

MINUTES OF THE REGULAR COUNCIL MEETING

October 11, 2012

The Council Meeting was called to order by Mayor John Schaaf at 7:03 p.m. at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Gregg Nelson, Marty Long, Bruce Ackerman., Tim Dunleavy and Mayor John Schaaf. Also present were City Administrator Melinda Coleman, City Attorney Dave Magnuson, Recording Secretary Linda Hanson, and Videographer Kevin Scattum

Pledge of Allegiance

Approval of Agenda

Council Member Nelson moved to approve the agenda. The motion was seconded by Council Member Dunleavy and passed unanimously.

Citizen Comments

None

Consent Agenda

1. Minutes of the Regular Council Meeting of September 10th, 2012 for approval
2. Planning Commission Minutes of September 27th, 2012 for approval
3. Minutes of Natural Resources Commission, September 4th, 2012 for approval
3. Licenses for Approval:
 - Mechanical Contractors: Air America Heating & Cooling, Classic Heating & Cooling, KB Service Co., Lewis Heating & Air, LLC, Kalmes Mechanical**
 - Plumbing & Heating:**
 - General Contractors:**
 - Arborists: Mark Primeau Tree & Lawn Service**
 - Sewer/Water Installation**
4. Claims for Approval: Checks #10204-10239

Council Member Long moved to accept the Consent Agenda and claims for Checks # 10204-10239. The motion was seconded by Council Member Nelson and passed unanimously.

Petitions, Requests & Communications

1. Sheriff Matt Bostrum Presentation

Sheriff Bostrum addressed the Council stating that he likes to visit the City Council at least once a year to keep the members up to date.

There currently are 87 sheriffs under his direction. His office runs five core lines of business. These include the following;

1. The department provides Detention Services for those who are pre-conviction. This usually involves between 400-450 detainees per day with an average stay of six days.

2. The Sheriff's office is responsible for Court Services. This involves delivering legal documents for judges as well as safety and security at hearings and trials.
3. Patrolling for the seven communities under his jurisdiction is a large part of their time.
4. The Ramsey County Sheriff office must also enforce all bodies of water in the County including all lakes, streams and trails to ensure safety for all humans.
5. In addition, the office runs a variety of regional programs including SWAT, Crime Lab, Canine, and large scale Investigations.

Sheriff Bostrum explained that all five divisions have a Mission Statement of their own that is consistent with the overall Mission Statement of the Ramsey County Sheriff Department. Each unit will also develop their own mission statement to be consistent with the County's mission.

New this year is the establishment of a Criminal Justice Coordinating Council involving Sheriff Bostrum, the County Attorney, the Chief of the St. Paul Police, each of the suburban Chiefs, prosecuting officers, the Correction's Director and the Chief Judge. They meet once a month to make sure all justice needs in the Community are being met.

The Sheriff's Office is also investing in their website and social media to make communication with the Sheriff's Department easier. They have added a Community Concern Form that citizens can use to communicate to the Department. Sheriff Bostrum stated that these have been used to thank deputies as well as for addressing concerns.

The Department also has enhanced how they respond to crime scenes. They have implemented a program to work with the surrounding communities to send their officers with the sheriff's deputies to the same crime scene technician training. When a crime takes place, both a deputy and an officer may show up, but now both will have the same training.

And finally, the Sheriff's Department has launched the Ramsey County Sheriff Foundation 501C3 which provides grants for youth, safety and volunteer initiatives. One way to support this foundation is to visit the Fright Farm on the corner of Frost and White Bear Avenue on a Friday or Saturday night this month. Sheriff Bostrum believes it is the best haunted house around.

The Council and Mayor thanked the Sheriff. Council Member Dunleavy asked the Sheriff if contracting with Ramsey County was the best way to deliver services to North Oaks. The Sheriff stated that it works very well and is the most cost effective. Council Member Long stated that the Council is happy with the level of service. A discussion of the Water Patrol Unit was also brought up. The Mayor had visited the Water Patrol facility and stated it was a fine facility. The Sheriff stated that they have a very limited budget, but rely on many volunteer hours from the Water Patrol.

2. Annual Report CSO Bob Parrott

Community Service Office Bob Parrott came to the podium to give an annual report. He stated that he tries when on duty to drive by each home once a day. He stated that this is getting a little more difficult as he is assigned more tasks. He watches properties when homeowners are on vacation or at a funeral and is also a certified first responder. He often is the first to respond to an emergency call in the City. He also is responsible for patrolling the roadways and has assisted in trespassing and DUI tickets as needed. He also deals with parking and sign violations.

