

CITY OF NORTH OAKS

Regular Council Meeting
Thursday, September 12, 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 August 8, 2019 for approval
2. Minutes of the Natural Resources Commission meeting of August 15, 2019 for approval
3. Minutes of the Planning Commission meeting of August 29, 2019 for approval
4. Minutes of the City Council Workshop of August 5, 2019 for approval
5. Minutes of the City Council Workshop of August 21, 2019 for approval
6. Minutes of the Regular Council meeting of July 11, 2019 for approval
7. Approve Gambling Permit Application for Children's Hospital Association - North Oaks Guild 1 @ North Oaks Golf Club
8. Approve Gambling Permit for MVHS Boys Hockey Boosters Licenses for Approval; Erickson Plumbing Heating Air Electrical, Schwantes Heating & Air; West Air, Inc.

Approval of Claims: Check#:

Petitions, Requests & Communications

- 1 Deputy Mike Burrell Report

Unfinished Business

1. Public Hearing – Proposed Changes to Trespassing Ordinance
2. Public Hearing - Resolution 1352 re: Citizens United Decision
3. Revised Septic Ordinance
4. Discussion of Council Responsibilities
5. East Oaks PDA Review-Tabled Until October Pending City Attorney Report

New Business

1. Request for Conditional Use Permit – Garage Space over 1,500 square feet – Fady Daw – 33 Mallard Road
2. Request for Preliminary/Final Subdivision Approval- Sarah Kudebeh-42 Mallard Road
3. Approve Resolution 1353 Setting the Preliminary 2020 Tax Levy
4. Approve Setting the Truth-in-Taxation Hearing date for Thursday, 12, 2019 at 7:00 p.m.
5. Discussion of Polco Survey Questions
6. Transfer from General Fund into Fire Fund
7. Review Preliminary 2020 Budget

Council Member Reports

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

City Administrator Reports

1. Set Assessment Hearing for October 10, 2019 City Council Meeting
2. Update on City Administrator Search & Transition
3. Wednesday, September 18 Workshop?

City Attorney Reports

Miscellaneous

Next Natural Resource Commission Meeting is Thursday, September 19, 2019 @ 7:00 pm
Next Planning Commission Meeting is Thursday, September 26, 2019, @ 7:00 pm
Next Regularly Scheduled Council Meeting is Thursday, October 10, 2019 @ 7:00 pm

Adjournment

The Council Meeting was called to order at 7:00 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, Katy Ross, Marty Long and Kara Ries; City Administrator Mike Robertson, City Attorney Bridget Nason, Sanitary Inspector Brian Humpal, Recording Secretary Gretchen Needham, and Videographer Maureen Anderson.

Pledge of Allegiance

Approval of Agenda

Mayor Nelson made a motion, seconded by Councilmember Kingston, to amend the agenda: items 1 and 3 in the Consent Agenda (minutes of the July 11, 2019 Council meeting and minutes of the July 25 Planning Commission meeting) were moved to New Business, and item 6 under New Business (close Special Meeting of July 23, 2019) was deleted from the Agenda. The motion passed unanimously.

Consent Agenda

1. ~~Minutes of the Regular Council meeting of July 11, 2019 for approval~~ Moved to New Business
 2. Minutes of the Natural Resources Commission meeting of July 18, 2019 for approval
 3. ~~Minutes of Planning Commission meeting of July 25, 2019 for approval~~ Moved to New Business
 4. Minutes of the City Council Workshop of July 8, 2019 for approval
 5. Minutes of the City Council Workshop of July 10, 2019 for approval
 6. Approve Gambling Permit Application for Common Bond Communities—North Oaks Golf Club
 7. Approve Hill Farm Historical Society One Day Liquor License for 2019 Farm Fest Licenses for Approval: DJ's Companies, Inc.
- Approval of Claims: Checks#13175-13208

Councilmember Kingston made a motion to approve the Consent Agenda, which was seconded by Councilmember Long. The motion was approved unanimously.

Citizen Comments

Cheryl Blackford of 7 North Deep Lake Road asked why there was a rush to push through the Planning Commission Ordinance 130 in replacement of Ordinance 150. She asked if Ordinance 150 was legally rescinded? Mayor Nelson said it was. She also wanted to know if Commissioners Ries and Ross were removed from the Planning Commission legally. She asked if it is a conflict of interest for the Mayor and Councilmembers to socialize with an executive of the North Oaks Golf Club, when the Golf Club is considering changes that Council will have to approve in the near future.

Rich Dujmovic of 15 Black Lake Road provided written comments that had been emailed to the Council on July 11 for inclusion in the record.

Petitions, Requests, & Communication

1. Approve City Attorney Contract with LeVander, Gillen & Miller

Councilmember Kingston made a motion to approve the City Attorney contract with LeVander, Gillen & Miller. Councilmember Ross seconded. The motion was approved unanimously.

Councilmember Ries had a question about potential continued billing of Dave Magnuson, the previous City Attorney. She asked that the files Mr. Magnuson has in his possession be passed on to LeVander, Gillen & Miller as soon as possible. Administrator Robertson said the billing from Magnuson's firm should be minimal as it would be for any consulting City Attorney Nason may need to do with him. He expects the files will be turned over to Bridget as soon as she meets with Dave Magnuson.

2. Fire Chief Tim Boehlke—Presentation of Fire Department Needs Study

Fire Chief Tim Boehlke made a presentation highlighting the history as well as the current needs of the Lake Johanna Fire Department. The study was done to show how the needs of the fire department could be met for the next 50 years. Station 1 was decommissioned in 2017. Station 2 was rebuilt in 1996; Station 3, the current headquarters, was built in 1986; and Station 4 was built in 1988. Next steps include designing and building a new fire station and closing the Victoria St. station. A site of at least three acres off a secondary roadway would be ideal to enhance safety and allow for a building designed for 24/7 use. One potential site would be near Flaherty's Bowling on land owned by Bethel University.

Councilmember Ross asked when the fire department would like to purchase the land, and Chief Boehlke said as soon as possible, with the Bethel University land the best option.

Administrator Robertson mentioned that a capital improvement bond would be used to fund the City's share when the time came to purchase property and build the new station.

3. Deputy Mike Burrell Report

- There has been an increase in solicitors, some of these spurred by the recent hail storms. Solicitors will be ticketed. Councilmember Ries asked if there could be language added to the Trespassing Ordinance to more strongly protect against solicitors, especially the seasonal ones that are storm chasers. Councilmember Kingston mentioned that citations can be issued retroactively, but Deputy Burrell needs to have the identity of the person, from a business card or driver's license, in order to issue citations retroactively.
- Last week two contractors were arrested that had been in North Oaks to do work. One of the contractors claimed a resident allowed him to ride on the resident's ATV; another contractor was speeding without a driver's license. Deputy Burrell asks that residents are careful with who they choose to do work at their homes.
- A homeless person was trespassing in the Village Center Drive plaza.
- Deputy Burrell attended four Night to Unite events in North Oaks and found them all well attended. A total of 13 events were held in town.

Unfinished Business

1. Public Hearing—Revised Septic Ordinance

Brian Humpal, North Oaks' Sanitary Inspector, spoke about a point of sale provision that was discussed four years ago for North Oaks' Septic Ordinance. Approximately 14% of homes in North Oaks have cesspools, and an estimated 25% of homes have noncompliant septic systems. Having a point of sale element to the Septic Ordinance would be recommended in his opinion as it would improve water quality. Most of the Metro communities with septic systems have point of sale provisions in their ordinances.

The public hearing was opened at 8:08 p.m. With no comments the public hearing was closed at 8:08 p.m. The City Attorney will provide a revised Septic Ordinance for consideration of adoption at the September City Council meeting.

2. Review of Potential Changes to Trespass Ordinance

Attorney Nason reviewed proposed changes to the Trespass Ordinance that would clarify what constitutes trespassing. Councilmember Ries would like more clarification and definition of private land within this ordinance.

Councilmember Long made a motion to set a public hearing to discuss proposed changes to the Trespass Ordinance at the September 12, 2019 City Council meeting. Councilmember Ross seconded. The motion was approved unanimously.

3. CTV—Social Media Proposal

Administrator Robertson suggested the City accept a contract with CTV for social media. The contract will cost \$110/week for four weeks.

Councilmember Ries made a motion to approve the contract with CTV for social media. Councilmember Long seconded. The motion was approved unanimously.

4. Discussion of East Oaks PDA Decennial Review

A workshop was scheduled for August 21, 2019.

New Business

1. Discussion of Minute Taking

Administrator Robertson reviewed different styles of meeting minutes taking. The paraphrase style used by the City of North Oaks is standard. Attorney Nason mentioned that the recording of minutes is required by state statute, but the format of those minutes is left up to individual Councils and cities. Mayor Nelson suggested the minutes be shortened to just motions and votes taken with little other description; no other councilmembers voiced to change to this style. The notes will continue to be taken in paraphrase/summary style until further notice.

2. Resolution 1352 Re: Citizens United Decision

Attorney Nason noted that this is a non-binding resolution to be sent to the United States Congress. Councilmembers Ries and Ross, as well as Mayor Nelson, asked for more comments or feedback from the community before they decide. Councilmember Kingston suggested the resident get a petition.

A motion was made by Councilmember Long to table the discussion regarding Resolution for Citizens United until a public hearing at the September 12, 2019

Council meeting, which was seconded by Councilmember Ries. Motion carried unanimously.

3. Request for Review of recently passed Ordinance No. 130 Amending Planning Commission Composition

Councilmember Ries made a motion to have the Ordinance 130 reviewed by the City Attorney, as well as the validity of the currently sitting Planning Commissioners, which was seconded by Councilmember Long. Councilmembers Kingston, Long, Ries, and Ross voted for; Mayor Nelson voted against. The motion carried 4-1.

4. Discussion of Council Responsibilities

Councilmember Ries is concerned that the Councilmember responsibilities are not equally allocated. She suggested a different assignment of responsibilities.

Councilmember Ries made a motion to table discussion of the Council Responsibilities until the September Council meeting, which was seconded by Councilmember Ross. Carried unanimously.

5. Preliminary 2020 Budget

Administrator Robertson said that a preliminary tax levy has to be set at September's meeting. There will be less new homes built next year as there are very few lots available. The sewer and water fees will need to go up. The fee schedule is not anticipated to increase.

6. ~~Close Special Meeting of July 23, 2019. Removed from agenda~~

7. Approval of July 11, City Council Meeting Minutes

Mayor Nelson pointed out that the July 11 City Council minutes incorrectly stated the adoption date of Ordinance 130 and asked that it be corrected. Mayor Nelson asked that a word for word transcript of Councilmember Ries' statement from the July 11 City Council meeting be added to the official minutes. Councilmember Ries asked that City staff make a summary. Councilmember Long asked why the transcript was being asked for in the first place. Mayor Nelson said that he wanted an accurate recording of what was said by Councilmember Ries at the July 11 meeting to protect against future litigation. Councilmember Ross questioned why a transcript was needed if a video recording is already in existence. Councilmember Kingston saw no downside to a transcript being added to the official minutes.

Mayor Nelson moved, seconded by Councilmember Kingston, that a transcript of Councilmember Ries' speech be added to the July 11, 2019 minutes. Mayor Nelson and Councilmember Kingston voted for; Councilmembers Long, Ries, and Ross voted against. The motion failed 2-3.

A friendly amendment was made by Councilmember Ries to attach a summary of her statement and Councilmember Ross' statements to the July 11 City Council minutes. No vote was taken and the motion did not carry.

Councilmember Ries made a motion to postpone the approval of the July 11 City Council minutes until the September Council meeting, giving City staff time to

summarize the minutes as usual. Motion seconded by Councilmember Long. The motion was approved unanimously.

Council Member Reports

Kara Ries

- The Cable Commission meeting included a review of Dana Healy, president of CTV.
- A meeting with a Maplewood staffer was helpful toward planning a future website overhaul.
- Night to Unite was a great event; Councilmember Ries thanked the community members who hosted and attended.
- Councilmember Ries is making videos with Deputy Burrell for posting on Facebook about community concerns.

Katy Ross

- Mailboxes are in and will start to be distributed.
- A recycling tour was given last week at Eureka Recycling.

Marty Long

- He made it to all 13 Night to Unite events and really enjoyed them.
- The Fire Department is being transparent with their request for a new building.
- Ramsey County is proposing a 6% increase in County taxes.

Rick Kingston

- Tick Task Force survey results are in.
- Night to Unite events were attended and he was impressed at how many folks came out.
- A Polco Survey could be put out about a Maintenance Ordinance.

Mayor Gregg Nelson

- Night to Unite was a tremendous event and the Sheriff's Department did a good job.
- Welcomed Bridget Nason and the LeVander firm to the City's Attorney position.

City Administrator Reports

1. Request to Purchase an Electric Bike for Deputy Burrell
Councilmember Kingston made a motion to approve \$1700 (50% of the cost) toward an electric bike for Deputy Burrell to use on patrol. Mayor Nelson seconded. The motion was approved unanimously.
2. Annual Data Practices Report
 Administrator Robertson gave the report saying most data requests are perfunctory.
3. Set Standard Date for Council Workshop of the 3rd, 4th Tuesday/Wednesday of every month
 Council tentatively set the third Wednesday of every month for a potential Workshop if needed. A Council Workshop was set for Wednesday, August 21, 2019 for discussion of the East Oaks PDA.
4. City Administrator Retirement and Replacement
 Administrator Robertson noted he had announced his retirement this past Monday. He

thanked the Council for the time he has spent working for North Oaks. Robertson reviewed the proposed ad and job description. The Council agreed the salary range will be \$83K to \$120K.

A motion was made by Councilmember Long to post the ad and job description for the City Administrator position, which was seconded by Councilmember Kingston. The motion passed unanimously.

Miscellaneous

Next Natural Resource Commission Meeting is Thursday, August 15, 2019 @ 7 pm

Next Planning Commission Meeting is Thursday, August 29, 2019, @ 7 pm

Next Regularly Scheduled Council Meeting is Thursday, September 12, 2019 @ 7 pm

Adjournment

On motion duly made by Councilmember Ries, seconded by Councilmember Ross, and carried unanimously, the meeting was adjourned at 9:38 p.m.

