified in the East Oaks Planned Development Agreement. "Development Site F" makes an allowance for 10 dwelling units with a potential 30 percent density increase (allowing up to 13 dwelling units). Thus, the proposed land use is consistent with the land use directives of the Planned Development Agreement.

Development Summary. The following is a summary of lot area breakdowns provided by the applicant:

NORTH OAKS COMPANY ANDERSON WOODS AREA DRAWING NAME - Villas 1A Final Plan
KIRTH SURVEYNG INC. FILENAME: Villas 1A Final Plan area.xls June 28, 2019

PROJECT RECAP	
TOTAL NUMBER OF BUILDABLE LOTS	4 Lots
TOTAL PROJECT ACREAGE	17.5 Acres
TOTAL AREA ACREAGE IN BUILDABLE LOTS	2.9 Acres
AVERAGE TOTAL LOT SIZE	0.73 Acres

NOTES: TOTAL LOT AREA INCLUDES ROAD RIGHT OF WAY
 GROSS LOT AREA EXCLUDES ROAD RIGHT OF WAY
 ADJUSTED LOT AREA IS TOTAL LOT, LESS ROAD RIGHT OF WAY, AND LESS 2/3 OF WETLANDS
 MAXIMUM HOUSE SIZE (FAR) IS 20% OF ADJUSTED LOT AREA
 USEABLE AREA EXCLUDES ALL REQUIRED SETBACKS, EASEMENTS & WETLANDS

TRACT LETTER	PRELIM LOT NO.	TOTAL LOT AREA		ROAD R/W	GROSS LOT AREA	WETLAND AREA	ADJUSTED LOT AREA	TOTAL F.A.R.	USEABLE AREA	TRACT LETTER
		SQ. FT.	ACRES							
A	1	44,414	1.02	0	44,414	5,433	40,829	8,166	N/A	A
B	2	22,202	0.51	0	22,202	4,292	19,370	3,874	N/A	B
C	3	24,005	0.55	0	24,005	6,148	19,947	3,989	N/A	C
D	4	37,197	0.85	0	37,197	1,700	36,075	7,215	N/A	D
E	ROAD	15,585	0.36	0	15,585	0	15,585	N/A	N/A	E
F	OPEN	486,642	11.17	39,090	447,552	344,677	220,065	N/A	N/A	F
G	FUTURE	933,339	21.43	37,805	875,554	342,000	533,554	N/A	N/A	G
TOTALS		1,563,403	35.89	96,895	1,466,508	704,250	885,423	N/A	N/A	

The table below, provides a comparison of the lot areas identified on the Preliminary Subdivision and the submitted Final Plan:

	Lot 1 (#30)	Lot 2 (#32)	Lot 3 (#34)	Lot 4 (#36)
Preliminary Subdivision	24,020 n.s.f.	19,230 n.s.f.	16,110 n.s.f.	16,500 n.s.f.
Final Plan	44,414 g.s.f. 40,829 n.s.f.	22,202 g.s.f. 19,370 n.s.f.	24,005 g.s.f. 19,947 n.s.f.	37,197 g.s.f. 36,075 n.s.f.

Note: In the Preliminary Subdivision, gross and net lot areas are the same



As shown above, the net lot areas proposed on the Final Plan meet or exceed the net lot areas illustrated on the approved Preliminary Subdivision.

Cul-de-sac. The submitted Final Plan is generally consistent with the approved Preliminary Subdivision. The primary design change involves the removal of the "hammerhead" turnaround area (depicted on the Preliminary Subdivision drawing) and the inclusion of a more traditional cul-de-sac turnaround area.

The Lake Johanna Fire Chief has reviewed the submitted Final Plan and expressed his opinion that the revised Plan, with the cul-de-sac, is a better design for Fire Department vehicle access and maneuvering.

As a condition of Final Plan approval, the City Engineer should provide comment and recommendation in regard to street-related issues, including the acceptability of the proposed cul-de-sac design.

Wetlands. As a condition of Preliminary Subdivision approval, the City stipulated that the Final Plan must not have any wetland-related impacts. While it does not appear that any wetland impacts will result from the proposed Final Plan, this should be confirmed by the City Engineer.

As a result of the inclusion of the cul-de-sac, the rear lot lines of the proposed "villa" lots have been shifted approximately 70 feet to the south. This change results in the extension of rear yards into the adjacent wetland. The preceding change also results in an increase in the gross area of the lots. The net lot areas do, however, meet or exceed those illustrated on the previously approved Preliminary Subdivision.

According to the applicants, lots extend into the wetlands to provide the necessary area to meet the 0.20 floor area ratio (FAR) requirement for this site. The applicants plan provides the potential for house sizes up to 3,800 square feet.

The City Engineer should provide comment and recommendation in regard to issues associated with the proposed wetland encroachments and any recommended protection measures.

Future Site Development. As a condition of preliminary subdivision approval, the applicants were required to provide a conceptual development plan for the southern one-half of the subject 36-acre site. Such concept plan was provided by the applicants at the City Council's May 9, 2019 meeting. The concept plan illustrated nine single





family residential lots and was found to be consistent with the land use directives of the 1999 Planned Development Agreement.

Development Standards. Consistent with the provisions of the Planned Development Agreement, the proposed "villas" must satisfy the following requirements:

1. A maximum floor area ratio of 20 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
2. The following minimum setbacks shall be satisfied:

Principal Building to Roadway Easements:

Front: 15 feet
 Side: 20 feet
 Rear: 20 feet

Principal Building to Principal Building:

Front to front: 40 feet
 Side to side: 15 feet
 Rear to rear: 50 feet

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet (per the Planned Development Agreement)

Principal and accessory buildings to wetlands: 30 feet

Park Dedication. Consistent with the approved preliminary subdivision, the submitted Final Plan does not include any parkland. As previously indicated, park dedication requirements for the East Oaks PUD were satisfied as part of previous approvals.

Trails. According to the City's Comprehensive Plan, "Mixed Residential" sites must provide access to the primary trail system. Thus, the proposed "villa" lots must be provided access to the trail system. This requirement will be imposed as a condition of Final Plan approval.

The final trail plans should be developed in concert with North Oaks Home Owner Association (NOHOA) staff as they will be responsible for acceptance and maintenance of the trails.



Building Architecture. As indicated as part of the preliminary subdivision review, the proposed "villa" homes will be of similar design and quality of the "villa" homes which presently exist to the north of Osprey Court.

According to the East Oaks Planned Development Agreement, all homes constructed within East Oaks shall be subject to review by the North Oaks Home Owners' Association Architectural Supervisory Committee (ASC) to the extent required by the ASC.

Grading, Drainage and Utilities. Issues related to grading, drainage and utilities should be subject to comment and recommendation by the City Engineer.

Development Agreement. As part of Final Plan approval, a development agreement must be completed, determined to be acceptable to the City Attorney and executed.