CSO Parrott has been willing to work flexible hours so that he can accommodate what is going on in the City. He also calls himself a “pet matchmaker” matching many lost pets to their owners. He enjoys working in this community.

Council Member Ackerman thanked Officer Parrott for the detailed report and stated he does a lot for the Community. The Mayor on behalf of the Council also expressed appreciation for his extra effort. He stated that Officer Parrott is a valuable asset in North Oaks.

3. Jim Daly Resolution of Support for Ramsey County Hazard Mitigation Plan

Jim Daly, the Emergency Management Coordinator from Ramsey County, introduced Resolution 1265. This resolution is required by FEMA. This basically covers what the hazards are and what can be done to mitigate them. He recommends that the City adopt this resolution.

Council Member Nelson read Resolution 1265 establishing the City of North Oaks Adoption of the Ramsey County All-Hazard Mitigation Plan (see attachment). Council Member Long made the motion to approve the Resolution and Council Member Dunleavy seconded it. The motion carried unanimously.

Mr. Daly stated that the City does not have an outdoor warning system at this time, but many with smart phones are now able to subscribe to severe weather announcements. He also is in favor of having an electronic billboard to share weather warnings.

Unfinished Business

None

New Business

1. Proposed revisions to the Wildlife Feeding Ordinance

City Administrator Coleman introduced the revisions recommended for approval for the Wildlife Feeding Ordinance. These revisions were first proposed by the Natural Resource Committee and have gone through a public hearing with the Planning

Commission's approval. Ms. Coleman stated that she has received a few calls on this issue which have been positive. The Staff recommends that the Council approve these revisions and then publish the new information in the Shoreview Press.

David White, 21 Pheasant Lane and member of the NRC, addressed the Council.

He stated that the NRC created a committee to look at the Wildlife Ordinance. This committee included himself, Bob Larson, Chris Mann, and Dick Wright. He wanted to thank on behalf of the Committee the cooperative nature of this venture with the City Administrator, City Attorney, and Council Member Marty Long who served as a liaison to the Commission.

The changes to the current Ordinance recommended are the following:

1. The ordinance will now prohibit feeding of all wildlife with the **exception of songbirds**. The current ordinance included deer only. Homeowners will need to keep songbird feed five feet off of the ground as it is in the surrounding communities.
2. Sanctions for violating the ordinance will no longer be a criminal matter, but will involve fines much like what the City does for false alarms. The first offense will be treated more as an education piece to inform the homeowner of the violation. If not remedied a \$100.00 fine will be given. The second offense will be \$200 and the third and beyond will be \$300.

Mr. White stated that the Committee wanted to eliminate the provision for one neighbor to sue another. They are confident that the fining system will work and this is the type of sanctions used by the surrounding communities of Shoreview, Vadnais Heights and Arden Hills.

Council Member Ackerman thanked Mr. White and the other committee members for all the hard work and hopes that the fining system will work. He questioned if it does not, can the City go back to what was in the Ordinance before. Mr. White explained that the fining system has worked well for false alarms, but that the City would have to change the ordinance again if this did not work.

Council Member Nelson asked how this would be handled and it was explained that the City would monitor the fines and reporting would mainly remain with the anonymous calls from the neighbors or from the report from the CSO or Tom Watson, the City's Deer Management person. Council Member Long stated that this is the best thing to do for the health of the current deer herd. The Mayor stated that when the aerial count of the deer takes place it is easy to identify who is feeding animals.

Council Member Nelson asked why the Committee recommended removing the right for the homeowner to sue a neighbor. Mr. White explained that turning neighbor against neighbor is not the best. Mr. Nelson explained that sometimes it is necessary to take legal action especially in cases where the homeowner does not feel satisfied with the City's action. Council Member Ackerman questioned if the

Ordinance could use both the fining system and personal rights to sue. Mr. White stated that the Ordinance revisions would need to be reworded. The Mayor agreed with the NRC that the changes as presented are worth a try.

City Administrator Coleman stated that the overreaching goal is the education piece. As homeowners become more aware of diseases spread by deer and read more in the North Oaks News about the negative impact of feeding wildlife, homeowners will more than likely comply. If the fining system does not work, the City can pursue this in court if necessary.

Council Member Long made a motion to open for discussion the approval of the Amendments to the Animal Feeding Ordinance. The motion was seconded by Council Member Dunleavy and passed unanimously.