Attest:

Respectfully Submitted

Mike Robertson
City Administrator

Debbie Breen
Recording Secretary

Natural Resources Commission Minutes

August 15, 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 and Andrew Hawkins, NOHOA Liaison Diane Gorder, and City Council Liaison Mayor Gregg Nelson.

Absent: Commissioners Damien LePoutre and Dan McDermott.

Staff: Recording Secretary Gretchen Needham and City Administrator Mike Robertson.

Approval of Agenda:

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

Approval of Minutes:

Commissioner Hawkins moved to approve the July 18, 2019 minutes. Commissioner White seconded. Motion approved unanimously.

Update on the Septic Ordinance discussion

A public hearing was held during the August 8 City Council meeting to discuss cesspools in the City and septic systems in general. There were no citizen comments at that meeting. The City Staff and Sanitary Inspector are recommending a point of sale stipulation be adopted by the City. Commissioner Hawkins suggested educating the residents further through articles in the North Oaks News and materials that are posted to the website.

Tick Task Force Report

Commissioner White suggested that Dr. Moore's power point presentation that she gave at the last City Council meeting might be will be the next TTF meeting. Chair Larson circulated an article from the Atlantic magazine, via Commissioner McDermott, about the long-lasting effects of Lyme Disease. The next TTF meeting will be October 15.

Kate Winsor's Report

Vice Chair Winsor is working on securing a table for the NRC at Farm Fest (Sept. 8). Commissioner Hawkins reached out to a colleague for advice on how promote good pollinator habitats. The Green Steps Cities program is funded by the Minnesota Pollution Control Agency (MPCA) other foundations to promote good practices for sustainable and "green" living.

City Update

Administrator Robertson said he had announced his retirement; applications are starting to trickle in for the City Administrator position.

NOHOA/NEST Update

Liaison Gorder talked about upcoming workshops: one will be about aquatic plants held at Pleasant Lake Beach on Sept. 12, and two workshops will be held in the fall. Oct. 2 will host a lecture about buckthorn and oriental bittersweet, and how to remove it; on Nov. 6 Carp Solutions will give a presentation about their carp study.

The beetles released last May to attack purple loosestrife seem to have been effective. A grant will be applied for to purchase more beetles; beetles may also be found locally at Birch Lake.

Other Business

Metropolitan Mosquito Control has been in the area: they lay out BTI-laced corn pellets, which prevents mosquito larvae from becoming adults.

The City has received some calls about active coyotes lately.

Adjournment:

Commissioner Gorder made a motion to adjourn. Vice Chair Winsor seconded. The motion was approved unanimously. The meeting ended at 7:50 p.m.

Next Meeting: September 19, 2019

The Council Workshop was called to order at 7:00 p.m. by Mayor Gregg Nelson at the Conference Room, 100 Village Center Drive, Suite 230, City of North Oaks, Minnesota. Present were Mayor Gregg Nelson; Councilmembers Katy Ross, Rick Kingston, Kara Ries and Marty Long; City Administrator Mike Robertson.

City Administrator Review

Mike Robertson opened his review by announcing that he was retiring. He said that he had been diagnosed with high blood pressure this past winter and that his wife asked him to retire immediately. He told her he felt a duty to assist the Planning Commission and City Council in the completion of the review of development proposals before them. He had promised her he would announce his retirement after that was done but he wanted to be able to discuss the issue with the City Council first.

Robertson discussed the process of hiring his replacement. Robertson also discussed a list of projects that he thought he should focus on in his remaining time and asked the Council to rank them by priority. He also said he would assist whoever the Council hired with any questions they might have.

The Council agreed that Robertson would stay until a new City Administrator would be hired, with expected start date anywhere from October to December.

Robertson thanked the Council for hiring him. He said he'd had a great career, a happy marriage and now he was retiring at the same age his mother died. He felt he'd lived the American Dream.

Adjournment

With no other comments Mayor Nelson adjourned the meeting at 7:42 p.m.

Attest:

City Administrator Mike Robertson

Planning Commission Meeting
August 29, 2019
7:00 PM

Call to Order

Chair Mark Azman, Temporary Chair, called the meeting to order at 7:00 p.m. and swore in new Planning Commissioner Jim Hara.

Roll Call

Present were Chair Mark Azman, Commissioners Stig Hauge, Yoshimura –Rank, Nick Sandell, Jim Hara, City Planner Bob Kirmis, City Administer Mike Robertson, Recording Secretary Debbie Breen, Absent: Commissioners Nancy Reid and Sara Shah

Approval of Agenda

Motion to Approve by Commissioner Hauge, seconded by Yoshimura-Rank. Unanimously approved.

Approval of July 25,2019 Regular Meeting Minutes

Motion to approve made by Commissioner Yoshimura-Rank, seconded by Commissioner Hauge. Unanimously approved.

Public Hearing – Request for Subdivision Approval / Spllt – Vacant Lot at 42 Mallard Road – Sarah Kudebeh

Chair Azman opened the Public Hearing at 7:05 p.m. City Planner Kirmis reviewed the application made by Sara Kudebeh, which is a vacant 3 acre parcel of land at 42 Mallard Road. Applicant is proposing to subdivide into 2 residential parcels, zoned as Residential Single-Family low density (RSL). This parcel abuts South Mallard Pond and is subject to Shoreland District regulations. This request needs preliminary plan approval, then later again final plan approval by North Oaks City Council. As part of future ordinance update, Planner Kirmis suggests that maybe simplify application process for subdivision of just lot lines to a single approval. Within RSL zone designation the minimum lot size is 1.45 acres, shoreland regulations require a minimum 1 acre lot size. In cases where 2 ordinances apply to a request the most restrictive would apply which is the 1.45 acre minimum size. Both proposed parcels would be 1.5 acres so they would meet this requirement. The shoreland setback requirement is 150 feet – which this also meets. RSL zoning states no septic systems are allowed within 30 feet of lot lines and the updated version of the plan reflects this. The parcel on the North is bordered by East Oaks Drive which is a busier road, therefore City staff is requiring driveway access off of Mallard Road. The City Engineer recommends the driveway location be a minimum of 100 feet south of North Oaks Road, with the driveway of Parcel B located at least 100 feet south of the driveway of Parcel A. Each proposed parcel would require space allocated for 2 individual septic systems. Conditions for approval also include: certificate of survey indicate primary and secondary facilities at both parcels, as well as the water main must be illustrated on the final plan along with connections. The parcel would have 3 easements – East Oaks Road/ Mallard road, drainage/utility and a bridal path easement along South Mallard Pond which is 10 feet in width. If the Planning Commission finds that it does not meet requirements, they must detail findings that justify that action. The final option is for the Planning Commission to table the application for further review and study.

Chair Azman asked if both parcels can support ISTS systems, with Planner Kirmis confirming that they could. Chair Azman mentioned that to subdivide an existing lot it is thought that permission may need to be granted by North Oaks Company (NOC). Administrator Robertson stated the Applicant has been advised that they would need to speak with NOC.

Scott Bardwell with Coldwell Bank and Sarah Kudebeh, owner of 42 Mallard Road

Mr. Bardwell is helping the applicant submit the application and will be working with her on the sale of the lots. He mentioned the existing driveway on the south lot would be the logical place for a driveway and he believes the 100 feet separation can be met. They are simply looking for a lot split at this time. The house pad location will be based on the new owner's construction plan and location of the septic. He indicated that tapping into the water line may be cost prohibitive, therefore the new owners may go with a well. Robertson said there is plenty of room on both parcels to place a home and septic and soil tests were taken at several locations. Robertson stated that if new owners came with plans requesting any variance it would be denied since this plan has been approved. Mr. Bardwell will look at ensuring there are no deed restrictions through the North Oaks Company and complete a title search.

Raleigh Brodin – 40 Mallard Road

Mr. Brodin doesn't have any issues with the application. It's an empty lot and the foundation for a home is there. He came into the meeting concerned with setbacks, covenants and was happy to have all of his questions already answered in the City Planner's report. He also has 5 acres which he could possibly entertain splitting later.

Anne Conroy, Chris Hansen – 10 East Oaks Road.

Ms. Conroy lives on the other side of South Mallard Pond. She wanted to be sure that the drain field from the old house that used to be there was not used in the calculations. The lot has a steep drop off from the high ground and also wanted to be sure there was a plan in place for erosion control. Administrator Robertson agreed and mentioned that it is probably more suited to a walk out home. Ms. Conroy is concerned about the water quality, and that the landscape plan is closely reviewed to ensure the pond doesn't get additional stress. She stated the pond is listed as a DNR protected wetland and asked the Planning Commission to take this into account. She indicated that there are other lots around the area that are also large and she is concerned about setting a precedent for future lot splits. Robertson stated only 2 lots within North Oaks have been subdivided in his last 6 years. He added that each lot must be a minimum 1.45 acres to subdivide and very few people build their house based on future subdivision. Their house is placed where they want it, and the need for two new septic sites along with the required well setback make it difficult to create a building lot.

Chair Azman asked Planner Kirmis to review the items in the ordinance that the Planning Commission must consider in their decision. Planner Kirmis stated that the City of North Oaks require accordance with: lot area, lot width, building and shoreland setbacks, ISTS two septic locations, suitable access to both lots. Final plan must also meet conditions that illustrate drain field sites and that all conditions protecting public health must be approved. Commissioner Hauge stated that so far he is not seeing anything that they could use as just cause to prohibit the subdivision. Commissioner Sandell noted that there is no request for variance, and everything appears to meet City ordinance requirements.

With no further comments, Commissioner Hauge motioned to close public hearing 7:40 pm, Commissioner Hara seconded the motion. The motion was unanimously approved. Commissioner Hauge motioned to approve the application based on the conditions provided by City Planner. Commissioner Yoshimura-Rank seconded. The conditions include:

- 1. Driveway access to proposed Parcel A shall be from Mallard Drive and shall be at least 100 feet south of East Oaks Road, with the Parcel B driveway at least 100 feet south of the driveway access to Parcel A.**
- 2. Homes on the two lots shall satisfy the maximum 12% floor area ratio requirement for structures within the RSL zoning district.**
- 3. Any dock construction shall comply with applicable regulations of the Shoreland Management Ordinance (Section 153.110.D3)**
- 4. The certificate of survey (preliminary subdivision plan) shall be modified to illustrate primary and secondary septic drain fields for both proposed lots.**
- 5. Individual sewage treatment systems shall comply with applicable Minnesota Department of Health requirements.**
- 6. The location of the wet tap(s) in the watermain, if they choose to connect, shall be subject to approval by City engineer.**

Chair Azman also does not see any reason to deny the application and believes each future application will be considered on its unique individual circumstances so there is no precedent being set.

Commissioner Yoshimura-Rank mentioned that when the home plans are presented for approval it would be reviewed to ensure setbacks are met and DNR concerns addressed with the new buyer having to prove it meets erosion control. Robertson said that the Planning Commission cannot put North Oaks Company or NOHOA landscape plan approvals as conditions of Planning Commission approval since this is out of their purview. Chair Azman confirmed with Administrator Robertson that soil samples were taken from areas other than the original drain field. Commissioner Yoshimura-Rank asked about possibility of needing a 3rd ISTS location. Administrator Robertson mentioned that the septic inspector has stated there is almost always a means for septic options, they just get more expensive as the primary locations are used up.

All Commissioners voted in favor of the Approval of the application to subdivide 42 Mallard with conditions noted. Motion carried.

Public hearing -Request for Conditional Use Permit for 33 Mallard Road – Combined Garage Space over 1,500 Square Feet- Fady Daw

Continuation of public hearing from the July 2019 Planning Commission meeting. Administrator Robertson stated that at the last meeting the Planning Commissioners requested a site plan and elevations with the garage door highlighted along with a landscape plan. These items have been provided to the Commission. Chair Azman asked for the location of the septic and well or if it is hooked up to the water system. Robertson stated that the City Engineer did confirm that the drainage was adequate.

Applicant Fady Daw – 33 Mallard Road

Commissioner Hauge thanked Mr. Daw for attending and asked him to describe how the garage would work. Mr. Daw stated that it would not be an issue driving down to it as it would not be used in the

wintertime. It would most likely will be used as an exercise room but he added the garage door in case he wanted to store his summer cars. He does not want to leave them outside for safety purposes, and it would also keep the driveway clean.

Commissioner Hara asked for clarification on what doors are currently in place. Mr. Daw stated that it was originally planned as bifold doors, but he would be taking off the glass doors and changing it to a high-end garage door. Commissioner Hara indicated that he is aware of other homes within North Oaks that have multiuse space such as this. Planner Kirmis mentioned that it requires a Conditional Use Permit because it is in excess of 1,500 square feet of garage space. The of CUP concern to review are: potential negative impacts of appearance and neighbor impacts, architecture, appearance, orientation of garage doors, etc. In this situation, the garage is on lower level therefore would not impact neighbors based on the orientation. Mr. Daw stated that the garage is not visible from the road, and that issues have been resolved with NOHOA. Mr. Daw believes home is valued at \$2.3 million and should add value to the area for surrounding homeowners.

With no further comments Commissioner Hara motioned to close the public hearing at 7:59 p.m., seconded by Joyce Yoshimura-Rank with unanimous approval.

Commissioner Hara motioned to approve the Request for Conditional Use Permit for Combined Garage Space over 1,500 Square Feet with two conditions. Commissioner Yoshimura-Rank seconded. Chair Azman stated that the proposed findings look appropriate. Commissioner Yoshimura-Rank believes it meets all the criteria.

All commissioners voted to recommend approval of the Conditional Use Permit with two conditions.

Planning Commission Training – City Attorney Kory Land

Commissioner Yoshimura-Rank confirmed that the City Attorney firm has been officially approved. Attorney Land stated a contract is in place and provided background on both herself and Attorney Bridget Nason. She reviewed the second portion of the training manual for Planning Commissioners. Highlights include the following.

Different categories of zoning ordinances:

- Permitted Use- A use is permitted as of right with no special approval required or findings needed.
- Conditional Use Permit (CUP) – Permitted use to which reasonable conditions may be attached based on factual findings. Needs a little extra attention to the request.
 - Criteria for approving a CUP: Must be compatible with the neighborhood, in accordance with the Comprehensive Plan, can't endanger public health, safety, welfare. There may be additional local regulations. CUP are important to a property owner, because it is attached to the land – and goes to any new owner. Can only get rid of them if a condition has been violated or revoked by Council.
- Interim Use- Temporary use of the land in which reasonable conditions will expire on a certain date, or when zoning ordinance no longer allows it. Examples: seasonal gardens in parking lots. Examples: seasonal garden sales in parking lot.

