



CITY OF NORTH OAKS

**Regular City Council Meeting
Thursday, February 13, 2020
7 PM, Community Meeting Room
100 Village Center Drive**

MEETING AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Hearing**
5. **Approval of Agenda**
6. **Citizen Comments** - *Individuals may address the Council. Each person is granted 3 minutes to address the Council.*
7. **Consent Agenda** - *These are items that are considered routine and can be acted upon with one vote.*
 - a. Licenses for approval:

A + A Tree & Landscaping, LLC; Apollo Heating & Air; Bonfe's Plumbing Heating & Air Service, Inc.; CoBeck Construction; Condor Fireplace & Stone; Centerpoint Energy Resource Corp.; Central MN Tree Service; F.A. Bartlett Tree Expert Company; Faircon Service Company; HomeWorks Services Co.; Little Igloo Hvac, Inc; Moga Tree Service; Morgan's Tree Service; MSP Plumbing, Heating & Air; Mark Primeau Tree Service; Rainbow Tree Care; Schwantes Heating & Air, Inc.; Sunderland Plumbing, Inc.; The Snelling Company
 - b. Resolution No. 1376 for Approval of Liquor License for Paninos
[1376. Approving Paninos Liquor License.pdf](#)
 - c. Approval of Minutes of City Council January 9, 2020 Meeting
[North Oaks City Council Minutes 1-9-20_FINAL.docx](#)
8. **Petitions, Requests & Communications**
 - a. Ramsey County Commissioner Nicole Frethem

b. Deputy Burrell Report

9. Unfinished Business

a. Update on Charley Lake Preserve and Red Pine Farms
[REQUEST FOR COUNCIL ACTION 2-13-20 Update on Charley Lake Preserve and Red Pine Farms.doc](#)

10. New Business

a. Discussion on Internal Accounting Controls Policy Resolution 1377
[Internal Control Procedures Final.doc](#)

[Resolution 1377 Establishing Policy for Internal Accounting Controls.doc](#)

b. Discussion on East Oaks Concept Plans, Housing Counts, and Related Materials
[CC Memo - Nord Concept Plan.docx](#)

[Site C Nord Comments 2.7.2020.pdf](#)

[Nord Concept Plan Exhibits.pdf](#)

[CC Memo - Anderson Woods Concept Plan.docx](#)

[Site F Anderson Woods Comments 2.7.2020.pdf](#)

[Anderson Woods Concept Plan Exhibits.pdf](#)

[CC Memo - Gate Hill Concept Plan.docx](#)

[Site G Gate Hill Concept Plan Staff Comments 1.24.2020.pdf](#)

[Gate Hill Concept Plan Exhibits.pdf](#)

[CC Memo - Island Field Concept Plan.docx](#)

[Site H Island Field Development Concept Plan Staff Comments 1.24.2020.pdf](#)

[Island Field Concept Plan Exhibits.pdf](#)

[CC Memo - North Black Lake Concept Plan.docx](#)

[Site K Red Forest Way Development Concept Plan Staff Comments 1.24.2020.pdf](#)

[North Black Lake Concept Plan Exhibits.pdf](#)

[2019.04.05 Letter re East Oaks PDA - Decennial Review.pdf](#)

[2019.06.28 Letter re East Oaks PDA - Decennial Review.pdf](#)

[2019.08.16 Letter re East Oaks PDA - Decennial Review.pdf](#)

[Copy of East Oaks Housing Counts with Proposed Dwelling Units 1.31.2020 \(2\).xlsx](#)

[Development Contract Rapp Farm Phase V & VI.pdf](#)

[Development Contract Red Forest Way Phase IIB.pdf](#)

[Development Contract Villas of Wilkinson Lake Phase III.pdf](#)

[2007.09.27 Letter re Villas of Wilkinson Lake Final Plan Approval.pdf](#)

[2014.09.26 Letter re Rapp Farm PHase V & VI.pdf](#)

[2014.09.26 Ltr to City re Final Plan Approval of Rapp Farm Phase V.pdf](#)

[2017.02.03 Letter re Red Forest Way Phase 2B Final Plan Approval.pdf](#)

[2017.02.03 Ltr to City re Red Forest Way Phase 2B.pdf](#)

Septic Committee Report

[Septic Committee Report.docx](#)

11. Council Member Reports -

Councilmember Kingston

Councilmember Long

Councilmember Ries

Councilmember Ross

Mayor Nelson

12. City Administrator Reports

a. City Administrator Staff Report

[REQUEST FOR COUNCIL ACTION 2-13-20 cc agenda staff report.doc](#)

b. Lake Johanna 2019 Annual Report

[Lake Johanna_2019 ANNUAL REPORT.docx](#)

c. Forestry Report for January 2020

[Forestry Report_January 2020.docx](#)

d. 12.3.19 Planning Commission Minutes

[12.3.19 PC Minutes.pdf](#)

e. 12.19.19 NRC Meeting Minutes

[12-19-2019 NRC meeting - Final.pdf](#)

13. City Attorney Reports

14. Miscellaneous

15. Adjournment - *The Next meeting of the City Council is Thursday, March 12, 2020.*

**CITY OF NORTH OAKS
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION NO. 1376

A RESOLUTION AUTHORIZING A LIQUOR LICENSE

WHEREAS, the Deputy Clerk of the City of North Oaks, Minnesota, acting on behalf of the City Council as Local Liquor Licensing Authority, reviewed Dixon Archibald Hospitality Inc. (DBA Paninos) for application of an on-sale and Sunday liquor license for the year 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH OAKS that the application for the license will be issued upon compliance with all city/state requirements.

Adopted this 13th day of February, 2020.

Gregg Nelson, Mayor

ATTEST:

Kevin Kress, City Administrator

**North Oaks City Council
Council Meeting Minutes
North Oaks City Council Chambers
January 9, 2019**

CALL TO ORDER

Mayor Nelson called the meeting of January 9, 2019, to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Everyone joined in the pledge of allegiance.

ROLL CALL

Present: Mayor Gregg Nelson. Members Kara Ries, Rick Kingston, Marty Long, and Katy Ross.

Absent: - None

Staff Present: Administrator Kevin Kress, City Attorney Bridget Nason, and recording secretary Debbie Breen

Public Present:

Others Present: Videographer – Maureen Anderson

A quorum was declared present.

APPROVAL OF AGENDA

Mayor Nelson requested to remove public hearing from the agenda as it was a carryover from last month and there are no actions that require a noticed public hearing. He also would also like to add a report from Officer Mike Burrell under Petitions and Communications, as well as the addition of Resolution 1375 naming check signatures.

MOTION by Member Ries, seconded by Member Kingston, to approve the agenda as amended.

Motion carried unanimously.

CITIZEN COMMENT

No comments.

CONSENT AGENDA

Councilmember Kingston read the Consent Agenda:

- a. Licenses for approval: Aquarius Home Services; Assured Comfort Heating and Air Conditioning LLC; B & D Plumbing, Heating & A/C; Branch and Bough Tree Service; CMS Mechanical Services, LLC; Corval Constructors, Inc; Elander Mechanical, Inc; Hearth & Home Technologies LLC(dba Fireside; Home Energy Center; Hugo's Tree Care, Inc.; Kraus-Anderson Construction Company; Krinkie Heating and Air Conditioning Co.; Major Mechanical; Metropolitan Mechanical Contractors, Inc.; Northern Arborists; Pronto Heating & Air Conditioning; Quality Turf Maintenance; Sabre Plumbing Heating & A/C; Schulties Plumbing, Inc.; S & R Appliance Repair; Standard Heating & Air Conditioning, Inc.; Tree Top Clearing; Vineland Tree Care; Woodchuck Tree Care; YTS Companies LLC
- b. Resolution 1369 to approve 2020 Partnership Agreement with Northeast Youth & Family Services
- c. Claims for Approval: Checks for Approval: #013394-013423
- d. Council Minutes for Approval from 12.16.19 and 12.19.19

- e. Resolution 1375 Naming Check Signatures
- f. Resolution 1364A: Amending Approving Final 2019 Tax Levy

Administrator Kress mentioned he had redlined the Northeast Youth & Family services contract to modify the timeframe for notice of cancellation from 6 months to 3 months.

MOTION by Member Ries, seconded by Long, to approve the items in the Consent agenda. Motion carried unanimously.

PETITIONS, REQUESTS & COMMUNICATIONS

a. Presentation by Kelly and Lemmons Prosecution: Overview 2019

[Year End Report 2019.docx](#)

- Kevin Beck and Rebecca Duran from Kelly & Lemmons, presented a summary of the annual report as North Oaks prosecutors. They are responsible for resolving misdemeanors such as trespassing, theft, code violations, moving violations and traffic tickets. In 2019 there were 102 cases resolved in 2019. Of those 19 were mandatory court cases, 83 criminal non-mandatory meaning they can challenge in court, but not mandatory.
- Of the 19 cases there was 85 % resolution rates – which is common for misdemeanors to be resolved, either with a dismissed or payment of fines. Of these, 4 were dismissed and 2 were from same trespass case where found they were invited by a resident. Another was a joint resolution with another city, in which they pled guilty in another city in exchange for resolution of our case. Mayor Nelson confirmed that the attorneys have received new trespass ordinance, with member Ross asking what would cause Trespass ticket dismissal. Mr. Beck stated that occasionally contractors and kids might get benefit of a diversion program or payment of fines. Ross noted that safety and security is primary importance in the community. She is concerned about adults who are aware that they are in a private community that have charges followed through, and asked Council to discuss the priorities further. Mr. Beck indicated that only 2 trespass charges were dismissed in 2019. Mayor Nelson suggested Administrator Kress meet with Officer Burrell, and Kelly and Lemons about priority of the community. Member Ries suggested that Kelly & Lemmons also provide feedback in terms of where we can tighten our ordinances.
- Officer Burrell mentioned that he has spoken with all the attorney's with Kelly & Lemmons at some point, and he'd be more than happy to work with them to ensure follow through on key points.

b. Report from Building Inspector Kevin White: Annual Building Report

[2019 Annual Report - Building Inspector.pdf](#)

- Building Inspector Kevin White provided the summary report of building activity for 2019. There was overall \$29,000,000 of new building permits. There are only 4 Lots left in Rapp Farm and the Red Pine area has also filled up. Not many empty lots available – so anticipate a slight drop in new building compared to prior years. A number of homes needed new roofs and siding from hail damage. New construction makes up the bulk of it the overall building totals. Member Ross asked how many new homes were built in 2019, with Inspector White indicating approximately 10-12 mainly in Red Forest Area.

c. Report From Mark Rehder Tree Inspector

[North Oaks 2019 Annual Report.pdf](#)

City Forester Mark Rehder presented his annual report, and thanked the Council and community for the opportunity to work in the North Oaks community. Forestry activities include:

- Reviewing forestry permits, shore land applications, responding to homeowner calls, helping with resident questions, submitting articles for North Oaks news, and community education. He has also marked hazard trees “x”, circled are the diseased trees. Generally those leaning towards the street, operation clearview so residents hiking, biking and jogging are clear as vehicles pass by.
- Spearheading Emerald Ash Borer inspection programs with resident assistance. Confirmed there was emerald ash borer near the pump house and visually confirmed by Dept. of Agriculture. NRC had previously prepared an emerald ash borer contingency program. Also works with Maplewood and has seen the progression of the tree disease. Cautious to keep it from spreading and the early cold in December helped kill the larvae. Biocontrols may also help. Haven’t found anything new yet, but will continue to inspect throughout winter. Residents with Ash trees on property can call Forester for consultation to make good decisions.
- Continuing work on Oak wilt program and Dutch elm program. 172 Oak wilt, 20 Dutch Elm trees marked and are at a management program at this point. Invasive species: grant for Oriental bittersweet from the states has been acquired from state. Education campaign underway, and working with the Department of Agriculture in 2020. This vine can completely smother and kill trees.
- Continuing to work with partners such as Department of Agriculture, VLAWMO, Ramsey County, NRC, NOHOA, NOC, Golf Club, U of M, DNR, Forest Service, and St. Paul Regional Water.

Mayor Nelson thanked Mr. Rehder for his report, and asked the most common kind of Oak tree in North Oaks. Mr. Rehder mentioned that Red Oak is. Mayor Nelson asked about burr oak fungus issues, with Rehder responding a dry spring would be helpful for that. Member Kingston asked if there are areas that are not adequately funded. Rehder stated that the budget looks okay, with July-September main time for use of inspection budget. The winter emerald ash borer inspections could take a bit more time as they work with all residents, but feels he should still remain within budget.

Member Kingston asked about buckthorn and resident concerns over overgrowth of buckthorn as a community. Rehder stated that we have more because we are more heavily wooded and noted that if all the buckthorn were to be removed, then the environment would look completely different in a stark way. The current focus is to catch the early removal of invasive species, such as oriental bittersweet, so it doesn’t expand like Buckthorn. Member Kingston will work with Rehder to discuss further. Member Long asked about a prior forestry programs to work with residents for a fee, with Rehder indicating it has folded into his responsibilities, instead of a fee based program.

d. Report From Brian Humpal Septic Inspector

[2019 NO SSTS Summary.pdf](#)

- Annual Report provided in Council packet, Inspector Humpal not in attendance.

e. Deputy Mike Burrell Report

Officer Burrell indicated that November was his last report to Council. Highlights since that time include:

- Squad car is back after 3 month repair from accident.

- Walgreens has had many thefts throughout Ramsey County with a group of people shoplifting. An investigator has been assigned, and some video is in hands of enforcement. White Bear Lake Walgreens is located closer to their police department so a bit fewer hits. Prior cigarette thief went to multiple stores and has many warrants out of several counties.
- Package thefts – only 1 reported and it wasn't actual theft. It was a mistaken package pickup by Fed Ex from the doorstep. It was resolved. Councilmember Kingston asked if it was communicated on Facebook that this was error. City staff to post clarification on City Facebook page.
- Trespassing and privacy continues to be biggest concern for resident. A month ago a sub-homeowner association reported kids on neighborhood pond. If homeowners don't want someone on their property, resident can put up warning. This was a trail that goes around the pond and resident kids were ages 7 years old and up. They haven't been reported on pond lately. Member Ross mentioned the pond was between homes.
- No major accidents within the community, mainly on main road such Highway 96 and Hodgson. Councilmember asked Burrell to look into how many accidents have occurred at highway 96 and Rice street near entrance. Burrell noted that 3 cities manage the 96/Rice intersection: Vadnais Heights, Shoreview, North Oaks. He will look into this, however 96 and Village Center appears to have more accidents than the North Oaks location.
- There was an accident at Hodgson and Village Center accident involving road rage.
- There was a recent burglary that is under investigation.. Remind folks to lock all doors, and camera systems are always valuable. In 2019, there were two burglaries with camera footage that helped resolve the cases.
- Mayor Nelson asked his opinion about the flashing yellow light. Many residents feel it is a concern. Highway 96 is a county road and falls under Ramsey County Traffic engineer. Member Ries mentioned that Ramsey County has set flashing arrow for only off hours.

UNFINISHED BUSINESS

a. East Oaks PDA Review

- **East Oaks City Atty Memo 11.04.19.pdf**
- **East Oaks City Atty Housing Count Notes.pdf**
- **MEMO-East Oaks 7th Amendment.docx**
- **East Oaks PDA Appendix 1 Housing Counts.pdf**
- **East Oaks PDA Exhibit B Housing Counts.pdf**
- **7th Amendment Maps with color.pdf**
- **Ramsey County Map with Colors 11-11-19 (002).png**

City Attorney Nason indicated that Council directed her back in August to do an analysis of the PDA and its seventh amendment. The results of the analysis are captured in a memo included in the Council packet. Her memo incorporates responses to the questions asked by Council. Highlights include:

- The 1999 PDA sets the development parameters and divided sites with names and number of unit counts per site; it allows for expansion. The PDA shows trails, development, language, requirements, types of development, and states that all sites should conform to the document.

- The PDA specifies how amendments can be made to it; the most recent was the seventh amendment in 2010, which established a process for amendment.
- One key point is how density can be determined. The PDA specified a maximum of 645 units along with 21 commercial acres of commercial development. City Ordinances 93 and 94 were adopted in relation to this.
- The PDA was amended seven times—three times were to extend time to developers to provide documentation. The fourth amendment relates to site E. Site E was divided up into three separate areas, which was referenced in the seventh amendment: E1 (Villas of Wilkinson), E2 (the Mews), and E3 (the commercial section of North Oaks Company, Tria, and Waverly Gardens). Each of these have various tracts/development counts per site. It is difficult to determine which tracts of land ended up in each area. For example, the entrance off Centerville Rd. is included in site E2 area in the seventh amendment and is different than was proposed originally in PDA. Site E3 extends to the center line; however, the exhibit B13 does not reflect the center of the road. The seventh amendment was signed July 10, 2010.

Attorney Nason stated that the next steps are to make a decision regarding the unit counts, and then update the PDA counts to reflect this as it hasn't been updated since 2010. There was supposed to be updated counts provided by NOC each time a new development goes in. She suggests that we amend the PDA to reflect the current housing counts.

Councilmember Ries mentioned that the review caused her to have additional questions. Since this affects past, present, and future, she suggests the City take a step back and ensure the application process is fully encompassing and includes all necessary detail. For the community's future, it is important that we are clear working with NOC for the next 9 years of the agreement to ensure development is in line with the original vision. The original PDA was clearly focused on responsible use of the land and the environmental impact. She feels that Council may need to have a subcommittee to identify the City and community priorities. She feels the NOC concept plans displayed during the presentation at the Golf Club maxed out every area, and believes Council might need to help guide the shift. She would like to ensure a clear application process in conjunction with NOHOA.

Mayor Nelson commented that Attorney Nason's report addresses many of the questions that were raised. Attorney Nason stated that she answered questions raised at the Decennial Review and during the research process. There was insufficient information to support a mutual mistake of fact. Councilmember Kingston notes that the seventh amendment has unit counts, and that we need to get together to address moving forward. Attorney Nason stated that Council as decision makers need to make the decision on numbers. Councilmember Long asked Attorney Nason to confirm that she feels the seventh amendment was legally adopted, she agreed that this is the case.

Attorney Nason suggests an amendment to the PDA that would mutually show the remaining property units, and there would be a need to update the exhibit to clarify the remaining development units. Starting at the seventh amendment, the NOC table presented at the Decennial Review could help come up with the number. Administrator Kress suggested a workshop to address the remaining housing counts. The City will review internally and set workshop within the next 3 weeks. These numbers are needed for Comprehensive Plan and Planning Commission consideration as applications come in from North Oaks Company.

b. Discussion on Putting New Water Meters in Charley Lake Preserve and Red Pine Farms

[REQUEST FOR COUNCIL ACTION 1-9-20 Item Discussion on Putting New Water Meters in Charley Lake Preserve and Red Pine Farms.doc](#)

- Administrator Kress referenced the staff report explaining the loss of water in the Charley Lake and Red Pine Farms area. Due to the accounted water, the City has been incurring a significant cost each year instead of a pass through as designed.

MOTION by Member Long, seconded by Kingston, to purchase new water meters for Charley Lake Preserve and Red Pine farm with the cost charged back to each homeowner. Motion carried unanimously.

c. Discussion on Request for Campaign Finance Reform

Jim Boyer – 13 Anemone Circle

Mr. Bower thanked the council for putting the topic back on the agenda. To date, 220 North Oaks residents have signed the petition requesting City Council send letter of support to the State to request change to limit campaign contributions. He doesn't feel it is a partisan issue – both sides of the isle are effected. He hopes that the council will take steps to urge state to take action on this issue.

Councilmember Kingston mentioned at the prior meeting that we needed more evidence of support from the community. Based on the response of the petitions and audience members, Member Kingston suggested if they could use Polco to put a survey question out, along with an article in North Oaks news to see if any further interest in this topic. Mr. Bower presented to council members a proposed resolution. Mayor Nelson thought it was an important topic and asked Attorney Nason if we could put this on ballot as a referendum. She indicated the City is not allowed per statutory regulations to put it on a referendum.

Member Ross asked for Administrator Kress thoughts, who indicated he hasn't found a city addressing this issue yet through the League of Minnesota Cities. Since it is a state & federal issue, he will continue to research with Minnesota State representatives to gauge response. Mr. Bower mentioned that New Brighton, Minneapolis, St. Paul, Sherburne County have all adopted measures on this topic. He feels that endorsing this resolution is simply encouraging state leaders to take action, and asked that Council step up and take action. Administrator Kress suggested that we take the proposed resolution and format into City structure and have a chance to reach out to a few others cities to get input. It was mentioned that there is the appearance of more clout when support comes from the city, instead of individual petitions.

Mayor Nelson clarified that Polco is a survey tool that allows residents to provide anonymous feedback. Mr. Bower will work with Member Kingston to help craft the question for the survey, and give it to staff to publicize. Attorney Nason confirmed that the City just needs to be sure not to use public funds for this purpose.

NEW BUSINESS

a. Resolution 1370 Setting the 2020 Appointments/City Responsibilities

[Resolution 1370 Setting the Year 2020 Appointments. City Responsibilities.xlsx](#)

- Administrator Kress reviewed Resolution 1370 which details the Year 2020 assignments for various Council activities. The assignments were originally proposed by Mayor Nelson, Member Kingston and Administrator Kress as a starting point, but changes welcomed for discussion. Changes to the proposed resolution include:
- Ries asked the purpose of the Council Executive Committee. Administrator Kress noted that the purpose is to review the agenda with the Mayor in preparation for Council meeting. The agenda is typically created the Thurs/Friday before each meeting after the executive meeting. Administrator Kress puts together the agenda and asks Councilmembers provide items for agenda by Wednesday prior to meetings. Member Ries is concerned about making sure that all the Council members are equal influence, and would rather it be a workshop if more than just Mayor and City Administrator are involved. After discussion involving all Councilmembers, it was agreed to delete this committee from the list of 2020 Appointments.
- Since no one had stepped up to be Planning Commission liaison, it was suggested that the role be rotated monthly between councilmembers. Member Ross feels that rotating Councilmembers could lead to inconsistency and having one person would be valuable. The council liaison is a non-voting role. Attorney Nason clarified that any councilmember can attend Planning meetings but should have no speaking role if not an official liaison. Planning Commission Chair Azman supported having a Council liaison and feels would be beneficial to have a single designated person. All agreed that consistency is important to recap each meeting. Member Kingston was designated the Council liaison.
- Member Ries mentioned that Member Long has been Vadnais Lake Area Water Management Organization (VLAWMO) representative for 12 years. She referenced Mayor Nelson's suggestion a year ago that rotating of appointments is healthy. Member Long indicated he is vice-chair of VLAWMO right now and would like to stay on this council. It was agreed that Member Long will remain liaison, with Member Ries as alternate.
- Member Ross would like have the Police liaison role back; she has spent a lot of past time and research in this role and feels qualified for this. Council agreed to appoint Member Ross as lead, with Member Kingston as backup.
- Fire Department and Fire Relief Association will both go to Member Kara Ries as primary.
- NOHOA Liaison will be Administrator Kress, and will take feedback / issues from Council to Executive Director Mikeya Griffin.

MOTION by Member Ries, seconded by Member Ross, to approve Resolution 1370 as amended.

Motion carried unanimously.

b. **Resolution 1371 Authorizing Electronic Signature**

[RESOLUTION 2020-1371 Electronic signature 1-3-2020 kk.docx](#)

MOTION by Member Ross, seconded by Member Ries, to approve Resolution 1371 Authorizing Electronic Signature.

Motion carried unanimously.

c. **Resolution 1372 Appointing Planning Commission Member**

[Resolution 1372 Appointing Planning Commission Member 1.03.19 kk.doc](#)
[REQUEST FOR COUNCIL ACTION 1-9-20 Planning Commission.doc](#)

- Administrator Kress reviewed his staff memo detailing the interview process for selection of the new Planning Commission member. The selection committee of Mayor Nelson, Member Long, Administrator Kress, and Chair Azman and resulted in recommendation of Dave

Cremons as the new Planning Commissioner. Mayor Nelson noted that the interview committee was impressed Mr. Cremons depth of experience, knowledge of our city and background in real estate development, and all interviewers were unanimous in their decision. Member Ries mentioned she was impressed with Cremons resume, but would like to ensure that new Planning Commissioner has full knowledge of our PDA. She has seen resident Rich Dumovic as candidate good for position with his organized knowledge and excellent advocacy for the city and knowledge of the PDA. She wishes additional consideration would have been given to Mr. Dujomovic to fill this gap. Member Ross agreed and noted that there are many new Planning Commissioners and feels there's a hole in the Planning Commission knowledge of PDA. Member Long mentioned he does agree that Mr. Dujmovic was very qualified and impressive, but felt Cremons brought 25 years of residence experience, dealt with many contracts and now has the time to devote to this now that he is retired.

- Dave Cremons – 22 Raven Road

Mr. Cremons stated that he was happy to be considered for the position. He understands that there may be others that have PDA knowledge, but he is used to learning new information and is confident given the materials that he can get up to speed quickly. He is ready to give back service to the community and being a contributing member of the Commission.

- Mark Azman – 1 Hay Camp Road

As Planning Commission Chair, he was involved in the interviews with all 5 candidates. All very qualified but after interviews with standard questions for all, Mr. Cremons rose to the top as the candidate who could serve the role best. Chair Azman noted he did not feel that Mr. Dujmovic living near the East Oaks area was a factor in his decision. Administrator Kress agreed with the sentiments noted by Mr. Azman.

MOTION by Kingston, seconded by Long, to approve Resolution 1372 to appoint as Planning Commissioner Dave Cremons, and reappoint Jim Hara as Planning Commissioner.

Motion carried 3-2. (Ross/Ries opposed)

d. Resolution 1373 Board & Commission Appointment Policy

[Resolution 1373 Establishing policy for appointing boards_commissions.doc](#)
[Board Commission Appoint Policy 12-3-19_gn.docx](#)

- Administrator Kress put forth Board and Commissioner Member Appointment Policy. This would require all applicants to reapply for each opening. The policy also outlines the reappointment process and that a commission member must notify 2 month prior to expiration if they desire to be reappointed. Administrator Kress has discretion to appoint the 3 person panel to interview commissions, and has discretion to change if need be.
- Councilmember Kingston asked if this is standard process in other cities. Member Long asked how openings would be advertised and if would be publicized on city website, Facebook, paper. Council asked that at least 2 forms of advertising for opening are used. Administrator Kress indicated that City

staff has a standard form application to be used for any applicants, and will update the Policy to details that openings will be published via website and North Oaks newspaper.

MOTION by Member Long, seconded by Member Ries, to approve Resolution 1373 Establishing Policy for Appointing Boards and Commissions as Amended above. Motion carried unanimously.

e. Resolution 1374 Establishing Code of Conduct Policy

[Resolution 1374 establishing code of conduct.doc](#)

[Policy 1374 Establishing a Code of Conduct 1-6-20](#)

- Mayor Nelson noted that there has not been a policy in place before. Attorney Nason mentioned that typically cities have a code of conduct, as well as rules of procedure. The policy was put together by Administrator Kress and Attorney Nason and is modeled after similar cities policies.

MOTION by Member Ries, seconded by Member Ross, to adopt Resolution 1374 establishing a Code of Conduct policy.

Motion carried unanimously.

f. Ordinance 134 Adopting 2020 Fee Schedule

[2020 Fee Schedule FINAL.xlsx](#)

- Administrator Kress noted that this is more detailed than in prior years and is modeled off of neighboring cities for items not previously documented.

MOTION by Member Ross, seconded by Member Kingston, to adopt Ordinance 134 the 2020 Fee Schedule.

Motion carried unanimously.

g. Consider Proposal to Update Comprehensive Utility Plan

[NO_2020_CompUtilityPlanUpdate.pdf](#)

- Per Administrator Kress, the last time this was updated was 2015. Need accurate numbers for sewer and water bills to break even. Will also be used to expand actual water and sewer, or provide changes for well and Septic. Councilmember Long asked Administrator Kress to check with City Engineer as to when turnover of sewer typically occurs.
Councilmember Long asked if it is typical for a city to keep same engineering firm for 20 years.
Mayor Nelson mentioned that if we did want to get new quotes then now may be a good time.
Administrator Kress' input at this time is the City is okay with current firm.

MOTION by Ries, seconded by Ross, to Update Comprehensive Utility Plan

Motion carried unanimously.

COUNCIL MEMBER REPORTS

- Councilmember Long: No fire report and no VLAWMO report. Potential hookup no longer possible with Vadnais Heights. Golf course is looking at running lines down to connect with Village Center. Administrator Kress stated that he has spoken with Club Manager Phil

Anderson and asked them to resubmit plans to the city to see if it benefits the residents for potential cost savings. He will also investigate if any opportunities for grant funding.

- Councilmember Kingston: No report.
- Councilmember Ries: Two septic committee meetings took place with a lot of people interested in joining and residents with great input. A large issue with complex issues. Septic records predating 1995 may be sketchy, with a few inconsistencies with maintenance reports. Committee has decided to just focus on cesspools and how to best support residents in replacement. Administrator Kress looking into several types potential grants: replacement, repair, watershed, loans for people looking for septic work, city providing loan interest loans. Minnesota state code requires we protect the water. She will work with Administrator Kress to isolate some of biggest issues and a phased plan. May also look at enforcement policy of septic issues. She will be meeting one final time to draft a statement to the city with a focus on support of residents and efforts into grants and funding.

Member Ries also met with Cubscout Pack 8 kids. It was a great conversation and she was asked what the City is doing to address climate change. The Scouts also expressed interest in helping city projects. A Coyote Presentation will be held on Wednesday, Jan. 29 with Dr. McCann from University of Minnesota and DNR.

- Councilmember Ross: No report.
- Mayor Nelson: Sad to report that former City Attorney David Magnuson passed away on Christmas after a battle with ALS.

CITY ATTORNEY REPORTS

No report.

CITY ADMINISTRATOR REPORTS

A. NRC Meeting Minutes from October 17, 2019

[10-17-19 NRC Minutes.pdf](#)

B. Staff Report

[REQUEST FOR COUNCIL ACTION 1-9-20 cc agenda staff report.doc](#)

- City Hall looking at conducting a Utility rate study only if disagree with Engineer firm as result of Comprehensive Utility plan study.
- Talking with other cities regarding STEP plans.
- Would like to attend the LMC Legislative Conference on March 19th. He could take one or two Councilmembers, and asked Council to let him know if they would like to attend.
- Attended Cable commission meeting and found that we can do quarterly two minute video State of the City type updates.
- Looking into possibly of putting in a television with computer access capability in the upper conference room, and requests Council approval. NOHOA may be interested in splitting the cost.

MOTION by Member Ross, seconded by member Ries, to approve \$1,500 to spend on a television with computer access in the upstairs conference room.

Motion carried unanimously.

MISCELLANEOUS

- A. Next Natural Resource Commission Meeting is Thursday, January 16, 2020 @ 7:00 p.m.
- B. Next Planning Commission Meeting is Thursday, January 30, 2020 @ 7:00 p.m.
- C. Next Regularly Scheduled Council Meeting is Thursday, February 13, 2020 @ 7:00 p.m.

ADJOURN:

MOTION by Ross, seconded by Ries, to adjourn the Council meeting at 10:30 p.m.

Motion carried unanimously.

Kevin Kress, City Administrator

Gregg Nelson, Mayor

Date approved _____

CITY OF NORTH OAKS
REQUEST FOR COUNCIL ACTION

Requested Date of Council Consideration: 2-13-2020 Flexibility: <input type="checkbox"/> YES <input type="checkbox"/> NO	Originating Department: Administration
Agenda Item: Unfinished Business: Update on Charley Lake Preserve and Red Pine Farms	Presenter: Kevin Kress, Administrator
	Estimated Time: <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> 5 Min. <input type="checkbox"/> 15 Min. <input type="checkbox"/> 30 Min. <input type="checkbox"/> 45 Min. <input type="checkbox"/> 1 Hour
Council Action Requested: <input type="checkbox"/> Information/Review <input checked="" type="checkbox"/> Motion to approve... <input type="checkbox"/> Motion to deny... <input type="checkbox"/> Other <input type="checkbox"/> Budget Change	
Background: At the January council meeting I asked for the authority to do the following that was approved by Council in the following motion: “Motion to authorize the City Administrator to purchase new meters and to obtain bids/quotes for installing the meters, chose the installer, and to invoice individual property owners for the cost of the new meter and install.” Since then, I have been working on the sewer issue we discussed at our January meeting. The issue is that the lift station reading is higher than the initial reading of water coming into the developments. There has been a misunderstanding about what I was actually planning to do with the proposed meter replacement. I’ve fielded a number of calls and had a number of discussions in house about the issue. My suggestion is we rescind the motion authorizing the replacement of the meters until I can finish my research on the issue. I believe the Council understood my intentions but it wasn’t clear for the residents My intentions were to do the following before replacing or even considering replacing any meters:	
<ul style="list-style-type: none"> • Conduct the update to the Master Utility Plan • Confirm meter accuracy in various locations (inlet(s) from Shoreview, individual homeowner meters, lift station.) • Determine if there are any cross-connections (someone using both municipal water and a private well) • Determine if anyone has set up a bypass system (wouldn’t register on the individual household meter, but would impact the lift station reading.) • Determine if there is any infiltration of the main line (cross-connection, runoff, deliberate dumping, etc.) • Determine if there are any other developments feeding the lift station that we are not accounting for. • Determine the SCADA system at the lift station is accurate and reading as designed. • Potentially video the lines to determine any cracks that would allow infiltration. 	
Once I determine what the cause of the reading discrepancy is I could then come back to Council with an actionable item. It is quite possible that there is more than one of the	

issues I've listed above causing the problem.

Staff Recommendation:

Rescind the previous motion from the January meeting:

**Motion to rescind the motion as stated at the January 6, 2020 meeting that read as follows:
"Motion to authorize the City Administrator to purchase new meters and to obtain bids/quotes for installing the meters, chose the installer, and to invoice individual property owners for the cost of the new meter and install."**

Consider a new motion as follows:

Motion to authorize the City Administrator as outlined in the bullet points to review the discrepancy of water entering Charley Lake Preserve and Red Pine Farms that is causing the lift station to read at a higher volume and report the findings back to Council.

*****This may require expenditures to video lines, test meters, test SCADA, etc.**

Supporting Documents: Attached None

Department Head Signature/Date:

Clerk/Treasurer Signature/Date:

ACTION TAKEN Approved Denied Tabled Accepted Report Other

Date of Action: _____

Comments:

Administrator's Signature/Date:

Internal Accounting Control Policy and Procedures

The City of North Oaks wants to ensure public confidence and retain a financially healthy Community. Therefore, it is the intent of the Internal Accounting Control Procedures to provide guidelines that will sustain the fiscal integrity, and ensure proper accountability of the fiscal management of the City.

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I. Disbursement and Payment of Claims

Goal

The goal of the City Council in establishing an internal control system for cash disbursements is to safeguard the assets of the City and to ensure an appropriate level of fiduciary responsibility.

Objective

The objective of the City Council in meeting this goal is to ensure that cash is disbursed only upon proper authorization of management for valid governmental purposes, and that all disbursements are properly recorded.

Procedures

1. Segregation of Duties

No financial transaction shall be handled by only one person from beginning to end.

- a. Payment of all claims shall be authorized by the appropriate department supervisor, the City Administrator, and/or the City Council.
- b. Invoices shall be coded by the appropriate department supervisor and then submitted to the Deputy Clerk for recording and processing of payment. In the absence of the Administrative Assistants may record and process payments.
- c. Checks shall be signed by “authorized check signers” the Deputy Clerk, City Administrator, Mayor, and/or Acting Mayor. Checks are signed by electronic signature as approved by the City Council on 1-9-2020.
- d. Bank reconciliations shall be prepared at the close of each month by the Deputy Clerk.
- e. Financial reports shall be prepared by the Deputy Clerk and presented to the City Council on a quarterly basis.
- f. Office supplies shall be ordered by the Administrative Assistants and/or Deputy Clerk. When invoices are received the Deputy Clerk shall indicate which department the supplies are to be allocated to. The City Administrator shall review the invoice, and authorize processing.
- g. The Administrative Assistants or Deputy Clerk will mail out all properly processed and signed checks. Check stubs will be attached to the invoice and filed accordingly.

2. Accounting Controls

General Disbursements

- a. All general disbursements will be approved in advance by the City Council. The following exceptions may be made upon approval by the City Administrator:

- Debt service payments, including principal, interest, and fiscal agent fees
 - Payroll and related liability payments
 - Investment purchases
 - Sales tax payments
 - Postage replenishment
 - Contract or other payments that have specific City Council pre-approved payment instructions
 - Payments in which a substantial discount can be realized by timely payment
 - Payments where a substantial late charge would be incurred if timely payment was not made
 - Payments for regular/reoccurring monthly expenditures
 - Other General expenditures as outlined in Section 4 Capital and General Expenditures
- b. All general disbursements, other than from payroll, petty cash, or made electronically, will be made by pre-numbered checks.
- c. It is not permissible to draw checks payable to Cash.
- d. Under no circumstances will blank checks be signed in advance.
- e. Expenditures must be approved in advance by authorized person(s) as defined within this policy, with the exception of those items as outlined in (a) above and those outlined in Section 4 Capital and General Expenditures.
- The City will not honor a claim for services or a reimbursement request for services that were provided or performed without prior authorization or a binding contract between that individual or provider and the City. In the event that a claim is submitted to the City for work or service without City authorization, the claim will be disallowed and marked accordingly. City staff shall return a copy of the claim to the claimant identifying the reason for denial.
 - Disallowed claims shall be so marked and kept in a file for an appropriate time period.
- f. All signed checks will be mailed promptly by the Administrative Assistants or Deputy Clerk.
- g. Invoices will be filed with the check stub that identifies the date paid, amount of check and check number.
- h. Invoices and requests for reimbursement will be checked for accuracy and reasonableness before approval.
- i. A monthly check register will be prepared that details the date of the check, check number, amount of check, and description of expense account to be charged.

- j. Unpaid invoices shall be maintained in an unpaid invoice.
- k. Expense reports for travel related expenses shall be submitted on a timely basis, per the Personnel Policy.
- l. Checks by which claims are paid shall have printed on the reverse side, above the space for endorsement: "The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the City of North Oaks, and that no part of it has heretofore been paid."
- m. In accordance with M.S. 471.425, subd. 2, claims of the City shall be paid within 35 days from the date of receipt, or as otherwise stipulated by the terms of a contract. Claims not paid within this time frame will be subject to penalty and interest charges assessed by the vendor, as provided for in M.S. 471.425, subd. 4.

Electronic or Wire Transfers

- a. All Electronic and Wire Transfers will generally be for:
 - o Debt service payments, including principal, interest, and fiscal agent fees
 - o Payroll and related liability and benefit payments
 - o Investment purchases
 - o Sales tax payments
 - o Building Permit Surcharge payments
- b. The City Administrator will document the process and anticipate the funds to be wired to the designated depository on a particular date and time.
- c. The City Administrator will obtain notification from the depository that the wire transfer has been made.
- d. The depository will deliver a wire transfer receipt to the City Administrator who in turn provides that information to the Deputy Clerk.
- e. The Deputy Clerk will prepare any appropriate general ledger transactions, including payments and adjusting journal entries.
- f. All journal entries shall be reviewed and initialed by the City Administrator and if necessary the City's auditor.
- g. The Deputy Clerk will include electronic or wire transfers on each Claims Listing report.

Credit Cards

- a. In accordance with Minnesota Statute § 471.382, the City Council may authorize the use of a credit card by any City officer or employee otherwise authorized to

make a purchase on behalf of the City. If a City officer or employee makes or directs a purchase by credit card that is not approved by the City Council or City Administrator, the officer or employee is personally liable for the amount of the purchase. A purchase by credit card must otherwise comply with all statutes, rules, or City policy applicable to City purchases.

- b. Credit card purchases shall not be allowed except as legally provided for under M.S. 471.382 and by authorization of the City Council or City Administrator.

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II. Cash Receipts

Goal

The goal of the City Council in establishing an internal control system for cash receipts is to safeguard the assets of the City and to ensure an appropriate level of fiduciary responsibility.

Objective

The objective of the City Council in meeting this goal is to ensure that all cash intended for the City is received, promptly deposited, properly recorded, reconciled, and kept under adequate security.

Procedures

1. Segregation of Duties

No financial transaction shall be handled by only one person from beginning to end.

- a. The Administrative Assistants will be responsible for receiving all cash payments to the City, whether by mail or in person. In the absence of the Administrative Assistants, the Deputy Clerk or City Administrator may receive cash payments.
- b. The Administrative Assistant/Accounting Clerk will be responsible for preparing deposits of cash receipts and coding and recording the same in the general ledger accounts of the City.
- c. The Deputy Clerk or City Administrator will be responsible for delivering the deposits to the designated depository.
- d. Invoices for City services shall be prepared by the Deputy Clerk or Administrative Assistants. An accounts receivable register will be maintained by the Administrative Assistants.

2. Accounting Controls

The following common internal controls relate to all receipts:

- a. All receipts including cash, checks, electronic receipts, and wire transfers will be accounted in the general ledger.
- b. All cash and check receipts will be entered into the general ledger in the form of a receipt batch by the Administrative Assistants. All electronic receipts and wire transfers will be entered into the general ledger in the form of a separate receipt batch or adjusting journal entry per occurrence.
- c. Each individual receipt will include the date, amount, remitter, appropriate accounting code, description of the receipt, and initials of the City staff receiving the payment.
- d. The receipt batch total will be reconciled and agreed to the total of all cash, check, or electronic receipts to be deposited.

- e. All cash and check receipts will be deposited at least weekly.
- f. All deposits will be made by the Deputy Clerk or City Administrator.
- g. A bank receipt will be attached to a copy of the deposit slip by the Administrative Assistants, who will compare for accuracy.

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III. Petty Cash / Imprest Funds

Goal

The goal of the City Council in establishing an internal control system for an imprest fund is to safeguard the assets of the City and to ensure an appropriate level of fiduciary responsibility.

Objective

The objective of the City Council in meeting this goal is to provide guidelines for the use, safekeeping and reporting standards of the imprest fund, while allowing for small purchases or reimbursements to be made from said fund in accordance with M.S. 412.271, subd. 5.

Procedures

1. Segregation of Duties

The petty cash fund is available to staff to make small purchases or reimbursements, in cash, for items such as postage, office supplies, parking, etc., using the following guidelines:

- a. The Administrative Assistants shall be the custodian of the Petty Cash Fund and will be the only persons to have access to the cash.
- b. The City Administrator must approve all withdrawals from the Petty Cash Fund.
- c. The custodian of the Petty Cash Fund shall be responsible for reconciling the fund on a monthly basis and submitting an expense report to the Administrative Assistants.
- d. The Administrative Assistants will make the appropriate entries to record the expenses and will arrange for replenishment of the Petty Cash Fund. A Petty Cash Fund report will be provided to the City Council on a monthly basis.

2. Accounting Controls

The following guidelines will govern the use and keeping of the Petty Cash Fund.

- a. The Petty Cash Fund will not exceed the amount of \$150.
- b. The Petty Cash Fund will be kept by the custodian in a locked cash box. The locked box shall be kept in a secure place. Payment for items costing over \$25 must be made by check rather than reimbursed through petty cash.
- c. Withdrawals from the Petty Cash Fund will be made only by completing a Petty Cash Voucher. The voucher must state the date and amount of the withdrawal, the reason the cash was withdrawn, the expenditure account to which the expense should be charged, and the name and signature of the person receiving the cash.

The voucher shall also contain the signature of the City Administrator approving the withdrawal.

- d. Supporting documentation (receipts, invoices) must be attached to each voucher.
- e. Unannounced counts of petty cash and change will be made on occasion by the City Administrator.
- f. No staff member shall be allowed to cash personal checks, including pay checks, in the petty cash or change funds of the City.
- g. Under no circumstances shall staff members be permitted to borrow from petty cash or change funds for personal use.

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IV. Capital and General Expenditure Policy

Goal

The goal of this policy is to maintain appropriate procedures regarding the procurement, management and disposal of all fixed assets, and to establish and monitor fiscally responsible spending practices.

Objective

To ensure proper accountability and stewardship of the resources available for capital and general expenditures, while maintaining a safe and healthy working environment for all employees and high-level service to the residents of the City of North Oaks.

Purchasing Procedures

1. Approval:

Appropriate approval for all capital and general expenditures must be obtained, including department head approval and final approval by the City Administrator.

Certain items purchased regularly from the same vendor do not require prior approval. These items include bulk fuel purchases, periodical subscriptions, memberships, uniforms, or any other items specifically exempted by the City Administrator and/or City Council. The City Administrator must provide assurance that City Council or his/her approval, as applicable, has been obtained for the purchase.

These procedures apply to the purchase of supplies, materials, equipment, or the rental thereof, or the construction, alteration, repair, or maintenance of real or personal property. All purchases must be consistent with the approved annual budget. The City Council, and City Staff acknowledge that the budget is a tool used for fiscal responsibility. The City Council and City Staff acknowledge and understand that specific line items may exceed the budgeted amount. The City Council, and City Staff will endeavor to remain on budget.

All telephone or verbal quotes must be followed with written confirmation.

In addition, the following approval procedures apply:

Purchases of less than \$1,000

The purchase may be made in the open market by the Deputy Clerk. The Deputy Clerk is strongly encouraged to seek quotations from several vendors if the anticipated cost approaches \$1,000.

Purchases from \$1,001 to \$10,000

The purchase should be based on a minimum of two (2) quotations/bids. Quotations/bids may be obtained by telephone or in written form via facsimile, delivery service, or Internet. Quotations/bids must have a specific date and time period for which they are valid. All quotations should be kept on file for a minimum of one (1) year and include the names of

vendors providing the quotations/bids, the amounts of the quotations/bids, and each successful quotation signed and dated. Quotations/bids from unsuccessful bidders should be attached to the payment voucher of the successful bidder. A Purchase Order must be completed and presented to the City Administrator for approval prior to purchase being made.

Purchases from \$10,001 to \$100,000

The proposed purchase must be presented to Council for approval before the commencement of the purchasing process. The purchase may be made either via sealed bids or by obtaining three (3) or more written quotations/bids, without advertising for bids or otherwise complying with the requirements of competitive bidding laws. Quotations/bids may be obtained by telephone or in written form via facsimile, delivery service, or Internet. Quotations/bids must have a specific date and time period for which they are valid. All quotations should be kept on file for a minimum of one (1) year and include the names of vendors providing the quotations/bids, the amount of the quotations, and each successful quotation/bid signed and dated. If quotations/bids are obtained by phone, they must be followed up with a signed quotation/bid to be considered a valid quotation/bid. The quotations/bids must be forwarded to the City Council for selection and approval. This approval shall be accomplished by an agenda write-up submitted for consideration at any available Council meeting.