Council Members Dunleavy, Nelson, and Ackerman preferred to keep language in the Ordinance that allows homeowners to take legal action against their neighbors if they violate the Ordinance. This would take place only after the City had worked through the fining process. It would be an expensive action for the homeowner, but would still give the homeowner recourse if he or she did not get satisfaction from the action taken by the City. The City retains the right to seek legal action first if necessary. City Attorney Magnuson agreed to work on the language to include the rights of the homeowners to take action.

Council Member Nelson moved to amend the motion to incorporate the wording giving the homeowner the right to take legal action if necessary. Council Member Ackerman seconded the motion and it carried unanimously.

The motion to approve the Amendments with the changes passed unanimously.

The Mayor thanked the NRC members and also wanted to acknowledge the work done by Missy Patty who resigned from the Committee.

2. Proposed Zoning Change to Allow Essential Services with a CUP in the Recreation District

Ms. Coleman introduced the proposed zoning change to allow essential services in a Recreation District. She stated that this came about when members of the Oxygenation Committee met with St. Paul Water Authority regarding a new aeration system for Pleasant Lake. It was suggested that the City hire outside counsel for an opinion of the rights of the City regarding this issue. The counsel advised that the CUP issued in 1991 was not done correctly and should be amended once the ordinance is changed. The Water Authority is willing to do this.

The change basically defines essential services and was reviewed with NOHOA, the North Oaks Golf Club and the St. Paul Water Authority. A public hearing took place at the last Planning Commission meeting and at that hearing, Mark Azman, 12 North Deep Lake Road, spoke in favor of the change.

The changes involve adding language to include any building or structure must get a CUP and also defines essential services.

Council Member Nelson made a motion to approve the proposed Zoning changes and Council Member Long seconded the motion. It passed unanimously.

Council Member Reports

1. Tim Dunleavy

Finance Committee

The Finance Committee continues to work on the 2013 Budget and will do so until it is adopted

Lake Johanna Fire Board

Council Member Dunleavy shared a report on the zebra mussels cleaned out of the fire hydrants. Each year these are getting much worse. It is important that the hydrants are cleaned out to keep them functioning properly. The Mayor suggested that the report be forwarded to the DNR. Ms. Coleman agreed to send this report to them.

1. Bruce Ackerman

NOHOA

Council Member Ackerman attended the October 4th, 2012 NOHOA meeting.

The fishing survey taking place on Pleasant Lake was mentioned. Also it was noted that a residential survey on Volunteerism is on the NOHOA website.

A discussion of the Pemtom proposal was discussed. Dan Herbst from Pemtom and Tom Zimmer the Sisters of the Good Shepherd representative spoke at this meeting. Their proposal includes the building of 110 homes and at this time they showed an interest in being part of the Homeowners' Association. It was decided to not vote on the current proposal to join the Association at this time, but should wait until the City Council has a chance to vote on this issue. Also Joan Brainard, 14 East Oaks Road, stated that it would be important for homeowners to have a chance to speak at the Public Hearing.

George Rux, 5 Shadow Lane, made a proposal on an email blast policy (factual vs. opinion) and it failed in a vote.

A discussion of the West Rec Center also took place. Currently, there are two proposals: one for 1.7 million and a new package deal for 2.2 million. The 2.2 million dollar package would include purchasing land at the main entrance and if possible the land near the East entrance by the railroad

tracks. The cost to purchase this land is \$250,000. The proposals will appear on an upcoming NOHOA ballot.

A final topic was discussed on the right of members to vote on by-laws. This will be further discussed at a later date.

Mayor Schaaf mentioned that the land near the railroad may not belong to the North Oaks Company. Either White Bear Township or the railroad may own that piece of property.

2. Marty Long

VLAWMO/NRC

Council Member Long combined his report for VLAWMO and the NRC and reviewed the fish study that took place over three days on Pleasant Lake. The City worked with VLAWMO, the DNR, and the NRC to conduct this survey which is used to assess the health of the lake. On September 27 John Blackstone, a PR person from the St. Paul Water Authority, and Sheriff Bostrum attended the event. On October 4th a representative from VLAWMO attended and on October 11th the Sheriff, representatives from the DNR and the University of Minnesota, a Planning Commission member, a City Council member and a Staff member all were in attendance.

The fish (3 Northern, 3 Walleye, 3 White Bass and 3 Small Mouth Bass) were on their way to the lab. Unfortunately, they did not catch any small pan fish. The results will be available in about one month. This study may be repeated in three years.

Mr. Long thanked everyone involved.

3. Gregg Nelson

Planning Commission

Council Member Nelson was unable to attend the Planning Commission meeting on September 27th. Two of the issues addressed at the PC meeting (the Wildlife Ordinance and the CUP Ordinance change) were also addressed at this meeting, so no further discussion was necessary.