Variances:

A variance is permission to break a rule. The commission does not have to grant a variance but is permitted to do so. A variance is approval to depart from the requirements of the zoning ordinance; permission to “break the rules”. The standard test is “practical difficulty”. Commissioner Hara asked if

each applicant can be considered on own or precedent. Attorney Land stated that each variance stands on its own, but it can look bad if applications have similar circumstances but City action is different. If going to grant a variance it must meet the following test.

- **Practical difficulty test:** Property cannot be used in reasonable manner, unique circumstances to the property NOT created by the homeowner. (can't be financial only and homeowner can't be caused by the homeowner).
- **Unique Circumstances not created by the homeowner:** If a landowner purchases property knowing it will need a variance is his situation self-created and therefore he cannot meet the unique circumstances? Her view is that he did not create the physical characteristics, they pre-existed ownership, there is not guarantee it will be approved, but hope it can be approved. Economic circumstances are not a justified reason for variance.
- **Character of Neighborhood:** Will look at whether the result will be out of scale, out of place or otherwise inconsistent to the area.

Keep in mind there are rules enacted for a reason and need to stick to those rules wherever possible as to not set a precedent.

Planning Commission is responsible for reviewing any Zoning Ordinance Amendments.

Zoning Ordinance Amendment: In order to approve a zoning ordinance amendment-

- Must comply with Comprehensive Plan
- Must not impede orderly development
- Must not endanger, injure, detrimentally impact surrounding properties.

Rezoning a Map amendment: Commissioners must look at the request as a whole and how it is connected to possible impact in other areas.

- Greater burden on applicant than on government to change zoning
- Relationship to comprehensive plan important, cannot allow spot zoning
- Rezoning residential to commercial or industrial requires 2/3 vote

Must make sure that Comprehensive Plan Amendment accompanies a Zoning Map Amendment because they must be in synch. When a conflict with Zoning Ordinance, the Comprehensive Plan always wins. There is a state law that now states the zoning must be in synch with Comprehensive Plan.

60 Day Rule:

- Failure of the City Council to act on a zoning application within 60 days after receipt of the completed application results in automatic approval of the request. The PC has 1-2 meetings to consider an application.
- Statutory exceptions: Can extend the time to act on an application for up to an additional 60 days with a Staff letters with reasons for the request and length of extension. Applicant can also request an extension. All applications must be acted upon within 120 days.
- If application is denied, an Applicant can reapply with new information.

Conflict of interest:

Can't have a direct or indirect personal or financial interest in any matter upon which you can make a decision. Remove yourself from the situation. Examples: rezoning your own property, applicant is a client, or neighbor applies for a variance. If so: disclose the conflict, do not participate in the discussion or the vote, leave the room during the vote.

Gift Law:

City Officials cannot accept gifts from interested persons, which could be anyone within North Oaks because applications may come up in future from any neighbor. City Official is any elected or appointed officer (Planning Commission is appointed). This includes money or personal property, service, etc. Nothing over \$5 in value.

Commissioner Yoshimura-Rank asked for clarification when a public hearing is needed. Attorney Land indicated that any requests for Variances, CUP, final plats, zoning and text amendments require a public hearing by Statutory regulation. Administrator Robertson stated that our ordinance currently states that no public notice is required for ISTS variance hearings, but the new attorneys will be reviewing this. He also mentioned that the City of North Oaks has a very consistent track record of not approving variances, with few exceptions. Administrator Robertson stated he will send the report on past variances to all the Planning Commissioners.

Chair Azman announced the next meeting as Thursday, September 26, 2019.

Administrator Robertson discussed his upcoming retirement. He will stay until a new replacement begins. There have been 10 applications received to date and City Council will decide who is interviewed. He noted that the October Planning Commission meeting will fall on Halloween and asked if they wanted to change the date.

Motion to move the move the meeting to October 24, 2019 made by Commissioner Sandell, with Commissioner Hauge seconding. Unanimously approved.

The November and December meeting dates will be discussed at the next Planning Commission meeting.

At 8:57 p.m., Commissioner Yoshimura-Rank motioned to adjourn, seconded by Commissioner Hauge, with all in favor.

The Council Workshop was called to order at 7:00 p.m. by Mayor Gregg Nelson at the Conference Room, 100 Village Center Drive, Suite 230, City of North Oaks, Minnesota. Present were Mayor Gregg Nelson; Councilmembers Katy Ross, Rick Kingston, Kara Ries and Marty Long; City Administrator Mike Robertson.

City Administrator Review

Mike Robertson opened his review by announcing that he was retiring. He said that he had been diagnosed with high blood pressure this past winter and that his wife asked him to retire immediately. He told her he felt a duty to assist the Planning Commission and City Council in the completion of the review of development proposals before them. He had promised her he would announce his retirement after that was done but he wanted to be able to discuss the issue with the City Council first.

Robertson discussed the process of hiring his replacement. Robertson also discussed a list of projects that he thought he should focus on in his remaining time and asked the Council to rank them by priority. He also said he would assist whoever the Council hired with any questions they might have.

The Council agreed that Robertson would stay until a new City Administrator would be hired, with expected start date anywhere from October to December.

Robertson thanked the Council for hiring him. He said he'd had a great career, a happy marriage and now he was retiring at the same age his mother died. He felt he'd lived the American Dream.

Adjournment

With no other comments Mayor Nelson adjourned the meeting at 7:42 p.m.

Attest:

City Administrator Mike Robertson

Attendees:

The Council Meeting was called to order at 7:00 p.m. by Councilmember Mayor Gregg Nelson at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Mayor Nelson, Councilmembers Kara Ries, Marty Long, Rick Kingston, Katy Ross, City Administrator Mike Robertson, City Attorney Bridget Nason, City Planner Bob Kirmis and Recording Secretary Debbie Breen.

North Oaks Company: Mark Houge, Gary Eagles, and Attorney Tom Bray.

NOHOA: Executive Directory Mikeya Griffin and NOHOA Board President Kathy Emmons.

Decennial Review of the East Oaks PDA:

The purpose of the meeting was to continue the required 10 year review of the 1999 Agreement put in place by the North Oaks Company, City of North Oaks and North Oaks Homeowners Association.

Mark Houge, North Oaks Company (NOC) representative, began the discussion stating they are currently comfortable with the PDA document and Amendments in place and how they are working. North Oaks Company has submitted to Council a Memo dated August 18, 2019 responding to information brought up at the prior Decennial Review meeting.

Mayor Nelson confirmed for all in attendance that both the North Oaks Company and City are not asking for any changes or amendments to the 1999 PDA. The last update made was the 7th Amendment in 2010. Councilmember Ross stated her concern that we still don't have agreed upon counts to put in the 2020 Comprehensive plan. NOHOA President Kathy Emmons stated since NOHOA was not a party or signatory to any of the Amendments they do not consider the 7th amendment recognized. They only look to the original 1999 PDA and have a commitment to support what is in the PDA.

Administrator Robertson stated that Councilmember Ries' numbers were 14 units different from NOC's numbers. Councilmember Kingston stated that NOC and City agreed upon the numbers in the 7th Amendment since both parties signed off on the documents. He asked Attorney Nason if only one party wanted to change it if that was even possible. She indicated she hasn't yet reviewed the complete PUD and related documents, but in concept both parties would need to consent to changes.

Councilmember Ries mentioned a Sept. 18, 2010 memo from NOC counsel. She said at the time of the amendments, both the City Administrator, City Attorney and other Councilmembers were new, which she believes may have led to some items being missed. She asked where it says in 7th Amendment that we have agreed upon counts, with NOC representative Houge responding that Exhibit B-1.5 shows the agreed upon numbers at that time. Councilmember Ries indicated text within the 7th amendment doesn't specifically refer to that Exhibit. As an example of something she feels may have been missed in the transition of City personnel is that Maps E1, E2, E3 all incorporate Ramsey County Centerville Road boundary lines; however Exhibit C4 area E4 does not include the road even after discussions took place for 2 years. She understands that everyone has signed it, but wants to be sure that its clear going forward and to make a correction if need be.

Mayor Nelson stated that discussions about the Amendments took place from 2006 until the documents were signed in 2010. Attorney Nason confirmed that all parties must put in writing any requested

change to the agreement. The central goal for everyone is to find a way to move forward with agreed upon counts. NOC representative Houge confirmed they are not interested in changing the numbers agreed upon in the 7th amendment.

Councilmember Kingston asked if we are bound to the methodology which was applied to 7th Amendment going forward. Attorney Nason stated that she will need to review the contractual terms specified as the original PDA would be in place and Amendments placed on top of that would need to be reviewed. Mayor Nelson mentioned that Waverly Gardens wasn't expected in the original PDA and a compromise was made to address Waverly Gardens. They don't anticipate another structure like Waverly for the calculations used to become a precedent. It was noted that Amendments 5 through 7 were all to address Waverly.

Councilmember Ries is concerned there may be clerical errors that need to be cleaned up and that the City needs to avoid setting a precedent going forward. Councilmember Kingston would like to put energy into how to move forward in the new areas and ensure NOC puts forth proposals that we all feel are true to PDA. He believes NOC still must justify future requests for development and the Council is in the driver's seat for review and approval of new proposals.

Councilmember Ries stated this is our first review of the 7th amendment, so if there's any changes that need to be made now is our chance. NOC representative Houge stated NOC believes the information is correct and that all parties spent 2 years looking at them before finalizing the documents and he doesn't believe there was a clerical error. Councilmember Ries believes the City was focused on other projects at that time which may be caused an error in map Area E3. She noted the discrepancy may be minor or major but it might affect going forward. City Planner Bob Kirmis mentioned that in his experience, the County always requests and picks up some right of way on road dedication whenever there is a subdivision request, which might account for some of the acreage discrepancy. Typically land dedicated for road right of way isn't considered as buildable acreage. Councilmember Ries pointed out that in Sections E2 and E1, there is one section that does include the right away, so this doesn't appear to be the answer.

North Oaks Company was asked for any clarification and NOC representative Gary Eagles mentioned that NOC does give land to the County for road right of way. NOC representative Houge mentioned the parcels that abut Centerville includes E3, the next parcel NOC gave to NOHOA for soccer fields & public spaces, and the next field E1 is planned to be given to NOHOA as well. His belief is that at the time all parties reviewed the area and this was the negotiated result. Mayor Nelson stated that all parties have signed document and the focus should be on reviewing on what the plan going forward is from NOC.

NOC representative Houge stated they are targeting the end of September for holding community listening dates for proposed developments. NOHOA President Emmons asked who is targeted for listening sessions. NOC stated anyone interested in hearing about the issue, including residents, Council, and NOHOA. Administrator Robertson stated he would notice it for the City Council and Planning Commission so they could attend. NOHOA wanted to make sure that current residents are heard as priority, rather than new prospective residents. NOC hopes for a casual meeting, with display boards, blank cards welcoming suggestions, rank options and asking residents for feedback. NOC will

Speak with realtors separately to gauge needs in the market but the listening session is targeted for residents. They plan to present their ideas for the remaining areas; however, the timeframe for implementation may be staggered out (i.e. Island Field might go forward more quickly, but Gate Hill may be delayed if limited interest at this time). NOC stated their goal is to preserve the value of North Oaks, and they don't want to erode the value of homes by having too much new inventory. The plans presented would be schematic and designed to be adjusted, not an official preliminary concept plan. NOC will bring ideas and ask residents for their reaction and feedback to those ideas. NOC already has input from City and NOHOA and will only submit what is in line with the 1999 PDA. An example would be to gauge if interest for condos vs. townhomes. NOC will have a scribe compile notes and share with NOHOA and City. Councilmember Ries asked if there are any plans to submit formal concept plans this fall. NOC representative Houge stated they would like to bring preliminary plans for Nord or Anderson Woods this fall.

Administrator Robertson said he would like to have an answer on the counts so they can be added to the Comp Plan. Councilmember Ries mentioned the unit count for Rapp Farm is one unit apart between NOC and City numbers. This one unit was used as a pool area for Rapp Farm, and she believes it should be counted as a unit to set a precedent. That location could be transitioned to a home someday and she feels the unit number should be 157 instead of 156. Councilmember Ries would like to have on record that there is a discrepancy in the number.

Councilmember Long recapped what had been discussed that there would be no change to 1999 PDA. The Council would like the City Attorney to review the PDA/Amendment documents. Mayor Nelson would like Attorney Nason to consider whether a mutual mistake of fact was involved regarding the counts, as the number of units remaining is important. Attorney Nason will review this information in advance of the October city council meeting.

Councilmember Ries asked NOC to ensure NOHOA is in conversation from the beginning as they are a party on the PDA. NOC representative Houge stated since December they have continued to seek input from NOHOA. The PDA is not written in a manner that holds them contingent to NOHOA approvals. They welcome any feedback that comes into the City. NOHOA would like to be in conversation as they feel this is practical to make sure they can afford what is being discussed. It is in best interest of everyone to work together.

Councilmember Ries asked if the North Oaks Company has plans within next nine years for sale of business or an exit plan that the City should start thinking about. NOC representative Houge stated there have been no discussions within NOC about an exit plan or completely selling all property left to another party. However, if condominiums are decided upon, NOC would sell just the land needed for the condo space to a developer since they don't do vertical but there is no plan to sell off raw land.

Councilmember Kingston motioned to adjourn at 8:14 p.m., Councilmember Ross seconded with all parties unanimously agreed.

The Council Meeting was called to order at 7:00 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, Katy Ross and Kara Ries; Councilmember Long arrived at 7:49 p.m. City Administrator Mike Robertson, City Attorney David Magnuson, City Planner Bob Kirmis, City Engineer Paul Pearson, Recording Secretary Deb Breen, and Videographer Maureen Anderson.

Pledge of Allegiance

Approval of Agenda

Administrator Robertson requested to add Social Media under new business. **Councilmember Kingston moved to approve the amended agenda. Councilmember Ross seconded and passed unanimously.**

Citizen Comments -

Franny Skamsler-Lewis – 3 Red Maple Lane

She asked whether the City Council could revisit how minutes are recorded. Mayor Nelson stated they would put it on next month's agenda.

