

CITY OF NORTH OAKS

Regular Council Meeting
Thursday, October 10, 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 September 12, 2019 for approval
2. Minutes of the Planning Commission meeting of September 26, 2019 for approval
3. Minutes of the Special City Council Meeting of September 9, 2019 for approval
4. Minutes of the Special City Council Meeting of October 2, 2019 for approval
5. Approve 2020 NSAC Contract
6. Approve 2019-2020 USDA-Aphis Deer Removal Contract
7. Approve 2019-2020 Laughlin Deer Removal Contract
8. Approve Resolution 1352 Changing Designation of County Road 4 to County Road 87
Licenses for Approval; **B & D Plumbing, Heating & Air; Warners' Stelian Co. Inc.; Tree Top Clearing**

Approval of Claims: Check#:

Petitions, Requests & Communications

- 1 Public Hearing – Proposed 2020 Assessment Roll
- 2 Mounds View School District Referendum Presentation
- 3 Deputy Mike Burrell Report

Unfinished Business

1. Consider Revised Septic Ordinance
2. Consider Resolution 1354 – Approving Request for Conditional Use Permit – Garage Space over 1,500 square feet – Fady Daw – 33 Mallard Road
3. Consider Resolution 1357 – Approving Preliminary Subdivision – Sarah Kudebeh - 42 Mallard Road Lot Split
4. Consider Resolution 1358 – Approving NOHOA Request for Conditional Use Permit – Forest Management Activities in the Shoreland District
5. East Oaks PDA Review- Tabled Until November Pending City Attorney Report

New Business

1. Review Preliminary 2020 Budget
2. Update on City Administrator Hiring
3. Review Interview Process for Appointing New Planning Commissioner
4. Wednesday, October 16 Workshop???

Council Member Reports

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

City Administrator Reports

City Attorney Reports

Miscellaneous

Next Natural Resource Commission Meeting is Thursday, October 17, 2019 @ 7:00 p.m.
Next Planning Commission Meeting is Thursday, October 24, 2019, @ 7:00 p.m.
Next Regularly Scheduled Council Meeting is Thursday, November 14, 2019 @ 7:00 p.m.

Adjournment

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Licenses for Approval; Erickson Plumbing Heating Air Electrical, Schwantes Heating & Air; West Air, Inc.; A & A Tree & Landscaping LLC,
Approval of Claims: Check#: 013210-013248

Councilmember Long Motioned to approve, Councilmember Ries seconded. Deputy Mayor Kingston requested to update the August 8, 2019 minutes to clarify that the Council agreed to pay for 50% of the total \$1,700 cost of Deputy Burrell's electric bike. Administrator Robertson said the \$850 amount has been communicated to Ramsey County Sheriff's office. **Motioned to amend the Minutes as noted by Deputy Mayor Kingston was made by Councilmember Ries, with Councilmember Ross second and unanimously approved.**

Deputy Mayor Kingston also commented that while the July 11th minutes were a more complete summary of Councilmember Ries remarks, he feels it still doesn't fully capture the criticisms that Councilmember Ries levied against other councilmembers and former City Attorney Magnuson. In lieu of a requesting a full transcript of the meeting, he is satisfied that the full video of the meeting is available to view online by interested parties. No revision was requested to the July 11, 2019 minutes.

Deputy Mike Burrell Report

- Burglary took place August 8th in Rapp Farm. Suspects were apprehended shortly. Suspects are still in jail.
- Several Incidents at Walgreens – more recently in which cigarettes were stolen by a 300 pound, 6'5, one-eyed suspect.
- Church on Hodgson had a theft by swindle. Two suspects provided a fake story and church gave them \$2,000 worth of goods. It has been referred to the prosecuting attorney for prosecution.
- Complaints of vehicles going through bus stop sign arms on Don Bush/Meadowlark. He will reach out to the transportation bus safety, and if bus drivers can get license plates he can cite the drivers.
- On September 11 there was a stolen vehicle that came through North Oaks on Highway 96 and going west 70 mph before it crashed at 96 and Route 61. State patrol is the controlling party on the case.
- Multiple bear reports in East, West and North parts of North Oaks. Making its way around lots of pictures taken by residents. The DNR is the authority agency and they will not relocate the bear. If it doesn't have aggressive tendencies we are asked to leave it alone. If it does cause a problem they would just shoot it which most do not want to happen.
- Light green Porsche has been reported speeding through North Oaks roads at upwards of 70 mph. He is working on identifying the driver.
- Councilmember Ries asked if he had received calls about the scam calls from persons pretending to be a realtor asking to sell their home and trying to gain information from them. Officer Burrell will follow up. She also asked Officer Burrell to continue to follow up and sit at key bus stop locations, and areas that may be hidden by blind corners.

Deputy Mayor Kingston encouraged any residents to report areas that may need additional clearing per Operation Clearview.

Unfinished Business

Proposed Revised Septic Ordinance

Brian Humpal – City Septic Inspector

Inspector Humpal reviewed the Septic fact sheet provided to Council and attendees. City records show 1258 septic systems, with an estimated 170 being cesspool type systems which have open bottoms. Of the 68 homes that were sold in 2018 with septic system, the City received 19 compliance inspection reports which represents about 28% of home sales. Of those, only 2 were found to be non-compliant. The typical cost of a compliance inspection is \$400-500. Over the last two years, a septic contractor working in North Oaks indicated the average replacement septic system costs between \$22,000 to \$42,000. The approximate life of a septic system is 30 years. 85% of North Oaks is located within a shoreland or wellhead protection district which recharge the aquifer. Most of North Oaks gets water from private wells and St. Paul Regional water services come through our community. There is currently no point of sale compliance requirement, however other counties have found that this is the best way to address aging and failed septic systems while minimizing impacts to current homeowners. Data shows that 71% of counties, 77% of cities and 84% of townships in Minnesota have some form of point of sale compliance inspection requirement.

Deputy Mayor Kingston asked him to describe the types of systems and what a compliance inspection report details. Humpal stated compliance report inspects three key areas: tank integrity, imminent health threats, and soil borings adjacent to drain field to ensure enough soil to allow proper separation between drain field and water table. Sealed or watertight tanks may still have a drain field without adequate separation. Non-compliant means it is failing to protect groundwater. The compliance report form comes directly from the Minnesota Pollution Control Agency. Both cesspool systems and inadequate drain fields can fail to protect groundwater. Cesspools are easier to visualize in that it is an open hole in the ground. Deputy Mayor Kingston asked about a 3rd option of those that currently don't meet code but are still working. Humpal responded there may be older systems that may be smaller than today's requirements but they wouldn't be able to call them noncompliant if it is still treating the groundwater properly. Some systems as old as 1957 passed and met minimum compliance.

Inspector Humpal was asked when the changes to code have occurred. He responded that the major code changes occurred in 1973 or 76, which required precast tanks, drain fields to have separation from water table, and standards as to system size. Average life expectancy of a septic system is 30 years, however newer technology could last longer.

Tom Ryans – 6 Chickadee Lane

Mr. Ryans asked if you have a cesspool if it is possible it would not be in violation. Inspector Humpal responded that cesspool systems are an automatic failure based under State code, however someone has to notify us that they have a noncompliant inspection as a standard routine maintenance pumping doesn't trigger it.

Councilmember Long asked if all parties that have a cesspool system would have to replace it before they sold their home. Inspector Humpal responded that the ordinance as proposed would become part of the negotiation and would trigger upgrade of the system. This would not hold up the sale but would trigger a 2 year timeline to bring it into compliance. Currently you can sell a house with a cesspool to a new buyer without any knowledge to the new buyer. Any tank that is not water tight is the same as cesspool.

Inspector Humpal said that currently the North Oaks ordinance requires maintenance pumping every 2 years. A pumping report is different from a full compliance inspection. If the City receives a notice of non-compliance, they issue a letter and require the homeowner to replace the system within 2 years. The chosen septic installer then applies for septic permit, which is reviewed and approved by the Septic inspector.

Gil Hartley – 5 Sparrow Lane

Believes that the inspections are not completely foolproof and feels that there may be circumstances in play in which a resident may wish to file an appeal. Humpal responded that the homeowner may certainly ask for a 2nd compliance report from a different inspector. If the result is different than the first, then both inspectors would meet on site to discuss how they formed their opinion. If still unresolved a soil scientist would get involved. In his experience, there has been only 1 time in which a soil scientist had to get involved.

Councilmember Ries asked Humpal to describe some of the problems he sees. He responded that many North Oaks homeowners buy into the area without any septic knowledge and then find out they are stuck with a problem. Humpal mentioned it would be difficult to revise the ordinance to just apply to cesspool systems.

Stig Hauge – 1 Willow Road

He asked if a person has a leaking tank, but drain field is fine, if it's possible to just fix the tank. Inspector Humpal responded that a repair on any noncompliant system requires replacement of the noncompliant part. So as long as it is corrected and found compliant that would be fine but most times it is more practical to replace the whole system.

Kathy Hartley – 5 Sparrow Lane

She wondered if there is a conflict of interest with compliance inspectors also being designers and installers. Inspector Humpal responded per State regulations a septic compliance inspector can also design a system and do the installation. However they cannot inspect their own work. The way the proposed ordinance is drafted all systems being sold would need a compliance inspection. A good compliance report is valid for 3 years. Newly installed septic systems are valid for 5 years. Humpal said that he personally does not have a conflict of interest because he does not do private work in the City.

Matt Anderson – 20 Spring Farm Lane

He had a non-compliant system and then did further research, pulling in a designer and another inspector to review the system. It was deemed human error in reading the results, and they ended up reverting to a compliant result. He is a Realtor who does work in Isanti, where they have a point of sale requirement. He is against it because he sees buyers afraid to purchase the homes. He sees inspector, designer, installers all working together frequently and is concerned about the complicated burden it places on the point of sale. In North Oaks it is also much more difficult to put in a new system. Deputy Mayor Kingston mentioned that home buyers could do a compliance report at any time on their own and feels that at some point we've got to figure out how to address these cesspools. Mr. Anderson feels that a buyer's agent should be helping guide them through the process, recommending inspection where needed without City involvement triggering timelines. He believes that if about 12% of all City septic systems are cesspools then the City should focus on those and not the other systems that may be working fine.

Councilmember Ries pointed out that the appeal process worked in Mr. Anderson's situation, and feels that there could be clearer verbiage in the ordinance that details the appeal process to be able to show the evidence of compliance. Overall, she believes there must be something in place that protects both new buyers and our groundwater and is reasonable for North Oaks sellers. Inspector Humpal mentioned if there are reports from inspectors that are consistently found wrong, they would be referred to MPCA to give them additional training. Administrator Robertson stated we have a lot of inspectors that will do septic inspections in this area so residents have options so there is less concern for conflict of interest.

Inspector Humpal indicated that the City is aware of cesspools from original City documents and maintenance reports. Any resident is welcome to come into the City offices to review their septic file, and to see what type system they have. If there is a health issue or contamination, it is a requirement that they must be in compliance with state requirements. City Attorney Nason stated that the current code mandates a septic compliance report must be completed under 3 instances: 1) Prior to the issuance of a building permit when altering an existing structure to add a bedroom, 2) In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage, 3) when a parcel having an existing system undergoes development,

redevelopment, or subdivision. There are existing triggers in the code but they would not be as frequent at a point of sale could be. Washington County states that newly installed septic systems would not require compliance inspection for another 5 years, regardless if there was a sale during that time. We could pick our own number of years if that seemed reasonable to put into our new code.

Councilmember Long mentioned he worries residents are going to have a failed inspection when they have had no problems in the past. Deputy Mayor Kingston stated he's heard resident's concerns that new systems could fail because standards have changed. Inspector Humpal responded that this shouldn't happen unless there were major flaws in design, installation, or oversight of the new system.

Gil Hartley – 5 Sparrow Lane:

Mr. Hartley mentioned he had spoken with Ian Harrison at MPCA and the last major change was 1996 at which time the soil separation to water table went from 2' feet to 3'. He was told that state said systems prior to then would be grandfathered in for 2' feet code. Inspector Humpal said that a properly 1985 designed system should still be in compliance today unless it is failing to perform.

Mackenzie Anderson – 20 Spring Farm Lane

Ms. Anderson asked for clarification whether soil samples are used as a factor in determining the amount of separation required, or just distance of separation. Inspector Humpal said that 36 inches of separation is now required between soil and drain field but those systems installed prior to April 1, 1996 are only required to have 2 feet of separation unless it is within a shoreland district, wellhead protection, or commercial restaurant/lodging.

Councilmember Long asked what our obligation as a City is and if we are currently out of compliance. Attorney Nason clarified that cities and counties are left to regulate on their own, and we have adopted Chapter 51 addressing septic systems on our books. The question is whether the City wants to add this point of sale requirement to our ordinance in order to enhance water quality.

Administrator Robertson stated that in most cases, the County regulates septic systems because they manage both rural and urban areas. Here in Ramsey it is mostly urban, so they have left it to cities to regulate septic. North Oaks is the most concentrated area in Ramsey County with septic systems.

Dale Dissmeyer – 77 E. Pleasant Lake Road

He feels like the proposed revision to the ordinance is taking is a big leap. He agrees that we need to address the issue, especially the cesspools which are most likely to be noncompliant. He

asked if the maintenance pumpers could do the additional compliance inspection. Inspector Humpal responded that the maintenance pumpers are not licensed to do compliance inspections. They report on sludge measurements and any visible problems with surfacing materials or caving tanks. Mr. Dissmeyer is concerned about the additional costs involved on top of regular maintenance pumping's such as the potential of multiple inspection reports ending with a required new septic system. He hopes the issue can be tabled for further discussion and clarification.

Krista Wolter – 7 Skillman Lane

Ms. Wolter is a North Oaks resident and realtor. She has fielded many phone calls from residents about septic systems this week. She indicated that the State of Minnesota does not require a point of sale inspection and many mortgage companies also do not require it. The biggest thing she fears is inconsistency in compliance inspections. She gave two examples of North Oaks residents: One had to put in a new \$68,000 mound system on top of the old drain field which required a retaining wall and removal of trees that the new homeowners did not like. Another resident put in a new septic system in 1999 when they purchased their home. In 2001 they remodeled, and in 2006 they remodeled again without adding any bedrooms. A compliance inspection was still required and the system was found not to be up to code. The new mound system was put in place on their .8 acre lot. She is concerned that they would have to redo it again. She believes that many homes in North Oaks are now in need of remodeling and the City needs to let that happen. Adding a septic requirement could be another roadblock where septic systems are already a drawback for buyers.

Inspector Humpal mentioned that if there were errors, then installers and designers could be liable. He indicated that in 2008 state code changed to require the City to verify soil separation. Before that time soil samples only verified by system designer, but the State found this to be a problem and asked the cities to verify.

Ms. Wolter is most concerned about inconsistency. People just don't want to be replacing things unnecessarily. She gives all prospective buyers pumping reports and suggests they complete due diligence with pumpers. Councilmember Ries asked about what information the pumping report reflects. Inspector Humpal responded that it is simply a maintenance report to show the amount pumped, unless pumper identifies a visual health threat.

Deputy Mayor Kingston mentioned that seems like all can agree that cesspools are not a good thing and he feels without anything in place how are we ever going to stop polluting our ground.

Councilmember Ries mentioned a document that Cross Lake, Minnesota uses that contains additional language about what would happen if the septic system was deemed non-compliant, which helps people to understand how it could be negotiated between buyers. She asked

Attorney Nason to take a look at it, and possibly use it to enhance the language in the proposed ordinance. Administrator Robertson agreed that recommending 2 years for replacement and having compliance inspections valid for 5 years is reasonable. Four years ago, there was extensive discussion on this and it came down to costs vs. increased water quality.

Mark Asch – 34 North Oaks Road

Feels City Council is the defender of our property values and that we have two biggest threats: 1) if roads become public or 2) if we start having septic failures then Met Council could step in. He is concerned that realtors may be advising buyers not to have compliant checks because it may lead to realtors feeling a financial impact. He believes the Council's duty is to the community to protect water and our investments and he urged Council to move forward in a prudent and reasonable fashion. This community deserves to know that it will stay safe, healthy, and while catching it at sale could take 2 decades to correct all failed systems it will eventually correct all problems.

Erich Young – 10 Sunset Lane

He is both as a resident and realtor with concern over the ordinance. He mentioned that sellers are required by the State to disclose that they have a septic system, although the buyer's agent may color what they tell the buyer. He is curious why the State has passed control on the issue to the cities. He would also like proof of water contamination.

Mr. Young asked Inspector Humpal what type of system would solve the majority of the problems. Humpal responded that every property is unique and North Oaks has variable soil conditions and difficult topography, requiring sometimes regular systems, sometimes mounds, and sometimes newer technologies. He clarified that the average inground system is about \$22,000 and mound systems cost about \$42,000.

Deputy Mayor Kingston stated they will be tabling the issue, but he's grateful to have heard lots of comments on resident concerns. Councilmember Ries' take is the ordinance is too lean on detail, and may need more verbiage outlining how the process is done. She also restated that the Council's intention is not to stop property sales but to ensure that non-compliant septic systems are being addressed. At the next meeting on this topic, she would like to hear about the water aspects as we address this. She would also like Attorney Nason to look into adding additional language to the proposed ordinance as they keep the issue open to additional resident concerns.

Deputy Mayor Kingston agreed to proceed with caution, do more research and take time to do it right. Councilmember Ross also received lots of calls this week regarding the issue, most concerned that City would get involved in property negotiations. She feels there is a balance. People want to live in a healthy place so they are trying to figure out the best way to handle it. Deputy Mayor Kingston and Councilmember Long asked Attorney Nason to take a look at other

similar ordinances and how they have handled it. Councilmember Long asked Inspector Humpal for additional guidance from staff. **Councilmember Ries made a motion to table the issue with direction to staff, seconded by Councilmember Ross, with all in favor.**

Proposed Trespass Ordinance:

Attorney Nason reviewed the addition into our current ordinance a definition of private land and what that means. Some highlights from the revised ordinance include Subpart C: which makes it a crime trespassing if on private land without direct permission of the homeowner; if you been instructed not to come back; if it's a locked gate or signs indicate no trespassing; and if a public officer has asked you to leave.

Councilmember Ries asked if this ordinance would address soliciting by contractors. Attorney Nason stated that this ordinance does not directly address this type of solicitors but indirectly in that a person cannot enter your property without your permission. If you ask them to leave, they must leave. Attorney Nason states that she has reviewed the current provisions in the prior ordinance and State statutes in drafting the ordinance. Councilmember Long asked for confirmation that NOHOA has been in the discussion, and NOHOA President Emmons confirmed they were in support. NOHOA member Mark Asch clarified that NOHOA requested the ordinance revision and is pleased to see action.

Attorney Nason confirmed the revised Ordinance was posted with adequate 10 day notice on the City website and electronic notification, therefore Council can entertain a motion.

Councilmember Ries motioned to pass the Trespassing ordinance, Councilmember Ross seconded. Motion passed unanimously.

Public Hearing on Citizens United Decision

Administrator Robertson stated that since regulations prohibit persons from going door to door to receive signatures, Mr. Boyer indicated was difficult to do a standard petition. Mr. Boyer has asked friends and colleagues to send feedback to Council. Since Council has only received a few comments, Deputy Mayor suggested there not enough interest to move forward.

Jim Boyer - 13 Anemone Circle

He originally brought up the issue and feels this is critical issue to everyone in the community and the core foundation of our constitution. He believes he did not have adequate time to obtain signatures. He asked everyone to consider whether we are a democracy or on the brink of an autocracy and feels it is an error to make this a trivial issue.

Deputy Mayor Kingston mentioned at that at the last meeting, Council wanted more information on where residents stand on this topic but has received very little feedback. He feels that since we are a democracy the Council needs to truly know how passionate the community is on this

issue. He encouraged Mr. Boyer to keep up his efforts and see if he can gather more interest. If he can get 100 residents to sign on, then Council can come back to discuss it. Councilmember Ries agreed that if we at City level want to take action on a Federal issue that we must know that residents feel strongly on it.

Bill McNee – 11 Sunset Lane

He feels that this topic is not the business of the City Council as it is a federal matter. He believes changes to the U.S. Constitution and corporate designation is risky. He agrees that there is a lot of contributions, but they do allow for advertising that inform voters to be more educated on who is running for office and gain name recognition.

Council Responsibilities:

Councilmember Ries requested to be the NOHAAP committee representative instead of the NOHOA rep because the timing of NOHOA meetings is in direct conflict with her existing CTV responsibilities. Deputy Kingston agreed to this swap in Council responsibilities, so he will be the NOHOA liaison.

East Oaks PDA Review

Deputy Mayor Kingston stated this topic was tabled until the October Council meeting, after Attorney Nason completes her review of all the PDA documentation.

New Business

Request for Conditional Use Permit (CUP) – Garage Space over 1,500 Square feet - Fady Daw

City Planner Kirmis presented information on the project which consists of 1,826 square feet of accessory garage space, exceeding the allowed 1,500. It was discussed at two Planning Commission meetings. At the first meeting there were concerns of a lack of a detailed map and the applicant wasn't there to respond to questions over steepness of driveway and exterior lighting. There were also comments over NOHOA ASC landscaping ongoing discussions. It was tabled until August 29th Planning Commission meeting in which the applicant responded to questions. The applicant stated that the driveway slope is a non-issue as it would not be used in the winter but for summer only vehicles. He mentioned that it would also continue to be used as an exercise room and that a previously installed bi-fold door would be replaced with standard garage doors. The Planning Commission recommended approval with conditions that the Building Official approves plan and all fees are paid. Planner Kirmis noted there is no expansion to existing building footprint, so it still meets the floor area ratio (FAR).

Councilmember Long confirmed that fire code would be part of final building inspection. Councilmember Ries indicated that it is a short steep driveway and feels even in summer it could be slippery. Administrator Robertson said he had asked Deputy Burrell to review the home in

the evening and Officer Burrell confirmed that a lighting issue still had not been addressed. As a result, Robertson recommended that the application be tabled until the October 12 Council meeting in order that Mr. Daw could come into compliance with the lighting ordinance.

Motion to table the request to ensure the light issue had been addressed was made by Councilmember Ries, with Councilmember Ross as second. All voted unanimously in favor.

2020 Preliminary Tax Levy

Administrator Robertson stated that as part of the Truth in Taxation requirements of the State of MN we have to set a preliminary tax levy at this time. The levy can be reduced at the hearing in December but not increased. Our tax base has increased 5.67% since last year. Next year we expect less revenue since less lots and homes are left to be built. Therefore, he recommends a 4% tax increase on top of valuation as a buffer as the City continues to work on the 2020 budget items. The current budget shows a \$46,000 budget surplus, and he feels this will be reduced by December. Each 1% reduction in the proposed levy would be \$18,600. The Truth in Taxation public hearing would be set for Thursday, December 12th 2019. **Councilmember Ross motioned to approve the preliminary 2020 Tax Levy, Councilmember Long seconded, with all voting in favor.**

Councilmember Ross motioned to set Truth in Taxation hearing to take place at 7:00 p.m. at the Thursday, December 12, 2019 City Council meeting. Councilmember Long seconded, with all voting in favor.

Polco Survey Tool:

Administrator Robertson stated that City staff has reviewed common questions and put together suggested survey topics and questions. Staff was unable to find existing questions on housing maintenance ordinances and so drafted their own. The survey would be published via all communication channels including web, Facebook, eblast, newspaper, etc. We currently have 278 people on the email list which is a solid starting point for getting residents to sign up for the survey tool.

Deputy Mayor Kingston requested feedback from Council on the potential survey topics. He would like to see a dedicated mailing with Housing Maintenance as the first topic to gain interest. Councilmember Ries suggested just two questions to start.

Gretchen Needham – 12 Sunset Lane

As editor of North Oaks news, Ms. Needham requested something as specific as possible to put in the newspaper with both the question and how to access it. Councilmember Ries mentioned that Maplewood recommended starting with an easy non-controversial survey to get reliable data.

All Councilmembers agreed that we need to get Polco rolled out and that both Recycling and Housing Maintenance would provide good questions. The survey technology will only allow users to vote once. An article will be put in the paper to announce what is going on and encourage residents to sign up.

Resident Marc Asch also encouraged that council start with easy straightforward questions to gain non-controversial feedback. He was concerned that answers might be skewed by those residents that are effected by a certain topic and cautioned Council how results are interpreted. Deputy Mayor Kingston and Councilmember Ries will work with City staff to kick off questions to publish in eblast and North Oaks newspaper. Council agreed to use previously allocated funds for a newsletter to get a mailer out promoting the survey.

Transfer from General Fund into Fire Fund

Administrator Robertson requested a transfer of \$50,000 from the general fund to the fire fund. This will fund remaining anticipated expenses for this year and projected expected capital expenses for 2020.

Councilmember Long made a Motion to transfer funds, with Councilmember Ross as second. All voted in favor.

2020 Budget Review:

Administrator Robertson asked Council to review the budget and get feedback to him by next month's meeting. It will be added to the October Council agenda.

Councilmember reports:

Councilmember Ries:

- Councilmember Ries is working with CTV on drafting a social media plan, as well as troubleshooting problems with viewing and access to Council meetings. A prior issue may be due to a security issue with Comcast. These problems have prevented some residents from seeing meetings live.
- She also volunteered with Children's Guild, and thanks the women's Guild for their dedicated efforts prepping for the upcoming rummage sale this weekend to support Children's Hospital.

Councilmember Ross:

- The last round of mailboxes has been completed for the year. In total 4 orders of mailbox have been placed and given to residents. Only 4-5 resident are on the pending list when 18 needed to place an order. She will hold off another order until spring and try to transfer to City staff to manage order process going forward.

Councilmember Long:

- Fire Board meets next week so will have information next Council meeting.
- VLAMO selected as one of the top 5-10 watersheds in the state which means it may receive additional grant money.
- Asked the City Staff to provide information regarding North Oaks Company town hall meeting at next meeting.

Deputy Mayor Kingston:

- Speeding continues to be an issue and we will continue to address offenders.
- Septic issue continues to move forward and he's hearing from many residents.
- Farm fest was a great gathering with good food and attendance by the Community.