The Planning Commission also looked at a document suggested for procedures to follow in a Public Hearing. Further discussion is needed.

Pleasant Lake Oxygenation Committee

Council Member Nelson reviewed the work done by this Committee to date. The Committee was formed to evaluate and work on the proposal from the Water Utility for a new oxygenation system for Pleasant Lake. The system

proposed involves a larger oxygen tank and a unit next to it much like what is found on Lake Vadnais. The Committee is evaluating the project to look at the following concerns:

Will the new system improve the water quality?

Is the new system most suitable?

Will the new system be the most effective?

What are the legal rights of the City and what options does the City have?

Could a different location be used?

What screening options are they considering?

How can they limit the intrusiveness of the system?

The Committee has met several times. The new system is proposed for the South side of Pleasant Lake which has a lot of traffic. The Committee feels strongly that the system should limit the intrusiveness and that all options should be considered. The Committee hired an engineer from SEH and outside counsel and also discussed this with the City Attorney, David Magnuson.

The Committee agrees on a number of issues including asking the Utility to follow the new CUP amendment (which is in process), not deliver oxygen during the winter months, plant larger trees around all sides of the unit, cover all costs involved, and consider a horizontal tank rather than a vertical one. In addition, the Committee would like to consider using the south brick wall of the pump house that already exists as residents are familiar with this structure. It is important that the Water Utility understands completely what is expected. The Utility seems willing to work with the City on these issues.

A motion was made to accept the report given by the Lake Oxygenation Project by Council Member Dunleavy and Council Member Long seconded the motion.

Council Member Ackerman commented that a formal process will be followed once they apply for a Conditional Use Permit. He stated that a lot of time was spent on the report, but that he had voted against the report. His main concern is the aesthetics in the proposed location. It would be 30 feet from Pleasant Lake Road. Also he has safety concerns. He agrees that an oxygenation system is needed, but would like to see other locations considered both by the Committee and the Water Utility. Two other locations on NOHOA land could be considered. Mr. Ackerman talked to the engineer John Blackstone about his concerns, but Mr. Blackstone stated that one site is better for security reasons and there really is no other place that can house this system on one lot and no other location with power. Pictures on the NOHOA site are available if residents would like to see a similar system. A public hearing on October 25th is

proposed. A notice in the Shoreview Press will meet the deadline for the ten days' notice before the Council Meeting. Letters will be sent out to all residents who live within 1000 feet instead of the required 350 feet of the proposed property. An email blast will be sent out by NOHOA as well. This proposal will go to the Council on November 8th, 2012.

Council Member Ackerman would like to see this proposal postponed.

The motion to accept the Oxygenation report passed with Council Member Ackerman voting no.

Mayor John Schaaf

Mayor Schaaf attended the Newcomers' meeting with 85 to 90 new homeowners and stated it was nicely done and he thanked NOHOA for organizing this event.

The Mayor also attended the Metropolitan Council Update Meeting held at the new City of Vadnais Heights facilities. He had a good discussion on budgeting issues with the Mayor of White Bear Joe Emmers who is dealing with similar issues.

Mayor Schaaf met with the Majority Leader in the MN House, Rep. Matt Dean. He was very interested in the Lake Gilfillan Water Project.

Finance Committee meetings are continuing and both Mayor Schaaf and Council Member Dunleavy have been working on this.

Administrator Reports

1. 2012 Budget vs. Actual Expenditures

City Administrator Melinda Coleman stated that the finances are in good shape and that the City should finish the year in the positive. The City is waiting for funds from the 2012 taxes.

On the expense side, the City is over on the inspection budget, but way over on revenues in permit fees as well. Building permits are up 50% over what was projected. Un-captured revenue still is due to the City. The City should end the year under budget.

2. Report on Highway 96 Signal Agreement with Ramsey County

City Administrator Coleman met with Jim Tollaas, the Ramsey County Public Works Director, and Jerry Auge from Ramsey County Highways to go over the City Signal agreements for Highway 96 that have been in place since 1991. They were looking for signature pages that they had misplaced. At this time no work is planned on the signals.

They also discussed the possibility of resurfacing the bridge on Highway 96.

They are willing to work with the City on this project as they have specialized equipment that they will be using next summer. The cost would be around \$20,000.

Council Member Ackerman asked if the City had any control over the signal at the entrance to North Oaks. It was explained that the signal is under the jurisdiction of Ramsey County but that the City could make suggestions. The Mayor stated that an update is planned for Highway 96 between 35E and 35W and at that point the lights will be updated with blinking lights to turn on yellow. This would probably not take place until 2014 or 15 for 35E and work is currently being done on 35W.