Kathie Emmons – 20 Duck Pass Road, President of NOHOA

She stated that NOHOA Executive Director Mikeya Griffin was invited to the East Oaks PDA decennial review discussion. She feels that just inviting Mikeya was not sufficient and that she should have been invited. NOHOA would like to participate in future discussions up front.

She added that numerous casual discussions have taken place with North Oaks Company about trails but they hadn't had a formal trail plan because they have a good working relationship with them. NOHOA is willing to stand by the terms in the PDA where there are trails and easements in place. She doesn't believe that the PDA discussions needed to be held up because of trail issues. She is also concerned about tendency to go back through same items in the PDA each meeting. They need to come to decision on the numbers and move the community forward.

Susan Hinrichs – 55 East Pleasant Lake Road

She asked what the next steps are for the decennial review. Mayor Nelson stated that it is on the agenda for discussion tonight.

Consent 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#: 13137 - 13172

Councilmember Ries motioned to approve the Consent Agenda, Councilmember Ross seconded. Unanimously approved.

Petitions, Requests, & Communication

Tick Task Force Presentation- Brooke Moore – Chair of the Tick Task Force (TTF) committee shared results of the latest survey. In 2014 the committee was established and on 9/14/2015 the initial efforts on understanding the problem and developing best practices were rolled out. This is a Multi-tier approach focusing on personal protection, landscape and brush removal, mouse reduction, and deer management. The current survey focuses on results of these efforts. The 2019 Survey results monitors the effectiveness of the program, with 133 individuals participating in survey. 40% found a black-legged tick, 15% found an embedded black, which is similar results to prior 2 years. There were 48 comments, with only 2 negatives regarding focus of deer management and use of Acaricides to reduce ticks.

Key points noted:

- Most ticks were found in personal residences and on trails– similar as in past years.
- More evidence shows that ticks were attached less than 24 hours. 42%
- Results show only 1 household had more than 3 members having ticks.
- Age distribution – in all age groups rates of tickborne illness went down except age 60-65.
- Total Cases reported decreased significantly.
- North Oaks used to be 2 times higher than neighbor communities in Lyme Disease. We are now similar to surrounding communities.
- Of those diagnosed, Lyme Disease is the most common tick borne illness reported and most cases were diagnosed via a positive blood test.
- Education –50 sought treatment faster due to more education about Tick borne diseases.
- Acaricides – 77% said they are not putting them on their yards. Of those using them 51% are using a professional service.
- Personal Protection - Repeated emphasis to check clothes, use repellent, etc.
- Mouse control – reducing habitats near homes, etc.
- Deer Management – Studies show now less than 10 deer per/square miles which has a positive effect in reduction of Lyme disease. When starting program, it was at 20 deer per square/mile.
- Next Steps – Results to be shared with residents, continued alerts on when ticks become active, sharing medical care providers that specialize in treating Lyme disease.
- 38 degrees is when ticks become active. Informational Tick handouts on reducing risk can be picked up in the City offices.

The League of Minnesota Cities recently awarded the North Oaks Tick Task Force with the City of Excellence award for the best practices they have developed. There was a video created which will be posted on the City website under TTF. About 500 representatives from around the state got to view this information and share it with their respective cities. Councilmember Kingston thanked Brooke and others for stepping up to create the TTF.

Resolution 1347 -Endorsing Pollinator Protection and Protecting Pollinator Habitat

Kate Winsor – 2 Thrush Lane, Vice Chair of the Natural Resources Committee spoke about the proposed Pollinator Resolution which the Natural Resources Commission was recommending. A resident started the initiative and made the connection with a group of University of Minnesota graduate students. They put together the Pollinator template for this resolution.

Erin Root of Pollinate MN, Education spoke on this topic to encourage this work at the state level as well. She strongly supports the resolution as put forth. Bees are important to the lifecycle of food plants and we continue to lose almost ½ of the colonies hosted by beekeepers yearly. There are 469 different bee species in Minnesota, and most are solitary. They are in decline due

to lack of food and flowers as well as insecticides. Minnesota leads the country in the pollinator policy initiatives, but we are still losing colonies. Councilmember Kingston asked Ms. Root how bees are transported. She stated that 500 hives can be transported at night when they are less active via trucks. Mayor Nelson complimented the Natural Resources Commission for their work in bringing this to the Council.

Councilmember Ries motioned to approve Pollinator Resolution 1347, Councilmember Ross seconded, all in favor, motion carried.

Jim Bowyer-13 Anemone Circle: American Promise

Mr. Bowyer came to discuss the ruling by the Supreme Court in January 2010 known as Citizens United that eliminated campaign contribution limits, giving corporations the same rights and freedom of speech as ordinary people. There is a flood of outside of money into local elections. Local elections are now influenced by this and no longer represent just local people, but instead donors outside of the MN. He believes that the problem can only be fixed by amending the constitution regarding this matter. To make this change, two things need to happen: 1) 2/3 of states can call on Congress to act on this. 2) States themselves can pass resolutions, if 38 states can do this – it would force a Constitutional Convention which can focus on this amendment, it then goes to states for ¾ vote. He is asking the North Oaks City Council to consider a Resolution on this topic. Mayor Nelson stated that the Council would look at this on the next agenda.

Deputy Mike Burrell Report

- Trespassing issue in town last week involving a solicitor with high pressure sales tactics. They were stopped and cited.
- The trespasser from April has not responded to the warrant that has been issued. He no longer lives at the Shoreview address.
- There have been recent scams on Craigslist from people selling tickets to events. People have spoken to what seems a legitimate seller, told to go to online app to pay and no tickets result. The number is a fake number with no way to track. Officer Burrell warns residents to stay away from Craig's list unless meeting in person for a transaction.
- There was an animal issue last week with a dog bite. Animal Control Officer Lee is working on this issue and getting facts to proceed on resolution.
- Mayor Nelson thanked Officer Burrell for his work on the proposed Trespassing Ordinance. Councilmember Long asked when body cameras will arrive and suggested Council discuss if residents should be notified of body cameras when Officer responds to calls. There is no firm date for when all officers will have body cameras.
- Councilmember Ries suggested Officer Burrell give another session on scams to residents at Presbyterian homes.

Unfinished Business

Final Plan Approval-Wilkinson Lake Villas

City Planner Kirmis discussed the Final Plan for Wilkinson Lake Villas. The project is located on Site F off Centerville Road, with 4 units (up to 13 allowed) and is consistent with the East Oaks Planned Unit Development (PUD). A majority of the 36 acres site is devoted to open space. The City Council approved the preliminary plan; therefore, this request is for final

approval. Prior concern was the hammerhead turn around, and therefore the final subdivision has changed to a traditional cul-de-sac. Lake Johanna Fire Department Chief Tim Boehlke has confirmed approval of the cul-de-sac. The final plan does not have any wetland related impacts; however, lot lines have been shifted 70 feet to south towards the wetland to accommodate the cul-de-sac. The floor area ratio complies with City requirements and the homes could be up to 3800 square feet in size. A conceptual plan for the land to the south was presented in the May meeting and consisted of 9 residential lots, which is consistent with the East Oaks Planned Unit Development agreement. There are no minimum lot widths. The Villa homes will have access to the existing trail on the west side of the property. Building architecture will be similar in design as the units to the North. It must meet NOHOA ASC guidelines.

Mayor Nelson inquired for clarification on the lot shifts. City Engineer Pearson confirmed the shift was necessary to redesign to the cul-de-sac. North Oaks Company's Gary Eagles stated that there will be buffer between houses and the wetland area open water pond. It is a self-created open water managed wetland that will be managed by the association.

Engineer Pearson confirmed that they've reviewed the plans for compliance. The Engineers' memo was included in Council packet and it is their opinion that all of the items mentioned can be addressed before any construction occurs on site. Councilmember Ries asked if VLAWMO is involved in the plan and approved the wetland buffer. Administrator Robertson confirmed that meeting VLAWMO requirements is part of the conditions listed, with Councilmember Long clarifying that VLAWMO doesn't get involved at the concept stage – only after it is approved to move forward by the Council. If VLAWMO has any issues at that point, they work directly with the developer and City to resolve.

Motion by Councilmember Kingston to approve the Final Wilkinson Lake Villas Plan with conditions identified by staff. Councilmember Long seconded. Motion passed unanimously.

Discussion of Septic Ordinance

Councilmember Ries mentioned her concern over the remaining cesspools within the city and the lack of an ordinance prohibiting them. Administrator Robertson noted that four years ago staff prepared an updated septic ordinance which would have required septic systems to be compliant with current State law upon point of sale. The point of sale provision was removed from the ordinance with the thought that it was intrusive and that banks would require that septic systems be updated. There are still cesspools in town and some banks do not require a septic system check as part of a sale. Staff would like to see point of sale included in the ordinance. The County recorder would add this to their checklist of requirements for approval of a transfer of the property. This would require a septic compliance report. Attorney Magnuson stated that Washington County has a point of sale ordinance in place.

Councilmember Long moved to set a public hearing on the Septic Ordinance.

Councilmember Kingston seconded and all were in favor.

New Business

Approve 2nd Amendment to the Joint Powers Agreement – VLAWMO

Administrator Robertson stated the amendment allows VLAWMO to bond for funds like other organizations.

Councilmember Long motioned for approval of the VLAWMO Amendment to the Joint Powers Agreement. Councilmember Ross seconded and all in favor.

Discussion of Ordinance 130 Restructuring the Planning Commission

Councilmember Ries brought forth her concerns about the new Planning Commission Ordinance 130, Chapter 34 approved at the last Council meeting. She outlined the importance of reviewing our procedures to ensure Council meetings are unbiased, and Roberts Rules are followed to ensure clear and transparent procedures. She believes that the Planning Commission Ordinance 130 was biased, as evidenced by editors of the ordinance writing an editorial about it in the local paper. She feels those writing the Ordinance should have recused themselves and not voted. She believes there were procedural issues which impact the effectiveness of the ordinance including:

- The notice to the public of the proposed Ordinance 130 was unclear with blanks of missing information upon discussion at the council meeting, leaving those in attendance unclear on what was being approved.
- The proposed ordinance was presented in two documents showing amending Ordinance 150 and new Ordinance 130, instead of in one document as required in Ordinance 31.
- There was no motion or vote to rescind, amend or cancel Ordinance 150, which leaves it open for challenge and confusion.
- Chapter 34 should have been posted on the city website for review and a public hearing reopened for the Council to receive further input.
- The timing of the notice publication in paper doesn't follow Roberts Rules.
- The new ordinance includes conflicting language with other established ordinances and within the ordinance itself.
- The ordinance creates confusion as to role of non-voting member and needs clarity on the role of Council Liaison at Planning Commission meetings.
- The terms of the ordinance voted on were not the same as what was published in the paper (7 days written notice published, while 3 days was voted on).
- The updated ordinance was not formally brought back to the next Council meeting to review the final language for a vote. The updated version was sent to Councilmembers via email by the City Administrator and then published in the paper.
- Councilmember Ries feels that the 2 members of the planning commission were grandfathered in based on legal precedent, and the proposed ordinance 130 does not specifically state it is retroactive.

Regarding the memo presented by Attorney Magnuson, Councilmember Ries believes there was pieces of law mentioned, but left out other key points of case law that states that 1 or 2 members

of City Council may serve as voting members of Planning Commission. Councilmember Ries feels that the misguidance of City Attorney effected the vote of Council members, and she doesn't feel that there is a direct personal financial conflict in this case as was implied. She mentioned that Councilmember Ross and herself took steps to waive any financial compensation as part of the Planning Commission to ensure no conflict of interest. The City Attorney memo also spoke about negligence; however, she doesn't believe this applies in this case. She feels this is a political issue resulting in a policy change and that the City Attorney should represent the entire Council, not just the majority. She believes there was no reason to rush this Ordinance because of a conflict of interest and the result was based on misrepresentation by City Staff, instead of waiting until Councilmember Ross returned to speak on the issue. Councilmember Ries wants to make sure that policy and procedures are followed going forward and believes this is a political issue that does not represent the law and facts.

To resolve the flaws in the way this ordinance was handled, she suggests postponing the effective date to January 1st, 2020, at which time the new planning commission members would begin, and the new City Attorney would have had time to review the Ordinance 130 Chapter 34 for clarity and resolve any language conflicts. She believes taking these steps and amending the Ordinance now will restore appearance of conflict of interest, preserve the voice of the planning commission, and restore any view that there was impropriety in the passing of the Ordinance.

Councilmember Long noted that there was no difference in how this ordinance was discussed and approved than past ordinances. He mentioned that Councilmember Ries had no problems with previous ordinances but now it seems she has problems with this ordinance because she doesn't like it. Administrator Robertson confirmed the ordinance was published Tuesday, July 9, 2019 as approved by Council. It was sent to all councilmembers for final review before it was published. Attorney Magnuson stated that Ordinance 130 is now in effect, and that Roberts Rules state that a motion to reconsider must be made by a prevailing party.

Councilmember Ross stated that unfortunately she was unable to attend the last Council meeting due to a serious family medical emergency, thereby was not able to participate in the important discussion regarding the composition and future of the Planning Commission. As a member and Chair of the Planning Commission for the past several years, she believes her input should have been considered important enough to be heard in the conversation on this topic and the discussion deferred until the following meeting. She feels that discussing this matter without her in attendance and the City Attorney accusing of her of financial conflict of interest is dirty politics. From the time she was appointed to the Planning Commission in 2008, she has turned down any compensation to avoid any appearance of impropriety and abstained from voting while appointed as City Council liaison. She believes that the new ordinance now gives the Mayor and some members of City Council power over the Planning commission to hand pick the Planning Commission members, as well as decide how they get paid. She doesn't believe the Planning

Commission and City Council is independent any longer because of the new ordinance. She hopes to move forward with a higher level of integrity and transparency that the community deserves.

Councilmember Long said that the Council represents the City and he thinks the new Planning Commission is now more independent without two members of council on it. In matters of voting, majority rules and Councilmember Long stands by his decision to approve the Ordinance. Councilmember Kingston reconfirmed that his decision was based on desire to have a more independent Planning Commission, not on any question of potential financial conflict of interest. Councilmember Ries stated that they all need to play by the same rules, and believes it was messy pushing it through so quickly before it was ready, with flaws in the ordinance. She feels the decisions were misguided based on the City Attorney's memo. She questioned the steps that took place to enact the ordinance and encourages a consistent process to be sure all ordinances are effective going forward. With no councilmember who had voted in favor of the Ordinance requesting a motion to reconsider, discussion concluded.