City Administrator Report

1. Administrator Robertson asked Council to set an Assessment Hearing to be placed on the agenda of the October 10, 2019 Council meeting. **Motion made by Councilmember Ross, with Councilmember Long as second. All voted in favor.**
2. Commissioner Nancy Reid has moved out of North Oaks and resigned as Planning Commissioner. He asked the Council how long to leave the Planning Commissioner vacancy open for applicants. Councilmember Ries suggested that we get on it right away since we could potentially now have a tie on the Planning commission. Council agreed to take applications through October 2nd.
3. Update on City Administrator Search. Attorney Nason stated a special Council meeting is needed to take action to name the finalists. A subcommittee can do the initial fact finding and interviews but when it's ready to suggest final candidates the Council must come together to approve the finalists. Mentioned it is important to have the timeline set when speaking with potential applicants to make sure they know when their name could become public. Councilmember Ries asked if the Council should interview all ten semi-finalists but Deputy Mayor Kingston is concerned that getting all Councilmembers together would slow up process. Attorney Nason stated any meeting of 3 Councilmembers needed to be noticed so Council should have both meeting times planned out, and possibly be ready to discuss what makes a great candidate. The subcommittee should have a set timeline in place to communicate to candidates and recommended to avoid Monday for interviews as most councils meet on Monday and Tuesdays. It was decided that:
 - a. October 7th is scheduled for the subcommittee to have interviewed and narrowed down the list of initial candidates. This will be a public meeting for the Council to approve finalists for interviews.
 - b. October 9th - Public meeting at 6 p.m. to interview the final candidates.

City Attorney Reports

- Attorney Nason is working on projects directed by Council. She discussed potential revisions to the zoning ordinance today with the City Administrator, City Planner and Attorney Kori Land. They are also looking at the subdivision ordinance. Attorney Land is coming up with plan for tackling this and it will be taken to Planning Commission for initial

review.

- She will not be at the October meeting therefore Attorney Land will be attending in her place. Attorney Land will be well versed and brought up to speed prior to that meeting.
- Going through and working on review of the East Oaks PDA. It will be presented a week before October Council meeting so it can be included in packet.
- Completed analysis of Ordinance 130 with recommendations given to the City Administrator for distribution to Council.
- She said she is open for any conversations during the Administrator hiring process regarding contract negotiations, contingencies, background checks, etc. Deputy Clerk Stefanie Marty will be the City staff to work with Attorney Nason.

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

On motion duly made by Councilmember Ross, seconded by Councilmember Ries and carried unanimously, the meeting was adjourned at 10:11 p.m.

Attest:

Respectfully Submitted

City Administrator Mike Robertson

Debbie Breen
Recording Secretary

**Planning Commission Meeting
September 26, 2019
7:00 PM**

Call to Order: Temporary Chair Azman called meeting to order at 7:00 p.m.

Roll Call: Present were Temporary Chair Mark Azman, Commissioners Stig Hauge, Joyce Yoshimura – Rank, Nick Sandell, Jim Hara, and Sara Shah, City Administer Mike Robertson and Recording Secretary Debbie Breen.

Approval of Agenda:

Chair Azman requested add to the Agenda an update on the Planning Commission vacancy. Commissioner Shah also requested an update on the Comprehensive plan. **Motion made to approve the amended agenda by Commissioner Hauge, and seconded by Commissioner Yoshimura-Rank. Motion unanimously approved.**

Approval of August 29, 2019 Regular Meeting Minutes

Motion to approve the minutes made by Commissioner Hara, with Commissioner Yoshimura-Rank as second. Motion unanimously approved.

Conditional Use Permit – NOHOA – Shoreland Restoration & Tree Removal

Chair Azman opened the public hearing on the application at 7:03 p.m. Administrator Robertson mentioned the Natural Resources Commission spent a year discussing plan for the Emerald Ash Borer. Best practices are to remove ash trees early and get ahead of the problem. It is currently in Wisconsin, and drifting here into Minnesota. NOHOA has asked for a 5 year permit, with City staff recommending to give them an ongoing permit to continue as necessary.

Mikeya Griffin – Executive Director of NOHOA

Director Griffin confirmed that the new proposal covers Emerald ash borer, and they currently have a permit for buckthorn removal. This CUP would allow them to move quickly and thoroughly address invasive species along the shoreline, as well as plant vegetation and natural materials as needed. Commissioner Shah mentioned that the NEST information and City report was a comprehensive view of the project, and asked what the role of the City is versus the role of NOHOA in this project. Director Griffin stated that the City has to approve Shoreland Alteration permit application, NOHOA manages trails so they have initiated the CUP request.

Commissioner Shah asked if new trees would be planted in their place. Director Griffin mentioned there would be a replanting plan and they will be working with City Forester Rehder on that. The plan first would be to see what native planting are already there and hidden once invasive species are removed, such as any saplings, and go forward from there.

Commissioner Hauge asked for further description on what Emerald Ash Borer is. Administrator Robertson mentioned it is a bug that lays its eggs in the Ash trees and kills it from the top down.

Director Griffin stated the plan includes Pleasant Lake, Deep Lake, Wilkinson Lake, etc., and only needs approval for shoreland areas from the City. NOHOA has right to take down other trees on their property as needed, pending NOHOA board approval.

Chair Azman asked if there was a phased approach. Director Griffin responded that those trees identified as most dangerous will be first for removal. They would also would plan out what would be removed each year, and let City know. She said the condition of the trees will be determined by the expert as they go. She noted that City Forester Rehder is also under contract with NOHOA to work with them on this project.

Commissioner Yoshimura-Rank asked if this proposal covered private homeowner trees and how residents would become aware of the problem. Director Griffin said no but indicated they plan to launch a campaign in conjunction with NRC into the next year to provide information and research to homeowners, like they have with other invasive species. For example, there is a session on October 5 to educate homeowners about how to remove buckthorn. She emphasized that education is key. Director Griffin stated that trees would be disposed of accordingly to law. She indicated that eventually they will likely remove all of them, which is according to best practices.

Commissioner Shah mentioned that in the past 35 trees have been removed, and 24 have been injected and inquired if any way to know if the injections working or if those now may need to be removed. She is also concerned about removal and wanted to be sure if the waste would be removed, or if bundled buckthorn may be used for shoreland erosion purposes. Administrator Robertson thought that in 2015 VLAMO had recommended the buckthorn bundles be used to control erosion. He noted that the city forester estimated that there are 20,000 ash trees in North Oaks, 99% are volunteer ash. Deer Hills has a lot of them, and could be the area most effected as they had a lot planted when the community was developed in the 1970's.

Commissioner Shah asked about the process for contacting homeowner of the activity. Director Griffin stated they would send letters to shoreland homeowners and let them know. Commissioner Hara asked if there is concern about erosion once remove these trees. Director Griffin said they would work on restoration program. Chair Azman asked about herbicides. Director Griffin confirmed that herbicides may be used on Buckthorn. Chair Azman asked if they could request the Planning Commission or City Council could get an update annually and wants to be sure there is a report date set, for some type of summary possibly each January 1st.

Commissioner Shah asked about length of request needed as the prior CUP was 2 years, but this one is extended to 5 years. Director Griffin mentioned that the natural environment takes a while to address through the seasons. Administrator Robertson stated that staff believes it the CUP should be indefinite like any other CUP. Council could do an annual status check after each annual report

Chair Azman mentioned the infected Ash tree that had been found at Pump house and asked if others have been found. Director Griffin confirmed that Emerald Ash borer had been found on a few trees by the pump house and what can be done will be driven by budget and results. Commissioner Hauge asked what the measure of success for injection was. She responded that saving the tree is considered success. Commissioner Shah indicated that in 2015 it appears that the stumps were left for stability. Director Griffin stated money is set aside in asset reserve plan addressing shoreland and forestry needs, and spreading out the cost over years is very helpful. She indicated that NOHOA has been working with St. Paul Regional water to keep water level more stable, so shoreland erosion should be less of an issue. NOHOA board will also keep working with VLAMO and NEST.

Commissioner Sandell asked for an explanation of the process if there was a violation of the approved CUP since it could run indefinitely. Administrator Robertson indicated if there was a violation the Applicant would be given warnings and time to correct it. IF they didn't correct problems Council could revoke the CUP. In this case, having the City Forester involved is helpful and provides added oversight. Director Griffin stated that she doesn't foresee the budget being a problem in this project. The trees that are in danger of falling on the trails will be removed first. Commissioner Shah asked for confirmation the any tree removal work stays within the noise limits and timeframe allowed for nuisance ordinance. NOHOA confirmed that work would remain within the standard construction window which is 7 am. – 7 p.m. Monday – Friday, 9 a.m. -5 p.m. Saturday, and no contractor work to be done on Sunday.

The public hearing was closed at 7:38 p.m. with no public comments.

City Administrator Robertson stated that the City conditions would be modified to include all property within the shoreland district.

Commissioner Hauge moved to approved the Conditional Use permit with conditions 1-14 on pages 6 & 7. Commissioner Hara seconded. Chair Azman mentioned that reporting is going to be important component, as the condition states approval would be granted indefinitely. NOHOA agreed to give a written annual progress report at the first Council meeting of each year. Condition 14 was amended to reflect "provide an annual progress report on forest management efforts, emerald ash borer and invasive species removal to City Council and NRC at each January meeting". Chair Azman would be agreement to waiving the fee, with Administrator Robertson stating this would be a Council decision. **All Commissioners voted in favor of the application.**

Concept Plan Review – Anderson Woods South

North Oaks Company representative Mark Hauge brought this forth as a result of the City and communities request to see a Concept Plan prior to submission of a preliminary plan application. This plan is to create 9 single family lots at the south end of Anderson Woods. This would be in place of the event center. It conforms to PDA with the allowed 10-13 lots. With the 4 previously approved on the North end, this plan would bring it to 13 lots. This plan development would be part of NOHOA and not connected to Wilkinson Villas. Access to the area is directly opposite from Anderson Lane. Mr. Hauge noted that the original PDA concept plan showed 2 access points, however they have reduced it down to just 1 entrance to be cleaner. They have already had an informal review with NOHOA and believe that NOHOA supports the overall plan. NOHOA inquired about the cul-de-sac versus a single road going to the 3 farthest lots, which the North Oaks Company has agreed to review. The design of road is still under discussion of whether to go with a narrower curb and gutter (32 foot) or more rural section with shoulders which ends up being wider.

Commissioner Hauge asked about the size of designated Lot #3 and #4. Company Hauge stated the median lot size of all the lots is 1.8 acres, within the total plan of 20 acres. Lot #3 is smallest with half an acre, and Lot #4 is .67 acres. Mr. Hauge said this was zoned RMH, Residential Multi-Family High Density which allows a .25 acre, so these are at least double that. Commissioner Shah asked if there are other areas within North Oaks that has varying lots sizes all together. Hauge indicated that the lots sizes were determined by accommodating the natural setting and also driven by proximity to Centerville Road. Lots closer to roads are typically less desirable so they are smaller than those by conservation area. Mr. Hauge also mentioned that Lot #5 is 1.7 acres, and Lot #6 is 6.9 acres but includes open water. There was discussion of having the extra part of Lot #6 be an outlot for NOHOA, or gazebo, but no

residence due to shoreland setbacks. Mr. Hauge stated that due to the southern proximity, it feels like a different neighborhood than Wilkinson, and it would be difficult to have access to Wilkinson due to the topography.

Commissioner Yoshimura-Rank asked about crossing the west basin. Mr. Hauge mentioned they have wetland credits up to 5 acres from improving wetlands several years ago and this plan would use .10 acre for the road connection. The trail may be on west side along the farm road and connect up on north side to Wilkinson, and possibly use farm road on the south to connect up to an east-west trail. They are working with NOHOA on the trail options. They anticipate all homes to use White Bear Township municipal sewer and water. The homes would have similar setbacks as Rapp Farm and Wilkinson Lake, and conform to setbacks according to PDA zoning.

Commissioner Shah asked if the existing farm road to two houses would be affected. Mr. Hauge stated the farm road is south of the proposed road into the new area, so it would not be impacted at all. The North Oaks Company plans to host a presentation/listening session the week of October 22nd at the North Oaks Golf club. They are hopeful to get feedback tonight on the current plan and then submit preliminary plans within 30-60 days.

Chair Azman asked for their thoughts on this concept plan as it relates to the remaining unit numbers under discussion. The North Oaks Company believes there to be 178 housing units remaining to be developed, as part of the last Decennial review. They submitted 13 lots at the last meeting for this area and this is consistent with that proposal and PDA. Administrator Robertson stated that City Attorney is reviewing and will present their analysis of the East Oaks PDA 7th Amendment at the October 2019 Council meeting. As part of this preparation, they found that there were 7 Council meetings in which the 7th amendment was discussed, and 2 Planning Commission meetings where it was discussed then unanimously approved. Commissioner Sandell asked why the 30% increase was written in originally.

Gary Eagles, North Oaks Company, VP of development

Mr. Eagles indicated that the flexibility for 30% increase written into the PDA was designed to allow flexibility for different types of housing. The thirty-year plan was designed to be adapted with the changing times and housing desires. I.e. they could have more homes on smaller lots or larger home on bigger lots. Chair Azman mentioned the Agreement in 1999 controls the remaining land.

Chair Azman asked how difficult it will be to value the smaller lots along the road. Mr. Hauge responded that Kestrel and Phoebe have the same situation. There is a disparity in the value of those lots, but it gives diversity for people who value the area but cannot afford the premium price of views. The plan is to sell the lots to builders, or private individuals as they have done in past.

In regards to roads, the North Oaks Company met with Ramsey County a year ago to discuss the projects along Centerville road that would be coming. The proposal is 9 homes, and together with the 12-15 existing homes across the street on Anderson Lane they do not believe the county will require a stoplight. He mentioned that he wouldn't be surprised if eventually there is a need for a stoplight at H2. Administrator Robertson stated from his discussions with the county, based on current traffic they are still 5,000 – 10,000 cars away from meeting standards requiring a 4 lane road. The County doesn't consider a full build out of the East Oaks land as significant, as it is dwarfed by the traffic coming from the North such as Lino Lakes. The County is more concerned about possible industrial development along the White Bear side of Centerville Road, which is more likely to cause road expansion for trucks. Chair Azman asked if there is room on Lots 9 and 1 if the county decides to increase right away for more road. North Oaks Company pointed out that there is existing right away designated and shown on the plan. Chair Azman asked if North Oaks Company could commit to ensuring there would be trails to

connect the Anderson South development to internal North Oaks. Mr. Hauge displayed a map from the PDA showing the overall trail system that they are working with to connect to the trail system.

Administrator Robertson asked North Oaks Company if the location of the storm pond at the South end of the plan can it be moved a bit to act as a buffer to Centerville road. NOC responded that they would look into it.

Commissioner Shah asked if they are going to try to preserve as many trees any possible in the wooded area. NOC confirmed that the access road is designed for this purpose and the preliminary plan will have more info based on the woods. Commissioner Sandell asked if the entire large Lot #9 would be part of homeowner to take care of it. NOC stated it is part of the residential lot.

Kristie Elfering, Engineer for NOHOA

She stated that NOHOA Board has not had a chance to review this yet but will at their October 3rd meeting. NOHOA will provide additional comments and discussed pulling back the cul-de-sac to aid in plowing, etc. They also discussed the trail and possible NOHOA management of the back of Lot #6 to help protect trail easement. They like the location of the access point across from Anderson, which would allow for clear turn access. They would prefer a single driveway across the wetland instead of cul-de-sac, as this could be easier to maintain across the wetlands. NOHOA is working with NOC about what design might be across the wetland and the infrastructure in place for maintaining the road as retaining wall, a bridge, etc. It is more a wetland basin, not open water, but want to ensure balance and flow on both sides if need be.

President, Kathleen Emmons NOHOA

She restated that the NOHOA Board has not reviewed or had any conversation on the plan, therefore there is no formal NOHOA position yet. For the little bit it has been reviewed it, they are happy to see it conforming with the PUD and consistent with the community with external road, no public spaces and single-family homes. She also mentioned that anything agreed upon with the 7th amendment agreement was not made with NOHOA, so they are following original PDA.

Commissioner Yoshimura-Rank asked if there are other areas in North Oaks that roads have crossed wetland and if there are any issue with maintenance. Administrator Robertson stated there are dozens around North Oaks, including near the main entrance on East Pleasant Lake Road.

Commissioner Shah asked about the format for the Community engagement meeting and how it might take place. Mr. Hauge said they are targeting October 21st, 2019 at the Golf Club. This may include a few presentations on topics residents are concerned about, and give opportunity for residents to write down questions, collect them and try to answer as many questions as possible. They hope to pull in experts and are considering possible condo development on Island Field. Invited to the forum would be all North Oaks residents, City Council, Planning Commission, NOHOA with no invite to those outside unless presenters. This is planned to be a one-time event, however if a lot of time lapses before a build is completed, could do another one as a refresh.

Susan Henrich- 55 East Pleasant Lake Road

Asked if there is any commitment on part of City council to finalize the numbers on the Decennial review before any new applications come in. She hopes that everyone can come together on that number before new applications come in.

There was no further discussion on the Anderson Wood South proposal.

Set November/December Planning Commission Meeting

Administrator Robertson reminded Commissioners that Thanksgiving and December planning meetings fall on holidays and suggested they pick 1 meeting date to accommodate both months. **Motion made by Commissioner Shahi, with Commissioner Yoshimura-Rank as second. All voted in favor of moving the meeting to December 3rd, 2019.**

Chair Azman mentioned the Planning Commission has a vacancy due to Nancy Reid moving out of North Oaks. They are taking applications at the city office by Wednesday, October 5th. Administrator Robertson mentioned they have received 3 applications so far, and the City Council or a Council subcommittee could conduct interviews.

Other City Administrator notes:

- Administrator Robertson reminded Commissioners that when they attend the North Oaks Company session they are advised to provide no input to other residents. As Commissioners, they cannot comment until they receive entire official application with detail from the applicant to provide a fair and objective review.
- Attorney Land and Nason will come to a future planning meeting to discuss their recommendations for changes to our zoning ordinances.
- Met Council has responded to our Comprehensive Plan with an 8-page memo, like other cities. 85% were minor engineering tweaks. He is meeting with the City Engineer and Planner to review what needs to be done. They hope to have information back to Planning Commission for the October or December meeting. Other things mentioned: the lack of Capital improvement plan (although we own no roads or parks), and asked for higher density along Centerville Road. We have made it clear that the 1999 and 2009 comp plan has been agreed to and based on the committed numbers in PUD. The revised Comprehensive plan will come back to Planning Commission for review. Chair Azman asked about development activity after the 30 year PUD plan expires, and whether the Met Council aware that PUD guidelines remain in place. Administrator Robertson doesn't believe the Met Council has read the PUD or many of the comments they made would have been answered.

Administrator Robertson stated this would be the last Planning Commission meeting for him as he will be out of town during October meeting. The interviews for a new City Administrator are underway and City Council will be working to select finalist and have a contract in place in October. He thanked the Planning Commissioners in the tough job they have undertaken.

The next Planning Commission meeting is Thursday, October 24, 2019

At 8:52 p.m., Commissioner Hauge motioned to adjourn, seconded by Commissioner Yoshimura-Rank. Motion unanimously passed.

The Council Workshop 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 Katy Ross, Rick Kingston, Kara Ries and Marty Long; City Administrator Mike Robertson, Deputy Clerk Stephanie Marty, Administrative Assistant Gretchen Needham and Administrative Assistant Deb Breen.

Review of City Administrator Applications

Mayor Nelson noted that the City had received 36 applications for the City Administrator position, half them arriving that day. Some Councilmembers have had a chance to review all applications and some had not a chance to review those that arrived that day. Administrator Robertson discussed the City Attorney's memo that said all applications were considered protected data and the names could not be discussed in a public meeting until they were designated finalists. She suggested that if the applications were discussed that they be referred to as "number 10" or "number 19".

Council discussed some of the criteria they might use to determine who to interview. Mayor Nelson suggested an ad hoc committee of Councilmembers Kingston and Ross and former Mayor John Schaaf to do preliminary interviews of selected candidates and recommend a smaller number of three to five as finalists for the entire Council to interview. Deputy Clerk Marty will provide administrative support to the ad hoc committee. Administrator Robertson said he would have no further role in the process of determining who to interview.

Staff noted that the City Attorney said that if a member of any interviewing committee was not a current Councilmember or staff member, that it would be best to have each applicant interviewed by that committee sign a waiver acknowledging that their application would be reviewed by a non-Council or staff member.

Councilmembers will each provide a list of their top ten or so suggestions for candidates to interview to Deputy Clerk Marty and the ad hoc committee will use those recommendations to determine who they want to interview. The Council agreed to set aside Monday, October 7 or Tuesday October 8 as potential Special Council Meeting dates in order to interview finalists if they could be determined by then.

Councilmember Long, seconded by Councilmember Kingston, moved to establish an ad hoc committee consisting of Councilmember Kingston, Councilmember Ross and former Mayor Schaff to conduct preliminary interviews of applicants and recommend finalists to be interviewed by the entire Council. The motion was approved 3-0 with Councilmembers Ross and Ries abstaining.

Adjournment

Councilmember Long and Councilmember Kingston moved to adjourn the meeting at 7:26 p.m. Carried unanimously.

Attest:

City Administrator Mike Robertson

The Special City Council Meeting was called to order at 7:02 p.m. by Deputy Mayor Rick Kingston. Present were Deputy Mayor Rick Kingston and Councilmembers Katy Ross, Kara Ries, and Marty Long; and Recording Secretary Gretchen Needham. Absent: Mayor Gregg Nelson and City Administrator Mike Robertson.

All Councilmembers ranked the order of the 32 applicants for the City Administrator position. A search committee consisting of former mayor John Schaff, Deputy Mayor Rick Kingston, Councilmember Katy Ross, and Deputy Clerk Stephanie Marty as City liaison then took the top ten candidates that had at least three Councilmembers' top rankings. Reference checks were conducted, and then four candidates remained to be interviewed by the search committee.

A structured interview process and set of questions was repeated for each candidate for consistency. The interviews took place the last week of September 2019. One particular candidate, Candidate 6, rose to the top for all members of the search committee. It was a unanimous decision by the search committee to bring this one candidate back to the Council for recommendation of hire. The other three top candidates were also universally liked by the search committee but not nearly as much as Candidate 6.

Councilmember Long asked what the next step would be if Candidate 6 is agreed by Council as the one to offer to the job to. Councilmember Ries suggested expediting the negotiation and contract timeline to ensure the candidate does not take another job. All agreed that the contract negotiation should take place as soon as possible.

Mayor Nelson will negotiate a contract with the candidate; if an agreement is reached, the Council then votes to accept the contract.

Councilmember Ries suggested Councilmembers send comments and feedback for negotiation to Deputy Clerk Marty. Deputy Clerk Marty will be the contact person for the Council and Mayor Nelson will spearhead the negotiation with Candidate 6.

A motion was made by Councilmember Ries to direct Mayor Nelson to negotiate a contract with Candidate 6 within the confines of the terms laid out by the Council. The motion was seconded by Councilmember Long and passed unanimously.

Deputy Mayor Kingston will discuss exit terms with Administrator Robertson.

Adjournment

A motion was made by Deputy Mayor Kingston to adjourn the meeting at 7:20 pm. The motion was seconded by Councilmember Ross and passed unanimously.

Attest:

Respectfully Submitted

Deputy Mayor Rick Kingston

**Gretchen Needham
Recording Secretary**

DRAFT

North Suburban Access NSAC Professional and Technical Services Agreement

This contract is between the North Suburban Access Corporation, a Minnesota Municipal Corporation, (herein “the NSAC”) and the City of North Oaks, Minnesota (herein “the City”).

Recitals

1. Under Minnesota law, the NSAC is empowered to provide such professional and technical services as are desired by the City.
2. The City desires to engage the NSAC for video webcasting services and archiving services (herein “the Services”).
3. The City represents that it is empowered to engage the NSAC.

Agreement

1. Term of Contract

- 1.1. ***Duration.*** This Agreement will become effective January 1, 2020 and will remain in effect for a period of one (1) year. At the expiration of the one (1) year period, the Agreement will automatically renew for another period of one (1) year, unless notice to terminate this Agreement is provided no less than ninety (90) days prior to the end of the current term. If this Agreement is terminated prior to the completion of a one (1) year period, the NSAC will be entitled to payment, determined on a *pro rata* basis, for Services satisfactorily performed.
- 1.2. ***Survival of Terms.*** The following clauses will remain in effect after the termination of the Agreement: Section 5. Liability, Section 6. Government Data Practices and Intellectual Property, Section 8. Governing Law, Jurisdiction, and Venue; and Section 9. Disclosure.

2. Services Provided

- 2.1. ***Services.*** The NSAC will provide the Services described in Schedule A (attached).
- 2.2. ***Additional Services.*** The City may also request additional services during the term of the Agreement (see Section 1.1. Duration). If accepted by the NSAC, Schedule A will be amended to include a description of the

additional services and according compensation. Unless otherwise specified, all terms of this Agreement will apply to any amendments to Schedule A.

- 2.3. **Standard of Care.** To the extent any property, such as camera or computer equipment, is loaned by the NSAC to the City, the City will exhibit a standard of care consistent with Minnesota law.
- 2.4. **City Assistance.** Depending on the nature of the Services, the NSAC may from time to time require access to public and private lands or property. To the extent the City is legally and reasonably able, the City will provide access to and make provisions to enable the NSAC or its agents or employees to enter upon public and private land and property as required for the NSAC to perform the Services.

The City will furnish the NSAC with a copy of any special standards or criteria promulgated by the City relating to the Services, including, but not limited to, design and construction standards, that is necessary for the NSAC to prepare for its performance of the Services.

3. Payment

- 3.1. **Compensation.** The City will pay for all Services to be performed by the Contractor as specified in Schedule A (attached).
- 3.2. **Fee Adjustment.** The NSAC reserves the right to annually adjust the fees associated with the Services specified in Schedule A. Such adjustments, if any, will be enacted on January 1 of a given year. Prior to enacting any fee adjustments, the NSAC must provide written notice of such to the City at least thirty (30) calendar days prior to the effective date of the fee adjustment.
- 3.3. **Invoices.** The City must promptly pay the NSAC after the NSAC presents an invoice for those Services that have been actually performed. The NSAC must timely submit invoices.
- 3.4. **Event Cancellation.** The City agrees to pay 70% of the expected event amount for any cancellation unless sufficient prior notice is provided. "Prior Notice" is defined as at least 10 business days (including the day of the event) before the scheduled event.