Purchases exceeding \$175,000

The proposed purchase must be presented to Council for approval before the commencement of the purchasing process. Purchases or contracts exceeding \$175,000 require formal sealed bids solicited by public notice in accordance with Minnesota Statute 471.345, Subd.3. The purchaser shall prepare or cause to be prepared, the specifications, the advertisement to solicit sealed bids, the opening and tabulation of bids, and any necessary investigation of the bids. The City's designated representative shall recommend to the City Council which bid is the lowest, responsible bid. The City Council shall determine the lowest responsible bidder and shall accept such bid. In all cases, the City Council reserves the right to accept or reject any or all of the bids, and waive informalities therein.

The City has reasonable discretion in determining the lowest responsible bidder. Not only must a successful bidder submit the lowest bid price and substantially meet the terms and conditions of the specifications, the low bidder must be considered "responsible" and have the capacity to perform the proposed contract. "Responsibility" includes such considerations as the bidders' financial responsibility, integrity, ability, skill, and likelihood of providing faithful and satisfactory performance. There is more latitude in purchasing items of equipment not capable of exact specifications. In making such a purchase, the City Council may exercise reasonable discretion in determining the lowest responsible bidder. The City Council may consider, in addition to the bid price, the quality, suitability, and adaptability of the article for its intended use.

2. Competitive Bidding:

In accordance with M.S. 471.345, the City will use the competitive bidding process for contracts and purchases that exceed \$175,000; excepting those purchases made through the State of Minnesota Cooperative Purchasing Venture (CPV) Program. A bid bond in the

amount of 5% of the bid is required when using the competitive bidding process to ensure that the successful bidder enters into a contract with the City. In addition, a performance bond and a payment bond are required for all services exceeding \$75,000, as defined by M.S.574.26. All contractors, regardless of the amount of contract for services, are required to complete Department of Revenue Form IC-134 before final payment.

Exclusions from Competitive Bidding Requirements

It is not legally necessary to advertise for bids for:

1. Professional services such as those provided by doctors, engineers, lawyers, architects, accountants, and other services requiring technical, scientific, or professional training. Before contracting any professional service over \$10,000 (City Administrator spending authority), City Council approval is required. The City Council will decide if quotations or bids are appropriate even though not legally required;
2. The purchase or lease of real estate;
3. The purchase of non-competitive products patented or obtainable from only one source. Demonstration of this circumstance must meet statutory requirements for a “sole source vendor” purchase.

3. Price Agreements:

Price agreements may be used to acquire items the City frequently purchases in small quantities, i.e. gasoline, propane, and heating fuel. A price agreement is a contract between the City and a vendor. Under it, the vendor agrees to supply all of the City’s requirements for the specified commodity during the period of agreement. The price may be fixed or variable, such as a fixed discount from market price. Such price agreements expedite delivery, reduce paperwork, and generally result in lower prices. The procedure for “Purchases of less than \$1,000” applies.

4. Emergency Purchasing:

When an emergency occurs that may jeopardize public safety or the health and welfare of employees or citizens, the City Administrator may authorize a necessary emergency purchase. Emergency purchases and the reason for the purchase shall be reported in writing to the City Council within 24 hours. At least two (2) competitive quotations/bids should be utilized whenever possible as part of the process.

In an emergency situation, the City Council may dispense with the bidding requirements of state contract law. Before deciding if an emergency exists, the City Council shall consult with a competent attorney.

5. Disaster Purchasing:

The Mayor may declare a local disaster or emergency. The declaration shall not be continued for a period in excess of three (3) days except by, or with the consent of, the City Council. A

disaster may result from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps or catastrophic measures, or emergencies that are technological in nature.

During a declared emergency, the City may enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property, and aiding victims of such disasters. The City may exercise such power as deemed necessary without complying with purchasing procedures prescribed by law pertaining to the performance of public work, entering into rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditures of public funds, including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions related to low bids, and requirement for budgets.

6. Cooperative Purchasing:

The City may increase savings from bulk discounts by making purchases jointly with one or more governmental units through joint powers agreements. Under these programs, several governmental units can enter into an agreement to authorize one party to solicit bids and provide for the purchase at the option of each participating governmental unit. Once the governmental units agree on the specifications of the item, one party may advertise for bids on behalf of all the parties that participate in the agreement. Rather than specify a specific number of items, the advertising participant will advertise for a range of quantities estimated for the entire group. Each participating unit can make the final decision on whether to purchase the items from the successful bidder.

The City may also participate in the Cooperative Purchasing Venture (CPV) administered by the Minnesota State Board of Administration.

7. Disposal and Acceptance of Fixed Assets:

Fixed Asset - Equipment, property, buildings, vehicles and improvements that have an original or historic cost of \$5,000 or more, have an average useful life of three years or longer, when added to the original asset, extend the useful life of the asset, and meet the following criteria:

Equipment

- a. the item retains its original shape and appearance with use;
- b. it is non-expendable (not a supply);
- c. it represents an investment;
- d. it does not lose its identity by incorporating it through a different or more complex item;
- e. includes furniture but excludes built-in equipment which is considered part of the building;
- f. the item is not a repair part.

Property

- a. initial acquisition of real estate;

- b. improvements such as trees, shrubs, wells, septic systems, walkways, driveways, fences and other man-made improvements. An improvement must increase the value of the property.

Vehicles

- a. original cost of all transport vehicles and trailers that are not classified as equipment and can be registered for use on public highways;
- b. amounts paid under installment or lease contracts that have a terminal date and result in the acquisition of the vehicle.

Infrastructure

- a. the original cost of street or trail construction, including lighting systems, sidewalks, and bridges;
- b. the original cost of underground and above-ground utility systems, including water, sanitary sewer and storm sewer. Includes water towers, well houses and lift stations.

Disposal of fixed assets and other City property will be governed by applicable Minnesota Statutes. The City Council shall approve an annual Capital Equipment Budget, which shall include the identification of equipment to be disposed of. City Staff, at their discretion, shall abide by the following guidelines to achieve the highest level of return on the equipment:

- a. Trade In
- b. Auction
- c. Sealed Bids
- d. Advertising – Form that will best reach the appropriate audience
 - 1. Local Newspaper
 - 2. League of Minnesota Cities
 - 3. City Website
 - 4. Other

City Staff shall report in a timely manner to the City Council of any pending disposal transactions. If it is determined that one of the afore mentioned forms of disposal is not the best means and will not provide the City with the highest level of return, then City Staff shall seek approval from the City Council.

Acceptance of contributions of fixed assets or other property shall be in accordance with applicable Minnesota Statutes and shall be the responsibility of the City Council. The City Administrator will be notified of any asset acquired by means of contribution. Donated fixed assets shall be recorded at fair market value.

V. Payroll

Goal

The goal of the City Council in establishing an internal control system for payroll disbursements is to safeguard the assets of the City and to ensure an appropriate level of fiduciary responsibility.

Objective

The objective of the City Council in meeting this goal is to ensure that payroll disbursements are made only upon proper authorization to bona fide employees, that payroll disbursements are properly recorded, and related legal requirements (such as payroll tax deposits) are complied with.

Procedures

1. Segregation of Duties

- a. Each employee shall track time excluding salaried employees and complete time sheets in the prescribed manner of the Personnel Policy.
- b. Councilmembers shall be compensated per the City's ordinance and/or policy. When payment is determined by attendance at meetings, attendance sheets must be provided.
- c. The Deputy Clerk shall prepare all payrolls and submit them to ADP to process all payrolls.
- d. All pay stubs will be emailed unless a request is made to the City Administrator to provide a printed copy in a sealed envelope.
- e. The City Administrator shall review the payroll register, and the Deputy Clerk will post payroll to the general ledger. The posting Journal Entry will be reviewed and initialed by the City Administrator.
- f. The Deputy Clerk will prepare all payroll related tax withholding deposits and reports.
- g. The Deputy Clerk shall prepare year-end W-2's to employees and respond to inquiries regarding the same.

2. Accounting Controls

The following common internal controls relate to payroll:

- a. Time sheets are required to document employee hours, including overtime, and leave time.
- b. Employment records will be maintained for each employee that detail wage rates, benefits, taxes withheld, and any changes in employment status.

- c. Payroll-related taxes, including employer share, shall be withheld and paid to the appropriate government agency on a timely basis.
- d. Written personnel policies shall dictate the accounting for vacations, holidays, sick leave and other benefits.
- e. A list of payroll checks written, with appropriate taxes withheld, will be maintained in a separate payroll register.

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VI. Depositories

Goal

The goal of the City is to ensure that the funds deposited are federally insured and that the appropriate collateral has been furnished to protect funds deposited in excess of the FDIC Coverage.

Objective

The safety of public funds should be the foremost objective in public funds management.

Procedures

1. Designating a Depository

Pursuant to Minnesota Statutes § 118A, all City Councils must designate one or more financial institutions as a depository of City funds. A City may designate one or more of the following financial institutions as a depository:

1. Savings associations
2. Commercial banks
3. Trust companies
4. Credit unions
5. Industrial loan and thrift companies

Depository Guidelines:

- a. Annual designation of the City of North Oaks depositories will be made by the City Council during the first Council meeting of the New Year.
- b. Designation of depositories will be made by a City Council resolution and the resolution will state the terms and conditions of the deposit and be filed with the City Administrator.
 - a. City of North Oaks will be one or more of the above-mentioned financial institutions.

2. Collateralization of Public Deposits

Collateralization of public deposits through the pledging of appropriate securities or surety bonds by depositories is an important safeguard for such deposits. Pursuant to Minnesota Statute § 118A.03 (2007), deposited amounts in excess of the federal deposit insurance limits must be protected by collateral security or a corporate surety bond executed by a company authorized to do business in the state which, when computed at its market value, shall be at least ten percent more than the amount of the excess deposit at the close of the banking day. Likewise, if a deposit is made in a nonmember bank (not covered by FDIC insurance), a City will need to obtain collateral or a corporate surety bond even if the deposit is less than the federal deposit insurance limit. The financial institution may furnish both a surety bond and collateral aggregating the required amount.

State and local government depositors should take all possible actions to comply with federal requirements in order to ensure that their security interests in collateral pledged to secure deposits are enforceable against the receiver of a failed financial institution. The City must ensure that the following criteria must be met in order to perfect a security interest in pledged collateral under federal law:

- The assignment must be in writing;
- The assignment must have been approved by the depository's board of directors or loan committee, and the approval must be reflected in the minutes of the board or committee;
- The assignment must have been continuously, from the time of its execution, an official record of the depository.

Collateralization Guidelines:

- a. The City Administrator will ensure that a collateralization pledge is received from each City depository following the first depository board meeting of each year.
- b. The City Administrator will ensure that each collateralization pledge:
 1. Must be accompanied by a written assignment to the City from the financial institution.
 2. Assignment must state that, upon default, the financial institution must release to the City on demand, free of exchange or any other charges, the pledged collateral.
- c. The City Administrator will ensure that the assignment was approved by the depository's board of directors, and that the approval is reflected in the minutes of the board and that a copy of the depository board of director's minutes be kept on file with the City.
- d. The City Administrator will verify that the assignment has been continuously, from the time of its execution, an official record of the depository.
- e. The City Administrator will verify that the collateral is one of the following as per Minnesota Statute § 118A.03, subd. 2:
 1. United States government treasury bills, notes, or bonds;
 2. Issues of a United States government agency or instruments that are quoted by a recognized industry quotation service available to the government entity;
 3. A general obligation of a state or local government, with taxing powers, rated "A" or better;
 4. A revenue obligation of a state or local government, with taxing powers, rated "AA" or better;
 5. General obligation securities of a local government with taxing powers pledged as collateral against funds deposited by that same local government entity;
 6. An irrevocable standby letter of credit issued by a Federal Home Loan Bank accompanied by written evidence that the Federal Home Loan Bank's public debt is rated "AA" or better by Moody's or Standard and Poor's.
 7. Time deposits that are fully insured by any federal agency.

- f. The City Administrator will ensure that the depository pledged collateral when computed at its market value, is at least ten percent more than the amount of the excess deposit at the close of the banking day which by definition incorporates a financial institution's cutoff hour.

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VII. Fund Classification

Goal

The goal of the City is to be in compliance with GASB Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions*.

Objective

To provide for clearer fund balance classifications, for proper commitment and assignment of funds, and to identify acceptable minimum fund balances.

Procedures

Classifying Fund Balance

Funds shall be classified based on the nature of the particular resources. Funds shall be identified as nonspendable, restricted, committed, assigned and unassigned as defined below.

<i>Classification</i>		<i>Definition</i>
Nonspendable		Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
Restricted		Fund balance should be reported as restricted when constraints placed on the use of resources are either: a Externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b Imposed by law through constitutional provisions or enabling legislation.
Unrestricted	Committed	Used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.
	Assigned	Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.
	Unassigned	The residual classification for the General Fund. This is the fund balance that has not been reported in any other classification. The General Fund is the only fund that can report a positive unassigned fund balance. Other governmental funds would report deficit fund balances as unassigned.

Unrestricted Fund Balance

The unrestricted fund balance is the amount of fund balance left after determining both nonspendable and restricted net resources. Therefore, unrestricted includes committed, assigned, and unassigned classified funds.

Minimum Fund Balance

Whereas the State Auditor's Office has recommended an acceptable unrestricted fund balance of 35 to 50 percent of total current expenditures for the General Fund Operating Budget. The

City of North Oaks has identified that an unrestricted fund balance of **50 percent** of its annual general fund budget will ensure the financial integrity of the City. The goal will be to maintain a **50 percent** balance and not allow it to decrease below **40 percent**. Considerations shall be given to financial resources, tax revenue collection cycles, predictability of revenues and the volatility of expenditures, to maintain the desired level of unrestricted fund balance. The City Council, City Administrator and City staff shall diligently work together through proper fiscal management to create a balanced budget which will provide for and protect the unrestricted fund balance of the City.

Order of Resource Use

In the event that expenditure is incurred for purposes of which both restricted and unrestricted fund balances are available, the City will first use the restricted funds that are available for that purpose. Once those have been exhausted, then the unrestricted funds will be used. When using the restricted funds, the City must ensure that the integrity of the restricted funds remains in tact, and that funds are not depleted in a manner that could impact other restricted purposes of those funds.

When it has been determined that restricted funds are not available and that unrestricted funds will be used, the City will then determine which unrestricted fund classification it will be taken from. Funds shall be considered in the following order: committed funds first, then assigned funds, and lastly the unassigned funds. When determining which funds to utilize the City needs to be aware of each funds purpose and the balances that exist, and the need to retain an unrestricted fund balance.

DRAFT



RESOLUTION NUMBER 1377

CITY OF NORTH OAKS RAMSEY COUNTY, MN

RESOLUTION ESTABLISHING AN INTERNAL ACCOUNTING CONTROL POLICY AND PROCEDURES

WHEREAS, it is the Council's desire to create and maintain a procedure for internal accounting; and

WHEREAS, the Council has determined the most effective way to do so is to adopt a policy for internal accounting; and

NOW THEREFORE BE IT RESOLVED, by the North Oaks City Council, that the following policy attached is hereby adopted:

This resolution was duly adopted by the City Council of the City of North Oaks this 13th day of February 2020.

APPROVED:

Gregg Nelson, Mayor

ATTEST:

Kevin Kress
City Administrator





MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

RE: North Oaks - East Oaks Planned Development
Nord Concept Plan (Site C)

FILE NO: 321.02 - 19.09

INTRODUCTION

At the January 30, 2020 and February 4, 2020 meetings of the Planning Commission, the Commission provided informal feedback to the North Oaks Company LLC regarding a concept plan submittal for the “Nord” parcel located north of Deep Lake Road and East of Sherwood Road.

The subject 55-acre property is identified as “Site C” in the East Oaks Planned Development Agreement (PDA). The submitted concept plan calls for the creation of 12 lots upon the site, resulting in an average lot size of 4.6 acres (gross).

According to the East Oaks PDA, the City’s RSM - PUD, Residential Single-Family Medium Density zoning district provisions apply to the subject property. Additionally, the eastern one-third of the site lies within the Shoreland Management District of Deep Lake, a designated “recreational development” lake.

The PDA also stipulates that a total of 10 single family dwelling units are allowed upon the subject site (Site C) with a potential 30 percent density bonus. In this regard, a maximum of 13 lots containing single family dwellings are allowed. The concept plan illustrates a total of 12 lots and dwelling units and is consistent with the PDA requirements.

All lots are proposed to be served by individual septic systems and wells.

The purpose of this memorandum is to summarize feedback provided by the Planning Commission in their review of the concept plan as well as to convey received citizen comments.

Please refer to the Staff memorandum dated January 30, 2020 for additional background information related to the concept plan submission.

DISCUSSION

Citizen Comments. Prior to the Planning Commission's discussion of the concept plan, an opportunity for citizen feedback was provided. In this regard, the following citizen comments were offered related to the Nord concept plan:

- Recognizing that an intent of the East Oaks PUD is to be sensitive to the environment, it was recommended that a tree inventory be provided by the developer as a means of preserving significant (hardwood) trees.
- It was suggested that the concept plan incorporate the historic trail location along the northern boundary of the wetland.
- Concern was raised related to wetland impacts which could result from the shared driveway intended to access Lots 1 and 2 and an easterly extension of the cul-de-sac (raised by Staff as a means to eliminate the proposed flag lot condition of Lot 3).
- A citizen expressed his appreciation that no wetland impacts are anticipated in the proposed subdivision.
- It was indicated that the concept plan should be modified to include a connector trail (possibly similar to the perceived "trail connection" which presently exists on the site) to be compliant with the PDA.
- It was suggested that the number of lots within the subdivision should be reduced from 12 to 10.
- In regard to the proposed flag lot (Lot 3), an opinion was expressed that a road and private driveway in the narrow portion of the lot would have similar impacts.
- It was suggested that further study of wetlands (and related impacts) within the subject site be conducted.
- As a point of information, a citizen advised the Planning Commission that Ramsey County allows hunting upon land located west of the proposed subdivision (west of Sherwood Road).

To be noted is that the preceding comments do not include written citizen comments which were received prior to the Planning Commission meeting.

Planning Commission Feedback. As a PUD concept plan, only informal, advisory feedback was provided by the Planning Commission and no formal action was taken. In consideration of the concept plan, the Planning Commission raised questions and provided feedback regarding the following:

January 30, 2020 Meeting:

- A trail location which mimics the historic farm road should be considered.
- It was suggested that the developer and the NOHOA agree on trial locations prior to the City's formal consideration of an application for preliminary subdivision.
- City Staff and the developer should investigate wetland impacts associated with an easterly extension of the cul-de-sac (as a means of eliminating the proposed flag lot and shared driveway intended to access Lots 1 and 2).
- A discrepancy between the concept plan drawing and the property legal description (which excludes parcels V-284 and B-292) needs to be addressed.
- The Commission was generally supportive of the proposed shared driveway access from North Deep Lake Road (to Lots 1 and 2) as no wetland impacts are proposed.
- The Commission suggested that tree preservation efforts be made. In a follow-up statement, the developer expressed their preference to address tree preservation on a site by site basis.
- The Commission raised question related to proposed sewer service plans, as the previous Nord application proposed a sanitary forcemain connection to the east and the current proposal calls for on-site treatment systems.

February 4, 2020 Meeting (supplemental):

- The Planning Commission asked Staff and the developer to investigate the history and intent of the following:
 - Parcel V-284 located along the southern boundary of the subject site.
 - Existing trail easements which exist directly south of the Nord site (presently unused). It was suggested that such an investigation include a determination of existing home proximity to the easements.
- The Commissioners urged the developer to find a better and "more elegant" solution to trail location issue.

ACTION REQUESTED

No formal action can be taken on submitted concept plan. Rather, the developer is seeking informal feedback from the City Council on the Nord plan prior to further financial investment and the submission of the formal preliminary subdivision application.

Attachment

- Planning Report (including exhibits) dated January 30, 2020

cc: Kevin Kress, City Administrator
Larina DeWalt, 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
Mark Houge and Gary Eagles, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

February 7, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 150
North Oaks, MN 55127

RE: Site C – Nord Development Concept Plan Comments

Dear Kevin,

The North Oaks Home Owners Association (NOHOA) discussed the concept plans dated January 21, 2020, for the Nord Development from the North Oaks Company at their board meeting on February 6, 2020. This site is indicated as “Site C” on Exhibit B1 of the 1999 Planned Unit Development Agreement. Comments were previously submitted on January 23rd and the following are concerns that NOHOA would like to add to those submitted:

- The NOHOA Board has expressed concern about any lots within this development accessing North Deep Lake Road. The preference is that no residential lots have driveway access to North Deep Lake Road, however consideration would be given to one lot on the east side.
- The NOHOA Board would like to reiterate the preference that trails be developed interior to the parcels and not directly adjacent to the roadway. Preference of the Board is to provide an east/west connection within the development from Lot 6 to the east to the trail that connects to Rapp Farm. This connection would be within the proposed lots and not adjacent to the roadway.

If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,

Mikeya Griffin
Executive Director

• NATURE • HERITAGE • COMMUNITY •



NORTH OAKS
HOME OWNERS' ASSOCIATION

January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site C – Nord Development Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) *staff* has reviewed the concept plans dated January 21, 2020, for the Nord Development from the North Oaks Company. This site is indicated as "Site C" on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 10 planned households on Site C in an area designated as single family detached (zoned as RSM-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site C may have a density increase of 30%, which would bring the total number of dwelling units allowed to 13. The proposed concept plan provides for a total of 12 single family residential sites, which is within the limit established in the approved PUD.
- Exhibit B-1 of the 1999 PUD identifies a small part between Sites B and C as passive private open space. The Site C Concept Plan shows that Passive Private Open Space in the southwest corner of the development.
- The single-family homes will be served by individual wells and septic systems.
- The Concept Plan proposes that 10 of the home sites will be served by a new, 28-foot wide cul-de-sac accessed off of Sherwood Road. The Concept Plan further shows that two of the home sites will be served by a shared private driveway off of North Deep Lake Road.
- The Concept Plan shows one trail between lots 6 and 7 extending from the proposed cul-de-sac to an existing trail located to the south and a trail located on lots 1 and 2 to the east connecting to the existing NOHOA trail system in that vicinity.

● NATURE ● HERITAGE ● COMMUNITY ●

- There would not be a sub-association for the 12 residential lots and, upon completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- NOHOA has concerns about the proposed shared driveway to serve lots 1 and 2 off of North Deep Lake Road given the potential for future issues regarding shared use, maintenance, and replacement. NOHOA preference would be to lengthen the proposed cul-de-sac so one more lot could be served and leave just one lot accessing on North Deep Lake Road. This longer cul-de-sac also more closely matches Exhibit B2 from the 1999 PUD.
- There is extensive tree cover on this site that should be preserved as much as possible with the siting of homes and driveways.
- The applicant will need to demonstrate the feasibility of individual septic systems as a part of future development applications.
- NOHOA seeks further discussion regarding the proposed trail system as the location proposed is not preferred given the wetlands in that area. It is the preference of NOHOA that trails be developed interior to the parcels and not directly adjacent to the roadway. We would also prefer that a trail easement be maintained over the existing V-284 parcel. The use of this trail would be seasonal as it is located across a wetland. In addition, we would request a trail easement along the south side of Lot 6 to provide a connection to a trail along Parcel F-284.
- NOHOA would prefer not to have a center island off of Sherwood Road.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting, we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



MAP 12: East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Ski Hill
- 12) South East Pines

 Developed and Undeveloped
Land or Protected Open Space

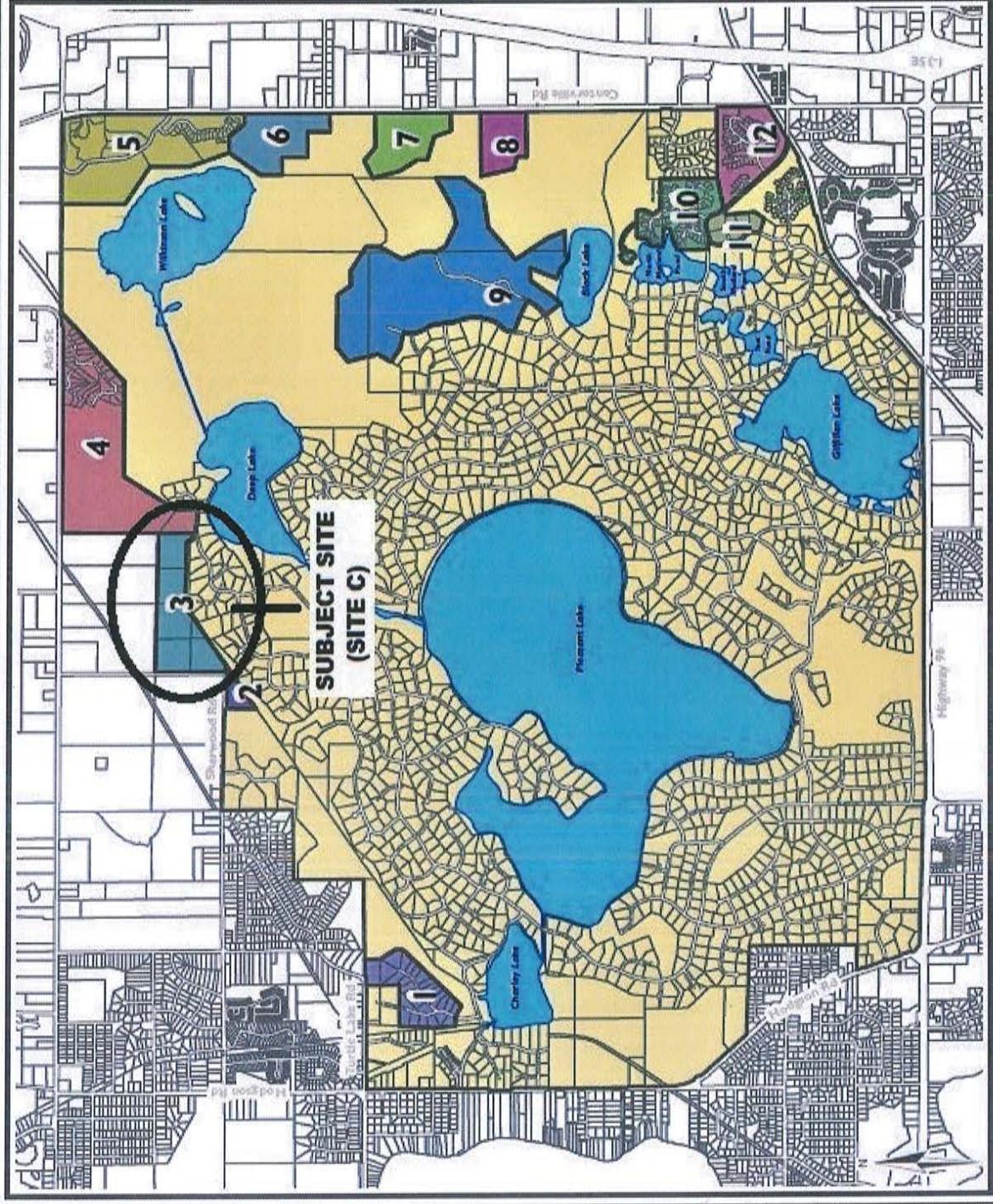


Exhibit A: Site Location



January 21, 2020

Mr. Kevin Kress
 City Administrator
 City of North Oaks
 100 Village Center Drive, Suite 150
 North Oaks, Minnesota 55127

Re: Site C – Nord Development
 Concept Plan – Updated Subdivision Application

Dear Kevin,

Based on your request, we attach the Concept Plan, dated January 21, 2020, for review by City of North Oaks (City) Staff, Planning Commission and City Council.

Background: North Oaks Company LLC (Company) submitted a Concept Plan in December 2018 for the undeveloped areas identified as Subject Property in the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

City staff and the Company received feedback that some elements of the December 2018 Concept Plans should be reconsidered. We presented revised Concept Plans to members of the North Oaks community at an Information Session on October 21, 2019, and presented the same revised Concept Plans to members of the Planning Commission at its meeting December 3, 2019. We voluntarily submit this same Concept Plan (attached) with additional information, and simultaneously submit the Concept Plans for each the remaining undeveloped sites, including Anderson Woods, Gate Hill, Island Field and Black Forest Way, with additional information.

Purpose: this is a request for the City Staff to review and provide confirmation to the Planning Commission and City Council that the Concept Plan conforms to the PDA as the Company proceeds with engineering documents required to obtain Preliminary Plan approval to subdivide Site C - Nord. The Company will apply for Preliminary Plan approval to subdivide Site C - Nord (SITE) in later in January 2020, and request a public hearing regarding the same at the February 23, 2020 Planning Commission Meeting.

Project Description: the SITE is zoned RSM-PUD with the intended use to be for 10 to 13 single-family lots, 10 plus the option to increase density 30%, resulting in a maximum of 13 lots. The Company proposes subdividing the SITE into 12 single-family lots. Each lot will be served with natural gas, electric, and communication systems. Each individual homeowner will install septic systems and wells.

Road access and traffic: the primary access to the SITE will be from Sherwood Road. A 28' wide street (typical rural section) will be constructed to serve the westerly 10 lots, extending from Sherwood Road to the proposed cul-de-sac in the center, approximately, of the SITE. In addition, the two existing lots on the east end of the Site will be reconfigured and access will continue to be from the existing shared driveway at Deep Lake Road. The Company met with representatives of Ramsey County Engineering, consulted with Westwood Engineering, and the preliminary review indicates no turn lanes or other improvements to Sherwood Road or Deep Lake Road will be required, see attached memo from Westwood.

Building type, location, height, and square footage: a conceptual site plan is attached, which shows boxes on each lot that represent a one or two story single-family home with an approximate foundation size of 2400 square feet (SF). The actual

location, height, and size of each future house will be determined by the homeowner and approved by the City's Building Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The minimum lot size is 1.1 Acres, the approximate size of each lot is noted in the table below.

Lot 1	9.26 Acres
Lot 2	8.15 Acres
Lot 3	4.98 Acres
Lot 4	2.93 Acres
Lot 5	2.99 Acres
Lot 6	3.33 Acres
Lot 7	2.61 Acres
Lot 8	3.02 Acres
Lot 9	3.70 Acres
Lot 10	3.75 Acres
Lot 11	1.91 Acres
Lot 12	3.42 Acres

Existing site conditions and topography: attached you will find a Base Map survey. The SITE is relatively flat, with a number of wetlands, and heavily wooded.

General grading plan: a preliminary grading plan is attached, which illustrates minimal grading to build a street. Initial grading of the SITE will be limited to that required to install storm water, gas, electrical, communication systems, and construct the street. The elevation of the street generally follows the existing topography. No grading will occur south or east of the proposed street, except that required to build a home on each lot. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees this is the most appropriate solution with no impacts to wetlands.

Staging Plan: all lots will be created at one time, and the Company anticipates obtaining approval to enable the street to be complete summer of 2020.

Trails and open space: open space has been provided in other locations of the Subject Area, as described in the PDA. The concept plan shows a proposed trail between lots 6 & 7 to connect to the trails south of the SITE. Existing trail easements on properties south of the SITE may be utilized for the desired east to west trail, which would connect to the trail along Deep Lake Road. The Company will work with NOHOA to ensure the soils allow for the trail to be restored along Deep Lake Road (as shown in Exhibit B4 of the PDA). If soils are not suitable immediately north of Deep Lake Road, the Company will move the trail to the north side of the wetland on the southeast corner of lot 1.

This development is envisioned to be a part of NOHOA and will not be served by a separate sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely
North Oaks Company LLC,



Mark Houge
President

Enclosures

cc: City Planner (w/encl.)
City Engineer (w/encl.)
City Attorney (w/encl.)
Mikeya Griffin, NOHOA
Gary Eagles, North Oaks Company LLC

EXHIBIT B 5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

NORTH OAKS COMPANY

Updated: 01.21.2020

EAST OAKS PUD

SITE NAME	PDA Housing Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2020-2024	Proposed 2025-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING									
A WILDFLOWER (Peterson Place)	40	27	0	0	0	0	13	30% = 12	564
B EAST PRESERVE	2	0	0	0	2	0	0	30% = 1	
C NORD	10	0	0	0	12	0	-2	30% = 3	
D RAPP FARM	200	34	0	122	0	0	44	50% = 100	589 611 612 614 617 626
E-1 EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	0	-2	50% = 22	599 603 615
E-2 EAST WILKINSON Waverly Gardens - Mews	65	0	90	0	0	0	-25	50% = 33	586 603
F ANDERSON WOODS (Andersonville)	10	0	0	0	13	0	-3	30% = 3	
G GATE HILL	68	0	0	0	71	13	10	30% = 20	
H ISLAND FIELD	35	0	0	0	46	16	5	30% = 11	
I THE PINES (East Mallard Pond)	54	54	0	0	0	0	0	0	562
J NORTH SKI HILL	7	7	0	0	0	0	0	30% = 2	569
K NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	34	0	-11	30% = 19	566 604 618 629
L SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	0	571
Subtotal	645	203	99	165	178	29			
Commercial Acre to Housing Unit conversion	29					29			
COMMERCIAL									
E-3 EAST WILKINSON Waverly Gardens & Tria	21	15.27 Acres	0	0	5.73 Acres			See above - Commercial acres converted to housing units 1 acre = 5 housing units	586

RAMSEY COUNTY OPEN SPACE

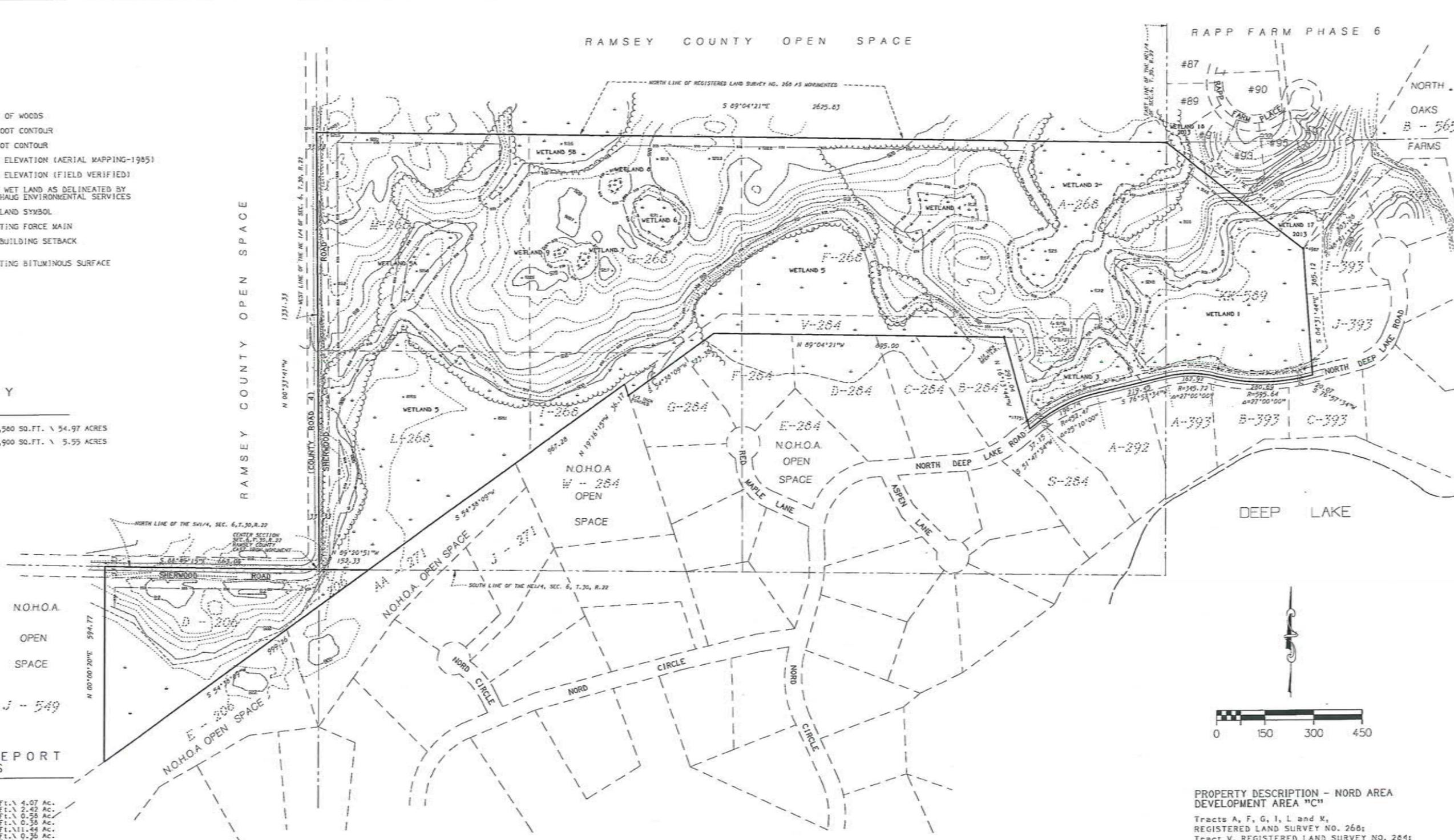
RAPP FARM PHASE 6

LEGEND

- = EDGE OF WOODS
- = 10 FOOT CONTOUR
- = 2 FOOT CONTOUR
- = SPOT ELEVATION (AERIAL MAPPING-1985)
- = SPOT ELEVATION (FIELD VERIFIED)
- = EDGE WET LAND AS DELINEATED BY RJOHLHAUG ENVIRONMENTAL SERVICES
- = WET LAND SYMBOL
- = EXISTING FORCE MAIN
- = 30' BUILDING SETBACK
- = EXISTING BITUMINOUS SURFACE

BOUNDARY AREAS

TOTAL NORD AREA = 2,394,500 SQ.FT. \ 54.97 ACRES
 TOTAL EAST PRESERVE = 241,900 SQ.FT. \ 5.55 ACRES

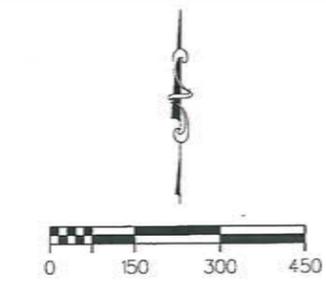


WETLAND REPORT AREAS

WETLANDS - OCTOBER 2015

Wetland 1	= 177,270	Sq.Ft.	\ 4.07 Ac.
Wetland 2	= 105,200	Sq.Ft.	\ 2.40 Ac.
Wetland 3	= 25,300	Sq.Ft.	\ 0.58 Ac.
Wetland 4	= 16,650	Sq.Ft.	\ 0.38 Ac.
Wetland 5	= 498,470	Sq.Ft.	\ 11.44 Ac.
Wetland 6	= 15,250	Sq.Ft.	\ 0.35 Ac.
Wetland 7	= 27,650	Sq.Ft.	\ 0.64 Ac.
Wetland 8	= 13,900	Sq.Ft.	\ 0.32 Ac.
Wetland 9	= 1,310	Sq.Ft.	\ 0.03 Ac.
Wetland 10	= 1,250	Sq.Ft.	\ 0.03 Ac.
Wetland 11	= 630	Sq.Ft.	\ 0.01 Ac.
Total	= 863,220	Sq.Ft.	\ 20.26 Ac.

NOTE: EAST PRESERVE AREA - DEVELOPMENT AREA "B" IS SHOWN AS A CONTIGUOUS OWNERSHIP ONLY AND WILL NOT BE A PART OF THE FINAL PROJECT.



PROPERTY DESCRIPTION - NORD AREA DEVELOPMENT AREA "C"

Tracts A, F, G, I, L and M,
 REGISTERED LAND SURVEY NO. 268;
 Tract V, REGISTERED LAND SURVEY NO. 264;
 Tract S, REGISTERED LAND SURVEY NO. 292;
 Tract KK, REGISTERED LAND SURVEY NO. 569;
 All in Ramsey County, Minnesota

PROPERTY DESCRIPTION - EAST PRESERVE AREA DEVELOPMENT AREA "B"

Tracts C and M, REGISTERED LAND SURVEY NO. 206,
 Ramsey County, Minnesota

KURTH SURVEYING, INC.
 4002 JEFFERSON ST. N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: ks@kurthsurveyinginc.com

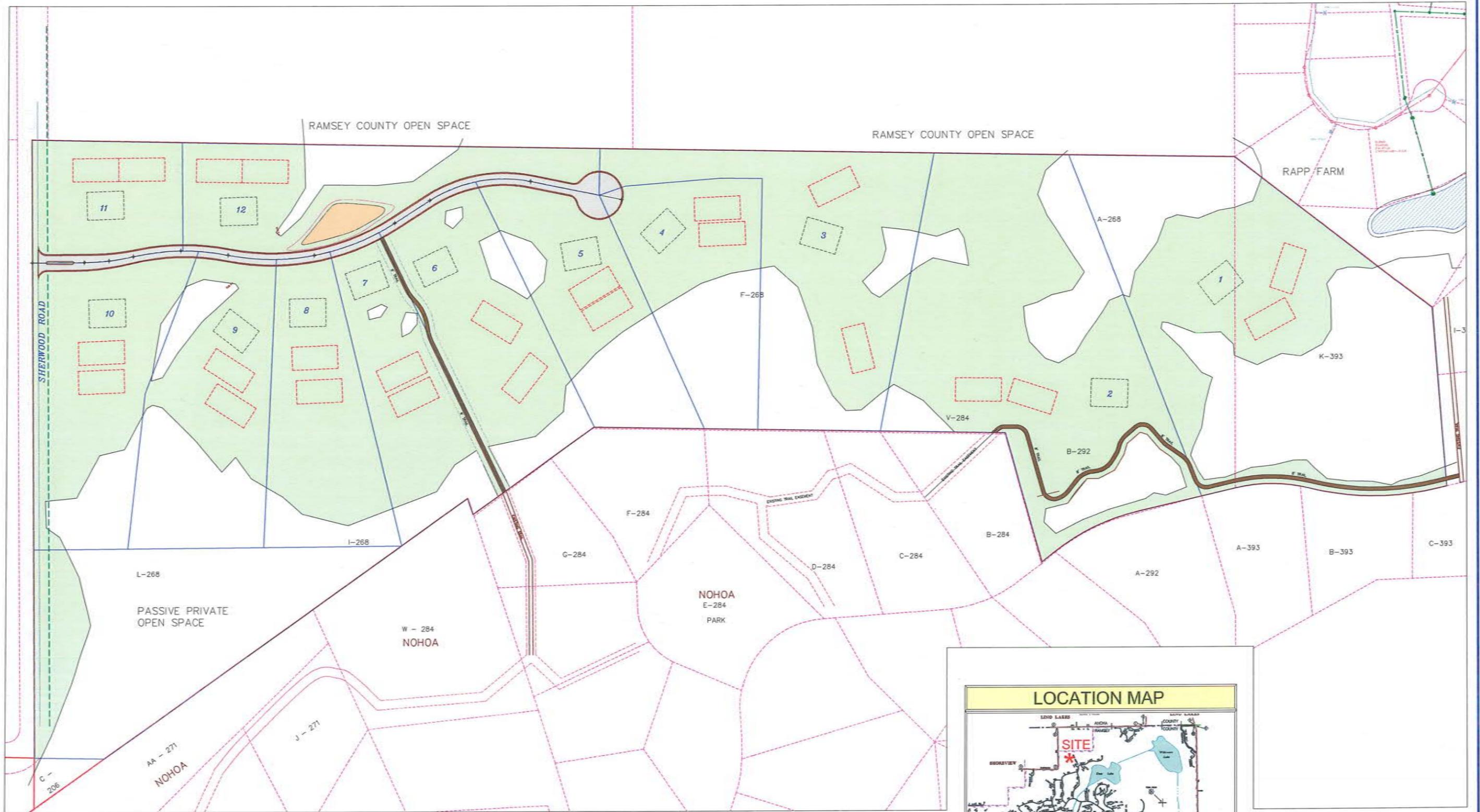
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

 Randy L. Kurth, RLS, No. 20270
 Russell J. Kurth, RLS, No. 16113

DEVELOPMENT AREA
"B" & "C"



PROJECT: NORD & EAST PRESERVE AREAS	SHEET DESCRIPTION EXISTING CONDITIONS	DATE: January 17, 2019
		SHEET 1 OF 6 SHEETS



NORD AREA

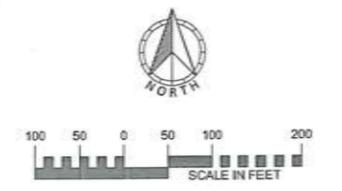
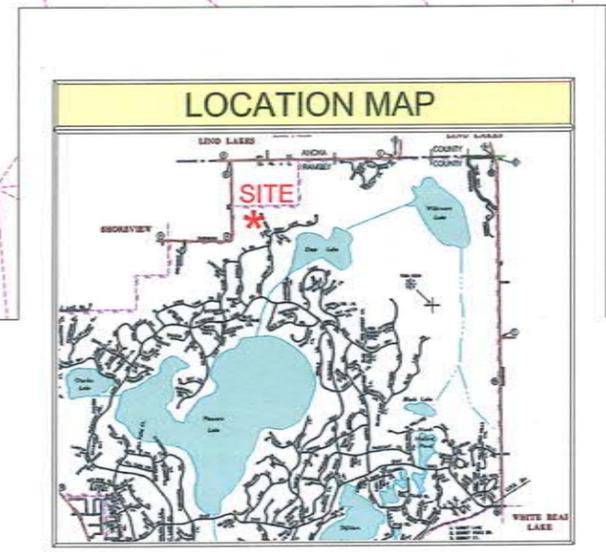
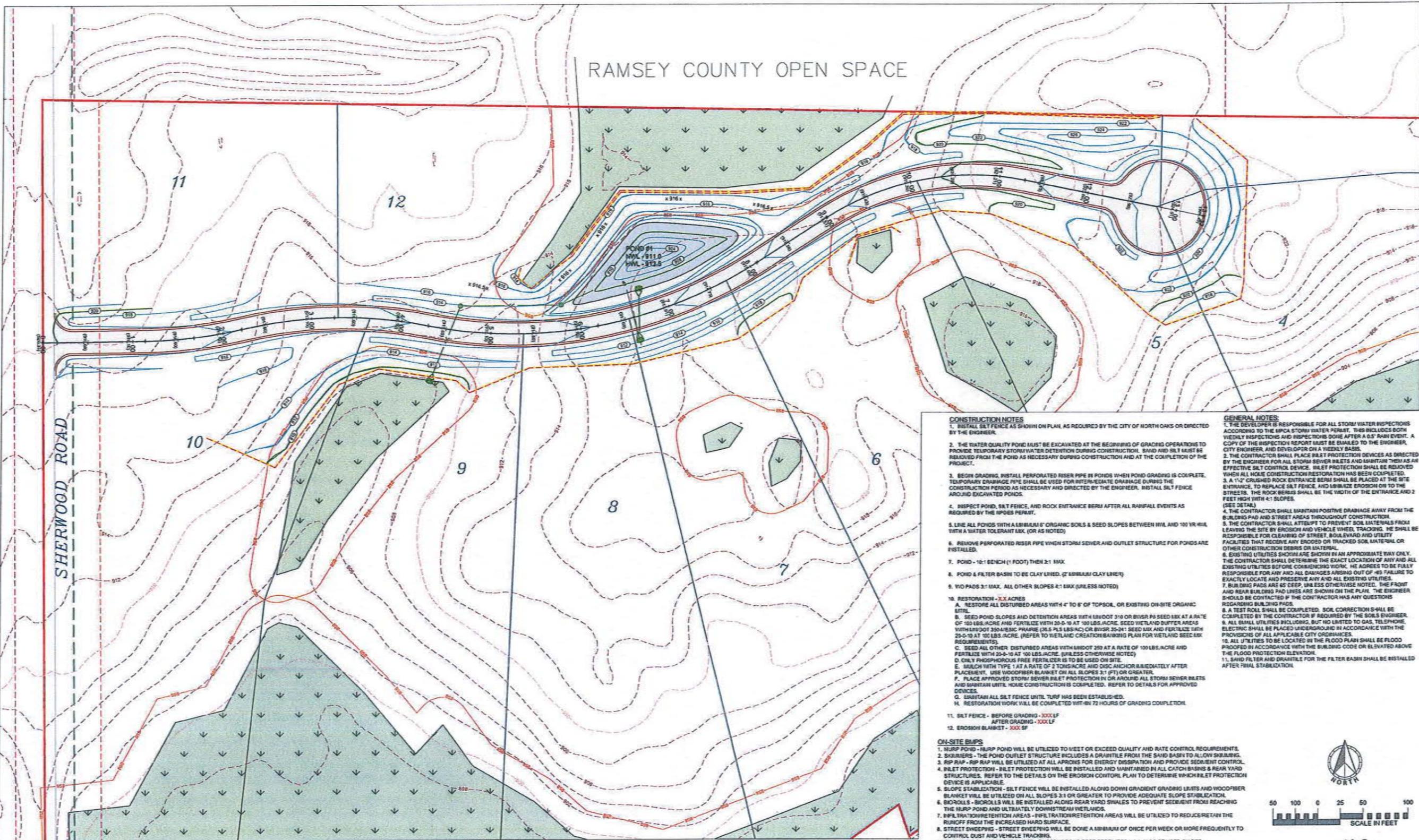


Exhibit E: Concept Plan

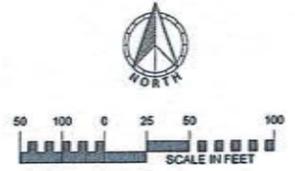
RAMSEY COUNTY OPEN SPACE



- CONSTRUCTION NOTES**
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF NORTH OAKS OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORMWATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. BEGIN GRADING. INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
 4. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE MPCA PERMIT.
 5. LINE ALL PONDS WITH A MINIMUM 6" ORGANIC SOILS & SEED SLOPES BETWEEN NWL AND 100 YR NWL WITH A WATER TOLERANT MIX (OR AS NOTED)
 6. REMOVE PERFORATED RISER PIPE WHEN STORM SEWER AND OUTLET STRUCTURE FOR PONDS ARE INSTALLED.
 7. POND - 16:1 BENCH (1 FOOT) THEN 2:1 MIX.
 8. POND & FILTER BASIN TO BE CLAY LINED. (2" MINIMUM CLAY LINER)
 9. W/O PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
 10. RESTORATION - XX ACRES
 - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC SOILS.
 - B. SEED POND SLOPES AND DETENTION AREAS WITH MIXED 3:10 OR BISON P9 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MIXED 300 LBS./ACRE PHASE (20 LBS./5 LBS./AC) OR BISON 25-0-11 SEED MIX AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/REPAIRING PLAN FOR WETLAND SEED MIX REQUIREMENTS)
 - C. SEED ALL OTHER DISTURBED AREAS WITH MIXED 200 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
 - F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL HOME CONSTRUCTION IS COMPLETED. REFER TO DETAILS FOR APPROVED DEVICES.
 - G. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
 11. SILT FENCE - BEFORE GRADING - XXX LF
AFTER GRADING - XXX LF
 12. EROSION BLANKET - XXX SF

- GENERAL NOTES**
1. THE DEVELOPER IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPCA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE SUBMITTED TO THE ENGINEER, CITY ENGINEER, AND DEVELOPER ON A WEEKLY BASIS.
 2. THE CONTRACTOR SHALL PLACE INLET PROTECTION DEVICES AS DIRECTED BY THE ENGINEER FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. INLET PROTECTION SHALL BE REMOVED WHEN ALL HOME CONSTRUCTION RESTORATION HAS BEEN COMPLETED.
 3. A 1"-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERM SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
 4. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 5. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEARING OF STREET, SIDEWALK AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 6. EXISTING UTILITIES SHOWN ARE SHOWN BY AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 7. BUILDING PADS ARE 6" DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS.
 8. A TEST ROLL SHALL BE COMPLETED. SOIL CORRECTION SHALL BE COMPLETED BY THE CONTRACTOR IF REQUIRED BY THE SOILS ENGINEER.
 9. ALL SHALL UTILITIES INCLUDING, BUT NOT LIMITED TO GAS, TELEPHONE, ELECTRIC SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE PROVISIONS OF ALL APPLICABLE CITY ORDINANCES.
 10. ALL UTILITIES TO BE LOCATED IN THE FLOOD PLAIN SHALL BE FLOOD PROOFED IN ACCORDANCE WITH THE BUILDING CODE OR ELEVATED ABOVE THE FLOOD PROTECTION ELEVATION.
 11. SAID FILTER AND DRAINAGE FOR THE FILTER BASIN SHALL BE INSTALLED AFTER FINAL STABILIZATION.