Approve Appointment of New Planning Commissioners

Administrator Robertson clarified compensation for Planning Commissioners. The 1999 ordinance stated there was no compensation. Two years later a resolution was passed which provided compensation to Planning Commissioners. Some have waived that pay. Councilmember Kingston read Resolution 1351 appointing Planning Commissioners based on Ordinance 130 which was approved by Council on June 13, 2019 and published July 9, 2019. He noted the Planning Commissioners appointed and term end date as: Mark Azman – Acting Chair 12/31/20, Nancy Reid 12/31/19, Jim Hara 12/31/19, Joyce Yoshimura-Rank 12/31/20, Stig Hauge 12/31/21, Sara Shah 12/31/21, and Nick Sandell 12/31/21.

Planning Commissioners and the City Council Liaison receive \$30 per meeting, with \$45 per meeting for Planning Commission Chair. Councilmember Long asked how the new Chair had been decided. Mayor Nelson and Councilmember Kingston stated they had both spoken to Mark Azman to see if he was interested. Councilmember Long would like the Planning Commission to have their input on the selection of a Chair. The Council agreed to appoint Mark Azman as acting chair until the Planning Commission could discuss the issue.

Motion made by Councilmember Long to approve amended Resolution 1351 regarding appointment of planning commissioners and their compensation. Councilmember Kingston seconded. Councilmember Ries doesn't believe there are 2 positions open as Councilmembers Ries and Ross should be grandfathered in, and would like the vote to be postponed until after the new City Attorney is in place. **In favor of the motion were Councilmembers Long, Kingston, and Mayor Nelson. Opposed were Councilmembers Ross & Ries. Motion passed 3-2.**

Approve Revised City Council Responsibilities

Administrator Robertson shared the revised City Council Responsibilities to reflect changes of a new City Engineer, the new Planning Commissioners, and the appointment of Andrew Hawkins to the Natural Resources Commissioner. He mentioned the need to appoint a new Planning Commission liaison. Councilmember Ross recommended postponing any decision on Planning Commission Liaison until later. Councilmember Ries questioned the equity among City Council responsibilities, saying that Councilmember Kingston had more responsibilities than anyone else. Mayor Nelson asked Councilmember Ries to submit a redraft of suggested City Council responsibilities for discussion among the Council.

Approve Appointment of New City Attorney

The City Council completed interviews with the top 3 finalists on Wednesday July 10, 2019. **Motion to approve the law firm of LeVander, Gillen, and Miller, P.A. by Councilmember Ross, seconded by Councilmember Ries. Unanimously approved.**

Review of Potential Changes to Trespassing Ordinance

Motion made by Mayor Nelson to table discussion on this ordinance until the new City Attorney is on board. Councilmember Ross seconded, all in favor.

Discussion of East Oaks PDA Decennial Review

Mayor Nelson stated the North Oaks Company said they plan to hold community feedback sessions for proposed future development. Councilmember Ross is concerned that there are still not final residential counts, so there is a need for another workshop. Councilmember Long said North Oaks Company will be meeting with NOHOA re: plans for trails. Councilmember Ries said she has forwarded her research on the count issue to Administrator Robertson for review. Councilmember Long mentioned that the 7th Amendment seems to be where the discrepancy came, and asked Attorney Magnuson to put together an interpretation memo on this as they transition this piece with new City Attorney. Administrator Robertson said the new attorney will also be holding meetings with City staff, Officer Burrell, City Engineers and Planners to be brought up to speed on various issues.

Councilmember Ries stated the last Decennial review was in 2009, and the 7th Amendment was passed in 2010 so believes this is the first formal review of the 7th Amendment to determine if the execution has complied with PDA. Councilmember Kingston agrees that the future numbers are most important to come to an agreement. Councilmember Long wants to wrap it up quickly before any outside forces demand more density.

Council Member Reports

- Kara Ries: Next Cable Commission meeting is July 31st. She has started review of the Trespassing ordinance, reviewed counts for 1999 PDA and held City Attorney interviews.
- Katy Ross: 130 Mailboxes sold to date. The next order will be placed by Wednesday 7/17 by end of day. Recycling/Cleanup day on June 22nd was a great success. 243 cars came to the

event, processing 129,000 pounds of material. Cost was \$9,500 out of \$12,000 budgeted. Will receive \$600 credit from Excel energy for light bulb recycling. The City should look at doing this yearly. The shredding truck did 600-700 pounds of paper. She is scheduling another recycling tour at Eureka – date TBD.

- Marty Long: VLAWMO had a packed house meeting about Goose Lake involving otters and the distressed lake/property. The Fire Chief will be discussing the proposed new fire station at the next Council meeting.
- Rick Kingston: NOHOA has been very active working with the Tick Task Force (TTF) and he is grateful to NOHOA for their input. Waiting to get date of body cam installation for our deputy. Weed removal started today on Pleasant Lake
- Mayor Gregg Nelson: He expressed gratitude to the Natural Resources Commission for its work on the Pollinator Resolution, and the TTF on reducing Lyme disease in the City. He thanked City Attorney Magnuson for his work in the City.

City Administrator Reports

1. Upcoming workshops: 7 p.m. Monday, July 22 – will be the PDA review and 7 p.m. Monday, August 5 will be the City Administrator review.
2. Discussion of putting a regular monthly workshop on the City calendar.
3. There was an error in previous discussions, a CCTV social media month trial is not free, there will be a cost if we want to move ahead. This will be put on the agenda for next meeting.

City Attorney Reports

No report. He thanked the City for the opportunity to serve 11 years as City Attorney, it's been a pleasure and a challenge.

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

On motion duly made by Councilmember Ross, seconded by Councilmember Ries on and carried unanimously, the meeting was adjourned at 9:35 p.m.

Attest:

Respectfully Submitted

City Administrator Mike Robertson

Debbie Breen
Recording Secretary

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
• conducts lawful gambling on five or fewer days, and
• awards less than \$50,000 in prizes during a calendar year.
If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Children's Hospital Association, Inc. Previous Gambling Permit Number: X-62164

Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: 41-0711605

Mailing Address: 347 Smith Ave. North, Suite 501

City: St. Paul State: MN Zip: 55102 County: Ramsey

Name of Chief Executive Officer (CEO): Erlin Bursch - Executive Director *Mary Boss - President of CHA Board*

CEO Daytime Phone: 651-220-6146 / *651-792-5596* CEO Email: erlin.bursch@childrensmn.org / *maryg.boss@gmail.com*
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): bianca.wischer@gmail.com / *bianca.lazowski@childrensmn.org*

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): North Oaks Golf Club

Physical Address (do not use P.O. box): 54 East Oaks Road

Check one:

City: North Oaks Zip: 55127 County: Ramsey

Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): Saturday November 23, 2019

Check each type of gambling activity that your organization will conduct:

- Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>_____ Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>_____ Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>_____ Title: _____ Date: _____</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: *Erin Bursch* Date: 8/20/19

(Signature must be CEO's signature; designee may not sign)

Print Name: Erin Bursch MARY G. BOSS

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:
A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

LG240B Application to Conduct Excluded Bingo

No Fee

ORGANIZATION INFORMATION

Organization Name: MVHS Boys Hockey Boosters Previous Gambling Permit Number:
Minnesota Tax ID Number, if any: 80-0066211 Federal Employer ID Number (FEIN), if any:
Mailing Address: 1 Swallow Lane
City: North Oaks State: MN Zip: 55127 County: Ramsey
Name of Chief Executive Officer (CEO): Don Orloff
CEO Daytime Phone: 612-708-3058 CEO Email: orty56@msn.com
Email permit to (if other than the CEO): layna.peltier@comcast.net

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
[] Fraternal [] Religious [] Veterans [x] Other Nonprofit Organization
Attach a copy of at least one of the following showing proof of nonprofit status:
[x] Current calendar year Certificate of Good Standing
[] Internal Revenue Service-IRS income tax exemption 501(c) letter in your organization's name
[] Internal Revenue Service-Affiliate of national, statewide, or international parent nonprofit organization (charter)

EXCLUDED BINGO ACTIVITY

Has your organization held a bingo event in the current calendar year? [] Yes [x] No
If yes, list the dates when bingo was conducted:
The proposed bingo event will be:
[x] one of four or fewer bingo events held this year. Dates: October 3, 2019
[] conducted on up to 12 consecutive days in connection with a:
[] county fair Dates:
[] civic celebration Dates:
[] Minnesota State Fair Dates:
Person in charge of bingo event: Layna Peltier Daytime Phone: 651-295-4235
Name of premises where bingo will be conducted: North Oaks Golf Club
Premises street address: 54 East Oaks Road
City: North Oaks If township, township name: County: Ramsey

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

On behalf of the city, I approve this application for excluded bingo activity at the premises located within the city's jurisdiction.

Print City Name: North Oaks

Signature of City Personnel:

Stephanie G. Martz
Title: Deputy City Manager Date: 9/4/19

**COUNTY APPROVAL
for a gambling premises
located in a township**

On behalf of the county, I approve this application for excluded bingo activity at the premises located within the county's jurisdiction.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for excluded bingo activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes, Section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge.

Chief Executive Officer's Signature: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: Don Ortloff

MAIL OR FAX APPLICATION & ATTACHMENTS

Mail or fax application and a copy of your proof of nonprofit status to:

Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113
Fax: 651-639-4032

An excluded bingo permit will be mailed to your organization. Your organization must keep its bingo records for 3-1/2 years.

Questions?

Call a Licensing Specialist at 651-539-1900.

Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. Otherwise, bingo hard cards, bingo paper, and bingo number selection devices must be obtained from a distributor licensed by the Minnesota Gambling Control Board. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **LIST OF LICENSEES** tab, or call 651-539-1900.

This form will be made available in alternative format (i.e. large print, braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board

will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board

members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 131**

**AN ORDINANCE AMENDING CITY CODE TITLE XIII, CHAPTER 130,
SECTION 130.04 REGARDING TRESPASSING**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title XIII, Chapter 130, Section 130.04 Amendment: Title XIII, Chapter 130, Section 130.04 of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck-out~~ text shows the deleted wording:

~~(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 any 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 private land or the premises of another person without permission from the owner, owners' agent, or person in lawful possession of the property within the private land in any of the following situations:

(1) When the person refuses to leave upon the oral or written request of the lawful possessor or the possessor's agent;

(2) When the person has been informed orally or in writing by the lawful possessor or the possessor's agent that the person is not allowed upon the land or premises;

(3) When the structure, facility, or enclosure is locked; or

(4) When the person's entry is prohibited by conspicuously posted sign prohibiting or restricting access thereto, such as "no trespassing," "authorized personnel only," or "employees only."

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) The lawful possessor of land may appoint any Ramsey County Sheriff's deputy as an agent for the purpose of making a request to leave.

(C) For the purposes of this Section, the term "private land" shall mean all privately-owned real property, including but not limited to all property owned by the North Oaks Home Owners' Association.

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2019.

CITY OF NORTH OAKS

By: _____
Gregg Nelson
Its: Mayor

Attested:

By: _____
Michael Robertson
Its: City Administrator/City Clerk

(Published in the _____ on _____, 2019)



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

**RESOLUTION NUMBER 1352
CITIZENS UNITED**

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 City Council of North Oaks, Minnesota 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 governments 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.

PASSED BY THE COUNCIL of the City of North Oaks this 8th day of August, 2019.

APPROVED:

Gregg Nelson, Mayor

ATTEST:

Michael Robertson
City Administrator



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 132**

**AN ORDINANCE AMENDING CITY CODE TITLE V, CHAPTER 51, SECTION
51.02(8) REGARDING POINT-OF-SALE INSPECTIONS FOR SUBSURFACE
SEWAGE TREATMENT SYSTEMS**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title V, Chapter 51, Section 51.02 (8)Amendment: Title V, Chapter 51, Section 51.02(8) of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code:

(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.
- d) Prior to the sale or transfer of a property.

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2019.

CITY OF NORTH OAKS

By: _____
Gregg Nelson
Its: Mayor

Attested:

By: _____

Michael Robertson

Its: City Administrator/City Clerk

(Published in the _____ on _____, 2019)



City Responsibilities – 2019

Description	2019 Appointments	2019 Alternates
Office of the Mayor (Gregg Nelson)		
1. Acting Mayor	R. Kingston	N/A
2. Council Executive 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)	<u>K. Ries</u>	<u>R. Kingston</u>
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, A. Hawkins, 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 B. Nason (City Attorney) Deputy Mike Burrell, RCS	
Contract Services		2019
1. City Civil Attorney	Bridget Nason	
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 Kirmis)	
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	

09/04/19 (Source MR)



MEMORANDUM

TO: North Oaks Mayor and City Council

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

DATE: September 12, 2019

RE: North Oaks - Sarah Kudebeh Lot Split (Preliminary Subdivision Plan)
42 Mallard Road

FILE NO: 321.02 - 19.04

INTRODUCTION

At the August 29, 2019 meeting of the Planning Commission, a public hearing was held to consider a request by Sarah Kudebeh to subdivide her vacant, 2.97-acre property located south of East Oaks Road and west of Mallard Road (42 Mallard Road). The applicant is proposing to subdivide the parcel into two single family residential lots.

The subject property is zoned RSL, Residential Single Family - Low Density which lists "single family detached dwellings" as a permitted use.

Additionally, the site lies within the Shoreland Management Area of South Mallard Pond a designated "recreational development" lake.

Please refer to the staff planning report dated August 22, 2019 for additional background information related to this application.

DISCUSSION

Initial Planning Commission Discussion. Prior to taking public comments, the Planning Commission raised questions related to the following:

- The ability of the site to accommodate primary and secondary drainfields.
- The need for North Oaks Company permission to subdivide the subject property.



- The need to address home owner association requirements as part of subdivision approval.