4. Assignment, Amendments, Waiver, and Completeness

- 4.1. **Assignment.** The City may not assign, license, or transfer any rights or obligation under this Agreement without prior written consent of the NSAC and a fully executed Assignment Agreement, executed and

approved by the same parties who executed and approved this Agreement, or their successors in office.

- 4.2. **Amendments.** Any amendments to this contract must be made in writing and will not be effective until executed and approved by the same parties who executed and approved this Agreement, or their successors in office.
- 4.3. **Waiver.** If the NSAC fails to enforce in a timely manner any provision of this Agreement, that failure does not waive the provision or the NSAC's right to enforce the provision.
- 4.4. **Completeness.** This Agreement contains all negotiations and agreements between the NSAC and the City. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

5. Liability

The City must indemnify and hold harmless the NSAC, its agents, and its employees from any claims or causes of action, including attorney's fees incurred by the NSAC arising from performance of this Agreement by the City, its agents, or its employees. The clause must not be construed to preempt any legal remedies the NSAC may have for the City's failure to fulfill its obligations under this Agreement.

6. Government Data Practices and Intellectual Property

- 6.1. **Government Data Practices.** To the extent applicable, the City and NSAC must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this Clause by either the City or the NSAC.

Each Party shall notify the other of any Data Practices Act request for video recordings created pursuant to this Agreement. All requests for the release or sale of video recordings created pursuant to this Agreement shall be directed to and fulfilled by the NSAC.

7. Endorsement

The City must not claim that the NSAC endorses its products or services.

8. Governing Law, Jurisdiction, and Venue

Minnesota Law governs this Agreement. Venue for all legal proceedings arising from this Agreement shall be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

9. Disclosure

The City consents to disclosure of its social security number, federal employer tax identification number, and Minnesota tax identification number, to the Commission as is necessary for compliance with Minnesota and other applicable law.

10. Severability

If any section or clause of this Agreement is held to be invalid or unenforceable, then the meaning of that section or clause shall be construed so as to render it enforceable to the extent feasible. If no feasible interpretation would save the section or clause, it shall be severed from this Agreement with respect to the matter in question, and the remainder of the Agreement shall remain in full force and effect. However, in the event that such a section or clause is essential or substantially alters the Agreement, the Parties shall negotiate a replacement section or clause that will achieve the intent of such unenforceable section or clause to the extent permitted by law.

11. Employment

Employees of the NSAC performing work pursuant to this Agreement shall remain at all times employees only of the NSAC. The NSAC will be responsible for worker's compensation, salary, and training.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Dated: _____

North Suburban Access Corporation

By: _____

Its: _____

Attest

By: _____

Its: _____

North Oaks, City Administrator

Dated: _____

By: _____

Its: _____

Schedule A. Services (North Oaks).

Service	Quote	
<p><u>Municipal Production Services:</u> The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • Provide a municipal producer to record and broadcast LIVE City Council, Commission, Workshop and community meetings, not to exceed 130 hours at the rate of \$33 per hour; • Additional services related to municipal production services will be billed at a flat rate of \$40 per hour; • Provide the timing of the discussion of agenda items for web links; • Equipment and meeting room preparation; and <p>The City agrees to provide the following:</p> <ul style="list-style-type: none"> • Provide a weekly schedule of live and/or recorded events of shows at least one week in advance of first event/show on the schedule. • Provide the NSAC with the name and telephone number and email address of an emergency contact who can answer questions about the cablecast and/or encoding of live events. 	<p>\$4,290 per year</p>	<p>\$4,290 per year</p>
<p><u>Cablecasting Services:</u> The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • Live broadcasting of City Council meetings and applicable Advisory Commission meetings on appropriate channels; • Schedule the City channel with 7 premiers of programming, and 14 reruns of programming per week, totaling 21 playbacks per week. <p>The City agrees to provide the following:</p> <ul style="list-style-type: none"> • Monthly schedule of cablecast playbacks. 	<p>\$633 per year</p>	<p>\$633 per year</p>
<p><u>Carousel Bulletin Board Coordination</u></p> <ul style="list-style-type: none"> • Coordination of one Carousel at \$5 per month, this does not include the labor to manage the carousel content. 	<p>\$60 per year</p>	<p>\$60 per year</p>

Schedule A. Services (North Oaks).

<p>Web streaming Services: The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • Live web streaming of City Council meetings and applicable Advisory Commission meetings, no more than 4 regular programs per month, with 4 floating meetings per year to use at the City's discretion; • Encoded meetings and the accompanying agendas posted within 24 hours on the NSAC's website; • Post links between agenda items and their video discussion; • Storage of recorded videos for up to 6 months; <p>The City agrees to provide the following:</p> <ul style="list-style-type: none"> • Provide the NSAC with monthly schedule of all live meetings to be streamed and/or encoded for posting on the NSAC's website; • Notify the NSAC as soon as possible of the cancellation of a live event, including city meeting, which is scheduled for playback, of any change in the day or beginning time of any live event, including city meeting, or of any additions of special meeting to the schedule; • Provide the NSAC with the name and telephone number for a main contact of the cablecast. • Chapter marking information on the agenda will be provided by the City for meetings not utilizing the NSAC's municipal producers. 	<p>\$1,927 per year</p>	<p>\$1,927 per year</p>
<p>Social Media Coordination - Lite: The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • 3 Custom-made posts per week. • A content execution calendar with up to 12 planned posts per month, with creative content. • Quarterly analytics <p>The City agrees to provide the following: A monthly newsletter and items of upcoming interest.</p>	<p>\$110 per week for 52 weeks</p>	<p>\$5,720</p>
<p>Consultation: The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • Audio/Visual equipment maintenance related to municipal meeting coverage and delivery; and • Audio/Video equipment planning, and/or installation. 	<p>\$80 per hour Proposal for projects will need a contract</p>	<p>-</p>

Schedule A. Services (North Oaks).

<p>Neighborhood Network Services: The NSAC agrees to provide the following:</p> <ul style="list-style-type: none"> • Produce at least 2 productions a year for the City, at the discretion of the NSAC; • Cablecast, web stream, and distribute via link to the City the final product; • Storage of recorded videos for up to 6 months. <p>The City agrees to provide the following:</p> <ul style="list-style-type: none"> • Submit to the NSAC monthly production requests. • Submit requested productions by October 31st, 2019. 	<p>Introductory rate of \$1 per year</p>	<p>\$1</p>
<p>Total</p>		<p>\$12,631</p>

COOPERATIVE SERVICE AGREEMENT
between
THE CITY OF NORTH OAKS, MN
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)

ARTICLE 1

The purpose of this Cooperative Service Agreement is to cooperate in a wildlife damage management project as described in the attached Work Plan.

ARTICLE 2

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 USCA 8351-7 USCA 8352) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 USCA 8353), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

ARTICLE 3

APHIS-WS and City of North Oaks mutually agree:

1. The parties' authorized representatives who shall be responsible for carrying out the provisions of this Agreement shall be:

City of North Oaks: Mike Robertson, City Administrator
City of North Oaks, MN
100 Village Center Dr.
North Oaks, MN 55127
651-792-7750

APHIS-WS: Gary Nohrenberg
State Director
USDA, APHIS, WS
644 Bayfield St., Ste. 215
St. Paul, MN 55107
651-224-6027

2. To meet as determined necessary by either party to discuss mutual program interests, accomplishments, needs, technology, and procedures to maintain or amend the Work Plan (Attachment A). Personnel authorized to attend meetings under this Agreement shall be Mike Robertson, or his/her designees, representatives from the City Administrator's Office, the Ramsey County Sheriff's Department, and the WS State Director or his/her designee, and/or those additional persons authorized and approved by the City of North Oaks, and the WS State Director.
3. APHIS-WS shall perform services more fully set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this Agreement, to amend, modify, add or delete services from the Work Plan.

ARTICLE 4

City of North Oaks agrees:

1. To authorize APHIS-WS to conduct direct control activities to reduce human health and safety risks and property damage associated with nuisance wildlife such as white-tailed deer, pigeons, turkeys and other damaging wildlife species. These activities are defined in the Work Plan (Attachment A). APHIS-WS will be considered an invitee on the lands/property controlled by the City of North Oaks. The City will be required to exercise reasonable care to warn APHIS-WS as to dangerous conditions or activities in the project areas.
2. To reimburse APHIS-WS for costs of services provided under this Agreement up to but not exceeding the amount specified in the Financial Plan (Attachment B). The City of North Oaks will begin processing for payment invoices submitted by APHIS-WS within 30 days of receipt. The City of North Oaks ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
3. To designate to APHIS-WS the City of North Oaks authorized individual whose responsibility shall be the coordination and administration of activities conducted pursuant to this Agreement.
4. To notify APHIS-WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.
5. APHIS-WS shall be responsible for administration and supervision of the program.
6. There will be no equipment with a procurement price of \$5,000 or more per unit purchased directly with funds from the cooperator for use solely on this project. All other equipment purchased for the program is and will remain the property of APHIS-WS.
7. To coordinate with APHIS-WS before responding to all media requests.

8. To obtain the appropriate permits for removal activities for white-tailed deer and other nuisance or damaging wildlife species as needed and to list USDA, APHIS, Wildlife Services as subpermittees.
9. To coordinate with Wildlife Services for the removal and/or disposal of wildlife species removed.

ARTICLE 5

APHIS-WS Agrees:

1. To conduct activities for the City of North Oaks as described in the Work and Financial Plan of this agreement.
2. To designate to the City of North Oaks the authorized APHIS-WS individual who shall be responsible for the joint administration of the activities conducted pursuant to this Cooperative Service Agreement.
3. To bill the City of North Oaks quarterly for actual costs incurred by APHIS-WS during the performance of services agreed upon and specified in the Work Plan. APHIS-WS shall keep records and receipts of all reimbursable expenditures hereunder for a period of not less than one year from the date of completion of the services provided under this Agreement and the City of North Oaks shall have the right to inspect and audit such records.
4. To coordinate with the City of North Oaks before responding to all media requests.

ARTICLE 6

This Agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS-WS upon failure of Congress to so appropriate. This Agreement may also be reduced or terminated if Congress only provides APHIS-WS funds for a finite period under a Continuing Resolution.

ARTICLE 7

APHIS-WS assumes no liability for any actions or activities conducted under this Cooperative Service Agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

ARTICLE 8

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

ARTICLE 9

Nothing in this Agreement shall prevent APHIS-WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.

ARTICLE 10

The City of North Oaks certifies that APHIS-WS has advised the City that there may be private sector service providers available to provide wildlife management services that the City is seeking from APHIS-WS.

ARTICLE 11

The performance of wildlife damage management actions by APHIS-WS under this agreement is contingent upon a determination by APHIS-WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. APHIS-WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.

ARTICLE 12

This Cooperative Service Agreement may be amended at any time by mutual agreement of the parties in writing. Also, this Agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 120 days prior to effecting such action. The length of notice for unilateral termination may be longer or shorter if necessary. Further, in the event the City of North Oaks does not provide necessary funds, APHIS-WS is relieved of the obligation to provide services under this agreement.

Agreement No.: 20 7227 5221 RA
WBS: AP.RA.RX27.72.4897

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a **Taxpayer Identification Number** for individuals or businesses conducting business with the agency.

North Oaks Taxpayer Identification Number (TIN) 41- 0883077

CITY OF NORTH OAKS, MN

BY: _____ Date _____
Gregg Nelson, Mayor
City of North Oaks
100 Village Center Drive, #230
North Oaks, MN 55127

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES**

BY: _____ Date _____
Willie D. Harris
Director, Eastern Region
USDA, APHIS, WS
920 Main Campus Drive
Suite 200
Raleigh, NC 27606

ATTACHMENT A WORK PLAN

INTRODUCTION

The U.S. Department of Agriculture (USDA) is authorized to protect American agriculture and other resources from damage associated with wildlife. Wildlife Services activities are conducted in cooperation with other Federal, State and local agencies; private organizations and individuals.

The APHIS WS program uses an Integrated Wildlife Damage Management (IWDM) approach (sometimes referred to as IPM or “Integrated Pest Management”) in which a series of methods may be used or recommended to reduce wildlife damage. These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage. However, controlling wildlife damage may require that the offending animal(s) are killed or that the populations of the offending species be reduced.

PURPOSE

The City of North Oaks, MN has requested assistance from Wildlife Services in managing nuisance and damaging wildlife species within the City of North Oaks.

PLANNED WILDLIFE SERVICES ACTIVITIES

WS personnel will remove deer from City-designated control areas and on private property where written permission has been obtained using suppressed firearms equipped with night vision or thermal imaging scopes. Spotlights may also be used while conducting control activities. Safe shooting zones and safe back-drops will be established for all control areas. WS will prioritize public safety during all control operations and utilize a minimum of 2 WS personnel when conducting deer control work. Most deer control activities will be conducted at dusk/night. All control activities will be coordinated with Mike Robertson or his designee(s). WS personnel will advise local law enforcement and the appropriate local Minnesota Department of Natural Resources Conservation officer when firearm related wildlife control work is being conducted.

Under this agreement, WS will provide up to 30 scouting/bait site maintenance visits and up to 15 visits to conduct white-tailed deer control activities. The number of site visits provided may be altered to ensure that funding expenditures do not exceed the amount established in the Financial Plan (Attachment B) of this document.

As part of this agreement, WS will also remove or assist in the removal of other nuisance or damaging wildlife species as requested by the City and mutually agreed upon. WS will use generally accepted wildlife damage management tools, equipment and techniques to conduct all removal activities under this agreement.

EFFECTIVE DATES

This cooperative agreement shall become effective on December 1, 2019 and shall expire on April 1st, 2020.

**ATTACHMENT B
FINANCIAL PLAN**

**City of North Oaks, MN Up to 75 white-tailed deer and nuisance wildlife control
project**

Personnel Costs	\$14,864.09
Vehicle Fuel.....	\$ 1,292.50
Supplies.....	<u>\$ 1,826.00</u>
 Sub-Total (Direct Costs)	 \$ 17,982.59
 Pooled Job Costs.....	 \$ 1,978.08
 Indirect Costs.....	 <u>\$ 2,904.19</u>
 TOTAL	 \$ 22,864.86

The distribution of the budget from this Financial Plan may vary as necessary, but may not exceed \$22,864.86.

Financial Point of Contact

City of North Oaks: Mike Robertson

Phone: 651-792-7750

APHIS-WS: Connie Timm

Phone: 218-327-3350

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made on the 1st day of November, 2019, between the City of North Oaks and Nuisance Animal Removal Service or N.A.R.S. ("Contractor") whose business address is 1055 Gervais Ave., Maplewood MN 55109.

PRELIMINARY STATEMENT

The purpose of this contract is to set forth terms and conditions for the provision of deer removal services by the Contractor for the City of North Oaks.

The City and the Contractor agree as follows:

1. **Contractor's Service.** The Contractor agrees to provide professional services as described in Exhibit A, attached and made a part of this Agreement.
2. **Time for Performance of Services.** The Contractor shall perform the services outlined in Exhibit A, attached and made part of this Agreement.
3. **Compensation for Services.** The City of North Oaks agrees to pay the Contractor for services as described in Exhibit A, attached and made a part of this Agreement.
4. **Method of Payment.** The Contractor will submit itemized bills for services provided as work is performed.
5. **Audit Disclosure.** The Contractor shall allow the City or its duly authorized agent reasonable access to such of the Contractor's books and records as are pertinent to all services provided under this Agreement. Any reports, information, data, etc. given to, or prepared or assembled by, the Contractor under this Agreement which the client requests to be kept confidential shall not be made available to any individual or organization without the City's prior written approval. All finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the contractor shall become the property of the City upon termination of this Agreement, but Contractor may retain copies of such documents as records of the services provided.
6. **Terms.** The term of this Agreement shall be from November 1st, 2019 through March 31, 2020, the date of signature by the parties notwithstanding. This Agreement may be extended upon the written mutual consent of the parties for such additional period as they deem appropriate, and upon the terms and conditions as herein stated.

7. **Termination.** This Agreement may be terminated by either party by 30 days' written notice delivered to the other party at the address written above. Upon termination under this provision if there is no fault of the Contractor, the Contractor shall be paid for services rendered and reimbursable expenses until the effective date of termination. If however, the City terminates the Agreement because the Contractor has failed to perform in accordance with this Agreement, no further payment shall be made to the Contractor, and the City may retain another contractor to undertake or complete the work identified in paragraph 1.
8. **Subcontractor.** The Contractor shall not enter into subcontracts for services provided in this Agreement without the express written consent of the City.
9. **Independent Contractor.** At all times and for all purpose hereunder, the Contractor is an independent contractor and not an employee of the City. No statement herein shall be construed so as to find the Contractor an employee of the City.
10. **Assignment.** Neither party shall assign this Agreement, or any interest arising herein, without the written consent of the other party.
11. **Services Not Provided For.** No claim for services furnished by the Contractor not specifically provided for herein shall be honored by the City.
12. **Severability.** The provisions of this Agreement are severable. If any portion hereof is, for any reason, held by a court of competent jurisdiction to be contrary to law, such decision shall not affect the remaining provisions of the Agreement.
13. **Entire Agreement.** The entire agreement of the parties is contained herein. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties, unless otherwise provided herein.
14. **Compliance with Laws and Regulations.** In providing services hereunder, the Contractor shall abide by all statutes, ordinances, rules, and regulations pertaining to the provision of services to be provided. Any violation shall constitute a material breach of this Agreement and entitle the City to immediately terminate this Agreement.

15. **Equal Opportunity.** During the performance of this contract, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual preference, and marital status, status with regard to public assistance, disability, or age. The Contractor shall post in places

available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause and stating that all qualified applicants will receive consideration for employment.

16. **Waiver.** Any waiver by either party of a breach of any provisions of this Agreement shall not affect, in any respect, the validity of the remainder of this Agreement.
17. **Indemnification.** Contractor agrees to defend, indemnify and hold the City, its officers, and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omission) of the Contractor, his agents, employees, or contractors in the performance of the services provided by this Agreement and against all losses by reason of the failure of said Contractor fully to perform, in any respect, all obligations under this Agreement.
18. **Insurance.** During the term of this Agreement, Contractor shall maintain a general liability insurance policy with limits of at least \$1,000,000.00 for each person, and each occurrence, for both personal injury and property damage. A certificate of insurance will be provided upon request.
19. **Governing Law.** This Agreement shall be controlled by the laws of the State of Minnesota.
20. **Special Factors.** Contractor shall use its best efforts to secure any insurance required for the proper administration of the deer management program as outlined in Exhibit A. In the event an insurance company cancels or refuses to place any necessary insurance, Contractor shall use its best efforts to obtain insurance from other insurer.

Executed as of the day and year first written above.

City of North Oaks

BY: _____

Its

N.A.R.S. 

BY: _____

EXHIBIT A

Services and Conditions

The following outlines services and conditions of the agreement between the City of North Oaks and N.A.R.S. (Contractor). The DNR refers to the Minnesota Department of Natural Resources.

I. INFORMATION

The contractor shall provide the following information to the City:

- A. Names, work addresses and work phone numbers of all personnel employed by The Contractor who will be providing services pursuant to this agreement.
- B. Make, model, and license numbers of all vehicles used by the Contractor in Providing services pursuant to this agreement.
- C. Descriptions of weapon(s) used to kill the deer.
- D. At the end of the contract period, the Contractor shall deliver completed Deer trap and kill data sheets to City.

The City shall provide the following information to the Contractor:

- A. Names and phone numbers of personnel to contact if and when operational Problems arise. Names and phone numbers of DNR representatives to contact if and when questions regarding deer arise.

II. OPERATIONAL PROCEDURES

The Contractor shall adhere to the following operational procedures:

- A. A list of all available trap locations shall be agreed by the City and the Contractor.

- B. Each contract year the Contractor shall remove up to the number of deer permitted by the Minnesota Department of Natural Resources using the trap and kill methodology. Using the trap and kill methodology, the deer shall be shot at close range while in the trap.
- C. The Contractor shall supply all deer traps and materials in a manner acceptable to the City. The traps shall be set and baited 2p.m. and 4 p.m. Pre-baiting shall occur at a minimum of three to five days before trapping begins.
- D. The traps shall be checked and the animals destroyed each morning prior to 6 a.m.
- E. Within two hours of being dispatched, the deer shall be dressed. The Contractor shall turn over dressed carcasses to the DNR's Enforcement Division as provided for in the DNR's special deer removal permit.
The Contractor shall remove viscera and dispose of pursuant to State regulations

**Exhibit A –
Services and Conditions**

Page 3

- G. The Contractor shall notify the City immediately upon discovering vandalism to the trap.

III. City of North Oaks RESPONSIBILITIES

- A. The City shall supply the Contractor a signed copy of the DNR Division of Fish and Wildlife's special deer removal permit.
- B. The Contractor shall supply the bait for traps.

IV. PAYMENT

- A. The Contractor will bill the City a fee of \$435.00 per day that contractor is trapping deer, maximum 16 trapping days per month. The contractor will bill the city \$160.00 for each deer removed by trap and kill. There is no additional charge for fetuses.**
- B. The Contractor will bill the City the amount for repairs for traps Damaged by vandalism, not to exceed \$95.00 per occurrence.**
- B. The contractor will charge the city a \$ 75.00 per day transport fee on days deer are trapped. This fee includes the cost of disposing of viscera.**



STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NORTH OAKS

RESOLUTION NUMBER 1352
A RESOLUTION GRANTING MUNICIPAL APPROVAL OF CHANGING SHERWOOD ROAD'S DESIGNATION FROM CSAH 4 TO COUNTY ROAD 87

WHEREAS, the County Board of the County of Ramsey will adopt a resolution renumbering the County State Aid Highway System of Ramsey County, and;

WHEREAS, said resolution locates and establishes certain County State Aid Highways within the corporate limits of the City of North Oaks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Oaks that it approves the change of CSAH 4 (Sherwood Road) to County Road 87.

AYES:
NAYS:

Passed on October 10, 2019.

By: _____

Gregg Nelson

Its: Mayor

Attested:

By: _____

Michael Robertson

Its: City Administrator/City Clerk



MEMO

Date: October 3, 2019
To: Mayor & Council
From: City Administrator Mike Robertson
Re: Preliminary Assessment Hearing

I have enclosed the information for the public hearing on the proposed assessments. I've enclosed the Assessment Roll and the published Notice of Public Hearing. Individual letters have been sent to every affected property owner. Memos describing some of the assessments along with individual letters are also attached.

I suggest that the Council open the public hearing, take any testimony, and then continue the public hearing until the Council meeting of November 14, 2019. That will allow staff to investigate any claims people have against their proposed assessment. In addition, some of the properties may continue to accumulate charges during the next month and I would like to be able to assess those charges.

I suggest that any public comments be grouped by project, with the Lake Gilfillan Augmentation maintenance assessment going first as that affects the most people, followed by the Code Violation fine assessments.

Motions;

I move we open the public hearing for the proposed 2019 Assessments.

I move we continue the 2019 Assessment Public Hearing until the November 14, 2019 City Council meeting.

2019 ASSESSMENT ROLL

TAXPAYER NAME	TAXPAYER ADDRESS	PID	REASON/PROJECT	ASSESSMENT	BILLING ADDRESS
Paul & Susan McLean	15 Dove Lane	173022340013	GIFILLAN AUGMENTATION	\$54.60	
John & Susan Reed	17 Dove Lane	173022340014	GIFILLAN AUGMENTATION	\$54.60	8 Dove Lane
Jack Shovein	19 Dove Lane	173022340015	GIFILLAN AUGMENTATION	\$54.60	
Scott & Kate Elfstrom	21 Dove Lane	173022340016	GIFILLAN AUGMENTATION	\$54.60	
Kirk & Katherine Emmons	20 Duck Pass Rd.	173022130013	GIFILLAN AUGMENTATION	\$54.60	
Soile Anderson	22 Duck Pass Rd.	173022130012	GIFILLAN AUGMENTATION	\$54.60	14 Evergreen Lane
Faith Ralston	24 Duck Pass Rd.	173022130011	GIFILLAN AUGMENTATION	\$54.60	
Carol Baker	26 Duck Pass Rd.	173022130010	GIFILLAN AUGMENTATION	\$54.60	
Brian & Marsha Bergeson	28 Duck Pass Rd.	173022240007	GIFILLAN AUGMENTATION	\$54.60	
Scott & Paige Anderson	9 East Giffillan	173022340001	GIFILLAN AUGMENTATION	\$54.60	
Craig Janssen	11 East Giffillan	173022420018	GIFILLAN AUGMENTATION	\$54.60	1420 Rollins Ave SE, Mpls, MN
Gerald & Cheri Dietrich	15 East Giffillan	173022420017	GIFILLAN AUGMENTATION	\$54.60	
Jim & Sue Fox	17 East Giffillan	173022420016	GIFILLAN AUGMENTATION	\$54.60	
Bill Risdall	21 East Giffillan	173022420015	GIFILLAN AUGMENTATION	\$54.60	
Jerome and Inge Johnson	32 East Oaks Rd.	173022240011	GIFILLAN AUGMENTATION	\$54.60	
Will & Missy Patty	36 East Oaks Rd.	173022240015	GIFILLAN AUGMENTATION	\$54.60	
James & Elizabeth Ericksen	38 East Oaks Rd.	173022240016	GIFILLAN AUGMENTATION	\$54.60	
Jean McMillan	40 East Oaks Rd	173022240018	GIFILLAN AUGMENTATION	\$54.60	1 Poplar Lane
Hideyo & Sayuki Sugimura	1 Gadwall Lane	173022240010	GIFILLAN AUGMENTATION	\$54.60	
Kaizhong Gao & Ling Chen	2 Gadwall Lane	173022240006	GIFILLAN AUGMENTATION	\$54.60	
Tor Dahl	11 Lily Pond	173022420005	GIFILLAN AUGMENTATION	\$54.60	
John & Roxanne Skildum	13 Lily Pond	173022420004	GIFILLAN AUGMENTATION	\$54.60	
Del & Emily Kulenkamp	15 Lily Pond	173022420002	GIFILLAN AUGMENTATION	\$54.60	
Jean McMillan	1 Poplar Lane	173022240019	GIFILLAN AUGMENTATION	\$54.60	
Craig Janssen	4 Poplar Lane	173022310001	GIFILLAN AUGMENTATION	\$54.60	1420 Rollins Ave SE, Mpls, MN
Rosemarie Herberg	6 Poplar Lane	173022310002	GIFILLAN AUGMENTATION	\$54.60	
Art & Debbie Andrews	8 Poplar Lane	173022320003	GIFILLAN AUGMENTATION	\$54.60	
David Dudycha & Dorothy Vawter	10 Poplar Lane	173022320004	GIFILLAN AUGMENTATION	\$54.60	
Manny Steil	25 Robb Farm Rd	173022340017	GIFILLAN AUGMENTATION	\$54.60	
Andrew & Kristina Swanson	35 Robb Farm Rd	173022340019	GIFILLAN AUGMENTATION	\$54.60	

Luke & Elizabeth Roszack	37 Robb Farm Rd	173022330016	GIFILLAN AUGMENTATION	\$54.60
Treye & Nicole Kettwick	41 Robb Farm Rd	173022330015	GIFILLAN AUGMENTATION	\$54.60
Joshua & Elena Yorgason	43 Robb Farm Rd	173022330014	GIFILLAN AUGMENTATION	\$54.60
Ed & Cynthia Chua	45 Robb Farm Rd	173022330011	GIFILLAN AUGMENTATION	\$54.60
Mark & Mari Ekblad	2 West Shore Rd	173022330010	GIFILLAN AUGMENTATION	\$54.60
Stacey Everson	4 West Shore Rd	173022330017	GIFILLAN AUGMENTATION	\$54.60
Yuko Heberlein	6 West Shore Rd	173022330004	GIFILLAN AUGMENTATION	\$54.60
Steven & Laurie Pikala	8 West Shore Rd	173022330001	GIFILLAN AUGMENTATION	\$54.60
Greg & Peg Palen	10 West Shore Rd	173022320006	GIFILLAN AUGMENTATION	\$54.60
Keith & Eva Vogt	12 West Shore Rd	173022320005	GIFILLAN AUGMENTATION	\$54.60
NOHOA	Parcel I-144	173022340002	GIFILLAN AUGMENTATION	\$54.60
NOHOA	Parcel 05.5.8P	173022340009	GIFILLAN AUGMENTATION	\$54.60

\$2,293.20

2019 ASSESSMENT ROLL

TAXPAYER NAME	TAXPAYER ADDRESS	PID	REASON/PROJECT	ASSESSMENT	BILLING ADDRESS
Former Journey Home	5320 Hodgson Road		Removal of dumpster	\$ 390.00	
Former Journey Home	5320 Hodgson Road		Mowing of yard	\$ 619.00	
Eric Halverson	24 Haycamp Road		Renting w/o a license	\$ 3,300.00	

MEMO

Date: October 3, 2019
To: Mayor & Council
From: City Administrator Mike Robertson
Re: Lake Gilfillan Assessment Hearing

There are 42 properties that make up the Lake Gilfillan Augmentation Assessment. This is for yearly maintenance of the pump system that was set up to augment Lake Gilfillan when needed. The assessment always trails actual costs for a year as we wait for an entire year of costs before assessing properties. So, this assessment is for 2018 maintenance costs. An individual assessment letter has been attached for reference.