RECOMMENDATION

The Wilkinson Villas (Phase 1A) Final Plan has been found to be generally consistent with the approved Preliminary Subdivision. Based on the preceding review, Staff recommends approval of the Final Plan subject to the fulfillment of the following conditions:

1. The City Engineer's comments and acceptance.
2. The proposed "villas" shall comply with the following requirements:
 - A. A maximum floor area ratio of 20 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
 - B. The following minimum setbacks shall be satisfied:

Principal Building to Roadway Easements:

Front: 15 feet
 Side: 20 feet
 Rear: 20 feet

Principal Building to Principal Building:

Front to front: 40 feet
 Side to side: 15 feet



Rear to rear:50 feet

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet (per the Planned Development Agreement)

Principal and accessory buildings to wetlands: 30 feet

3. In accordance with the City's Comprehensive Plan directives, the proposed "villa" lots shall be provided access to the trail system.
4. Final trail plans shall be developed in concert with NOHOA staff.
5. A development agreement shall be completed, determined to be acceptable to the City Attorney and executed.
6. Comments of other City Staff.

cc: North Oaks Mayor and City Council
Dave Magnuson, City Attorney
John Mazzitello, City Engineer
Mark Houghe and Gary Eagles, North Oaks Company
Mikeya Griffin, NOHOA Executive Director North Oaks Company
Jenifer Sorensen, Department of Natural Resources
Stephanie McNamara, Vadnais Lake Area Water Management Organization

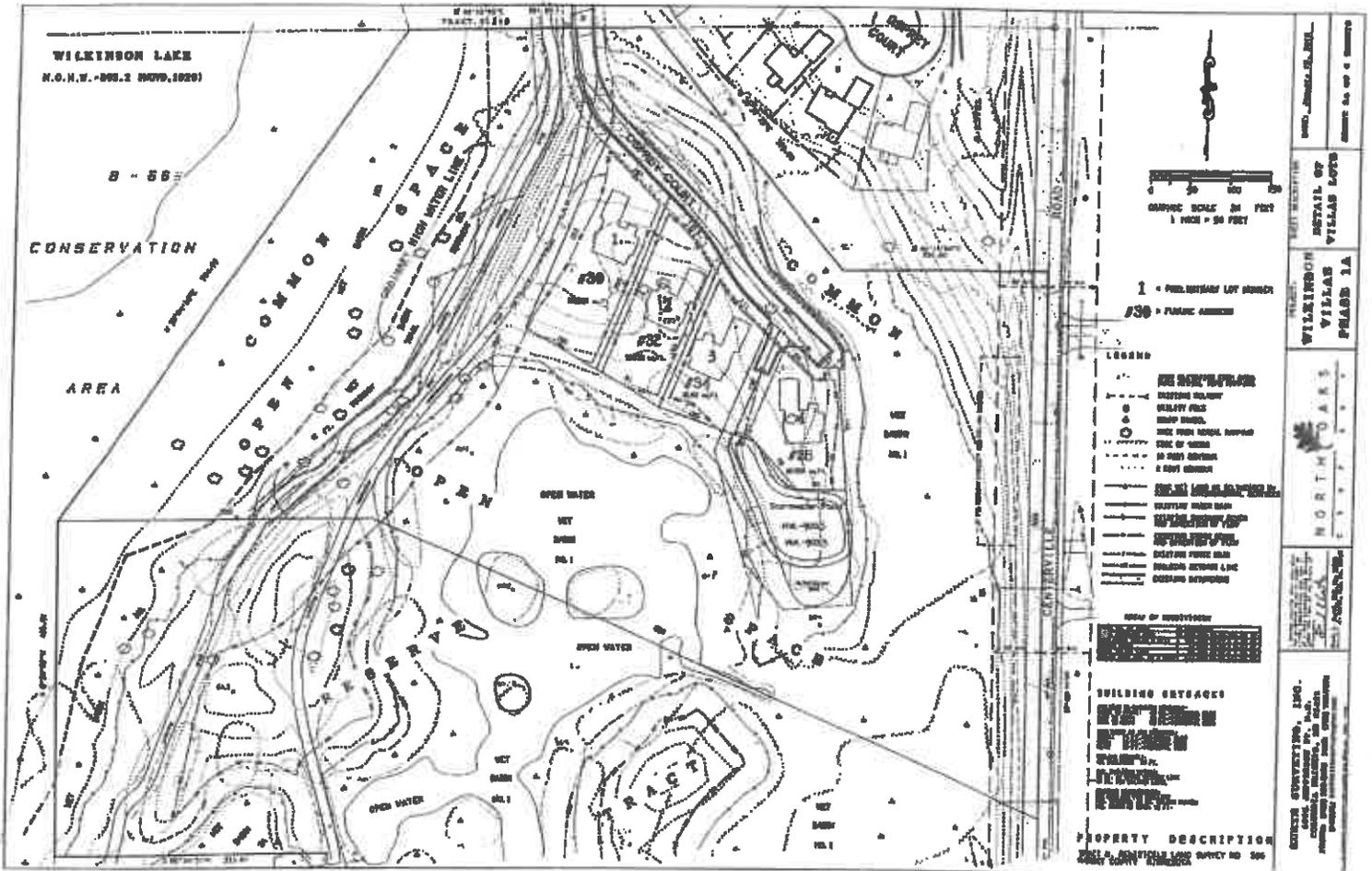


Exhibit A - Approved Preliminary Subdivision

WILKINSON LAKE
 N.O.N.V. - 200.2 (NOV. 1920)
 B - 55
 CONSERVATION AREA
 COMMON SPACE
 OPEN WATER
 COMMON
 WILKINSON LAKE
 GENEVILLE
 100 COMMON
 LEGEND
 BUILDING SETBACKS
 PROPERTY DESCRIPTION
 1 - PRELIMINARY LOT NUMBER
 730 - PUBLIC ADDRESS
 NORTH CAROLINA
 WILKINSON VILLAGES
 PHASE 1A
 100 COMMON