Following the Planning Commission meeting, the “home owner association requirement” issue was investigated further. Sections 152.054 and 152.065 of the Subdivision Ordinance address home owner association requirements. As a result of such investigation, it is recommended that the following additional conditions be applied as part of preliminary plan (subdivision) approval:

8. *The subdivision shall comply with all private restrictions placed upon the land by deed, covenant, or other private agreements or with restrictive covenants running with the land.*
9. *Prior to the use, occupancy, sale, or the execution of contracts for sale of the individual parcels, a declaration of covenants, conditions, and restrictions, or an equivalent document, shall be filed with the City. Such filing shall be made prior to the filing or recording of the declaration or document with the County.*

Following the Planning Commission’s initial discussion, a representative for the applicant conveyed the following supplemental information:

- A home previously existed upon the subject site but has been removed. It is the applicant’s intent to utilize the driveway of the previous home to access proposed Parcel B. It was indicated the such driveway will meet the driveway location recommendations of the City Engineer.
- Due to excessive costs associated with connection to the adjacent water main (within the Mallard Road easement), it is possible that individual wells will be provided for each lot. To be noted is that the City does not “require” connection to adjacent water mains.
- Specific home locations on the two proposed parcels are unknown at this point.
- The applicant has been in contact with the North Oaks Company regarding the proposed subdivision and is aware of necessary title work.

Public Comments. Comments received at the public hearing were limited to two residents.



Rawley Brodeen (40 Mallard Road). Mr. Brodeen simply advised the Planning Commission that his questions regarding the proposed subdivision were addressed in the provided Planning Commission packet materials.

Ann Conroy (10 East Oaks Road). Ms. Conroy raised the following concerns:

- She was not notified of the public hearing.
- The impact that the previous home and drainfield site upon the lot have upon the identification of and ability to provide new drainfield sites.
- Possible negative environmental impacts the new homes will have upon South Mallard Pond (and the need for lake protection).
- The precedent which will be set within the community for future similar lot splits/subdivisions and resultant negative impacts (i.e. additional traffic).

Follow-up Planning Commission Discussion. Following the receipt of public comments, the Planning Commission concluded that it had no legal basis to deny the request as the proposed lots meet applicable requirements of the City's ordinances.

Planning Commission Recommendation. Based on the submitted application materials, background information, the recommendation of Staff and the evidence received at the meeting, the Planning Commission has recommended approval of the preliminary plan (subdivision) subject to the following conditions as provided in the Staff planning report August 22, 2019 planning report:

1. Driveway access to proposed Parcel A shall be from Mallard Drive and shall be at least 100 feet south of East Oaks Road. Driveway access to proposed Parcel B shall be at least 100 feet south of the driveway access to Parcel A.
2. Homes upon the two lots shall satisfy the maximum 12 percent floor area ratio requirement for structures within the RSL zoning districts.
3. Dock construction, if proposed, shall comply with applicable regulations of the Shoreland Management Ordinance (water-oriented accessory structures - Section 153.110.D.3).
4. The certificate of survey (preliminary subdivision plan) shall be modified to illustrate primary and secondary drain field sites for both proposed lots.





5. Individual sewage treatment systems shall comply with applicable Minnesota Department of Health requirements.
6. The location of the wet tap(s) into the watermain shall be subject to approval of the City Engineer.
7. Comments of other City Staff

ACTION REQUESTED

Staff recommends approval of the preliminary plan (subdivision) to allow property located south of East Oaks Road and west of Mallard Road (42 Mallard Road) to be subdivided into two single family residential lots subject to the conditions listed above, as recommended by the Planning Commission, plus the following additional conditions:

8. The subdivision shall comply with all private restrictions placed upon the land by deed, covenant, or other private agreements or with restrictive covenants running with the land.
9. Prior to the use, occupancy, sale, or the execution of contracts for sale of the individual parcels, a declaration of covenants, conditions, and restrictions, or an equivalent document, shall be filed with the City. Such filing shall be made prior to the filing or recording of the declaration or document with the County.

MOTION ALTERNATIVES

Approval. A motion to approve the preliminary plan (subdivision) to allow property located south of East Oaks Road and west of Mallard Road (42 Mallard Road) to be subdivided into two single family residential lots subject to the nine conditions recommended by the Planning Commission and City Staff.

Denial. A motion to deny the preliminary plan (subdivision) to allow property located south of East Oaks Road and west of Mallard Road (42 Mallard Road) to be subdivided into two single family residential lots based on the following findings:

- 1.
- 2.

Table. A motion to table the preliminary plan (subdivision) request for further study as additional information and/or subdivision modifications are considered





necessary before formal approval can be given (the 120-day review period expires on 11/22/19). Additional information and/or subdivision design changes entail the following:

- 1.
- 2.

Attachment

- Staff planning report dated August 22, 2019

- c. **Bridget Nason**
John Mazzitello
Mark Azman
Kevin White





PLANNING REPORT

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Mike Robertson, City Administrator
John Mazzitello, City Engineer
Bridget Nason, City Attorney

DATE: August 22, 2019

RE: North Oaks – Sarah Kudebeh Lot Split (Preliminary Subdivision Plan) - 24 Mallard Road

FILE NO: 321.02 - 19.01

Date Application Determined Complete: July 25, 2019
Planning Commission Meeting Date: August 29, 2019
City Council Meeting Date: September 12, 2019
120-day Review Date: November 22, 2019

BACKGROUND

Sarah Kudebeh has submitted a request to subdivide her vacant, 2.97-acre property located south of East Oaks Road and west of Mallard Road (42 Mallard Road). The applicant is proposing to subdivide the parcel into two single family residential lots.

The subject property is zoned RSL, Residential Single Family - Low Density which lists "single family detached dwellings" as a permitted use.

Additionally, the site lies within the Shoreland Management Area of South Mallard Pond a designated "recreational development" lake.

Attached for reference:

Exhibit A: Site Location
Exhibit B: Certificate of Survey (Preliminary Subdivision Plan)
Exhibit C: Soils Report



p 651-792-7750
f 651-792-7751



northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com



100 Village Center Drive, Suite 230
North Oaks, MN 55127





ISSUES AND ANALYSIS

Subdivision Processing. Unlike many subdivision ordinances, the North Oaks Subdivision Ordinance requires all subdivision applications to adhere to a formal, two-stage review process (preliminary and final plan). In this regard, simple lot splits, such as that proposed, are subject to the same processing procedures as large scale subdivisions.

According to the Subdivision Ordinance, applicants for simple lots splits must first submit an application for preliminary plan approval which is subject to the following:

1. Staff review of the application for completeness
2. Preparation of a staff report for City Officials
3. Planning Commission review and recommendation (with a public hearing)
4. City Council consideration and action on the request

Following preliminary plan approval, the property owner may then submit an application for final plan approval which is subject to a similar review process, the difference being that Planning Commission review and a public hearing is not required.

In many communities, simple lot splits which satisfy applicable ordinance requirements are subject to either administrative review and approval or simultaneous preliminary/final subdivision consideration by City Officials. The intent of an expedited process is to minimize the burden on applicants in terms of processing time and review costs.

Lot Area. As indicated, the subject site is zoned RSL, Residential Single Family - Low Density and lies within the Shoreland Management District. In the case of multiple zoning district applications, it is important to note that the most restrictive provisions apply. Within RSL Districts, the average size of each lot must not be less than 1.45 acres and in any case may not be less than 1.25 acres in size.

South Mallard Pond is classified as “recreational development” lake. Lots within such shoreland classification may not be less than one acre in size. To be noted is that land below the ordinary high water level may not be included in the minimum lot area requirement.



According to the submitted certificate of survey (preliminary subdivision plan), proposed Parcel A measures 1.48 acres in size (above the ordinary high water level) while Parcel B to the south measures 1.49 acres in size. In this regard, both proposed lots exceed the minimum area requirements of the Ordinance.

Lot Width. The RSL District does not impose a minimum lot width requirement. A minimum lot width requirement of 150 feet is however, imposed within the Shoreland Management District. Shoreland District regulations define "lot width" as "the shortest distance between lot lines measured at the midpoint of the building line."

Both proposed lots meet the minimum 150-foot lot width requirement as measured from the building line.

Setbacks. Within RSL Districts, no building, sewage treatment system or well may be located within 30 feet of any lot line. In addition to the preceding setback requirements, a structure setback of 75 feet is required from the ordinary high water level of South Mallard Pond.

Approximate house pad locations are illustrated on the submitted certificate of survey (preliminary subdivision plan). While such house pad locations meet the 75-foot setback requirement from South Mallard Pond, they do not meet side yard setback requirements and will have to do so before any building permits will be granted.

Within Parcel A, the house pad is located 14 feet from the East Oaks Road easement. The City requires 30-foot setbacks from roadway easement lines. As a condition of preliminary subdivision plan approval, the house pad location of Parcel A should be shifted southward to illustrate a setback not less than 30 feet from the East Oaks Road easement.

Within Parcel B, the house pad is illustrated 25 feet from the south lot line. Such setback should be increased to not less than 30 feet.

As a condition of preliminary subdivision plan approval, it is recommended that the plan be modified to illustrate house pad locations which meet City setback requirements.

Modified subdivision plan received just before agenda packets were processed. Both plans included for illustration.

Lot Access. As shown on the certificate of survey (preliminary subdivision plan), proposed Parcel A is bordered on the north by East Oaks Road and on the east by Mallard Drive. Considering that East Oaks Road is classified as a "minor collector"





street and carries a higher volume of traffic than Mallard Drive, it is recommended that driveway access to proposed Parcel A be provided from the east via Mallard Drive.

The City Engineer recommends that the driveway access for Parcel A be a minimum of 100 feet south of East Oaks Road. He recommends that the driveway access for Parcel B should be a minimum of 100 feet south of the driveway access for Parcel A.

Floor Area Ratio. The maximum floor area ratio for structures within the RSL zoning districts is 12 percent of the gross land area, less two-thirds of wetlands on the property. Such floor area ratio will be imposed as a condition of subdivision approval.

Docks. Recognizing that the two proposed lots abut South Mallard Pond, an opportunity exists for future dock construction.

If proposed, such docks must comply with Shoreland Management Ordinance regulations pertaining to water-oriented accessory structures (Section 153.110.D.3).

Sewer Facilities. The subject site lies in an area of the City in which is not served by municipal sewer facilities. As a result, the installation of individual sewage treatment systems will be necessary. Such individual treatment systems must comply with applicable Minnesota Department of Health requirements, including the identification of two drain field sites.

As a condition of preliminary subdivision plan approval, it is recommended that the certificate of survey (preliminary subdivision plan) be modified to illustrate primary and secondary drain field sites for both proposed lots.

This issue should be subject to further comment and approval by the City Engineer.

Water Facilities. A water main presently exists within the Mallard Road easement which borders the subject site to the east and is available for hookup. The final plan submitted should show the watermain and the approximate location(s) of the proposed wet taps per the City Engineer.

Easements. The submitted certificate of survey (preliminary subdivision plan) illustrates the following easements:

- Roadway easements for East Oaks Road and Mallard Road (30 feet in width)
- Drainage and utility easements along the East Oaks Road and Millard Road (12 feet in width)





- A “bridle path” easement along the boundary of South Millard Lake Pond (10 feet in width)

The easements are acceptable to the City Engineer.

CONCLUSION

The Planning Commission is being asked to examine a preliminary subdivision plan which calls for the subdivision of a vacant 2.97-acre property located south of East Oaks Road and west of Mallard Road (42 Mallard Road). The applicant is proposing to subdivide the parcel into two single family residential lots.

If the Planning Commission finds that the preliminary subdivision plan demonstrates an ability to meet applicable requirements of the City’s Zoning, Subdivision and Shoreland Ordinances, the Commission should recommend approval of the plans and list conditions to be considered by the City Council.

If the Planning Commission finds that the preliminary subdivision plan does not meet applicable requirements of the City’s Zoning, Subdivision and Shoreland Ordinances, the Commission may recommend denial of the request by stating findings of fact as to the specific reasons for such recommendation.

PLANNING COMMISSION OPTIONS

In consideration of the preliminary subdivision plan application, the Planning Commission has the following options:

- A) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.**
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
 - Approval at this time means that, upon City Council approval, the applicant can proceed to final plans with assurances that final subdivision approval will be granted provided all conditions are met.





B) Recommend denial based on the applicant's submission, the contents of City Staff report, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code that are not being met by the preliminary subdivision proposals.

C) Table the request for further study.

- This option should be utilized if the Planning Commission feels the proposal is appropriate and should move forward, but that certain design aspects need to be amended and brought back before a recommendation for approval can be given.

RECOMMENDED CONDITIONS

The following are conditions which Staff recommends be attached to a Planning Commission recommendation of approval for preliminary subdivision plan:

1. ~~House pad locations illustrated on the certificate of survey (preliminary subdivision plan) be modified to meet City setback requirements. For Parcel A, a 30-foot setback from the East Oaks Road roadway easement shall be illustrated and for Parcel B, a 30-foot setback from the south lot line shall be illustrated.~~
Condition removed due to receipt of revised plan.
2. Driveway access to proposed Parcel A shall be from Mallard Drive and shall be at least 100 feet south of East Oaks Road. Driveway access to proposed Parcel B shall be at least 100 feet south of the driveway access to Parcel A.
3. Homes upon the two lots shall satisfy the maximum 12 percent floor area ratio requirement for structures within the RSL zoning districts.
4. Dock construction, if proposed, shall comply with applicable regulations of the Shoreland Management Ordinance (water-oriented accessory structures - Section 153.110.D.3).
5. The certificate of survey (preliminary subdivision plan) shall be modified to illustrate primary and secondary drain field sites for both proposed lots.





6. Individual sewage treatment systems shall comply with applicable Minnesota Department of Health requirements.
7. The location of the wet tap(s) into the watermain shall be subject to approval of the City Engineer.
8. Comments of other City Staff

cc: John Mazzitello, City Engineer
Bridget Nason, City Attorney
Mikeya Griffin, NOHOA Executive Director North Oaks Company
Stephanie McNamara, Vadnais Lake Area Water Management Organization
Jenifer Sorensen, Department of Natural Resources





MEMORANDUM

TO: North Oaks Mayor and City Council

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

DATE: September 12, 2019

RE: North Oaks - Fady Daw Conditional Use Permit (garage space over 1,500 square feet) - 33 Mallard Road

FILE NO: 321.02 - 19.05

INTRODUCTION

At the July 25, 2019 and August 29, 2019 meetings of the Planning Commission, a public hearing was held to consider a conditional use permit request of Fady Daw to allow more than 1,500 square feet of garage space on his property located at 33 Mallard Road.