The assessment for 2020 taxes is \$54.60 per property. This assessment is higher than some of the past years due to the need to replace one of the pumps.

The past year's assessments have been;

2019	\$16.57
2018	\$21.95
2017	\$44.98
2016	\$61.00
2015	\$133.74

Only the 2015 assessment included paying for water. The lake has not needed to be augmented since 2013 due to abundant rainfall.



September 23, 2019

Mikeya Griffin
NOHOA Executive Director
North Oaks, MN 55127

COPY

Re: 2019 Lake Gilfillan Augmentation Maintenance Assessment Parcel 1-144

Dear Resident:

Your property benefits from the Lake Gilfillan Augmentation project, which was constructed in 2012 to periodically augment Lake Gilfillan with additional water when needed. Along with the initial assessment for the piping and pump house that was installed, there is also a yearly assessment for the maintenance costs of running the system. Costs have increased over last year due to repair of the pump system. This letter shall serve as an invoice for assessment of the 2019 maintenance costs, which are listed below. Every benefitting property has been assessed the same amount. If you wish to object to this assessment, the place and time to do so would be at the next meeting of the North Oaks City Council, held Thursday, October 10, 2019 at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive, North Oaks. If you cannot attend that meeting, the assessment hearing will be continued until Thursday, November 14, 2019 at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive, North Oaks.

2018 Lake Gilfillan Augmentation Maintenance Assessment

Electricity	\$ 21.96
St. Paul Water Charge	\$ 0.00
Maintenance	\$ 32.64
Total	\$ 54.60

If you wish to pay in advance you can either send a check made out to City of North Oaks to 100 Village Center Drive, #230, North Oaks, MN 55127, or stop by City Hall to pay it by November 20, 2019. If you do not wish to pay in advance the above amount will be assessed on your 2020 property taxes at six percent interest. If you need any additional information, please contact me.

Sincerely,

Michael Robertson
City Administrator
651/792-7750
mrobertson@cityofnorthoaks.com

MEMO

Date: October 3, 2019
To: Mayor & Council
From: City Administrator Mike Robertson
Re: Code Violation Fines Assessment Hearing

There are two different properties that are being assessed for a variety of code violations. I have attached copies of the letters/emails that have been sent to the two properties so that you can have a history of my contacts with them and my attempts to resolve each situation.



CITY OF
NorthOaks
Building on a tradition of innovation

July 26, 2018

Eric Halvorson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

You are receiving this letter because you own a rental property in North Oaks at 24 Haycamp Road. Mr. Jeff Jacobsen told me he was purchasing the property. I've asked for documentation of the purchase agreement and haven't received it. Absent any agreement you are still the listed owner and this qualifies as a rental property and you must have a license to continue to rent out property in North Oaks.

I've attached a copy of the Rental Application that needs to be filled out. There will also be an inspection required. I've attached a copy of the inspection form which lists what we will be inspecting. Once a property passes inspection it does not need to be inspected for another three years. I've also attached a copy of the rental ordinance so you can familiarize yourself with it. The ordinance has changed since you may have first seen it at the start of the year.

Please contact me if you have any questions.

Sincerely,



Michael Robertson

North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750

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

 northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com

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



CITY OF
NorthOaks
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August 31, 2018

**Eric Halvorson
753 East County Road D
St. Paul, MN 55117**

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. Your statement that you are not charging rent does not matter because the home is occupied by someone other than the owner. Accordingly you are fined \$100.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes.

Please contact me if you have any questions.

Sincerely,

**Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750**



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



**northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com**



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





CITY OF
NorthOaks
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September 11, 2018

**Eric Halverson
753 East County Road D
St. Paul, MN 55117**

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. Since you have not responded to that letter I am sending you a second ticket in the amount of \$200 for not complying with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,

**Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750**



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



**northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com**



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





CITY OF
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October 2, 2018

**Eric Halverson
753 East County Road D
St. Paul, MN 55117**

Re: Unpaid Code Violation Fine-Renting With Out a Rental License

Dear Eric:

On July 26, 2018 you were sent a letter stating that you were renting your property at 24 Haycamp Road, North Oaks without a license. This was based on the statement of your tenant Jeff Jacobsen that he, his girlfriend and her two children were the only people living at the property. You were sent an application form along with a copy of the ordinance governing rental property in North Oaks. Subsequently you told me you were not charging Mr. Jacobsen rent and you were told that did not matter. When you did not file a rental license application you were sent a ticket of \$100 for this violation on August 31, 2018. When you still did not respond you were sent a second ticket of \$200 on September 11, 2018. On September 25, 2018 you met with me and stated that you were living at the property on 24 Haycamp Road.

Because you have not paid the fines of \$100 and \$200 your property at 24 Haycamp will be assessed the amount of \$300. If you wish to object to this assessment, there will be a preliminary assessment hearing held at the next meeting of the North Oaks City Council on Thursday, October 11, 2018 at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive, North Oaks. If you cannot attend that meeting, a final assessment hearing will be held at the November meeting of the North Oaks City Council on Thursday, November 8, 2018 at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive, North Oaks.

If you wish to pay in advance you can either send a check made out to City of North Oaks to 100 Village Center Drive, #230, North Oaks, MN 55127, or stop by City Hall to pay it. If you do not wish to pay in advance the above amount will be assessed on your 2019 property taxes at six percent interest. If you need any additional information, please contact me.

Sincerely,

**Michael Robertson
City Administrator
651/792-7750**

mrobertson@cityofnorthoaks.com

**100 Village Center Drive Suite 230 North Oaks, MN 55127
Phone: 651-792-7750 Fax: 651-792-7751 www.cityofnorthoaks.com**



CITY OF
North Oaks
Building on a tradition of innovation

April 9, 2019

Eric Halverson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. When you did not respond you were sent a letter on September 11, 2018 which enclosed a ticket fining you \$200 for not complying with City ordinances. Both these tickets were assessed to your property at 24 Haycamp Road. Because the property is occupied and you still have not obtained a rental license I have enclosed a ticket fining you \$300 for not complying with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,

Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750



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



northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com



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

COPY



CITY OF
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June 6, 2019

Eric Halverson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. When you did not respond you were sent a letter on September 11, 2018 which enclosed a ticket fining you \$200 for not complying with City ordinances. Both these tickets were assessed to your property at 24 Haycamp Road for pay 2019 taxes. When you continued to not obtain a rental license you were sent a letter April 9, 2019 which enclosed a ticket for \$300. You met with me and promised to provide me paperwork showing that you had sold the property to Jeff Jacobsen. Because you have not provided any paperwork and because the property is still registered in your name at Ramsey County and because the property is occupied and you still have not obtained a rental license I have enclosed a ticket fining you \$400 for not complying with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,

Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750



p 651-792-7760
f 651-792-7761



northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com



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



CITY OF
NorthOaks
Building on a tradition of innovation

June 20, 2019

Eric Halverson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. When you did not respond you were sent a letter on September 11, 2018 which enclosed a ticket fining you \$200 for not complying with City ordinances. Both these tickets were assessed to your property at 24 Haycamp Road for pay 2019 taxes. When you continued to not obtain a rental license you were sent a letter April 9, 2019 which enclosed a ticket for \$300. You met with me and promised to provide me paperwork showing that you had sold the property to Jeff Jacobsen. Because you have not provided any paperwork and because the property is still registered in your name at Ramsey County and because the property is occupied and you still have not obtained a rental license I sent a ticket June 6, 2019 fining you \$400 for not complying with City ordinances. Since you have still not complied and have made no effort to contact me I am sending you a ticket fining you \$500 for failure to comply with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,

Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750



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COPY

July 11, 2019

Jeff Jacobsen
24 Hay Camp Road
North Oaks, MN 55127

Dear Jeff:

I have received a copy of the paperwork showing you are buying 24 Hay Camp Road from Eric Halvorsen on a contract for deed. This makes you responsible for obtaining a rental license for the property. It doesn't matter whether you are charging rent or not. I've enclosed a copy of the form you have to fill out and the ordinance governing rental properties so you can familiarize yourself with it. Please fill out the form and return it to City Hall.

Part of the requirements for rental property is to have an inspection done of the home. Please contact Building Official Kevin White at 763/355-5801 to schedule an inspection of the home. I've provided a copy of the inspection form Kevin uses so you can see what he will be checking. If you have any questions please feel free to contact me.

Sincerely,

Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750

cc: **Eric Halvorsen, 753 East County Road D, St. Paul, MN 55117**
Kevin White, Building Inspector



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COPY

August 21, 2019

Eric Halverson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. When you did not respond you were sent a letter on September 11, 2018 which enclosed a ticket fining you \$200 for not complying with City ordinances. Both these tickets were assessed to your property at 24 Haycamp Road for pay 2019 taxes. When you continued to not obtain a rental license you were sent a letter April 9, 2019 which enclosed a ticket for \$300. You met with me and promised to provide me paperwork showing that you had sold the property to Jeff Jacobsen. No paperwork was provided and I sent a ticket June 6, 2019 fining you \$400 for not complying with City ordinances. When you did not respond you were sent a letter on June 20, 2019 which enclosed a ticket fining you \$500 for not complying with City ordinances. Though you have provided paperwork showing that you are in the process of selling the home to Jeff Jacobsen you are still the listed owner of the property and neither you nor Mr. Jacobsen has applied for a rental license. Since you have still not submitted a rental license application I am sending you a ticket fining you \$600 for failure to comply with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,

Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750

cc: Jeff Jacobsen, 24 Haycamp Road

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

northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com

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



CITY OF
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COPY

September 12, 2019

Eric Halverson
753 East County Road D
St. Paul, MN 55117

Dear Eric:

On July 26, 2018 you were sent a letter informing you that you had to obtain a rental license for the property you own in North Oaks at 24 Haycamp Road. When you did not respond you were sent a letter August 31, 2018 which enclosed a ticket fining you \$100 for not complying with City ordinances. When you did not respond you were sent a letter on September 11, 2018 which enclosed a ticket fining you \$200 for not complying with City ordinances. Both these tickets were assessed to your property at 24 Haycamp Road for pay 2019 taxes. When you continued to not obtain a rental license you were sent a letter April 9, 2019 which enclosed a ticket for \$300. You met with me and promised to provide me paperwork showing that you had sold the property to Jeff Jacobsen. No paperwork was provided and I sent a ticket June 6, 2019 fining you \$400 for not complying with City ordinances. When you did not respond you were sent a letter on June 20, 2019 which enclosed a ticket fining you \$500 for not complying with City ordinances. When you did not respond I sent you a letter dated August 21, 2019 which enclosed a ticket fining you \$600 for not complying with City ordinances. Though you have provided paperwork showing that you are in the process of selling the home to Jeff Jacobsen you are still the listed owner of the property and neither you nor Mr. Jacobsen has applied for a rental license. Since you have still not submitted a rental license application I am sending you a ticket fining you \$700 for failure to comply with City ordinances.

If you do not follow through and obtain a rental license you will receive additional citations. Each citation will increase \$100 until you come into compliance with City ordinances. Failure to pay any citation will result in it being assessed to your property taxes. Payment for these tickets can be addressed to North Oaks City Hall at the address listed below.

Please contact me if you have any questions.

Sincerely,


Michael Robertson
North Oaks City Administrator
mrobertson@cityofnorthoaks.com
651/792-7750

cc: Jeff Jacobsen, 24 Haycamp Road

p 651-792-7760
f 651-792-7761

northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com

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

Mike Robertson

From: Mike Robertson
Sent: Tuesday, October 9, 2018 2:14 PM
To: 'Blake'
Subject: RE: 5320 Hodgson

Blake,

We will send you the permit.

I was just going to contact you because I received a complaint about the dumpster sitting there for a while in the driveway over flowing with debris. Can you get the dumpster picked up soon?
Thanks.

Mike Robertson

From: Blake [mailto:blakehuffman@comcast.net]
Sent: Tuesday, October 09, 2018 2:08 PM
To: Mike Robertson
Subject: 5320 Hodgson

I need a copy of the electric permit for the above address. My electrician mentioned that when he got it your printer didn't work and he didn't get a hard copy.

Let me know if it's a problem.

Blake

Sent from XFINITY Connect App

Mike Robertson

From: Mike Robertson
Sent: Tuesday, December 11, 2018 1:35 PM
To: 'Huffman, Blake'
Subject: RE: Hodgson Road House

Hi Blake,

This is another reminder that we need to have whoever is general contractor on this job come in and pull a permit. The previous general contractor told us that he was leaving the job and so someone is needed to replace him.

Mike Robertson

From: Huffman, Blake [mailto:Blake.Huffman@CO.RAMSEY.MN.US]
Sent: Wednesday, March 21, 2018 3:01 PM
To: Mike Robertson
Cc: Mike Egelston
Subject: Re: Hodgson Road House

I'm out of town Thursday and Friday. Great availability next week.

Blake

Sent from my iPad

On Mar 21, 2018, at 2:52 PM, Mike Robertson <MRobertson@cityofnorthoaks.com> wrote:

Hi Blake,

I understand that Gretchen of North Oaks News has contacted you about an article on the Hodgson Road house for the paper. I was also thinking that I would like to get a picture of you, the City Council and anyone else you think is appropriate in front of the house before its occupied. It's a project that all of us can be proud of. Please let me know what dates work for you.

Mike Robertson
City Administrator
City of North Oaks
100 Village Center Drive, #230
North Oaks, MN 55127
651/792-7750
mrobertson@cityofnorthoaks.com

Mike Robertson

From: Mike Robertson
Sent: Tuesday, December 18, 2018 10:23 AM
To: 'Huffman, Blake'
Subject: RE: Hodgson Road House

Blake,

We still need to have someone with a contractor's license to put their name on the building permit for the Hodgson Road house. There will be no charge from the City since the previous contractor already paid for the permit. Please let me know when this will be taken care of.

Mike

Mike Robertson
City Administrator
City of North Oaks
100 Village Center Drive, #230
North Oaks, MN 55127
651/792-7750
mrobertson@cityofnorthoaks.com

Mike Robertson

From: Mike Robertson
Sent: Friday, January 11, 2019 2:28 PM
To: Gregg Nelson; Rick Kingston; Katy Ross; Kara Ries; Marty Long
Subject: Blake Huffman House on Hodgson

Council,

We've been trying to work with Blake Huffman to resolve the remaining issues at the house on Hodgson Road so it can get its Certificate of Occupancy (CO) and be sold. We have not had any success and I wanted to let you know about it as I suspect Blake will start lobbying you soon in hopes of obtaining a CO. Blake has not been paying his contractors and that seems to be part of the problem. These are the current issues with the house.

1. The contractor on the building permit told us he had not been paid and asked that his name be removed from the permit. I have told Blake several times that he needs a registered contractor on the building permit. There has been no response.
2. The siding was installed incorrectly and is buckling.
3. The furnace was installed without a mechanical permit and was installed incorrectly.

Mike Robertson
City Administrator
City of North Oaks
100 Village Center Drive, #230
North Oaks, MN 55127
651/792-7750
mrobertson@cityofnorthoaks.com

Mike Robertson

From: Mike Robertson
Sent: Thursday, April 18, 2019 11:42 AM
To: 'Blake Huffman'
Subject: RE: House on Hodgson Road

Blake,

I'm getting complaints about the full dumpster in the driveway at the Hodgson Road house. Can you please take care of this?

Mike

Michael Robertson
North Oaks City Administrator
651/792-7750
mrobertson@cityofnorthoaks.com

-----Original Message-----

From: Blake Huffman <Blakehuffman@comcast.net>
Sent: Wednesday, December 26, 2018 4:06 PM
To: Mike Robertson <MRobertson@cityofnorthoaks.com>
Subject:

Mike,

Since we seem to be good at playing phone tag, let me give you a update.

The north oaks is nearing completion. Final plumbing will occur early next week after 2 more bathroom floors are down. Final electric about then as well. Hvac done.

The only real work to finish is finishing details such as wood floor cabinets painting etc.

What needs to be done to get my CO?

Blake

Sent from my iPhone

Mike Robertson

From: Mike Robertson
Sent: Wednesday, July 3, 2019 12:36 PM
To: Stephanie Marty
Subject: RE: Dumpster @ 5320 Hodgson Rd

We pay it and it will be assessed to 5320 Hodgson this fall.
Mike

From: Stephanie Marty
Sent: Wednesday, July 3, 2019 12:33 PM
To: Mike Robertson <MRobertson@cityofnorthoaks.com>
Subject: Dumpster @ 5320 Hodgson Rd

I have the invoice from Dem-Con Dumpsters for 5320 Hodgson Road.

Which account do I charge this under?
Should I forward this bill to someone else for reimbursement or is it our cost?

Stephanie J. Marty
Deputy Clerk/Treasurer
City of North Oaks
100 Village Center Drive, Ste. 230
North Oaks, MN 55127
651.792.7758





Dem-Con Dumpsters

Blaine, MN 55449
 Phone: 763-780-0404
 Fax: 763-783-0505
 Web: www.dem-con.com

Invoice

Bill To:
 CASTLE INSIGHTS
 899 COD ROAD
 SHOREVIEW, MN 55126

Account Summary	
Account Number	451902
Invoice Date	5/30/19
Invoice Number	38362
Invoice Total	\$390.00
Amount Enclosed	
\$	

TERMS - NET 30

COD

— PLEASE DETACH HERE AND RETURN ABOVE PORTION WITH YOUR PAYMENT. —

Date:	ReINbr:	PO#:	Description:	Units:	S/Unit:	Subtotal:
<i>ActNbr: 451902 SiteName: CASTLE INSIGHTS-2 5320 HODGSON ROAD NORTH OAKS, MN 55127</i>						
05/30/2019	115379		20 YARD FINAL C&D	1.00	\$360.00	\$360.00
05/30/2019	115379 SC		FUEL SURCHARGE	1.00	\$18.00	\$18.00
05/30/2019	MINNESOTA C&D SWM TAX 20 YD			1.00	\$12.00	\$12.00
						\$390.00
Please Remit Payment To: 13020 Dem-Con Drive Shakopee, MN 55379				Charges:		\$360.00
				Taxes:		\$12.00
				Surcharges:		\$18.00
				Invoice Total:		\$390.00

Mike Robertson

From: Mike Robertson
Sent: Monday, July 15, 2019 2:09 PM
To: Gretchen Needham; mikeya@nohoa.org
Cc: Deb Breen; North Oaks Home Owners' Association
Subject: RE: request for grass mowing at 5320 Hodgson Rd (Journey Home)

The Zillow listing has no contact info. If I can find a contact I'll let them know the grass must be cut. Otherwise I'll pay Mel's to do it and assess it to the property. Someone had been cutting the grass in May and June.

Mike

From: Gretchen Needham
Sent: Monday, July 15, 2019 1:40 PM
To: Mike Robertson <MRobertson@cityofnorthoaks.com>; mikeya@nohoa.org
Cc: Deb Breen <DBreen@cityofnorthoaks.com>; North Oaks Home Owners' Association <nohoa@nohoa.org>
Subject: request for grass mowing at 5320 Hodgson Rd (Journey Home)

Hi Mike and Mikeya:

A resident came in today requesting that the grass be mowed at 5320 Hodgson Rd, which is the currently unoccupied Journey Home. Could we see that this is scheduled soon?

Also, is there any update on the ownership of this home? Is it bank-owned now?

Best,
Gretchen



100 Village Center Drive, Suite 230
North Oaks, MN 55127
651-792-7750

Mike Robertson

From: Mike Robertson
Sent: Thursday, July 18, 2019 11:30 AM
To: mels.service@yahoo.com
Subject: Mowing 5320 Hodgson

Steve,

Can you have no one your guys mow the grass at 5320 Hodgson Road? Someone had been mowing it but they stopped. If you could also have him pick up the building debris in the driveway and front yard and either dispose of it or stack it against the house in the back I'd appreciate it.

Keep track of the time and bill us for it so we can assess the property this fall. Thanks.

Mike

Michael Robertson
North Oaks City Administrator
651/792-7750
mrobertson@cityofnorthoaks.com

**LE VANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
BRIDGET McCAULEY NASON
PETER G. MIKHAIL
TONA T. DOVE
AARON S. PRICE
DAVID L. SIENKO
CASSANDRA C. WOLFGGRAM
DEBRA M. NEWEL
CASSANDRA J. BAUSTISTA

MEMO

TO: Mike Robertson, City Administrator
FROM: Bridget Nason, City Attorney
DATE: October 3, 2019
RE: Point-of-Sale Septic Inspection Ordinance Matters

Overview

Chapter 51 of the North Oaks City Code establishes standards for the proper design, installation, location, construction, operation, use and maintenance of subsurface sewage treatment systems (SSTS) and individual sewage treatment systems (ISTS) (hereinafter referred to as “septic systems”) in order to protect the public health, safety, and general welfare. *See* City Code § 51.01, Purpose, Applicability, and Authority. Adopted pursuant to the authority found in Minn. Stat. §§ 145A05 and 115.55, and Minnesota Rules, Chapter 7082, the City’s existing regulations establish the requirements for treatment and disbursement of sewage generated in unsewered areas by subsurface sewage treatment systems.

Under the existing provisions of Chapter 51, compliance inspections of existing septic systems are not required on an annual basis, nor are they required at the time of property transfer from one owner to another. Rather, compliance inspections are required only in the following three situations:

1. Prior to the issuance of a building permit when altering an existing structure to add a bedroom.
2. In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage.
3. When a parcel having an existing system undergoes development, redevelopment, or subdivision.

While a property owner always has the option of performing a voluntary compliance inspection, unless one of these three circumstances exists, a compliance inspection is not mandated by the City.

The proposed ordinance amendment would add a requirement for a mandatory compliance inspection prior to the sale or transfer of a property on which a septic system is located. Questions were raised at the September 12, 2019 Council meeting regarding the proposed ordinance (Ordinance 132) and its impacts on residents whose properties would be subject to this mandatory septic compliance inspection. The purpose of this memo is to respond to some of the questions raised during that meeting.

Questions Raised Regarding Proposed Septic Ordinance Amendments

- a) **Does state law require a pre-sale septic system inspection?** No, state law does not mandate a pre-sale septic system inspection.
- b) **Do other cities/counties require a pre-sale septic system inspection?** Yes, a number of cities and counties require a compliance inspection prior to the transfer of real property. These include Washington County, Chisago County, and St. Louis County.
- c) **Isn't a compliance check conducted every time my septic system is pumped out?** No. A routine maintenance check to determine if a system needs to be pumped out is not the same as a compliance inspection. Per the MPCA, “[i]f an SSTS professional visits to check if a septic tank needs to be pumped out, this routine maintenance check may be incorrectly termed an “inspection” and confused with a compliance inspection.” See MPCA Publication “ Compliance inspections for subsurface sewage treatment systems,” attached hereto as Exhibit A. A routine maintenance check is not the same as a compliance inspection.
- d) **Don't the forms that are submitted to the City every time a septic system is pumped out constitute a compliance inspection?** No. The form required to be completed and filed with the city regarding septic system pumping (attached hereto as Exhibit B) is not the same as the MPCA compliance check form (attached hereto as Exhibit C). Additionally, septic pumping and routine maintenance checks may be performed by a State of Minnesota certified SSTS-Maintainer. Septic system compliance checks must be performed by Sate of Minnesota certified Inspector.
- e) **Will this additional compliance inspection requirement hold up the sale of my property?** No, not as proposed. Sellers will be required to complete a compliance inspection and provide proof of completion before a deed transferring the property may be recorded with the Registrar of Titles. Should the system be found to be non-complaint, the system will be required to be brought into compliance as follows:
 - 1. The owner of an SSTS that poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the [City of North Oaks Building] Department and be brought into compliance with this chapter in

accordance with a schedule established by the [City of North Oaks Building] Department, which schedule shall not exceed ten (10) months.

