

The Council Meeting was called to order at 7:00 p.m. by Mayor Nelson. Present were Councilmembers Marty Long, Kara Ries, and Katy Ross; Mayor Gregg Nelson; City Administrator Mike Robertson; City Attorney Korine Land; City Planner Kirmis; City Septic Inspector Brian Humpal; Recording Secretary Gretchen Needham; and Videographer Maureen Anderson. Absent: Councilmember Rick Kingston.

### **Pledge of Allegiance**

### **Approval of Agenda**

**Councilmember Ross made a motion to approve the agenda, with a second from Councilmember Ries. The agenda passed unanimously.**

**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.*

Rich Dujmovic, 15 Black Lake Road: At the special Council meeting the day before, Councilmember Long brought up potential conflicts of interest regarding choosing a Planning Commissioner; Attorney Land counseled that “disapproval of something” wouldn’t necessarily be a conflict of interest but that predetermining a decision on an application before reviewing it would deny the applicant his/her due process. Mr. Dujmovic expressed that he is not against development in North Oaks as long as the rules support due process. He pointed out that unlike the previous five appointments to the Planning Commission, this next appointment would be from a new batch of candidates rather than the candidate list created earlier in the year. He asks Council why he or anyone else who had made critical comments at previous meetings would be not qualified to sit on the Planning Commission.

Jim Peyton, 4 Catbird Lane: Mr. Peyton thanked Rich Dujmovic for articulating what is going on with the developments in North Oaks. Through his efforts and those and others, he feels the community has been educated. He doesn’t feel there is a conflict of interest for Mr. Dujmovic or any other resident to be on the Planning Commission. He would support Mr. Dujmovic as a member of the Planning Commission.

### **Consent 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' Stellan Co. Inc.; Tree Top Clearing

Approval of Claims: Check#: 13291–13321

**Councilmember Ries made a motion to approve the consent agenda, which was seconded by Councilmember Long. The consent agenda passed unanimously.**

### **Petitions, Requests, and Communications**

1. Public Hearing—Proposed 2020 Assessment Roll

Administrator Robertson reviewed the proposed assessments. They include the assessment for maintenance of Lake Gilfillan which is \$54.64 for each property owner on the lake. There are also assessments for the Journey Home on 5320 Hodgson Road, which is in bankruptcy court, and 24 Hay Camp Road, which is a rental home that did not acquire a rental license.

**Councilmember Long made a motion to open a public hearing at 7:13 p.m. to discuss the 2020 Assessment Roll, which was seconded by Councilmember Ries and approved unanimously. There were no comments from the public regarding the assessments. Councilmember Ross made a motion to close the public hearing at 7:13 p.m. which was seconded by Councilmember Ries and approved unanimously. The public hearing was closed.**

**Councilmember Ries made a motion to approve the 2020 Assessment Roll, which was seconded by Councilmember Ross. The motion passed unanimously.**

2. There was no one present to give the Mounds View School District Referendum Presentation.

3. Deputy Mike Burrell was not present to give his report.

Councilmember Ross talked about recent mail thefts in North Oaks. Hill Farm Circle, Evergreen Road, Evergreen Lane, and East Pleasant Lake Road were recently targeted. She reminded residents: please pick-up mail expediently and report any suspicious activity to the Ramsey County Sheriff's Department. Mayor Nelson asked if the postal service could be asked to investigate these claims. Administrator Robertson suggested residents also contact the City to let them know of any missing mail.

### **Unfinished Business**

1. Consider Revised Septic Ordinance

Councilmember Ries asked to set up a subcommittee to research septic issues that would inform the potential changes to the Septic Ordinance. All of Council agreed that more discussion and input would be valuable. The subcommittee may include realtors and residents.