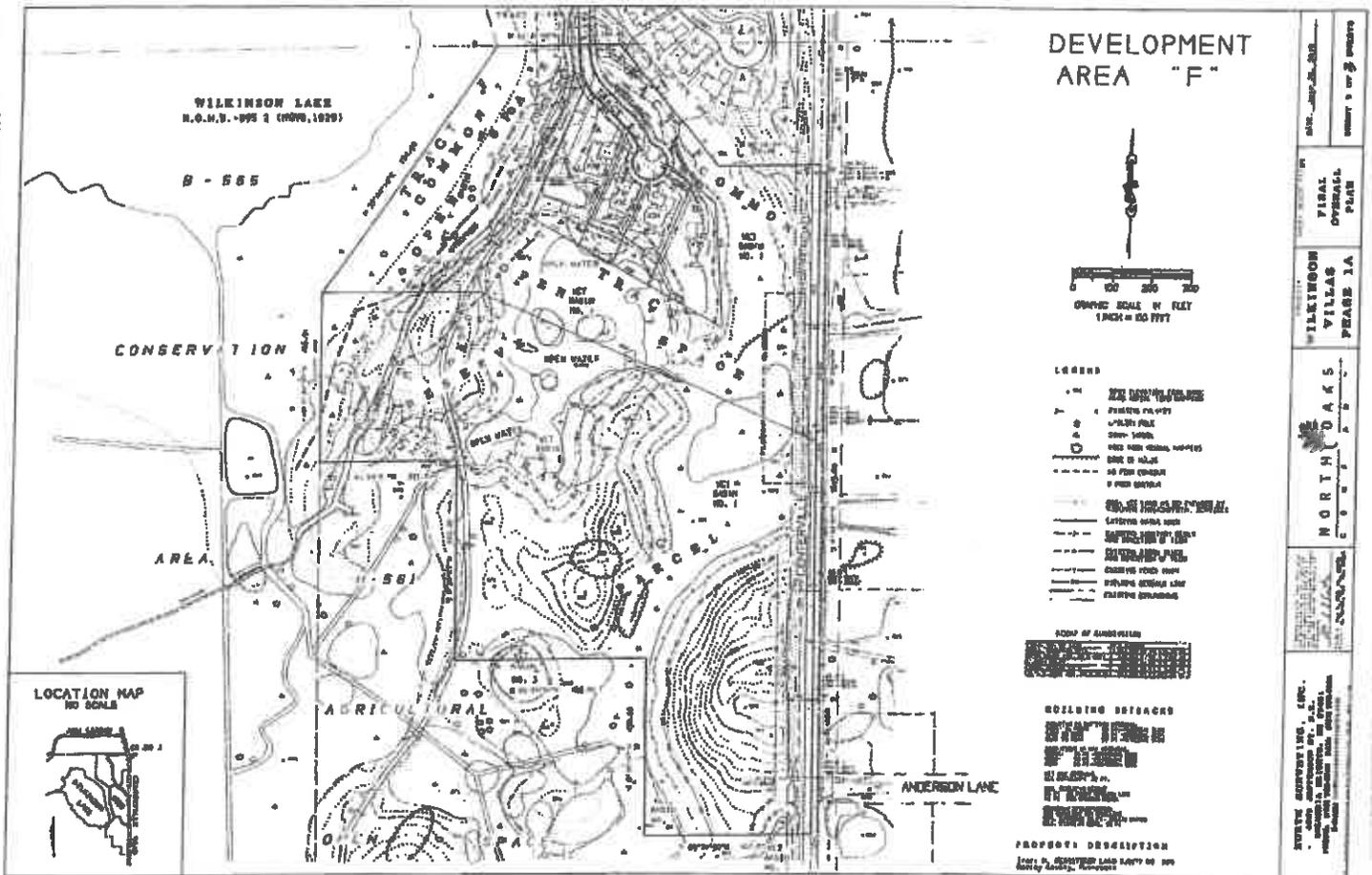
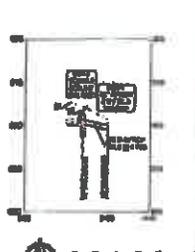
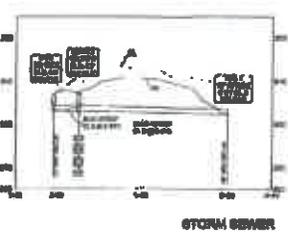
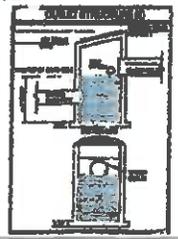


Exhibit C - Final Overall Plan



- GENERAL NOTES:**
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 2. ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS.
 3. ALL UTILITIES SHOWN ARE APPROXIMATE DEPTHS.
 4. ALL UTILITIES SHOWN ARE APPROXIMATE SIZES.
 5. ALL UTILITIES SHOWN ARE APPROXIMATE MATERIALS.
 6. ALL UTILITIES SHOWN ARE APPROXIMATE DIRECTIONS.
- NOTES:**
1. ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS.
 2. ALL UTILITIES SHOWN ARE APPROXIMATE DEPTHS.
 3. ALL UTILITIES SHOWN ARE APPROXIMATE SIZES.
 4. ALL UTILITIES SHOWN ARE APPROXIMATE MATERIALS.
 5. ALL UTILITIES SHOWN ARE APPROXIMATE DIRECTIONS.
 6. ALL UTILITIES SHOWN ARE APPROXIMATE DIRECTIONS.

CENTREVILLE ROAD



<p>DATE: 10/15/2010</p> <p>PROJECT: WILKINSON VILLAS PHASE 1A</p> <p>LOCATION: NORTH DAKOTA</p>	<p>SCALE: AS SHOWN</p> <p>DESIGNED BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>DATE: 10/15/2010</p>	<p>PROJECT NO: 10-001</p> <p>CLIENT: [Name]</p> <p>ADDRESS: [Address]</p>	<p>SATIUS ENGINEERING, INC.</p> <p>1000 10th Street, NW</p> <p>Grand Rapids, MN 55743</p> <p>PH: 828-222-1111</p> <p>WWW.SATIUS-ENGINEERING.COM</p>	<p>FINAL UTILITY PLAN</p> <p>WILKINSON VILLAS PHASE 1A</p> <p>NORTH DAKOTA</p>	<p>3</p> <p>6</p>
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Exhibit N - Final Utility Plan

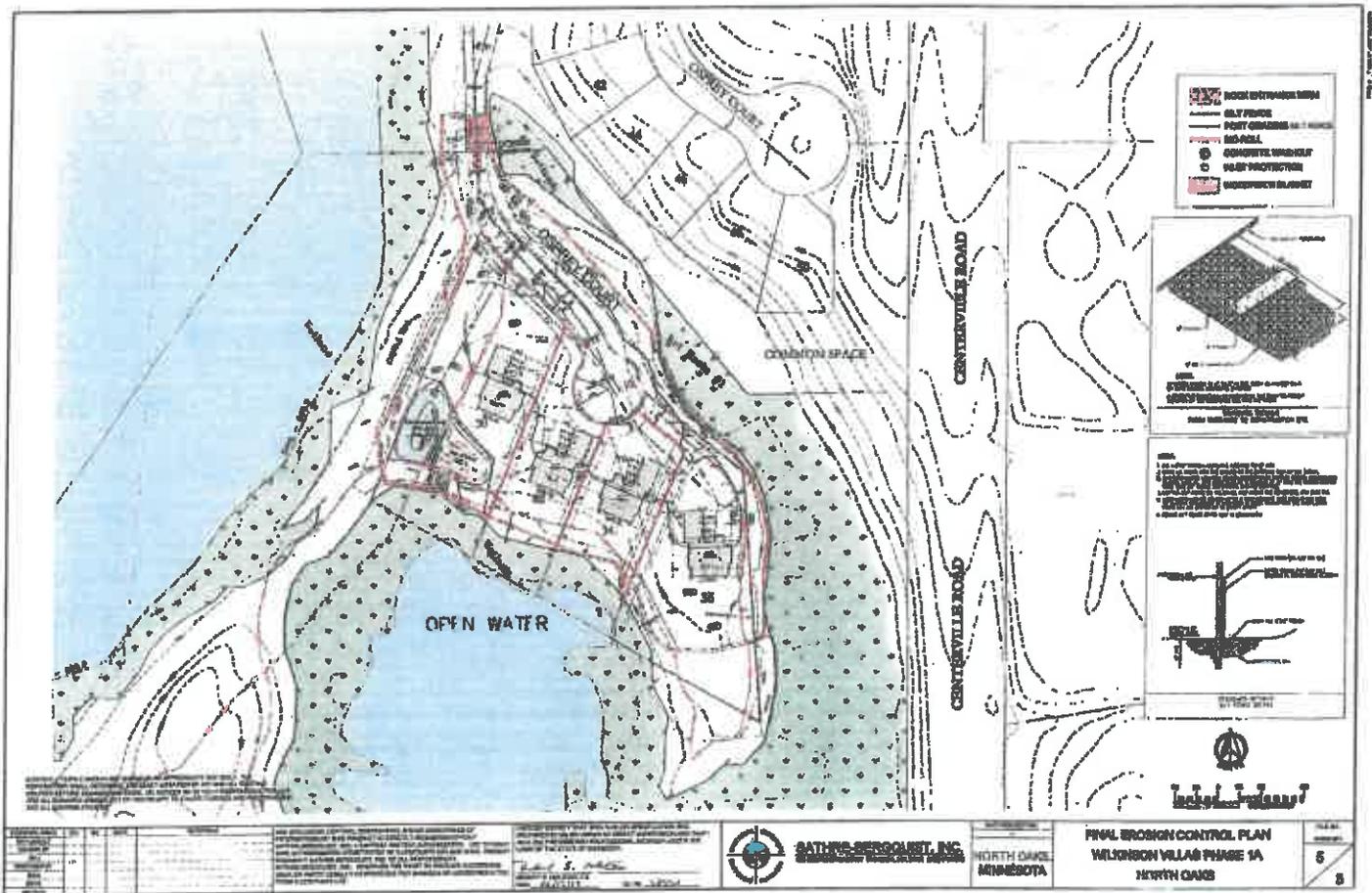


Exhibit J - Final Erosion Control Plan



800 County Road E East, Vadnaia Heights, MN 55127
www.vlawmo.org

TO: Gary Eagles
FROM: Brian Corcoran Vadnaia Lake Area WMO (VLAWMO)
DATE: July 3, 2019
SUBJECT: Comments – Wilkinson Lake Villas 1A– North Oaks