2. A noncompliant system shall be brought into compliance within twenty four (24) months after receiving notice of noncompliance.

See City Code Section 51.02(9). It will be left to the buyer and seller to negotiate who will be responsible for repairing/replacing a noncompliant system.

Requested Council Action

The Council is requested to consider the proposed Ordinance 132 which would establish a time-of-sale compliance inspection requirement for existing septic systems in the City of North Oaks.

Compliance inspections for subsurface sewage treatment systems

Learn about inspections for new and existing septic systems

Subsurface sewage treatment system (SSTS) compliance inspections are conducted for:

- Newly installed systems — To determine if the design and installation meet current rule requirements, and if the system will protect public health and minimize effects on groundwater.
- Existing systems — To determine whether the system is functioning properly to protect public health and groundwater. Existing system inspections do not check for system size, horizontal setbacks (i.e., property lines, wells, and buildings), estimated longevity, current usage, or past system abuse.

Individuals conducting compliance inspections must be certified by the Minnesota Pollution Control Agency and either operate under an SSTS inspection business license, or act as a qualified employee of a local government.

Compliance criteria

Existing system inspection

The main emphasis in inspecting existing systems is if: 1) the SSTS is an imminent threat to public health or safety (ITPHS), or 2) the system is failing to protect groundwater (FTPGW) by not adequately removing pathogenic organisms before reaching groundwater. Existing systems must also remain in compliance with issued operating permits if applicable. Ultimately, all existing systems must meet the provisions specified in [Minn. R. 7080.1500 subp. 4](#).

Systems are considered imminent threats to public safety if they:

- Discharge sewage to the surface (e.g., overflow pipes, seeping areas in the yard, connected to agricultural drain tile)
- Chronically backup sewage into the connected homes or businesses
- Are unsafe (e.g., those with cracked tank lids or improper electrical wiring)

Systems that fail to protect groundwater include:

- Seepage pits, cesspools, or other types of pits
- Tanks that crack and leak below their operating depth
- Inadequate layers of suitable soil between the soil dispersal system and bedrock or periodically saturated soil (also called the seasonal water table)

Other conditions besides those listed above may cause systems to fail compliance inspections. Existing system inspections also must check for system failures that could lead to the unsafe conditions, such as plugged soil treatment systems; electrical failures of pumps, switches, or floats; and pipe problems.

It's not necessary to do soil borings to determine the depth of suitable soil if past soil borings have been verified for accuracy. In older systems, the suitable soil depth was not always verified, and some existing system inspections may reveal that the depth of suitable soil has been inadequate since the system's installation.

Existing systems that are not performing or being operated in accordance with their issued operating permit are also noncompliant.

New system inspection

For new SSTS construction, the system must:

- Be designed to all applicable federal, state, and local regulations, and meet established setback distances
- Prevent sewage or sewage effluent contact with humans, insects, or vermin
- Treat and disperse sewage safely, while avoiding physical injury or harm
- Maintain an unsaturated zone in the soil between the soil dispersal system and the bedrock or seasonally saturated soil (also called the water table) during loading of effluent. All newly constructed systems must have the soil's unsaturated zone (also called the vertical separation distance) verified
- Not be located in floodways

In addition, any replacement components for an existing SSTS must meet new construction criteria, according to local ordinances.

Recording inspections and certifying compliance

Inspectors must record all methods they use to determine system components or performance on the [MPCA compliance inspection form](#). Local governments may have additional forms, which can be attached to the MPCA form. The inspector must submit the certificate of compliance (COC) or notice of noncompliance (NON) to the system owner (or owner's agent) and the local government unit within 15 business days after the inspection date.

The COC for a newly constructed system certifies that the system complies with current state and local requirements. The COC for an existing system certifies compliance with minimal public health and groundwater protection requirements. Changes in usage, such as increasing a building's occupancy, can change the performance of a SSTS but not necessarily change the compliance status. A COC is valid for three years for an existing system and five years for a newly constructed SSTS.

Existing systems that are found to be imminent threats to public health or safety or failing to protect groundwater are given a NON and a timeframe for upgrades, repairs, or replacement. The timeframe for ITPHS systems is 10 months maximum under state law, though local ordinances may dictate shorter timeframes. The timeframe for upgrading a FTPGW system is set by local ordinances.

When are inspections required?

Existing systems

Under state law, an inspection must be conducted when a bedroom is added to a dwelling if the local unit of government regulates that activity. Local ordinances may specify other events that trigger inspections, such as when a property is sold or a building permit is sought. A lending institution or a prospective buyer may also request a compliance inspection.

New systems

Compliance inspections for new or replacement systems are required:

- For all new construction and replacement of SSTS
- In designated shoreland areas, when any building permit or variance is requested
- If the local government administers a permit for bedroom additions (the system must be inspected before the permit is issued)

Existing system inspections vs. maintenance visits

If an SSTS professional visits to check if a septic tank needs to be pumped out, this routine maintenance check may be incorrectly termed an “Inspection” and confused with a compliance inspection. There can be overlap between existing system inspections and maintenance checks. For instance, if a tank is pumped out every three years and found to be watertight below the operating depth, the system is checked for hydraulic and safety issues, and soil suitability has been previously verified, some information is already known to help determine system compliance.

More information

Visit the Minnesota Pollution Control Agency web site at <http://www.pca.state.mn.us>.



City of North Oaks: Septic Tank Maintenance Report

Return form & payment within 10 Days of service to:
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

\$20 Fee per report
Ch# _____
Date Received _____
(Updated 1/1/2018)

Date of maintenance: _____ Reason for maintenance: _____

Property address: _____ City: _____ State: _____ Zip: _____

Property owner's name: _____

Property-owner's address if different: _____

City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____

- Access used to remove septage: Maintenance hole Other (Go to #3 below)
- If maintenance hole was used, were all covers securely replaced? Yes No *please explain* Explanation: _____
- If owner refuses to allow a Subsurface Sewage Treatment System (SSTS) to be pumped through the maintenance hole, have them complete and sign the following statement.
I, _____ (owner's name), refuse to allow the removal of the solids and liquids through the maintenance hole. I understand that removal of solids and liquids through other access points is not considered maintenance.
Owner's signature: _____ Date: _____
- Is the tank designed as a leaky tank? *Example: seepage pit, cesspool, drywell, leaching pit*
Tank #1: Yes No Verification method used? _____
Tank #2: Yes No Verification method used? _____
- Is there evidence of tank leakage from a septic, holding, pretreatment or pump tank below the operating depth or evidence of damaged, cracked or structurally unsound maintenance hole covers?

Tank	Leaking Out	Leaking in	Cover damage
Septic/holding Tank #1	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Septic/holding Tank #2	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Pretreatment Tank	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Pump Tank	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. How many gallons of septage were removed?
Tank #1: _____ Tank #2: _____ Pretreatment Tank: _____ Pump Tank: _____

7. Is there any sensory (smell and/or sight) evidence of non-domestic wastes?
 Yes Please explain: _____
 No Disposal site Wastewater treatment plant Land application Other *please explain*
Explanation: _____
Other information: List any troubleshooting, minor repairs conducted, tank safety concerns or other concerns: _____

8. Certification: I hereby certify as a State of Minnesota-certified SSTS Maintainer that I personally conducted the work and made the observations or directly supervised others in the performance of this job.

Maintainer's name and address: _____
Maintainer's license #: _____ Maintainer's phone: _____
Maintainer's signature: _____ Date: _____



Minnesota Pollution Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

Compliance Inspection Form

Existing Subsurface Sewage Treatment Systems (SSTS)

Doc Type: Compliance and Enforcement

Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached forms – additional local requirements may also apply.

Submit completed form to Local Unit of Government (LUG) and system owner within 15 days

For local tracking purposes:

System Status

System status on date (mm/dd/yyyy): _____

Compliant – Certificate of Compliance
(Valid for 3 years from report date, unless shorter time frame outlined in Local Ordinance.)

Noncompliant – Notice of Noncompliance
(See Upgrade Requirements on page 3.)

Reason(s) for noncompliance (check all applicable)

- Impact on Public Health (Compliance Component #1) – Imminent threat to public health and safety
- Other Compliance Conditions (Compliance Component #3) – Imminent threat to public health and safety
- Tank Integrity (Compliance Component #2) – Failing to protect groundwater
- Other Compliance Conditions (Compliance Component #3) – Failing to protect groundwater
- Soil Separation (Compliance Component #4) – Failing to protect groundwater
- Operating permit/monitoring plan requirements (Compliance Component #5) – Noncompliant

Property Information

Parcel ID# or Sec/Twp/Range: _____

Property address: _____ Reason for inspection: _____

Property owner: _____ Owner's phone: _____

or

Owner's representative: _____ Representative phone: _____

Local regulatory authority: _____ Regulatory authority phone: _____

Brief system description: _____

Comments or recommendations: _____

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

Inspector name: _____ Certification number: _____

Business name: _____ License number: _____

Inspector signature: _____ Phone number: _____

Necessary or Locally Required Attachments

- Soil boring logs
- System/As-built drawing
- Forms per local ordinance
- Other information (list): _____

Property address: _____

Inspector Initials/Date: _____
(mm/dd/yyyy)

1. Impact on Public Health – Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface.	<input type="checkbox"/> Yes <input type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes <input type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any "yes" answer above indicates the system is an imminent threat to public health and safety.

Comments/Explanation:

Verification method(s):

- Searched for surface outlet
- Searched for seeping in yard/backup in home
- Excessive ponding in soil system/D-boxes
- Homeowner testimony (See Comments/Explanation)
- "Black soil" above soil dispersal system
- System requires "emergency" pumping
- Performed dye test
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

2. Tank Integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, or leaching pit. <i>Seepage pits meeting 7080.2550 may be compliant if allowed in local ordinance.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth. If yes, which sewage tank(s) leaks:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any "yes" answer above indicates the system is failing to protect groundwater.

Comments/Explanation:

Verification method(s):

- Probed tank(s) bottom
- Examined construction records
- Examined Tank Integrity Form (Attach)
- Observed liquid level below operating depth
- Examined empty (pumped) tanks(s)
- Probed outside tank(s) for "black soil"
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

3. Other Compliance Conditions – Compliance component #3 of 5

- a. Maintenance hole covers are damaged, cracked, unsecured, or appear to be structurally unsound. Yes* No Unknown
- b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety. Yes* No Unknown
***System is an imminent threat to public health and safety.**

Explain:

- c. System is non-protective of ground water for other conditions as determined by inspector. Yes* No
***System is failing to protect groundwater.**

Explain:

Property address: _____ Inspector Initials/Date: _____
 (mm/dd/yyyy)

4. Soil Separation – Compliance component #4 of 5

Date of installation: _____ Unknown
 (mm/dd/yyyy)
 Shoreland/Wellhead protection/Food beverage lodging? Yes No

<p>Compliance criteria:</p> <p><i>For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment:</i></p> <p>Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><i>Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment:</i></p> <p>Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><i>"Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules (7080.2350 or 7080.2400 (Advanced Inspector License required)</i></p> <p>Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Verification method(s):
Soil observation does not expire. Previous soil observations by two independent parties are sufficient, unless site conditions have been altered or local requirements differ.

Conducted soil observation(s) (Attach boring logs)
 Two previous verifications (Attach boring logs)
 Not applicable (Holding tank(s), no drainfield)
 Unable to verify (See Comments/Explanation)
 Other (See Comments/Explanation)

Comments/Explanation:

Indicate depths or elevations

A. Bottom of distribution media	_____
B. Periodically saturated soil/bedrock	_____
C. System separation	_____
D. Required compliance separation*	_____

*May be reduced up to 15 percent if allowed by Local Ordinance.

Any "no" answer above indicates the system is failing to protect groundwater.

5. Operating Permit and Nitrogen BMP* – Compliance component #5 of 5 Not applicable

Is the system operated under an Operating Permit? Yes No **If "yes", A below is required**
 Is the system required to employ a Nitrogen BMP? Yes No **If "yes", B below is required**
BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria

a. Operating Permit number: _____ Have the Operating Permit requirements been met?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the required nitrogen BMP in place and properly functioning?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any "no" answer indicates Noncompliance.

Upgrade Requirements (Minn. Stat. § 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.



STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NORTH OAKS

RESOLUTION NUMBER 1354
A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO
CONSTRUCT A GARAGE IN EXCESS OF 1500 SQUARE FEET

WHEREAS, an application for a Conditional Use Permit has been submitted to allow the construction of a garage in excess of 1500 square feet on real property located at 33 Mallard Road, North Oaks, Ramsey County, Minnesota, legal described on the attached **EXHIBIT A**; and

WHEREAS, a Conditional Use Permit is required for garage space in excess of 1,500 square feet; and

WHEREAS, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.050 and 151.076, regarding the criteria for issuance of a Conditional Use Permit, and meets the minimum standards, is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance, and does not have a negative impact on public health, safety, or welfare;

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on July 25, 2019 and August 29, 2019;

NOW THEREFORE BE IT RESOLED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that a Conditional Use Permit to allow garage space in excess of 1,500 square feet, but not to exceed 1,826 square feet is approved subject to the following conditions:

1. The total square footage of all garage space on the property shall not exceed 1,826 square feet.
2. The City Code Enforcement Officer, or other designee, shall be granted the right of access to the Property at all reasonable times to ensure compliance with the terms of this Conditional Use Permit.
3. The property owner shall meet the conditions outlined in the City Engineer review letters and subsequent correspondence.
4. All plans must be approved by the Building Official prior to construction.





BE IT FURTHER RESOLVED that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized and directed to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

AYES:
NAYS:

—

Passed on October 10, 2019.

By: _____
Gregg Nelson
Its: Mayor

Attested:

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





EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Tract D, Registered Land Survey No. 552, Ramsey County, Minnesota.

(Torrens, Certificate of Title No. 616903)

PID#: 163022230025



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



northoaks@cityofnorthoaks.com
www.cityofnorthoaks.com



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





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



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.

VARIANCE 14-06

June 19, 2014

Page 3

- 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

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. 1357**

**A RESOLUTION APPROVING PRELIMINARY SUBDIVISION OF PROPERTY
LOCATED AT 42 MALLARD ROAD**

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

WHEREAS, applicant Sarah Kudebeh (Owner) owns the real property located at 42 Mallard Road in the City of North Oaks, Ramsey County, Minnesota, (Property) and legally described as follows:

Tract J, Registered Land Survey Number 552, Ramsey County, Minnesota.

WHEREAS, Owner has applied to the City for preliminary approval to subdivide the Property, which consists of approximate 2.97 acres, into two parcels, as described in the Subdivision Application on file with the City and as shown on the Certificate of Survey by Acre Land Surveying, dated 2-20-19 and revised on 7-11-19 which is attached hereto as Exhibit A (Preliminary Plan Approval); and

WHEREAS, pursuant to the applicable provisions of City Code Chapter 152. Owner has requested approval of the Preliminary Plan for a major subdivision and has provided the City with all documents and information required for an application for Preliminary Plan approval; and

WHEREAS, the Preliminary Plan application was reviewed and considered by the City of North Oaks Planning Commission at its August 29, 2019, meeting, at which meeting the Planning Commission held a public hearing on the Preliminary Plan application following notice and publication of the Public Hearing Notice pursuant to the provisions of City Code Section 152.021(D); and

WHEREAS, following the public hearing, the Planning Commission voted 5-0 to recommend approval of the Preliminary Plan, subject to the following conditions:

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

WHEREAS, having reviewed the application, City Staff recommend approval of the Preliminary Plan application, subject to the seven conditions listed above as well as 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.

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

1. Approves the Preliminary Plan submitted by the Owner for the real property located at 42 Mallard Road and legally described above, subject to the following conditions:
 - a) 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.
 - b) Homes upon the two lots shall satisfy the maximum 12 percent floor area ratio requirement for structures within the RSL zoning districts.
 - c) Dock construction, if proposed, shall comply with applicable regulations of the Shoreland Management Ordinance (water-oriented accessory structures - Section 153.110.D.3).

- d) The certificate of survey (preliminary subdivision plan) shall be modified to illustrate primary and secondary drain field sites for both proposed lots.
- e) Individual sewage treatment systems shall comply with applicable Minnesota Department of Health requirements.
- f) The location of the wet tap(s) into the watermain shall be subject to approval of the City Engineer.

g) Comments of other City Staff found on the attached Exhibit B

b) 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

c) 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.

Approved by the City Council of the City of North Oaks on the 10th day of October, 2019.

CITY OF NORTH OAKS

By: _____
Gregg Nelson
Its: Mayor

Attested:

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

EXHIBIT B
STAFF COMMENTS



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





September 26, 2019

Ms. Sarah J. Kudebeh
56 W. Pleasant Lake Road
North Oaks, MN 55127-2047

Re: Lot Sub-Division Request for 42 Mallard Road

Dear Sarah:

As the owner of a now vacant parcel of land legally described as Tract J of Registered Land Survey 552 in the City of North Oaks, you have requested the Written Consent of North Oaks Company to your plan to Sub-Divide Tract J into two lots. The Written Consent of North Oaks Company is required before such Sub-Division can occur under the provisions of Paragraph 1 of the Countryman Deed to which Tract J is subject.

The North Oaks Company has considered your request and with this writing so consents to your two lot Sub-Division request. In granting its Written Consent, the North Oaks Company does not represent or warrant that the two lots created by your planned Sub-Division will be deemed "Buildable Lots" or that the soils on the lots will be determined to be suitable for septic systems under the City of North Oaks Ordinances. Further, the two lots created under your Sub-Division plan may be required by the City of North Oaks or the North Oaks Home Owners Association to be subject to recordable Covenants, Conditions and Restrictions that they may dictate beyond the terms of the Countryman Deed to which any future lots will be subject.

Sincerely,
North Oaks Company

A handwritten signature in black ink, appearing to read "Mark Houge".

Mark Houge
President



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



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.



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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



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO . 1358**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR FOREST
MANAGEMENT AND INVASIVE SPECIES REMOVAL ACTIVITIES**

WHEREAS, the North Oaks Home Owners Association, Inc., the property owner for certain real property located adjacent to the lakes located within the City of North Oaks, has submitted an application for a Conditional Use Permit to perform forest management and invasive species removal activities within the Shoreland boundaries of North Oaks' lakes, including the removal of buckthorn and ash trees in various locations around the lakes shown on the attached Exhibit A (the Property); and

WHEREAS, the City's Shoreland Management Ordinance classifies Pleasant Lake, Deep Lake, Gilfillan Lake and Charley Lake as a "recreational development" lakes and Wilkinson Lake and Black Lake as "natural environment lakes," and according to City Code Section 153.036(B), forest management activities which take place within the shoreland boundaries of "recreational development and natural environment lakes" are permitted only with a Conditional Use Permit; and

WHEREAS, the application for a Conditional Use Permit for forest management and invasive species removal activities has been reviewed against the relevant requirements for issuance of a Conditional Use Permit found in North Oaks Zoning Ordinance Chapter 151, including section 151.076, and has been found to be consistent with the Comprehensive Plan, in conformance with the Zoning Ordinance, would not disrupt the reasonable use and enjoyment of other property in the neighborhood, and does not have a negative impact on public health, safety, or welfare; and

WHEREAS, a public hearing concerning the Conditional Use Permit for the Property was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on September 26, 2019, and the North Oaks Planning Commission voted 5-0 to recommend approval of the Conditional Use Permit for forest management and invasive species removal activities on the Property.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that a Conditional Use Permit for forest management and invasive species removal activities is issued for the Property subject to the following conditions:

1. The Conditional Use Permit shall only apply to real property owned by the North Oaks Home Owners' Association, Inc. (Property) and described in the attached Exhibit A.
2. The North Oaks Home Owners' Association, Inc. (NOHOA) shall inform the City of planned vegetative removal projects before field work takes place.

3. All work shall conform to the recommendations and stipulations of the Emerald Ash Borer Management Plan and Best Management Practices.
4. NOHOA staff and vendors engaged in the forest management and invasive species removal activities shall be licensed in pesticide application by the Minnesota Department of Agriculture.
5. All necessary permits from the State, County, City or other local units of government shall be acquired prior to the commencement of project work.
6. All residents having ash trees removed adjacent to their land shall be notified in advance of field work activities.
7. All contractors shall be licensed and shall not enter onto private property while performing the forest management and invasive species removal activities.
8. Any chemicals used shall be approved by the City Forester.
9. Chemicals shall not be applied in a basal drench but shall be injected into the tree.
10. Waste wood shall be transported in accordance with Minnesota state law governing the transport of Ash trees.
11. NOHOA shall notify the City Forester before all removals.
12. Except in the case of storm emergencies, tree removal efforts shall comply with applicable noise and/or nuisance requirements of the City.
13. Prior to commencement of any forest management or invasive species removal activities, the City Forester shall provide comment and recommendation regarding the possible establishment of a maximum vegetation removal requirement, and forest management and invasive species removal activities shall be conducted in conformance with the recommendations of the City Forester.
14. NOHOA shall provide an annual progress report on the forest management efforts (implementation of the Emerald Ash Borer Management Plan) and invasive species removal to the City Council and Natural Resources Commission at their January meetings.

Approved the 10th day of October, 2019.

By: _____
Gregg Nelson
Its: Mayor

Attested:

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



MEMORANDUM

TO: North Oaks Mayor and City Council

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

DATE: October 3, 2019

RE: North Oaks - NOHOA - Conditional Use Permit to allow
Forest Management Activities within the Shoreland Overlay District
Boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake,
Wilkinson Lake and Black Lake

FILE NO: 321.02 - 19.06

INTRODUCTION

At the September 26, 2019 meeting of the Planning Commission, a public hearing was held to consider a conditional use permit (CUP) application of the North Oaks Home Owners Association (NOHOA) to allow forest management activities to take place on land owned by NOHOA within the Shoreland Overlay District boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake, Wilkinson Lake and Black Lake.

The applicant's request is primarily a response to the Emerald Ash Borer disease which has now spread across 35 states. The strategy is to spread out the costs of tree removal and replacement over a number of years to reduce the financial burden on North Oaks residents. To be noted however, is that the removal of other "invasive species" (as defined by the Minnesota Department of Natural Resources), including Buckthorn, is also proposed.

The City's Shoreland Management Ordinance classifies Pleasant Lake, Deep Lake, Gilfillan Lake and Charley Lake as a "recreational development" lakes. Wilkinson Lake and Black Lake are classified as "natural environment lakes". According to Section 153.026 of the Shoreland Ordinance, "forest management" activities which take place within the shoreland boundaries of "recreational development" and "natural environment lakes" are subject to conditional use permit processing.



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The City approved a similar conditional use permit request in the fall of 2015. Included as a condition of approval was a stipulation that the conditional use permit terminate after two years. In this regard, the previously approved term has expired. The intent of the term limit was to ensure that periodic review takes place.

The requested conditional use permit is intended to allow NOHOA to continue its forest management activities. The applicants have requested a five-year term for the conditional use permit.

Recognizing that conditional use permits run with the land and are perpetual, Staff recommends that, rather than imposing a conditional use permit termination date, a condition be imposed which simply requires annual reporting. Such reporting would be beneficial by informing City Officials and residents of new infestations, treatment options, removal requirements and program progress.

To be recognized however, is that the processing of a conditional use permit amendment may, however, be necessary if substantial changes to the forest management efforts are proposed or the terms of the present conditional use permit cannot be satisfied.

Please refer to the planning report dated September 19, 2019 for additional background information related to this application.

PLANNING COMMISSION MEETING DISCUSSION

Applicant Comments. Following Staff's introduction of the application, the applicants offered the following comments related to the proposed forest management activities:

- The forest management activities will be a City-wide effort and are expected to take place upon all NOHOA-owned lands which lie within City's Shoreland Overlay Districts.
- The Emerald Ash Borer disease will be dealt with via a combination of treatment and removal.
- The removal of other "invasive species", as defined by the Minnesota Department of Natural Resources, are also proposed (including Buckthorn).

Planning Commission Comments/Questions. Following the preceding applicant comments, the Planning Commission offered the following comments and/or questions:



- Question was raised regarding the scope of the forest management project and the need for the conditional use permit. City Administrator Robertson noted that the CUP is necessary only because forest management activities are proposed within the City's Shoreland Overlay Districts.
- A Commissioner asked if new trees will be planted. The applicants indicated that NOHOA will be working with the City Forester regarding potential replanting efforts.
- Staff and/or the applicant were asked to provide a description of the Emerald Ash Borer disease. City Administrator Robertson provided a brief description of the disease and suggested that contact be made with the City Forester if more detail is desired.
- Comment was made that the CUP should make a specific allowance for forest management activities to take place within all NOHOA-owned lands which lie within City's Shoreland Overlay Districts (the 2015 CUP focused primarily upon the Pleasant Lake Shoreland Overlay District).
- Question was raised regarding the volume of Ash tree removal. The applicants indicated that they expect that all Ash trees will ultimately be removed.
- Question was raised regarding potential noise impacts associated with tree removal efforts. City Administrator Robertson advised the Commission that noise-related provisions of the City Nuisance Ordinance apply.
- A Commissioner asked about tree disposal procedures. The applicants indicated that transport and disposal would be in accordance with Minnesota state law.
- Question was raised regarding potential erosion impacts which could result along shorelines.
- A Commissioner suggested that a specific date be established related to the annual reporting requirement recommended by Staff (as a condition of CUP approval).
- Question was raised regarding the procedures which apply to the revocation of conditional use permits.

Public Comments. No additional public comments were provided during the hearing.