- ON-SITE BMPs**
1. MURP POND - MURP POND WILL BE UTILIZED TO MEET OR EXCEED QUALITY AND RATE CONTROL REQUIREMENTS.
 2. SKIMMERS - THE POND OUTLET STRUCTURE INCLUDES A DRIBBLE TRAP TO ALLOW SKIMMING.
 3. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APRONS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
 4. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & REAR YARD STRUCTURES. REFER TO THE DETAILS ON THE EROSION CONTROL PLAN TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
 5. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LIMITS AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
 6. BIO-ROLLS - BIO-ROLLS WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE MURP POND AND ULTIMATELY DOWNSTREAM WETLANDS.
 7. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
 8. STREET SWEEPING - STREET SWEEPING WILL BE DONE A MINIMUM OF ONCE PER WEEK OR MORE FREQUENTLY TO CONTROL DUST AND VEHICLE TRACKING.
 9. PHOSPHOROUS FREE FERTILIZER - PHOSPHOROUS FREE FERTILIZER WILL ALSO BE USED ON SITE.



DRAWING NAME	NO.	BY	DATE	REVISIONS
XXX				
DRAWN BY				
CHECKED BY				
DATE				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
Date: _____ Lic. No. _____



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO. _____
NORTH OAKS, MINNESOTA

PRELIMINARY GRADING PLAN
NORD PARCEL

FILE NO. 64500-013
X

Exhibit F: Preliminary Grading Plan

MEMORANDUM

Date: December 27, 2019

Re: Nord Concept - East Oaks Concepts
File #0022650.00

To: Mark Houge, President
Gary Eagles, VP Development

From: Stephen J. Manhart, P.E. PTOE, PTP

North Oaks Company, LLC, has requested that Westwood Professional Services conduct a high-level overview of traffic issues relative to a residential development concept under consideration.

Traffic issues for the Nord Concept are listed below:

- **Nord Concept** – Twelve (12) single-family residential lots are proposed for this concept. Ten lots will have access to a cul-de-sac that intersects Sherwood Road (County Road 4) in the northern part of North Oaks. Two reconfigured lots on the east end of the Nord Concept are proposed to access Deep Lake Road.

Traffic Issues:

- The following table lists the trip generation potential of the single-family residential development proposed in this concept:

Table 1 - Trip Generation Potential – Nord Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	10 units	47	47	2	6	6	4
Single Family Housing	210	2 units	9	9	0	1	1	1
			56	56	2	7	7	5
			112		9		12	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- It appears that the ten units proposed along the cul-de-sac will not generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles per hour warranting either a

December 27, 2019
Page 2

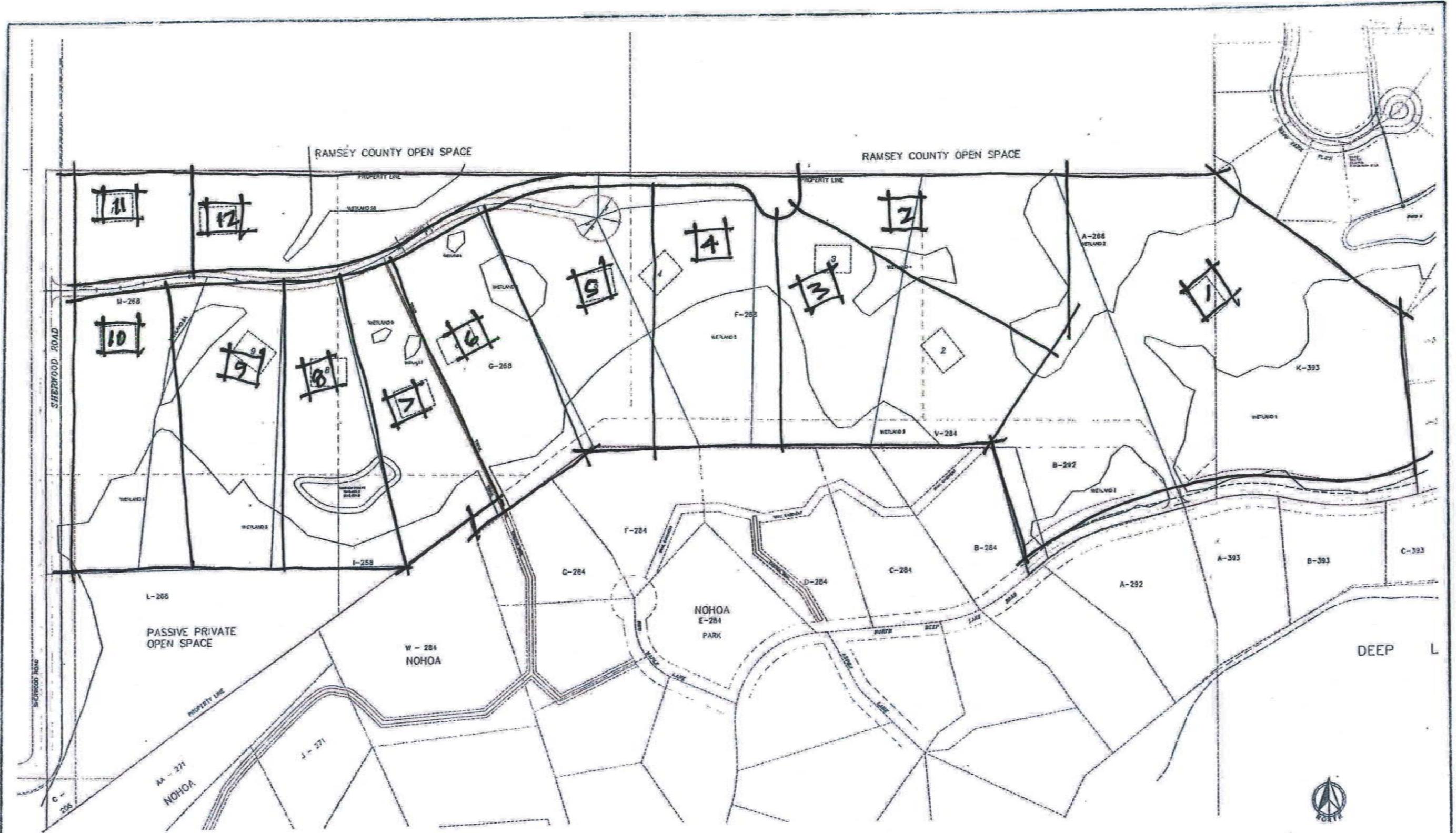
- northbound left turn lane and/or a southbound right turn lane along Sherwood Road.¹
- Signalization will likely not be warranted at the intersection with Sherwood Road. Side street stop will likely be required for traffic control.²
- The two residential lots that will access Deep Lake Road will have minimal impact on traffic in the immediate area or along the North Oaks roadway system.

In summary, this analysis represents a high-level overview of traffic issues related to the Nord Concept. From this analysis, there will be minimal direct vehicular traffic (i.e., two or fewer trips per peak hour) generated by the Nord Concept along the other streets within North Oaks. The vast majority of Nord Concept traffic will enter from or exit onto Sherwood Road, which accesses Ash Street (County Road J) to the north, or Turtle Lake Road to the west.

Cc: David Weetman, Westwood Professional Services

¹ Turn lane volume guidelines outlined during a preliminary meeting between North Oaks Company LLC and Ramsey County Engineering, December 4, 2019.

² Side street stop control refers to the condition where the main street traffic does not have a stop sign, but the intersecting side street traffic does have a stop sign.



NORD CONCEPT PLAN ALTERNATIVE

NAC 1/8/20



MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

RE: North Oaks - East Oaks Planned Development
Anderson Woods Concept Plan (Site F)

FILE NO: 321.02 - 19.09

INTRODUCTION

At the January 30, 2020 meeting of the Planning Commission, the Commission provided informal feedback to the North Oaks Company LLC regarding a concept plan submittal for the “Anderson Woods” parcel located south of the recently approved Wilkinson Villas (1A) subdivision along Centerville Road.

The subject property occupies the southern one-half of “Site F” in the East Oaks Planned Development Agreement (PDA). Including a centrally located wetland area, Site F measures approximately 36 acres in size. The submitted concept plan calls for the creation of 9 single family residential lots upon the subject site. Including the four previously approved unit lots (developed as Wilkinson Villas 1A) which are located within Site F (which receive access through the Wilkinson Villas site), a total of 13 lots are proposed upon the site.

According to the PDA, the City’s RMH - PUD, Residential Multiple Family High Density zoning district provisions apply to the subject property. Also, to be noted is that the extreme northwest corner of the concept plan site lies within the Shoreland Management District of Wilkinson Lake, a designated “natural development” lake.

The East Oaks PDA also stipulates that a total of 10 single family residential lots are allowed upon the subject site (Site F) with a potential 30 percent density bonus. In this regard, a maximum of 13 lots are allowed. The proposed concept plan is consistent with the dwelling unit requirements of the PDA.

All lots are proposed to be served by municipal sewer and water.

The purpose of this memorandum is to summarize feedback provided by the Planning Commission in their review of the concept plan as well as to convey received citizen comments.

Please refer to the Staff memorandum dated January 30, 2020 for additional background information related to the concept plan submission.

DISCUSSION

Citizen Comments. Prior to the Planning Commission's discussion of the concept plan, an opportunity for citizen feedback was provided. In this regard, the following citizen comments were offered related to the Anderson Woods concept plan:

- Recognizing that an intent of the East Oaks PUD is to be sensitive to the environment, it was recommended that a tree inventory be provided by the developer as a means of preserving significant (hardwood) trees.
- A citizen noted that the submitted concept plan is not consistent with the East Oaks PDA in that only one access point to Centerville Road is proposed (rather than two as illustrated directly east of the subject site in the Conceptual Street and Access Plan). In this regard, it was suggested that the two Centerville Road access points be maintained.
- Concern was raised that the three Centerville Road access points illustrated on the Street and Access Plan (two directly east of the site and one further to the south) may be more likely to invite trespassing activities than the single access to Centerville Road which is proposed by the developer.

To be noted is that the preceding comments do not include written citizen comments which were received prior to the Planning Commission meeting.

Planning Commission Feedback. As a PUD concept plan, only informal, advisory feedback was provided by the Planning Commission and no formal action was taken. In consideration of the concept plan, the Planning Commission raised questions and provided feedback regarding the following:

- Questions were raised regarding the inclusion of the "bridge crossing" feature in the subdivision (to provide access to Lots 5, 6 and 7) and how adjacent wetlands and wildlife habitat may be impacted.
- Question was raised related to the total amount of wetland impacts in the entire East Oaks PUD and how the individual concept plans relate to anticipated impacts which are highlighted in the EAW. In this regard, a request was made for the developer to provide a historic transaction record for East Oaks wetland impacts, mitigation and credits and that the developer assist in making a determination of consistency.

- A Commissioner questioned why a “c-shaped” subdivision layout, as anticipated in the “Street and Access Plan, was not pursued by the developer.

ACTION REQUESTED

No formal action can be taken on submitted concept plan. Rather, the developer is seeking informal feedback from the City Council on the plan prior to further financial investment and the submission of the formal preliminary subdivision application.

Attachment

- Planning Report (including exhibits) dated January 30, 2020

cc: Kevin Kress, City Administrator
Larina DeWalt, 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
Mark Houge and Gary Eagles, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

February 7, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 150
North Oaks, MN 55127

RE: Site F – Anderson Woods South Concept Plan Comments

Dear Kevin,

The North Oaks Home Owners Association (NOHOA) discussed the concept plans dated January 21, 2020, for the Anderson Woods South Development from the North Oaks Company at their board meeting on February 6, 2020. This site is indicated as “Site F” on Exhibit B1 of the 1999 Planned Unit Development Agreement. Comments were previously submitted on January 23rd and the following are concerns that NOHOA would like to add to those submitted:

- NOHOA has concerns that the proposed street alignment does not match that shown in the concept plan from the 1999 PDA. The main concern regarding the proposed alignment is the wetland impacts to access the three lots on the west side of the development. The Association requests that an accounting be provided of the wetland impacts that have occurred with the previous developments within the PDA area and the amount of wetland credits that the Company currently has to offset any future impacts.
- NOHOA would like the Company as part of future submittals to provide documentation that the increased volume of runoff from the impervious surface will not negatively impact the surrounding area by raising water levels of any surrounding wetlands and/or ponding areas during storm events. It is also requested that the Company provide a future maintenance schedule and associated maintenance cost estimate for the drainage improvements.

If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,

Mikeya Griffin
Executive Director

• NATURE • HERITAGE • COMMUNITY •



NORTH OAKS
HOME OWNERS' ASSOCIATION

January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site F – Anderson Woods South Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) *staff* has reviewed the concept plans dated January 21, 2020, for the Anderson Woods South Development from the North Oaks Company. This site is indicated as "Site F" on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 10 planned households on Site F in an area designated as limited mixed residential (zoned as RMH-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site F may have a density increase of 30%, which would bring the total number of dwelling units allowed to 13. Table 1 further indicates that single family detached and townhomes are allowed in this area. In 2019, the City of North Oaks approved the subdivision on the north end of Anderson Woods to create four townhome lots. The Concept Plan proposes nine additional single-family lots, bringing the total number of lots to 13, which is within the standard set forth in the 1999 PUD.
- Each lot will be served by municipal water and sanitary sewer to be provided by White Bear Township. It should be noted that three lots will need private grinder pumps to support their connection to the sanitary sewer system.
- The Concept Plan proposes that the 9 new lots will be served by a 32 foot wide cul-de-sac extending from Centerville Road at its current intersection with Anderson Lane
- The Concept Plan shows trail connections from this development to existing NOHOA trails in the vicinity.

● NATURE ● HERITAGE ● COMMUNITY ●

Mr. Kevin Kress
January 24, 2020
Page 2

- There would not be a sub-association for the 9 additional residential lots and, upon completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- NOHOA has concerns about the proposed use of grinder pumps for three of the lots. It is hoped that further grading review can eliminate the need for them.
- NOHOA seeks further discussion regarding the proposed trail system, including discussion of the dedication of a portion of lot 6 in an outlot where there are multiple NOHOA trails.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



MAP 12: East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Ski Hill
- 12) South East Pines

 Developed and Undeveloped
 Land or Protected Open Space

McComb, Frank Boos, Associates

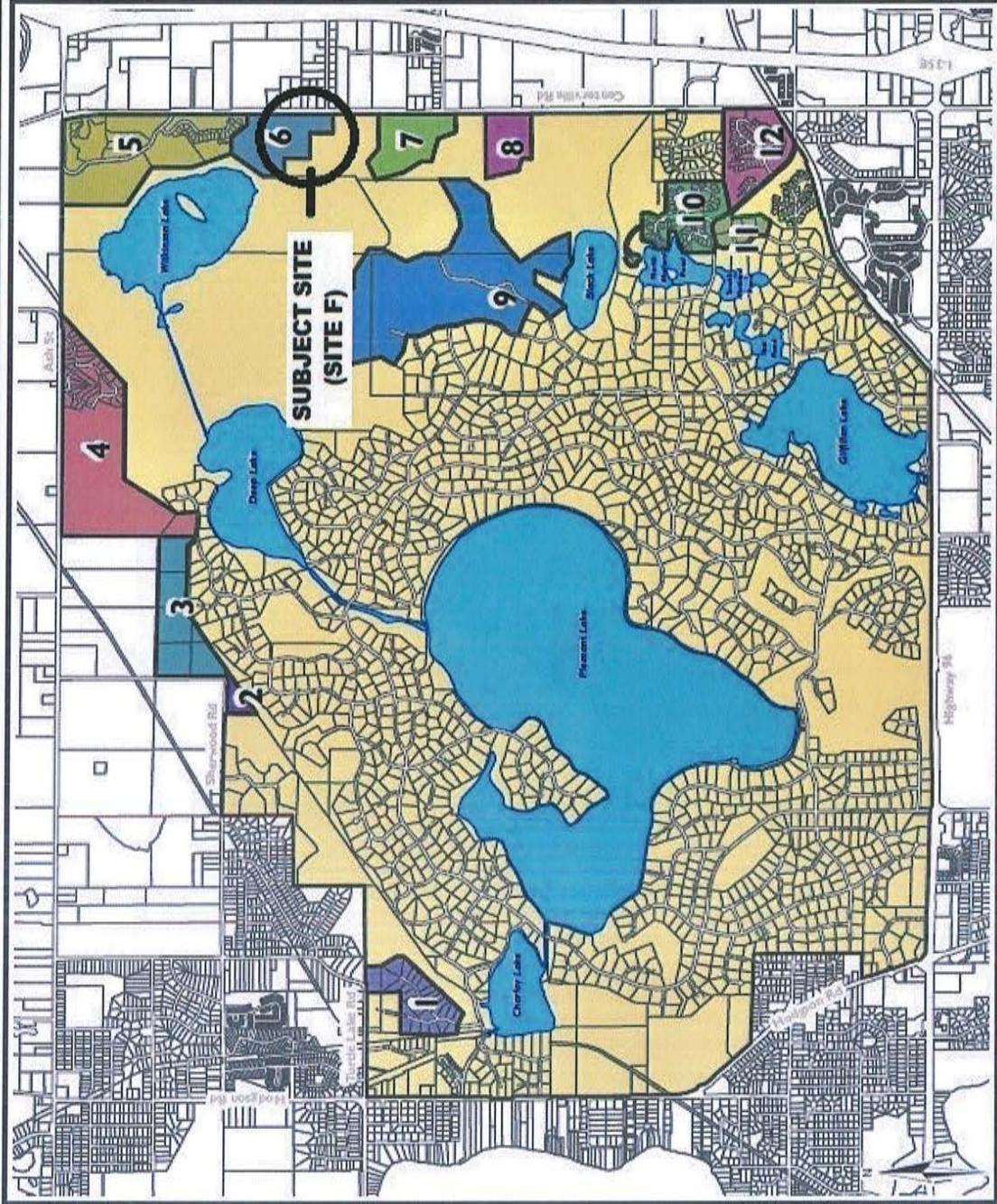


Exhibit A: Site Location



January 21, 2020

Mr. Kevin Kress
 City Administrator
 City of North Oaks
 100 Village Center Drive, Suite 150
 North Oaks, Minnesota 55127

Re: Site F – Anderson Woods Development
 Concept Plan - Subdivision Application

Dear Kevin,

Based on your request, we attach the Concept Plan, dated January 21, 2020, for review by City of North Oaks (City) Staff, Planning Commission and City Council.

Background: North Oaks Company LLC (Company) submitted a Concept Plan in December 2018 for the undeveloped areas identified as Subject Property in the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

City staff and the Company received feedback that some elements of the December 2018 Concept Plans should be reconsidered. We presented revised Concept Plans to members of the North Oaks community at an Information Session on October 21, 2019, and presented the same revised Concept Plans to members of the Planning Commission at its meeting December 3, 2019. We voluntarily submit this Concept Plan (attached) with additional information, and simultaneously submit the Concept Plans for each the remaining undeveloped sites, including Nord, Gate Hill, Island Field and North Black Lake, with additional information.

Purpose: this is a request for the City Staff to review and provide confirmation to the Planning Commission and City Council that the Concept Plan conforms to the PDA as the Company proceeds with engineering documents required to obtain Preliminary Plan approval to subdivide the south portion of Site F - Anderson Woods. The Company will apply for Preliminary Plan approval to subdivide the south portion of Site F - Anderson Woods (SITE) later in January 2020, and request a public hearing regarding the same at the February 23, 2020 Planning Commission Meeting.

Project Description: Site F – Anderson Woods is zoned RMH-PUD with the intended use to be for 10 to 13 single-family or townhome lots, 10 plus the option to increase density 30%, resulting in a maximum of 13 lots. The City approved the subdivision of the north end of Anderson Woods to create 4 townhome (Villa) lots in 2019. The Company proposes subdividing the south portion of the SITE into 9 additional single-family lots. Each lot will be served by municipal water, sanitary sewer (to be provided by White Bear Township), natural gas, electric, and communication systems.

Road access and traffic: the SITE will be accessed from Centerville Road at the proposed intersection opposite Anderson Lane to the east. A 32' wide street with curb & gutter will serve all 9 lots, extending from Centerville Road to a cul-de-sac on the west side of the SITE. The Company met with representatives of Ramsey County Engineering, consulted with Westwood Engineering, and the preliminary review indicates no turn lanes or other improvements to Centerville will be required, see attached memo from Westwood.

Building type, location, height, and square footage: a conceptual site plan is attached, which shows boxes on each lot that represent a one or two story single-family home with an approximate foundation size of 2400 square feet (SF). The actual location, height, and size of each future house will be determined by the homeowner and approved by the City's Building

Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The Floor Area Ratio (FAR) guides the density versus a minimum lot size. Based on the approximate building sizes outlined above the proposed FAR is approximately 50% of the maximum allowable FAR of 0.20 coverage in aggregate for the SITE, as noted in the PDA.

Existing site conditions and topography: attached you will find a Base Map survey; the existing topography shows 2 areas of higher ground surrounded by wetlands. The west portion of the SITE has a limited number of existing trees and the east portion of the SITE is more heavily wooded. A large wetland exists in the middle of the SITE that was improved from a Type 1 to a Type 4 wetland.

General grading plan: a preliminary grading plan is attached, which illustrates minimal grading to build a road. Initial grading of the SITE will be limited to that required to install underground water, sanitary sewer, storm sewer, gas, electrical, communication systems, and construct the street. The elevation of the street generally follows the existing topography, with a 100' length of street constructed by filling between the high ground areas. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees this is the most appropriate solution to minimize impacts to wetlands. The need to impact any wetlands is greatly reduced by accessing the 3 westerly lots from the east versus the south. The proposed street will interrupt a flat area where the hydrology allows for water to flow either north or south of the proposed street.

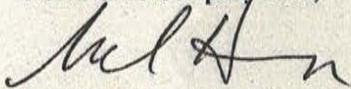
Staging Plan: all lots will be created at one time, and the Company anticipates obtaining approval to enable the street and utilities to be complete summer of 2020.

Trails and open space: open space has been provided in other locations of the Subject Area, as described in the PDA. Trails will be constructed to connect to the existing trail system to the west. Specifically, the concept plan shows a proposed trail on the south side of the SITE to connect to the trails north and west of the SITE, currently in use. In addition, The Company is working with NOHOA to determine the exact location of the trails to the south that will connect to this SITE, as shown in Exhibit C1 of the PDA.

This development is envisioned to be a part of NOHOA but will not be served by a separate sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely
North Oaks Company LLC,



Mark Houge
President

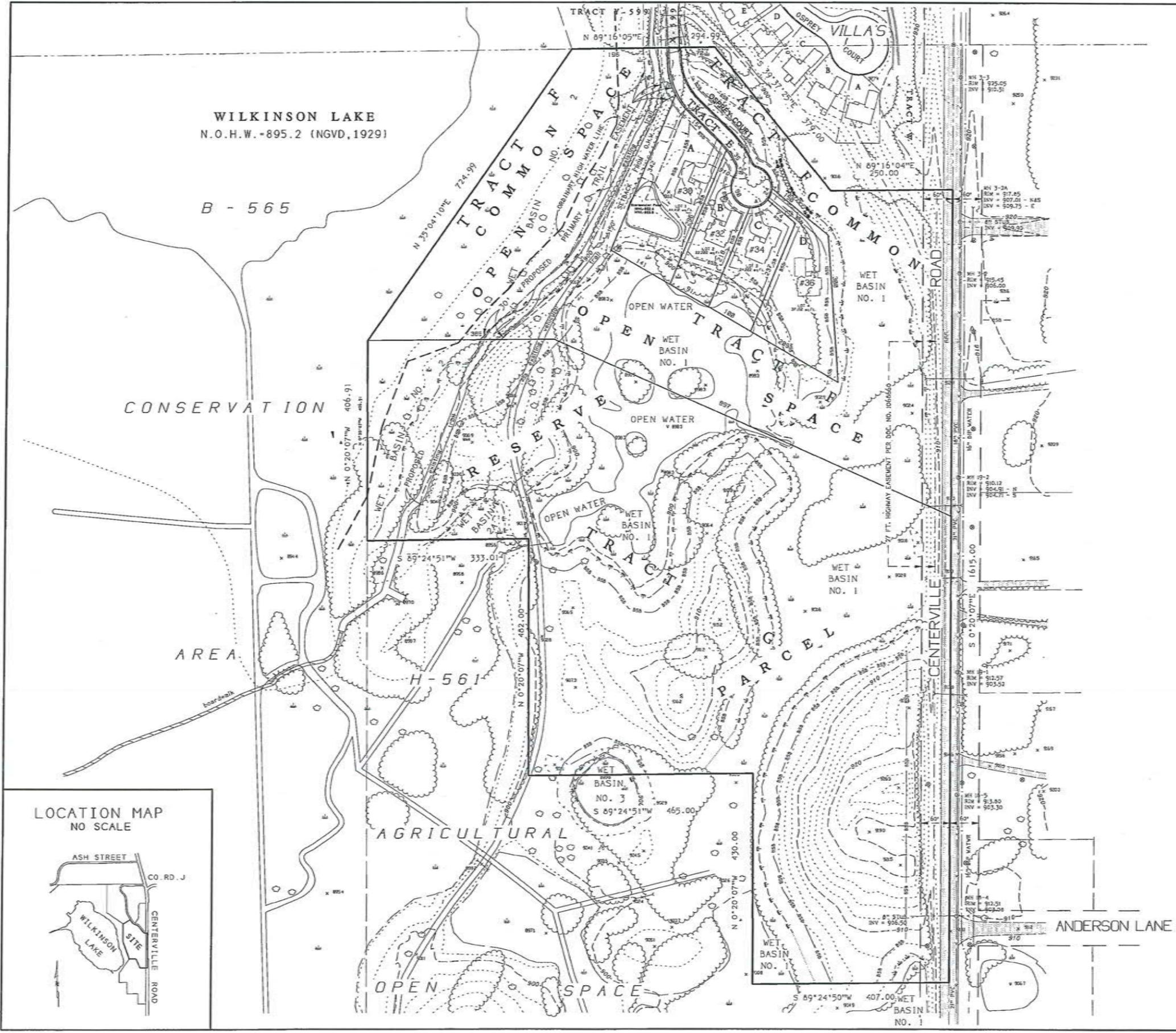
Enclosures

cc: City Planner (w/encl.)
City Engineer (w/encl.)
City Attorney (w/encl.)
Mikeya Griffin, NOHOA
Gary Eagles, North Oaks Company LLC

EXHIBIT B 5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT
 NORTH OAKS COMPANY
 EAST OAKS PUD
 Updated: 01.21.2020

SITE NAME	PDA Housing Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2020-2024	Proposed 2025-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING									
A WILDFLOWER (Peterson Place)	40	27	0	0	0	0	13	30% = 12	564
B EAST PRESERVE	2	0	0	0	2	0	0	30% = 1	
C NORD	10	0	0	0	12	0	-2	30% = 3	
D RAPP FARM	200	34	0	122	0	0	44	50% = 100	589 611 612 614 617 626
E-1 EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	0	-2	50% = 22	599 603 615
E-2 EAST WILKINSON Waverly Gardens - Mews	65	0	90	0	0	0	-25	50% = 33	586 603
F ANDERSON WOODS (Andersonville)	10	0	0	0	13	0	-3	30% = 3	
G GATE HILL	68	0	0	0	71	13	10	30% = 20	
H ISLAND FIELD	35	0	0	0	46	16	5	30% = 11	
I THE PINES (East Maillard Pond)	54	54	0	0	0	0	0	0	562
J NORTH SKI HILL	7	7	0	0	0	0	0	30% = 2	569
K NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	34	0	-11	30% = 19	566 604 618 629
L SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	0	571
Subtotal	645	203	99	165	178	29			
Commercial Acre to Housing Unit conversion	29					29			
COMMERCIAL									
E-3 EAST WILKINSON Waverly Gardens & Tria	21 Acres	15.27 Acres	0	0	5.73 Acres			See above - Commercial acres converted to housing units 1 acre = 5 housing units	586

DEVELOPMENT AREA "F"



WILKINSON LAKE
N.O.H.W. +895.2 (NGVD, 1929)

B - 565

CONSERVATION

AREA

AGRICULTURAL

OPEN SPACE

WET BASIN NO. 1

WET BASIN NO. 1

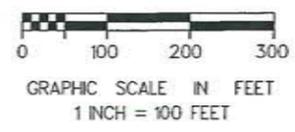
WET BASIN NO. 1

WET BASIN NO. 1

WET BASIN NO. 3

WET BASIN NO. 1

WET BASIN NO. 1



LEGEND

- x 806 SPOT ELEVATION FROM MARK HURD AERIAL TOPD MAPPING
- - - - - EXISTING CULVERT
- o UTILITY POLE
- ⊕ SWAMP SYMBOL
- o TREE FROM AERIAL MAPPING
- EDGE OF WOODS
- - - - - 10 FOOT CONTOUR
- 2 FOOT CONTOUR
- EDGE WET LAND AS DELINEATED BY KJELHAUG ENVIRONMENTAL SERVICES
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER AND DIRECTION OF FLOW
- EXISTING STORM SEWER AND DIRECTION OF FLOW
- EXISTING FORCE MAIN
- BUILDING SETBACK LINE
- EXISTING BITUMING

RECAP OF SUBDIVISION

TOTAL NO. OF LOTS	4 BUILDABLE
TOTAL BOUNDARY AREA	1,583,400 SQ. FT. 35.89 AC.
OPEN SPACE (EX. RW & WET)	102,970 SQ. FT. 2.36 AC.
OSPREY COURT	15,500 SQ. FT. 0.36 AC.
TOTAL VILLAS LOTS	127,810 SQ. FT. 2.93 AC.
FUTURE AREA (EX. RW & WET)	533,350 SQ. FT. 12.25 AC.

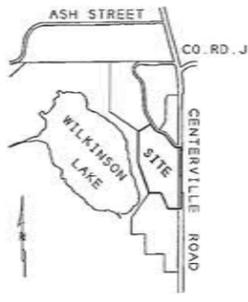
BUILDING SETBACKS

- BUILDING TO BUILDING SETBACKS:
 - FRONT TO FRONT: 40 FT. - PRINCIPAL BLDG
 - SIDE TO SIDE: 15 FT. - PRINCIPAL BLDG
 - REAR TO REAR: 50 FT. - PRINCIPAL BLDG
- ROAD RIGHT OF WAY SETBACKS:
 - FRONT: 15 FT. - PRINCIPAL BLDG
 - SIDE: 20 FT. - PRINCIPAL BLDG
 - REAR: 20 FT. - PRINCIPAL BLDG
- WETLAND SETBACKS: 30 FT.
- ALL BUILDINGS: 30 FT.
- MAX. BUILDING HEIGHT: 35 FT. AT FRONT SETBACK LINE
- 45 FT. FOR WALKOUT LEVEL
- DRIVEWAY REQUIREMENTS:
 - ONE CURB CUT PER DWELLING
 - P.V. SPACING: 10 FT. UNLESS SHARED
 - MAX. WIDTH AT CURB: 18 FT.

PROPERTY DESCRIPTION

Tract M, REGISTERED LAND SURVEY NO. 586
Rensselaer County, Minnesota

LOCATION MAP NO SCALE



DATE: July 1, 2019
SHEET 2 OF 3 SHEETS

SHEET DESCRIPTION
FINAL OVERALL PLAN

PROJECT:
WILKINSON VILLAS PHASE 1A

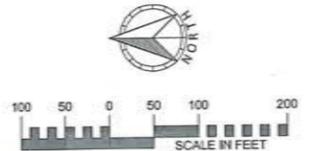
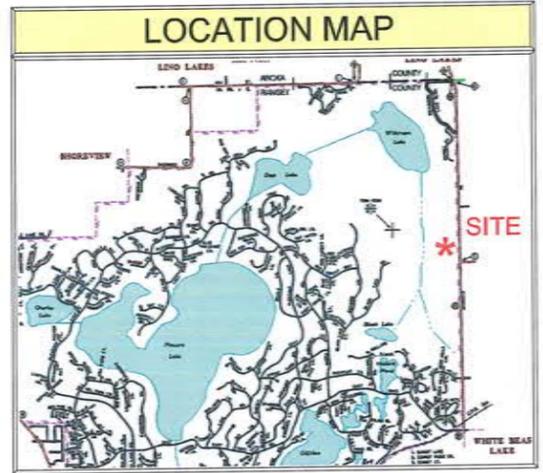
NORTH OAKS
C O M P A N Y

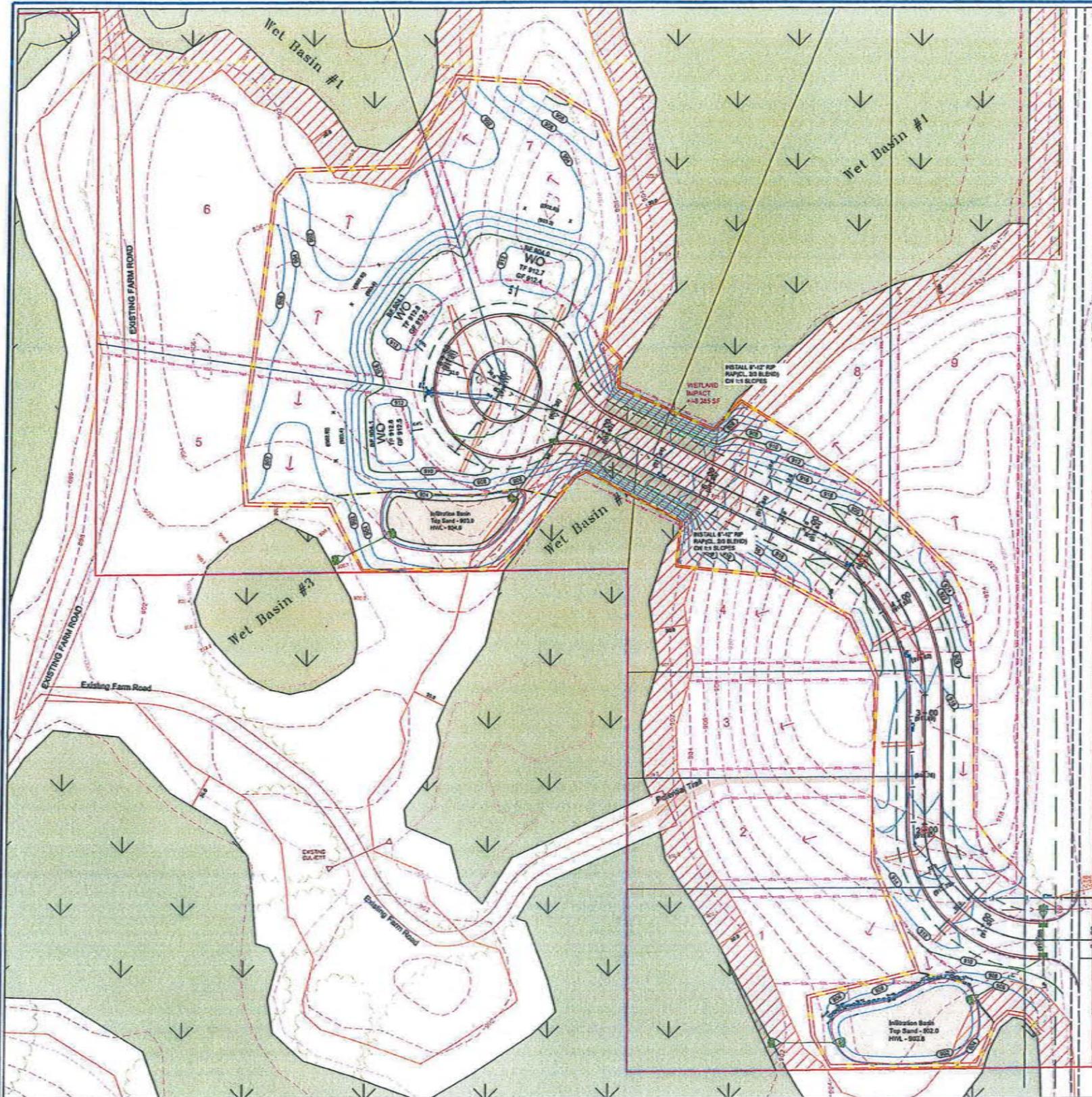
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Randy J. Kurth, P.E., No. 20279

KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE: (763) 788-9769 FAX: (763) 788-7602
E-MAIL: k@kurtysurveyinginc.com



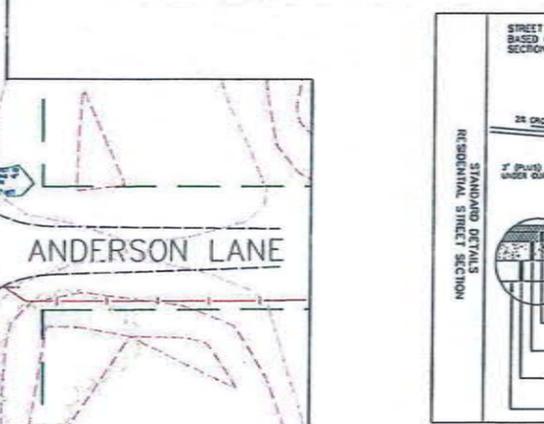
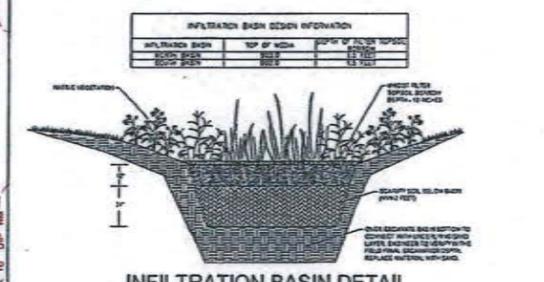
ANDERSON WOODS





- CONSTRUCTION NOTES**
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF NORTH OAKS OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. BEGIN GRADING, INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
 4. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 5. LINE ALL PONDS WITH A MINIMUM 1" ORGANIC SOILS & SEED SLOPES BETWEEN 1:1 AND 100 YR HWL WITH A WATER TOLERANT MIX. (OR AS NOTED)
 6. REMOVE PERFORATED RISER PIPE WHEN STORM SEWER AND OUTLET STRUCTURE FOR PONDS ARE INSTALLED.
 7. POND - 10:1 BENCH (1 FOOT) THEN 2:1 MAX
 8. POND & FILTER BASIN TO BE CLAY LINED. (2" MINIMUM CLAY LINER)
 9. WO PADS 2:1 MAX. ALL OTHER SLOPES 4:1 MAX. (UNLESS NOTED)
 10. RESTORATION - 4.8 ACRES
 - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC TOPSOIL.
 - B. SEED POND SLOPES AND DETENTION AREAS WITH MINIMUM 2:1 OR 3:1 OR 4:1 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MINIMUM 2:1 SEED MIX (OR 3:1 SEED MIX) OR 30-0-11 SEED MIX AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/BANKING PLAN FOR WETLAND SEED MIX REQUIREMENTS).
 - C. SEED ALL OTHER DISTURBED AREAS WITH MINIMUM 2:1 AT A RATE OF 40 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 2:1 (7:1) OR GREATER.
 - F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL HOME CONSTRUCTION IS COMPLETED. REFER TO DETAILS FOR APPROVED DEVICES.
 - G. MAINTAIN ALL SILT FENCE UNTIL TUMF HAS BEEN ESTABLISHED.
 - H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
 11. SILT FENCE - BEFORE GRADING - 5.110 LF AFTER GRADING - 200 LF
 12. EROSION BLANKET - 8,500 SF

- CONSTRUCTION SCHEDULING**
1. INSTALL APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
 2. ALL CONSTRUCTION PERIMETER EROSION CONTROL BARRIERS MUST BE IN PLACE BEFORE ANY UP GRADING/ LAND DISTURBING ACTIVITY BEGINS.
 3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES, ESPECIALLY AFTER EACH RAINFALL EVENT.
 4. INSTALL ALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, NATURAL GAS, PHONE, FIBER OPTIC, ETC.) PRIOR TO SETTING FINAL GRADE OF 3/8" TOLERANCE.
 5. INFILTRATION AREAS ARE NOT ALLOWED TO BE USED AS TEMPORARY SEDIMENT BASINS.
 6. COMPLETE, STABILIZE, AND VEGETATE ALL OTHER SITE IMPROVEMENTS.
 7. ONLY AFTER UPSTREAM CONSTRUCTION IS COMPLETED, CAN THE INFILTRATION BASIN BE CONSTRUCTED TO FINAL GRADE. ONCE GRADING IS COMPLETED, INSTALL FILTER TOPSOIL SCREEN AND VEGETATE IN ACCORDANCE WITH THE RESTORATION PLAN.
 8. MINIMUM FILTER TOPSOIL DEPTH SHALL BE TOLLED AFTER INSTALLATION IN THE BASIN TO REDUCE COMPACTION DURING INSTALLATION.
 9. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.