Gary,

Thank you for the opportunity to comment on the Wilkinson Lake Villas 1A development in North Oaks, MN. Below are our preliminary comments to the July 1, 2019 plan submittal.

- The June 2019 hydrology/stormwater management plan meets current VLAWMO standards for rate control, volume and water quality from existing to proposed conditions.
- A delineation was done for project site fall of 2018. Delineation was approved and notice of decision for boundary and type was issued on 12/28/2018.
- Due to numerous records of state-listed species in the vicinity of the project area it is requested that a formal Natural Heritage Information System (NHIS) request be submitted to the DNR by the developer or their consultant for project development on site.
- No MNRAM has been done on this site so it is assumed to be a manage 2 wetland. Base wetland buffer width of 30ft with minimum applied buffer width of 24ft. VLAWMO recommends a MNRAM report to determine proper management class for wetland buffer. Wetland banking site is to south of proposed development.
- A disturbed buffer seeding and management plan has been provided and VLAWMO approves.

If you have any questions please let me know.

Thank you!

Brian Corcoran

Mike Robertson

From: Boehlke, Tim <tboehlke@ljfd.org>
Sent: Wednesday, July 3, 2019 9:54 AM
To: Gary Eagles; Mike Robertson
Cc: Mark Houge
Subject: RE: Wilkinson Lake Villas Phase 1A

Caution: This email originated outside our organization; please use caution.

Gentlemen, The Fire Department has reviewed the revised plan for Wilkinson Lake Villa Phase 1A and has no recommended changes. The revised plan with the Cul-de-sac is a much better design for FD access and maneuvering.

Good Luck with the project.

Tim



5545 Lexington Ave N
Shoreview, MN 55126

Direct 651-415-2101
www.ljfd.org

Mobile 651-755-1113
Main 651-415-2100

Tim Boehlke
Chief
Lake Johanna Fire Department



From: Gary Eagles <gary@northoaks.com>
Sent: Wednesday, June 26, 2019 3:14 PM
To: Boehlke, Tim <tboehlke@ljfd.org>
Cc: Mike Robertson <MRobertson@cityofnorthoaks.com>; Mark Houge <mark@northoaks.com>
Subject: Wilkinson Lake Villas Phase 1A

Tim,
Attached is a revised plan for our Osprey Court project.
The original hammer-head turn around has been replaced with a 84 foot diameter cul-de-sac.
Will this be sufficient for your access?

Gary M. Eagles
Vice President Development
North Oaks Company LLC
5959 Centerville Road Suite 200
North Oaks, MN. 55127
651-484-3361
gary@northoaks.com

July 3, 2019

Mr. Michael Robertson
City Administrator
City of North Oaks
100 Village Center Drive, #230
North Oaks, MN 55127

SUBJECT: City of North Oaks
Wilkinson Villas
North Oaks, MN
Phase 1A Final Plan Review

Dear Mr. Robertson,

As part of our role as Consultant City Engineer for the City of North Oaks, we have reviewed the Final Plans provided by the applicant. We received the Final Plan set (dated June 13, 2019) on June 28, 2019. The following are comments regarding our review of the final plan documents:

Title Sheet (1 of 5):

No comments:

Street Plan (Sheet 2 of 5):

1. An 84-foot diameter cul-de-sac (86-foot diameter to back of surmountable curb) is proposed at the terminus of the street. We offer the following:
 - a. The applicant has contacted the Lake Johanna Fire Marshall to obtain comments regarding the proposed turnaround. Provide the Fire Marshall's response to the City.
 - b. The applicant shall contact the local school bus company who provides service to Osprey Court and determine if the bus company will use the cul-de-sac turnaround as designed, or if children will need to be picked up and dropped off at the existing intersection at the entrance to this project on Osprey Court. Provide correspondence to the City.
 - c. The radius of the curves at the entrance to the cul-de-sac shall be 30 feet and shall be shown on the plan.
2. The proposed street has been revised from a 24-foot bituminous paved surface with a gravel shoulder and curb on each side as shown on the preliminary plan- to a 27.34 paved surface with a surmountable curb on each side of the street. The proposed pavement is tapered to match the existing +/- 20-foot-wide bituminous pavement as shown on the plan. We offer the following comments:
 - a. We recommend the proposed concrete curb terminate at station 3+15, and a 5-foot tapered concrete curb section be provided from station 3+15 to station 3+20. We recommend the concrete curb section be replaced with a gravel shoulder or ribbon curb with transition from station 2+18 to station 3+15. We recommend a 2-foot-deep swale with a 4:1 side slope be constructed in the area

- in-lieu of the concrete curb. The swale would be constructed on both sides of the road from station +/- 3+10 to the north to a point where each swale daylight to existing grade. The proposed swale will remove sediments from the stormwater runoff and improve water quality.
3. We offer the following additional comments regarding the proposed typical street section:
 - a. A typical section for the aggregate shoulder shall be added to the plan. The top 3.5 inches of the aggregate shoulder shall consist of MnDOT Class 5- 100% crushed granite.
 - b. The bituminous binder for the bituminous wear and base shall be revised from a designation of "B" to a designation of "F" as recommended by the Soils Engineer in their report. Also, the aggregate material for the bituminous wear course shall be revised from "B" to "A" as recommended by the Soils Engineer.
 - c. The bituminous wear course shall be placed one construction season after the utilities have been installed within the street area. Add this note to the street notes.
 - d. Recycled material (RAP and RAS) are not allowed in the bituminous wear course. Add this note to the street notes.
 4. Developer's engineer shall submit the typical section(s) for the existing street as constructed from Osprey Court to the terminus at station 2+20. The developer's engineer shall determine if the existing street section meets the minimum MnDOT 7-ton design for a 20-year design life, or if a modification is required. The plan shall show any required modifications.
 5. The existing bituminous pavement shall be sawcut at the end of the pavement to create a vertical match line. The existing bituminous surface shall also be milled to a depth of 1.5 inches and a minimum width of 1 foot. All existing surfaces to be paved shall be tacked prior to paving. Add these notes to the street plan.
 6. The sag vertical curve does not meet the MnDOT standard for a 30-mph design speed. The developer's engineer shall determine the design speed for the proposed 100-foot vertical curve as shown, including the design speed for the horizontal curve in this area. A speed advisory sign (W13-1) shall be attached to a curve sign in this segment in each direction, based on the most restrictive design speed for this section. Revise the plan to show the signage and send the design calculations with the revised plans.

