

The Planning Commission meeting was called to order by Chair Campbell at 7:03 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, and City of North Oaks. Chair Campbell acknowledged that Commissioner Gregg Nelson was absent. (Council Member Nelson arrived late). Also present were City Administrator Melinda Coleman, City Attorney Dave Magnuson, Videographer Kevin Scattum and Administrative Assistant Linda Hanson.

### **Approval of Agenda**

Commissioner Bob Wilson moved to approve the agenda. The motion was seconded by Commissioner Katy Ross and passed unanimously.

### **Approval of Minutes**

Commissioner Bob Wilson moved to approve the September 27, 2012 minutes. Commissioner Nancy Reid seconded the motion and it carried unanimously.

Commissioner Bob Wilson moved to approve the Minutes from the August 30, 2012 Planning Commission meeting. The motion was seconded by Commissioner Katy Ross and passed unanimously.

### **New Business**

#### **1. Pleasant Lake Oxygenation CUP 12-12**

City Administrator Melinda Coleman reviewed the application for a Conditional Use Permit requested by the St. Paul Regional Water Services. Ms. Coleman explained that when the St. Paul Regional Water Services put in the oxygenation system in 1991, the City's Ordinance did not allow a CUP in a recreational district. Now that they are requesting a replacement system, the City decided to look into the legal rights to rectify this situation.

The new system requires removal of one of the three brick buildings and to place a large tank that would be extensively screened. The Water Service has agreed to purchase a horizontal tank which although more expensive would be better hidden from view.

The City Council directed the Staff to seek outside counsel as well as an opinion from the City Attorney, Mr. Magnuson. It was recommended that the City make a change to the Ordinance to allow a CUP in a recreational district and to change the definition of essential services, allowing for a structure to also be permitted. The changes in the Ordinance were approved at the October 11<sup>th</sup> Council Meeting and will be published in the North Oaks News October 30, 2012.

In a CUP the building height is restricted to 35 feet. The vaporizer will be 18 feet 6 inches and the tank when placed horizontally will be 12 feet tall.

The Regional Water Service owns a house with pumping equipment and a parking lot on the South side of Pleasant Lake. They provide water to 417,000 residents in 12 communities.

The proposal addresses the issues to obtain a CUP and measures have been taken to minimize the aesthetics, noise, and delivery impact of the new system. A letter of public notice was sent to 28 homes within 1000 feet of this property rather than the required 350 feet. NOHOA also sent out an email blast that reaches 1,200 households. In the next edition of the North Oaks News an article will be published as well.

The City met with Brian Boll, the new Facilities Manager, and Dick Haugen, the General Manager from the Golf Course and Keith Eibensteiner, the Vice President of the North Oaks Golf Club and resident at 14 Ridge Road, who served on the Oxygenation Committee. Their recommendation to support this CUP was included in the report. Resident Bob Tipler also stated his support as he was asked to join the Committee to study this project but was unable to serve. He did however have one major concern which was to not allow any open water in the winter. He was assured that the system would not be running in the winter so this would not be an issue. Ms. Coleman stated she received one email from Linda Pedersen at 5 West Shore Road who expressed concern about retaining the brick building. One phone call came in from the Harvath residence at 1 East Pleasant Lake Road concerned about the noise level. Ms. Coleman stated that this system was selected for being the quietest system with the least amount of disturbance. They were in support of the system once they learned this.

Dave Schuler, Chief Engineer from the St. Paul Regional Water Services gave a short presentation on the history of this project.

The water is pumped from the Mississippi River through a chain of lakes depending on the demand and the ecological conditions. Pleasant Lake is a reservoir. When the water comes in, it often has organic material suspended in the water. This material settles on the bottom of the lake and creates depletion of the oxygen in what he called the lower lake. This leads to a green lake if no oxygen is replaced. In 1991 the first aeration system was put into place which worked fairly well, but the system required a lot of maintenance including divers. The Regional Water Service decided to remove the system last year.

Mr. Schuler explained that the new system is a superior system. It would contain liquid oxygen which evaporates under pressure and feeds out pressurized lines. One would go to the west side and the other the east and then diffuse the oxygen. One good thing about this system is that it basically creates very little noise (described as a steady whisper). This system is simple to maintain and creates superior results. Up to 10 cubic feet of oxygen per minute can be added to the lake which will create better water quality, lower phosphorous, and eliminate the algae bloom. Although the system is quite large, in about three years a tank half the size of the original can be put into place. The system will require weekly deliveries but again once the system is working well, deliveries can be less often. The Water Service and the oxygen supplier both will be monitoring the system using feedback systems and sensors so that the correct amount of oxygen is delivered to

the lake. The system will be well screened and they will work with the City to make this screening as attractive as possible.

There are many liquid oxygen systems being used today and they are considered safe. The question came up about using the system on Lake Vadnais to oxygenate Pleasant Lake, but Mr. Schuler stated this could not be done. Other systems were considered, but in the long run the proposed system will be less expensive to run and also less noisy.