- GENERAL NOTES:**
1. THE DEVELOPER IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE NPDES STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER, CITY ENGINEER, AND DEVELOPER ON A WEEKLY BASIS.
 2. THE CONTRACTOR SHALL PLACE SILT PROTECTION DEVICES AS DIRECTED BY THE ENGINEER FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. SILT PROTECTION SHALL BE REMOVED WHEN ALL HOME CONSTRUCTION RESTORATION HAS BEEN COMPLETED.
 3. A 12" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERM SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
 4. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 5. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIAL FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEARING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 6. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 7. BUILDING PADS ARE SHOWN ON THE PLAN. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS.
 8. A TEST ROLL SHALL BE COMPLETED. SOIL CORRECTION SHALL BE COMPLETED BY THE CONTRACTOR IF REQUIRED BY THE SOILS ENGINEER.
 9. ALL SMALL UTILITIES INCLUDING, BUT NOT LIMITED TO GAS, TELEPHONE, ELECTRIC SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE PROVISIONS OF ALL APPLICABLE CITY ORDINANCES.
 10. ALL UTILITIES TO BE LOCATED IN THE FLOOD PLAN SHALL BE FLOOD PROTECTED IN ACCORDANCE WITH THE FLOOD PROTECTION OR EL ELEVATION ABOVE THE FLOOD PROTECTION ELEVATION.
 11. SAND FILTER AND DRAIN TILE FOR THE FILTER BASIN SHALL BE INSTALLED AFTER FINAL STABILIZATION.

- ON-SITE BMPs**
1. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APPLICABLE AREAS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
 2. SILT PROTECTION - SILT PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CAUTION AREAS & REAR YARD STRUCTURES. REFER TO THE DETAILS ON THE EROSION CONTROL PLAN TO DETERMINE WHICH SILT PROTECTION DEVICE IS APPLICABLE.
 3. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG SLOPE GRADIENT GRADING LIMITS AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
 4. BIODIVERSITY - BIODIVERSITY WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE MURP POND AND ULTIMATELY DOWNSTREAM WETLANDS.
 5. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
 6. STREET SWEEPING - STREET SWEEPING WILL BE DONE A MINIMUM OF ONCE PER WEEK OR MORE FREQUENTLY TO CONTROL DUST AND VEHICLE TRACKING.
 7. PHOSPHOROUS FREE FERTILIZER - PHOSPHOROUS FREE FERTILIZER WILL ALSO BE USED ON SITE.

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
AW-PRELIM SHEETS				
DRAWN BY		ERJ		
CHECKED BY		RSM		
DATE				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____ Lic. No. _____

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO. _____

NORTH OAKS, MINNESOTA

GRADING PLAN

ANDERSON WOODS

NORTH OAKS

FILE NO. 64500-021

X

X

Exhibit F: Grading Plan

MEMORANDUM

Date: December 27, 2019

Re: **Traffic Impacts along Centerville Road - East Oaks Concepts**
 File #0022650.00

To: Mark Houge, President
 Gary Eagles, VP Development

From: Stephen J. Manhart, P.E. PTOE, PTP

North Oaks Company, LLC, has requested that Westwood Professional Services conduct a high-level overview of traffic issues relative to three residential development concepts under consideration. These concepts are located along Centerville Road (County Road 59) in North Oaks, MN.

Traffic issues for each of the three concepts are listed below:



- **Anderson Woods South Concept** – Nine (9) single-family residential lots are proposed along a cul-de-sac that intersects Centerville Road (County Road 59) at Anderson Lane.

Traffic Issues:

- The following table lists the trip generation potential of the single-family residential development proposed in this concept:

Table 1 - Trip Generation Potential – Anderson Woods South Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	9 units	42	42	2	5	6	3
			42	42	2	5	6	3
			84		7		9	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- According to Ramsey County Engineering, the nine units proposed along the cul-de-sac will not generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles

per hour warranting either a northbound left turn lane and/or a southbound right turn lane.¹

- Signalization will likely not be warranted at the intersection with Anderson Lane. Side street stop will likely be required for traffic control.²

- **Island Field Concept** – This concept shows a 46-unit condominium project proposed west of Centerville Road. Access would be achieved via a cul-de-sac roadway.

Traffic Issues:

- The following table lists the trip generation potential of the multi-family residential development proposed in this concept:

Table 2 - Trip Generation Potential – Island Field Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise)	221	46 units	124	124	4	12	13	8
			124	124	4	12	13	8
			248		16		21	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- It appears that the condominium project proposed along the cul-de-sac may generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles per hour warranting either a northbound left turn lane and/or a southbound right turn lane.³
- Further, the posted speed limit of 50 mph along Centerville Road plus the turning volume may increase the likelihood for turn lane(s) being warranted by the County.
- Ramsey County may require that the cul-de-sac access intersection with Centerville Road align with an existing access on the east side.
- Ramsey County may require traffic counts at the intersection of Centerville Road and nearby intersection(s) to assess any warrants for changes in traffic control. Signalization will likely not be warranted at the intersection with Centerville Road. Side street stop will likely be required for traffic control.⁴

¹ Turn lane volume guidelines outlined during a preliminary meeting between North Oaks Company LLC and Ramsey County Engineering, December 4, 2019.

² Side street stop control refers to the condition where the main street traffic does not have a stop sign, but the intersecting side street traffic does have a stop sign.

³ See footnote 1

⁴ See footnote 2.

- **Gate Hill Concept** – This concept shows a loop roadway serving 58 residential twinhome/duplexes and 27 villa residential lots on the west side of the intersection of County Road H2 E & Centerville Road.

Traffic Issues:

- The following table lists the trip generation potential of the residential development proposed in this concept. (Note: Although the twinhome/duplexes and villa residential units are generally smaller than typical single-family residential units, the ITE Trip Generation Manual makes no distinction between them.):

Table 3 - Trip Generation Potential – Gate Hill Concept

Land Use	ITE	Size	Weekday		AM peak		PM Peak	
	Code		Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	58 units	315	315	11	34	38	22
Single Family Housing	210	27 units	156	156	6	18	18	11
			471	471	17	52	56	33
			942		69		89	

(Source: Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017)

- The Gate Hill Concept proposed along the loop road will likely generate trip volumes that exceed the County guideline of ten (10) turning vehicles per hour, thus warranting construction of either a northbound left turn lane and/or a southbound right turn lane.⁵
- It is noted that Centerville Road currently has a northbound right turn lane approaching County Road H2 E. However, there is no southbound left turn lane or bypass lane along Centerville Road at County Road H2 E.
- Ramsey County may require traffic counts at this intersection with Centerville Road to assess whether warrants will be met for changes in traffic control (i.e., signalization or multi-way stop). Otherwise, side street stop will remain warranted for traffic control.⁶ A full intersection control evaluation report (ICE Report) may be required by the County.

In summary, this analysis represents a high-level overview of traffic issues related to these three development concepts. From this analysis, the Gate Hill Concept will most likely meet warrants for one or more turn lanes and potential changes in traffic control. This is due to the number of trips entering the development during peak hours. Traffic counts and additional analysis may be required to better define whether the County’s turn lane guidance is met from one or both directions. Further, it is possible that the

⁵ See footnote 1.

⁶ See footnote 2.

December 27, 2019
Page 4

County may require additional analysis at either of the other concept access intersections.

Cc: David Weetman, Westwood Professional Services



MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

RE: North Oaks - East Oaks Planned Development
Gate Hill Concept Plan (Site G)

FILE NO: 321.02 - 19.09

INTRODUCTION

At the January 30, 2020 meeting of the Planning Commission, the Commission provided informal feedback to the North Oaks Company LLC regarding a concept plan submittal for the "Gate Hill" parcel located south of the "Anderson Woods" site along Centerville Road.

The subject 32-acre property is identified as "Site G" in the East Oaks Planned Development Agreement (PDA). The submitted concept plan calls for the creation of 84 dwelling units upon the site. Such units are comprised of 58 twin homes (in 29 buildings) and 26 detached townhomes.

According to the East Oaks PDA, the City's RCM - PUD, Residential Commercial Mixed zoning district provisions apply to the subject property. The PDA makes an allowance for a variety of residential and commercial uses upon Site G, including townhomes and other multi-family dwellings. In this regard, the proposed uses are consistent with the PDA.

The PDA further stipulates that a total of 68 dwelling units are allowed upon the Site G with a potential 30 percent density bonus. As a result, a maximum of 88 dwelling units are allowed. The concept plan illustrates a total of 84 units which is consistent with the PDA requirements.

All lots are proposed to be served by municipal sewer and water.

The purpose of this memorandum is to summarize feedback provided by the Planning Commission in their review of the concept plan as well as to convey received citizen comments.

Please refer to the Staff memorandum dated January 30, 2020 for additional background information related to the concept plan submission.

DISCUSSION

Citizen Comments. Prior to the Planning Commission's discussion of the concept plan, an opportunity for citizen feedback was provided. In this regard, the following citizen comments were offered related to the Gate Hill concept plan:

- Recognizing that an intent of the East Oaks PUD is to be sensitive to the environment, it was recommended that a tree inventory be provided by the developer as a means of preserving significant (hardwood) trees.
- A citizen expressed concerns over the accuracy of the PDA housing counts and how they impact the development intensity allowed on various undeveloped sites in the East Oaks PUD, including Gate Hill.
- It was suggested that an assurance be made that homes within the subdivision are provided access to the City's trail system.

To be noted is that the preceding comments do not include written citizen comments which were received prior to the Planning Commission meeting.

Planning Commission Feedback. As a PUD concept plan, only informal, advisory feedback was provided by the Planning Commission and no formal action was taken. In consideration of the concept plan, the Planning Commission raised questions and provided feedback regarding the following:

- Concern was raised related to the amount of on-street parking which is available within the subdivision (for guest parking). In this regard, it was recommended that additional parking be provided (either off-street or on-street).
- Question was raised related to the expected homeowner composition. In response, the developer indicated that the proposed twin homes and detached townhomes will not be age restricted and will be available to all interested persons.
- It was suggested that a play area for children be incorporated into the subdivision design.
- A Commissioner raised question regarding expected "price points" for the proposed dwelling units.
- Discussion took place regarding possible screening of the Centerville Road access point as a means of reducing non-resident interest in accessing the subject site.

ACTION REQUESTED

No formal action can be taken on submitted concept plan. Rather, the developer is seeking informal feedback from the City Council on the Gate Hill plan prior to further financial investment and the submission of the formal preliminary subdivision application.

Attachment

- Planning Report (including exhibits) dated January 30, 2020

cc: Kevin Kress, City Administrator
Larina DeWalt, 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
Mark Houge and Gary Eagles, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site G – Gate Hill Development Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) *staff* has reviewed the concept plan dated January 21, 2020, for the Gate Hill Development from the North Oaks Company. This site is indicated as "Site G" on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 68 planned households on Site G in an area designated as limited mixed use (zoned as RCM-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site G may have a density increase of 30%, which would bring the total number of dwelling units allowed to 88. Table 1 also indicates that the site may have single family detached, townhomes, other multi-family and limited commercial uses. The proposed concept plan provides for 58 twin homes in 29 buildings and 26 detached townhomes for a total of 84 units, which is within the limit established in the approved PUD.
- Each lot will be served by municipal water and sanitary sewer to be provided by White Bear Township.
- The Concept Plan shows that all sites will be accessed from a 32 foot wide street extending from Centerville Road at the Intersection of County Road H2.
- Currently the Concept Plan does not show any trail connections from the site to other areas of North Oaks.
- Stormwater is shown to be managed through a number of filtration basins and ponds located through the development.
- The development is envisioned to be a part of NOHOA and served by a separate sub-association. Upon development completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

● NATURE ● HERITAGE ● COMMUNITY ●

Mr. Kevin Kress
January 24, 2020
Page 2

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- Given that the proposed development has 84 units, NOHOA has concerns that the one access from Centerville Road is insufficient for traffic circulation and emergency access. Recognizing that there is one entrance shown off of Centerville Road in Exhibit B2 of the PUD and that Ramsey County may not allow more than one full access point, NOHOA would like the option explored of providing for a secondary emergency vehicle entrance.
- The proposed layout also appears to result in limited on-street parking, particularly on the portion of the loop road with twin homes on both sides of the street and taking driveway locations into account.
- The layout also limits the ability of NOHOA to efficiently and effectively address snow removal.
- Given the relatively small lot sizes and proximity of driveways, the road should have curb and gutter installed and a formal storm sewer system.
- NOHOA also has concerns about access to the ponds and filtration basins for maintenance.
- NOHOA seeks further discussion regarding the proposed trail system as this site needs to be connected to the existing trail system to the north, west, and south. There should be a north/south trail along the west side of the parcels with a connection to the interior road.
- The NOHOA board has discussed how any children that resided in this development would access recreational opportunities. NOHOA will continue to discuss where these locations would be and how we can have a strong trail connection to them.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting, we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



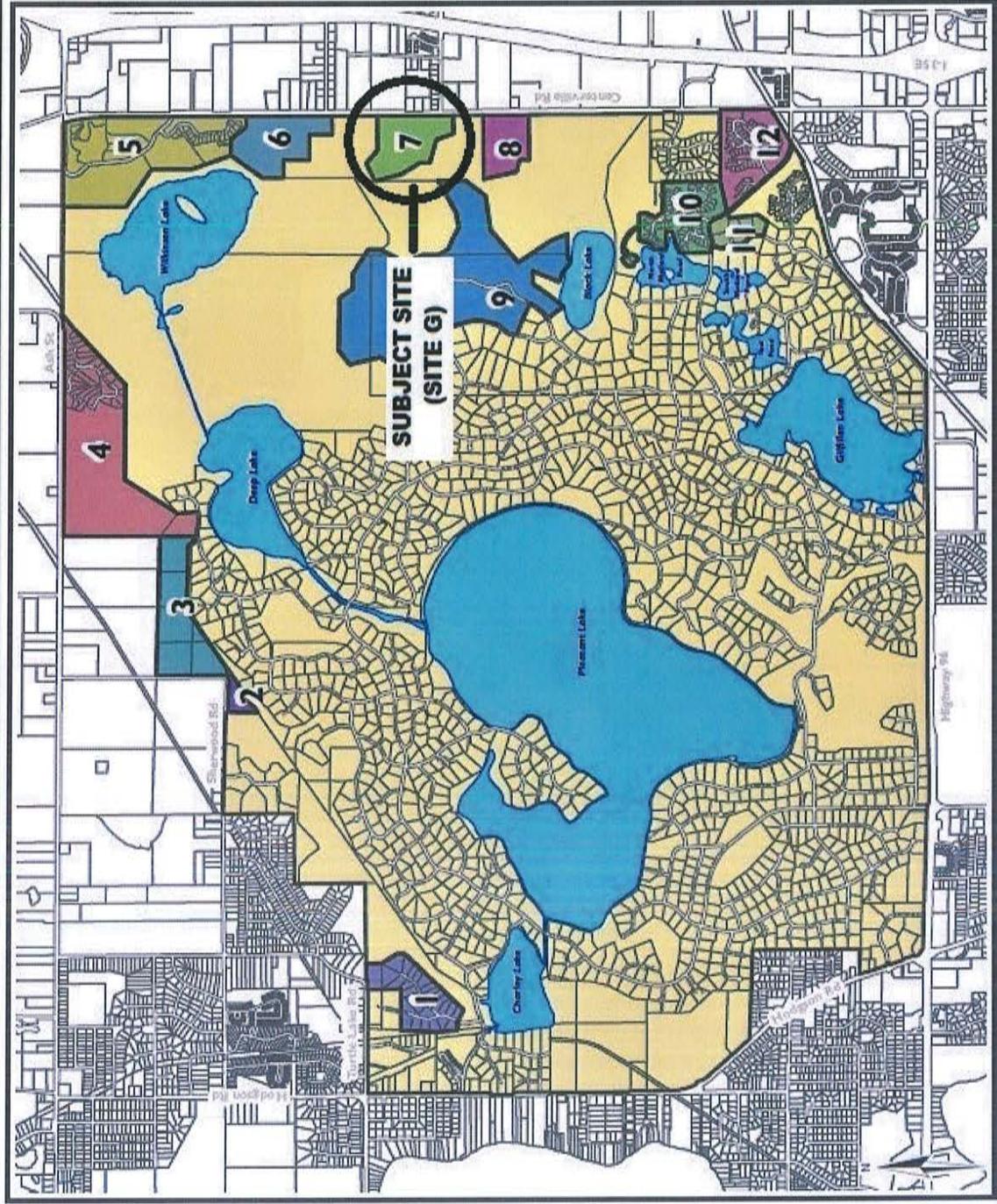
MAP 12: East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Ski Hill
- 12) South East Pines

 Developed and Undeveloped
 Land or Protected Open Space





January 21, 2020

Mr. Kevin Kress
 City Administrator
 City of North Oaks
 100 Village Center Drive, Suite 150
 North Oaks, Minnesota 55127

Re: Site G – Gate Hill Development
 Concept Plan - Subdivision Application

Dear Kevin,

Based on your request, we attach the Concept Plan, dated January 21, 2020, for review by City of North Oaks (City) Staff, Planning Commission and City Council.

Background: North Oaks Company LLC (Company) submitted a Concept Plan in December 2018 for the undeveloped areas identified as Subject Property in the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

City staff and the Company received feedback that some elements of the December 2018 Concept Plans should be reconsidered. We presented revised Concept Plans to members of the North Oaks community at an Information Session on October 21, 2019, and presented the same revised Concept Plans to members of the Planning Commission at its meeting December 3, 2019. We voluntarily submit this Concept Plan (attached) with additional information, and simultaneously submit the Concept Plans for each the remaining undeveloped sites, including Nord, Anderson Woods, Island Field and North Black Lake, with additional information.

Purpose: this is a request for the City Staff to review and provide confirmation to the Planning Commission and City Council that the Concept Plan conforms to the PDA as the Company proceeds with engineering documents required to obtain Preliminary Plan approval to subdivide Site G - Gate Hill (SITE). The Company will apply for Preliminary Plan approval in spring 2020 to sub divide the site.

Project Description: the SITE is zoned RCM-PUD with the intended use to be for single-family, townhomes, multi-family, and commercial use. Specifically, the PDA identified the site to include 68 to 88 housing units, 68 with the option to increase density 30%, resulting in a total of 88 dwelling units. The Company proposes creating lots for 58 twin homes (29 buildings) and 26 detached townhomes, a total of 84 housing units. Each lot will be served by municipal water, sanitary sewer (to be provided by White Bear Township), natural gas, electric, and communication systems.

Road access and traffic: the SITE will be accessed from Centerville Road at the intersection County Road H2 to the east. A 32' wide street with curb & gutter will serve all 84 homes, extending from Centerville Road with a street that creates a loop throughout the SITE. The Company met with representatives of Ramsey County Engineering, consulted with Westwood Engineering, and the preliminary review indicates turn lanes or other improvements to Centerville will be required, see attached memo from Westwood.

Building type, location, height, and square footage: a conceptual site plan is attached, which shows boxes on each lot that represent either a two-story twin home with each having an approximate foundation size of 1400 square feet (SF), and 26 lots for single story detached townhomes, with an approximate foundation size of 1800 SF each. The actual location, height, and size of each detached townhome will be determined by the homeowner and approved by the City's Building Official, and the

5959 Centerville Road, Suite 200 • North Oaks, MN USA 55127 • t: 651-484-3361 • f: 651-484-2704 • www.northoaks.com

Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The Floor Area Ratio (FAR) guides the density versus a minimum lot size. Based on the approximate building sizes outlined above the proposed FAR is approximately 50% of the maximum allowable FAR of 0.375 coverage in aggregate on the SITE, as noted in the zoning ordinance.

Existing site conditions and topography: attached you will find a Base Map survey; the existing topography shows a site that is higher in the center with areas that slope down to the north, west, and south. The SITE has a limited number of existing trees and is adjacent to the conservation area to the north and south.

General grading plan: a preliminary grading plan is attached, which illustrates the majority of the SITE will be graded in order to build the streets at the proper elevation to grade walk-out lots for the detached townhomes and on build on-grade lots for the twin homes. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees the proposed grading will not impact wetlands.

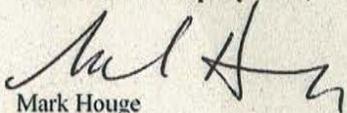
Staging Plan: approximately 50% of the lots will be created in Phase I, and the Company anticipates obtaining approval to enable the street and utilities to be complete summer of 2021. Subsequently, the balance of the lots in Phase II, are envision to be complete in 2025.

Trails and open space: open space has been provided in other locations of the Subject Area, as described in the PDA. Trails will be constructed to connect to the existing trail system to the west, south, and north. The Company is working with NOHOA to determine the exact location of the trails that will connect to this SITE, as shown in Exhibit C1 of the PDA.

This development is envisioned to be a part of NOHOA and also served by a sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely
North Oaks Company LLC,



Mark Houge
President

Enclosures

cc: City Planner (w/encl.)
City Engineer (w/encl.)
City Attorney (w/encl.)
Mikeya Griffin, NOHOA
Gary Eagles, North Oaks Company LLC

EXHIBIT B 5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

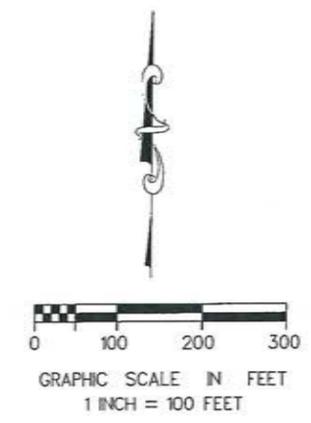
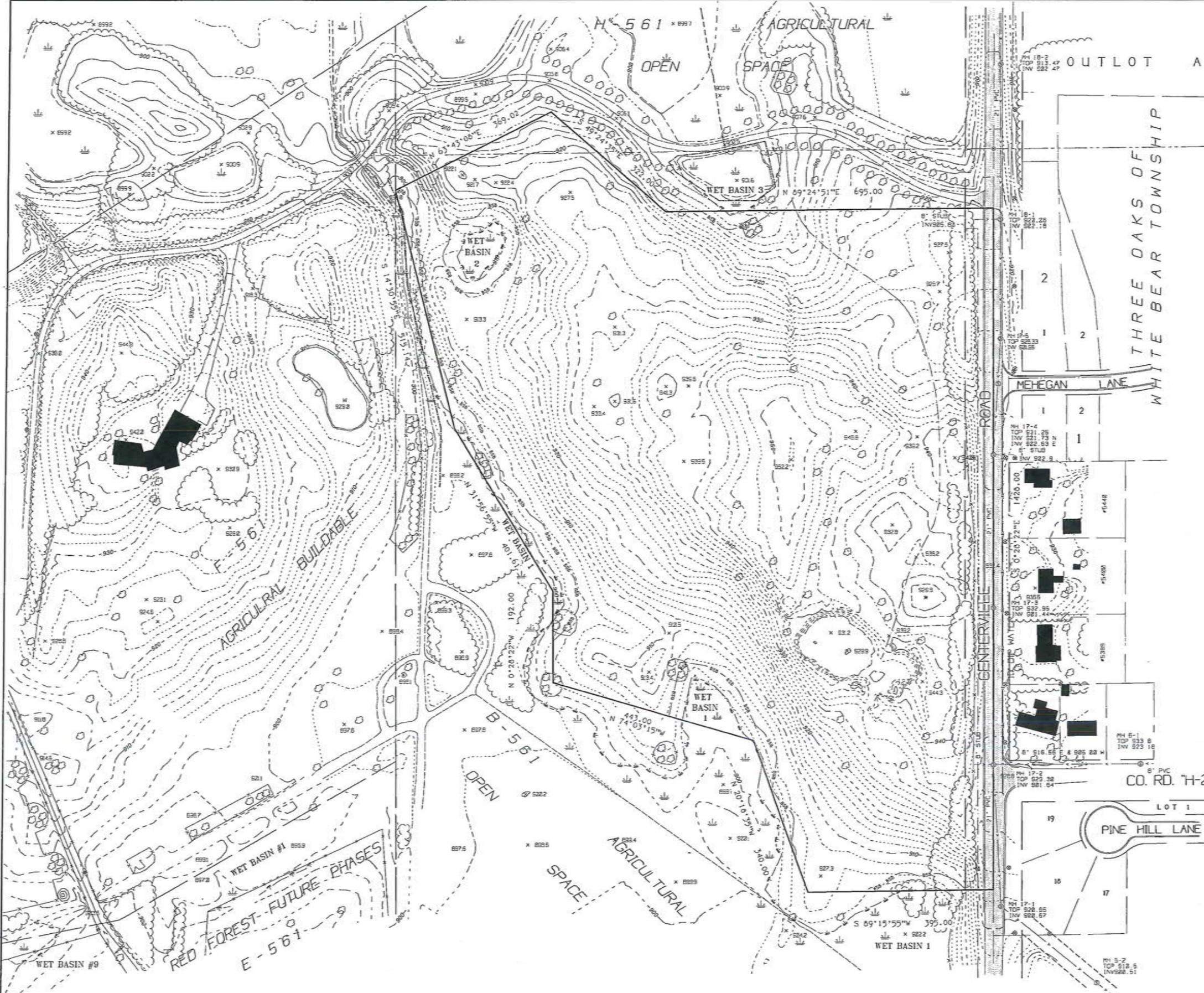
NORTH OAKS COMPANY

Updated: 01.21.2020

EAST OAKS PUD

SITE NAME	PDA Housing Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2020-2024	Proposed 2025-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING									
A WILDFLOWER (Peterson Place)	40	27	0	0	0	0	13	30% = 12	564
B EAST PRESERVE	2	0	0	0	2	0	0	30% = 1	
C NORD	10	0	0	0	12	0	-2	30% = 3	
D RAPP FARM	200	34	0	122	0	0	44	50% = 100	589 611 612 614 617 626
E-1 EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	0	-2	50% = 22	599 603 615
E-2 EAST WILKINSON Waverly Gardens - Mews	65	0	90	0	0	0	-25	50% = 33	586 603
F ANDERSON WOODS (Andersonville)	10	0	0	0	13	0	-3	30% = 3	
G GATE HILL	68	0	0	0	71	13	10	30% = 20	
H ISLAND FIELD	35	0	0	0	46	16	5	30% = 11	
I THE PINES (East Mallard Pond)	54	54	0	0	0	0	0	0	562
J NORTH SKI HILL	7	7	0	0	0	0	0	30% = 2	569
K NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	34	0	-11	30% = 19	566 604 618 629
L SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	0	571
Subtotal	645	203	99	165	178	29			
Commercial Acre to Housing Unit conversion	29					29			
COMMERCIAL									
E-3 EAST WILKINSON Waverly Gardens & Tria	21 Acres	15.27 Acres	0	0	5.73 Acres	See above - Commercial acres converted to housing units 1 acre = 5 housing units			586

DEVELOPMENT AREA "G"



LEGEND

- ROAD
- FENCE
- SPOT ELEVATION FROM MARK HURD AERIAL TOPD MAPPING
- SPOT ELEVATION FIELD VERIFIED
- EXISTING CULVERT
- UTILITY POLE
- SWAMP SYMBOL
- TREE
- EDGE OF WOODS
- 10 FOOT CONTOUR
- 2 FOOT CONTOUR
- EDGE WET LAND AS DELINEATED BY KJULHAUG ENVIRONMENTAL SERVICES
- CONCRETE CURBS
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER AND DIRECTION OF FLOW
- EXISTING STORM SEWER AND DIRECTION OF FLOW
- EXISTING FORCE MAIN
- 30' SETBACK

LEGAL DESCRIPTION

TRACT G, REGISTERED LAND SURVEY NO 561
RAMSEY COUNTY, MINNESOTA

AREA BREAKDOWNS

TOTAL AREA = 1,379,360 SQ FT \ 31.67 ACRES
TOTAL ROAD EASEMENT = 83,680 SQ FT \ 1.97 AC (CENTERVILLE ROAD)
TOTAL WETLAND = 23,810 SQ FT \ 0.55 ACRES

DATE: 10-12-18

SHEET DESCRIPTION: BASE MAP

PROJECT: GATE HILL

NORTH OAKS

C O M P A N Y

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Randy J. Kurth, P.E., No. 20770
Russell J. Kurth, P.E., No. 18113

KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE: (763) 788-9769 FAX: (763) 788-7002
email: kst@kurthsurveyinginc.com

Exhibit D: Existing Conditions

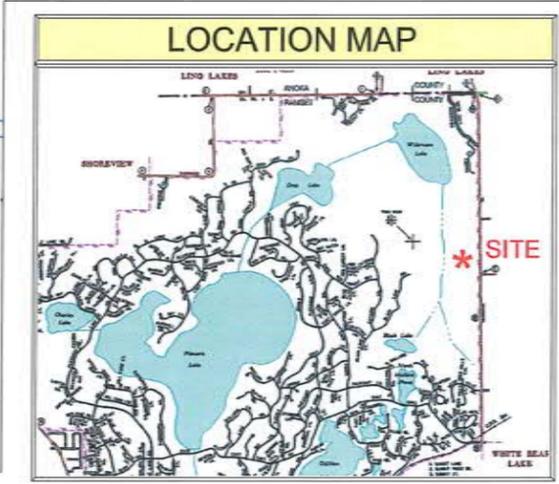


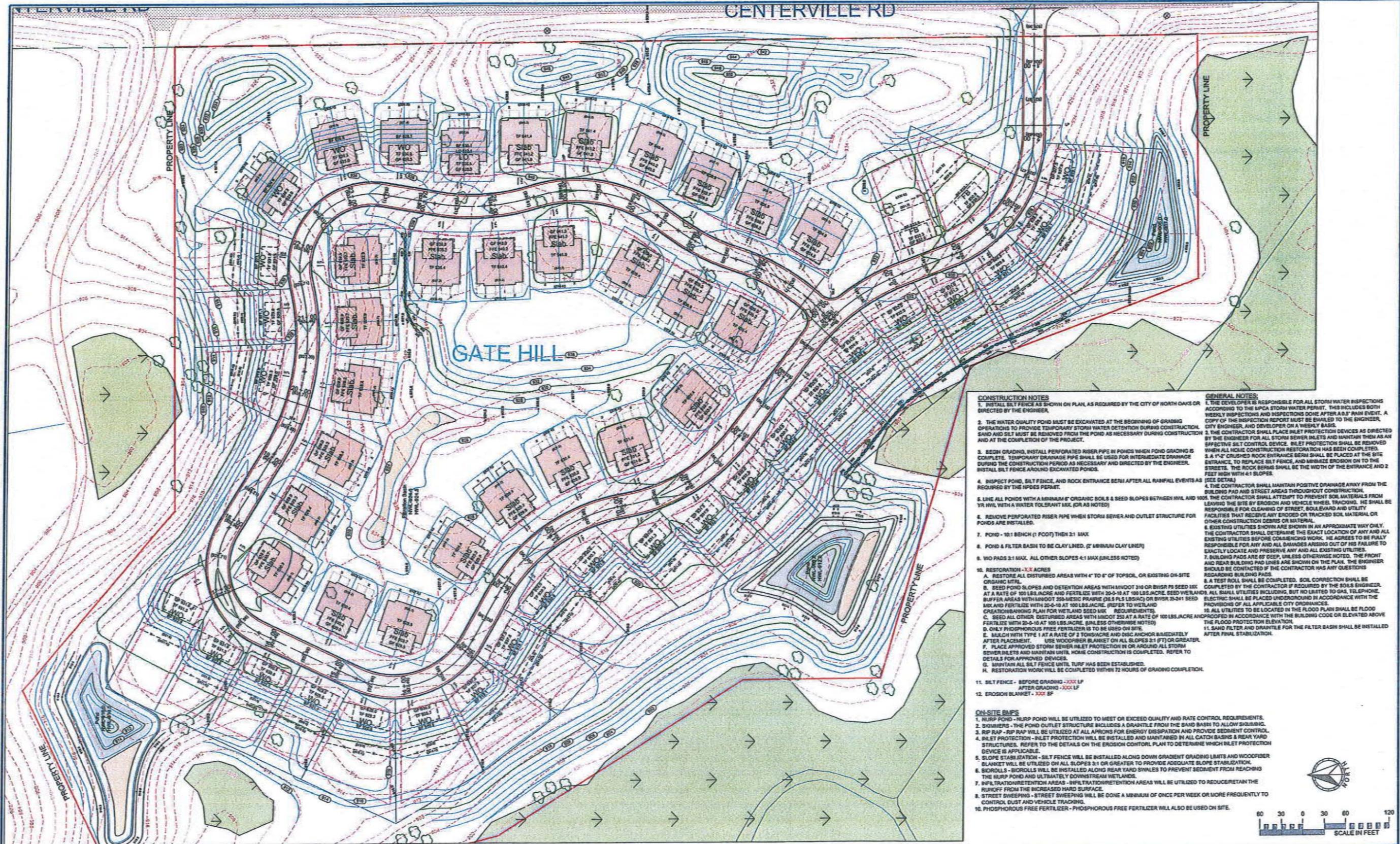
AGRICULTURAL EASEMENT (MLT)

GATE HILL

AGRICULTURAL EASEMENT (MLT)

GATEHILL





- CONSTRUCTION NOTES**
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF NORTH OAKS OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. BEGIN GRADING, INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
 4. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 5. LINE ALL PONDS WITH A MINIMUM 6" ORGANIC SOIL & SEED SLOPES BETWEEN HWY AND 100% YR HWY WITH A WATER TOLERANT MIX. (OR AS NOTED)
 6. REMOVE PERFORATED RISER PIPE WHEN STORM SEWER AND OUTLET STRUCTURE FOR PONDS ARE INSTALLED.
 7. POND - 10:1 BENCH (1 FOOT) THEN 3:1 MAX
 8. POND & FILTER BASIN TO BE CLAY LINED. (2' MINIMUM CLAY LINER)
 9. W/O PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
 10. RESTORATION - XX ACRES
 - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC MTL.
 - B. SEED POND SLOPES AND DETENTION AREAS WITH MINOOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-5-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MINOOT 350-MESIC PRAIRIE (D5.5 PLS LBS/AC) OR BWSR 35-241 SEED MIX AND FERTILIZE WITH 20-5-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/MANAGEMENT PLAN FOR WETLAND SEED MIX REQUIREMENTS)
 - C. SEED ALL OTHER DISTURBED AREAS WITH MINOOT 250 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-5-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - D. ONLY PHOSPHORUS FREE FERTILIZER IS TO BE USED ON SITE.
 - E. MULCH WITH TYPE 1 AT A RATE OF 3 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOOLBERRY BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
 - F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL WORK CONSTRUCTION IS COMPLETED. REFER TO DETAILS FOR APPROVED DEVICES.
 - G. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
 11. SILT FENCE - BEFORE GRADING - XXX LF
AFTER GRADING - XXX LF
 12. EROSION BLANKET - XXX SF
- ON-SITE BMPs**
1. WURP POND - WURP POND WILL BE UTILIZED TO MEET OR EXCEED QUALITY AND RATE CONTROL REQUIREMENTS.
 2. SWIMMERS - THE POND OUTLET STRUCTURE INCLUDES A GRANTLE FROM THE SAND BASK TO ALLOW SWIMMING.
 3. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APRONS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
 4. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & REAR YARD STRUCTURES. REFER TO THE DETAILS ON THE EROSION CONTROL PLAN TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
 5. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LIMITS AND WOOLBERRY BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
 6. BIOROLLS - BIOROLLS WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE WURP POND AND ULTIMATELY DOWNSTREAM WETLANDS.
 7. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
 8. STREET SWEEPING - STREET SWEEPING WILL BE DONE A MINIMUM OF ONCE PER WEEK OR MORE FREQUENTLY TO CONTROL DUST AND VEHICLE TRACKING.
 9. PHOSPHORUS FREE FERTILIZER - PHOSPHORUS FREE FERTILIZER WILL ALSO BE USED ON SITE.
- GENERAL NOTES:**
1. THE DEVELOPER IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE NPDES STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 1/2" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE SUBMITTED TO THE ENGINEER, CITY ENGINEER, AND DEVELOPER ON A WEEKLY BASIS.
 2. THE CONTRACTOR SHALL PLACE INLET PROTECTION DEVICES AS DIRECTED BY THE ENGINEER FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. INLET PROTECTION SHALL BE REMOVED WHEN ALL HOUSE CONSTRUCTION RESTORATION HAS BEEN COMPLETED.
 3. A 1" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
 4. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 5. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 6. BUILDING PADS ARE 6" DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS.
 7. A TEST ROLL SHALL BE COMPLETED. SOIL CORRECTION SHALL BE COMPLETED BY THE CONTRACTOR IF REQUIRED BY THE SOILS ENGINEER.
 8. ALL SMALL UTILITIES INCLUDING, BUT NOT LIMITED TO GAS, TELEPHONE, ELECTRIC SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE PROVISIONS OF ALL APPLICABLE CITY ORDINANCES.
 9. ALL UTILITIES TO BE LOCATED IN THE FLOOD PLAIN SHALL BE FLOOD PROTECTED IN ACCORDANCE WITH THE BUILDING CODE OR ELEVATED ABOVE THE FLOOD PROTECTION ELEVATION.
 10. SAND FILTER AND GRANTLE FOR THE FILTER BASIN SHALL BE INSTALLED AFTER FINAL STABILIZATION.

DRAWING NAME	NO.	BY	DATE	REVISIONS
XXX				
DRAWN BY				
CHECKED BY				
DATE				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
Date: _____ Lt. No. _____

ENGINEERS SURVEYORS
DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-5000

CITY PROJECT NO. _____
CITY, MINNESOTA

PRELIMINARY GRADING PLAN
GATE HILL
NORTH OAKS COMPANY

FILE NO. XXX-XXX
X

Exhibit F: Preliminary Grading Plan

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

Main (952) 937-5150
Fax (952) 937-5822

westwoodps.com
(888) 937-5150

MEMORANDUM

Date: December 27, 2019

Re: Traffic Impacts along Centerville Road - East Oaks Concepts
File #0022650.00

To: Mark Houge, President
Gary Eagles, VP Development

From: Stephen J. Manhart, P.E. PTOE, PTP

North Oaks Company, LLC, has requested that Westwood Professional Services conduct a high-level overview of traffic issues relative to three residential development concepts under consideration. These concepts are located along Centerville Road (County Road 59) in North Oaks, MN.

Traffic issues for each of the three concepts are listed below:

- **Anderson Woods South Concept** – Nine (9) single-family residential lots are proposed along a cul-de-sac that intersects Centerville Road (County Road 59) at Anderson Lane.

Traffic Issues:

- The following table lists the trip generation potential of the single-family residential development proposed in this concept:

Table 1 - Trip Generation Potential – Anderson Woods South Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	9 units	42	42	2	5	6	3
			42	42	2	5	6	3
			84		7		9	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- According to Ramsey County Engineering, the nine units proposed along the cul-de-sac will not generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles

December 27, 2019

Page 2

per hour warranting either a northbound left turn lane and/or a southbound right turn lane.¹

- Signalization will likely not be warranted at the intersection with Anderson Lane. Side street stop will likely be required for traffic control.²

- **Island Field Concept** – This concept shows a 46-unit condominium project proposed west of Centerville Road. Access would be achieved via a cul-de-sac roadway.

Traffic Issues:

- The following table lists the trip generation potential of the multi-family residential development proposed in this concept:

Table 2 - Trip Generation Potential – Island Field Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise)	221	46 units	124	124	4	12	13	8
			124	124	4	12	13	8
			248		16		21	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- It appears that the condominium project proposed along the cul-de-sac may generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles per hour warranting either a northbound left turn lane and/or a southbound right turn lane.³
- Further, the posted speed limit of 50 mph along Centerville Road plus the turning volume may increase the likelihood for turn lane(s) being warranted by the County.
- Ramsey County may require that the cul-de-sac access intersection with Centerville Road align with an existing access on the east side.
- Ramsey County may require traffic counts at the intersection of Centerville Road and nearby intersection(s) to assess any warrants for changes in traffic control. Signalization will likely not be warranted at the intersection with Centerville Road. Side street stop will likely be required for traffic control.⁴

¹ Turn lane volume guidelines outlined during a preliminary meeting between North Oaks Company LLC and Ramsey County Engineering, December 4, 2019.

² Side street stop control refers to the condition where the main street traffic does not have a stop sign, but the intersecting side street traffic does have a stop sign.

³ See footnote 1

⁴ See footnote 2.



- **Gate Hill Concept** – This concept shows a loop roadway serving 58 residential twinhome/duplexes and 27 villa residential lots on the west side of the intersection of County Road H2 E & Centerville Road.

Traffic Issues:

- The following table lists the trip generation potential of the residential development proposed in this concept. (Note: Although the twinhome/duplexes and villa residential units are generally smaller than typical single-family residential units, the ITE Trip Generation Manual makes no distinction between them.):

Table 3 - Trip Generation Potential – Gate Hill Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	58 units	315	315	11	34	38	22
Single Family Housing	210	27 units	156	156	6	18	18	11
			471	471	17	52	56	33
			942		69		89	

(Source: Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017)

- The Gate Hill Concept proposed along the loop road will likely generate trip volumes that exceed the County guideline of ten (10) turning vehicles per hour, thus warranting construction of either a northbound left turn lane and/or a southbound right turn lane.⁵
- It is noted that Centerville Road currently has a northbound right turn lane approaching County Road H2 E. However, there is no southbound left turn lane or bypass lane along Centerville Road at County Road H2 E.
- Ramsey County may require traffic counts at this intersection with Centerville Road to assess whether warrants will be met for changes in traffic control (i.e., signalization or multi-way stop). Otherwise, side street stop will remain warranted for traffic control.⁶ A full intersection control evaluation report (ICE Report) may be required by the County.

In summary, this analysis represents a high-level overview of traffic issues related to these three development concepts. From this analysis, the Gate Hill Concept will most likely meet warrants for one or more turn lanes and potential changes in traffic control. This is due to the number of trips entering the development during peak hours. Traffic counts and additional analysis may be required to better define whether the County's turn lane guidance is met from one or both directions. Further, it is possible that the

⁵ See footnote 1.

⁶ See footnote 2.

December 27, 2019
Page 4

County may require additional analysis at either of the other concept access intersections.

Cc: David Weetman, Westwood Professional Services



MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

RE: North Oaks - East Oaks Planned Development
Island Field Concept Plan (Site H)

FILE NO: 321.02 - 19.09

INTRODUCTION

At the February 4, 2020 meeting of the Planning Commission (continued from the Commission's 1/30/20 meeting), the Commission provided informal feedback to the North Oaks Company LLC regarding a concept plan submittal for the "Island Field" parcel located south of the "Gate Hill" site along Centerville Road.

The subject 22-acre property is identified as "Site H" in the East Oaks Planned Development Agreement (PDA). The proposed development area borders wetlands to the north and south and an agricultural conservation easement to the west.

The submitted concept plan calls for the construction of a 46-unit condominium building upon the site and a future a commercial building or possibly a second condominium building. No details related to the type of commercial use (or uses) or related building design have been provided at this point.

According to the PDA, the City's RCM - PUD, Residential Commercial Mixed zoning district provisions apply to the subject property.

The PDA makes an allowance for single family, townhomes, multi-family structures and commercial uses upon the subject property. Further, the PDA makes an allowance for 35 dwelling units on the site, with a potential 30 percent density increase which results in 46 total units.

The proposed 46-unit condominium building concept plan is consistent with the maximum dwelling unit allowance stipulated in the PDA (for Site H).

The proposed site uses are proposed to be served by municipal sewer and water.

The purpose of this memorandum is to summarize feedback provided by the Planning Commission in their review of the concept plan as well as to convey received citizen comments.

Please refer to the Staff memorandum dated January 30, 2020 for additional background information related to the concept plan submission.

DISCUSSION

Citizen Comments. Prior to the Planning Commission's discussion of the concept plan, an opportunity for citizen feedback was provided. In this regard, the following citizen comments were offered related to the Island Field concept plan:

- Recognizing that an intent of the East Oaks PUD is to be sensitive to the environment, it was recommended that a tree inventory be provided by the developer as a means of preserving significant (hardwood) trees.
- Concern was raised regarding the possibility of an additional 29 condominium units being provided on the site (via the conversion of available commercial acreage to dwelling units). Specific concern was raised regarding the impact the additional dwelling units would have upon the City's recreational amenities.
- The Planning Commission was asked to recognize that a segment of Centerville Road, which borders the subject site to the east, overlays a former wetland. In this regard, question was raised related to the ability to construct roadway shoulders and turn lanes in the area.

To be noted is that the preceding comments do not include written citizen comments which were received prior to the Planning Commission meeting.

Planning Commission Feedback. As a PUD concept plan, only informal, advisory feedback was provided by the Planning Commission and no formal action was taken. In consideration of the concept plan, the Planning Commission raised questions and provided feedback regarding the following:

- Considering that the PDA appears to allow a maximum of 46 dwelling units upon the subject site, the Commission raised questions regarding the possible addition of 29 condominium units via a conversion of available commercial acreage (5.73 acres) to dwelling units. The City Attorney advised the Planning Commission that the City Council will make a determination on remaining East Oaks housing counts and where they are allowed.

- The developer was asked to explain proposed development staging and anticipated uses on the northern one-half of the site. The developer indicated that the anticipated use on the northern half of the site has yet to be determined.
- The Commission asked the developer for details related to the type and intensity of commercial uses which are anticipated upon the subject site.
- Questions were raised regarding anticipated “price points” and the intended market for the proposed condominium units. The developer indicated that unit prices are unknown at this point and that no age restrictions are anticipated.
- The Commission requested an explanation of possible wetland impacts upon the subject site. It was indicated that wetland impacts will be limited to what is necessary to build roadway across the ditch directly adjacent to Centerville Road. The developer indicated that preliminary discussions with VLAWMO to review the concept plan have taken place.
- Question was raised regarding the size and appearance of the proposed condominium building. It was indicated that the building may be similar in scale to the Mews buildings and that its design will be sensitive to the natural terrain of the site.
- The Commission raised question as to the layout of the future subdivision of the subject property and planned amenities. It was indicated that such layout is unknown at this point but that amenities will be limited and will not be as extensive as that provided at Waverly Gardens.
- The Commission asked for information related to trail planning. The developer indicated that the North Oaks Company has been working with the NOHOA in this regard.
- A question was raised related to the expected impact that development of the subject site will have upon trees. It was indicated by the Developer that minimal impact is expected due to the limited number of existing, mature trees on the site.
- A Planning Commissioner raised compatibility and security concerns related to the existence of both residential and commercial uses upon the subject site. The Commissioner specifically questioned whether the condominium area would be “gated.” In this regard, the idea of a “forked” entrance was introduced by the Commission as a means of separating commercial and residential uses.
- Question was raised regarding the potential for a “mixed use” building upon the site (a building with ground level commercial uses and residential dwelling units above). The developer expressed no interest in constructing such a building type upon the site.
- Question was raised regarding the planned implementation schedule for the development. The developer indicated that, dependent upon approvals, construction of the first phase could start as soon as the Fall of 2020.