Final Utility Plan (Sheet 3 of 5):

1. Revised sanitary sewer construction plans shall be reviewed and approved by the City Engineer and by White Bear Township's Public Works department.
2. Watermain is not proposed to be extended from the existing watermain on Osprey Court. The four residential units are proposed to be served by a private well for each unit.
3. Proposed CBMH 2 shall be revised from a 48" diameter structure to a 2'x3' catch basin. Identify the catch basin casting to be used to match the surmountable curb identified on the plan.
4. The "NWL/Top of Sand elevation" as shown on the Outlet Structure detail shall be revised from 952.0 to 902.4.
5. We recommend the proposed invert of the FES be revised from 902.4 to 902.1 to allow the minimum build required for the two proposed catch basin structures.

6. Details shall be included in the final plans for utility structures including a sanitary manhole, sewer service cleanout, 2'x3' catch basin and casting, outlet structure grate, and flared end section with riprap.

Final Grading Plan, including Stormwater Management Plan Review (Sheet 4 of 5):

1. The proposed storm water drainage system, and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan (SWMP), dated February 2018; and the Stormwater Management ordinance (Chapter 156).
2. Revise the basement floor elevation for the home located on parcel #30 to provide a 3-foot separation from the stormwater pond highwater elevation as required by the SWMP.
3. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code.
4. We recommend a minimum driveway slope of 3% and a maximum of 10%.
5. Install a fence/rail at the top of the retaining wall where the wall height exceeds 2.5 feet (per building code).
6. The existing trees within the site that are not disturbed by site grading shall be saved. The City Forester shall review the site to determine if any diseased trees must be removed.
7. Provide a cross-section thru the proposed stormwater basin showing the proposed 2-foot clay liner, rip-rap dike, sand section and 6-inch drain tile. Does the filter basin receive a 2-foot clay liner as noted on item 8 of the construction notes? Revise note if required.
8. Revise note 10-F of the Construction Notes. Revise "street construction" to "home construction".
9. Revise note 1 of the General Notes. City Engineer shall also receive an emailed copy of the inspection reports on a weekly basis.
10. Note 2 of the General Notes shall be revised as follows. "Inlet protection shall be removed when all home building restoration has been established".
11. Add a note to the plan indicating a test roll must be completed as described in Section 6.8.3 of the Soils Report. Soil correction shall be completed by the Contractor if required by the Soils Engineer.
12. Item 2 of the On-Site BMPS notes indicates a submerged inlet pipe is provided. This note contradicts the information shown on the Outlet Structure detail shown on Sheet 5. Revise the note/plan as required.
13. Include inlet protection details in the plans as noted in item 4 of the On-Site BMPS note 4.
14. Revise the widths shown between the ROW easement and SBL limits on the Holddown Detail to conform with the distances proposed for this project.
15. Identify the soil boring locations, and boring number on the plan.
16. A stormwater management report was submitted. We offer the following comments:
 - a. OCS Structure Detail: Missing invert, pipe size and type information on the submerged skimmer pipe. Top of pipe must be at least 1 foot below the NWL (902.4). Also appears to be a typo on the NWL/Top of Sand elevation of 952.0 (plans only, correct info is shown in the calculations)
 - b. They are required to provide 1.1 inches of abstraction over the impervious areas onsite and they have ruled out infiltration due to proximity of the groundwater table. I agree with their

assertion that the groundwater was in the range of 898.0-899.5 and that can be considered the seasonal high-water table (SHWT) elevation. They are proposing to line the pond with a 2-ft clay liner to prevent groundwater interaction with the filtration basin drain tile system. The soils are HSG A/B which are conducive to infiltration. Their proposed drain tile is at 900.6 which is above the observed SHWT elevation. **Therefore, they should not propose to clay line these ponds unless there is a concern of contaminated soils or groundwater. There was no mention of contamination suspicion or discovery in the geotechnical report. The OHW of Wilkinson Lake is 895.2 so I don't believe there will be surcharge to the pond by Wilkinson Lake. Clay lining the pond will prevent infiltration from occurring naturally during times when the water table is not at the seasonal high elevation.**

- c. In the HydroCAD model, they are discarding the flows from the filtration area from the model for rate control analysis. Discharge from the filtration area and drain tile will go to the primary outlet and should not be discarded from the model. **Provide revised HydroCAD model with revised 3P outlet structure input to send Device #3 to Device #1 in the HCAD model for rate control analysis.**
- d. Wilkinson Lake is impaired for aquatic recreation (1C, 2Bd, 3C) and there is an approved TMDL for Nutrient/eutrophication biological indicators. The 2014 TMDL for Wilkinson Lake calls for a 76% reduction in Wilkinson Lake from watershed sources. The TMDL provides a WLA for the lake of 0.072 lbs/day (26.4 lbs/yr) TP from the City of North Oaks (MS4/Construction/Industrial combined). The priority strategy for the City of North Oaks to achieve the needed reductions in TP include raingardens, street sweeping, detention pond retrofits and emerging technologies. Additionally, the North Oaks Stormwater Ordinance 156.006 requires new development resulting in 0.5 acres or more of new impervious surface must achieve no net increase to the predevelopment TP and TSS loads. **A MIDS or P8 model is required demonstrating the TP removal achieved by the proposed pond/filtration basin and no increase in TP load from all proposed new impervious. Note: not all the new impervious area discharges to the stormwater pond so that must be accounted for separately.**
- e. Per the North Oaks Surface Water Management Plan, low floor elevations must be a minimum of three feet above applicable 100-year HWLs and two feet above applicable emergency overflow elevations. The proposed pond 100-year HWL is 903.46 and the EOF is 904.0. The adjacent Low Floor Elevation for Lot 30 is 904.9 (walkout) and Lot 32 is 905.4 (walkout). **These LFE's do not satisfy the freeboard requirement.**
- f. Per the North Oaks Ordinance 156.003, rate control must be met for the 1-year event. **Please submit HydroCAD calculations for analysis of the 1-year, 24-hour storm.**
- g. Provide a **maintenance agreement** for the proposed stormwater Pond/Filtration basin.
- h. Per the North Oaks Ordinance 156.005, New Development must achieve a no net increase of pre-project conditions on an average annual basis for stormwater discharge volumes. **Provide MIDS model or P8 model with analysis of average annual stormwater discharge volumes for pre- and post-construction conditions.**

- i. Per North Oaks Stormwater Ordinance No. 156.009, impervious surface coverage of lots must not exceed 25% of the lot area. **Provide percent of impervious cover on a per-lot basis demonstrating compliance with requirement.**
 - j. New constructed outfalls to water must provide for filtering or settling of suspended solids and skimming of surface debris before discharge. **Additional pretreatment or settling must be provided for the runoff from the new portion of the roadway not discharging to the pond prior to discharge to the adjacent wetlands.**
17. If the easterly portion of the stormwater basin is to be used for infiltration- temporary fencing shall be provided around the basin to protect the basin from compaction. As outlined in the Surface Water Management Plan- the infiltration basin cannot be used to treat stormwater runoff and shall not be constructed to final grade until after the site area achieves final stabilization (including the building sites) and as approved by the City Engineer. The plan shall be revised to add this information if infiltration is proposed.
18. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO. The applicant shall submit the revised final plans to VLAWMO for their review and comment.

Final Erosion Control Plan (Sheet 5 of 5):

1. Add inlet protection details.
2. Revise plan to show inlet protection at the existing culvert located westerly of the street at station 2+20. The plan shall also identify the type of inlet protection to be provided by referring to the appropriate inlet protection device detail.
3. Add perforated riser pipe detail.
4. Show soil borings and boring number.
5. Identify erosion control measures, including erosion blanket in the proposed drainage swales from Station 3+15 to the end of the swale.