In the report to the City Council, the Committee recommended that the brick wall from the current building be preserved if possible as this is what residents are used to. A discussion took place on whether the wall was long enough, was able to be secured so that it was safe, and was outside the setback that the tank needs. Mr. Schuler stated that it would be more costly and difficult to maintain this wall, but if the City would like to keep it, and it meets the criteria he needs to assure the safety of the unit, he will do his best to maintain this part of the structure. The two smaller brick buildings will remain on the property.

Chair Campbell opened the public hearing.

**Bruce Ackerman, 68 East Pleasant Lake Road, Oxygenation Committee member**

Mr. Ackerman stated his concern about keeping the brick wall as this is what the Committee recommended. He stated that if the wall meets the setback requirements and if the current building is according to his estimate around 40 x 30 feet then the current wall should be used for screening.

Mr. Schuler stated that it would be more difficult to do, but that the Water Service does want to work cooperatively with the City.

Mr. Ackerman stated that he voted against the project report sent to the City Council because of his concerns of aesthetics and safety. He was surprised that there has been no opposition. He was concerned about lack of publicity and the short time for notification. He prefers another site since the present site is so close to the entrance of the Community. He would like to see the Charley Lake site considered. Mr. Schuler explained that the present site is the only site they own.

Mr. Ackerman stated that he agreed a system was needed and that the one proposed was a good system, but he had concerns of safety. Mr. Schuler explained again that they would do everything they could to use the greatest screening possible, paint the tank if desired, and use large trees. He stated that safety would not be an issue as they use what is needed to protect the system.

**Mr. Egelston, 28 Duck Pass Road, resident and on the Oxygenation Committee**

Mr. Egelston addressed the Commission and stated that he did not care about using the brick wall. He stated that this was an important project and he encouraged the

Commission to approve the CUP. It is better for Pleasant Lake, Lake Gilfillan, and the Golf Course as well as for all the people downstream, so he is strongly in favor of this project. He stated that he and John Blackstone had looked at the Charley Lake site and both agreed this site would not work. The parking lot is not large enough to accommodate the delivery truck for one reason.

**Mayor Schaaf, 10 Larch Lane**

The Mayor stated that the Community has had information on this project. It started 19 months ago when the City Council had its first public hearing. There have been 23 discussions at the City Council, subcommittees, private meetings with residents and NOHOA meetings. The goals are to improve the water for both North Oaks and the greater community and also to take the odor out of the lake.

The Mayor also looked at the Charley Lake site on West Pleasant Lake Road, and does not think support would be there to put the system in a residential neighborhood. The location would also not be as secure. The Mayor explained that the Water Service has been a landowner for 136 years in North Oaks. He also commented that the wall would have to meet federal standards and would not be up to the City if it did not meet the safety standards. If the wall could stand, it might look patchwork, but he would be willing to keep it.

The Mayor stated that working with the St. Paul Regional Water Services has been very cooperative and he felt confident that they would do what the City wanted to screen this system. He believes this is the best thing to do for the future generations and the health of the lake.

Mr. Ackerman came back to the podium and stated that he did not want to be misunderstood. He talked to John Blackstone also and he does understand the limitations for the other location, but did not see a lot of engineering reasons for not considering this location. He again stated that saving the brick wall was important to the Committee's recommendation and the report was also approved by the City Council at their last meeting. According to Mr. Ackerman the wall should be able to be used and also meet the Federal Standards.

City Administrator Coleman explained that the Federal Requirement being discussed is established by the International Fire and Building Code. She also reminded the Commissioners that they have a statutory obligation to address the proposal submitted which is for the present site.

Chair Campbell closed the public hearing at 8:14 pm.

Commissioner Nancy Reid asked about the size of the current building. Mr. Schuler agreed to come back and give the dimensions. He stated that if the wall is within the setback and meets the requirements of the Federal and State codes, it would be fine to keep the one wall. It will be a higher cost and take work to make it aesthetically pleasing.

The wall will be unsupported until they come up with a plan. It would be safer and look better according to Mr. Schuler if a new wall was built.

Mr. Schuler also stated that the unit will be very well protected, and it is designed to stop a semi full trailer going 50 miles per hour. The delivery trucks also have quick connects that allow only liquid oxygen to be delivered into the tank.

Mr. Schuler and a team of engineers went to look at the Charley Lake site and found the following items that work against using this site:

1. The Regional Water Service does not own the land.
2. There is no electricity on the site.
3. They have no communication capability at the site.
4. It would take nearly twice as long of a run for delivery.
5. They would have to cross the bridge and not sure if it is stable enough for this.
6. Three houses look directly at the site.
7. It would take quite a bit of excavation and cost.
8. The parking lot is small and would need a turn-around for the larger truck.
9. They would need an easement to block parking during deliveries.

Chair Campbell stated that at the present site, parking would have to be clearly marked so that the delivery truck could easily get in and out.

Commissioner Hara stated that he believes the tank should stay white as the tank is temporary until a smaller tank can be used.

Commissioner Nelson asked about the setback and Mr. Schuler stated that if it is within the setback limitations the wall could be retained although he would rather see it removed. Mr. Nelson stated that the Committee would rather see the tank painted a color that would blend with the surroundings better than white.