ACTION REQUESTED

No formal action can be taken on submitted concept plan. Rather, the developer is seeking informal feedback from the City Council on the Island Field plan prior to further

financial investment and the submission of the formal preliminary subdivision application.

Attachment

- Planning Report (including exhibits) dated January 30, 2020

cc: Kevin Kress, City Administrator
Larina DeWalt, 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
Mark Houge and Gary Eagles, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site H – Island Field Development Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) *staff* has reviewed the concept plan dated January 21, 2020, for the Island Field Development from the North Oaks Company. This site is indicated as “Site H” on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 35 planned households on Site H in an area designated as limited mixed use (zoned as RCM-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site H may have a density increase of 30%, which would bring the total number of dwelling units allowed to 45. Table 1 also indicates that the site may have single family detached, townhomes, other multi-family and limited commercial uses. The proposed concept plan provides for a condominium building with 46 owned units, which appears to be one unit more than the approved PUD. The condominium building is proposed to be a three story building with an additional lower level for parking and a foundation size of 30,000 square feet.
- The Concept Plan shows an area reserved for future development. The accompanying letter states that this may be a building with commercial or 29 additional housing units based on a conversion of commercial acres to residential dwelling units.
- The building(s) will be served by municipal water and sanitary sewer to be provided by White Bear Township.
- Stormwater is managed through a pond in the southeast corner of the site.
- The Concept Plan shows that the site will be accessed from a 32 foot wide street extending from Centerville Road south of County Road H2.

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Mr. Kevin Kress
January 24, 2020
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- The development is envisioned to be a part of NOHOA and served by a separate sub-association. Upon development completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- NOHOA understands the density increase to allow up to 45 units for this site not the 46 units as is proposed. Further, NOHOA seeks further clarification on the proposed additional commercial or residential dwelling units for this site given that the site is at the maximum allowed residential density with the current proposed condo building.
- NOHOA seeks further discussion regarding the proposed trail system as this site needs to be connected to the existing trail system to the north, west, and south.
- As the design progresses NOHOA will want to continue discussions with the Company on what NOHOA's maintenance responsibilities will be for the road given that it terminates at a parking lot for the condo building.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting, we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



MAP 12: East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Six Hill
- 12) South East Pines

 Developed and Undeveloped
 Land or Protected Open Space

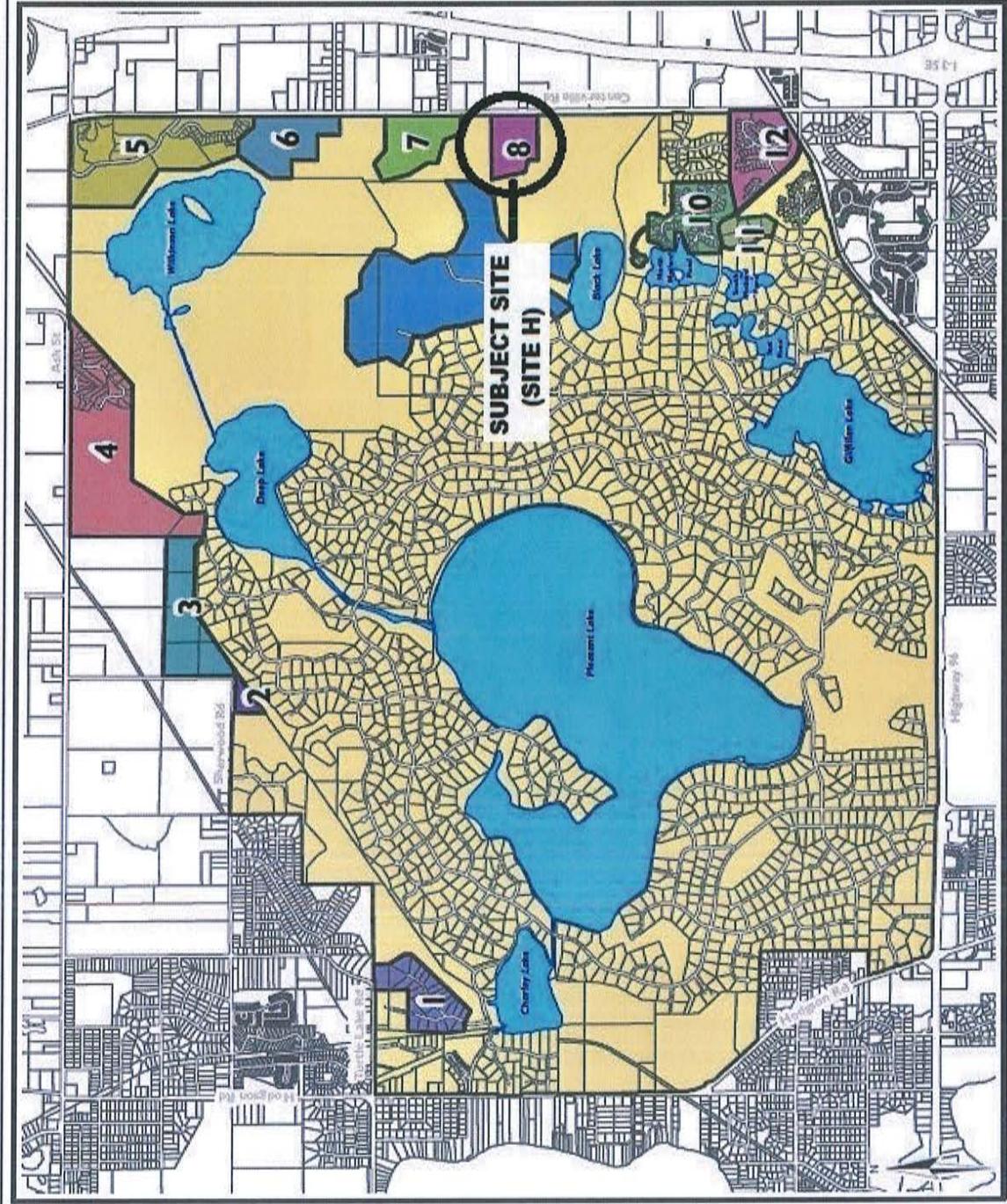


Exhibit A: Site Location



January 21, 2020

Mr. Kevin Kress
 City Administrator
 City of North Oaks
 100 Village Center Drive, Suite 150
 North Oaks, Minnesota 55127

Re: Site H – Island Field Development
 Concept Plan - Subdivision Application

Dear Kevin,

Based on your request, we attach the Concept Plan, dated January 21, 2020, for review by City of North Oaks (City) Staff, Planning Commission and City Council.

Background: North Oaks Company LLC (Company) submitted a Concept Plan in December 2018 for the undeveloped areas identified as Subject Property in the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

City staff and the Company received feedback that some elements of the December 2018 Concept Plans should be reconsidered. We presented revised Concept Plans to members of the North Oaks community at an Information Session on October 21, 2019, and presented the same revised Concept Plans to members of the Planning Commission at its meeting December 3, 2019. We voluntarily submit this Concept Plan (attached) with additional information, and simultaneously submit the Concept Plans for each the remaining undeveloped sites, including Nord, Anderson Woods, Gate Hill, and North Black Lake, with additional information.

Purpose: this is a request for the City Staff to review and provide confirmation to the Planning Commission and City Council that the Concept Plans conform to the PDA as the Company proceeds with engineering documents required to obtain Preliminary Plan approval to subdivide Site H - Island Field. The Company may apply for Preliminary Plan approval to subdivide Site H - Island Field (SITE) in spring 2020.

Project Description: the SITE is zoned RCM-PUD with the intended use to be for single-family, townhomes, multi-family, and commercial use. Specifically, the PDA identified the site to include 35 to 46 housing units, 35 with the option to increase density 30%, resulting in a total of 46 housing units. The Company proposes building a condominium building(s) with 46 owned units. In addition, the Company may build a commercial building(s) on the SITE or a building with 29 additional condominium units. Each condo unit will be served by municipal water, sanitary sewer (to be provided by White Bear Township), natural gas, electric, and communication systems.

Road access and traffic: the SITE will be accessed from Centerville Road at the proposed intersection south of County Road H2. A 32' wide street with curb & gutter will serve the condominium building(s), extending west from Centerville Road. The Company met with representatives of Ramsey County Engineering, consulted with Westwood Engineering, and the preliminary review indicates turn lanes or other improvements to Centerville will be required, see attached memo from Westwood.

Building type, location, height, and square footage: a conceptual site plan is attached, which shows a three-story building, and an additional lower level for parking, with a foundation size of 30,000 square feet (SF), approximately, which will be

completed in one or two phases. The SITE will be subdivided into two or three lots, a required to accommodate the phasing of construction for the condominiums or commercial space. In addition to the proposed 46 unit condominium building(s) an additional building may be built to house either 29 additional condominium units or commercial space. The actual location, height, and size of the building is to be determined by the condominium/commercial developer and approved by the City's Building Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The Floor Area Ratio (FAR) guides the density versus a minimum lot size. Based on the approximate building sizes outlined above the proposed FAR is approximately 50% of the maximum allowable FAR of 0.375 coverage in aggregate for SITE, as noted in the zoning ordinance.

Existing site conditions and topography: attached you will find a Base Map survey. The existing topography shows the majority of the SITE is higher than the surrounding conservation areas, including a low area (ditch) along the west side of Centerville Road. The SITE has a limited number of existing trees.

General grading plan: a preliminary grading plan is attached, which illustrates minimal grading to build a road. Grading of the SITE will be limited to that required to install underground water, sanitary sewer, storm sewer, gas, electrical, communication systems, and construct the street. The elevation of the street generally follows the existing topography, with a small area of high ground in the center of the SITE that will be lowered. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees building a road through the ditch along Centerville Road is the most appropriate solution to minimize impacts to wetlands.

Staging Plan: the condominium building may be built in phases, and the Company anticipates obtaining approval to enable the street and utilities to be complete fall of 2020, in order to enable the developer to deliver the condominium units in 2021.

Trails and open space: open space has been provided in other locations of the Subject Area, as described in the PDA. Trails will be constructed to connect to the existing trail system to the west, south, and north. The Company is working with NOHOA to determine the exact location of the trails that will connect to this SITE, as shown in Exhibit C1 of the PDA.

This development is envisioned to be a part of NOHOA and will be served by a separate sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely
North Oaks Company LLC,



Mark Houge
President

Enclosures

cc: City Planner (w/encl.)
City Engineer (w/encl.)
City Attorney (w/encl.)
Mikeya Griffin, NOHOA
Gary Eagles, North Oaks Company LLC

EXHIBIT B 5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

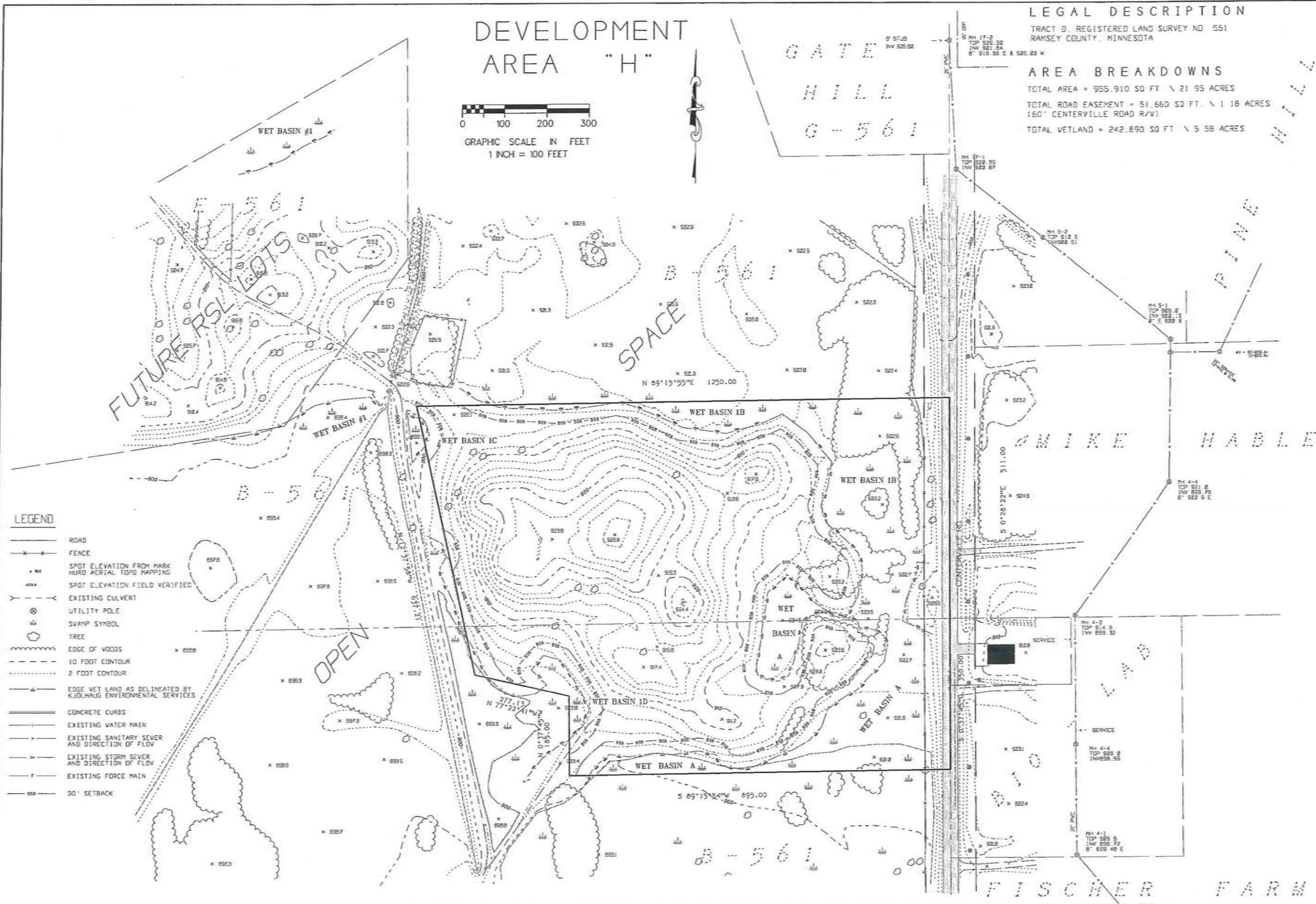
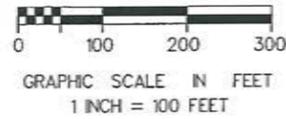
NORTH OAKS COMPANY

Updated: 01.21.2020

EAST OAKS PUD

SITE NAME	PDA Housing Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2020-2024	Proposed 2025-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING									
A WILDFLOWER (Peterson Place)	40	27	0	0	0	0	13	30% = 12	564
B EAST PRESERVE	2	0	0	0	2	0	0	30% = 1	
C NORD	10	0	0	0	12	0	-2	30% = 3	
D RAPP FARM	200	34	0	122	0	0	44	50% = 100	589 611 612 614 617 626
E-1 EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	0	-2	50% = 22	599 603 615
E-2 EAST WILKINSON Waverly Gardens - Mews	65	0	90	0	0	0	-25	50% = 33	586 603
F ANDERSON WOODS (Andersonville)	10	0	0	0	13	0	-3	30% = 3	
G GATE HILL	68	0	0	0	71	13	10	30% = 20	
H ISLAND FIELD	35	0	0	0	46	16	5	30% = 11	
I THE PINES (East Mallard Pond)	54	54	0	0	0	0	0	0	562
J NORTH SKI HILL	7	7	0	0	0	0	0	30% = 2	569
K NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	34	0	-11	30% = 19	566 604 618 629
L SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	0	571
Subtotal	645	203	99	165	178	29			
Commercial Acre to Housing Unit conversion	29					29			
COMMERCIAL									
E-3 EAST WILKINSON Waverly Gardens & Tria	21 Acres	15.27 Acres	0	0	5.73 Acres	See above - Commercial acres converted to housing units 1 acre = 5 housing units			586

DEVELOPMENT AREA "H"



LEGAL DESCRIPTION

TRACT D, REGISTERED LAND SURVEY NO. 561
RAMSEY COUNTY, MINNESOTA

AREA BREAKDOWNS

TOTAL AREA = 955,910 SQ FT \ 21.95 ACRES
TOTAL ROAD EASEMENT = 51,660 SQ FT \ 1.18 ACRES
(60' CENTERVILLE ROAD R/W)
TOTAL WETLAND = 242,690 SQ FT \ 5.58 ACRES

LEGEND

- ROAD
- FENCE
- SPOT ELEVATION FROM MARK HURD AERIAL TOPD MAPPING
- SPOT ELEVATION FIELD VERIFIED
- EXISTING CULVERT
- UTILITY POLE
- SWAMP SYMBOL
- TREE
- EDGE OF WOODS
- 10 FOOT CONTOUR
- 2 FOOT CONTOUR
- EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
- CONCRETE CURBS
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER AND DIRECTION OF FLOW
- EXISTING STORM SEWER AND DIRECTION OF FLOW
- EXISTING FORCE MAIN
- 30' SETBACK

DATE: October 12, 2018
SHEET 1 OF 1 SHEET

PROJECT: ISLAND FIELD

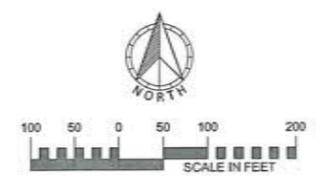
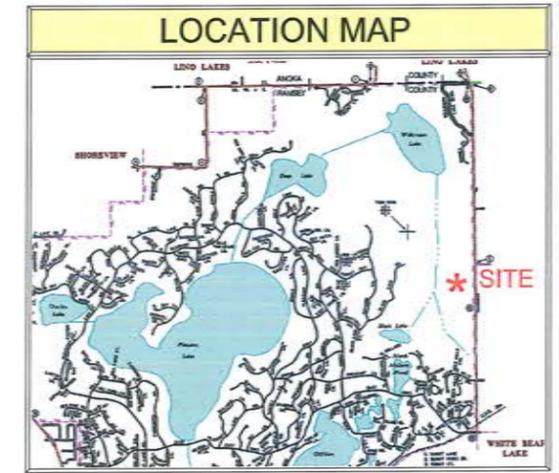
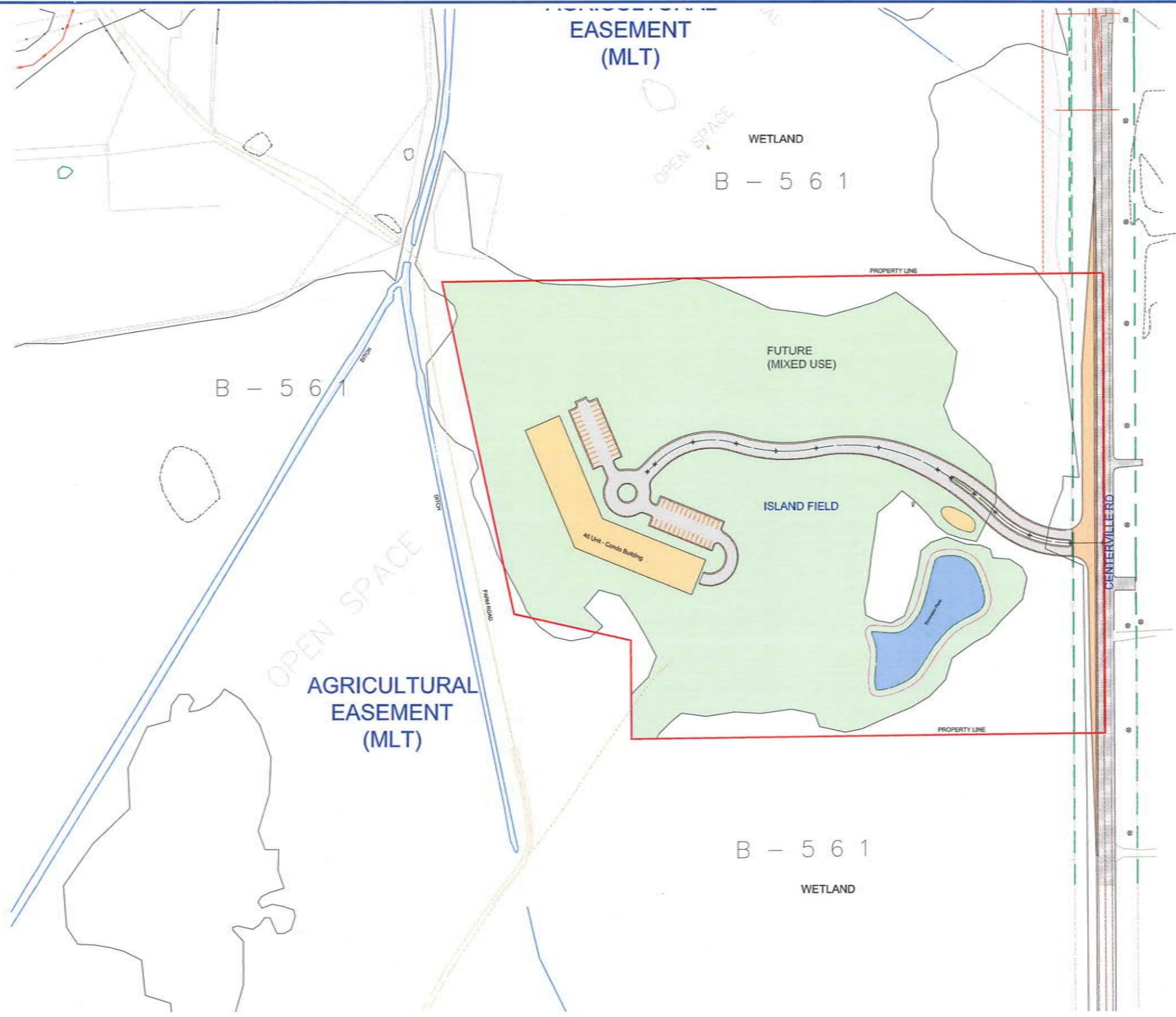
BASE MAP

NORTH OAKS COMPANY

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Minnesota.
Randy L. Kurth, R.L.S., No. 20970
Randy L. Kurth, R.L.S., No. 16113

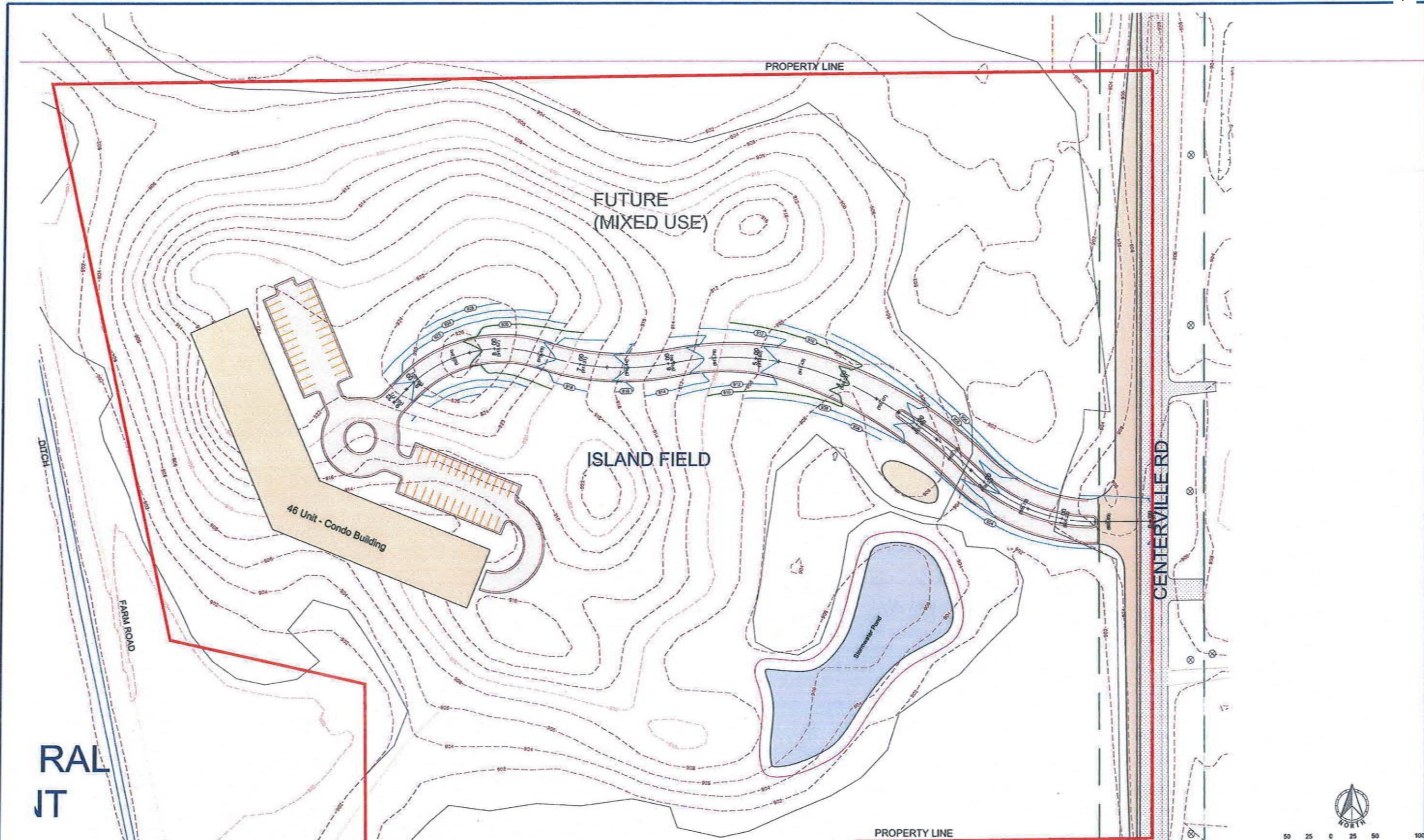
KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE: (763) 788-9769 FAX: (763) 788-7602
email: ksl@kurthsurveyinginc.com

Exhibit D: Existing Conditions



ISLAND FIELD

Exhibit E: Concept Plan



RAL
JT

EXISTING UTILITIES SHOWN ARE SHOWN BY AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE				
DRAWN BY				
CHECKED BY				
DATE				
XXXXXX				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
Date _____ Lic. No. _____

SATHRE-BERGQUIST, INC.
153 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO. _____
NORTH OAKS, MINNESOTA

PRELIMINARY GRADING PLAN
ISLAND FIELD
NORTH OAKS COMPANY

FILE NO.
64500-024
GP1
GP2

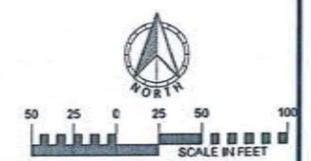


Exhibit F: Preliminary Grading Plan

Westwood

12701 Whitewater Drive, Suite 300
Minnetonka, MN 55343

Main (952) 937-5150
Fax (952) 937-5822

westwoodps.com
(888) 937-5150

MEMORANDUM

Date: December 27, 2019

Re: **Traffic Impacts along Centerville Road - East Oaks Concepts**
File #0022650.00

To: Mark Houge, President
Gary Eagles, VP Development

From: Stephen J. Manhart, P.E. PTOE, PTP

North Oaks Company, LLC, has requested that Westwood Professional Services conduct a high-level overview of traffic issues relative to three residential development concepts under consideration. These concepts are located along Centerville Road (County Road 59) in North Oaks, MN.

Traffic issues for each of the three concepts are listed below:

- **Anderson Woods South Concept** – Nine (9) single-family residential lots are proposed along a cul-de-sac that intersects Centerville Road (County Road 59) at Anderson Lane.

Traffic Issues:

- The following table lists the trip generation potential of the single-family residential development proposed in this concept:

Table 1 - Trip Generation Potential – Anderson Woods South Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	9 units	42	42	2	5	6	3
			42	42	2	5	6	3
			84		7		9	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- According to Ramsey County Engineering, the nine units proposed along the cul-de-sac will not generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles

per hour warranting either a northbound left turn lane and/or a southbound right turn lane.¹

- Signalization will likely not be warranted at the intersection with Anderson Lane. Side street stop will likely be required for traffic control.²



- **Island Field Concept** – This concept shows a 46-unit condominium project proposed west of Centerville Road. Access would be achieved via a cul-de-sac roadway.

Traffic Issues:

- The following table lists the trip generation potential of the multi-family residential development proposed in this concept:

Table 2 - Trip Generation Potential – Island Field Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise)	221	46 units	124	124	4	12	13	8
			124	124	4	12	13	8
			248		16		21	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- It appears that the condominium project proposed along the cul-de-sac may generate an entering trip generation volume that exceeds the County guideline of ten (10) turning vehicles per hour warranting either a northbound left turn lane and/or a southbound right turn lane.³
- Further, the posted speed limit of 50 mph along Centerville Road plus the turning volume may increase the likelihood for turn lane(s) being warranted by the County.
- Ramsey County may require that the cul-de-sac access intersection with Centerville Road align with an existing access on the east side.
- Ramsey County may require traffic counts at the intersection of Centerville Road and nearby intersection(s) to assess any warrants for changes in traffic control. Signalization will likely not be warranted at the intersection with Centerville Road. Side street stop will likely be required for traffic control.⁴

¹ Turn lane volume guidelines outlined during a preliminary meeting between North Oaks Company LLC and Ramsey County Engineering, December 4, 2019.

² Side street stop control refers to the condition where the main street traffic does not have a stop sign, but the intersecting side street traffic does have a stop sign.

³ See footnote 1

⁴ See footnote 2.

- **Gate Hill Concept** – This concept shows a loop roadway serving 58 residential twinhome/duplexes and 27 villa residential lots on the west side of the intersection of County Road H2 E & Centerville Road.

Traffic Issues:

- The following table lists the trip generation potential of the residential development proposed in this concept. (Note: Although the twinhome/duplexes and villa residential units are generally smaller than typical single-family residential units, the ITE Trip Generation Manual makes no distinction between them.):

Table 3 - Trip Generation Potential – Gate Hill Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	58 units	315	315	11	34	38	22
Single Family Housing	210	27 units	156	156	6	18	18	11
			471	471	17	52	56	33
			942		69		89	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- The Gate Hill Concept proposed along the loop road will likely generate trip volumes that exceed the County guideline of ten (10) turning vehicles per hour, thus warranting construction of either a northbound left turn lane and/or a southbound right turn lane.⁵
- It is noted that Centerville Road currently has a northbound right turn lane approaching County Road H2 E. However, there is no southbound left turn lane or bypass lane along Centerville Road at County Road H2 E.
- Ramsey County may require traffic counts at this intersection with Centerville Road to assess whether warrants will be met for changes in traffic control (i.e., signalization or multi-way stop). Otherwise, side street stop will remain warranted for traffic control.⁶ A full intersection control evaluation report (ICE Report) may be required by the County.

In summary, this analysis represents a high-level overview of traffic issues related to these three development concepts. From this analysis, the Gate Hill Concept will most likely meet warrants for one or more turn lanes and potential changes in traffic control. This is due to the number of trips entering the development during peak hours. Traffic counts and additional analysis may be required to better define whether the County’s turn lane guidance is met from one or both directions. Further, it is possible that the

⁵ See footnote 1.

⁶ See footnote 2.

December 27, 2019
Page 4

County may require additional analysis at either of the other concept access intersections.

Cc: David Weetman, Westwood Professional Services



MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

RE: North Oaks - East Oaks Planned Development
North Black Lake Concept Plan (Site K)

FILE NO: 321.02 - 19.09

INTRODUCTION

At the February 4, 2020 meeting of the Planning Commission (continued from the Commission's 1/30/20 meeting), the Commission provided informal feedback to the North Oaks Company LLC regarding a concept plan submittal for the "North Black Lake" parcel located between Catbird Lane and the "Island Field" site.

The subject property occupies the southern half of "Site K" in the East Oaks Planned Development Agreement (PDA). The submitted concept plan calls for the creation of 34 single family residential lots upon the subject site. Presently, 41 lots exist in the abutting Red Forest Way subdivision to the north. The additional 34 lots will result in a total of 75 lots with a maximum of 75 dwelling units within Site K.

According to the East Oaks PDA, the City's RSL - PUD, Residential Single-Family Low-Density zoning district provisions apply to the subject property. Additionally, the southern one-third of the site lies within the Shoreland Management District of Black Lake, a designated "natural environment" lake.

The PDA also stipulates that a total of 64 dwelling units are allowed upon the subject site (Site K) with a potential 30 percent density bonus. In this regard, a maximum of 83 lots are allowed. Thus, the proposed number of dwelling units is consistent with the PDA requirements.

All lots are proposed to be served by individual septic systems and wells.

The purpose of this memorandum is to summarize feedback provided the by Planning Commission in their review of the concept plan as well as to convey received citizen comments.

Please refer to the Staff memorandum dated January 30, 2020 for additional background information related to the concept plan submission.

DISCUSSION

Citizen Comments. Prior to the Planning Commission's discussion of the concept plan, an opportunity for citizen feedback was provided. In this regard, the following citizen comments were offered related to the North Black Lake concept plan:

- Recognizing that an intent of the East Oaks PUD is to be sensitive to the environment, it was recommended that a tree inventory be provided by the developer as a means of preserving significant (hardwood) trees.
- Concern was cited over the environmental impacts which could result upon Lots 8, 9 and 10 which border Black Lake. It was indicated that drainage upon such lots should be properly managed such that Black Lake will not be negatively impacted by development.
- A citizen expressed his opinion that the submitted concept plan design is preferable to a previously submitted concept plan (submitted in the fall of 2018) which called for more lots which were significantly smaller in size. In this regard, the citizen was supportive of the design provided a determination is made that the number of proposed dwelling units is permitted by the East Oaks PDA.
- The same citizen raised questions regarding the following:
 - The conversion of commercial acreage to dwelling units and where additional dwelling units can be located.
 - The rationale for the dwelling unit allowances included in the 7th amendment to the East Oaks PDA.

To be noted is that the preceding comments do not include written citizen comments which were received prior to the Planning Commission meeting.

Planning Commission Feedback. As a PUD concept plan, only informal, advisory feedback was provided by the Planning Commission and no formal action was taken. In consideration of the concept plan, the Planning Commission raised questions and provided feedback regarding the following:

- Concern was raised related to the proposed cul-de-sac lengths (access to Lot 34 is approximately 3,000 feet). In this regard, the Commission suggested that input be obtained from emergency service providers regarding the need for a second access and that the developer investigate alternative access possibilities.
- Question was raised related to the long-term development intentions of proposed Lot 20 (the concept plan illustrates a pole barn and a deer barn within the lot

boundaries). The developer indicated that the illustrated pole barn and deer barn will be torn down and that Lot 20 is intended to be a future home site. The developer was asked to explore the reconfiguration of Lots 19, 20 and 21 in order to eliminate the proposed flag lot and allow for better integration of Lot 20 into the overall development concept.

- The Commission stressed that drainage upon lots which border Black Lake must be properly managed such the no negative impacts (to the lake) will result.
- Question was posed to the developer regarding the staging of the remaining undeveloped East Oaks sites and whether the same contractor will be used on all projects. The developer indicated that the same developer will likely be utilized if pricing is found to be competitive.
- Question was raised whether the Vadnais Lake Area Water Management Organization (VLAWMO) has been involved in the subdivision design. The developer indicated that VLAWMO has been involved.
- A Commissioner questioned at what point in the development review process the provided engineering comments are expected to be addressed. The City Engineer indicated that most engineering comments are expected to be addressed as part of future plan development. The developer indicated that all engineering comments will be addressed as part of future applications.
- A question was raised regarding review responsibilities for wetland alterations. It was indicated that VLAWMO and the City Engineering Staff will review all designs and will be involved in the construction inspections associated with such work.
- The Commission reiterated a citizen comment related to the desire for a tree inventory as part of the consideration of forthcoming preliminary subdivision applications.

ACTION REQUESTED

No formal action can be taken on submitted concept plan. Rather, the developer is seeking informal feedback from the City Council on the North Deep Lake plan prior to further financial investment and the submission of the formal preliminary subdivision application.

Attachment

- Planning Report (including exhibits) dated January 30, 2020

cc: Kevin Kress, City Administrator
Larina DeWalt, 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
Mark Houge and Gary Eagles, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site K – North Black Lake (Red Forest Way South) Development Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) *staff* has reviewed the concept plan dated January 21, 2020, for the North Black Lake (Red Forest Way South) Development from the North Oaks Company. This site is indicated as "Site K" on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 64 planned households on Site K in an area designated as single family detached (zoned as RSL-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site K may have a density increase of 30%, which would bring the total number of dwelling units allowed to 83. The proposed Concept Plan provides for 34 lots in addition to the 41 already developed, bringing the total to 75 lots, which is within the limit established in the approved PUD.
- Each lot will be served by individual well and septic.
- The Concept Plan shows that the new homes will be served from an extension of Black Lake Road with two cul-de-sacs, with the exception of three lots that will be served off of existing Catbird Lane. The street will be a typical 28 foot road.
- A driveway is shown extending between lots 19 and 21 connecting to an existing pole barn, deer barn, and shed on lot 20.
- The location of future trails has not been shown on the Concept Plan.
- The development is envisioned to be a part of NOHOA. Upon development completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

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Mr. Kevin Kress
January 24, 2020
Page 2

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- Exhibit B2 of the 1999 PUD show a street connection rather than cul-de-sacs in this area. NOHOA acknowledges that the connection will be difficult given the previous subdivision allowed in this area.
- NOHOA has concerns about the design as lot 20 would be accessed via a driveway extending between lots 19 and 20. Further, clarification is sought about the intended use of the existing pole barn, deer barn, and shed on lot 20.
- NOHOA seeks further discussion regarding the proposed trail system as no trails are shown on the Concept Plan. This development is the best opportunity to provide for an east/west trail connection to the existing trail system. NOHOA would like to ensure that this is provided on high ground that is maintainable and outside of any seasonably wet areas.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting, we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



MAP 12: East Oaks Planned Unit Development

The East Oaks Planned Unit Development (PUD), approved in 1999, authorized a master plan for development on the City's remaining acreage in compliance with the 1999 Comprehensive Plan as amended. The lands within the PUD will continue to develop per the approved PUD over the next twenty years.

Current and future neighborhoods that are part of the East Oaks PUD include:

- 1) Peterson Place (Wildflower)
- 2) East Preserve
- 3) Nord
- 4) Rapp Farm
- 5) East Wilkinson
- 6) Anderson Woods
- 7) Gate Hill
- 8) Island Field
- 9) Red Forest
- 10) The Pines
- 11) Ski Hill
- 12) South East Pines

 Developed and Undeveloped Land or Protected Open Space

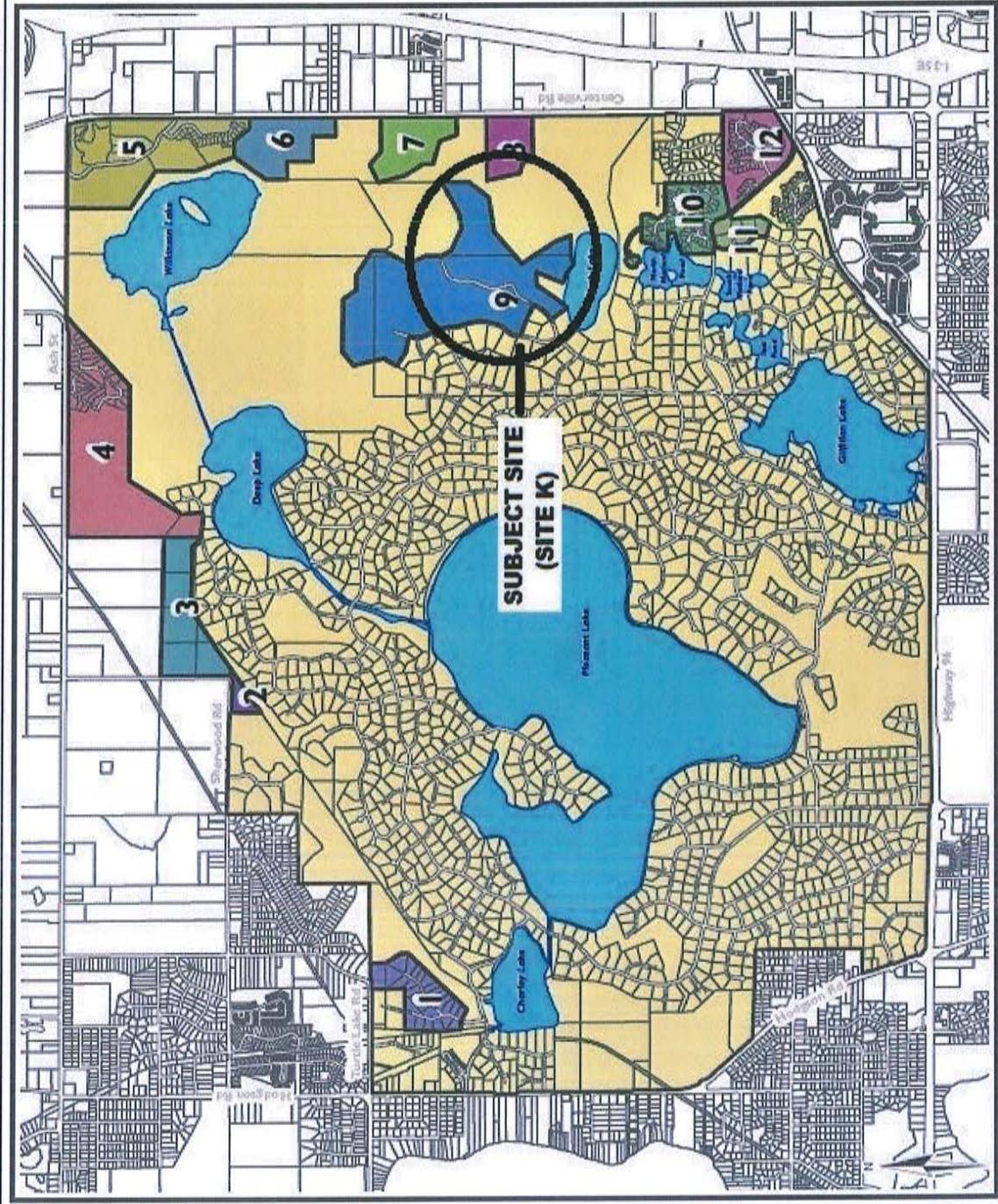


Exhibit A: Site Location



January 21, 2020

Mr. Kevin Kress
 City Administrator
 City of North Oaks
 100 Village Center Drive, Suite 150
 North Oaks, Minnesota 55127

Re: Site K – North Black Lake (Red Forest Way south) Development
 Concept Plan - Subdivision Application

Dear Kevin,

Based on your request, we attach the Concept Plan, dated January 21, 2020, for review by City of North Oaks (City) Staff, Planning Commission and City Council.

Background: North Oaks Company LLC (Company) submitted a Concept Plan in December 2018 for the undeveloped areas identified as Subject Property in the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

City staff and the Company received feedback that some elements of the December 2018 Concept Plans should be reconsidered. We presented revised Concept Plans to members of the North Oaks community at an Information Session on October 21, 2019, and presented the same revised Concept Plans to members of the Planning Commission at its meeting December 3, 2019. We voluntarily submit this Concept Plan (attached) with additional information, and simultaneously submit the Concept Plans for each the remaining undeveloped sites, including Nord, Anderson Woods, Gate Hill, and Island Field, with additional information.

Purpose: this is a request for the City Staff to review and provide confirmation to the Planning Commission and City Council that the Concept Plans conform to the PDA as the Company proceeds with engineering documents required to obtain Preliminary Plan approval to subdivide Site K - North Black Lake (Red Forest Way south). The Company may apply in spring of 2020 for Preliminary Plan approval to subdivide Site K - North Black Lake (SITE).

Project Description: the SITE is zoned RSL-PUD with the intended use to be for 64 to 83 single-family lots, 64 plus the option to increase density 30%, resulting in a total of 83 lots. The Company proposes subdividing the SITE into 34 additional single-family lots, added to the 41 current lots it brings the total lots in the SITE to 75. Each lot will be served with natural gas, electric, and communication services. Individual homeowners will install a septic system and well on each lot.

Road access and traffic: the SITE will be accessed from Black Lake Road from the west. A 28' wide street with no curb & gutter (typical North Oaks rural section) will serve all 34 lots, extending from Black Lake Road to the 2 proposed cul-de-sacs. The Company consulted with Westwood Engineering and the preliminary review of traffic generated from development is consistent with the original design agreed to in the PDA, see attached memo from Westwood.

Building type, location, height, and square footage: a conceptual site plan is attached, which show boxes on each lot that represent a one or two story single-family home with an approximate foundation size of 2400 square feet (SF). The actual location, height, and size of each future house will be determined by the homeowner and approved by the City's Building Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The minimum lot size is 1.45 Acres, the approximate size of each lot is noted in the table below.

Lot 1	1.48 Acres	Lot 18	1.97 Acres
Lot 2	1.50 Acres	Lot 19	2.47 Acres
Lot 3	1.46 Acres	Lot 20	3.16 Acres
Lot 4	1.47 Acres	Lot 21	2.72 Acres
Lot 5	1.48 Acres	Lot 22	1.76 Acres
Lot 6	1.49 Acres	Lot 23	1.59 Acres
Lot 7	1.82 Acres	Lot 24	1.46 Acres
Lot 8	2.32 Acres	Lot 25	1.50 Acres
Lot 9	5.20 Acres	Lot 26	1.48 Acres
Lot 10	3.72 Acres	Lot 27	1.52 Acres
Lot 11	2.54 Acres	Lot 28	1.57 Acres
Lot 12	3.85 Acres	Lot 29	1.62 Acres
Lot 13	5.22 Acres	Lot 30	1.58 Acres
Lot 14	2.54 Acres	Lot 31	1.63 Acres
Lot 15	6.33 Acres	Lot 32	1.68 Acres
Lot 16	1.85 Acres	Lot 33	3.21 Acres
Lot 17	1.53 Acres	Lot 34	2.25 Acres

Existing site conditions and topography: attached you will find a Base Map survey. The SITE is heavily wooded with an existing farm road at the location of the proposed east-west street.