Small Utilities:

1. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
2. All utilities to be located in the flood plain shall be flood proofed in accordance with the building code or elevated above the flood protection elevation.

Wetlands:

1. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
2. VLAWMO shall also determine the required width of buffer strips along the perimeter of wetlands, and the pond. The final construction plans shall identify the buffer limits.

Signage:

1. Local street signage meeting City of North Oaks standards shall be posted at each proposed intersection.
2. The final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO.
3. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna fire department. We also recommend no parking signs be placed on both sides of the street from the entrance at Osprey Court to proposed station 3+00.

Easements:

1. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS.
2. Conservation easements shall be provided to cover the buffer strip areas, if required by VLAWMO. The easement documents shall conform to the requirements of VLAWMO.

Permits:

Copies of all approved permits (MPCA for sanitary sewer and NPDES, VLAWMO, etc.) shall be provided to the City Engineer upon receipt from each agency.

The applicant shall submit revised plans to the City Administrator, City Engineer, and VLAWMO for review and approval. Developers Agreement shall be prepared and executed, including required letter of credit. A preconstruction conference shall be held after the final plans have been approved by the City and VLAWMO.

Please contact me if you have any questions or require additional information.

Sincerely,



John R. Mazzitello, PE, PMP, MBA
Director of Municipal Services

City of North Oaks Code of Ordinances

CHAPTER 51: SUBSURFACE SEWAGE TREATMENT SYSTEMS

Section:

- 51.1 Purpose, applicability, and authority**
- 51.2 General provisions**
- 51.3 Standards adopted**
- 51.4 Permits**
- 51.5 Application and Interpretation**
- 51.6 Violations and penalties**

§ 51.01 PURPOSE, APPLICABILITY, AND AUTHORITY.

- (1) *Purpose.* It is the purpose of this chapter to establish standards for the proper design, installation, location, construction, operation, use and maintenance of subsurface sewage treatment systems (SSTS) and individual sewage treatment systems (ISTS) in order to protect the public health, safety, and general welfare.
- (2) *Applicability.* This chapter shall apply to those sites or facilities that are licensed, permitted, or otherwise regulated by the City of North Oaks. The provisions of this chapter shall apply to any premises in the city that are served by a subsurface sewage treatment system permitted by the Minnesota Pollution Control Agency.
- (3) *Authority.* This chapter is adopted pursuant to the authorization and requirements contained in M.S. § 145A05, M.S. § 115.55, and Minnesota Rules Chapter 7082.

§ 51.02 GENERAL PROVISIONS.

- (1) *Treatment Required.* All sewage generated in unsewered areas shall be treated and disbursed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- (2) *Administration.* This chapter shall be administered by the City of North Oaks Building Department. The term *DEPARTMENT*, where used in this chapter, shall mean the City of North Oaks Building Department.
- (3) *Compliance.* No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this chapter.
- (4) *Conditions.* Violation of any condition imposed by the city on a license, permit, or variance issued under this chapter shall be deemed a violation of this chapter and subject to the penalty provisions set forth herein.
- (5) *Site Evaluation, System Design, Construction, Inspection, and Servicing.* Site evaluation, system design, construction, inspection, and system servicing, shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. Rule 7083.0700.
 - a) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.
 - b) At least four (4) soil observations, and two (2) percolation tests, must be conducted to assure that suitable soil exists in each area for long-term treatment. At least one (1) soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
 - (1) If two (2) or more different soil textures are present in the proposed treatment area, at least one (1) soil observation and one (1) percolation test shall be performed in each soil texture.

- (6) *Inspection.* No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Department. If any part of the system is covered before being inspected and approved as provided herein, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this chapter. It shall be the responsibility of the permittee to notify the Department that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Department is unable to conduct an inspection, the permittee may, after receiving written permission from the Department, document compliance with this chapter by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.
- (7) *Sanitary Inspector.* The Sanitary Inspector is any individual licensed by the MPCA as an Inspector, who approves the design, grants permits, and inspects the installation and maintenance of subsurface sewage treatment systems for the City of North Oaks.
- (8) *Compliance Inspection and Certificate of Compliance Required.* For all properties served by an SSTS, a compliance inspection and a Certificate of Compliance are required:
- a) Prior to the issuance of a building permit when altering an existing structure to add a bedroom.
 - b) In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage.
 - c) When a parcel having an existing system undergoes development, redevelopment, or subdivision.
- (9) *Noncompliant Systems and Imminent Public Health Threat.*
- a) The owner of an SSTS that poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Department and be brought into compliance with this chapter in accordance with a schedule established by the Department, which schedule shall not exceed ten (10) months.
 - b) A Noncompliant system shall be brought into compliance within twenty four (24) months after receiving notice of noncompliance.
 - c) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.
- (10) *Septic Tank Maintenance.* The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every two (2) years, engage a licensed Maintenance Business, who shall inspect the tank(s) in order to maintain the system in accordance with the procedures specified in MN Rules 7080.2450. Removal of septage shall include complete removal of scum and sludge. Maintenance reports, on forms approved by the Department, are required to be submitted to the City within thirty (30) days of servicing the system. A filing fee, as set by resolution, shall be required to be paid upon filing of the reports.
- (11) *Variances.* Where conditions prevent the construction, alteration, and/or repair of a sewage treatment system in strict compliance with the requirements of this chapter, the property owner may apply for a variance following the procedures outlined in North Oaks City Code Sections 151.078 & 151.079.
- (12) *Floodplain.* An SSTS shall not be located in a floodway or floodplain location within the flood fringe is permitted provided that the design complies with this chapter and all of the rules and statutes incorporated herein by reference.
- (13) *Class Injection Wells.* All owners of a new or replacement SSTS that are considered to be Class V injection wells, as defined in C.F.R. Title 40, Part 144, are required by federal law to submit SSTS inventory information to the Environmental Protection Agency.

§ 51.03 STANDARDS ADOPTED.

(1) *Minnesota Rules Adopted.* Adopted and incorporated herein by reference is current M.S. §§ 115.55 *et seq.* and MN Rules, Chapters 7080 and 7081, as they may be amended from time to time, Subsurface Sewage Treatment Systems Program of the Minnesota Pollution Control Agency, and amendments thereto adopted subsequent to the effective date of this subchapter.

(2) *Rules Amended.* The Rules, adopted in division (1) above, are amended as follows:

- a) *Compliance Inspection, 15 Percent Vertical Separation Reduction.* Minn. Rules 7080.1500, Subp. 4D, is amended to allow fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.
- b) *Sewage Tanks.* Capacity sewage tanks shall meet the requirements of MN Rules, Chapter 7080.1930, as it may be amended from time to time, except the liquid capacity of septic tanks serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below in Table I below.

<u>TABLE I</u>	
<u>Number of Bedrooms</u>	<u>Tank Liquid Capacities (Gallons)</u>
4	2,500
5 or 6	3,000
7, 8, 9	4,000
10 or more	The septic tank shall be sized as another establishment; MN Rules, Chapter 7080.1930, as it may be amended from time to time, covers this detail.