Commissioner Yoshimura-Rank asked how long the new system will last. Mr. Schuler stated that it is built for 20 years but could last longer. The Water Service will want to aerate the lake forever and use the best system possible.

The new tank cannot sit idle with liquid oxygen in it, so it will be emptied each October and will be filled again in the spring (around May). In the winter, the oxygen demand is much lower.

The Regional Water Service will work with the Architectural Supervisory Committee and Ms. Coleman to make this system is acceptable to the community. A landscaping plan can be submitted to the Commission and the Council if desired. Once a plan is approved, implementation would begin next spring as soon as the ice is out.

The tank will sit on a pad and will raise the system 1.5 feet to a height of 12 feet.

Commissioner Wilson stated that the wall should be used if possible. Chair Campbell stated that it would be better if the ASC acted on the plan for appropriate screening.

Bruce Ackerman came to the podium again and reiterated that the Council approved the Committee report that requested the maximum screening including the wall. He stated that since this is a CUP, it is the responsibility of the Commission to act on this with conditions that have already been spelled out. He does not want the system to be visible.

Chair Campbell asked how the Regional Water Service will screen the system and asked if there will be a solid wall.

Greg Nelson stated that the City does not have a final plan but the Committee was thinking of keeping continuity by using the current brick wall and that further study may be needed since a final plan has not been submitted. Chair Campbell mentioned it would be easier to tear it down and start over. Commissioner Hara mentioned that it would be more expensive to keep the wall.

Mayor Schaaf stated again that there is a Federal Standard that has to be met and if the wall falls within the Federal Standard then it should be kept, but if not, then the City would need to follow what must be done.

The cost if in reason will be paid for by the Regional Water Service. He stated the wall was built in the 1990's and is not historic, and they cannot totally enclose the new system. He stated that they would work with the City but that when the tank is downsized, a different plan may work better. They could consider moving the tank, but more trees might be affected and also it might encroach on the trail, so it is in the best place now. Commissioner Ross stated that by leaving the wall it may not look better. Commissioner Nelson stated that a fence might not look any better over time and that a brick wall would hold up better. Mr. Schuler stated that the fence would probably be changed when the unit is downsized by half.

Bruce Ackerman stated that he was on the Planning Commission in 1991 when the brick building was constructed. He recommended at that time that the building be brick to match the other buildings on the site. Currently the wall is too short but when the smaller tank is in, the wall would more than likely hide the system. Mr. Ackerman stated that brick is more attractive than a woven fence and also more costly, so a combination of a brick wall with wood could be considered. A new brick wall may stand out more.

Commissioner Ross reminded the Commissioners that a parking lot plan would also be needed so that deliveries could easily take place.

Commissioner Gregg Nelson made a motion to recommend to the North Oaks City Council to approve CUP 12-12 to allow the St. Paul Regional Water Services to allow a structure and aeration equipment with the following conditions:

1. The project construction shall be in compliance with the plan date stamped on file in the City Office.
2. Equipment shall not be visible to the general public. The location and screening of the equipment shall be reviewed and found acceptable prior to issuance of a Conditional Use Permit.
3. Complete a tree protection plan for the site, for review by the City Forester prior to issuance of a building permit. The plans must show which trees are proposed to be removed and where new replacement and screening trees will be located.
4. All trees required to remain on site, as indicated on the plans, shall be protected by fencing or other necessary measures must be taken to prevent damage during any construction activity.
5. All landscaping must be installed before final project inspection.
6. A parking lot plan shall be submitted and found acceptable for users of the NOHOA trail so that there is no net loss of parking spaces and to physically delineate the proper space needed to accommodate delivery truck movements.
7. The Pleasant Lake Oxygenation Advisory Committee suggest that if feasible, the south wall of the existing building should be left intact and become part of the screening of the equipment.
8. A lighting plan showing the fixture type, height, location and exterior lighting intensity must be submitted with building permit plans for City Administrator approval. All lighting must be directed away from the street and adjacent properties. Light sources shall be shielded from direct view and protected from damage by vehicles.
9. The street address of the building shall be displayed in a location conspicuous from the public street.
10. The project upon completion project must conform to the City's Noise Ordinance.
11. That the Final Landscape/Screening Plan be submitted to the Planning Commission for final review.
12. That all costs of screening and other conditions of approval be paid by the SPRWS.

Commissioner Yoshimura-Rank seconded the motion and it passed unanimously.

**Staff Report:**

No staff report.

The Commission has been notified that the public hearing for the Pentom proposal is scheduled for the November meeting, but may be postponed. Ms. Coleman will notify the Commissioners as soon as she has word.

Chair Campbell announced that NOHOA was having a Halloween Party on October 27,2012 from 3 to 5.

**Next Meeting**

Thursday, November 29at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

**Adjournment**

On motion made by Commissioner Hara, seconded by Commissioner Ross and carried unanimously, the meeting was adjourned at 8:51 p.m.

Attest:

Respectfully submitted,

---

Bill Campbell, Chair

---

Linda Hanson  
Recording Secretary