General grading plan: a preliminary grading plan is attached, which illustrates minimal grading to build a road. Initial grading of the SITE will be limited to that required to install storm sewer, gas, electrical, communication systems, and construct the street. The elevation of the street generally follows the existing topography. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees this is the most appropriate solution with no impact to wetlands.

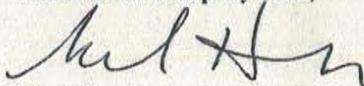
Staging Plan: lots will be created in two phases, and the Company anticipates obtaining approval to enable the street for the first phase (Phase III) to be complete in 2021. The subsequent phase, Phase IV to be complete on or before summer of 2025.

Trails and open space: open space has been provided in other locations of the Subject Area, as described in the PDA. Trails will be constructed to connect to the existing trail system. The Company is working with NOHOA to determine the exact location of the trails that will connect to this SITE.

This development is envisioned to be a part of NOHOA and will not be served by a separate sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely
North Oaks Company LLC,



Mark Houge
President

Enclosures

cc: City Planner (w/encl.)
City Engineer (w/encl.)
City Attorney (w/encl.)
Mikeya Griffin, NOHOA
Gary Eagles, North Oaks Company LLC

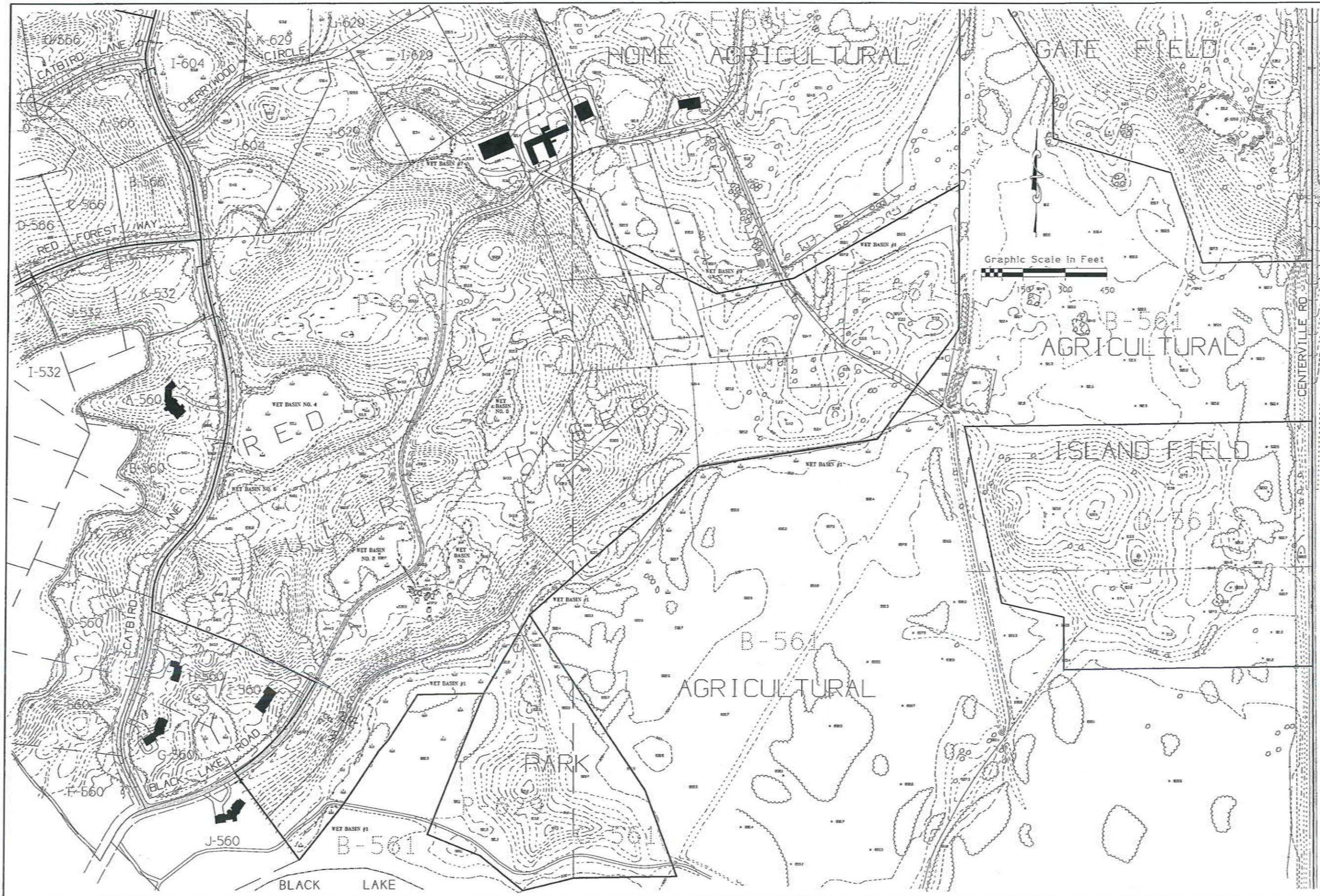
EXHIBIT B 5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

NORTH OAKS COMPANY

Updated: 01.21.2020

EAST OAKS PUD

SITE	NAME	PDA Housing Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2020-2024	Proposed 2025-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING										
A	WILDFLOWER (Peterson Place)	40	27	0	0	0	0	13	30% =	12 564
B	EAST PRESERVE	2	0	0	0	2	0	0	30% =	1
C	NORD	10	0	0	0	12	0	-2	30% =	3
D	RAPP FARM	200	34	0	122	0	0	44	50% =	100 589 611 612 614 617 626
E-1	EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	0	-2	50% =	22 599 603 615
E-2	EAST WILKINSON Waverly Gardens - Mews	65	0	90	0	0	0	-25	50%	33 586 603
F	ANDERSON WOODS (Andersonville)	10	0	0	0	13	0	-3	30% =	3
G	GATE HILL	68	0	0	0	71	13	10	30% =	20
H	ISLAND FIELD	35	0	0	0	46	16	5	30% =	11
I	THE PINES (East Mallard Pond)	54	54	0	0	0	0	0		0 562
J	NORTH SKI HILL	7	7	0	0	0	0	0	30% =	2 569
K	NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	34	0	-11	30% =	19 566 604 618 629
L	SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0		0 571
Subtotal		645	203	99	165	178	29			
Commercial Acre to Housing Unit conversion		29					29			
COMMERCIAL										
E-3	EAST WILKINSON Waverly Gardens & Trita	21	15.27 Acres	0	0	5.73 Acres	See above - Commercial acres converted to housing units 1 acre = 5 housing units			586



KURTH SURVEYING, INC.
 4003 JEFFERSON ST., N.E.
 COLUMBIA HEIGHTS, MN 55421
 PHONE: (763) 788-9769 FAX: (763) 788-7602
 E-MAIL: KS@KURTHSURVEYING.COM

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota.
 Brady L. Kurth, L.S., No. 02070
 Russell J. Kurth, L.S., No. 16113

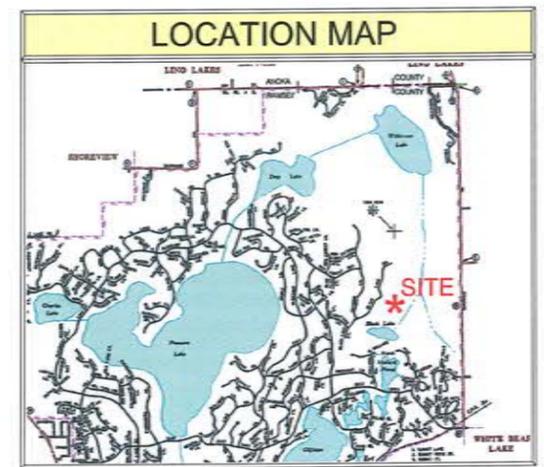
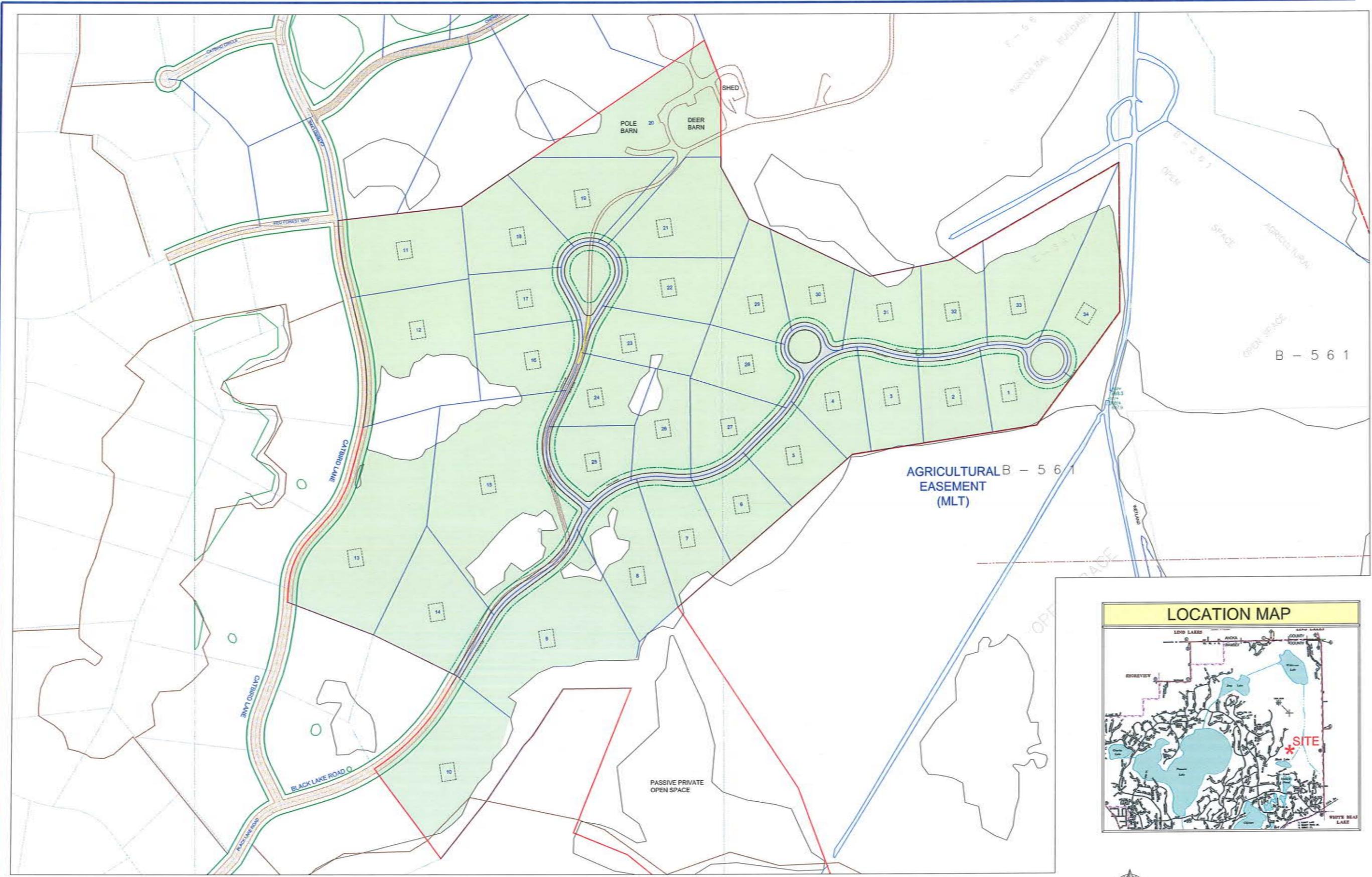
NORTH OAKS
 C O M P A N Y

PROJECT:
 RED FOREST WAY
 PHASE 3+

SHEET DESCRIPTION:
 BASE MAP
 NORTH HALF

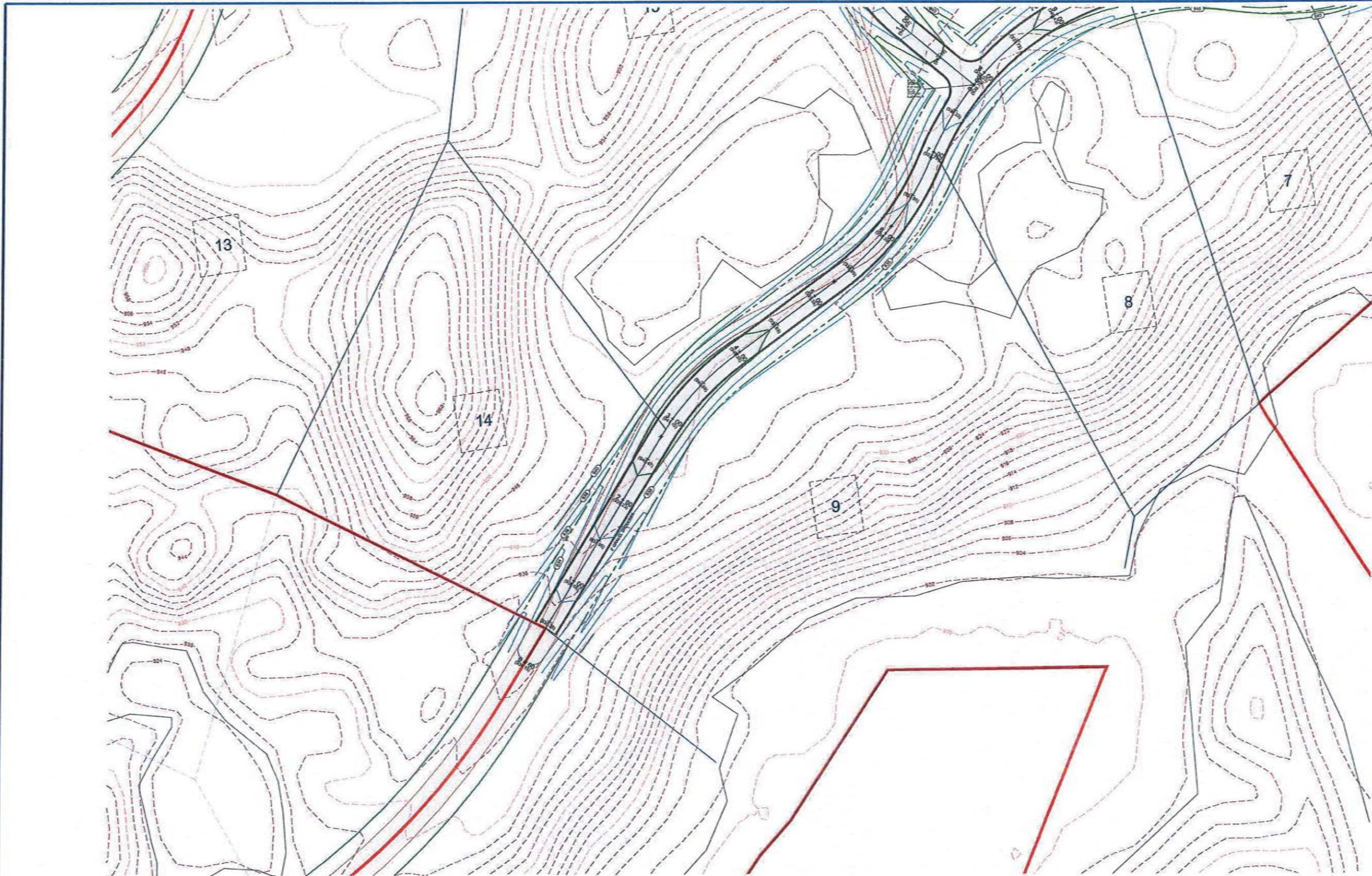
DATE: July 25, 2013
SHEET 1 OF 2 SHEETS

Exhibit D: Existing Conditions

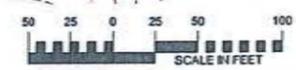


RED FOREST WAY - SOUTH





EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.



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RSM				
DATE				
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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
 Date: _____ Lic. No. _____



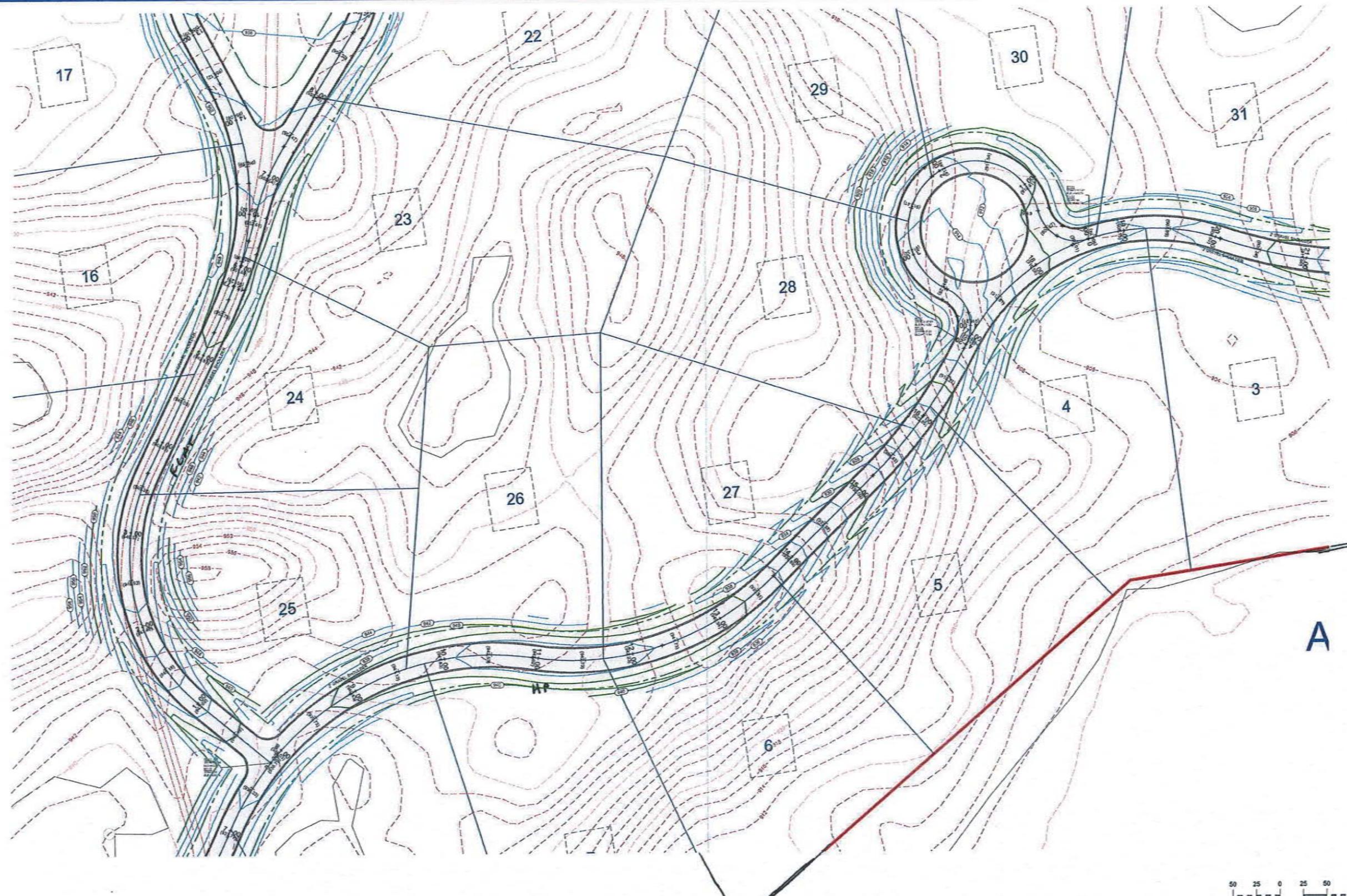
SATHRE-BERGQUIST, INC.
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NORTH OAKS, MINNESOTA

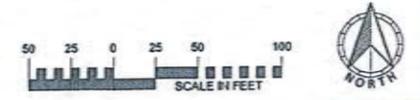
PRELIMINARY GRADING PLAN
RED FOREST WAY (SOUTH)
NORTH OAKS

FILE NO.
 64500-024
GP1
GP4

Exhibit F: Preliminary Grading Plan



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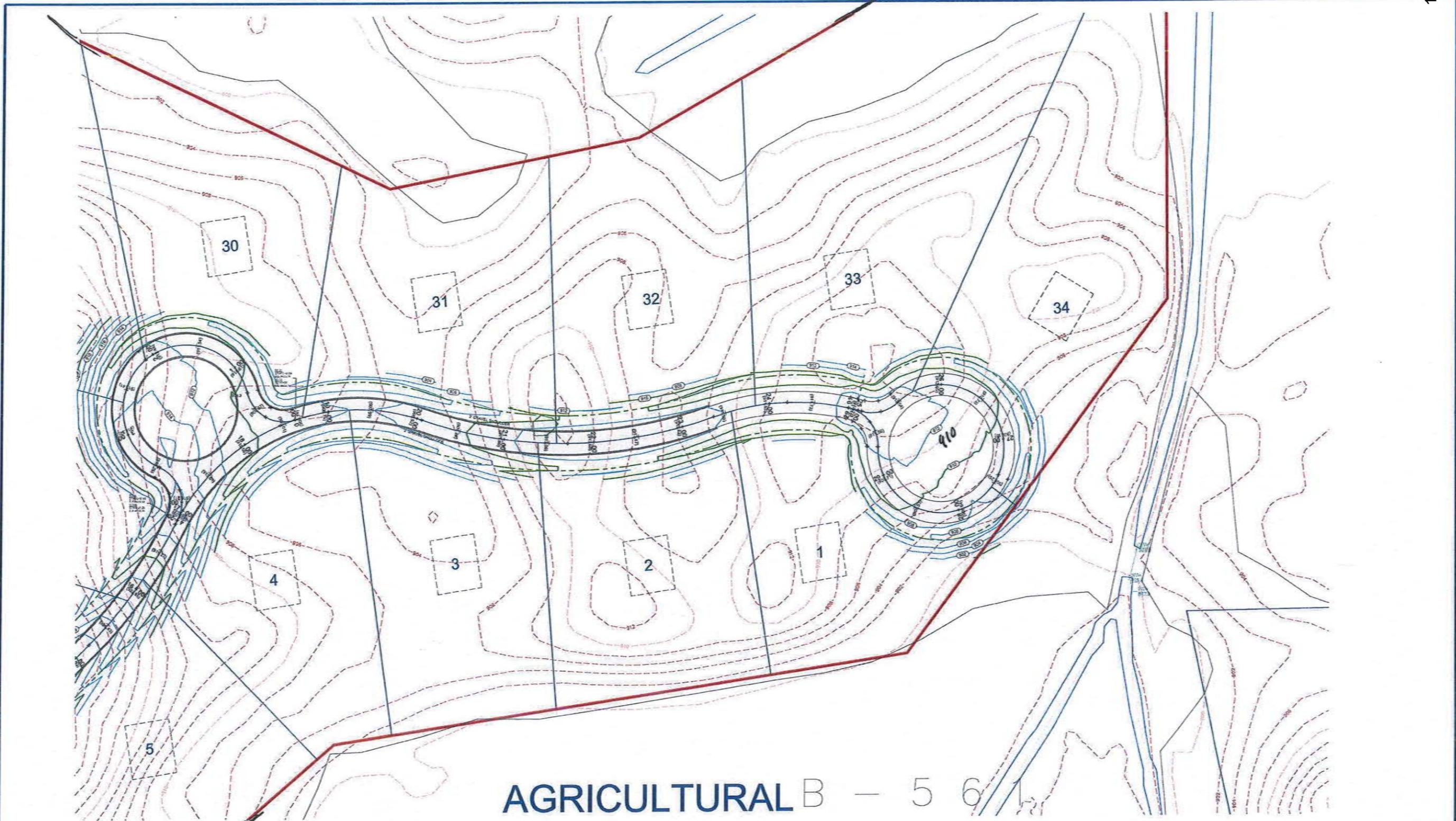


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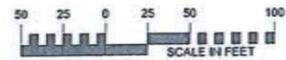
CITY PROJECT NO. _____
NORTH OAKS, MINNESOTA

PRELIMINARY GRADING PLAN
RED FOREST WAY (SOUTH)
NORTH OAKS

FILE NO.
 64500-024
GP2
GP4



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Date: _____ Lic. No. _____

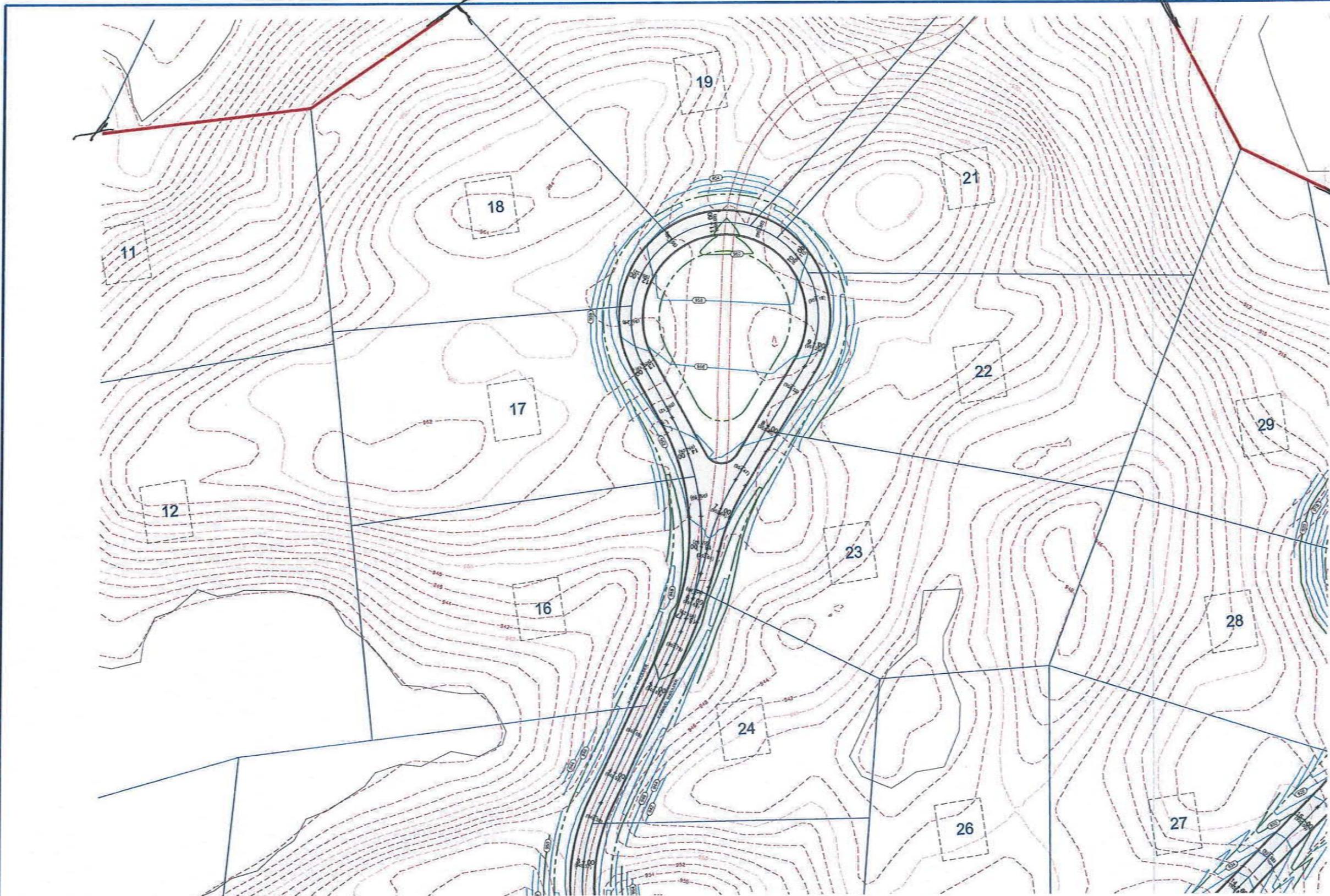


SATHRE-BERGQUIST, INC.
157 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

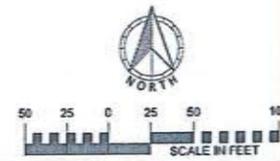
CITY PROJECT NO. _____
NORTH OAKS, MINNESOTA

PRELIMINARY GRADING PLAN
RED FOREST WAY (SOUTH)
NORTH OAKS

FILE NO.
64500-024
GP3
GP4



EXISTING UTILITIES SHOWN ARE SHOWN BY APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.



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Name, P.E. _____ Lic. No. _____
 Date: _____

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (652) 476-8000

CITY PROJECT NO. _____
NORTH OAKS, MINNESOTA

PRELIMINARY GRADING PLAN
RED FOREST WAY (SOUTH)
NORTH OAKS

FILE NO.
 64500-024
GP4
GP4

MEMORANDUM

Date: December 27, 2019

Re: **Red Forest Way Concept - East Oaks Concepts**
 File #0022650.00

To: Mark Houge, President
 Gary Eagles, VP Development

From: Stephen J. Manhart, P.E. PTOE, PTP

North Oaks Company, LLC, has requested that Westwood Professional Services conduct a high-level overview of traffic issues relative to a residential development concept under consideration.

Traffic issues for the Red Forest Way Concept are listed below:

- **Red Forest Way Concept** – Thirty-four (34) single-family residential lots are proposed along an extension of Black Lake Road that culminates into two cul-de-sacs. In addition, three single-family residential lots are proposed to be accessed off of Catbird Lane.

Traffic Issues:

- The following table lists the trip generation potential of the single-family residential development proposed in this concept:

Table 1 - Trip Generation Potential – Red Forest Way Concept

Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	34 units	193	193	7	22	23	13
			193	193	7	22	23	13
			386		29		36	

(Source: *Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, 2017*)

- This concept will be accessed by existing streets internal to the North Oaks street system – there will be no alternative access to Centerville Road or other external street system.
- Because this concept comprises single-family residential lots, it reflects normal commuter traffic patterns – increased outbound traffic during

December 27, 2019

Page 2

- the a.m. peak hour and increased inbound traffic during the p.m. peak hour.
- The trips generated by this development will increase traffic along Black Lake Road, Bent Tree Lane, North Oaks Road and East Oaks Road. However, even during peak hours, this increase will amount to approximately one vehicle every two minutes.

In summary, this analysis represents a high-level overview of traffic issues related to the Red Forest Way Concept. From this analysis, all vehicular traffic will utilize other streets within North Oaks. Therefore, traffic concerns will be raised by nearby residents, while the actual number of new trips will not be over 390 trips per day, nor over 40 during a peak hour.

Cc: David Weetman, Westwood Professional Services



April 5, 2019

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

Re: East Oaks PDA – Decennial Review

Dear Mike,

Thank you for assisting with a review of the Concept Plan, Sheets 1-3, dated December 2018, for development of Gate Hill (Site G), Island Field (Site H), North Black Lake (Site K), aka Red Forest Way, Nord (Site C), and Anderson Woods (Site F). Based on the feedback received at the recent Planning Commission meetings, North Oak Company LLC (Company) has withdrawn this Concept Plan. The intent was to share the Concept Plan as a part of the 2nd Decennial Review, 20 years after the execution of the East Oaks Planned Unit Development Agreement (PDA).

Please provide a summary of questions and concerns about the Concept Plan, and clarification whether or not the City desires a road into North Oaks from Centerville Road, through Island Field and Red Forest Way, connecting to either Black Lake Road or Catbird Lane. It was our understanding the City desired a road to improve response times for fire and ambulance calls, provide another means of egress for the convenience of residents, and to relieve traffic congestion at the intersection of East Oaks Road and Centerville Road. The Company is open to incorporating a road if desired by the City.

The event center concept has been withdrawn. Please let us know if the City would like us to pursue this further. If so, we would need an amendment to the PDA to allow for it to be considered at any of the three parcels along Centerville Road.

You will find an updated copy of Exhibit B5 – Generalized Plan for Phasing Development, dated 04.05.19 (Phasing Plan) attached. The Phasing Plan outlines the number of housing units designated for each area, Sites A – L, number of housing units platted as of April 5, 2019, and the remaining housing units available for development. It also identifies the number of commercial acres designated for development, number of acres developed, and the remaining acres for future development. You will find a column added that references the Register Land Survey (RLS) number for each development area. There are three areas that may need clarification, as follows:

- Site E2 – of the 90 units shown 76 are encompassed in the Mews Buildings and 14 remain to be platted on the parcel owned by Waverly Gardens, west of Wilkinson Lake Boulevard.

- Site K – the design of Red Forest Way Phase 2A started as a plat (RLS 604) of 10 lots but was later reduced to 9 lots (RLS 618).
- Site E3 – was created to encompass the main building for Waverly Gardens and the office building that houses Tria Restaurant and North Oaks Companies; the City and the Company agreed it equated to 15.27 acres of Commercial Area and no Housing Units (Seventh Amendment to the PDA).

You will see in the attached Phasing Plan, based on the feedback received during the recent concept review, the Company's estimate of housing units at each Site. The allocation of Commercial acres is not determined at this time. We are constantly seeking input from residents and housing experts familiar with North Oaks to determine what type housing (e.g. single-family, villas, condominiums, etc.) the community wants, and we will bring back updated concept plans for each individual Site as we determine it is ready for development. Please call if you have any questions or concerns. We look forward to working with City staff, Planning Commission, and City Council to complete the development of each Site in the PDA.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Mr. Gregg Nelson, Honorable Mayor
Ms. Katy Ross, Chair of the Planning Commission
David Magnuson, City Attorney

EXHIBIT B5 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

NORTH OAKS COMPANY
EAST OAKS PUD

Updated: 04.05.19

SITE	NAME	PDA Dwelling Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Proposed 2019-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
RESIDENTIAL HOUSING									
A	WILDFLOWER (Peterson Place)	40	27	0	0	0	13	30% = 12	564
B	EAST PRESERVE	2	0	0	0	2	0	30% = 1	
C	NORD	10	0	0	0	10	0	30% = 3	
D	RAPP FARM	200	34	0	122	0	44	50% = 100	589 611 612 614 617 626
E-1	EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	-2	50% = 22	599 603 615
E-2	EAST WILKINSON Waverly Gardens - Mews	65	0	90 (see note 1)	0	0	-25	50% = 33	586 603
F	ANDERSON WOODS (Andersonville)	10	0	0	0	13	-3	30% = 3	
G	GATE HILL	68	0	0	0	65	3	30% = 20	
H	ISLAND FIELD	35	0	0	0	46	-11	30% = 11	
I	THE PINES (East Mallard Pond)	54	54	0	0	0	0	0	562
J	NORTH SKI HILL	7	7	0	0	0	0	30% = 2	569
K	NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	42	-19	30% = 19	566 604 618 629
L	SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	571
COMMERCIAL		645	203	99	165	178	0		
E-3	EAST WILKINSON Waverly Gardens & Tria	21	15.27	0	0	5.73			586

Acreage Allowed Acreage Developed Remaining Acreage dwelling units / acre = 29

Note 1: Waverly Gardens owns Tract 603 with rights to build 14 Housing Units as of 04.05.2019.



June 28, 2019

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

Re: East Oaks PDA – Decennial Review

Dear Mike,

North Oaks Company LLC has completed its evaluation of issues to be discussed in the Decennial Review, as per Article 6, paragraph 6.3, in the East Oaks Planned Unit Development Agreement (PDA). The only issues we would like to discuss are referenced in subparagraph (3) regarding the application of the PUD Controls to the Development Sites, the Master Development Plan, and the East Oaks PUD Project.

A concept plan intended to prompt discussion about how the Subject Properties may be developed was presented to City Staff in January 2019. The intent was to collaborate with City Staff, members of the Planning Commission, members of the City Council, and the NOHOA Board to conduct workshops with Members of NOHOA to seek input and refine the proposed design solutions, which then would provide for the future needs of the City and NOHOA. Specifically, to respond to the current needs in the market for homes in North Oaks and improve the infrastructure systems that best meet the needs of NOHOA Members, such as privacy, security, safety, and enhanced property values.

Article 5, paragraph 5.3, specifically states the Final Plan shall conform in material respects to this Planned Development Agreement, not that all Preliminary or Final Plans conform literally as shown in the East Oaks Development Plan - Exhibit B. By way of example two entrances were constructed for access into Rapp Farm versus the four originally shown on Exhibit B2, and an access for four lots from the north end of Anderson Woods was incorporated to enhance the Villas of Wilkinson Lake development versus strictly accessing all lots from the south.

During the current decennial review North Oaks Company LLC (The Company) would like to confirm that going forward the City supports The Company facilitating community workshops to review an area wide concept plan and it will provide some flexibility in the design of parcels to be built-out during the period from 2019-2029. The Company will submit Preliminary Plans for each separate development Parcel at a later date for review and approval at the time The Company is prepared to build-out a specific parcel. This approval process will be independent of a concept plan review process, which is the process used in the past and the only practical way of administering a multi-phase development that spans 30 years. It may take another 10 years to

build-out the remaining parcels, and as such we cannot predict exactly what the market and residents of North Oaks would like for housing choices and infrastructure.

In addition, The Company would like to collaborate with the Members, NOHOA, and the City to create the most suitable housing types (e.g. Condominium, twin-homes, brownstones, etc.) in the future. This may require interpretation of the definition of multi-family building type definition in the RCM-PUD zoning category to include three-story condominium buildings, twin homes, and brownstones. These interpretations will be for the purpose of designed the highest quality housing for those in North Oaks that prefer alternative to a single-family home on a large wooded lot.

We will continue to seek input from all residents and housing experts familiar with North Oaks to determine what type housing (e.g. single-family, villas, condominiums, etc.) the community wants and materially conforms to the terms of the PDA. Please call if you have any questions or concerns. We look forward to working with City staff, Planning Commission, and City Council to complete the development of each of the parcels encompassed in the Subject Property of the PDA.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Mr. Gregg Nelson, Honorable Mayor
Ms. Katy Ross, Chair of the Planning Commission
David Magnuson, City Attorney
Mikeya Griffin, Executive Director of NOHOA



August 16, 2019

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

Re: East Oaks PDA – Decennial Review

Dear Mike,

During the second Decennial Review meeting July 8, 2019 various questions were raised regarding housing counts and commercial acreage figures in the Seventh Amendment to the East Oaks Development Agreement (PDA). This letter is intended to address some of those questions.

Attached is Exhibit B-5.1 to the PDA, the Generalized Plan for Phasing Development. This Exhibit sets forth number of housing units and the commercial use acres developed as of the date of the Seventh Amendment. Several questions have been raised as to the accounting of housing units and commercial use acres developed, we attempt to explain as follows:

- Site D – Rapp Farm: The referenced Registered Land Surveys create 157 separate tracts. 156 tracts are used for housing units, one additional tract was created for the club house and pool,
- Site K – North Black Lake (Red Forest Way): The original Registered Land Surveys approved by the City create 42 tracts. There are 41 existing housing units. In one case, three tracts were combined to create two tracts prior to development,
- Site E-2 – Waverly Gardens Mews: each of the existing 76 independent living apartments is counted as one housing unit. Waverly Gardens retains the right to develop 14 additional housing units on the site (RLS 603, Tract Q) it owns west of Wilkinson Lake Boulevard, which is a total of 90 housing units,
- Site E-3 – Waverly Gardens Main Building and Tria/Office: In 2010 as a part of the Seventh Amendment, the City Council determined the most appropriate method to account for the density of land use was to recognize the development as a Commercial Development which occupies 15.27 of the 21 commercial use acres permitted under the Seventh Amendment. The 15.27 acres is the area depicted on Exhibit C-4 of the Seventh Amendment (which is Exhibit B.1-3 of the PDA). Exhibit C-4 does not include all of Tract D and Tract E of Registered Land Survey No. 586. The portions of Tract D and Tract E that underlie Centerville Road are not included on Exhibit C-4 as they are not subject to easements for public use and not available for commercial use. This is why the

gross acreage of the Registered Land Survey tracts are not the same as the Seventh Amendments calculation of commercial use acres.

Section 13 of the Seventh Amendment states "The City and Developer hereby agree that further supplements to Exhibit B-5.1 shall be appended to the Agreement from time to time as Development Occurs. I am also attaching an updated Exhibit B-5.1 which reflects development that have occurred since 2010. To comply with the requirements of Section 13, the Company proposes that this update be appended as a supplement to Exhibit B-5.1 of the Seventh Amendment.

There were also questions as to the chronology of events; the City conditioned its April 7, 2010 approval of Site Plan 07-02 Phase 2- The Mews and Site Plan 07-03 Phase 2 North Addition on the City's and the Company's execution of the Seventh Amendment. The issues of how the housing units were counted and commercial use acres used in connection with Waverly Gardens was thoroughly reviewed during the first Decennial Review and memorialized in Seventh Amendment. Attached for reference is a May 24, 2010 Memorandum from Melinda Coleman, City Administrator that described changes to the PDA discussed during the first Decennial Review.

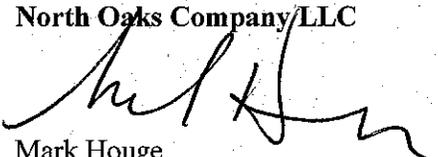
In connection with the future development of Gate Hill and Island Field, the Company will convene a community gathering to seek input on its plans for those developments. Community members are currently asking for alternatives to single-family housing in North Oaks, so the Company's plans may include attached housing alternatives such as condominiums and twin homes.

After obtaining feedback from the community, the Company will submit Preliminary Plans for each separate development site for review and approval by the City (with input from NOHOA) when the Company is prepared to begin construction of lots at a specific site.

Over the remaining term of the PDA, the Company will continue to seek input from residents, NOHOA, and housing experts familiar with North Oaks to determine what type housing (e.g. single-family, villas, condominiums, etc.) the leaders in the community believe preserves the legacy and value of properties in North Oaks.

Please call if you have any questions or concerns. We look forward to working with City staff, Planning Commission, and City Council to complete the development of each of the sites encompassed in the Subject Property of the PDA.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Mr. Gregg Nelson, Honorable Mayor
Mr. Mark Azman, Chair of the Planning Commission
Bridgette Nason, City Attorney

NORTH OAKS COMPANY
EAST OAKS PUD

SITE	NAME	PDA Dwelling Units designated	Actual 1999-2006	Actual 2007-2009	Proposed 2010-2015	Proposed 2016-2025	Proposed 2026-2035	Proposed 2036-2048	Potential Density Shift	Permitted Density Increase
A	WILDFLOWER (Peterson Place)	40	27	0	0	0	0	0	13	30% = 12
B	EAST PRESERVE	2				2			0	30% = 1
C	NORD	10				5	5		0	30% = 3
D	RAPP FARM	200	34	0	25	32	32	33	44	50% = 100
E-1	EAST WILKINSON Residential	45	19	0	0	14	14	0	-2	50% = 22
E-2	EAST WILKINSON Senior Housing	65		90		18			-43	50% = 33
F	ANDERSON WOODS (Andersonville)	10				3	3	4	0	30% = 3
G	GATE HILL	68					30	38	0	30% = 20
H	ISLAND FIELD	35				5	15	15	0	30% = 11
I	THE PINES (East Mallard Pond)	54	54						0	0
J	NORTH SKI HILL	7	7						0	0
K	NORTH BLACK LAKE (Red Forest Way)	64	17	10	0	15	22		0	30% = 2
L	SOUTHEAST PINES (South Deer Hills)	45	45						0	30% = 19
		645	203	100	25	94	121	90	12	
			141	102						

Building Permits issued

PDA-allowed conversion to dwelling units

Allowed per PDA Actual dev.

21 15.27

COMMERCIAL ACREAGE

5/acre = 28

6/22/2010

EXHIBIT B5.1 - GENERALIZED PLAN FOR PHASING DEVELOPMENT
 NORTH OAKS COMPANY
 EAST OAKS PUD
 Updated: 08.16.19

SITE	NAME	PDA Dwelling Units designated	Actual 1999-2006	Actual 2007-2009	Actual 2010-2018	Total Units To Date	Proposed 2019-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
A	RESIDENTIAL HOUSING WILDFLOWER (Peterson Place)	40	27	0	0	27	0	13	30% = 12	564
B	EAST PRESERVE	2	0	0	0	0	2	0	30% = 1	
C	NORD	10	0	0	0	0	10	0	30% = 3	
D	RAPP FARM	200	34	0	122	156	0	44	50% = 100	589 611 612 614 617 626
E-1	EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	47	0	-2	50% = 22	599 603 615
E-2	EAST WILKINSON Waverly Gardens - Mews	65	0	90 (see note 1)	0	90	0	-25	50% = 33	586 603
F	ANDERSON WOODS (Andersonville)	10	0	0	0	0	13	-3	30% = 3	
G	GATE HILL	68	0	0	0	0	65	3	30% = 20	
H	ISLAND FIELD	35	0	0	0	0	46	-11	30% = 11	
I	THE PINES (East Mallard Pond)	54	54	0	0	54	0	0	0	562
J	NORTH SKI HILL	7	7	0	0	7	0	0	30% = 2	569
K	NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	41	42	-19	30% = 19	566 604 618 629
L	SOUTHEAST PINES (South Deer Hills)	45	45	0	0	45	0	0	0	571
	Subtotal	645	203	99	165	467	178	0		
COMMERCIAL										
E-3	EAST WILKINSON (Waverly Gardens & Tria)	21	15.27	0	0	15.27		0		586
	SITE TO BE DETERMINED						5.73	0		

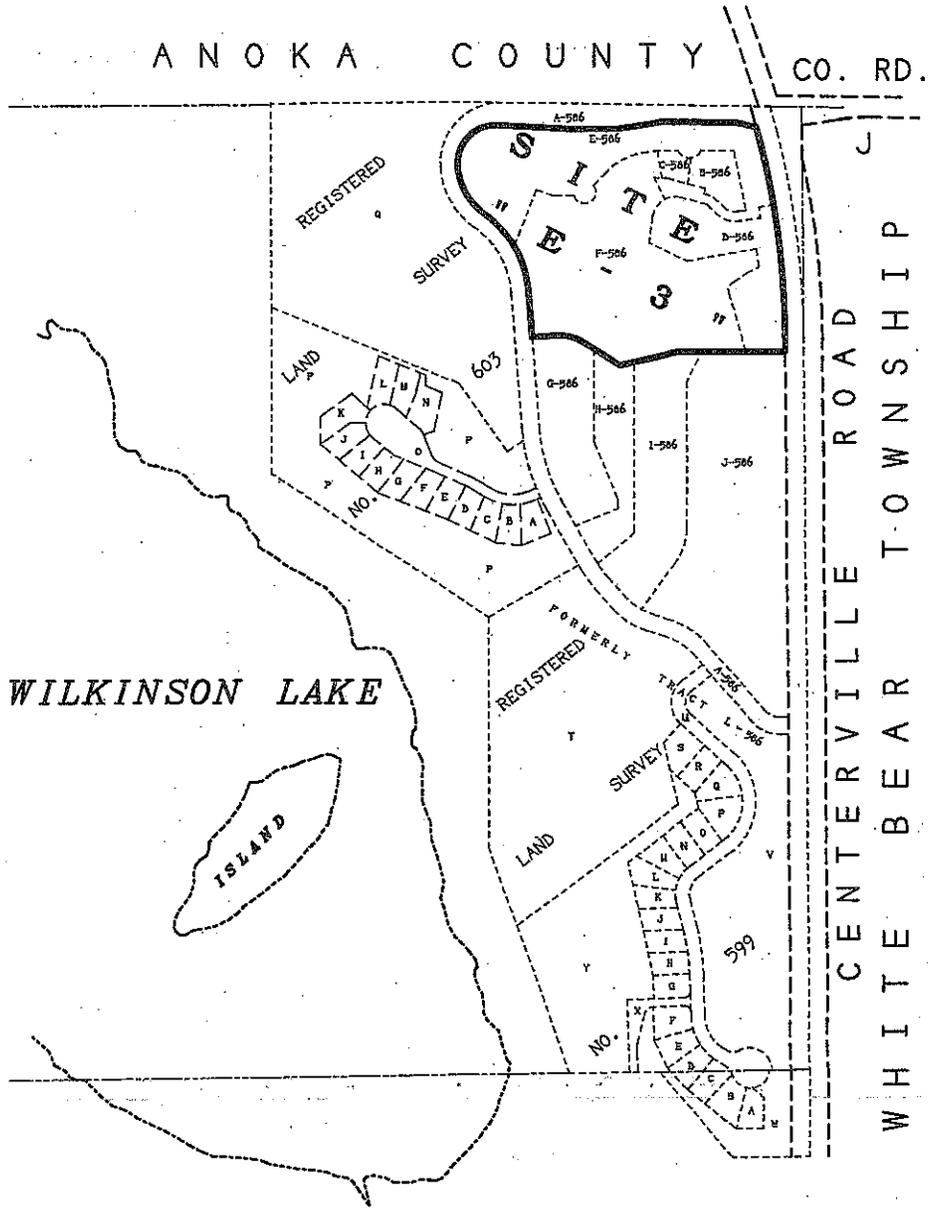
Note 1: Waverly Gardens owns RLS 603, Tract Q with rights to build 14 Housing Units.
 Note 2: One Commercial Acre equals 5 Housing Units

THE GARDENS OF NORTH OAKS EXHIBIT "B-1.3"

, 2010

ANOKA COUNTY CO. RD.