- c) *Design Flow.* Design flow shall be according to MN Rules Chapter 7080.1860 Table IV, except that all dwellings shall be considered Classification I, and no design shall be for less than 3 bedrooms. For multiple residential units, the estimated daily flow shall consist of the sum of the flows for each of the units.
- d) *Setbacks.* Setbacks shall be according to MN Rules Chapter 7080.2150 Table VII, except that the setback distance for all tanks and treatment areas to property lines, wetlands and the nearest edge of any road easement shall be thirty (30) feet.
- e) *Dosing of Effluent.* An alarm shall be installed on an electrical circuit separate from the pump to warn of pump failure. The dosing chamber shall be a separate tank.

(3) *Holding Tanks.* Holding tanks may only be allowed for replacement of an existing system where an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.

(4) *System Abandonment.* An SSTS or any component thereof that is no longer intended to be used must be abandoned in accordance with the adopted standards of this chapter.

- (5) *Type III and IV (Performance) Systems.* System Types I-IV are pursuant to Minn R. 7080.2200 through 7080.2400. Type III and IV systems may be installed provided that:
- a) Type III systems may be installed where a Type I system cannot be feasibly installed.
 - b) Type IV systems may be installed on lots platted prior to the two 5,000 square foot site requirements referenced in Section 51.02(5)a), as a new or replacement system, where a Type I or III system cannot be installed; and, on all other lots , only as a replacement system where a Type I or III system cannot be installed.
 - c) Type IV systems are subject to an Operating Permit renewable every two (2) years.
 - d) In addition to the permit fees for system installations, the applicant shall reimburse the city for all costs incurred for the additional review and inspection services of the required Intermediate or Advanced Designer/Inspector. A minimum deposit of \$500.00 towards these costs shall be made at the time of application.

§ 51.04 PERMITS.

- (1) *Permit Required.* No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any SSTS without first obtaining a permit for such work from the Department.
- a) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction on forms approved by the Department and accompanied by required site and design data, and permit fees.
 - b) Permits shall only be issued to the person doing the individual sewage treatment system construction.
 - c) Permit applications for a new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
 - d) Except for tank replacement, a permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.
 - e) An As-Built Report complying with MN Rules Chapter 7080.2430, must be submitted to the City of North Oaks prior to obtaining a Certificate of Compliance for all new system installations.
- (2) *Operating Permit.* An operating permit shall be required of all owners of new holding tanks, Type IV and V systems, MSTs, and other SSTS that the Department has determined require operational oversight.
- a) Application for an operating permit shall be made on a form approved by the Department.
 - b) The owner of holding tanks installed after the effective date of this chapter shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

§ 51.05 APPLICATION AND INTERPRETATION.

- (1) Where the conditions imposed by any provision of this subchapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulations of any kind, then the regulations which are more restrictive or imposed higher standards or requirements shall prevail.

§ 51.06 VIOLATIONS AND PENALTIES.

- (1) **Authority.** The Sanitary Inspector shall have the authority to conduct inspections of any individual sewage treatment system which may possibly be an imminent health threat or a nuisance and may conduct inspections of any individual sewage treatment system which may possibly be deemed Noncompliant.
 - a) The owner of any lot upon which the system is found to be an imminent health threat, a nuisance, or otherwise not in compliance with this subchapter, including maintenance/pumping requirements, shall be given written notice thereof.
 - b) After receipt of a notice thereof, it shall be the responsibility of the owner to correct the defects within the time period(s) provided in the notice.
- (2) **Misdemeanor.** Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during on which a violation occurs or continues. Penalty, see § 10.99
- (3) **Civil action/injunctive relief.** In the event of a violation or a threat of violation of this chapter, the Department may institute appropriate civil or administration actions or proceedings, including actions seeking damages, filing of a Notice of Interest, declaratory relief, or injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations, and the City Attorney is authorized to institute such action.
- (4) **Effective Date.** This chapter shall take effect and be in force upon publication
- (5) **Repealed.** North Oaks Ordinance Chapter 50, Sections 50.01 through 50.21 is hereby repealed.

**SECOND AMENDMENT (2019) TO THE JOINT POWERS AGREEMENT
TO PROTECT AND MANAGE THE VADNAIS LAKE AREA WATERSHED**

This Second Amendment (“Amendment”) to the Joint Powers Agreement to Protect and Manage the Vadnais Lake Area Watershed (“Joint Powers Agreement”) is entered into by and among the Cities of Gem Lake, Lino Lakes, North Oaks, Vadnais Heights, and White Bear Lake and the Township of White Bear (collectively, the “Members”), all of which are parties to the Joint Powers Agreement.

WHEREAS, the Vadnais Lake Area Water Management Organization (“VLAWMO”) is interested in obtaining a loan (the “Loan”) from the Minnesota Pollution Control Agency (the “MPCA”) to finance a portion of the construction of VLAWMO’s Bacteria, Sediment, & Nutrient Reduction Project (the “Project”); and

WHEREAS, the MPCA requires that the Loan be secured by a bond issued by VLAWMO; and

WHEREAS, certain amendments are needed to the Joint Powers Agreement to allow VLAWMO to issue a revenue bond as security for the Loan.

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. Amendments. Section VIII of the Joint Powers Agreement is hereby amended by adding Subdivision 9 below:

Subdivision 9. Revenue Bonds to Secure MPCA Loan. VLAWMO is given express authority to issue revenue bonds in a principal amount not to exceed \$800,000 (the “Bonds”) to secure the Loan to finance the Project. The term “Bonds” shall also include bonds issued to refund and refinance the Bonds. As provided in Minn. Stat. § 471.59, subd. 11, the Bonds shall be revenue obligations of VLAWMO which are issued on behalf of the Members, and shall be issued subject to the conditions and limitations set forth in Minn. Stat. § 471.59, subd. 11. The Bonds shall be payable solely from VLAWMO’s revenues including its storm water utility fees. VLAWMO may not pledge to the payment of the Bonds the full faith and credit or taxing power of the Members. No bonds, obligations or other forms of indebtedness other than the Bonds may be issued by VLAWMO without the prior consent of the Members.

2. Limited. No other changes to the Joint Powers Agreement are intended as a result of this Amendment.
3. Authorizations. Once this Amendment is approved and executed by all of the Members, VLAWMO is authorized to do each of the following:
 - a) Incorporate the amendments into the Joint Powers Agreement, which shall serve as the official Joint Powers Agreement between the Members;

- b) Provide each Member a copy of the fully executed Amendment and of the updated Joint Powers Agreement; and
- c) Post a copy of the updated Joint Powers Agreement on VLAMO's website.

IN WITNESS WHEREOF, the parties, by action of their governing bodies, have agreed and entered into this Amendment effective as of _____, 2019.

CITY OF GEM LAKE

Dated ___/___/___

By _____
Mayor

Attest _____
City Clerk

CITY OF LINO LAKES

Dated ___/___/___

By _____
Mayor

Attest _____
City Clerk

CITY OF NORTH OAKS

Dated ___/___/___

By _____
Mayor

Attest _____
City Clerk

CITY OF VADNAIS HEIGHTS

Dated ___/___/___

By _____
Mayor

Attest _____
City Clerk

CITY OF WHITE BEAR LAKE

Dated ___/___/___

By _____
Mayor

Attest _____
City Clerk

WHITE BEAR TOWNSHIP

Dated ___/___/___

By _____
Chair

Attest _____
Town Clerk

MEMO

Date: July 8, 2019
To: City Council
From: City Administrator Mike Robertson
Re: Appointment of New Planning Commissioners

Councilmember Rick Kingston recommends the appointment to the Planning Commission of Jim Hara, 8 Lost Rock Lane and Nick Sandell, 6 Monarch Court. They had interviewed for the Planning Commissioner positions back in December and had been highly thought of by the interview committee.