3. Timeline and status of Sisters of the Good Shepherd Property

Pemtom has asked for a 30 day extension to re-evaluate the economics of their project. They will be meeting with Mr. Zimmer and the Sisters and plan to be back in front of the Planning Commission in November. The extension goes until December 24th, 2012.

4. Election Support- Ramsey County Contract Status

The Contract for Election Services has been delivered to Ramsey County but the signed copy is not back to the City yet.

Ms. Coleman gave a quick update on absentee ballots. As of October 11, the City had processed 289 absentee ballots in the 18 days open for processing. The Staff has been willing to work extra hours and the voting is taking a lot of extra staff time.

Council Member Dunleavy asked if the new contract will alleviate this extra stress in the next election. Ms. Coleman explained that it would and that even though the contract with Ramsey County does not cover this election, Ramsey County has agreed to count the absentee ballots for this election.

Ms. Coleman also mentioned that North Oaks has two precincts. Precinct One votes at the Community Meeting Room and Precinct Two votes at Waverly Gardens. If a homeowner does not know which location, he or she can check the City website or call the City office.

5. Status of 2013 Draft Budget

After the Finance Committee met, a few changes were made to the proposed 2013 Budget. On the expense side, they looked at the impact of the Lake Johanna Fire Department costs on the budget. It impacts the City's budget for the next ten years, but especially this year and next. They decided to increase the budget for this by \$9,000 from \$20,000 to \$29,000. Four thousand will come out of the Contingency Fund and five thousand from Unallocated Funds.

A reduction in the 911 Dispatch of almost \$1,500 due to a postponement of purchasing equipment was also a change.

The property tax levy remains the same at \$1,253,459.00. The budget proposed is \$1,000,928.00. The Truth in Taxation meeting is December 3rd, 2012. The Budget should be adopted at the Council Meeting on December 13th, 2012, or no later than December 30th, 2012. Ms. Coleman confirmed that all members will be at the December 3rd and 13th Council Meeting to assure the Budget is passed by the deadline. Also, the Pentom proposal could be presented at the December 13th Council Meeting.

City Administrator Coleman stated that October 10th was the last day to pay the Lake Gilfillan assessment with no interest. Fifteen residents paid this assessment in full. At the next meeting Springsted will present financing options for the remainder due.

City Attorney Reports

1. Status of any Pending Lawsuits and/or appeals

In regards to the Pool litigation the appeal was received by the City attorneys and the City has 30 days to respond. The City Attorney is not sure of the timeline, but he will let the Council know the dates.

City Attorney Dave Magnuson also asked the Council what action they would like to take with those who are not in compliance. A total of eight are not in compliance and a warning letter has been sent to each. One has made plans to install a fence. If nothing is done by spring, further action will be needed.

2. Request City Attorney to prepare MN Statute changes effective 1/1/2013

Mr. Magnuson will prepare a summary for the next meeting.

Council Member Nelson mentioned that Council Member Dunleavy will be leaving the Council at the end of this year and stated that he would like to see something done to commemorate his years of service. A motion was made by Council Member Nelson and seconded by Council Member Long to authorize the City to make a plan to honor Mr. Dunleavy for his years of service. The motion carried unanimously.

Miscellaneous

Next Regularly Scheduled Council Meeting – Thursday, November 8, 2012 @ 7:00 pm in the Community Meeting Room

Next Natural Resource Commission Meeting – Tuesday, November 13, 2012 @ 7:00 pm. in the Community Meeting Room

Next Planning Commission Meeting – Thursday, October 25, 2012 @7:00 pm in the Community Meeting Room

The League of Women Voters cancelled the Candidate Forum on October 30, 2012.

Adjournment

On motion duly made, seconded and carried unanimously, the meeting was adjourned at 9:07 p.m.

Attest:

Respectfully submitted,

Mayor John Schaaf

Linda M. Hanson
Recording Secretary

Attachment

RESOLUTION # 1265 ESTABLISHING THE CITY OF NORTH OAKS

ADOPTION OF THE RAMSEY COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of North Oaks has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Ramsey County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Ramsey County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Ramsey County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Ramsey County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Ramsey County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City of North Oaks supports the hazard mitigation planning effort and wishes to adopt the Ramsey County All-Hazard Mitigation Plan.

This Resolution was declared duly passed and adopted and was signed by the Mayor of North Oaks and attested to by the _____ this _____ day of _____, 2012.

Attest:

Mayor, John Schaaf

City Administrator, Melinda Coleman