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 conditional use permit subject to the following conditions as amended from the Staff planning report dated September 19, 2019 (changes from the referenced report are highlighted):

1. The applicant shall inform the City of planned vegetative removal projects before field work takes place.
2. All work shall conform to the recommendations and stipulations of the Emerald Ash Borer Management Plan and Best Management Practices.
3. NOHOA Staff and vendors shall be licensed in pesticide application by the Minnesota Department of Agriculture.
4. All necessary State, County, City or local units of government permits shall be acquired prior to the commencement of project work.
5. All residents having Ash trees removed adjacent to their land shall be notified in advance of field work activities.
6. All contractors shall be licensed and shall not encroach upon private property.
7. Any chemicals used shall be approved by the City Forester.
8. Chemicals shall not be applied in a basal drench but shall be injected into the tree.
9. Waste wood shall be transported in accordance with Minnesota state law governing the transport of Ash trees.
10. NOHOA shall notify the City Forester before all removals.
11. Except in the case of storm emergencies, tree removal efforts shall comply with applicable noise and/or nuisance requirements of the City.



12. The City Forester provide comment and recommendation regarding the possible establishment of a maximum vegetation removal requirement.
13. The approved conditional use permit shall run with the land and shall not be subject to a five-year reconsideration or the processing of a new conditional use permit. The processing of a conditional use permit may, however, be necessary if substantial changes to the forest management efforts are proposed or if the terms of the present conditional use permit cannot be satisfied.
14. The applicant shall provide an annual progress report on the forest management efforts (implementation of the Emerald Ash Borer Management Plan) and Invasive species removal to the City Council and Natural Resources Commission at their January meetings.
15. Comments of other City Staff.

ACTION REQUESTED

Staff recommends approval of the conditional use permit to allow the applicants to conduct Forest Management activities within the Shoreland Overlay District Boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake, Wilkinson Lake and Black Lake subject to conditions recommended by the Planning Commission (as listed above).

MOTION ALTERNATIVES

Approval. A motion to approve the conditional use permit to allow the applicant to conduct Forest Management activities within the Shoreland Overlay District Boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake, Wilkinson Lake and Black Lake subject to the conditions recommended by the Planning Commission.

Denial. A motion to deny the conditional use permit to allow the applicant to conduct Forest Management activities within the Shoreland Overlay District Boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake, Wilkinson Lake and Black Lake 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 1/8/20). Additional information includes the following:

1.

2.

Attachment

- Staff planning report dated September 19, 2019 (with exhibits)

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



PLANNING REPORT

TO: North Oaks Planning Commission

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

DATE: September 19, 2019

RE: North Oaks - NOHOA - Conditional Use Permit to allow Forest Management activities within the Shoreland Overlay District Boundaries of Pleasant Lake, Charley Lake, Gilfillan Lake, Deep Lake, Wilkinson Lake and Black Lake

FILE NO: 321.02 - 19.06

Date Application Determined Complete:	September 9, 2019
Planning Commission Meeting Date:	September 26, 2019
City Council Meeting Date:	October 10, 2019
60-day review Date:	November 8, 2019
120-day Review Date:	January 8, 2020

BACKGROUND

In support of its Natural Environment Stewardship Team (NEST), the North Oaks Home Owners Association (NOHOA) has requested the approval of a conditional use permit to allow "forest management" and "invasive species removal" activities to take place within the Shoreland boundaries of North Oaks' Lakes. Specifically, NOHOA wishes to preserve and enhance the natural environment of NOHOA-owned properties by removing Buckthorn and Ash trees in certain locations around the lake.

The applicant's request is primarily a response to the Emerald Ash Borer disease which has now spread across 35 states. The strategy is to spread out the costs of tree removal and replacement over a number of years to reduce the financial burden on North Oaks residents.



The City's Shoreland Management Ordinance classifies Pleasant Lake, Deep Lake, Gilfillan Lake and Charley Lake as a "recreational development" lakes. Wilkinson Lake and Black Lake are classified as "natural environment lakes". According to Section 153.026 of the Shoreland Ordinance, "forest management" activities which take place within the shoreland boundaries of "recreational development and natural environment lakes" are subject to conditional use permit processing.

To be noted is that the City approved a similar conditional use permit request in the fall of 2015. Included as a condition of approval was a stipulation that the conditional use permit terminate after two years. In this regard, the previously approved term has expired. The intent of the term limit was to ensure that periodic review takes place.

The requested conditional use permit is intended to allow NOHOA to continue its forest management activities. The applicants have requested a five-year term for the conditional use permit.

Attached for reference:

Exhibit A: Applicant Narrative, including the following attachments:

- Natural Environment Stewardship Team Charter
- Emerald Ash Borer Management Plan (2013)
- Mn Dept of Agriculture Noxious Weed List

Exhibit B: City Forester Letter of Recommendation

Exhibit C: Maps of Ash Trees around Pleasant Lake

ISSUES AND ANALYSIS

2015 Conditional Use Permit. In the fall of 2015, the City approved a conditional use permit to allow "forest management" activities to take place within the Shoreland boundaries of Pleasant Lake. The conditional use permit was approved subject to the fulfillment of the following conditions:

- 1) *All residents having ash trees removed adjacent to their land shall be notified.*
- 2) *All contractors must be licensed and must stay off private property.*
- 3) *Any chemicals used must be approved by the City Forester.*
- 4) *Chemicals cannot be applied in a basal drench but must be injected into the tree.*
- 5) *Waste wood must be transported in accordance with Minnesota state law governing the transport of ash trees.*





- 6) NOHOA shall review the Forestry Best Practices approved by the City for their applicability.
- 7) NOHOA must notify the City Forester before all removals.
- 8) The CUP would last two years.

Considering that no changes have been made to the 2013 Emerald Ash Borer Management Plan, the preceding conditions remain relevant. In this regard, it is recommended that the listed conditions continue to apply to the new conditional use permit.

Conditional Use Permit Evaluation Criteria. Section 153.056 of the Shoreland Management Ordinance stipulates that, in the consideration of conditional use permit applications, the Planning Commission must consider certain factors. These factors, along with a Staff comment, is provided below:

1. Relationship of the proposed conditional use to the Comprehensive Plan.

Staff Comment. The City's Comprehensive Plan strongly encourages the preservation of natural resources. This is evidenced by the preparation of the City's 1991 Natural Resources Preservation Plan and the creation of the Natural Resources Commission in 2007.

The proposed forest management activities are considered a positive step toward the preservation of the City's natural resources and are in compliance with the Emerald Ash Borer Management Plan developed by the Natural Resources Commission and approved by the City Council.

2. The nature of the land and adjacent land or building where the use is to be located.

Staff Comment. The proposed forest management activities will take place upon NOHOA-owned shoreland, wetland, woodland and prairie properties which lie within the shoreland overlay district boundaries of Pleasant Lake, Deep Lake, Gilfillan Lake, Charley Lake, Black Lake and Wilkinson Lake.

It is possible that some forest management activities may take place in relatively close proximity to single family homes. To address this concern, the following conditions are recommended as conditions of conditional use permit approval:





- All residents having vegetation removed adjacent to their land shall be notified in advance of field work activities.
- All contractors shall be licensed and shall not encroach upon private property.

3. *Whether the use will in any way depreciate the area in which it is proposed.*

Staff Comment. The removal of Buckthorn (an invasive species) and Ash trees which are susceptible to disease is considered a positive effort which will not depreciate the area in which such activities are proposed. In fact, an argument could be made that the removal of such trees could actually increase area property values.

4. *The effect upon traffic into and from the premises and on adjoining roads or highways.*

Staff Comment. The proposed forest management activities will have no impact upon traffic and adjoining roadways.

5. *Whether the use would disrupt the reasonable use and enjoyment of other property in the neighborhood.*

Staff Comment. While minimal, it is anticipated that tree removal activities (i.e. chainsaw noise) may be audible from nearby neighborhoods.

Except in the case of storm emergencies, it is recommended that tree removal efforts comply with applicable noise and/or nuisance requirements of the City.

6. *Whether adequate utilities, roads, and other facilities exist or will be available in the near future.*

Staff Comment. This factor is not applicable to the proposed forest management activities.

7. *Whether the proposed conditional use conforms to all of the provisions of this chapter.*

Staff Comment. Vegetative alterations which take place in shoreland overly districts are regulated by Section 153.052.B of the Shoreland Management Ordinance.

The shoreland provisions specifically note that all vegetative alterations (including removal) within 100 feet of the ordinary high-water level of any public water is subject to City Forester review and approval.

8. *Increased setbacks from the ordinary high-water level.*

Staff Comment. This factor is not applicable to the proposed forest management activities (as the erection of structures is not proposed).

9. *Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.*

Staff Comment. Due to potential fluctuations related to the spread of the Emerald Ash Borer disease, it is not considered appropriate to establish a maximum removal requirement. This issue should, however, be subject to further comment and recommendation by the City Forester.

10. *Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.*

Staff Comment. This factor is not applicable to the proposed forest management activities.

Term of Conditional Use Permit. The previously approved conditional use permit was subject to a two-year term which expired in 2017. The purpose of the two-year term was, in part, to keep the City abreast of the Emerald Ash Borer problem in the City.

Recognizing that conditional use permits run with the land and are perpetual, Staff recommends that, rather than imposing a conditional use permit termination date, a condition be imposed which simply requires periodic reporting. Such reporting would be beneficial by informing City Officials and residents of new infestations, treatment options, removal requirements and program progress.

As a condition of conditional use permit approval, it is recommended that an annual progress report on the forest management efforts (implementation of the Emerald Ash





Borer Management Plan) be provided to the City Council and Natural Resources Commission.

To be recognized however, is that the processing of a conditional use permit amendment may, however, be necessary if substantial changes to the forest management efforts are proposed or the terms of the present conditional use permit cannot be satisfied.

STAFF RECOMMENDATION

Based on the preceding review, Staff recommends approval of the requested conditional use permit (to allow Forest Management activities within the Shoreland Overlay District of Pleasant Lake, Charley Lake, Deep Lake, Gilfillan Lake, Wilkinson Lake and Black Lake on NOHOA owned land) subject to the following conditions:

1. The applicant shall inform the City of planned vegetative removal projects before field work takes place.
2. All work shall conform to the recommendations and stipulations of the Emerald Ash Borer Management Plan and Best Management Practices.
3. NOHOA Staff and vendors shall be licensed in pesticide application by the Minnesota Department of Agriculture.
4. All necessary State, County, City or local units of government permits shall be acquired prior to the commencement of project work.
5. All residents having ash trees removed adjacent to their land shall be notified in advance of field work activities.
6. All contractors shall be licensed and shall not encroach upon private property.
7. Any chemicals used shall be approved by the City Forester.
8. Chemicals shall not be applied in a basal drench but shall be injected into the tree.



9. Waste wood shall be transported in accordance with Minnesota state law governing the transport of Ash trees.
10. NOHOA shall notify the City Forester before all removals.
11. Except in the case of storm emergencies, tree removal efforts shall comply with applicable noise and/or nuisance requirements of the City.
12. The City Forester provide comment and recommendation regarding the possible establishment of a maximum vegetation removal requirement.
13. The approved conditional use permit shall run with the land and shall not be subject to a five-year reconsideration or the processing of a new conditional use permit. The processing of a conditional use permit amendment may, however, be necessary if substantial changes to the forest management efforts are proposed or the terms of the present conditional use permit cannot be satisfied.
14. The applicant shall provide an annual progress report on the forest management efforts (implementation of the Emerald Ash Borer Management Plan) to the City Council and Natural Resources Commission.
15. Comments of other City Staff.

PLANNING COMMISSION OPTIONS

In consideration of the conditional use permit 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 conduct forest management activities and invasive species removal within the shoreland overly district boundaries of Pleasant Lake, Deep Lake, Charley Lake,



Gilfillan Lake, Wilkinson Lake and Black Lake subject to the satisfaction of all imposed conditions.

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 conditional use permit proposal.

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.

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



NORTH OAKS HOME OWNERS' ASSOCIATION

Request: Five Year NEST Conditional Use Permit (CUP)

The North Oaks Homeowners Association (NOHOA) is requesting the granting of a Conditional Use Permit (CUP) that would support the initiatives of NOHOA's Natural Environment Stewardship Team (NEST). NEST is a standing committee of NOHOA with the charge "to preserve and enhance the natural environment of NOHOA-owned properties for current and future generations following good stewardship and best environmental practices." (Attachment 1: NEST Charter) The NEST CUP would be for select activities and would allow NOHOA to: continue practicing good stewardship regarding its shoreland and wetland, woodland and prairie properties, incorporate best management practices into projects, work with multiple respected partners, and achieve timely goals that encourage a better natural environment for the future, without the delays and costs associated with acquiring a traditional CUP.

NOHOA has already been granted CUPs allowing for the removal of buckthorn and ash trees on its upland properties. This five year CUP would build and expand on the conditions of those permits and would replace them.

Successful Partnerships

NOHOA is requesting that the traditional CUP and its associated fees be waived for NEST-related projects on NOHOA land through 2025. NOHOA has an all-encompassing approach to managing its natural resources and has established a reputation for successful projects. Over the years, NOHOA has developed relationships and partnerships with reputable external support organizations in a good-faith effort to preserve and enhance the natural environment for its Membership to enjoy. Some of these partners are:

- City of North Oaks
- North Oaks Company
- MN Department of Natural Resources (DNR)
- Ramsey County Soil & Water Conservation District (RCD)
- Ramsey County Cooperative Weed Management Area (RCCWMA)
- Vadnais Lakes Area Watershed Management District (VLAMO)
- St Paul Regional Water Management (SPRWS)
- Minnesota Pollution Control Agency (MPCA)
- University of Minnesota (U of MN)
- North Oaks Golf Club

Successfully Completed Projects

The list below is a brief history of recently completed projects. Attachment 2 goes into detail on both shoreland and wetland sites, as well as woodland and prairie sites. It describes the partners and their roles in successfully implementing these projects.

- Shoreland Restoration and Stabilization
- CAPSTONE Project
- Invasive Species Management- Oak Wilt, Dutch elm disease, Emerald Ash Borer,
- Pollinator habitats
- Citizen Science

Respected Vendors

NOHOA created NEST (Natural Environment Stewardship Team) as an in-house team of citizen volunteers to help manage the numerous projects they were undertaking. NEST members work collaboratively with staff and vendors to facilitate and implement successful projects. The Association however also seeks guidance and relies on the expertise of a number of respected vendors. NOHOA has a strong history of working with these vendors and the results have been positive. NOHOA has its own checks and balances in place to ensure work is done properly and any required local unit of government permitting is in place. They check on contractors as field work is taking place to validate it is meeting the specifications set forth in their contracts.

Contractors include but are not limited to;

- Mel's Services
- Rehder Forestry Consulting
- Natural Shores Technologies, Inc.
- Minnesota Native Landscapes
- Prairie Restoration, Inc.
- Langer's Tree Services
- S&S Tree/Davey Tree
- Ecological Strategies
- Barr Engineering Co.

Environmental Projects in the NEST CUP

In order to expedite time-sensitive projects and apply CUP application funds toward bettering the natural environment, the association would like to apply the NEST CUP towards the following projects:

- Ash tree removal considering mass tree mortality associated with the Emerald Ash Borer (EAB) on NOHOA's woodland and shoreland properties (City of North Oaks approved Emerald Ash

Borer Management Plan, Attachment 3) Note: EAB was officially detected in the community this past winter near the SPRWS property on E. Pleasant Lake Rd.

- Buckthorn removal on NOHOA's woodland and shoreland properties
- Ability to remove and/or treat all species on the MN State or Ramsey County Invasive and noxious weed list as necessary on NOHOA properties. (Attachment 4)
- Shoreline stabilization/restoration projects on NOHOA properties
- Plantings of trees, shrubs, grasses, and aquatic vegetation on Association properties

Projects that would not be included under the NEST CUP would include:

- Anything having effects on traffic, drainage, utilities, public health, safety, comfort, convenience or general welfare
- Moving over 20 cubic yards of soil

Below is additional background information related to NOHOA's request for a five year NEST CUP:

- 1) CUP's have been repeatedly executed for the same or similar services in the past without issue.
- 2) It is not a land use-based permit and will have no effect on traffic, drainage, utilities, public health, safety, comfort, convenience or general welfare.
- 3) NOHOA is a non-profit association assigned to maintain its properties on behalf of its Members. Like the City, NOHOA's actions are not for personal benefit or financial gain.
- 4) The rationale for undertaking these projects is primarily to protect and enhance the ecology of Association property and to limit the threats from invasive species, not solely for better views or subjective enhancement.
- 5) Time and money spent on the permitting process could be better used towards promoting and completing projects.
- 6) Quicker response time would help address important projects that are time sensitive.
- 7) The cost of providing necessary documentation to the City and then waiting for turnaround, especially if there are delays, would be limited.
- 8) NOHOA looks to contracted environmental specialist for guidance and leadership in the management of its properties. Private contractors are required to procure all necessary permits.
- 9) NOHOA promotes the use of best management practices that are sustainable and provide stability with regard to its shorelands and wetlands, woodlands and prairie.
- 10) NOHOA seeks opportunities with its partners to promote the ecological health of lake, shoreline, wetland, woodland, and prairie systems.



NOHOA Committee Charter – NATURAL ENVIRONMENT STEWARDSHIP TEAM (NEST)

Committee Name: Natural Environment Stewardship Team (NEST)

Committee Charge: The charge of NEST is to preserve and enhance the natural environment of NOHOA-owned properties for current and future generations by following good stewardship and best environmental practices.

Reporting Structure: Board approval is required for implementation of the Committee's recommendations. Team meeting notes and status reports should be prepared and circulated in a timely manner, allowing for a written summary to be provided by the Chair - to the entire Board - at its monthly meeting. At least one NOHOA Director shall serve on NEST but not necessarily be Chair.

Committee Goals/Parameters:

- 1) Agree to the written Code of Conduct for NOHOA Committee Members and have each member complete and abide by NOHOA's Conflict of Interest Policy, Annual Disclosure Statement.
- 2) Provide opportunities for NOHOA members to participate in caring for NOHOA's natural resources and thus promote awareness, volunteerism and stewardship within the community.
- 3) Plan, implement, and evaluate activities that preserve, protect, maintain, and, as necessary, restore the natural environment of NOHOA properties.
- 4) Utilize best practices that are sustainable and provide stability with regard to NOHOA's shorelands and wetlands, woodlands and prairie.
- 5) Look to NOHOA's contracted environmental specialists for guidance and leadership in the management of NOHOA's properties.
- 6) Be alert for opportunities to embrace the art of nature on NOHOA properties
- 7) Develop relationships and collaborate with external support organizations such as the Vadnais Lake Water Management Organization (VLAWMO), St. Paul Regional Water Service (SPRWS), Department of Natural Resources (DNR), Ramsey Soil & Water Conservation District (RCD), and University of MN Extension.
- 8) Develop NOHOA focus groups, programs, and community events which support collaborative, working relationships with VLAWMO, RCD, DNR and other professional organizations studying and promoting the ecological health of lake, shoreline, wetland, woodland, and prairie systems.
- 9) Provide liaison representation on VLAWMO's Technical Commission (TEC) and the City's Natural Resources Commission (NRC).
- 10) Collaborate on projects with North Oaks community organizations, such as the Garden Club and Historical Society as appropriate.

Committee Members: NEST is comprised of a mix of NOHOA Board and Residential and non-Residential Members who have interest, expertise and commitment to stewardship of the natural environment in North Oaks. A representative of other organizations such as VLAWMO, RCD, and NRC may be invited as committee liaisons.

Duration of Service: Committee members are appointed by the Board annually at the beginning of each fiscal year or during the year consistent with the Bylaws.

Terms of Committee Responsibility: NEST is a standing committee of the Board.

Meeting Frequency: Meetings and/or educational events are conducted quarterly.

Recruitment: Application for membership is followed by the President's appointment and approval by the Board.

NOHQA's Environmental Stewardship & Natural Resource Management Summary & Update, 2018

NOHQA values the natural environment of North Oaks that makes the community so unique and is committed, as reflected in its mission, vision, and values, to preserving and enhancing it through outstanding leadership, services and stewardship. NOHQA's Natural Environment Stewardship Team (NEST) is a group of NOHQA Members that works with NOHQA staff and vendors to facilitate and provide Member support to these endeavors. In addition, NOHQA strives to maintain working and consulting relationships with the City Forester, Vedna's Lake Area Water Management Organization (VLAWMO), St. Paul Regional Water Services (SPRWS), Ramsey Soil & Water District, the MN Department of Natural Resources, MN Department of Agriculture, various departments at the U of MN, and professionals recognized for their expertise in related environmental and natural resource management fields.

Shoreland & Wetland:

NOHQA owns nearly eight miles of shoreline, including all of the shoreline around Pleasant Lake and its island, portions of Charley and Deep Lakes, and one small parcel on Lake Gillilan. The following steps have been taken to preserve and enhance NOHQA's shoreland property:

1. **Shoreland Restoration, Historical Perspective:** The first major shoreline restoration project undertaken by NOHQA was done on the southwest side of Pleasant Lake in 2006. It focused on an area where there was severe undercutting of the shoreline which was jeopardizing the integrity of the trail system. An assessment of the entire Pleasant Lake shoreline followed in 2009 and was conducted by Great River Greening which produced the 122 page document "Pleasant Lake Shoreline Evaluation, 2009" (1). Based upon the recommendations of the 2009 study, "urgent" areas were prioritized for restoration projects during the summers of 2009-2017. Once the urgent sites were addressed, a reassessment was done in 2016. The reassessment suggested the most important next step would be to focus on stabilizing the water level of Pleasant Lake to help ensure both the success of the projects already undertaken and to help mitigate further erosion at other sites.
2. **NOHQA's Shoreland Stabilization Initiative with Stakeholders:** While shoreline erosion can be a natural phenomenon, it was recognized that NOHQA's shoreline is uniquely susceptible to turbidity because the North Oaks chain of lakes is an integral part of the St. Paul Regional Water System (SPRWS). SPRWS monitors and controls the water level of Pleasant Lake. The regular intake of water from the Mississippi River into the system can cause a much larger swing in the water levels compared to what one would naturally observe in nature. In collaboration with the SPRWS, Vedna's Lake Area Water Management Organization (VLAWMO), Barr Engineering, and the U of MN Department of Engineering, a U of MN Capstone Project was undertaken in the fall of 2017 to determine what the lake level fluctuations were for Pleasant Lake and if they could be made more stable to mimic a more natural state. Since the completion of the Capstone Project (2), SPRWS has become even more committed to providing a more stable water level for Pleasant Lake. This dedication to providing a more natural lake level is having a positive impact on both the shoreland and the wetland areas that are affected by the SPRWS system. For example, there is less need to adjust the docks at the beach during the summer months, and the nearby wetlands seem more stable.

3. **Shoreland Stewardship Involving NOHQA Members:** To help minimize potential manmade erosion issues on NOHQA's shoreline, a shoreland policy and procedure was formulated and passed by the NOHQA Board in 2017 (3). The policy is mailed each spring to NOHQA Members owning property adjacent to NOHQA's shoreland and outlines the procedures necessary to make modifications to the shoreland—both vegetative and structural changes.
4. **Shoreland Management, Current Plan:** A visual assessment of NOHQA's shorelines from the various lake vantage points (Pleasant, Charley, and Deep) was undertaken in July of 2018. This visual assessment indicated the shorelines were stable with no urgent erosion issues. A visual assessment from the upland side is planned for late fall in 2018. A pilot shoreline/buffer restoration project (from the beach west to the pedestrian bridge at the Deep Lake Channel) was undertaken in the early fall of 2018 and included the removal of buckthorn, small ash trees, and invasive species. The area was then restored as necessary with native plants. Together, the assessments taken from both the lake and upland vantage points and the pilot restoration project will be used to develop a long range shoreland management plan for NOHQA. A community education component is anticipated to be part of the plan.
5. **Invasive Species Management:** NOHQA is committed to setting the example for managing invasive species on its properties utilizing best practices while also recognizing the financial constraints for doing so. Invasive species management is an integral part of NOHQA's shoreland and wetland projects. For example, buckthorn management and small ash tree removal is addressed as part of NOHQA's shoreland restoration projects and will be factors in prioritizing such projects.
6. **Citizen Science Opportunities:** In cooperation with VLAWMO, NOHQA has placed two Picture Posts on the Pleasant Lake trail (one by the pedestrian bridge at the Charley Lake Channel and one by the pedestrian bridge at the Deep Lake Channel). Information on the natural environment, such as shoreline change, algae blooms, ice in/out, water levels, etc., will be collected by NOHQA Members over time as part of Citizen Science in North Oaks. (4,5,6).

Woodland & Forests:

1. **Emerald Ash Borer:** While emerald ash borer (EAB) has not been officially detected in North Oaks, NOHQA continues to implement its proactive response of removal, treatment, and monitoring of ash trees on its properties. NOHQA adopted an Emerald Ash Borer (EAB) Plan at its June 4, 2015, meeting (7). NOHQA's primary goal is to reduce the potential of injury to people or damage to property from potentially hazardous ash trees. Trees in high traffic, recreation and trail areas have been prioritized for removal or treatment. NOHQA used the Minnesota Department of Agriculture's *Community Preparedness Manual (8)* as its primary resource for developing its proactive plan. Criteria used to determine how ash trees on NOHQA property are addressed include: the size of the tree, the location of the tree relative to public access, the condition and health of the tree, assessment factors, location and accessibility for removal, and its contribution to good forest management. An inventory of ash trees on NOHQA property was initiated in late 2014, conducted over several years, placed on Google Maps, and focused on ash trees on the trail system and in recreation areas. Ash trees have been categorized as appropriate for removal, inclusion in an insecticide treatment program, or monitoring with no action to be taken at this time. Ash trees in high traffic, recreation and trail

areas have had first priority for removal or treatment with removal occurring in the fall and winter months and treatment occurring in the summer. About seventy ash trees have been selected for the treatment program and have been injected with the insecticide emamectin benzoate. These trees have been divided into two groups with treatment repeated every two years for each group. About seventy-five large ash trees have been removed. Smaller ash trees are routinely removed by NOHOA's management company and by arborists doing projects on NOHOA properties.