Presently, 1,182 square feet of accessory garage space exists on the main level of the home. The applicant wishes to convert a 644 square foot lower level exercise room to addition garage space. In total, a total of 1,826 square feet of accessory garage space is proposed.

According to the Zoning Ordinance, garages which exceed 1,500 square feet in size are subject to conditional use permit processing.

The conditional use permit application was initially considered at the Planning Commission's July 25, 2019 meeting and was tabled pending the receipt of additional information (plans) which illustrate existing site conditions and the location and appearance of the proposed garage. In this regard, a site plan, building elevations and a landscape plan were provided by the applicant.

Please refer to the Staff memorandum dated August 22, 2019 for additional background information related to this application.





DISCUSSION

July 25, 2019 Planning Commission Meeting

Initial Planning Commission Discussion. At the July 25, 2019 Planning Commission meeting, several Commissioners expressed their opinion that additional information (a site plan and building elevations) were needed in order to take action on the requested conditional use permit. Concern was also cited that the applicant was not in attendance at the meeting to answer application-related questions.

Public Comments. In lieu of the preceding Planning Commission concerns, the public hearing was opened to allow residents in attendance at the meeting to provide comment. Comments received at the hearing which relate to the application included the following:

Scott Reed (28 Mallard Road). Mr. Reed raised concern over the steepness of the driveway which will be used to access the proposed garage. Mr. Reed also raised concern over exterior lighting on the property.

Lisa Dujmovic (15 Black Lake Road). Ms. Dujmovic advised the Planning Commission that the NOHOA Architectural Standards Committee is still working with the applicant regarding landscaping efforts.

Follow-up Planning Commission Discussion. Following the receipt of public comments, the Planning Commission tabled action on the request pending the receipt of additional information. The public hearing was left open.

August 29, 2019 Planning Commission Meeting

Applicant Comments. Following Staff's introduction of the application, the applicant offered the following comments related to the proposed garage:

- The slope of the driveway is not considered an issue as vehicle use of the driveway will not occur in the winter months.
- The lower level garage will be used both for an exercise room and for vehicle storage.
- Previously installed bi-fold doors have been replaced with upward-acting garage doors to accommodate the indoor storage of vehicles.

Public Comments. No additional public comments were provided.





Follow-up Planning Commission Discussion. The Planning Commission concluded that the conditional use permit evaluation criteria, as outlined in the Staff memorandum dated August 22, 2019, has been satisfied.

Planning Commission Recommendation. Based on the submitted application materials, background information, the recommendation of Staff and the evidence received at the meetings, the Planning Commission has recommended approval of the conditional use permit subject to the following conditions provided in the Staff memorandum dated August 22, 2019:

1. Plans must be approved by the Building Official prior to the beginning of construction.
2. Any outstanding fees shall be paid prior to the approval of the plans.

ACTION REQUESTED

Staff recommends approval of the conditional use permit to allow more than 1,500 square feet of garage space (1,826 total square feet) on property located at 33 Mallard Road subject to the conditions listed above.

MOTION ALTERNATIVES

Approval. A motion to approve the conditional use permit to allow more than 1,500 square feet of garage space (1,826 total square feet) on property located at 33 Mallard Road subject to the conditions recommended by the Planning Commission and City Staff.

Denial. A motion to deny the conditional use permit to allow more than 1,500 square feet of garage space (1,826 total square feet) on property located at 33 Mallard Road based on the following findings:

- 1.
- 2.

Table. A motion to table the conditional use permit request for further study as additional information is considered necessary before formal approval can be given (the 120-day review period expires on 10/18/19). Additional information includes the following:





1.

2.

Attachment

- **Staff memorandum dated August 22, 2019**

c. **Bridget Nason
John Mazzitello
Kevin White**



p 651-792-7750
f 651-792-7751



northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com



100 Village Center Drive, Suite 230
North Oaks, MN 55127

MEMO

Date: August 22, 2019
To: Planning Commission
From: City Administrator Mike Robertson
City Planner Bob Kirmis
Re: Conditional Use Permit (CUP) 19-05 – 33 Mallard Road
Construction of Garage Space over 1,500 Square Feet

Date Application Determined Complete: June 21, 2019
Planning Commission Meeting Date: July 25 & August 29, 2019
City Council Meeting Date: September 12, 2019
120 Day Review Date: October 18, 2019

I've enclosed the additional information requested by the Planning Commission at the July 25, 2019 meeting. This includes;

- 1) A site plan of the property with everything located.
- 2) Elevations for the front and back of the home. The lower level garage doors are highlighted on the upper left drawing.
- 3) A landscape plan.

The City Engineer has stated that the drainage on the property is acceptable. Mr. Daw said he will be in attendance to answer any questions. I have already extended Mr. Daw's review period from 60 days to 120 days. The public hearing on this issue was left open so after the staff report is reviewed and Planning Commission questions are answered the hearing should be reopened for any comments on this issue.

Description of Request

Mr. Fady Daw of 33 Mallard Road is requesting a Conditional Use Permit (CUP) to turn part of the lower level of his home into a garage. The main level garage is 1,182 square feet. The lower level room is 644 square feet. That means that the combined square footage of the garage space would be 1,826. Anything over 1,500 square feet requires a CUP.

I have attached Mr. Daw's written justification for his CUP application. As he notes, the original building plans submitted to the City showed the garage space on the lower level. When informed that he would need a CUP for the garage space he re-submitted the building plans with the lower level garage space changed to an exercise room because he did not want to wait to start construction of his house.

In addition, there have been issues with Mr. Daw's compliance with NOHOA requirements. My understanding is that he does not have an approved landscape plan as of the date of this memo.

A conditionally permitted use is considered to be a permitted use by law. The difference between a CUP and a regular permitted use is that the Planning Commission and City Council must review the facts to be certain that all special conditions are met before allowing construction to proceed. Should the City wish to deny a proposed CUP, the onus is on the City to show that conditions are not being met rather than the applicant.

Conditional Use Permit Criteria

The following eleven criteria are required to be met by all CUP's.

1. Relationship of the proposed conditional use to the Comprehensive Plan.
2. The nature of the land and the adjacent land or building where the use is to be located.
3. Whether the use will in any way depreciate the area in which it is proposed.
4. The effect upon traffic to and from the land and on adjoining roads, streets and highways.
5. Whether the use would disrupt the reasonable use and enjoyment of other land in the neighborhood.
6. Whether adequate utilities, roads, streets and other facilities exist or will be available in the near future.
7. Whether the proposed conditional use conforms to all of the provisions of this chapter.
8. The effect on natural drainage patterns onto and from the site.
9. Whether the proposed use will be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
10. Whether the proposed use would create additional requirements for public cost for public facilities and services and whether or not the use will be detrimental to the economic welfare of the neighborhood or city.
11. Whether the proposed use is environmentally sound and does not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, land or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare or odors.

Findings

- 1) This lot is 1.53 acres and is currently occupied by a new single family home and is guided by the Comprehensive Plan for single family use. It is surrounded by single family uses except directly to the east where the Summit Townhomes are located.
- 2) The house is 6,865 square feet.
- 3) The plans are in compliance with the Zoning Ordinance as they do not exceed the Floor Area Ratio (FAR) requirements 0.12. The FAR ratio is 0.103.
- 4) The plans are in compliance with the Comprehensive Plan.
- 5) The proposed use is residential in nature and is not anticipated to depreciate the area.
- 6) The proposed extra garage space would not disrupt the reasonable use and enjoyment of other land in the neighborhood.

- 7) The proposed extra garage space would not place any burdens or additional public costs upon municipal or private infrastructure or services.
- 8) The proposed extra garage space would not have any negative effects on traffic or drainage.
- 9) The proposed use is not anticipated to endanger the public health, safety, comfort, convenience or general welfare due to excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare or odors.

Recommendation

Approve the CUP based on the findings of fact in the report and with the following conditions.

- 1) Plans must be approved by the Building Official prior to the beginning of construction.
- 2) Any outstanding fees shall be paid prior to the approval of the plans.

Motions

A motion to approve staff's recommendations and/or options would read as follows.

I move to approve the proposed CUP based on the Findings of Fact with the conditions listed in the staff recommendation.

A motion to deny the applicants request would read as follows.

I move to deny the proposed CUP based on the following reasons;

- 1)
- 2)

If more information or review is required, a motion to table would be in order.

Move to table the request for the following reasons;

- 1)
- 2)

cc: Fady Daw
City Attorney Bridget Nason



STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NORTH OAKS

RESOLUTION NUMBER 1353
A RESOLUTION APPROVING A PRELIMINARY 2019 TAX LEVY,
COLLECTIBLE IN 2020

BE IT RESOLVED by the City Council of the City of North Oaks, County of Ramsey, Minnesota, that the following sum of money is levied for the current year, collectible in 2020, upon the taxable property in the City of North Oaks, for the following purposes:

Total levy \$1,860,000

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Ramsey County, Minnesota.

PASSED BY THE COUNCIL of the City of North Oaks this 12th day of September, 2019.

APPROVED:

Gregg Nelson, Mayor

ATTEST:

I hereby certify that the foregoing Resolution is a true and correct copy of a Resolution presented to and adopted by the City Council of the City of North Oaks on September 12, 2019.

By: _____
Title: _____

MEMO

Date: September 6, 2019
To: City Council
From: City Administrator Mike Robertson
Re: Preliminary 2020 Tax Levy & Truth-in-Taxation Date

I have enclosed resolution 1353, which approves a preliminary tax levy for 2019. We can reduce this proposed tax levy in December but we cannot increase it. I am proposing a preliminary tax increase of 4% for the following reasons. Each 1% change in the tax levy is approximately \$18,500 if you want to decrease or increase the proposed levy.

- 1) Our tax base has increased 5.67% in the past year. This is due to the construction of new homes and the growth in valuation of lower priced existing homes.
- 2) There will be less new homes built next year because there are a limited number of available lots. Consequently, we will receive less building permit revenue than the last few years.
- 3) The proposed increase of 4% provides a cushion. As noted it can be reduced in December when we finalize the budget. The current budget as proposed has a \$46,000 surplus. That also can be reduced as we refine the budget before December.

Motion;

I move we approve Resolution 1353 Approving a Preliminary 2019 Tax Levy of \$1,860,000, Collectible in 2020

In addition, we have to set a Truth-in-Taxation (TNT) Public Hearing for people to comment on the proposed 2020 budget and tax levy.

Motion;

I move we approve a Truth-in-Taxation public hearing for Thursday, December 12, 2019 at 7:00 p.m. in the North Oaks Community Meeting Room.

MEMO

Date: September 5, 2019
To: City Council
From: City Administrator Mike Robertson
Re: Polco Survey Questions

Staff has the following recommendations for Topics and Questions for the initial survey through Polco.

PROCESS

We will promote signing up for the Polco surveys through our email, Facebook, web site and the North Oaks News. I expect that registrations will spread slowly through the city just like they did with our email system. Polco recommends starting with just one or two questions on each topic and just one or two topics to not overwhelm people. A new topic would be sent every few weeks.

TOPICS & QUESTIONS

Recycling

1. Did you participate in the recent North Oaks Recycling Day held on June 22, 2019? If yes, please answer the following questions.
2. Please rate your satisfaction with this event
Very Satisfied Satisfied OK Needs Improvement
3. What would you suggest to make this event better?

Web Site

1. How often do you look for information on the City Web Site?
Daily Weekly Monthly Rarely Never
2. Do you have any suggestions for improving the web site?

Housing Maintenance

1. North Oaks is considering establishing a housing maintenance ordinance that focuses on obviously deteriorating exteriors (i.e., broken gutters, peeling paint, broken window frames, faded siding, broken driveway pavement, etc.) Would you favor such an ordinance?
Yes No

City Service Levels

- 1 The City provides services such as police, fire, recycling, tree preservation, building inspection, septic inspection, deer management, and licenses. How satisfied are you with City services? Please rank from 1 lowest to 5 highest.
1 2 3 4 5

MEMO

Date: September 6, 2019
To: City Council
From: City Administrator Mike Robertson
Re: Transfer to Fire Fund

When the yearly audit was reviewed we forgot to discuss a proposed transfer. I proposed that \$50,000 be transferred from the General Fund to the Fire Fund. This would fund projected Fire Department Capital Budget expenditures for 2019 and 2020.

A motion would be;

I move we transfer \$50,000 from the General Fund to the Fire Fund to fund current and future Fire Department capital expenditures.

MEMO

Date: September 6, 2019
To: City Council
From: City Administrator Mike Robertson
Re: Preliminary 2020 Budget

I have enclosed a preliminary 2020 budget. Estimated items end in zeros. If an item ends in another number I've received a specific cost estimate. We do not have to pass the final 2020 budget until December. We have to set our preliminary 2020 tax levy in September and our final 2020 tax levy will be set in December.

EXPENDITURES

The Police and Fire budgets are set. They are just under half of the total budget. The Building budget is based on 15 new homes which is less than 2019 due to a minimal amount of lots remaining for development. \$20,000 has been put in the budget for web site upgrade. Lake Weed Management and Striping costs have been removed from the budget. A 3% preliminary wage increase was used in consultation with the Executive Committee.

REVENUES

North Oaks property tax value has gone up 5.67% over last year. This budget has a preliminary tax increase of 4% above that. It also has an increase in the recycling assessment from \$105.26 per home to \$125 per home. This is due to the increasing cost of recycling due to China no longer accepting recycling. We will also be recommending an increase in sewer & water fees due to increased maintenance costs. Interest earnings are the only revenue source projected to increase. Interest revenues have increased due to the increase in interest rates. Besides building, revenues are also decreasing for Cable Franchise Fees.

Please let me know if there any changes you would like to see in the budget.