CONSERVATION AREA



WILKINSON LAKE

ISLAND

Total Developed Commercial Acreage = 15.27 Acres

RLK-North Oaks\Wilkinson\Exhibits\New Ex. B1.3-Site E-2.gxd 4-30-10 8.5x11 1"=500'

Site	Name	Zoning	Planned Number of Development Units	Density Increase Allowed	Planned Number of Development Units	Density Increase Allowed
Site A	Peterson Place	RMM-PUD	40	30%	40	30%
Site B	East Preserve	RSM-PUD	2	30%	2	30%
Site C	Nord	RSM-PUD	10	30%	10	30%
Site D	Rapp Farm	RVIH-PUD	200	50%	200	50%
Site E	East Wilkinson**	RCM-PUD	110	50%	110	50%
Site F	Andersonville a) Anderson Woods	RVIH-PUD	10	30%	10	30%
Site G	Gate Hill	RCM-PUD	68	30%	68	30%
Site H	Island Field	RCM-PUD	35	30%	35	30%
Site I	East Mallard Pond	RSM-PUD	54	No	54	No
Site J	North Ski Hill	RSM-PUD	7	30%	7	30%
Site K	North Black Lake	RSL-PUD	64	30%	64	30%
Site L	South Deer Hills	RVIH-PUD	45	No	45	No
Site M		LI-PUD	0	-	0	0
Added per 7th Amendment: Site E-2	The Mews**	RCM-PUD			110	50%
Added Per 7th Amendment: Site E-3	Waverly Gardens	RCM-PUD				

Note: Changed from Site E to Site E-1, in 7th Amendment

Total Dwelling Units

645

645

**Per Appendix 1 (7th Amendment) the 110 units shown under E-1 and E-2 is a TOTAL of 110 dwelling units between the two sites, noting that "[u]nits can be allocated between sites E-1 and E-2 in any manner so long as the total does not exceed the total allowed."

Site	Name	1999 Zoning	1998 EAW Acreage	1999 Planned Number of Development Units	1998 EAW Proposed Units	1999 Density Increase Allowed	2010 Exhibit B-5.1 PDA Dwelling Units Designated	2010 Exhibit B-5.1 Actual Dwelling Units	2019 Actual Housing Counts (Dwelling Units Built)*	2019 Available Potential Density/ Density Shift, Not Including Density Bonuses	2019 Available Additional Dwelling Units Per Site if Available Density Increase Applied to Site**	2020 Developer Proposed Dwelling Units Per Site (1.24.2020 Dev. Phasing Plan)	Total Dwelling Units: Existing + Developer Proposed	2019 Commercial Acreage****	Dwelling Unit/Density Notes
Site A	Peterson Place (Wildflower)	RMM-PUD	82	40	40	30%	40	27	27	13	25	0	27		
Site B	East Preserve	RSM-PUD	6	2	2	30%	2	0	0	2	2.6	1	1		
Site C	Nord	RSM-PUD	51	10	10	30%	10	0	0	10	13	12	12		
Site D	Rapp Farm	RMH-PUD	110	200	200	50%	200	34	156	44	144	0	156		***
Site E	East Wilkinson	RCM-PUD	98	110	110	50%									
	Site E-1 (Villas of Wilkinson Lake)	RCM-PUD					45	19	47	-27	28	0	47		*****
	Site E-2 (The Mews)	RCM-PUD					65	90	90			0	90		*****
Site F	Andersonville (Anderson Woods)	RMH-PUD	35	10	10	30%	10	0	4	6	9	9	13		*****
Site G	Gate Hill	RCM-PUD	32	68	68	30%	68	0	0	68	88.4	84	84		
Site H	Island Field	RCM-PUD	22	35	35	30%	35	0	0	35	45.5	46	46		
Site I	East Mallard Pond (The Pines)	RSM-PUD	97	54	54	No	54	54	54	0	0	0	54		
Site J	North SKI Hill	RSM-PUD	13	7	7	30%	7	7	7	0	2.1	0	7		
Site K	North Black Lake (Red Forest Way)	RSL-PUD	194	64	64	30%	64	27	42	22	41.2	34	76		
Site L	South Deer Hills (Southeast Pines)	RMH-PUD	40	45	45	No	45	45	45	0	0	0	45		
Site M	-	LI-PUD		0	-										
Site E-3	East Wilkinson (Waverly Gardens and Tria)	RCM-PUD												15.27	
TOTAL	Totals		780	645	645		645	303	472	173		186	658	15.27	

Total Dwelling Units: Existing (including the 14 unbuilt units + Proposed dwelling units (INCLUDES proposed commercial acre to housing unit conversion (J35+M35))
658

Total Dwelling Units: Existing (EXCLUDING the 14 unbuilt units + Proposed dwelling units (J35+M35)-14)
644

*= Based on draft updated Exhibit B-5.1 dated 8/16/19, prepared by the North Oaks Company

**=This number shows the total number of additional dwelling units permitted in each site if the permitted density increase were applied. Under the PUD, the maximum dwelling unit count is 645, meaning all of the density increases shown could not occur on each site. Site-specific dwelling unit calculations provided for informational purposes only.

***= Rapp Farm consists of 157 lots, one of which contains a clubhouse and pool and not a dwelling unit. Only Dwelling Units are counted toward the dwelling unit maximum. How the lot with the pool and clubhouse is counted is not explicitly spelled out in the PUD. The City will need to address this clubhouse/pool lot development when it updates Exhibit B-5.1., and must determine if the Pool and Clubhouse meets the definition of a Dwelling Unit. If the clubhouse and pool meet the definition of a Dwelling Unit, then it should be counted in the Rapp Farms count and the housing count should be updated to 157.

****= Commercial Acreage number taken from references to the same throughout the 7th Amendment. See memo for additional detail regarding calculations related to developed commercial acreage.

*****=Per 7th Amendment, the total number of dwelling units for sites E-1 and E-2 is 110. Dwelling units can be located on either site.

*****= August 16, 2019 correspondence from North Oaks Company states that Site E-2 is developed with 76 independent living apartments, each of which is counted as one housing unit, and notes that "Waverly Gardens retains the right to develop 14 additional housing units on the site (RLS 603, Tract O) it owns west of Wilkinson Lake Boulevard, which is a total of 90 housing units." Units which are not yet built should not be included in the "already built" unit count, but are included for this site only based on the representation that Presbyterian Homes has the right to construct 14 additional dwelling units on Site E-2.

***** = It is unclear if four units for Anderson Woods/Wilkinson Villas have been constructed. This table reflects the 8.16.19 correspondence from the North Oaks Company that no dwelling units have been constructed on Site F (Anderson Woods/Andersonville).

*****=Total development numbers and remaining units if 90 units calculated as constructed for Site E-2.

DEVELOPMENT CONTRACT

CITY OF NORTH OAKS RAPP FARM – PHASE VI

THIS AGREEMENT is made this th 26 day of January, 2017, between the CITY OF NORTH OAKS, MINNESOTA, a municipal corporation (the "**City**"), acting by and through its Mayor and City Administrator, and NORTH OAKS COMPANY, LLC, a Minnesota limited liability company (the "**Developer**").

WHEREAS, the Developer has proposed the development of approximately 39.15 acres of real property located within the City into 63 residential lots as Phases 5 and 6 of its Rapp Farm development, which development shall contain streets, street improvements, trails, easements, and other miscellaneous work; and

WHEREAS, the Developer has previously requested and received City approval for Phase 5, the Developer is now requesting that the City accept Phase 6 of the development by approving a final plan for Registered Land Survey consisting of the remaining planned 39 residential home lots of the planned 63 residential lots (the "**Subdivision**" or "**Development**"); and

WHEREAS, the City has approved the preliminary plan of the Subdivision pursuant to Ordinance No. 152 (previously Ordinance No. 93) and the Master Development Plan and Planned Unit Development Agreement for East Oaks Project dated February 11, 1999 (the "**Planned Development Agreement**"), conditioned upon the Developer agreeing to comply with applicable ordinances of the City and other terms and conditions as may be required by the City which are consistent with the Planned Development Agreement, including the terms and conditions of this Agreement; and

WHEREAS, the Developer intends to proceed to final development and sale of lots in the Subdivision pursuant to Registered Land Survey in lieu of final plat, but shall comply with all requirements for final plat provided in Ordinance No. 152.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

ARTICLE I Definitions

The following terms shall have the meaning as set forth herein:

- 1.1 "**Agreement**" or "**Contract**" shall mean this Development Contract including the foregoing recitals which are agreed to be a part hereof.
- 1.2 "**City Engineer**" shall mean that individual or individuals identified by the City as the City Engineer. Currently, Sambatek, Inc., is the City Engineer.
- 1.3 "**Developer**" shall mean North Oaks Company, LLC, its successors and/or assigns.
- 1.4 "**Development**" or "**Subdivision**" shall mean Rapp Farm – Phase VI.

- 1.5 **"Final Development Plan"** shall mean the final revision(s) to the Plan prepared by Kurth Surveying, Inc. and Sathre-Berquist, Inc., dated September 10, 2014 as approved by the North Oaks City Council (the "**Council**") on October 9, 2014, in accordance with its ordinances and the Planned Development Agreement, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the Final Development Plan, as approved by the City.
- 1.6 **"Plans and Specifications"** means the plans, profiles, cross-sections, drawings, exhibits, schedules and legal descriptions, documents and other requirements, individually and collectively, listed on Exhibit "A", attached hereto and incorporated herein by reference.
- 1.7 **"Preliminary Plan"** shall mean the preliminary plan of the Subdivision prepared by Kurth Surveying, Inc., dated April 30, 2012, as approved by the Council on June 14, 2012 as Subdivision 2012-04, in accordance with its ordinances, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the preliminary plan, as approved by the City.
- 1.8 **"Subdivision" or "Rapp Farm – Phase VI"** shall mean the approximately 39.15 acres of real property located within the City and as described in Exhibit "B", attached hereto and incorporated herein by reference, to be developed in the manner described on Exhibit "A" by means of Registered Land Survey (the "**Registered Land Survey**").

ARTICLE II

Developer's Responsibilities and City Approval

- 2.1 The City finds that the Subdivision is a staged and planned development as described more fully in the Planned Development Agreement.
- 2.2 The Developer and the City agree that any dedication and/or set aside requirements are described in the Planned Development Agreement.

ARTICLE III

Developer's Responsibilities - Overall

- 3.1 All documents included in the Plans and Specifications set forth in Exhibit "A" shall be prepared by Registered Professionals acceptable to the City. All of those items on attached Exhibit "A" shall have been finally reviewed and approved in writing in advance of construction and implementation by appropriate City Staff and each of said items shall be implemented by the Developer in a timely manner. Once such items have been finally approved by appropriate City Staff, there shall be no deviations from such items without the written approval of such City Staff. All such items as finally approved by such City Staff shall be part of the documents and materials referred to in the Preliminary Plan. The Developer agrees to comply with such additional recommendations which the City Staff may reasonably make for completion of the Subdivision.
- 3.2 All necessary reviews and approvals shall be obtained from all appropriate regulatory agencies.

- 3.3 The Developer shall furnish the City with a list of contractors and professionals with whom the Developer has signed a contract for work on Rapp Farm – Phase VI. The information to be provided shall include the names, addresses, telephone numbers, and principal contact(s) for each contractor and professional employed by the Developer.
- 3.4 The Developer agrees to perform all staking and surveying necessary to allow the City to ensure that the completed improvements described in Section 10.2 conform to the approved Plans and Specifications. The City may inspect, from time to time, the Subdivision and improvements made thereto.
- 3.5 In the event the Developer has failed to comply with the Plans and Specifications, or has supplied material which, in the professional judgment of appropriate City Staff, is defective or unsuitable by reason of not being in compliance with applicable codes or law, then such material and work shall be redone by the Developer at the sole cost and expense of the Developer.
- 3.6 The Developer has supplied to the City Engineer the dates, names, addresses and telephone numbers of the parties, description of the work, and the terms of all construction contracts for roads and utilities which the Developer entered into with respect to Rapp Farm – Phase VI prior to approval of the final Plans and Specifications.
- 3.7 The Developer shall place iron monuments at all lot block corners and in all other angle points on boundary lines within the Subdivision. Iron monuments shall be placed during the course of surveying for the final Registered Land Survey.
- 3.8 Each deed conveying title to a residential lot which is part of this Subdivision shall be subject to the Declaration of Covenants, Conditions and Restrictions described at Section 9.1 below.
- 3.9 The Developer shall provide to each purchaser of a residential lot within the Subdivision, written information regarding City and North Oaks Home Owner's Association ("NOHOA") requirements, on-site sewage treatment system requirements (if the lot will use such a system), information regarding the Floor Area Ratio requirements of the City ordinances and the maximum size dwelling that can be built for the lot and such other information that the City deems appropriate. The City will supply the Developer with any information it requires to be conveyed to each purchaser. The Developer will be responsible for reproducing the information in sufficient quantities to be distributed.
- 3.10 The Developer shall record the Registered Land Survey with Ramsey County within sixty (60) days from final Subdivision approval by the City, unless a time extension has been granted by the City Administrator. Failure to record the Registered Land Survey within the sixty (60) day period shall render the final approval thereof by the City null and void until a new application has been processed and approved by the City.
- 3.11 The Developer shall take such additional action as the City may reasonably require to accomplish all dedications including conveyance of the land to be dedicated outright or by deed of easement (which form of conveyance shall be determined by the City) and shall

otherwise convey all easements necessary to complete the Development in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE IV
Developer's Responsibilities - Streets

- 4.1 The Developer shall construct all streets and provide all initial street signage in accordance with the final Plans and Specifications set forth in Exhibit "A".
- 4.2 The Developer shall be responsible for all street maintenance, cleaning, and snow plowing until such time as the construction of the streets has been finally completed, and the Developer's Engineer has supplied the City Engineer with a written statement that the streets have been installed in accordance with the final Plans and Specifications set forth in Exhibit "A" and the Developer has received written acknowledgment of the acceptance of such statement by the City Administrator. Upon completion of the streets by the Developer, the Developer shall be relieved of responsibility for maintenance and repair of such streets but only upon transfer of such responsibility to NOHOA and forwarding of written evidence of such transfer and acceptance of such responsibility by NOHOA, which acceptance shall not be unreasonably withheld, to the City Administrator. NOHOA shall have a period of thirty (30) days from receipt of such written request to notify the City Administrator of its acceptance or rejection of the proposed transfer.
- 4.3 Notwithstanding Section 4.2 above, the Developer shall remain liable for any defects in the streets that occur or become known within one (1) year after the transfer and acceptance referred to in Section 4.2.
- 4.4 All easements required to construct, maintain, and operate the streets and utilities together with all trails required by Article V of this Agreement shall be in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE V
Developer's Responsibility - Trails

- 5.1 The Developer shall clear and grade (if necessary, as determined by the City) the trails in accordance with the final Plans and Specification set forth in Exhibit "A".
- 5.2 The Developer shall convey to NOHOA by permanent easement said trails.

ARTICLE VI
Developer's Responsibility - Utilities

- 6.1 The Developer shall provide the owners of property within the Subdivision access to water, sanitary sewer, electricity, gas and telephone, in accordance with the final Plans and Specifications. All such utilities shall be installed underground.
- 6.2 Such utilities shall be installed in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE VII
Developer's Responsibility - Erosion Control

- 7.1 All site grading, including grading of building sites, common drainageways, open space areas, ponds, surface drainageways, and all streets shall be constructed in accordance with the final Plans and Specifications set forth in Exhibit "A", and shall be in compliance with Ordinance No. 154. The Developer shall provide for permanent drainage easements to maintain the drainage requirements in the final Plans and Specifications set forth in Exhibit "A".
- 7.2 Until such time as Developer has transferred street maintenance and repair obligations to NOHOA pursuant to Section 4.2, the Developer shall be responsible for maintaining the erosion and sediment control plan and shall provide for the cleaning of drainageways, ditches, ponds, etc., which cleaning is necessitated by erosion that may have occurred as a result of the development of Subdivision. If the Developer is notified in writing by the City of the necessity of cleaning any drainageway, ditch, or pond, the Developer has five (5) working days from receipt of such notice to perform the required cleaning.

ARTICLE VIII
Developer's Responsibility - Sanitary Sewage/Water

- 8.1 The Developer shall construct and install a sanitary sewer and water distribution system for all of the developable lots located within Rapp Farm – Phase VI. Such sanitary sewer facility shall be constructed in accordance with the final Plans and Specifications and in accordance with such additional requirements as may be set by the City Engineer.
- 8.2 The Developer shall be solely responsible for maintaining the water distribution system and sanitary sewer facility until such time, if ever, that all right, title and interest in and to such utilities is transferred and shall be obligated to maintain a reserve fund in such amount as the City deems reasonably necessary to provide for future maintenance and repair costs to such utilities. The Developer may enter into a written agreement with another entity to provide maintenance for the utilities, provided, however, that such written maintenance agreement is approved by the City. As an alternative to the Developer entering into a maintenance agreement with a separate entity, the City, at the request of the Developer, may enter into a joint powers agreement with another governmental entity to provide for maintenance of the utilities. Such joint powers agreement must be in accordance with terms agreeable to the City. The Developer shall pay all fees charged under such joint

powers agreement within thirty (30) days of being billed therefor. With respect to user fees that may be imposed by the Metropolitan Council Environmental Services or other entities, the City shall pay such fees and, during the time that the Developer shall own the utilities, shall bill the Developer for such fees, which bill the Developer shall pay within thirty (30) days of the date of the invoice. The Developer shall charge the users of the utilities such charges as will cover the Developer's costs of administration, operation and maintenance of the utilities, including without limitation, charges of the Metropolitan Council Environmental Services, the City, other applicable municipalities, and any costs, fees, or taxes imposed by any other governmental body or agency. The Developer shall include in the Declaration for this Subdivision a provision requiring that each lot owner exclusively utilize the sanitary sewer service provided by the Developer, its successors or assigns, and that, regardless of whether or not the lot owner actually uses such sewer service or the water distribution system installed by the Developer, the lot owner must pay to the Developer, its successors and assigns, any and all costs and fees charged by the Developer, its successors or assigns, for such sanitary sewer and water distribution service or the availability thereof, including without limitation, charges imposed by any governmental body or agency in connection with such services, the owner's share of all costs of administration, operation and maintenance of equipment, piping, or other property used to provide or make available such sanitary sewer and water distribution services, such amounts required to fund the reserve account referred to above, and the costs and fees including attorneys' fees, incurred by the Developer, its successors and assigns, in collection of said costs and fees from the lot owner, his/her/its heirs, successors and assigns. The Developer may include in the Declaration such other provisions which the Developer believes to be appropriate for the proper administration of the sanitary sewer facility and water distribution system and that are not inconsistent with the foregoing. The Developer annually shall make available for inspection by owners of the lots within the Subdivision a list of all expenses incurred by the Developer in connection with the utilities and charged to said owners consistent herewith.

- 8.3** Upon completion of the construction and installation of the utilities, the Developer shall provide the City with a full set of as-built mylar reproducible plans and specifications of the utilities. These plans and specifications shall include the locations and ties to all sanitary sewer and manholes and locations of valves, hydrants and other appurtenances. During such period of time as the Developer continues to own or maintain the utilities, it shall provide to the City copies of the plans and specifications, including mylar reproducible plans and drawings of any changes, additions, deletions, or modifications to the respective utilities.
- 8.4** The Developer shall remain liable for any defects in the construction and/or maintenance of said utilities that occurred, developed, or are allowed to exist during the period of time that said utilities are owned and/or maintained by the Developer.
- 8.5** Should the City desire to acquire all right, title and interest in and to the utilities, the City shall notify the Developer (or any subsequent transferee of the utilities approved by the City) in writing of such intention, and within ninety (90) days after such notification, the Developer (or such subsequent transferee approved by the City), in consideration of the

payment of One Dollar (\$1.00) by the City shall transfer all right, title and interest in and to the utilities to the City.

- 8.6 At the time of transfer of the utilities to the City, if ever, such utilities shall be in good repair and in compliance with all governmental requirements and any reserve fund contributed by users shall also be transferred to the City. To the extent that the utility is not in good repair or in compliance with such governmental requirements, the Developer (or a transferee approved by the City) shall be obligated to bring the utilities into good repair at the time of transfer.
- 8.7 All easements necessary to construct, operate and maintain the utilities shall be on a separate plan to be filed with the City.

**ARTICLE IX
North Oaks Home Owners' Association**

- 9.1 The Developer is required to file with the City a Declaration of Covenants, Conditions and Restrictions which has been approved by the City. This Development shall be incorporated into the boundaries of NOHOA.

**ARTICLE X
Developer's Surety Bonds**

- 10.1 In order to assure full compliance with all of the responsibilities of the Developer pursuant to this Agreement, the Developer shall file with the City within ten (10) days after the date hereof, a surety bond underwritten by an insurance company licensed to do business in the State of Minnesota with a Best rating of A + 15 in an amount as provided herein. In lieu of providing a surety bond, the Developer may supply the City a cash escrow or a letter of credit. If the Developer chooses to use a letter of credit, the letter of credit shall be an irrevocable letter of credit issued by a major bank in the Twin Cities area and shall be in such form as is acceptable to the City. With the approval of the City, other forms of surety may be provided in lieu of the above-stated requirements.
- 10.2 The amount of the surety bond shall be one hundred twenty-five percent (125%) of the following estimated costs:

ITEM	ORIGINAL BUDGET	WORK COMPLETED AS OF 11/10/14		REMAINING WORK
Site Grading/E.C.	\$415,400	\$415,400	100%	\$ 0
Sanitary Sewer	\$196,280	\$196,280	100%	\$ 0
Watermain	\$173,625	\$173,625	100%	\$ 0
Storm Sewer	\$163,500	\$163,500	100%	\$ 0
Street and Trails	\$356,100	\$276,900	78%	\$ 79,200
Engineering and Surveys	\$75,000	\$70,000	93%	\$ 5,000
Landscaping	\$45,000	\$ 0	0%	\$ 45,000
TOTAL REMAINING WORK				\$129,200

125% SECURITY REQUIREMENT

\$161,500

- 10.3 As various improvements are completed, approved and accepted by the City Engineer, the amount of the surety bond, letter of credit or equivalent may be reduced accordingly (but not below 125% of the remaining unfinished improvements, together with any costs that have not been paid, pursuant to Article XIV). Any such reductions must have the prior written approval of the City Engineer.
- 10.4 In the event the Developer fails to comply with any of the covenants and agreements contained in this Agreement and so remains not in compliance for a period of thirty (30) days after receipt of written notice thereof from the City (or such shorter period of notice as the City may reasonably deem necessary in case of an emergency), the City may, at its option, use the proceeds of the surety bond or cash escrow or letter of credit to cure such noncompliance and complete the development or such part as may not have been completed, all in accordance with the Plans and Specifications as described herein.

**ARTICLE XI
Completion Date**

- 11.1 Final approval and acceptance of Rapp Farm -- Phase VI shall be in the form of a resolution duly passed by the Council based upon the recommendation of the City Administrator.
- 11.2 The Developer shall provide to the City a written schedule indicating the order of completion of the work covered by this Agreement. Included within such schedule there shall be schedules for the completion of grading of on-site roads, utilities and landscaping, berming, drainage, ponding and trails. All work shall be completed within three (3) years after filing of the Registered Land Survey.
- 11.3 The Council may, but is not obligated to, extend the date for completion of the work. As provided herein, based upon written notice from the Developer that due to circumstances reasonably beyond the Developer's control, completion of the work will be delayed.

**ARTICLE XII
Developer's Warranties**

- 12.1 For a period of one (1) year after completion of the work, the Developer warrants that all of the work was performed in a workmanlike manner and will be free of defects and in strict conformance with the final Plans and Specifications. The foregoing one (1) year warranty period shall not reduce the Developer's further responsibilities with respect to sewer maintenance and repair.
- 12.2 The City, the Council and its agents or employees shall not be personally liable or responsible in any manner to the Developer, the Developer's contractors or subcontractors, materialmen, laborers, or to any other person or persons or entities whatsoever, for any claim, claim demand, damages, actions, or causes of action of any kind arising out of or by reason of the performance of work pursuant to this Agreement, or the performance and completion of the work and the improvements provided herein, except for the grossly negligent acts or omissions of the City or its agents. The Developer will save, indemnify,

and hold the City harmless from all such claims, claim demands, damages, actions, or causes of action or the costs, disbursements, and expenses of defending the same, specifically including, without intending to limit the categories of said costs, the costs and expenses for City administrative time and labor, costs of consulting engineering services, and costs of legal services rendered in connection with defending such claims that may be brought against the City.

ARTICLE XIII Assignment

- 13.1** The terms and conditions of this Agreement are binding upon the heirs, successors and assigns of the parties hereto and shall run with the land. The Developer may not assign this Agreement, or its obligations hereunder in whole or in part without the written consent of the City, which consent is in the sole discretion of the City to grant or not to grant.

ARTICLE XIV Payments By Developer

- 14.1** The Developer shall pay to the City all amounts actually expended by the City to cover any costs and expenses incurred by the City in the administration of this Agreement, including attorneys' fees for the preparation hereof. The Developer has the right to request an estimate of the costs to be incurred by the City for various consultants used by the City in the performance of this Agreement. The Developer shall request such estimates in writing directly from the consultants. The City is not bound by the estimates.
- 14.2** The City shall bill the Developer for such costs, supported by detailed invoices from any consultants, and the Developer agrees to pay such costs within thirty (30) days after receipt of each bill by the City.

ARTICLE XV Miscellaneous

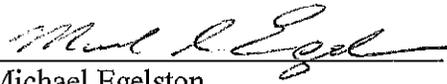
- 15.1** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.
- 15.2** This Agreement is in recordable form, and the Developer agrees that upon execution of this Agreement, Developer if required by the City will register this Agreement with the Registrar of Titles of Ramsey County and provide evidence of such registration to the City.
- 15.3** The City's approval of building permits for the Property is conditioned upon the execution and delivery of this Agreement, together with the required security for improvements as set forth in Article X.

WHEREFORE, the parties hereunto have signed this Agreement effective the day and year first above written.

NORTH OAKS COMPANY, LLC

CITY OF NORTH OAKS

By 
Mark A. Houge
Its President

By 
Michael Egelston
Its Mayor

And

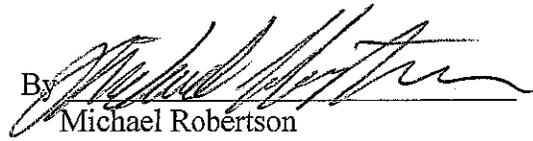
By 
Michael Robertson
Its City Administrator

EXHIBIT "A"

PLANS AND SPECIFICATIONS

RAPP FARM – PHASE V

PRELIMINARY PLANS

1. Kurth Surveying, Inc. Existing Conditions, Sheet 1 of 8, dated April 30, 2012
2. Kurth Surveying, Inc. Preliminary Plan, Sheet 2 of 8, dated April 30, 2012
3. Kurth Surveying, Inc. Preliminary Easement Plan, Sheet 3 of 8, dated April 30, 2012
4. Sathre-Bergquist, Inc. Preliminary Grading Plan, Sheet 4 of 8, dated April 30, 2012
5. Sathre-Bergquist, Inc. Preliminary Utility Plan, Sheet 5 of 8, dated April 30, 2012
6. Sathre-Bergquist, Inc. Preliminary Erosion Control and Detail Plan, Sheet 6 of 8, dated April 30, 2012
7. Paul Miller Design, Inc. Preliminary Landscape Plan, Sheet 7 of 8, dated April 30, 2012
8. Paul Miller Design, Inc. Preliminary Landscape Detail, Sheet 8 of 8, dated April 30, 2012

FINAL PLANS

1. Kurth Surveying, Inc. Final Overall Tracts, dated September 10, 2014 (rev. 12/4/14)
2. Kurth Surveying, Inc. Final Plan, dated September 10, 2014 (rev. 12/4/14)
3. Kurth Engineering, Inc. Final Easement Plan, dated September 10, 2014 (rev. 12/4/14)
4. Sathre-Bergquist, Inc. Final Grading Plan, dated September 10, 2014
5. Sathre-Bergquist, Inc. Final Utility Plan, dated September 10, 2014
6. Sathre-Bergquist, Inc. Final Erosion Control Plan, dated September 10, 2014
7. Paul Miller Design, Inc. Final Landscape Plan, dated September 10, 2014

EXHIBIT "B"

**Legal Description
Ramsey County, Minnesota**

Residential Lots:

Tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z", "AA", "BB", "CC", "DD", "EE", "FF", "GG", "HH", "II", "JJ", "KK", "LL", and "MM", Registered Land Survey No. 627, files of the Registrar of Titles, Ramsey County, Minnesota.

Open Space:

Tracts "NN", "OO", "PP", "QQ" and "RR", Registered Land Survey No. 627, files of the Registrar of Titles, Ramsey County, Minnesota.

DEVELOPMENT AGREEMENT

CITY OF NORTH OAKS SUBDIVISION 2008-01 RED FOREST WAY—PHASE II-B

THIS AGREEMENT is made this 8th day of February, 2018, between the CITY OF NORTH OAKS, MINNESOTA, a municipal corporation (the "City"), acting by and through its Mayor and City Administrator and NORTH OAKS COMPANY, LLC, a Minnesota limited liability company (the "Developer").

WHEREAS, the Developer has proposed the development of approximately 39.62 acres of real property located within the City, which development shall contain streets, street improvements, trails, easements, and other miscellaneous work; and,

WHEREAS, the Developer is requesting that the City accept this development by approving a final plan for a Registered Land Survey consisting of 39.62 acres zoned RSL-PUD (the "Subdivision" or "Development"); and,

WHEREAS, the City has approved the preliminary plan of the Subdivision pursuant to Ordinance No. 93 (City of North Oaks codified ordinances § 152 *et. seq.*), and the Master Development Plan and Planned Unit Development Agreement for East Oaks Project, dated February 11, 1999 (as the same has been amended from time to time, the "Planned Development Agreement"), conditioned upon the Developer agreeing to comply with applicable ordinances of the City and other terms and conditions as may be required by the City which are consistent with the Planned Development Agreement, including the terms and conditions of this Agreement; and,

WHEREAS, the Developer intends to proceed to final development and sale of lots in the Subdivision pursuant to a Registered Land Survey in lieu of final plat, but shall comply with all requirements for final plat provided in Ordinance No. 93 (City of North Oaks codified ordinances § 152 *et. seq.*).

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

ARTICLE I Definitions

The following terms shall have the meaning as set forth herein:

- 1.1 "Agreement" or "Contract" shall mean this Development Agreement including the foregoing recitals which are agreed to be a part hereof.
- 1.2 "City Engineer" shall mean that individual or individuals identified by the City as the City Engineer. Currently, Sambatek, Inc. is the City Engineering Firm of record.

- 1.3 **"Developer"** shall mean North Oaks Company, LLC, its successors and/or assigns.
- 1.4 **"Development"** or **"Subdivision"** shall mean Subdivision 2008-01, Red Forest Way, Phase II-B.
- 1.5 **"Final Development Plan"** shall mean the final revision(s) to the Preliminary Plan prepared by Kurth Surveying, Inc. dated September 25, 2008 and revised by Sathre-Bergquist, Inc. – Red Forest Way 2B, Sheets 1-10 dated October 26, 2016, final revision date June 2, 2017; as approved by the North Oaks City Council (the **"Council"**) on March 9, 2017, in accordance with its ordinances and the Planned Development Agreement, and shall include any and all exhibits, drawings, schedules, legal descriptions and other material and documents that are part of the Final Development Plan, as approved by the City.
- 1.6 **"Plans and Specifications"** means the plans, profiles, cross-sections, drawings, exhibits, schedules and legal descriptions, documents and other requirements, individually and collectively, listed on Exhibit "A", attached hereto and incorporated herein by reference.
- 1.7 **"Preliminary Plan"** shall mean the preliminary plan of the Subdivision prepared by Kurth Surveying, Inc. dated February 22, 2008, last revised March 19, 2008, as approved by the Council on May 8, 2008, in accordance with its ordinances, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the preliminary plan, as approved by the City.
- 1.8 **"Subdivision"** or **"Subdivision 2008-01"** shall mean the approximately 39.62 acres of real property located within the City and legally described on Exhibit "B" attached hereto and incorporated herein by reference, to be developed in the manner described on Exhibit "A" by means of a Registered Land Survey (the **"Registered Land Survey"**).

ARTICLE II

Developer's Responsibilities and City Approval

- 2.1 The City finds that the Subdivision is a staged and planned development as described more fully in the Planned Development Agreement.
- 2.2 The Developer and the City agree that any dedication and/or set aside requirements are described in the Planned Development Agreement.

ARTICLE III

Developer's Responsibilities - Overall

- 3.1 All documents included in the Plans and Specifications set forth in Exhibit "A" shall be prepared by Registered Professionals acceptable to the City. All of those items on attached Exhibit "A" shall have been finally reviewed and approved in writing in advance of construction and implementation by appropriate City Staff and each of said items shall be implemented by the Developer in a timely manner. Once such items have been finally

approved by appropriate City Staff, there shall be no deviations from such items without the written approval of such City Staff. All such items as finally approved by such City Staff shall be part of the documents and materials referred to in the Preliminary Plan. The Developer agrees to comply with such additional recommendations which the City Staff may reasonably make for completion of the Subdivision.

- 3.2 All necessary reviews and approvals shall be obtained from all appropriate regulatory agencies.
- 3.3 The Developer shall furnish the City with a list of contractors and professionals with whom the Developer has signed a contract for work on Subdivision 2008-01. The information to be provided shall include the names, addresses, telephone numbers, and principal contact(s) for each contractor and professional employed by the Developer.
- 3.4 The Developer agrees to perform all staking and surveying necessary to allow the City to ensure that the completed improvements described in Section 9.2 conform to the approved Plans and Specifications. The City may inspect, from time to time, the Subdivision and improvements made thereto.
- 3.5 In the event the Developer has failed to comply with the Plans and Specifications, or has supplied material which, in the professional judgment of appropriate City Staff, is defective or unsuitable by reason of not being in compliance with applicable codes or law, then such material and work shall be redone by the Developer at the sole cost and expense of the Developer.
- 3.6 The Developer shall supply to the City Engineer the dates, names, addresses and telephone numbers of the parties, description of the work, and the terms of all construction contracts for roads and utilities which the Developer enters into with respect to Subdivision 2008-01 prior to approval of the final Plans and Specifications.
- 3.7 The Developer shall place iron monuments at all lot block corners and in all other angle points on boundary lines within the Subdivision. Iron monuments shall be placed during the course of surveying for the final Registered Land Survey.
- 3.8 Each deed conveying title to a residential lot which is part of this Subdivision shall be subject to the Declaration of Covenants, Conditions, and Restrictions described at Section 8.1 below.
- 3.9 The Developer shall provide to each purchaser of a residential lot with the Subdivision, written information regarding City and North Oaks Home Owners' Association ("NOHOA") requirements, individual sewage treatment system requirements (if the lot will use such a system), information regarding the Floor Area Ratio requirements of the City ordinances and the maximum size dwelling that can be built for the lot and such other information that the City deems appropriate. The City will supply the Developer with any additional information it requires to be conveyed to each purchaser. The Developer will be responsible for reproducing the information in sufficient quantities to be distributed.

- 3.10** The Developer shall record the Registered Land Survey with Ramsey County within sixty (60) days from final Subdivision approval by the City, unless a time extension has been granted by the City Clerk. Failure to record the Registered Land Survey within the sixty (60) day period shall render the final approval thereof by the City null and void until a new application has been processed and approved by the City.
- 3.11** The Developer shall take such additional action as the City may reasonably require to accomplish all dedications including conveyance of the land to be dedicated outright or by deed of easement (which form of conveyance shall be determined by the City) and shall otherwise convey all easements necessary to complete the Development in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE IV
Developer's Responsibilities - Streets

- 4.1** The Developer shall construct all streets and provide all initial street signage in accordance with the final Plans and Specifications set forth in Exhibit "A".
- 4.2** The Developer shall be responsible for all street maintenance, cleaning, and snow plowing until such time as the construction of the streets has been finally completed, and the Developer's Engineer has supplied the City Engineer with a written statement that the streets have been installed in accordance with the final Plans and Specifications set forth in Exhibit "A" and the Developer has received written acknowledgment of the acceptance of such statement by the City Clerk. Upon completion of the streets by the Developer, the Developer shall be relieved of responsibility for maintenance and repair of such streets but only upon transfer of such responsibility to NOHOA and forwarding of written evidence of such transfer and acceptance of such responsibility by NOHOA to the City Clerk.
- 4.3** Notwithstanding Section 4.2 above, the Developer shall remain liable for any defects in the streets that occur or become known within the greater of the time period set forth in the Planned Development Agreement or one (1) year after the transfer and acceptance referred to in Section 4.2.
- 4.4** All easements required to construct, maintain, and operate the streets and utilities together with all trails required by Article V of this Agreement shall be in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE V
Developer's Responsibility - Utilities

- 5.1 The Developer shall provide the owners of property within the Subdivision access to storm water facilities, electricity, gas and telephone, in accordance with the final Plans and Specifications. All such utilities shall be installed underground.
- 5.2 Where applicable, such utilities shall be installed in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE VI
Developer's Responsibility - Erosion Control

- 6.1 All site grading, including grading of building sites, common drainageways, open space areas, ponds, surface drainageways, and all streets shall be constructed in accordance with the final Plans and Specifications set forth in Exhibit "A", and shall be in compliance with Ordinance No. 75 (City of North Oaks codified ordinances § 154 *et. seq.*). The Developer shall provide for permanent drainage easements to maintain the drainage requirements in the final Plans and Specifications set forth in Exhibit "A".
- 6.2 Until such time as Developer has transferred street maintenance and repair obligations to NOHOA pursuant to Section 4.2, the Developer shall be responsible for maintaining the erosion and sediment control plan and shall provide for the cleaning of drainageways, ditches, ponds, etc., which cleaning is necessitated by erosion that may have occurred as a result of the development of Subdivision 2008-01. If the Developer is notified in writing by the City of the necessity of cleaning any drainageway, ditch, or pond, the Developer has five (5) working days from receipt of such notice to perform the required cleaning.

ARTICLE VII
Developer's Responsibility - Sanitary Sewer

- 7.1 Each lot shall be designed to provide suitable sites for on-site sewage treatment systems that will be in conformance with City Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), as may be amended from time to time.
- 7.2 The Developer agrees that the City may have an independent soil engineer (PE) examine the soils and conditions of any lot in the Development in order to determine that the lot is adequate to contain an on-site septic system. The Minnesota Pollution Control Agency standards ("PCA Standards") for on-site septic systems, or the standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more restrictive, will be standards to be applied for the on-site septic systems for this Development. The above-described examination shall occur when a lot owner provides a preliminary septic system evaluation that is not acceptable to the City's Sanitary Inspector. The City Sanitary Inspector shall base his/her opinion on the PCA standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more

restrictive. The costs for these inspections will be paid by the Developer. The Developer agrees that any lot within this Development that does not meet the PCA standards, or the standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more restrictive, will not be sold, or if sold, will be repurchased by the Developer at a cost not less than was received by the Developer for the lot provided the failure of the lot to meet the PCA standards or the standards contained in Ordinance No. 96(City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more restrictive, was not caused by the act or omission of any third party over which the Developer had no control.

**ARTICLE VIII
North Oaks Home Owners' Association**

8.1 The Developer is required to file with the City a Declaration of Covenants, Conditions, and Restrictions which has been approved by the City. This Development shall be incorporated into the boundaries of NOHOA.

**ARTICLE IX
Developer's Surety Bonds**

9.1 In order to assure full compliance with all of the responsibilities of the Developer pursuant to this Agreement, the Developer shall file with the City within ten (10) days after approval of the final Subdivision, the Developer shall supply the City a cash escrow or a letter of credit. If the Developer chooses to use a letter of credit, the letter of credit shall be an irrevocable letter of credit issued by a major bank in the Twin Cities area and shall be in such form as is acceptable to the City. With the approval of the City, other forms of surety may be provided in lieu of the above-stated requirements.

9.2 The amount of the surety bond shall be one hundred twenty-five percent (125%) of the following estimated remaining costs:

<i>Description</i>	<i>Total Budget</i>	<i>Percentage Complete</i>	<i>Remaining Cost</i>
Site Grading	120,000.00	100%	0.00
Erosion Control	30,000.00	67%	10,000.00
Storm Sewer	103,000.00	97%	3,000.00
Streets	245,000.00	98%	5,000.00
Engineering & Surveys	80,000.00	94	5,000.00
TOTALS	578,000.00		23,000.00

One hundred twenty-five percent (125%) of the foregoing estimated remaining costs totals \$28,750.00.

- 9.3** As various improvements are completed, approved and accepted by the City Engineer, the amount of the surety bond, letter of credit or equivalent may be reduced accordingly (but not below 125% of the remaining unfinished improvements, together with any costs that have not been paid, pursuant to Article XIII). Any such reductions must have the prior written approval of the City Engineer.
- 9.4** In the event the Developer fails to comply with any of the covenants and agreements contained in this Agreement and so remains not in compliance for a period of thirty (30) days after receipt of written notice thereof from the City (or such shorter period of notice as the City may reasonably deem necessary in case of an emergency), the City may, at its option, use the proceeds of the surety bond or cash escrow or letter of credit to cure such non-compliance and complete the development or such part as may not have been completed, all in accordance with the Plans and Specifications as described herein.

ARTICLE X Completion Date

- 10.1** Final approval and acceptance of Subdivision 2008-01 shall be in the form of a letter from the City Administrator.
- 10.2** The Developer shall provide to the City a written schedule indicating the order of completion of the work covered by this Agreement. Included within such schedule there shall be schedules for the completion of grading of on-site roads, utilities and landscaping, berming, drainage, ponding and trails. All work shall be completed within three (3) years after filing of the Registered Land Survey.
- 10.3** The Council may, but is not obligated to, extend the date for completion of the work, as provided herein, based upon written notice from the Developer that due to circumstances reasonably beyond the Developer's control, completion of the work will be delayed.

ARTICLE XI Developer's Warranties

- 11.1** For a period of one (1) year after completion of the work, the Developer warrants that all of the work was performed in a workmanlike manner and will be free of defects and in strict conformance with the final Plans and Specifications. The foregoing one (1) year warranty period shall not reduce the Developer's further responsibilities with respect to sewer maintenance and repair.
- 11.2** The City, the Council and its agents or employees shall not be personally liable or responsible in any manner to the Developer, the Developer's contractors or subcontractors, materialmen, laborers, or to any other person or persons or entities whatsoever, for any claim,

claim demand, damages, actions, or causes of action of any kind arising out of or by reason of the performance of work pursuant to this Agreement, or the performance and completion of the work and the improvements provided herein, except for the grossly negligent acts or omissions of the City or its agents. The Developer will save, indemnify, and hold the City harmless from all such claims, claim demands, damages, actions, or causes of action or the costs, disbursements, and expenses of defending the same, specifically including, without intending to limit the categories of said costs, the costs and expenses for City administrative time and labor, costs of consulting engineering services, and costs of legal services rendered in connection with defending such claims that may be brought against the City.

ARTICLE XII
Assignment

- 12.1 The terms and conditions of this Agreement are binding upon the heirs, successors and assigns of the parties hereto and shall run with the land. The Developer may not assign this Agreement, or its obligations hereunder in whole or in part without the written consent of the City, which consent is in the sole discretion of the City to grant or not to grant.

ARTICLE XIII
Payments By Developer

- 13.1 The Developer shall pay to the City all amounts actually expended by the City to cover any costs and expenses incurred by the City in the administration of this Agreement, including attorneys' fees for the preparation hereof. The Developer has the right to request an estimate of the costs to be incurred by the City for various consultants used by the City in the performance of this Agreement. The Developer shall request such estimates in writing directly from the consultants. The City is not bound by such estimates.
- 13.2 The City shall bill the Developer for such costs, supported by detailed invoices from any consultants, and the Developer agrees to pay such costs within thirty (30) days after receipt of each bill by the City.