**Councilmember Ross made a motion to create a subcommittee to research septic issues to better inform any revisions to the Septic Ordinance, with Councilmember Ries as chair of the subcommittee, which was seconded by Councilmember Long. The motion passed unanimously.**

2. Consider Resolution 1354—Approving Request for Conditional Use Permit, Garage Space over 1,500 Square Feet, Fady Daw at 33 Mallard Road

City Planner Kirmis said this application was considered by the Planning Commission at their July and August meetings. The homeowners wish to convert an exercise room to additional garage space. The total garage space would exceed 1500 square feet, and thus needs a conditional use permit (CUP). Planning Commission recommended approval with conditions. Councilmember Ries wants to make sure building codes are met for garage space as per state building code; Administrator Robertson said he would ask Building Official Kevin White to submit assurance of building code regulations to Council. Administrator Robertson reported that exterior lights were re-directed to stay on the property and so met City code.

Karl Yeager, representing Fady Daw, was present to answer any questions from Council. **Councilmember Ross made a motion to approve Resolution 1354, for a CUP at 33 Mallard Road, with the contingency that a memo from the Building Inspector be included, which was seconded by Councilmember Ries. The motion passed unanimously.**

3. Consider Resolution 1357—Sarah Kudebeh at 42 Mallard Road, Preliminary Subdivision Approval

City Planner Kirmis reported that the property is a vacant, 3-acre lot, which the owner wishes to subdivide into two single-family lots. The lot is within the shoreland of South Mallard Pond. The North Oaks Company has provided a letter approving the lot split. The effect on South Mallard Pond was brought up as a concern, as well as the homeowner association requirements, during a previous Planning Commission meeting. Another condition that would have to be met would be for the primary and secondary septic drain field sites to be located before any building could take place. Each lot must be a minimum of 1.45 acres.

**Councilmember Ries made a motion to approve Resolution 1357 for preliminary subdivision of 42 Mallard Road, which was seconded by Councilmember Long. The motion passed unanimously.**

4. Consider Resolution 1358—Approving NOHOA Request for Conditional Use Permit for Forest Management Activities in the Shoreland District

City Planner Kirmis noted the application was to remove and treat ash trees in the shoreland area owned by NOHOA and to also remove invasive species as defined by the Minnesota DNR, such as buckthorn. Though NOHOA asked for a five year permit, staff is recommending that this be treated like any other CUP but with a requirement of periodic reporting to the Council and Natural Resources Commission. Fourteen conditions, including that annual reporting take place in January of each year, are included. The Planning Commission held a public hearing at their September 26 meeting regarding this application; a similar application was approved in the fall of 2015. Council could terminate this CUP at any time if NOHOA does not live up to the conditions.

Mikeya Griffin, Executive Director of NOHOA, spoke regarding the application and asked if there were any questions; Councilmember Ross asked when the work would start, and Director Griffin stated that work is currently under way.

Diane Gorder, 24 North Deep Lake Road, a NOHOA Board of Directors member, wanted to make sure the detailed proposal of 15 pages was duly reviewed and understood by the Council. Council affirmed that they did indeed read the entire application.

**Councilmember Ross made a motion to approve Resolution 1358 for a CUP for Forest Management Activities in the Shoreland District, which was seconded by Councilmember Ries. The motion passed unanimously.**

5. East Oaks PDA Review is tabled until November's meeting.

### **New Business**

1. Review Preliminary 2020 Budget

No feedback was received from Council to Administrator Robertson. The budget will have to be approved at the December Council meeting.

2. Update on City Administrator Hiring

Mayor Nelson noted a contract is in negotiation with the candidate for City Administrator. The Council discussed when they could hold a special meeting to finalize the contract.

**Councilmember Ries made a motion to hold a special meeting at 5pm on Tuesday, October 15 to authorize the final contract for a City Administrator, which was seconded by Councilmember Long. The motion passed unanimously.**

3. Review Interview Process for Appointing New Planning Commissioner

Administrator Robertson said there are five applicants for the open seat on the Planning Commission. Mayor Nelson suggested a subcommittee of Planning Commission Chair Mark Azman, Councilmember Long, and Mayor Nelson, to interview the applicants.