PROPOSED 2020 REVENUES

Act Code	Department	SOURCE/DEPT	2018 Final	2019 Budget	2019 YTD	Underline	2020 Budget
101-31010	COUNCIL	GENERAL PROPERTY TAXES	\$1,550,911.19	\$1,692,700.00	\$0.00		\$1,860,000
101-31810	COUNCIL	CABLE T.V. FEES	\$88,536.38	\$95,000.00	\$21,379.24		\$65,000
101-32110	COUNCIL	ALCOHOLIC BEV LICENSE	\$4,800.00	\$6,150.00	\$6,150.00		\$6,150
101-32160	COUNCIL	CONTRACTOR LICENSES	\$13,072.00	\$8,500.00	\$4,670.00		\$8,000
101-32210	COUNCIL	BUILDING PERMIT	\$368,159.63	\$215,000.00	\$189,244.67		\$145,000
101-32230	COUNCIL	HEAT/PLUMB PERMIT	\$48,563.24	\$33,000.00	\$15,731.09		\$22,000
101-32240	COUNCIL	ANIMAL LICENSE	\$1,980.00	\$1,500.00	\$915.00		\$1,500
101-32260	COUNCIL	STATE SURCHARGE	\$12,741.44	\$10,500.00	\$7,042.92		\$7,000
101-32261	COUNCIL	ISTS PERMIT	\$3,993.00	\$4,000.00	\$2,547.50		\$4,000
101-32262	COUNCIL	RENTAL LICENSE FEE	\$1,150.00	\$1,000.00	\$1,000.00		\$1,000
101-32263	COUNCIL	SHORELAND/FORESTRY PERMIT	\$400.00	\$500.00	\$300.00		\$500
101-32264	COUNCIL	ISTS PUMPING RECORDS	\$10,214.00	\$7,000.00	\$3,220.00		\$5,000
101-33429	COUNCIL	PERA RATE INCREASE AID	\$308.00	\$308.00	\$0.00		\$308
101-33440	COUNCIL	SCORE GRANT	\$12,079.00	\$14,695.00	\$0.00		\$12,000
101-34103	COUNCIL	VARIANCE, PUD, PLAT FEES, CUP	\$1,800.00	\$2,400.00	\$2,700.00		\$2,400
101-34120	COUNCIL	CERTIFICATE OF OCCUPANCY FEE	\$775.00	\$500.00	\$425.00		\$500
101-34403	COUNCIL	RECYCLING FEES	\$846.66	\$0.00	\$0.00		\$0
101-35100	COUNCIL	FINES AND FORFEITS	\$6,536.21	\$2,500.00	\$1,706.13		\$2,500
101-35104	COUNCIL	LATE FEES/NSF FEES	\$1,325.00	\$350.00	\$700.00		\$500
101-36100	COUNCIL	SPECIAL ASSESSMENTS	\$180,775.16	\$225,000.00	\$0.00		\$275,000
101-36101	COUNCIL	SPECIAL ASSESSMENTS - PMC	\$2,067.36	\$2,067.36	\$1,033.68		\$2,067
101-36200	COUNCIL	MISCELLANEOUS REVENUES	\$886.28	\$2,000.00	\$17,431.15		\$2,000
101-36210	COUNCIL	INTEREST EARNINGS	\$18,301.18	\$7,500.00	\$15,121.46		\$20,000
101-36220	COUNCIL	RENTS	\$50,649.59	\$58,000.00	\$33,847.82		\$60,000
101-36222	COUNCIL	COMMUNITY FUNCTIONS	\$1,400.00	\$1,000.00	\$935.00		\$1,000
101-36240	COUNCIL	REFUNDS AND REIMBURSEMENT	\$15,720.69	\$1,300.00	\$4,941.87		\$5,000
306-36100	COUNCIL	SPECIAL ASSESSMENTS	\$52,263.56	\$47,691	\$0.00		\$28,500
306-36210	COUNCIL	INTEREST EARNINGS	\$0.00	\$0.00	\$0.00		\$0
400-33418	COUNCIL	MNDOT STATE AID STREETS	\$23,483.00	\$23,483	\$0.00		\$0
400-36210	COUNCIL	INTEREST EARNINGS	\$266.25	\$0.00	\$0.00		\$0
400-36240	COUNCIL	REFUNDS AND REIMBURSEMENT	\$0.00	\$0.00	\$0.00		\$0
400-39200	COUNCIL	TRANSFER IN	\$0.00	\$0.00	\$0.00		\$0
401-36210	COUNCIL	INTEREST EARNINGS	\$1,622.17	\$0.00	\$417.18		\$0
401-39200	COUNCIL	TRANSFER IN	\$0.00	\$0.00	\$0.00		\$0
402-36210	COUNCIL	INTEREST EARNINGS	\$646.66	\$0.00	\$0.00		\$0

Recycling Assessment
Peace Methodist Church
Conduit Bond & Misc
NOHOA Rent
Community Mtg Room
LMC & Other Rebates

LGWA Bond Assessments

Special Project Interest

CITY OF NORTH OAKS PROPOSED 2020 BUDGET

Version 1

PROPOSED 2020 EXPENDITURES

ActCode	DEPT Descr	OBJ Descr	2018 Final	2019 Budget	6/30/19	UnderLine	2020 Budget
101-41100-103	LEGISLATIVE -	WAGES - PART TIME/TEMP	\$10,999.59	\$12,200.00	\$5,700.00	Council Pay	\$12,200
101-41100-311	LEGISLATIVE -	CONFERENCES/SEMINARS	\$870.00	\$1,500.00	\$203.99		\$1,500
101-41100-350	LEGISLATIVE -	PUBLISHING & ADVERTISING	\$1,115.45	\$3,500.00	\$890.26		\$3,500
101-41100-433	LEGISLATIVE -	DUES AND SUBSCRIPTIONS	\$15,376.53	\$16,700.00	\$11,221.13		\$17,200
101-41300-101	CITY	WAGES - FULL TIME	\$122,289.81	\$179,310.00	\$58,489.76		\$184,689
101-41300-103	CITY	WAGES - PART TIME/TEMP	\$92,357.82	\$46,763.00	\$61,821.19		\$48,515
101-41300-122	CITY	FICA CONTRIBUTIONS	\$17,640.28	\$17,662.00	\$9,854.14		\$18,207
101-41300-127	CITY	DEFERRED COMP	\$0.00	\$0.00	\$0.00		\$0
101-41300-131	CITY	HEALTH, DENTAL, LIFE, LTD INS	\$48,190.63	\$56,508.00	\$23,822.56		\$57,804
101-41300-210	CITY	OPERATING SUPPLIES	\$14,347.66	\$15,000.00	\$15,667.30		\$27,000
101-41300-309	CITY	COMPUTER/INTERNET/GIS	\$26,581.82	\$23,912.00	\$15,398.66	IT & Software Fees	\$18,348
101-41300-310	CITY	TRAINING	\$9,590.40	\$9,800.00	\$2,078.42	League/MCMA/ICMA	\$9,800
101-41300-321	CITY	TELEPHONE SERVICES	\$2,248.36	\$2,284.00	\$1,022.00		\$1,742
101-41300-322	CITY	MAILBOXES	\$0.00	\$0.00	\$13,213.00		\$0
101-41300-360	CITY	INSURANCE	\$16,223.24	\$18,500.00	\$16,535.00		\$20,000
101-41300-381	CITY	ELECTRIC UTILITIES	\$870.43	\$1,000.00	\$436.89		\$1,000
101-41300-410	CITY	RENTALS	\$100,098.08	\$110,500.00	\$66,720.93	Office Rent	\$130,000
101-41300-435	CITY	MISCELLANEOUS EXPENSE	\$20.00	\$300.00	\$198.20	Web Site Upgrade	\$20,000
101-41300-435	CITY	BANK SERVICE CHARGE	\$20.00	\$300.00	\$0.00		\$0
101-41400-300	ELECTIONS	PROFESSIONAL SERVICES	\$14,683.00	\$15,000.00	\$8,948.00	County Contract	\$18,000
101-41420-210	CABLE TV	OPERATING SUPPLIES	\$12,711.32	\$3,000.00	\$23,829.90	New Equipment	\$3,000
101-41420-300	CABLE TV	PROFESSIONAL SERVICES	\$23,358.92	\$28,693.00	\$7,450.23		\$35,000
101-41420-313	CABLE TV	CONTRACT SERVICES	\$8,428.00	\$3,000.00	\$0.00	Maureen Andrews	\$3,000
101-41500-301	FINANCE	AUDIT SERVICES	\$14,000.00	\$14,000.00	\$15,000.00	Abdo & Eick	\$16,000
101-41600-304	LEGAL	LEGAL FEES - GENERAL	\$31,200.00	\$38,000.00	\$18,425.00	LeVander	\$40,000
101-41600-315	LEGAL	LEGAL FEES - PROSECUTION	\$13,199.22	\$13,500.00	\$6,587.42	Kelly & Lemmons	\$13,500
101-41900-300	ENGINEERING	PROFESSIONAL SERVICES	\$0.00	\$1,500.00	\$2,053.08	Wenck	\$2,500
101-41900-303	ENGINEERING	ENGINEERING SERVICES	\$49,957.48	\$40,000.00	\$14,100.95	Sambatek	\$18,000
101-41910-300	PLANNING	PROFESSIONAL SERVICES	\$3,990.36	\$7,500.00	\$6,519.95	Bob Kirmis	\$12,000
101-42100-313	POLICE	CONTRACT SERVICES	\$758,097.87	\$758,931.00	\$411,052.56		\$798,201
101-42200-313	FIRE	CONTRACT SERVICES	\$301,910.24	\$325,475.00	\$325,475.38	LJFD	\$353,061
101-42300-300	EMERGENCY	PROFESSIONAL SERVICES	\$17,666.96	\$2,000.00	\$633.10		\$1,000
101-42300-313	EMERGENCY	CONTRACT SERVICES	\$0.00	\$0.00	\$0.00		\$0
101-42400-300	BUILDING	PROFESSIONAL SERVICES	\$168.00	\$1,000.00	\$0.00	Other Inspections	\$1,000
101-42400-313	BUILDING	CONTRACT SERVICES	\$258,632.75	\$110,000.00	\$128,300.67		\$120,000
101-42400-451	BUILDING	BUILDING PERMIT SURCHARGE	\$12,847.24	\$6,000.00	\$5,803.23		\$5,000
101-43100-381	STREETS	ELECTRIC UTILITIES	\$2,608.00	\$2,500.00	\$737.28		\$2,500
101-43100-408	STREETS	STREETS/SIDEWALK/CURB	\$16,665.48	\$22,000.00	\$108.97	Mel's Service	\$2,000

101-43200-384	RECYCLING	RECYCLING	\$229,855.92	\$230,000	\$135,038.50		\$275,000
101-43200-384	RECYCLING	RECYCLING (Clean Up Day)		\$15,000	\$9,911.77	Clean Up/Recycle Day	\$12,000
101-45100-470	RECREATION-	COMMUNITY FUNCTIONS	\$500.00	\$5,000.00	\$0.00	Fireworks?	\$500
101-46100-316	NATURAL	TREE PRESERVATION	\$38,798.00	\$46,000.00	\$13,520.39	City Forester	\$45,000
101-46100-317	NATURAL	DEER MANAGEMENT	\$15,620.25	\$55,000.00	\$7,065.92	Depends on # of deer	\$20,000
101-46100-318	NATURAL	NATURAL RESOURCES	\$4,501.50	\$6,500.00	\$199.00	NRC	\$6,500
101-46100-319	NATURAL	WEED MANAGEMENT	\$20,000.00	\$30,000.00	\$0.00	Lake Weed Management	\$0
101-49450-313	SEWER	CONTRACT SERVICES	\$13,627.50	\$12,500.00	\$6,177.50	Septic Inspector	\$13,000
101-49990-720	UNALLOCATED	TRANSFER OUT	\$0.00	\$0.00	\$0.00		\$0
306-47000-601	DEBT SERVICE	BOND PRINCIPAL	\$45,000.00	\$55,000.00	\$55,000.00	Lake Giffillan Bond	\$55,000
306-47000-611	DEBT SERVICE	BOND INTEREST	\$7,192.50	\$3,593.00	\$3,592.50	Lake Giffillan Bond	\$2,974
306-47000-620	DEBT SERVICE	PAYING AGENT FEES	\$425.00	\$425.00	\$500.00	Lake Giffillan Bond	\$500
400-41910-300	PLANNING	PROFESSIONAL SERVICES	\$0.00	\$0.00	\$6,886.24	Comprehensive Plan	\$5,000
400-41910-303	PLANNING	ENGINEERING SERVICES	\$10,851.99	\$0.00	\$1,231.50	Comprehensive Plan	\$1,000
400-43100-408	STREETS	STREETS/SIDEWALK/CURB	\$0.00	\$0.00	\$0.00		\$0
400-46100-318	NATURAL	MISC. NATURAL RESOURCES	\$0.00	\$0.00	\$0.00		\$0
401-42200-500	FIRE	CAPITAL OUTLAY	\$94,523.90	\$41,672.00	\$3,059.51		\$38,366
406-43000-381	PUBLIC WORKS	ELECTRIC UTILITIES	\$2,293.16	\$1,000.00	\$480.09	Lake Giffillan Maintenance	\$1,000
601-41000-420	DEPRECIATION	DEPRECIATION	\$15,363.00	\$0.00	\$0.00		
601-49400-127	WATER	DEFERRED COMP	\$0.00	\$0.00	\$0.00	Water & Sewer	
601-49400-210	WATER	OPERATING SUPPLIES	\$0.00	\$0.00	\$0.00	In Separate Budget	
601-49400-255	WATER	WATER METERS	\$2,014.29	\$0.00	\$11,977.92		
601-49400-330	WATER	SEWER & WATER MISC	\$17,265.67	\$0.00	\$1,975.81		
601-49400-381	WATER	ELECTRIC UTILITIES	\$702.38	\$0.00	\$246.02		
601-49400-382	WATER	WATER - SHOREVIEW	\$142,723.20	\$0.00	\$25,264.14		
601-49400-383	WATER	WATER - WBT	\$133,470.00	\$0.00	\$57,837.00		
602-41000-420	DEPRECIATION	DEPRECIATION	\$66,210.00	\$0.00	\$0.00		
602-49450-313	SEWER	CONTRACT SERVICES	\$0.00	\$0.00	\$0.00		
602-49450-381	SEWER	ELECTRIC UTILITIES	\$3,300.67	\$0.00	\$1,402.98		
602-49450-385	SEWER	SEWER	\$64,074.38	\$0.00	\$44,755.33		
602-49450-400	SEWER	REPAIRS AND MAINTENANCE	\$51,208.20	\$0.00	\$41,165.56		
602-49450-430	SEWER	MISCELLANEOUS EXPENSE	\$2,550.00	\$0.00	\$1,096.17		
602-49450-455	SEWER	SAC FEES	\$72,007.50	\$0.00	\$39,411.80		

\$3,073,026.17 \$2,409,228.00 \$2,491,107.00