2. **Mary Hill Park:** This 9.4 acre site, historically referred to as the Cemetery, is located on Pleasant Lake a half mile east of the beach and has been recognized by foresters and ecologists as a unique site that warrants responsible stewardship. NOHOA contracted to complete a tree inventory and assessment of the site in December, 2016 (3). Buckthorn management was prioritized in the fall of 2016 with removal by volunteers followed by a professional buckthorn overspray in the fall of 2017 and a spring burn in 2018. Historian, Eileen McCormack has provided a report on the history of plantings in the park in the early 1900's (1916-1938). Ongoing treatment for oak wilt was done in the fall of 2018 on the western end of the property. Staff and NEST members are working with vendors to develop a long range plan for the property that includes the planting of additional native plants, shoreline restoration, and educational signage. The plan will include ongoing management of buckthorn and periodic burns. Cynthia Lane, PhD, of Ecological Strategies, was contracted by NOHOA in late 2018 to develop a concept, landscape drawing for the entrance to the park that would feature natives and provide year round interest. Cynthia is on track to submit her proposal to NOHOA by mid-February. Once the entrance design is agreed upon, its installation has potential to become an Eagle Scout project with partial VLAWMO funding.

NEST Members have ascribed the following adjectives to Mary Hill Park: unique; natural; undisturbed; mysterious (in a good way); magical; meditative space/"Secret Garden"; peaceful; quiet; ecological diverse gem; educational; opportunities for conservation, preservation, restoration; historically and scientifically relevant; recreational opportunities

3. **Pollinator Habitats: Gillman Lake Property and Larkspur Lane Property.** Both properties were intentionally not developed by the North Oaks Co. and left as passive recreation areas, mainly because of the vistas they provide. The two properties are also unique in their suitability as pollinator habitats. The shoreline of NOHOA's property on Lake Gillman was converted to a pollinator habitat over several years, beginning in 2015. Dedicated volunteers helped to get the project underway with the finishing touches added by a professional vendor. The Larkspur property was recognized to have potential as a pollinator habitat by NEST and steps were taken to begin its transition in the summer of 2018. Phase 1 of the project included: having the site mowed for the first time, removing invasive and undesirable trees and bushes, and applying herbicides. If all goes well, there will be pollinator seeds installed in the spring of 2019. Fundraising is part of the Larkspur project and is directed towards those Members living nearby the site and those interested in such projects. Once this pollinator habitat has been established, phase 2 will be undertaken which will consist of removing invasive and undesirable trees on the north side of the property. Completing phase 1 will allow the property to be more visible to those driving on E. Pleasant Lake Rd. to and from the Golf Club.
4. **Buckthorn Management:** A multi-prong approach to managing buckthorn on NOHOA properties will be developed in 2019 with plans for implementation in the fall of that year.

REFERENCES (Note: Reference titles of documents need to be added by DG)

(References will be accessible on NOHQA's website under _____)

- 1. "Pleasant Lake Shoreline Evaluation, 20019"**
- 2. U of MN Capstone Project, 2017, Pleasant Lake Water Levels**
- 3. "Amended Policy and Procedure for Shoreland Property Owned by NOHQA", 2017**
- 4. Signage for Cherley Lake Channel Picture Post**
- 5. Signage for Deep Lake Channel Picture Post**
- 6. Pocket guide for Picture Post Participation**
- 7. NOHQA Emerald Ash Borer (EAB)—recommend updating the original plan to make it current for 2018/19**
- 8. "Minnesota Department of Agriculture's Community Preparedness Manual" for Emerald Ash Borer**
- 9. Mary Hill Park Tree Inventory by S & S Tree Service, 2016**

Attachment 3
approved 9/12/13

North Oaks Emerald Ash Borer Management Plan

PURPOSE

By proactively implementing the provisions of this management plan, the City is attempting to mitigate the disruption to its urban forest caused by the infestation of the Emerald Ash Borer (EAB). Taking a proactive approach to the potential infestation enables the City to address both public and private impacts in an efficient and effective manner.

The City will attempt to distribute costs associated with the EAB over a manageable time period, and lessen the economic and social impact that an extensive loss of ash trees would have on the quality of life in our community.

In establishing this management plan, the City considered the following factors:

- EAB, a non-native insect was first discovered in SE Michigan in 2002. Since that time it has been discovered in 16 additional states and several locations in Canada.
- EAB was discovered in St. Paul and in Falcon Heights in 2009 and in the vicinity of County Road 1 and Schulte Roads in Shoreview in the summer of 2011, a distance of approximately 2.5 miles from the northwestern border of North Oaks.
- Given the rapid spread of this insect upon its arrival to North America, a proactive approach will allow the City to have greater control over the situation and minimize and better manage the impact and costs of EAB.
- Removal of diseased or declining ash trees will help prevent the more rapid spread and impact of EAB in the community.
- Managed use of optional chemical treatments which have demonstrated efficacy in controlling EAB could be utilized to save ecologically benefiting, aesthetically pleasing, and property value enhancing ash trees.
- Reforesting the City with native tree species will increase the diversity and sustainability of the forest.
- The City of North Oaks is unique in that the city owns no property. All property in the community is privately owned or owned by NOHOA or North Oaks Company.

EMERALD ASH BORER BACKGROUND: THE PROBLEM

Emerald ash borer, (*Agrilus planipennis*), is a small member of the beetle family. It is a non-native (introduced) pest that has killed tens of millions of native and landscape ash trees in eastern North America since it was discovered. The native range for EAB is SE Russia, northern China, Japan and Korea. In the past decade, the exotic beetle found its way to the United States, presumably on solid wood packing material shipped from Asia.

The adult beetle is bright metallic green color, with an elongated, slender body measuring $\frac{1}{2}$ inch long and $\frac{1}{16}$ th of an inch in diameter. EAB undergoes a multi-phase life cycle that generally encompasses a one to three year period. Adults are generally active from mid-June to mid-August. Females lay eggs in the bark of ash trees that take from 7 to 12 days to hatch. Upon hatching the larvae burrow into the nutrient conducting tissue (phloem) where they feed for several weeks. The white to cream colored larvae are flattened with 10 bell shaped segments and a pair of brown pincers on the last segment. The larvae feeding results in a very characteristic S-shaped patterning under the bark called galleries. Large

numbers of larvae feeding in the vascular tissue (tissue that conducts water up from the roots and nutrients down from the leaves) disrupt or stop flow of these vital nutrients resulting in wilting, yellowing, and ultimately the death of the tree. The larvae cease feeding in autumn and over-winter in a pre-pupae stage in the tree. Pupation (transformation from larva to adult beetle) occurs in late April or May with the beetle exiting the trees through characteristic D-shaped holes measuring approximately 1/8th inch.

Without any natural predators or controls in North America, the insect has spread to 16 states and two Canadian provinces. Millions of ash trees have been killed with some cities reporting complete loss of all ash trees within 5 years of EAB becoming established. There has been no stopping the devastation to the urban forest, though millions of dollars have been spent on prevention methods. In other communities where the insect is now establishing itself, a combination of preemptive removal of low quality ash trees and a mix of chemical treatments has slowed the death of the ash trees allowing communities to manage the problem more efficiently and effectively. The most current research shows that early sanitation efforts have helped slow the spread of EAB in Minnesota. The quick spread of the insect in North America is not due in any large part to the insect. They are relatively weak flyers, only capable of moving about a ¼ mile per generation. The beetle has quickly spread demonstrated by the fact that it is estimated to have arrived in SE Michigan 12 years before being detected. In fact, the quick spread of the insect is mostly attributable to human activity and the movement of firewood.

Ash tree debris (branches and trunks) should be brought to Ramsey County Yard Waste Collection Sites for proper sanitation. Stumps will not be accepted and residents are encouraged to grind the stumps out or have a licensed tree contractor apply herbicides to the stump to prevent sprouting. Ash tree debris may remain on the site from which the tree was removed in the form of mulch or firewood. Ash tree debris cannot be moved out of the currently quarantined counties of Ramsey and Hennepin. The less ash wood is moved the better for the community as a whole. If firewood is to be brought in to the community it is most important that it only be purchased from Minnesota Department of Agriculture certified sources:

http://www.mda.state.mn.us/plants/pest_management/firewood/firewooddealers.aspx. This is done to prevent the beetle from accidentally being introduced into North Oaks.

Signs of EAB include:

- Splitting bark and or small "D" shaped exit holes where beetles emerge.
- Serpentine "S" shaped larval galleries underneath the bark.
- The presence of EAB or larvae.

Symptoms of EAB infestation include:

- General thinning of canopy and increasing dieback of the ash tree.
- Increased woodpecker activity (feeding on larvae).
- Sprouting of new growth shoots from the base of the tree.

APPLICABILITY

This plan applies throughout the City and ~~includes~~ all private property, NOHOA land and North Oaks Company land. The City will follow similar policies that have been used in dealing with the Dutch Elm and Oak Wilt diseases, with variations in removal requirements and timing. The City Zoning Ordinance will be revised to reflect the need to manage ash trees and EAB.

EDUCATION AND COMMUNITY OUTREACH

Resident education and ongoing outreach communications are key components of managing the impact of the EAB, especially as more information becomes available. Continued coordinated public information dissemination to residents and the media will be administered through the City's website, newsletters, and social media. Public meetings will be conducted as necessary. The City will maintain a list of resources for homeowners from relevant agencies; see Appendix A for current community resources.

As EAB activities occur in isolated neighborhoods, direct communication will be made by the City to advise residents on the current situation of their privately owned trees and activity in their neighborhood.

Homeowners may treat their private trees, provided they use a licensed treatment contractor who adheres to the City's standards to protect surface and ground water.

CURRENT EAB SITUATION

To date, the EAB has not been detected in North Oaks. However, in the summer of 2011 the EAB was detected within the neighboring community of Shoreview in the Shamrock Park Area. Analysis of the infestation showed that the EAB had already been present for 3-4 years. This find now joins finds in Falcon Heights, Roseville, Minneapolis, and St Paul. City forestry crews are constantly looking at ash trees for any sign of beetle activity. The sooner the beetle is found the quicker a proper response can be implemented. It is estimated that more than 7 percent of North Oaks urban forest is comprised of ash trees based on a recent Minnesota Department of Natural Resources survey.¹

1. Minnesota Department of Natural Resources 2010 Community Tree Survey. Survey of front yard and street trees in residential and commercial sampling areas. Ash Trees represented 7% of the top ten tree genera for the City of Shoreview.

MITIGATION POLICIES

Although it is impossible to stop the spread of invasive species like the EAB, the City's EAB Management Plan is created to lessen the impact of the EAB on the City's landscape. The City's mitigation of EAB will be similar to its policies regarding Dutch Elm and Oak Wilt diseases, which attempt to control and prevent the spread of these diseases and limit potential for property damage and bodily injury.

In an effort to mitigate EAB, the City will take the following actions:

1. The City will provide and promote the services of S and S Tree to provide a Tree Inventory and inspection at the residential lot level at reduced rates to help in the EAB assessment process.
2. Removal of EAB infested trees: The City will update its diseased tree ordinance to require the removal of both public and private ash trees infested by the EAB to prevent the spread of the disease. Rules or requirements used for determining infestation will be per the Department of Agriculture or Department of Natural Resources guidelines. This ordinance will allow the City to enter private property for inspection, require the removal of diseased trees, and abate the nuisance upon non-compliance of property owners.

3. **Preemptive removal of declining ash trees:** The City will begin conducting ash tree inventories through the services of the City Forester. Preemptive removal of declining ash trees may be recommended in some areas. This will be the decision of the property owner.
4. **Chemical treatment option:** There are currently three methods of tree treatments being offered in the marketplace; drenching the soil with chemicals, injecting the chemical into the tree, and applying a bark spray. The City will not allow the use of soil drench or bark spray insecticides applied by the homeowner due to potential to pollute water and negatively impact wildlife. The city may allow chemical treatments in situations where deemed most effective and treatments must be handled by properly licensed contractors.

The City maintains guidelines for treatment of ash trees to help control the onset of EAB and considers trunk injections a management tool to utilize on significant trees within parks and along higher profile right of ways, higher volume roads, and Municipal State Aid collector streets. Due to the high cost of reoccurring treatments and the long-term effects of chemical treatments on ash trees, water resources, and the environment, the City shall identify the best candidates for treatment.

The City will permit residents to use chemical treatments on either private ash trees or ash trees in boulevard or trail and open space areas, given the following:

- a. Private contractors are to use only the approved trunk injection method.
- b. The infection treatment application must be done by City licensed tree contractor that is bonded, insured, and state licensed to apply commercial tree chemicals.
- c. Records of all treatments will be maintained by the city.

Reforestation: In an effort to encourage reforestation of private properties, the City will hold an annual tree sale program that allows residents to purchase trees at wholesale prices. The program will offer a variety of tree species that are appropriate for this region, and the City will promote diversity in all public and private plantings.

5. **Wood utilization:** The City will publicize the Minnesota Department of Agriculture's regulations for handling ash wood removal. Ramsey County is currently under a quarantine which prohibits the transportation of wood outside of the County. From September 15th to April 30th EAB-infested trees can be removed and transported only within the quarantine area, as long as they are promptly chipped to the required dimensions, less than 1"x1"x1".

Any storm damaged ash trees during the active growth spring and summer period must be chipped within the area before transportation to kill the EAB larvae. The City will identify marshaling yards for this work as necessary.

Non-Infested EAB trees can be removed from September 15th to April 30th using the normal process of transporting un-chipped wood to the Ramsey County Yard Waste Site.

6. **Monitoring and Tracking:** The City will track the spread of EAB in North Oaks and surrounding communities in conjunction with the Department of Agriculture or Department of Natural Resources. The City will also monitor trees that have been treated as reported by

private contractors. The City will conduct a tree inventory to identify replacement and reforestation as time and resources allow.

7. The City and the NRC will provide Education and Resources on the City web page and with local training events and cable channel videos.

SUMMARY

EAB will have a significant impact on North Oaks landscape. The City's plan is designed to inform the public of new infestations, treatment options, removal requirements, and to provide a comprehensive proactive approach to addressing the EAB infestation. The City will also partner with residents, NOHOA, the North Oaks Golf Club and the North Oaks Company to work together on the education and implementation of this plan.

Approved 9/12/2013

www.mda.state.mn.us/plants-insects/noxious-and-invasive-weed-program

The Minnesota Noxious Weed Law (Minnesota Statutes 18.75-18.91) defines a noxious weed as an annual, biennial, or perennial plant that the Commissioner of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. The purpose of the law is to protect residents of the state from the injurious effects of noxious weeds.

There are currently forty-two plant species regulated as noxious weeds in Minnesota. Twenty-three plants are listed as Prohibited Noxious Weeds which consist of two regulatory lists - 14 plants listed on the Prohibited Eradicate List and 9 plants listed on the Prohibited Control List. Fifteen species are listed as Restricted Noxious Weeds and four species are listed as a Species Regulated Plant that can be enforced under specific conditions. *Years following a species name designate when it was listed.*

A. Prohibited Noxious Weeds - Attempts must be made by all landowners to control or eradicate species on these lists. These species cannot be transported illegally or sold in Minnesota.

Eradicate List - must be eradicated by killing the above and below ground parts of the plant.

1.	Palmer Amaranth - 2014	<i>Amaranthus palmeri</i> S. Watson
2.	Oriental Bittersweet - 2010	<i>Celastrus orbiculatus</i> Thunb.
3.	Diffuse Knapweed - 2014	<i>Centaurea diffusa</i> Lam.
4.	Brown Knapweed - 2012	<i>Centaurea jacea</i> L.
5.	Yellow Starthistle* - 2010	<i>Centaurea solstitialis</i> L.
6.	Meadow Knapweed - 2012	<i>Centaurea x moncktonii</i> C.E. Britton
7.	Poison Hemlock - 2017	<i>Conium maculatum</i> L.
8.	Black Swallow-wort - 2012	<i>Cynanchum louseae</i> Kartesz & Gandhi
9.	Grecian Foxglove - 2010	<i>Digitalis lanata</i> Ehrh.
10.	Common Teasel - 2011	<i>Dipsacus fullonum</i> L.
11.	Cutleaf Teasel - 2011	<i>Dipsacus laciniatus</i> L.
12.	Giant Hogweed* - 2011	<i>Hercynium mantegazzianum</i> Sommier & Levier
13.	Japanese Hops - 2011	<i>Humulus japonicus</i> Siebold & Zucc.
14.	Dalmatian Toadflax - 2011	<i>Linaria dalmatica</i> (L.) Mill.

*Species not known to be in Minnesota, but have been determined to be a threat to invade the state.

Control List - must be controlled preventing the maturation and spread of propagating parts.

1.	Common Barbary - 2016	<i>Barbarea vulgaris</i> L.
2.	Narrowleaf Bittercress - 2011	<i>Cardamine impatiens</i> L.
3.	Plumeless Thistle - 1975	<i>Carduus acanthoides</i> L.
4.	Spotted Knapweed - 2001	<i>Centaurea stoebe</i> L. esp. <i>micranthos</i> (Gussler) Hayak
5.	Canada Thistle - 1872	<i>Cirsium arvense</i> (L.) Scop.
6.	Leafy Spurge - 1992	<i>Euphorbia esula</i> L.
7.	Purple Loosetrife - 1992	<i>Lythrum salicaria</i> L. <i>L. virgatum</i> L.
8.	Wild Parsnip - 2010	<i>Pastinaca sativa</i> L. (Except for non-wild cultivated varieties)
9.	Common Tansy - 2010	<i>Tanacetum vulgare</i> L.

B. Restricted Noxious Weeds - may not be sold, transported illegally, or intentionally planted in Minnesota.

1.	Tree of Heaven - 2016	<i>Ailanthus altissima</i> (Mill.) Swingle
2.	Garlic Mustard - 2013	<i>Alliaria petiolata</i> (M. Bleb) Cavara & Grande
3.	Porcelain Berry - 2016	<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.
4.	Crown Vetch - 2016	<i>Securigera varia</i> (L.) - Formerly known as <i>Coronilla varia</i> L.
5.	Wild Carrot/Queen Anne's Lace - 2016	<i>Daucus carota</i> L.
6.	Glossy Buckthorn (and all cultivars) - 1999	<i>Frangula alnus</i> Mill.
7.	Amur Honeysuckle - 2016	<i>Lonicera maackii</i> (Rupr.) Herder
8.	Morrow's Honeysuckle - 2016	<i>Lonicera morrowii</i> A. Gray
9.	Bell's Honeysuckle - 2016	<i>Lonicera x bella</i> Zabel
10.	Common Reed (non-native) - 2013	<i>Phragmites australis</i> (Cav.) Trin. ex Steud. ssp. <i>australis</i>
11.	Common or European Buckthorn - 1999	<i>Rhamnus cathartica</i> L.
12.	Black Locust - 2016	<i>Robinia pseudacacia</i> L.
13.	Multiflora Rose - 2011	<i>Rosa multiflora</i> Thunb.
14.	Tatarian Honeysuckle - 2016	<i>Lonicera tatarica</i> L.
15.	Japanese Barberry Cultivars** - 2017	<i>Barbarea thunbergii</i> DC.

****Japanese Barberry Cultivars Regulated as Restricted Noxious Weeds in Minnesota**

- 'Angel Wings' • 'Antares' • var. *stropurpurea* • 'Baltwo' (Burgundy Carousel®) • 'Monomb' (Cherry Bomb™)
- 'Crimson Velvet' • 'Erecta' • 'Gold Ring' • 'Baltel' (Golden Carousel®; *B. korana* × *B. thunbergii* hybrid) • 'Inermis' • 'Ballgreen' (Jade Carousel®) • 'JN Redleaf' (Ruby Jewel™) • 'JN Variegated' (Stardust™) • 'Kelleris' • 'Kabold' • 'Anderson' (Lustre Green™) • 'Marshall Upright' • 'Painter's Palette' • 'Pow Wow' • 'Red Rocket' • 'Rose Glow' • 'Ballone' (Ruby Carousel®) • 'Silver Mile' • 'Sparkle' • 'Tara' (Emerald Carousel®; *B. korana* × *B. thunbergii* hybrid) • Wild Type (parent species – green barberry)

C. Specially Regulated Plants –shall be handled, controlled or eradicated according to specified regulations.

1. **Poison Ivy** (*Toxicodendron radicans* L. Kuntze and *T. rydbergii* (Small ex Rhdb.) Greene) - 2010
Must be eradicated or controlled for public safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.
2. **Japanese Knotweed** (*Polygonum cuspidatum* Sieb. & Zucc.) - 2013
3. **Giant Knotweed** (*Polygonum sachalinense* F. Schmidt ex Maxim.) - 2013
Any person, corporation, business or other retail entity distributing Japanese and/or giant knotweeds for sale within the state, must have information directly affixed to the plant or container packaging that it is being sold with, indicating that it is undesirable to plant this species within 100 feet of a water body or its designated flood plain as defined by Minnesota Statute 103F.111, Subdivision 4.
4. **Amur Maple** (*Acer ginnale* Maxim.) - 2016
Sellers shall affix a label that advises buyers to only plant Amur maple and its cultivars in landscapes where the seedlings will be controlled by mowing or other means. Amur maple should be planted at least 100 yards from natural areas.

D. County Noxious Weeds

County Noxious Weeds are plants that are designated by individual county boards to be enforced as prohibited noxious weeds within the county's jurisdiction and must be approved by the Commissioner of Agriculture, in consultation with the Noxious Weed Advisory Committee. Each county board must submit newly proposed County Noxious Weeds to the Minnesota Department of Agriculture for review. Approved County Noxious Weeds shall also be posted with the county's general weed notice prior to May 15th each year. Counties are solely responsible for developing County Noxious Weed lists and their enforcement. **Contact your local County Agricultural Inspector or Designated Employee for more information on County Noxious Weeds**

www.mda.state.mn.us/plants/inspector/index.html

Adding species to County Noxious Weed Lists

It is up to an individual county to determine if they will have a designated county noxious weed list and the process for selection of species to be added to the list. If the county board of commissioners establishes a county noxious weed list, townships wanting to add species should pass a resolution with the county's Township Association showing that the representative of townships for that county are in favor of adding a particular species and enforcing it. This resolution can then be submitted to the County Agricultural Inspector or Designated Employee for that jurisdiction. It is still up to the county board of commissioners to decide if they want to list and enforce any species submitted to them via the township association or other entities. Minnesota Department of Agriculture approved County Noxious Weed Lists can be enforced by authorized agents of the commissioner under the Minnesota Noxious Weed Law as outlined in *Minnesota Statutes 18.80 - 18.81*.

Townships can also use their local ordinance process to regulate plant species that are not listed by the county or state. Enforcement of species listed via a municipal ordinance is the responsibility of municipal authorities and cannot be regulated under or associated with the Minnesota Noxious Weed Law - *MS 18.75 - 18.91*.

Additional resources for regulated noxious weeds and non-regulated invasive plants in Minnesota

MDA Website - www.mda.state.mn.us/plants/inspector/index.html

MN DOT Website - www.dot.state.mn.us/roads/inspector/index.html

MN DNR Website - www.dnr.state.mn.us/invasive/invasive/index.html

MN BWSR Cooperative Weed Management Areas - <http://www.bwsr.state.mn.us/plants/inspector/CWMA.html>



Rehder Forestry Consulting

September 9th, 2019

RE: NOHOA NEST CUP

**City of North Oaks
100 Village Center Dr., Suite #200
North Oaks, MN 55127**

Staff and Planning Commission,

In my role as City Forester I've been asked to make comments on the recently submitted NEST CUP. As you are aware, I am also retained for services by the North Oaks Homeowners Association to act as a Natural Resource Coordinator of sorts and I helped draft the document that is the NEST CUP. The NEST CUP addresses certain beneficial practices that compliment,

- **the Cities EAB Management Plan,**
- **the Shoreline Management Act and shoreline stabilization and enhancement projects,**
- **as well as the Association's campaign against invasive species.**

Multiple CUP's have been awarded in the past that have fallen under the umbrella of the aforementioned projects. I view my role with the Association as similar to my role for the City and make sure that NOHOA projects follow all governing laws and regulations.

In all their projects the Association has always followed best management practices, have acquired all necessary permits and licenses, and have kept the City informed of their intentions. The Association does not anticipate any changes in operation for future NEST CUP projects if approved.