Councilmember Ries suggested instead an open interview by all of Council that is televised. Councilmember Ross suggested that the same questions be asked to all candidates; she said it will be a hard choice because there are strong candidates and only one opening. Her concern is that there are still remaining candidates from the list when she and Councilmember Kingston previously interviewed candidates for Planning Commission; she feels the interview process should be consistent. The term of the open seat expires at the end of the year; Mayor Nelson would suggest the term be extended.

**Councilmember Long made a motion to create a subcommittee of Planning Commission Chair Mark Azman, Councilmember Long and Mayor Nelson to interview candidates for the Planning Commission opening, which was seconded by Mayor Nelson. Councilmember Long and Mayor Nelson voted yea; Councilmember Ries and Ross voted no. The motion failed.**

4. Instead of Wednesday, October 16 for a Council Workshop, a Special Meeting will be held on 5pm on Tuesday, October 15.

5. Comprehensive Plan Update

Administrator Robertson said that the Met Council sent an eight-page letter with requests for changes to the City's submitted Comprehensive Plan. City staff, including City Planner Kirmis, City Engineer John Mazzitello, Planning Commission Chair Mark Azman, and Administrator Robertson, will meet with Met Council staff next week to review the issues in

the letter. The City Attorney may also attend the meeting with Met Council. Councilmember Ross asked why the Comp Plan has to go back to the Planning Commission for a review of changes since Council already approved the Comp Plan. Attorney Land doesn't think the Comp Plan needs to go back to Planning Commission unless significant changes are being made. Councilmember Ross' concern is that the current Planning Commission only has one member that's served for over a year; all the other members are relatively new to the Commission. Councilmember Ries also feels that with the new turnover on the Planning Commission, it would make more sense to have the Comp Plan revisions go to the Council. Mayor Nelson said any Comp Plan revisions should go back to the Planning Commission. Councilmember Ries asked permission to attend the meeting with Met Council next week, and Administrator Robertson did not think it would be helpful for her to attend; he would like to keep the meeting at the City staff level.

**Councilmember Ries made a motion to send Comp Plan revisions to the City Council, which was seconded by Councilmember Ross. The motion was canceled.**

Administrator Robertson feels the controversy will be around future development, otherwise 85% or so of the changes are rudimentary. Mayor Nelson asked Attorney Land if the Planning Commission has jurisdiction over the Comp Plan and she agreed that they do. She had not seen a situation when the revisions go back to the Planning Commission unless there are major changes.

This issue will be on the November Council agenda.

### **Councilmember Reports**

Councilmember Ries:

- A CenturyLink franchise free settlement results in a share of about \$200 to North Oaks.
- CTV Audited Comcast and some money may be coming back to North Oaks.
- CTV's monthly review of watched meetings and workshops shows that the coyote workshop is being watched frequently.
- Another coyote workshop will be set for January.
- A safety video with Mike Burrell was put on Facebook and is getting positive feedback.

Councilmember Long:

- No VLAWMO meeting.
- For a new station for fire department an Arden Hills property is being looked at.

Mayor Nelson:

- Working on negotiations with the new City Administrator; December 2 is the proposed start date.

### **City Attorney Report:**

- Zoning and Subdivision Ordinances are being reviewed. There will be a repeal of the old and an adoption of the new. The ordinances will be renumbered; they can then be more easily codified. Mayor Nelson suggested the codification process be included in the budget and Administrator Robertson will do that.

**Miscellaneous**

Next Special Council Meeting is Tuesday, October 15, 2019 @ 5:00 pm

Next Natural Resource Commission Meeting is Thursday, October 17, 2019 @ 7:00 pm

Next Planning Commission Meeting is Thursday, October 24, 2019 @ 7:00 pm

Next Regularly Scheduled Council Meeting is Thursday, November 14, 2019 @ 7:00 pm

**Adjournment**

**On motion duly made by Councilmember Long, seconded by Councilmember Ries and carried unanimously, the meeting was adjourned at 8:34 p.m.**

Attest:

Respectfully Submitted

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City Administrator Mike Robertson

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Gretchen Needham  
Recording Secretary