City Responsibilities – 2019

Description	2019 Appointments	2019 Alternates
Office of the Mayor (Gregg Nelson)		
1. Acting Mayor	R. Kingston	N/A
2. Council <u>Executive</u> Committee	G. Nelson, R. Kingston, M. Robertson & S. Marty	N/A
Planning and Zoning Services		
3. Planning Commission Chair	M. Azman	
4. Planning Commission Members	J. Yoshimura-Rank, N. Reid, S Hauge, S. Shah, N. Sandell and J. Hara	N/A
5. Planning Commission Liaison from City Council		G. Nelson
6. Zoning Administrator	M. Robertson	N/A
7. Code Enforcement Officer	K. White	M. Robertson
8. I-35E Corridor Management	M. Robertson	
9. Responsible Govt. Unit (Wetland Conservation Act)	VLAWMO	N/A
10. VLAWMO Board Representative	M. Long	K. Ries
Tech Committee	Bob Larson	M. Long
Police Services		
11. Police Liaison to Ramsey C. Sheriff's Dept.	R. Kingston	G. Nelson
12. Representatives, Sheriff's Contract Communities Committee	M. Robertson	
Fire Protection Services		
13. LJVFS Relief Association Representative	K. Ries	R. Kingston
14. Member, Lake Johanna Fire Dept. Board of Directors	M. Long	K. Ries
Communication and Public Information		
15. North Suburban Cable Commission Representative	K. Ries	R. Kingston
16. NSCC Technical Advisory Committee Representative	M. Anderson	N/A.
Associations and Relationships		
17. Council Liaison/Home Owners' Associations (NOHOA & ASC)	R. Kingston	N/A
18. Ramsey Co. League of Local Governments Board of Directors	K. Ross	N/A
19. Ramsay Co. League of Local Governments	All	N/A
20. Responsible Authority (Data Practices)	M. Robertson	S. Marty



	2019 Appointments	2019 Alternatives
Commissions/Task Forces		
21. Natural Resources Commission Chair	Bob Larson	Kate Winsor
22. Natural Resources Commission Members	B. Larson, K. Winsor, D. White, D. McDermott, D. Lepoutre, <u>A. Hawkins</u> , D. Gorder	N/A
23. City Council Representative	G. Nelson	K. Ries
24. Wildlife Manager	G. Nelson	M. Robertson
25. Tick Borne Disease Task Force	R. Kingston	
26. Tick Borne Disease Chair	Brooke Moore	R. Kingston
27. Recycling Task Force	K. Ross	
28. NOHAAP	R. Kingston	
Citations		2019
Authorized to issue citations and cease and desist orders:	K. White (Building Official) M. Robertson (City Administrator) Animal Control Officers D. Magnuson (City Attorney) Deputy Mike Burrell, RCS	
Contract Services		2019
1. City Civil Attorney	Dave Magnuson.	
2. City Prosecuting Attorney	Kelly and Lemmons	
3. City Building Official	Kevin White	
4. City Sanitary Inspector	Brian Humpal	
5. City Cable TV Operator	Maureen Anderson	
6. City Engineer	Sambatek (John Mazzitello)	
7. City Forester	Mark Rehder, Rehder Forestry	
8. City Planner	M. Robertson/Northwest Consultants(Bob Kirmls)	
9. City Weed Inspector	G. Nelson, M. Robertson (assistant)	
10. City Police	Ramsey County Sheriff's Department	
11. City Fire Protection	Lake Johanna Fire Department	
12. Legal Newspaper	Shoreview Press and St. Paul Pioneer Press	
13. City Auditor	Abdo, Eick & Meyers, LLP	
14. City Emergency Management Director	Matt Sather, Lake Johanna Fire, M. Robertson-alternate	
15. City Official Depositories	4M Fund, US Bank Shoreview	

07/09/19 (Source MR)

**CITY OF NORTH OAKS
ORDINANCE 131
REVISING ORDINANCE 130.04 TRESPASS**

WHEREAS, on the City Council of North Oaks may from time to time revise existing ordinances.

NOW, THEREFORE, THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS;

Based on the authority of MN state statute 412.221, subd 19, Title XIII, General Offenses, Section 130.04, Trespass is amended as follows.

§ 130.04 TRESPASS.

130.04 (1) Definitions

The following definitions apply to the use of these terms for the purpose of this ordinance.

PRIVATE LAND means all property within the area marked at entrances NO TRESPASSING PRIVATE ROADS.

NOHOA MEMBER means household dues paying member of the North Oaks Homeowners' Association.

NORTH OAKS GOLF CLUB means the golf club within private land in North Oaks.

NON-COMMERCIAL DOOR-TO-DOOR ADVOCATE means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

PEDDLER means a person who goes from house to house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering inventory upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as hawker.

SOLICITOR means a person who goes from house to house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining, or attempting to obtain orders for goods, wares, products, merchandise, or other personal property, or services of which he or she may be carrying or transporting samples, or what may be described in a catalog or by other means, and for which delivery or performance may occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For the purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

TRANSIENT MERCHANT means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal

property and who does not remain in any one location for more than fourteen (14) consecutive days.

130.04 (2) Trespassing Prohibited

~~(A) No person shall enter upon any real property situated within the city without the express consent of the owner or owners of the property. Consent given on any occasion to enter upon the property shall not be implied or deemed to be consent to enter upon the property on any other occasion or occasions.~~

~~(B) No person shall manipulate, operate, open, or otherwise move any gate or similar device situated within the city without the express consent of the owner or owners of the gate or device. Consent given on any occasion to manipulate, operate, open, or otherwise move any gate or device shall not be implied or deemed to be consent to open or move the gate or device on any other occasion or occasions.~~

~~(C) No person shall assist, aid or abet another in the violation of the provisions of this section.~~

~~(D) This section shall take effect and be in force from and after its passage and publication.~~

(A) No person shall enter or remain on posted private land without permission from the owner, owners' agent, or person in lawful possession of the property within the private land. Consent given on any occasion to enter upon the property shall not be implied or deemed to be consent to enter upon the property on any other occasion or occasions.

(B) No person shall enter or remain on marked NOHOA trails within private land without being accompanied by a NOHOA member.

(C) No person shall manipulate, operate, open, or otherwise move any gate or similar device situated within the city without the express consent of the owner or owners of the gate or device. Consent given on any occasion to manipulate, operate, open, or otherwise move any gate or device shall not be implied or deemed to be consent to open or move the gate or device on any other occasion or occasions.

(D) No person shall enter or remain on posted private land with the intent to engage in non-commercial door-to-door advocating, peddling, soliciting, or as a transient merchant without prior permission from each household prior to their visit.

130.04 (3) Exemptions

The following are exempt from this ordinance.

(A) Postal employees, newspaper deliveries, state agencies, delivery services such as UPS, Amazon, etc., utility workers, all while acting in performance of their duties. Police and fire services, and authorized members of the City, NOHOA or North Oaks Company.

(B) Religious advocates engaging in non-commercial speech. Political candidates or their staff advocating for a particular political candidate. These exemptions are limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m., Saturday and Sunday.

(Ord. 10, passed 9-20-1957; Am. Ord. passed 4-13-1995; Am. Ord. passed 8-8-2019). Penalty, see 130.99

Adopted this 8th day of August, 2019 by the City Council of the City of North Oaks.

By: _____
Gregg Nelson, Mayor

Attest: _____
Michael Robertson, City Administrator