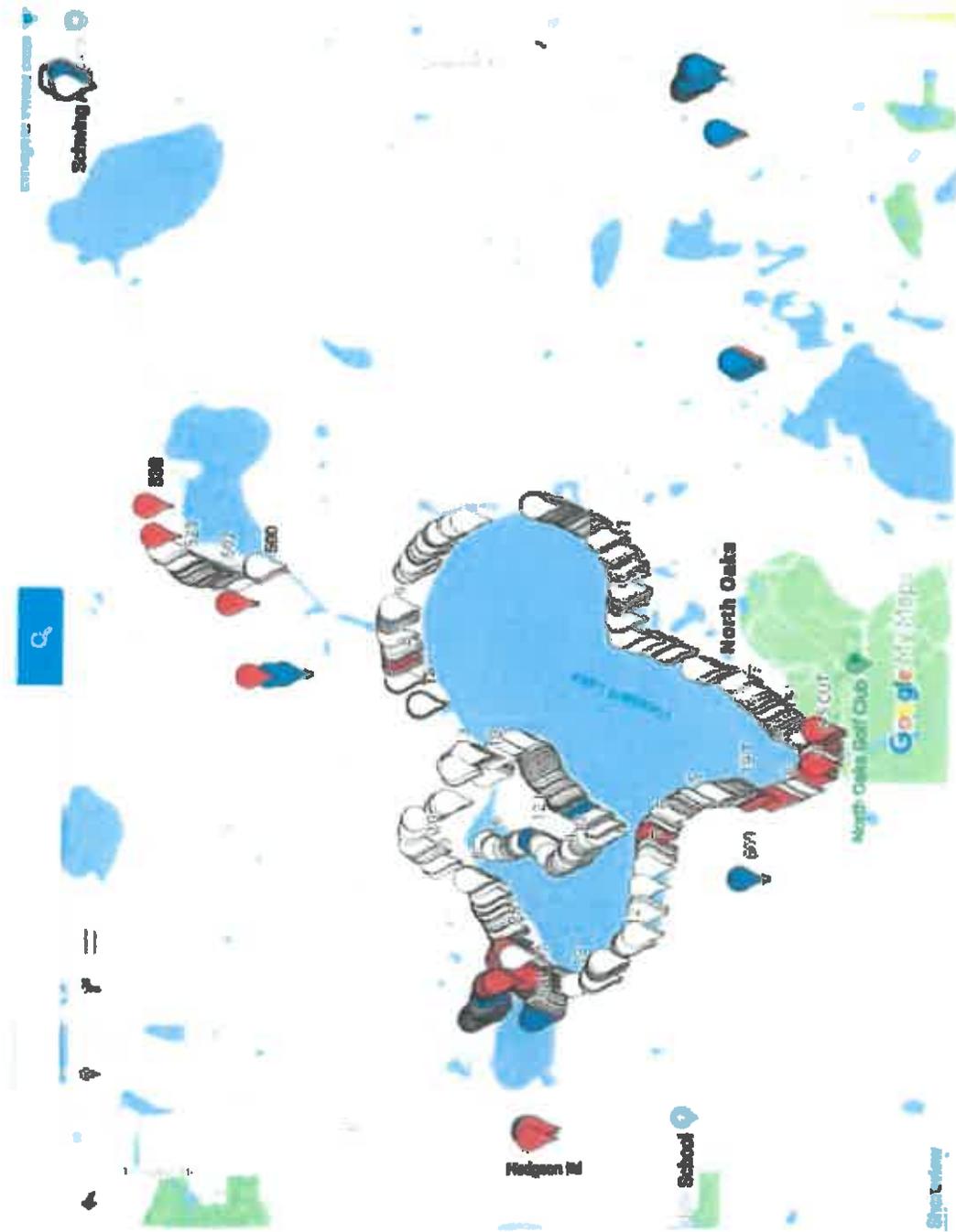
City Conditions for Granting NEST CUP:

- 1) Inform the City of NEST CUP projects as soon as possible before field work takes place with a courtesy email to City Administrator, City Forester, and staff.**
- 2) Adhere to recommendations and stipulations of the Cities Emerald Ash Borer Management Plan and BMP's.**
- 3) NOHOA staff and vendors will be licensed in pesticide application by the MN Department of Agriculture.**
- 4) All necessary State, County, City, or local units of government permits will be acquired before projects start.**

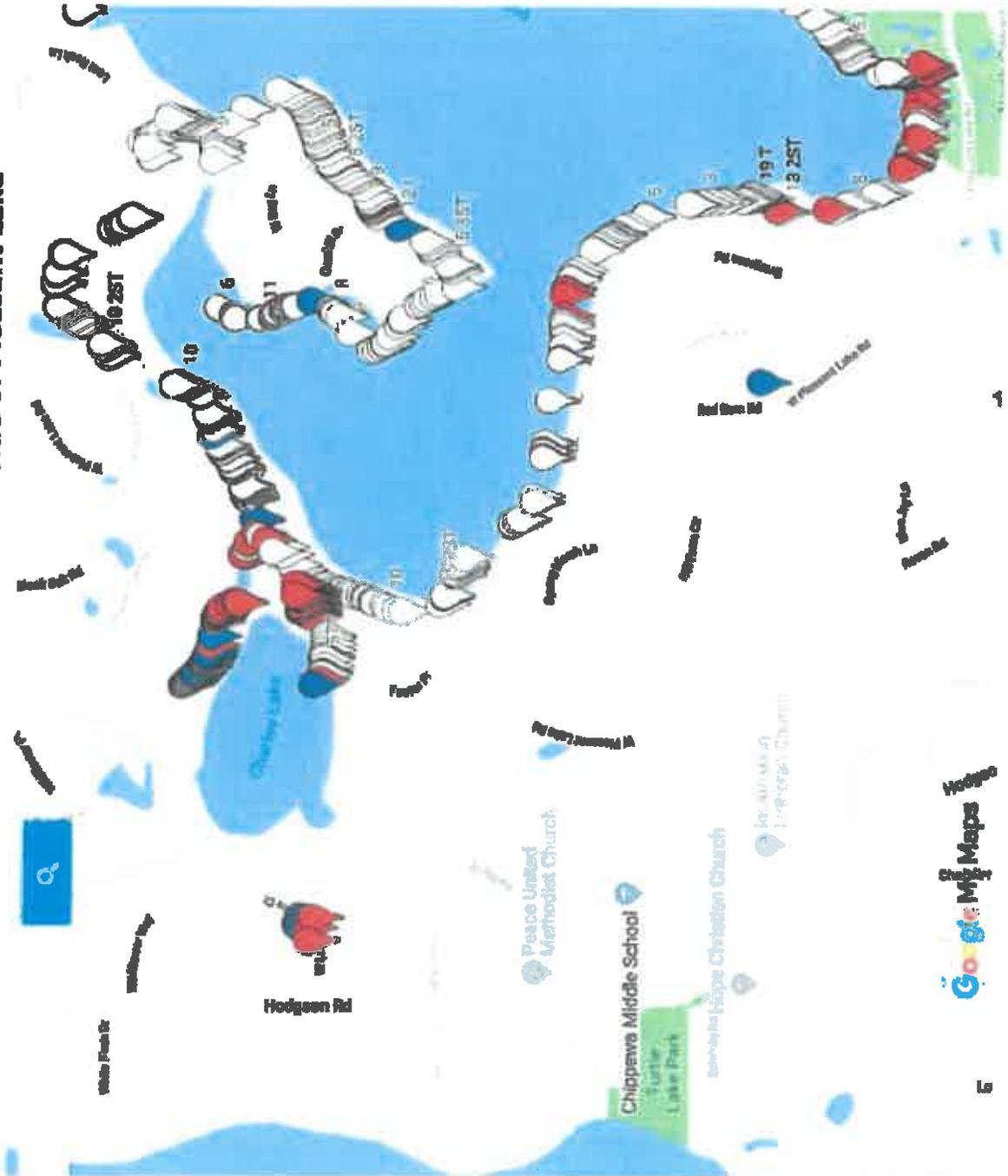
Sincerely,

Mark Rehder

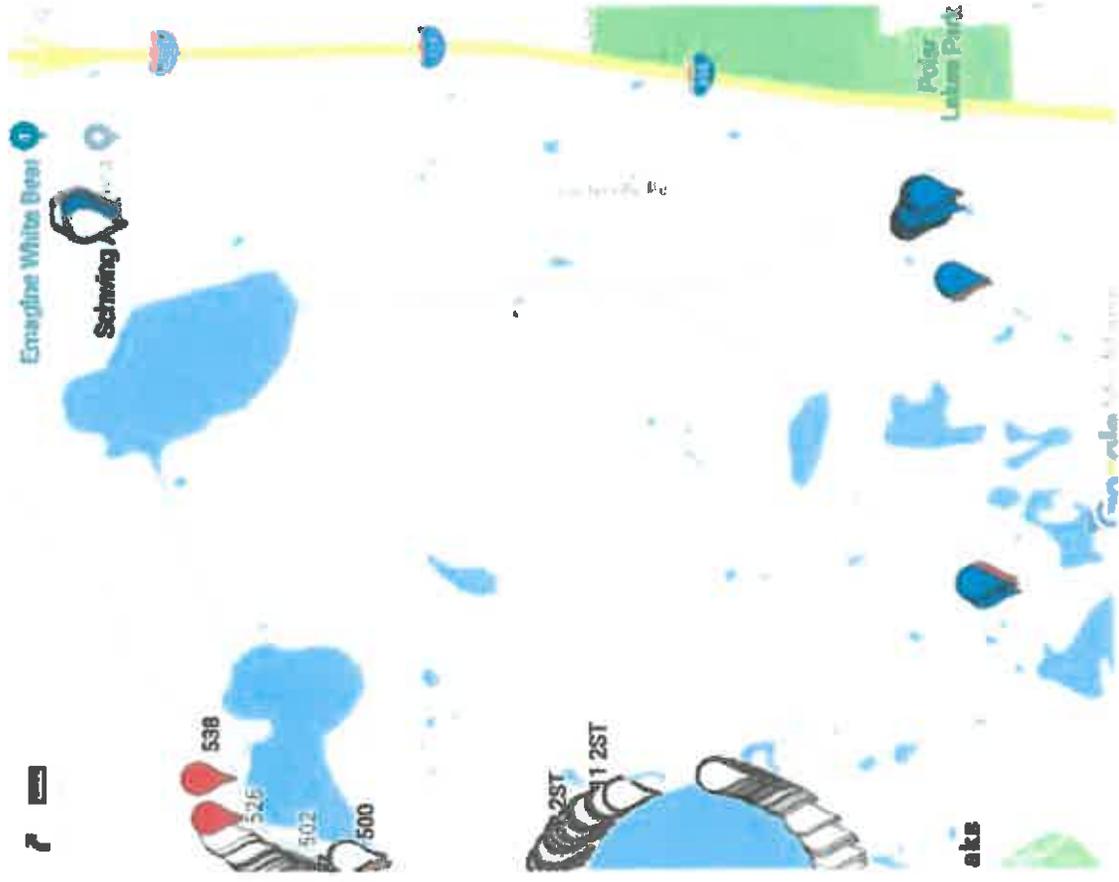
Recap of Ash Trees Involved in 2015 CUP



Ash Trees on West Side of Pleasant Lake



Ash Trees on the East Side of North Oaks, (East Rec, Wilkinson and Deer Hills)



**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
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PETER G. MIKHAIL
TONA T. DOVE
AARON S. PRICE
DAVID L. SIENKO
CASSANDRA C. WOLFGRAM
DEBRA M. NEWEL
CASSANDRA J. BAUSTISTA

MEMO

TO: Mike Robertson, City Administrator
FROM: Bridget Nason, City Attorney
DATE: October 3, 2019
RE: Status of East Oaks PDA Review

Overview

During the decennial review of the East Oaks PDA at the August 21, 2019 City Council workshop. I was directed to complete a review of the East Oaks PDA, including all amendments thereto, and respond to several questions raised during the Decennial Review related to the validity of the Seventh Amendment, housing count calculations, and related matters. Since that time, I have reviewed the PDA and all amendments, obtained historical background information related to the negotiation and execution of the original PDA, and begun to review various information related to the housing count matters and developments to date in the areas governed by the PDA. Additional research regarding the PDA and related development agreements is ongoing. Due to the very detailed nature of the PDA and the extensive review I have been conducting, it is not practical to bring Kori up to speed on the status of my review for the October 10th meeting, and the Council will be best served from hearing from me directly regarding my review and analysis of the PDA matters. At this time, my report regarding my review and analysis and review of the East Oaks PDA matters is anticipated to be completed before the end of the month, and I will be present at the November 14th Council Meeting to present my review and respond directly to any questions from the Council.

MEMO

Date: October 3, 2019

To: City Council

From: City Administrator Mike Robertson

Re: Preliminary 2020 Budget

I have not received any feedback from Council on the budget as of this date. 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.

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			\$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	\$42,000
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		\$0.00
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	\$2,500

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		\$25,000
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		\$10,000
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				
601-49400-127	WATER	DEFERRED COMP		\$0.00	\$0.00		Water & Sewer		
601-49400-210	WATER	OPERATING SUPPLIES		\$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

\$2,503,607.00

PROPOSED 2020 REVENUES

Act Code	Department	Source/Descr	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	MINDOT 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

406-36100	COUNCIL	SPECIAL ASSESSMENTS	\$258.39	\$0.00	\$0.00				
406-36200	COUNCIL	MISCELLANEOUS REVENUES	\$458.53	\$1,000.00	\$0.00				\$1,000
406-36210	COUNCIL	INTEREST EARNINGS	\$0.00	\$0.00	\$0.00				
601-36200	COUNCIL	MISCELLANEOUS REVENUES	\$1,176.00	\$0.00	\$0.00				
601-36210	COUNCIL	INTEREST EARNINGS	\$5,271.69	\$0.00	\$0.00				
601-37100	WATER	WATER USAGE	\$126,241.58	\$0.00	\$28,024.40				
601-37150	WATER	WATER HOOK-UP - WBT	\$115,674.00	\$0.00	\$53,388.00				
601-37151	WATER	WATER HOOK-UP - CLP	\$7,580.00		\$7,580.00				
601-37155	WATER	WATER METER	\$1,300.00		\$0.00				
601-37180	WATER	MAINTENANCE/ESCROW FEE	\$28,013.04		\$7,671.40				
601-37500	WATER	CAPITAL CONTRIBUTION	\$0.00	\$0.00	\$0.00				
601-39200	WATER	TRANSFER IN	\$0.00	\$0.00	\$0.00				
602-36200	WATER	MISCELLANEOUS REVENUES	\$0.00	\$0.00	\$0.00				
602-36210	WATER	INTEREST EARNINGS	\$2,309.17	\$0.00	\$0.00				
602-37170	WATER	WBT WATER SYSTEM MAINTENANCE	\$31,319.36	\$0.00	\$0.00				
602-37180	WATER	MAINTENANCE/ESCROW FEE	\$7,297.55		\$3,810.29				
602-37200	SEWER	SEWER USAGE	\$62,978.80	\$0.00	\$36,411.82				
602-37250	SEWER	SEWER HOOK-UP	\$72,065.00	\$0.00	\$42,245.00				
602-37500	SEWER	CAPITAL CONTRIBUTION	\$11,424.14	\$0.00	\$0.00				
			\$2,949,639.90	\$2,464,644.36					\$2,537,925.36

Proposed Budget Surplus

\$34,318.36

MEMO

Date: October 3, 2019

To: City Council

From: City Administrator Mike Robertson

Re: Planning Commission Applications

I have received the following applications for the Planning Commission opening. I've attached the information they wrote as part of indicating their interest in the opening. You should have received that information over the past few weeks as the emails came in.

- 1. Rich Dujmovic, 15 Black Lake Road**
- 2. Bill McNee 11 Sunset Lane**
- 3. David Cremons, 22 Raven Road**
- 4. Paul Lesieur, 31 East Pleasant Lake Road**
- 5. Jey Carlson, 15 Raven Road.**

Mike Robertson

From: LISA DUJMOVIC <dujmovics@comcast.net>
Sent: Thursday, September 12, 2019 11:04 PM
To: Mike Robertson; Gregg Nelson; Rick Kingston; Kara Ries; Katy Ross; Marty Long; Mark Azman; Stephanie Marty; Deb Breen; Gretchen Needham; Lisa Dujmovic
Subject: Re-communicating my interest in a North Oaks Planning Commission position
Attachments: Letter from City of North Oaks.jpg

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

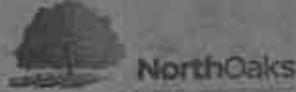
Mayor Nelson,
City Council Members,
Chairman Azman,
City Staff,

At this evening's City Council meeting, it was shared that there is an opening on our community's Planning Commission. Attached is a letter received by me, from the City, in February of this year (after I had interviewed for the opportunity in January). I would like to use this email to communicate my continued interest in serving our community via a position on the Planning Commission. I have stayed current with filings and listened to the excellent training sessions provided to the Planning Commission by our new City Attorneys. My resume is on file from my past application. I am available to address any questions you might have. I would be honored to assist in this capacity.

Thank you for considering my continued interest in service, and thank you for your leadership of our unique and amazing city,

Sincerely,

Rich Dujmovic



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

February 13, 2019

Rich Dujmovic
15 Black Lake Road
North Oaks, MN 55127

Dear Rich,

Thank you for your application for the North Oaks Planning Commission. The City Council has chosen another person to fill the position. We will keep your application on file and if there is another opening on the commission we will contact you.

If you have any questions please give me a call.

Sincerely,

Michael Robertson
City Administrator
mrobertson@cityofnorthoaks.com

2. Rich M. Dujmovic, 15 Black Lake Road
651.582.4732 (work); 612.718.3025 (cell)
richard.dujmovic@bsci.com

PROFICIENCIES

- ◆ Collaborating with cross-functional partners to create compelling proposals
- ◆ Complying with statutory regulations and quality processes
- ◆ Working with Worldwide regulators to achieve medical device approvals
- ◆ Organizing research, engineering, clinical, and quality resources to address Regulator questions
- ◆ Providing team members the tools, resources, advice and encouragement to succeed
- ◆ Recognizing individual and team contributions to develop key talent
- ◆ Communicating and collaborating with diverse stakeholders geographically
- ◆ Establishing future product definitions aligned with organizational goals

EMPLOYMENT

BOSTON SCIENTIFIC CORPORATION (BSC)

Rhythm Management (RM), New Brighton, MN

2001-Presen

Vice President, Regulatory Affairs, 2013 to Present

- Lead BSC's 56-member Cardiac Rhythm Management and Electrophysiology Regulatory Team
- Responsible for Regulatory budget, hiring, personnel organization and development, project prioritization, development and execution of product approval strategies in support of \$2 Billion annual Divisional revenue
- Team earned approval of "First in their category" Left Atrial Appendage Closure Device, assisting 60,000+ patients, and the Subcutaneous ICD, providing Sudden Cardiac Death protection without utilizing patient vasculature
- Chair an Industry-wide Real World Evidence project in coordination with the US FDA and the National Evaluation System for Health Technology Coordinating Center (NESTcc)
- Selected to lead Boston Scientific's Regulatory Affairs Steering Committee 2017 and 2018

Director, Regulatory Affairs, 2010 to 2013

- Led low-voltage US regulatory team (14 direct, 5 non-direct reports) providing support to all low-voltage, Pulse Generator, Leads, and external products worldwide.
- Worked closely with Worldwide regulators; provide ongoing communication and timely responses to expedite the approval process.
- Collaborated with Research & Development, manufacturing, software development, sales and marketing pursuing the launch of new/modified devices.
- Advised due diligence team on regulatory issues and concerns regarding potential acquisitions. Input gave stakeholders greater clarity and ability to make sound business decisions.
- Spearheaded the development and execution of two Experiential Learning Program

visits for 12 FDA personnel. Involved 50 company cross-functional personnel. Program generated significant business outcomes – FDA declaring it “the best training ever,”

improving progress on key FDA submissions within weeks, and utilizing the successful

format for another training program with key Chinese review staffers.

- Initiated and coordinated new annual FDA reporting system in response to regulatory staff needs. FDA lauded the report structure and process. The structure became the new standard for FDA's Pacing Leads and Defibrillators branch.
- Shared expertise as panel member for Advamed's and FDA's 2012 workshop. Discussed risk considerations in assessing product changes, product change strategies, and training cross-functional partners to maximize team's effectiveness.
- Obtained BSC/FDA approval of INGENIO prior to 2012 HRS. Met franchise objectives - despite late-cycle unsolicited changes to features and programming settings - by creating interactive dialogue with Regulators. Discussed and analyzed changes interactively resulting in prioritized submissions with BSC/FDA leadership.
- Introduced FDA to 3 projects critical to BSC's future product strategies (HRS 2012). Discussions produced collaborative efforts with FDA and significantly accelerated projects' regulatory progress.
- Increased staff competence and confidence through deliberate exposure to new products, teams and geographies.
- Presented department's regulatory perspective at several Patient Safety Advisory Board meetings on regulatory environment changes and impacts.

MILITARY SERVICE

UNITED STATES AIR FORCE, deployed internationally 1993-2001
Captain, Navigator/Electrical Engineer
Mission Employment Flight Commander/Executive Officer, 1999-2001
Wing Weapons and Tactics Instructor Navigator
Deputy Chief, Standardization/Evaluation,
Evaluator Navigator, 1998-1999
Assistant Chief, Squadron Aircrew Scheduling/Instructor Navigator, 1997-1998
Squadron Training Officer/Navigator, 1994-1997
Foreign Air Defense Command, Control, Communications (C3) Systems Engineer, 1993-1994

EDUCATION

University of Colorado, Boulder, CO
Master of Engineering degree, Engineering Management 2000

US Air Force Academy, Colorado Springs, CO
Bachelor of Science degree, Electrical Engineering 1993

COMMUNITY SERVICE

Coached Little League, All-Star & Traveling Baseball, Traveling Basketball & Soccer	1999-2013
Coon Rapids National Little League Board of Directors	2009-2012
Served Church as Board Member, Youth Group Leader and Sunday School Teacher	2005-2011
American Heart Association – Heart Walk Executive Sponsor and Chief Fund Raiser	2015-2017
STARBASE Minnesota – Board of Directors 2017-present	
Executive Sponsor - Veterans Employee Resource Group 2016-present	

Mike Robertson

From: Bill McNee <popemcnee@msn.com>
Sent: Friday, September 20, 2019 3:12 PM
To: Mike Robertson
Subject: Planning Commission Opening

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

Mike,
I would like to apply for the Planning Commission opening. I have lived in North Oaks for more than 35 years. During this time I have seen many changes in the makeup of our community. My six years on the NOHOA Board (two as President) have given me insight in how the City works and the relationship between the City and NOHOA. I was on the NOHOA Board when Charley Lake Preserve was developed. I worked to bring them into the Association. As President, I worked with the North Oaks Company on the Rapp Farm, Wilkinson and Red Forest Way developments. Additionally, my Director responsibilities included dealing with maintaining the roads, culverts and drainage systems. This past experience will be valuable as a member of the Planning Commission as we work with the North Oaks Company on the eastside development. Besides the North Oaks Company's development, the City and Planning Commission need to develop distressed home and septic ordinances to safe guard our environment and home values.

Please contact me if you have any questions. I will be out of the country from September 28th until October 23rd.

Thank You,
Bill McNee
11 Sunset Lane
North Oaks, MN
651-485-7591

**David M. Cremons
22 Raven Road
North Oaks, MN 55127**

**Mr. Mike Robertson
City Administrator
City of North Oaks
100 Village Center Drive
Suite 230
North Oaks, MN 55127**

Re: Planning Commission

Dear Mr. Robertson,

I had inquired concerning the current vacancy on the Planning Commission for the City of North Oaks and you had asked for information on the following three topics:

- 1. What other volunteer organizations or governmental bodies have you been a part of?**
- 2. Describe briefly what type of work you do (did)?**
- 3. What do you like about living in North Oaks?**

As to your first item, I have never served on a governmental body but have appeared many times before City Councils and Planning Commissions around the country on behalf of clients. I was also involved in the representation of White Bear Lake in the 1980's and worked with the City of Bloomington on the Mall of America development (on behalf of the developer). As another example. I represented the Shriners before the Minneapolis City Council on the new hospital along River Road.

As to volunteer organizations, I am a regular volunteer at Midwest Animal Rescue, work on Habitat for Humanity houses and participate in various other efforts, such

as Feed My Starving Children at Incarnation Lutheran. I currently serve on several corporate boards and for a number of years have mentored younger lawyers through the University of Minnesota and my old law firm.

In my career of forty years, I was a business lawyer with several firms, most recently Felhaber Larson in downtown Minneapolis. I served on the Felhaber board for over twenty years and was an officer of the firm for a number of years. My work on the Felhaber board and other corporate boards (ie. Old Home Foods, Verde Environmental, Preceptis Medical, Parasole Restaurants) gave me valuable experience in board protocols and procedures, as well as in how to get things done in a collaborative way, if possible.

My law practice involved real estate development, as well as working with start-up companies and tech firms. I have dealt periodically with government approval processes, zoning, PUDs and other development elements in multiple jurisdictions. Among other client endeavors, I was U.S. counsel for a large Canadian firm that had businesses all over the world and worked on projects throughout the U.S. and in Europe on behalf of that company.

Since 2012, I have also been a partner in Atlas Capital Partners, a private equity firm specializing in early stage investing. Our firm invests in and works with early stage companies to help drive their growth, with a focus on Minnesota businesses. Once again, collaboration with company founders has been a key element in our success.

As to what my wife Anne and I like about North Oaks (as residents on Raven Road for twenty five years), I would point to several things. We appreciate the quiet atmosphere and the presence of nature in so many forms. The privacy created by the large lots is an asset, but the quality of the people around us makes encountering our neighbors a pleasure. There is a pride in the appearance of properties in the community that is obvious as we walk down the street. The amenities, especially the trails, are a huge asset. It is a unique place, close to the downtowns but with the feel of a country farm. Those who have carried forward the Hill Family vision over the years have much of which to be proud.

I have no pressing need for more to do, now that I am largely retired. However, if selected for the Planning Commission, I will apply my years of relevant experience, spend the necessary time and effort, and pursue the best interests of this community that has given our family so much. Thank you for your consideration.

David M. Cremons

(612-222-7090)

**ATTN: Mike Robertson
City Manager North Oaks**

By way of this letter I am applying for a position on the North Oaks Planning Commission.

My experience:

- **35 years as a licensed general contractor in Minnesota**
- **6 years as the architectural consultant to the North Oaks Homeowners Association**
- **Project manager for Days Inns where I built hotels for the Days Inn hotel chain**
- **Prior experience as a planning commissioner in North Oaks**
- **Certified remodeler- Certified ADA Specialist**
- **Present Chairman of American Renovation Consultants**
- **HUD/ FHA consultant**
- **15 year resident of North Oaks**

Thank you for your consideration

**Paul Lesieur
31 E Pleasant Lake Rd
North Oaks**

10/02/19

Mike Robertson

From: Heidi Carlson <carlson307@gmail.com>
Sent: Wednesday, October 2, 2019 9:35 PM
To: Mike Robertson
Subject: Planning Commission Vacancy

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

To Whom it May Concern,

I would like to submit my name as a candidate for the Planning Commission vacancy. My wife and I bought our home in North Oaks in the fall of 2009. She grew up in North Oaks and it didn't take much to convince me to move to this unique living area surrounded by natural beauty and its safe community. Having grown up in the western suburbs and seeing how those communities have changed with development and expansion, the history and continuity of North Oaks was appealing to me.

After graduating from the University of Minnesota with a BFA and an Art History minor and a BS in Art Education, I worked as a middle school art teacher for a few years. This experience was invaluable to me as I was able to share my art passions with students and at the same time learn how to communicate with parents.

I transitioned into the home remodeling industry 27 years ago. Over the years I have worked on many homes in communities throughout the Twin Cities from Eden Prairie to Mendota Heights to Stillwater. Working in these different cities and communities has given me a distinctive experience of how various cities work to uphold their identity and preserve their city's history. I began my own general contracting and home remodeling business in 2012. I have worked with customers on a variety of projects both here in North Oaks and in the surrounding communities. I have firsthand experience consulting with city inspectors on projects ranging from residing homes, interior remodels and outdoor living space.

As outdoor enthusiasts, my family and I take advantage of the trail network in North Oaks year-round as we bike, ski and run. Our trail system and parks are a tremendous asset to North Oaks and one which I believe has led many people to call North Oaks their home. I want to do what I can to keep this remarkable feature of North Oaks accessible without compromising our natural surroundings.

I am passionate about our North Oaks community and look forward to the opportunity to serve my neighbors on the Planning Commission.

Respectfully,

Jey Carlson
15 Raven Rd
612.369.6367
ibcarlsonremodeling@gmail.com