ARTICLE XIV
Miscellaneous

- 14.1 This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.
- 14.2 This Agreement is in recordable form, and the Developer agrees that if required by the City, the Developer will register this Agreement with the Registrar of Titles of Ramsey County, Minnesota and provide evidence of such registration to the City.
- 14.3 The City's approval of the final Registered Land Survey for filing is conditioned upon the execution and delivery of this Developer's Agreement, together with the required security for improvements as set forth in Article IX.

14.4 If there is any conflict between this Agreement and the Planned Development Agreement, then the Planned Development Agreement shall control.

WHEREFORE, the parties hereunto have signed this Agreement effective the day and year first above written.

NORTH OAKS COMPANY, LLC

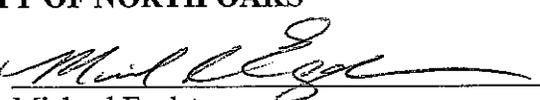
By:



Mark A. Houge
Its President

CITY OF NORTH OAKS

By:

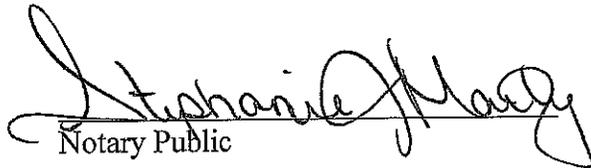


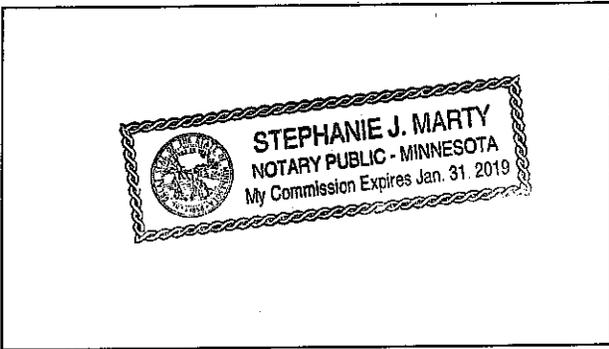
Michael Egelston
Its Mayor

This Instrument Drafted By:
North Oaks Company, LLC
Suite 200
5959 Centerville Road
North Oaks, MN 55127
(651)484-3361

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 9th day of February, 2018, by Michael Egelston, the Mayor of the City of North Oaks, a municipal corporation, for and on behalf of the municipal corporation.


Notary Public



STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of February, 2018, by Michael Robertson, the City Administrator of the City of North Oaks, a municipal corporation, for and on behalf of the municipal corporation.

Notary Public

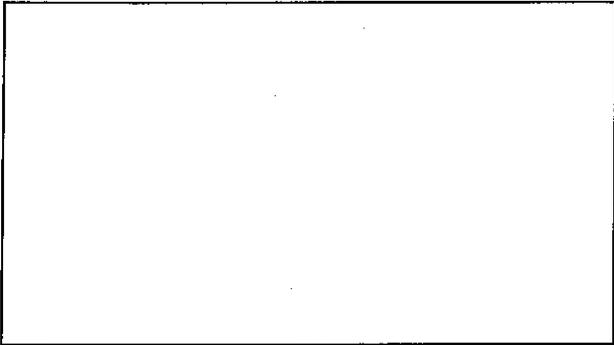


EXHIBIT "A"

PLANS AND SPECIFICATIONS

Item:

1. Construction Plans and Specifications prepared by Sathre-Bergquist, Inc. – Red Forest Way 2B, Sheets 1-10 dated October 26, 2016, final revision date June 2, 2017.

EXHIBIT "B"

The real estate being located in the County of Ramsey, State of Minnesota, and legally described as follows:

Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O Registered Land Survey No. 629 files of the Registrar of Titles, Ramsey County, Minnesota.

DEVELOPMENT CONTRACT

CITY OF NORTH OAKS

SUBDIVISION 01-2006 THE VILLAS OF WILKINSON LAKE – PHASE III

THIS AGREEMENT is made this ___ day of June, 2014, between the CITY OF NORTH OAKS, MINNESOTA, a municipal corporation (the "**City**"), acting by and through its Mayor and City Administrator, and NORTH OAKS COMPANY, LLC, a Minnesota limited liability company (the "**Developer**").

WHEREAS, the Developer has proposed the development of approximately 12.41 acres of real property located within the City, which development shall contain streets, street improvements, trails, easements, and other miscellaneous work; and

WHEREAS, the Developer is requesting that the City accept this development by approving a final plan for Registered Land Survey consisting of 14 residential home lots (the "**Subdivision**" or "**Development**"); and

WHEREAS, the City has approved the preliminary plan of the Subdivision pursuant to Ordinance No. 152 (previously Ordinance No. 93) and the Master Development Plan and Planned Unit Development Agreement for East Oaks Project dated February 11, 1999 (the "**Planned Development Agreement**"), conditioned upon the Developer agreeing to comply with applicable ordinances of the City and other terms and conditions as may be required by the City which are consistent with the Planned Development Agreement, including the terms and conditions of this Agreement; and

WHEREAS, the Developer intends to proceed to final development and sale of lots in the Subdivision pursuant to Registered Land Survey in lieu of final plat, but shall comply with all requirements for final plat provided in Ordinance No. 152.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

ARTICLE I Definitions

The following terms shall have the meaning as set forth herein:

- 1.1 "**Agreement**" or "**Contract**" shall mean this Development Contract including the foregoing recitals which are agreed to be a part hereof.
- 1.2 "**City Engineer**" shall mean that individual or individuals identified by the City as the City Engineer. Currently, Sambatek, Inc., is the City Engineer.
- 1.3 "**Developer**" shall mean North Oaks Company, LLC, its successors and/or assigns.

- 1.4 "Development" or "Subdivision" shall mean Subdivision 01-2006 of the Villas of Wilkinson Lake – Phase III, comprised of approximately 12.41 acres of real property located within the City and legally described as Tracts A thru P of Registered Land Survey 603 as filed with the Registrar of Titles, County of Ramsey, State of Minnesota.
- 1.5 "Final Development Plan" shall mean the final revision(s) to the Plan prepared by Kurth Surveying, Inc., dated September 27, 2007 as approved by the North Oaks City Council (the "Council") on October 11, 2007, in accordance with its ordinances and the Planned Development Agreement, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the Final Development Plan, as approved by the City.
- 1.6 "Plans and Specifications" means the plans, profiles, cross-sections, drawings, exhibits, schedules and legal descriptions, documents and other requirements, individually and collectively, listed on Exhibit "A", attached hereto and incorporated herein by reference.
- 1.7 "Preliminary Plan" shall mean the preliminary plan of the Subdivision prepared by Kurth Surveying, Inc., dated September 19, 2006, as approved by the Council on December 14, 2006 as Subdivision 01-2006, in accordance with its ordinances, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the preliminary plan, as approved by the City.
- 1.8 "Subdivision 01-2006" or "Villas of Wilkinson Lake – Phase III" shall mean the approximately 12.41 acres of real property located within the City and as described in Exhibit "B", attached hereto and incorporated herein by reference, to be developed in the manner described on Exhibit "A" by means of Registered Land Survey (the "Registered Land Survey").

ARTICLE II

Developer's Responsibilities and City Approval

- 2.1 The City finds that the Subdivision is a staged and planned development as described more fully in the Planned Development Agreement.
- 2.2 The Developer and the City agree that any dedication and/or set aside requirements are described in the Planned Development Agreement.

ARTICLE III

Developer's Responsibilities - Overall

- 3.1 All documents included in the Plans and Specifications set forth in Exhibit "A" shall be prepared by Registered Professionals acceptable to the City. All of those items on attached Exhibit "A" shall have been finally reviewed and approved in writing in advance of construction and implementation by appropriate City Staff and each of said items shall be implemented by the Developer in a timely manner. Once such items have been finally approved by appropriate City Staff, there shall be no deviations from such items without the written approval of such City Staff. All such items as finally approved by such City Staff shall be part of the documents and materials referred to in the Preliminary Plan. The

Developer agrees to comply with such additional recommendations which the City Staff may reasonably make for completion of the Subdivision.

- 3.2 All necessary reviews and approvals shall be obtained from all appropriate regulatory agencies.
- 3.3 The Developer shall furnish the City with a list of contractors and professionals with whom the Developer has signed a contract for work on Villas of Wilkinson Lake – Phase III. The information to be provided shall include the names, addresses, telephone numbers, and principal contact(s) for each contractor and professional employed by the Developer.
- 3.4 The Developer agrees to perform all staking and surveying necessary to allow the City to ensure that the completed improvements described in Section 10.2 conform to the approved Plans and Specifications. The City may inspect, from time to time, the Subdivision and improvements made thereto.
- 3.5 In the event the Developer has failed to comply with the Plans and Specifications, or has supplied material which, in the professional judgment of appropriate City Staff, is defective or unsuitable by reason of not being in compliance with applicable codes or law, then such material and work shall be redone by the Developer at the sole cost and expense of the Developer.
- 3.6 The Developer has supplied to the City Engineer the dates, names, addresses and telephone numbers of the parties, description of the work, and the terms of all construction contracts for roads and utilities which the Developer entered into with respect to Villas of Wilkinson Lake – Phase III prior to approval of the final Plans and Specifications.
- 3.7 The Developer shall place iron monuments at all lot block corners and in all other angle points on boundary lines within the Subdivision. Iron monuments shall be placed during the course of surveying for the final Registered Land Survey.
- 3.8 Each deed conveying title to a residential lot which is part of this Subdivision shall be subject to the Declaration of Covenants, Conditions and Restrictions described at Section 9.1 below.
- 3.9 The Developer shall provide to each purchaser of a residential lot within the Subdivision, written information regarding City and North Oaks Home Owner's Association ("NOHOA") requirements, on-site sewage treatment system requirements (if the lot will use such a system), information regarding the Floor Area Ratio requirements of the City ordinances and the maximum size dwelling that can be built for the lot and such other information that the City deems appropriate. The City will supply the Developer with any information it requires to be conveyed to each purchaser. The Developer will be responsible for reproducing the information in sufficient quantities to be distributed.
- 3.10 The Developer has recorded the Registered Land Survey with Ramsey County for the Subdivision as required by the terms of final Subdivision approval by the City.

- 3.11 The Developer shall take such additional action as the City may reasonably require to accomplish all dedications including conveyance of the land to be dedicated outright or by deed of easement (which form of conveyance shall be determined by the City) and shall otherwise convey all easements necessary to complete the Development in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE IV

Developer's Responsibilities - Streets

- 4.1 The Developer shall construct all streets and provide all initial street signage in accordance with the final Plans and Specifications set forth in Exhibit "A".
- 4.2 The Developer shall be responsible for all street maintenance, cleaning, and snow plowing until such time as the construction of the streets has been finally completed, and the Developer's Engineer has supplied the City Engineer with a written statement that the streets have been installed in accordance with the final Plans and Specifications set forth in Exhibit "A" and the Developer has received written acknowledgment of the acceptance of such statement by the City Administrator. Upon completion of the streets by the Developer, the Developer shall be relieved of responsibility for maintenance and repair of such streets but only upon transfer of such responsibility to NOHOA and forwarding of written evidence of such transfer and acceptance of such responsibility by NOHOA, which acceptance shall not be unreasonably withheld, to the City Administrator. NOHOA shall have a period of thirty (30) days from receipt of such written request to notify the City Administrator of its acceptance or rejection of the proposed transfer.
- 4.3 Notwithstanding Section 4.2 above, the Developer shall remain liable for any defects in the streets that occur or become known within one (1) year after the transfer and acceptance referred to in Section 4.2.
- 4.4 All easements required to construct, maintain, and operate the streets and utilities together with all trails required by Article V of this Agreement shall be in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE V

Developer's Responsibility - Trails

- 5.1 The Developer shall clear and grade (if necessary, as determined by the City) the trails in accordance with the final Plans and Specification set forth in Exhibit "A".
- 5.2 The Developer shall convey to NOHOA by permanent easement said trails.

ARTICLE VI

Developer's Responsibility - Utilities

- 6.1 The Developer shall provide the owners of property within the Subdivision access to water, sanitary sewer, electricity, gas and telephone, in accordance with the final Plans and Specifications. All such utilities shall be installed underground.

- 6.2 Such utilities shall be installed in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE VII

Developer's Responsibility - Erosion Control

- 7.1 All site grading, including grading of building sites, common drainageways, open space areas, ponds, surface drainageways, and all streets shall be constructed in accordance with the final Plans and Specifications set forth in Exhibit "A", and shall be in compliance with Ordinance No. 154. The Developer shall provide for permanent drainage easements to maintain the drainage requirements in the final Plans and Specifications set forth in Exhibit "A".
- 7.2 Until such time as Developer has transferred street maintenance and repair obligations to NOHOA pursuant to Section 4.2, the Developer shall be responsible for maintaining the erosion and sediment control plan and shall provide for the cleaning of drainageways, ditches, ponds, etc., which cleaning is necessitated by erosion that may have occurred as a result of the development of Subdivision. If the Developer is notified in writing by the City of the necessity of cleaning any drainageway, ditch, or pond, the Developer has five (5) working days from receipt of such notice to perform the required cleaning.

ARTICLE VIII

Developer's Responsibility - Sanitary Sewage/Water

- 8.1 The Developer shall construct and install a sanitary sewer and water distribution system for all of the developable lots located within Villas of Wilkinson Lake – Phase III. Such sanitary sewer facility shall be constructed in accordance with the final Plans and Specifications and in accordance with such additional requirements as may be set by the City Engineer.
- 8.2 The Developer shall be solely responsible for maintaining the water distribution system and sanitary sewer facility until such time, if ever, that all right, title and interest in and to such utilities is transferred and shall be obligated to maintain a reserve fund in such amount as the City deems reasonably necessary to provide for future maintenance and repair costs to such utilities. The Developer may enter into a written agreement with another entity to provide maintenance for the utilities, provided, however, that such written maintenance agreement is approved by the City. As an alternative to the Developer entering into a maintenance agreement with a separate entity, the City, at the request of the Developer, may enter into a joint powers agreement with another governmental entity to provide for maintenance of the utilities. Such joint powers agreement must be in accordance with terms agreeable to the City. The Developer shall pay all fees charged under such joint powers agreement within thirty (30) days of being billed therefor. With respect to user fees that may be imposed by the Metropolitan Council Environmental Services or other entities, the City shall pay such fees and, during the time that the Developer shall own the utilities, shall bill the Developer for such fees, which bill the Developer shall pay within thirty (30) days of the date of the invoice. The Developer shall charge the users of the utilities such charges as will cover the

Developer's costs of administration, operation and maintenance of the utilities, including without limitation, charges of the Metropolitan Council Environmental Services, the City, other applicable municipalities, and any costs, fees, or taxes imposed by any other governmental body or agency. The Developer shall include in the Declaration for this Subdivision a provision requiring that each lot owner exclusively utilize the sanitary sewer service provided by the Developer, its successors or assigns, and that, regardless of whether or not the lot owner actually uses such sewer service or the water distribution system installed by the Developer, the lot owner must pay to the Developer, its successors and assigns, any and all costs and fees charged by the Developer, its successors or assigns, for such sanitary sewer and water distribution service or the availability thereof, including without limitation, charges imposed by any governmental body or agency in connection with such services, the owner's share of all costs of administration, operation and maintenance of equipment, piping, or other property used to provide or make available such sanitary sewer and water distribution services, such amounts required to fund the reserve account referred to above, and the costs and fees including attorneys' fees, incurred by the Developer, its successors and assigns, in collection of said costs and fees from the lot owner, his/her/its heirs, successors and assigns. The Developer may include in the Declaration such other provisions which the Developer believes to be appropriate for the proper administration of the sanitary sewer facility and water distribution system and that are not inconsistent with the foregoing. The Developer annually shall make available for inspection by owners of the lots within the Subdivision a list of all expenses incurred by the Developer in connection with the utilities and charged to said owners consistent herewith.

- 8.3** Upon completion of the construction and installation of the utilities, the Developer shall provide the City with a full set of as-built mylar reproducible plans and specifications of the utilities. These plans and specifications shall include the locations and ties to all sanitary sewer and manholes and locations of valves, hydrants and other appurtenances. During such period of time as the Developer continues to own or maintain the utilities, it shall provide to the City copies of the plans and specifications, including mylar reproducible plans and drawings of any changes, additions, deletions, or modifications to the respective utilities.
- 8.4** The Developer shall remain liable for any defects in the construction and/or maintenance of said utilities that occurred, developed, or are allowed to exist during the period of time that said utilities are owned and/or maintained by the Developer.
- 8.5** Should the City desire to acquire all right, title and interest in and to the utilities, the City shall notify the Developer (or any subsequent transferee of the utilities approved by the City) in writing of such intention, and within ninety (90) days after such notification, the Developer (or such subsequent transferee approved by the City), in consideration of the payment of One Dollar (\$1.00) by the City shall transfer all right, title and interest in and to the utilities to the City.
- 8.6** At the time of transfer of the utilities to the City, if ever, such utilities shall be in good repair and in compliance with all governmental requirements and any reserve fund contributed by users shall also be transferred to the City. To the extent that the utility is

not in good repair or in compliance with such governmental requirements, the Developer (or a transferee approved by the City) shall be obligated to bring the utilities into good repair at the time of transfer.

8.7 All easements necessary to construct, operate and maintain the utilities shall be on a separate plan to be filed with the City.

**ARTICLE IX
North Oaks Home Owners' Association**

9.1 The Developer is required to file with the City a Declaration of Covenants, Conditions and Restrictions which has been approved by the City. This Development shall be incorporated into the boundaries of NOHOA.

**ARTICLE X
Developer's Surety Bonds**

10.1 In order to assure full compliance with all of the responsibilities of the Developer pursuant to this Agreement, the Developer shall file with the City within ten (10) days after the date hereof, a surety bond underwritten by an insurance company licensed to do business in the State of Minnesota with a Best rating of A + 15 in an amount as provided herein. In lieu of providing a surety bond, the Developer may supply the City a cash escrow or a letter of credit. If the Developer chooses to use a letter of credit, the letter of credit shall be an irrevocable letter of credit issued by a major bank in the Twin Cities area and shall be in such form as is acceptable to the City. With the approval of the City, other forms of surety may be provided in lieu of the above-stated requirements.

10.2 The amount of the surety bond shall be one hundred twenty-five percent (125%) of the following estimated costs:

ITEM	ORIGINAL BUDGET	WORK COMPLETED AS OF 6/23/14		REMAINING WORK
Site Grading	\$220,000	\$220,000	100%	\$ 0
Erosion Control	\$30,000	\$30,000	100%	\$ 0
Sewer, Water and Storm	\$325,000	\$227,500	70%	\$ 97,500
Street and Trails	\$142,500	\$142,500	80%	\$ 28,500
Engineering and Surveys	\$85,000	\$76,500	90%	\$ 8,500
Landscaping and Irrigation	\$60,000	\$ 0	0%	\$ 60,000
TOTAL REMAINING WORK				\$194,500

125% SECURITY REQUIREMENT **\$243,125**

10.3 As various improvements are completed, approved and accepted by the City Engineer, the amount of the surety bond, letter of credit or equivalent may be reduced accordingly (but not below 125% of the remaining unfinished improvements, together with any costs

that have not been paid, pursuant to Article XIV). Any such reductions must have the prior written approval of the City Engineer.

- 10.4** In the event the Developer fails to comply with any of the covenants and agreements contained in this Agreement and so remains not in compliance for a period of thirty (30) days after receipt of written notice thereof from the City (or such shorter period of notice as the City may reasonably deem necessary in case of an emergency), the City may, at its option, use the proceeds of the surety bond or cash escrow or letter of credit to cure such noncompliance and complete the development or such part as may not have been completed, all in accordance with the Plans and Specifications as described herein.

ARTICLE XI Completion Date

- 11.1** Final approval and acceptance of Villas of Wilkinson Lake – Phase III shall be in the form of a resolution duly passed by the Council based upon the recommendation of the City Administrator.
- 11.2** The Developer shall provide to the City a written schedule indicating the order of completion of the work covered by this Agreement. Included within such schedule there shall be schedules for the completion of grading of on-site roads, utilities and landscaping, berming, drainage, ponding and trails. All work shall be completed within three (3) years after filing of this Development Contract.
- 11.3** The Council may, but is not obligated to, extend the date for completion of the work. As provided herein, based upon written notice from the Developer that due to circumstances reasonably beyond the Developer's control, completion of the work will be delayed.

ARTICLE XII Developer's Warranties

- 12.1** For a period of one (1) year after completion of the work, the Developer warrants that all of the work was performed in a workmanlike manner and will be free of defects and in strict conformance with the final Plans and Specifications. The foregoing one (1) year warranty period shall not reduce the Developer's further responsibilities with respect to sewer maintenance and repair.
- 12.2** The City, the Council and its agents or employees shall not be personally liable or responsible in any manner to the Developer, the Developer's contractors or subcontractors, materialmen, laborers, or to any other person or persons or entities whatsoever, for any claim, claim demand, damages, actions, or causes of action of any kind arising out of or by reason of the performance of work pursuant to this Agreement, or the performance and completion of the work and the improvements provided herein, except for the grossly negligent acts or omissions of the City or its agents. The Developer will save, indemnify, and hold the City harmless from all such claims, claim demands, damages, actions, or causes of action or the costs, disbursements, and expenses of defending the same, specifically including, without intending to limit the categories of said costs, the costs and expenses for City administrative time and labor, costs of

consulting engineering services, and costs of legal services rendered in connection with defending such claims that may be brought against the City.

ARTICLE XIII
Assignment

- 13.1** The terms and conditions of this Agreement are binding upon the heirs, successors and assigns of the parties hereto and shall run with the land. The Developer may not assign this Agreement, or its obligations hereunder in whole or in part without the written consent of the City, which consent is in the sole discretion of the City to grant or not to grant.

ARTICLE XIV
Payments By Developer

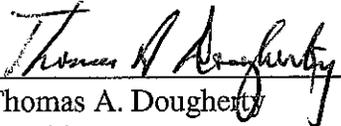
- 14.1** The Developer shall pay to the City all amounts actually expended by the City to cover any costs and expenses incurred by the City in the administration of this Agreement, including attorneys' fees for the preparation hereof. The Developer has the right to request an estimate of the costs to be incurred by the City for various consultants used by the City in the performance of this Agreement. The Developer shall request such estimates in writing directly from the consultants. The City is not bound by the estimates.
- 14.2** The City shall bill the Developer for such costs, supported by detailed invoices from any consultants, and the Developer agrees to pay such costs within thirty (30) days after receipt of each bill by the City.

ARTICLE XV
Miscellaneous

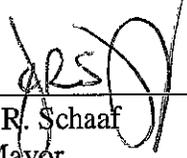
- 15.1** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.
- 15.2** This Agreement is in recordable form, and the Developer agrees that upon execution of this Agreement, Developer if required by the City will register this Agreement with the Registrar of Titles of Ramsey County and provide evidence of such registration to the City.
- 15.3** The City's approval of building permits for the Property is conditioned upon the execution and delivery of this Agreement, together with the required security for improvements as set forth in Article X.

WHEREFORE, the parties hereunto have signed this Agreement effective the day and year first above written.

NORTH OAKS COMPANY, LLC

By 
Thomas A. Dougherty
Its President

CITY OF NORTH OAKS

By 
John R. Schaaf
Its Mayor

And

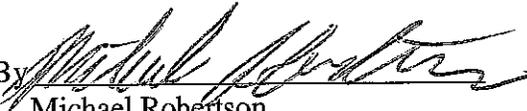
By 
Michael Robertson
Its City Administrator

EXHIBIT "A"

PLANS AND SPECIFICATIONS

VILLAS OF WILKINSON LAKE – PHASE III

PRELIMINARY PLANS

1. Kurth Surveying, Inc. Existing Conditions, Sheet 1B of 7, dated September 19, 2006
2. Kurth Surveying, Inc. Preliminary Plan, Sheet 2B of 7, dated September 19, 2006
3. Kurth Surveying, Inc. Preliminary Easement Plan, Sheet 3B of 7, dated September 19, 2006
4. Plowe Engineering, Inc. Preliminary Grading Plan, Sheet 4B of 7, dated September 20, 2006
5. Plowe Engineering, Inc. Preliminary Utility Plan, Sheet 5B of 7, dated September 20, 2006
6. Plowe Engineering, Inc. Preliminary Utility Plan, Sheet 6B of 7, dated September 20, 2006
7. Paul Miller Design, Inc. Preliminary Landscape Plan, Sheet 7B of 7, dated September 29, 2006

FINAL PLANS

1. Kurth Surveying, Inc. Final Existing Conditions, Sheet 1 of 7, dated September 27, 2007
2. Kurth Surveying, Inc. Final Plan, Sheet 2 of 7, dated September 27, 2007
3. Kurth Surveying, Inc. Final Easement Plan, Sheet 3 of 7, dated September 27, 2007 (rev. 1/02/08)
4. Plowe Engineering, Inc. Final Grading Plan, Sheet 4 of 7, dated September 27, 2007
5. Plowe Engineering, Inc. Final Utility Plan, Sheet 5 of 7, dated September 27, 2007
6. Plowe Engineering, Inc. Final Erosion Control Plan, Sheet 6 of 7, dated September 27, 2007
7. Paul Miller Design, Inc. Final Landscape Plan, dated September 27, 2007

EXHIBIT "B"

**Legal Description
Ramsey County, Minnesota**

Residential Lots:

Tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M" and "N", Registered Land Survey No. 603, files of the Registrar of Titles, Ramsey County, Minnesota.

Open Space:

Tracts "O" and "P", Registered Land Survey No. 603, files of the Registrar of Titles, Ramsey County, Minnesota.



September 27, 2007

The Honorable Thomas N. Watson,
City Council Members
City of North Oaks
100 Village Center Drive, Suite 150
North Oaks, Minnesota 55127

**Re: Villas of Wilkinson Lake
Subdivision 06-01
Final Plans Dated September 27, 2007**

Dear Mayor Watson and Council Members:

North Oaks Company, LLC, requests that the Villas of Wilkinson Lake-Phase III subdivision proposal be placed on the agenda for the City Council meeting on October 11, 2007. We request City Council final approval of all plans submitted with this package.

This matter received preliminary approval subject to nine conditions at the City Council meeting on December 14, 2006. The conditions are:

1. "Work be completed per Preliminary Plans, Sheets 2-9 dated May 27, 2004 and Existing Conditions Plan, Sheet 1 of 9, dated June 1, 2004." **Work will be completed per Final Plans, sheet 2-7, dated September 27, 2007 and Existing Plan, sheet 1, dated September 27, 2007.**
2. "The City Engineer review and approve all final plans, details, and specifications to include irrigation prior to construction." **Utility Plans were submitted and approved by City Engineer.**
3. "Staff and City Forester review and approve all final landscape plans and plant lists and rare plant protection strategies." **All final landscape plans and plant lists and rare plant protection strategies will be submitted and approved by Staff and City Forester prior to construction and installation."**

4. "Copies of the applications and permits from the Department of Health, Minnesota Pollution Control Agency and VLA WMO are provided to City Staff for review." **Applications and Permits were provided to City Engineer for review.**
5. "White Bear Township approves sanitary sewer and water main improvements." **White Bear Township has approved sewer and water main improvements.**
6. "Preparation and execution of a Development Contract acceptable to the City." **A Development Contract acceptable to the City will be prepared and executed.**
7. "Provisions of sub-association documents to the City." **The Villas of Wilkinson Lake Home Owners Association documents have been provided to the City as part of the final approval of Phase I. Each additional Phase adds property to these same documents.**
8. "North Oaks Company to complete the primary trail to NOHOA trail specifications prior to sale of lots and maintain the trail until transferring easement rights to NOHOA". **The trail has been completed to NOHOA's standards and easement rights have been transferred to NOHOA.**
9. "No trails shall be extended to the City of Lino Lakes." **No trails extend into Lino Lakes.**

One revision has been made from the Preliminary Plans to the Final Plans. The configuration of Phoebe Lane has been shortened slightly because of grading concerns adjacent to wetlands.

Included in this packet are:

1. Final Existing Conditions
2. Final Plan
3. Final Easement Plan
4. Final Grading Plan
5. Final Utility Plan
6. Final Erosion Control and Detail Sheet
7. Final Landscape Plan

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Heim".

Christine Heim
Vice President Planning

cc: James March, City Administrator
Kristina Smitten, City Planner
Jeff Roos, City Engineer
Thomas Newcome, III, City Attorney



September 26, 2014

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

Re: Rapp Farm, Phase V

Ladies and Gentlemen,

North Oaks Company, LLC requests final approval for 63 lots in the fifth and final phase of Development Site "D" of the Master Development Plan and Planned Unit Development Agreement (PDA) for the East Oaks Project, which is commonly known as Rapp Farm. Preliminary approval was received at the June 14, 2012 City Council meeting.

Enclosed for your review are two large complete drawing sets and 20 reduced sets of the following documents dated September 10, 2014:

Sheet: 1.	Final Overall Tracts
2A & 2B.	Final Plan
3A & 3B.	Final Easement Plan
4.	Final Utility Plan
5.	Final Grading Plan
6.	Final Erosion Control and Detail Sheet
7.	Final Landscape Plan

Also included is a summary of all lot sizes, adjusted, gross, and useable areas, dated September 10, 2014.

Background: Development Site "D" as described in Appendix 1 of the PDA is allowed 200 dwelling units. The completed development will have 156. Phase I had 34 lots, Phase II added 12 lots, Phase III, 23 lots, Phase IV, 24 lots, and Phase V adds 63 lots totaling 156 lots.

Phase V is 39.15 acres. The road, cul-de-sacs, and utilities have been built according to the plans and specifications of the approved preliminary plan.

Performance Standards: Development Site "D" is zoned RMH-PUD. The PDA refers to the City Zoning Ordinance for performance standards. The standards will be observed follows:

A. Lot Area Requirements:

As per the Zoning Ordinance, within each PUD District or PUD phase proposed for platting the area requirement for RMH Districts shall be limited to a gross density of .25. With 39.15 acres, the allowed number of units is 156, which we are well below.

B. Setbacks:

All setbacks are shown on the plans.

C. Building Heights:

All lots are walk-out lots and, as such, according to the PDA, may be taller in the back per Ordinance, without applying for a Conditional Use Permit.

D. Parking Requirements:

All dwelling units will have a minimum of two parking spaces, at least one of which will be enclosed.

E. Roadway/Access Requirements:

All requirements have been met and exceeded.

F. Landscaping

A landscape Plan has been included for review.

Wetlands: The wetlands were delineated by Kjolhaug Environmental Services and reviewed by VLAWMO.

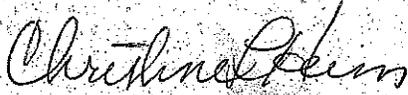
Park and Open Space Requirements: There are four Open Space areas planned for this phase. There is no requirement for a park dedication.

Home Owners' Association: This development will be part of North Oaks Home Owners' Association as well as the Rapp Farm Home Owners' Association.

Phase Plan: Included in the packet is a copy of the current estimated Phase Plan, updating Exhibit "B5" from the Master Development Plan PDA.

We look forward to presenting this plan to you.

Very Truly Yours,



Christine L. Heim
Vice President

Enclosures

cc: Michael Robertson, City Administrator
David Magnuson, City Attorney
Sambatek, City Engineers and Planners
North Oaks Home Owners Association

GENERALIZED PLAN FOR PHASING AND DEVELOPMENT

EAST OAKS PUD

SITE	NAME	PDA Dwelling Units designated	Actual Platt 1999-2006	Actual Platt 2007-2009	Actual Platt 2010-2013	Proposed 2014-2028	Total	Potential Density Shift	Permitted Density Increase
A	WILDFLOWER (Peterson Place)	40	27	0	0	0	27	13	30% = 12
B	EAST PRESERVE	2				2	2	0	30% = 1
C	NORD	10				10	10	0	30% = 3
D	RAPP FARM	200	34	0	59	63	156	44	50% = 100
E-1	EAST WILKINSON	110	61	34	28	14	137	-27	50% = 55
F	ANDERSON WOODS (Andersonville)	10				10	10	0	30% = 3
G	GATE HILL	68				68	68	0	30% = 20
H	ISLAND FIELD	35				35	35	0	30% = 11
I	THE PINES (East Mallard Pond)	54	54				54	0	0
J	NORTH SKI HILL	7	7				7	0	30% = 2
K	RED FOREST WAY (North Black Lake)	64	17		10	37	64	0	30% = 19
L	SOUTHEAST PINES (South Deer Hills)	45	45				45	0	0
		645	245	34	97	239	615	30	
	<i>Building Permits issued</i>		141	118	50		309		

Building Permits issued

E-2	COMMERCIAL ACREAGE	Allowed per PDA	Actual dev.	Conversion 5/acre=25
		21	16	



September 26, 2014

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

Re: Rapp Farm, Phase V

Ladies and Gentlemen,

North Oaks Company, LLC requests final approval for 63 lots in the fifth and final phase of Development Site "D" of the Master Development Plan and Planned Unit Development Agreement (PDA) for the East Oaks Project, which is commonly known as Rapp Farm. Preliminary approval was received at the June 14, 2012 City Council meeting.

Enclosed for your review are two large complete drawing sets and 20 reduced sets of the following documents dated September 10, 2014:

Sheet: 1.	Final Overall Tracts
2A & 2B.	Final Plan
3A & 3B.	Final Easement Plan
4.	Final Utility Plan
5.	Final Grading Plan
6.	Final Erosion Control and Detail Sheet
7.	Final Landscape Plan

Also included is a summary of all lot sizes, adjusted, gross, and useable areas, dated September 10, 2014.

Background: Development Site "D" as described in Appendix 1 of the PDA is allowed 200 dwelling units. The completed development will have 156. Phase I had 34 lots, Phase II added 12 lots, Phase III, 23 lots, Phase IV, 24 lots, and Phase V adds 63 lots totaling 156 lots.

Phase V is 39.15 acres. The road, cul-de-sacs, and utilities have been built according to the plans and specifications of the approved preliminary plan.

Performance Standards: Development Site "D" is zoned RMH-PUD. The PDA refers to the City Zoning Ordinance for performance standards. The standards will be observed follows:

A. Lot Area Requirements:

As per the Zoning Ordinance, within each PUD District or PUD phase proposed for platting the area requirement for RMH Districts shall be limited to a gross density of .25. With 39.15 acres, the allowed number of units is 156, which we are well below.

B. Setbacks:

All setbacks are shown on the plans.

C. Building Heights:

All lots are walk-out lots and, as such, according to the PDA, may be taller in the back per Ordinance, without applying for a Conditional Use Permit.

D. Parking Requirements:

All dwelling units will have a minimum of two parking spaces, at least one of which will be enclosed.

E. Roadway/Access Requirements:

All requirements have been met and exceeded.

F. Landscaping

A landscape Plan has been included for review.

Wetlands: The wetlands were delineated by Kjolhaug Environmental Services and reviewed by VLAWMO.

Park and Open Space Requirements: There are four Open Space areas planned for this phase. There is no requirement for a park dedication.

Home Owners' Association: This development will be part of North Oaks Home Owners' Association as well as the Rapp Farm Home Owners' Association.

Phase Plan: Included in the packet is a copy of the current estimated Phase Plan, updating Exhibit "B5" from the Master Development Plan PDA.

We look forward to presenting this plan to you.

Very Truly Yours,



Christine L. Heim
Vice President

Enclosures

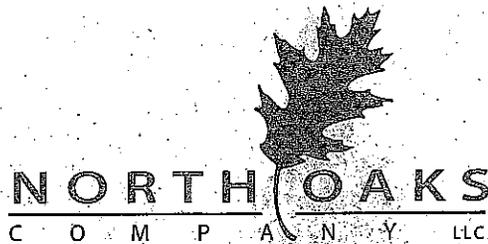
cc: Michael Robertson, City Administrator
David Magnuson, City Attorney
Sambatek, City Engineers and Planners
North Oaks Home Owners Association

GENERALIZED PLAN FOR PHASING AND DEVELOPMENT

EAST OAKS PUD

SITE NAME	PDA Dwelling Units designated	Actual Platt 1999-2006	Actual Platt 2007-2009	Actual Platt 2010-2013	Proposed 2014-2028	Total	Potential Density Shift	Permitted Density Increase
A WILDFLOWER (Peterson Place)	40	27	0	0	0	27	13	30% = 12
B EAST PRESERVE	2				2	2	0	30% = 1
C NORD	10				10	10	0	30% = 3
D RAPP FARM	200	34	0	59	63	156	44	50% = 100
E-1 EAST WILKINSON	110	61	34	28	14	137	-27	50% = 55
F ANDERSON WOODS (Andersonville)	10				10	10	0	30% = 3
G GATE HILL	68				68	68	0	30% = 20
H ISLAND FIELD	35				35	35	0	30% = 11
I THE PINES (East Mallard Pond)	54	54				54	0	0
J NORTH SKI HILL	7	7				7	0	30% = 2
K RED FOREST WAY (North Black Lake)	64	17		10	37	64	0	30% = 19
L SOUTHEAST PINES (South Deer Hills)	45	45				45	0	0
	645	245	34	97	239	615	30	
<i>Building Permits issued</i>		141	118	50		309		

E-2	COMMERCIAL ACREAGE	Allowed per PDA	Actual dev.	Conversion
		21	16	5/acre=25



February 3, 2017

City of North Oaks
100 Village Center Drive, Suite 150
North Oaks, Minnesota 55127

Re: Final Plans
Red Forest Way, Phase 2-B

Ladies and Gentlemen,

North Oaks Company LLC requests final approval at the March 9, 2017 City Council meeting for fifteen lots in the Red Forest Way, Phase 2-B of development for Site "K" of the Master Development Plan of the Planned Unit Development Agreement. The original Red Forest Way Phase 2 consisted of 25 lots and received preliminary approval at the May 8, 2008 City Council meeting. North Oaks Company LLC split the Phase 2 development into two phases. Red Forest Way Phase 2-A consisted of 10 lots and received final approval on October 9, 2008.

Enclosed for your review is one large complete drawing set and 12 reduced sets of the following documents for the remaining 15 lots for Red Forest Way 2-B.

Sheet #

1. Final Lot Layout- dated January 26, 2017
2. Final Plan- dated January 26, 2017
3. Final Easement Plan-dated January 26, 2017
4. Final Utility Plan – dated January 26, 2017
5. Final Grading and Erosion Plan-dated January 26, 2017

Also enclosed is a summary of all lot sizes, adjusted, gross, and useable areas, dated January 26, 2017.

Background. Development Site "K" as described in Appendix 1 of the Planned Unit Development Agreement allowed 64 single-family detached dwelling units and is eligible for a 30% density increase. Red Forest Way, Phase 1 consisted of 17 lots, Phase 2-A consisted of 10 lots and Phase 2-B consists of 15 lots.

The lots have been planned to take advantage of the natural contours of the land and the views into the conservation area to the north and east.

Performance Standards: Development Site "K" is zoned RSL-PUD. The Planned Unit Development Agreement refers to the City Zoning Ordinance for performance standards in this residential use. The standards per the Zoning Ordinance will be observed as follows:

A. Lot Area Requirements:

As per the Zoning Ordinance, the size of each lot is required to have a minimum area of 1.45 acres. The attached lot summary table shows the smallest proposed lot has an area of 2.03 acres and the average size of all the lots is 2.64 acres.

All lots must have a minimum of 25,000 contiguous square feet of useable area as defined in the Zoning Ordinance, Section 152.005. The smallest lot has 42,530 square feet of useable area.

B. Setbacks:

All setbacks are shown on the plans and indicate sufficient area for home construction.

C. Building Heights:

The height of any building shall not exceed 35'. Conditional Use Permits can be requested from the City for additional height up to 45'.

D. Floor Area Ratios:

The combined total floor area ratio (FAR) of all buildings on any lot shall not exceed 12%.

Shoreland: No part of this phase is in a shoreland district and therefore no shoreland setbacks are required.

Wetlands: Wetlands in all of Phase II were delineated by Kjolhaug Environmental Services and reviewed by VLAWMO. There are no wetland impacts in Phase 2-B.

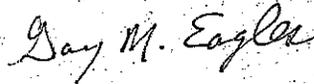
Park and Open Space Requirements: There are no requirements for park or open space in this area. There will be access to the primary trail system.

Home Owners' Association: This development will be part of the North Oaks Home Owners' Association, Inc. and will not be served by a separate sub association.

Phase Plan: Also enclosed with the package are copies of a current estimated Phase Plan, updating Exhibit "B5" from the Master Development Plan of the Planned Unit Development Agreement.

We look forward to presenting this plan to you and responding to your questions and comments.

Very truly yours,



Gary M. Eagles
Vice President

Enclosures

cc: Mike Robertson, City Administrator (w/encl.)
Ben Gozola, City Planner (w/encl.)
Mike Kuno, City Engineer (w/encl.)
David Magnuson, City Attorney (w/encl.)
Mark Houge, North Oaks Company LLC President
Kimberly Murray, NOHOA (w/encl.)

GENERALIZED PLAN FOR PHASING AND DEVELOPMENT

EAST OAKS PUD

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E-2 COMMERCIAL ACREAGE	Allowed per PDA	Actual dev.					Conversion	
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February 3, 2017

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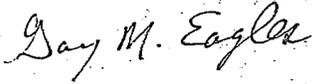
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We look forward to presenting this plan to you and responding to your questions and comments.

Very truly yours,



Gary M. Eagles
Vice President

Enclosures

cc: Mike Robertson, City Administrator (w/encl.)
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GENERALIZED PLAN FOR PHASING AND DEVELOPMENT

EAST OAKS PUD

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J	NORTH SKI HILL	7	7				7	0	30% = 2
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		645	245	34	174	162	615	30	
E-2	COMMERCIAL ACREAGE	Allowed per PDA	Actual dev.					Conversion	
		21	16					5/acre=25	

Septic Committee Report
Date: February 10, 2020

I. Context

The purpose of the Septic Committee is to review the current septic system ordinance and its compliance with MN Statutes, which protect public health and safety, as well as eliminate or prevent the development of public nuisances pursuant to MN Stt 115.55 subsurface sewage treatment systems (SSTS).

II. Intent

Recommendations made by the Committee are intended to do the following:

- Ensure compliance with state statutes regarding SSTS.
- Protect the lakes, rivers, streams, wetlands, and groundwater in the City of North Oaks that are essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the City.
- Protect the larger watershed of which the aforementioned is a part.

III. Finding:

It was determined that creating a City ordinance that required an MPCA Compliance Inspection on all systems either at Point of Sale or at a Date Certain would be duplicative and add unnecessary cost without providing any improvement to public health, safety, or general welfare.

Instead of the previous proposal at Council, the Committee suggests not changing the City's ordinance, except only addressing systems that pose the greatest risk to subsurface water (e.g., most verifiable, most imminent). These include cesspool tanks with no bottoms. Concrete bottoms are considered a bottom. Bottomless tanks should be replaced with "closed tanks" pursuant to MN Statute 115.55. Because of the substantial financial burden and planning required to undertake tank replacement, it is strongly recommended that tank replacement is designed to be required within a reasonable period that acknowledges the level of hardship while also limiting the potential risk for the entire community (e.g., the Committee recommends a longer period, such as a deadline of not later than 10 years).

IV. Considerations

1. An ordinance was proposed to Council that updated our existing SSTS ordinance that applied a mandatory SSTS inspection to all SSTS systems at the Point of Sale. The Committee has reviewed the existing septic ordinance and its accompanying management system to identify whether or not revisions are needed to the current septic ordinance. The Committee determined that there are many possible options that the City could consider in addressing any issue with the septic ordinance. All options were considered, including no change to the current septic ordinance.

2. After research, the Committee deemed many of the older septic systems within North Oaks have insufficient documentation on file to adequately assess compliance or resolve inconsistencies. Some homes have cesspool systems, per form identification on file. The Committee also considered that many lots have physical and environmental challenges that may cause difficulty in changing, upgrading, or relocating an SSTS system. And in such cases, the City should be cautious in requiring changes, upgrades, or relocations of SSTS systems.

3. Based on City records, the existing SSTS ordinance has not been enforced. There are documented cases of known non-compliance for both cesspools and non-cesspools that are not being properly addressed under the current regulations.

4. Due to the diverse types of systems, issues, and environmental challenges that each property presents, the issue has heavy financial consequences for homeowners and this burden should not be taken lightly.

5. It was determined that the existing SSTS ordinance was not flawed beyond the administrative opportunities to improve enforcement. Though in need of improvements, it was determined that this could likely be addressed through further staff review and comment. Further action by the Committee addressing enforcement of compliance with the existing ordinance would likely be premature. The City's existing ordinance is compliant with state statutes except for its omission to prohibit the most verifiable risk to public health and water quality. So, to satisfy the intent of the Committee, the Committee focused only on cesspools.

V. Options Reviewed

The Committee reviewed and discussed the following options:

- Require annual pumping (current regulation requires maintenance pumping biennially)
- Require MPCA Compliance Inspection at Point of Sale
- Require MPCA Compliance Inspection at a Date Certain (i.e., every x# of years)
- Require MPCA SSTS Compliance Inspections at POS or Date Certain, whichever occurs first
- Continue with current City Ordinance (Chap 51) as is (i.e., no change)

VI. Conclusions and Rationale

The Committee determined that the current City Ordinance and the required City of North Oaks Septic Tank Maintenance Report adequately addresses 3 of 4 areas covered by an MPCA Compliance Inspection. Namely:

	City Maintenance Report	MPCA Compliance Inspection
Leaking Tank(s)	#5	#2
Damaged Manhole Cover	#5	#3
Sensory/Back Up	#7	#1

The City Maintenance Report does not address the fourth portion of the MPCA Compliance Inspection (Soil Separation). However, experts, including the City Septic Inspector and various Maintenance Contractors, state that if the required soil separation was present at installation, it will still be present when boring samples are conducted at a later date. Though the required soil separation standard at implementation has changed from 24" (systems installed before April 1996) to 30" (systems installed after April 1996), the current practice is—according to City Septic Inspector, Brian Humpal—to "grandfather" systems installed before April 1996 that have the minimally required 24" of soil separation.

VII. Other Considerations

1. An administrative review of policy needs to be conducted. Enforcement should be reviewed to see if many of the problems are a result of poor enforcement or policy. The review should also include

how and if reporting to and communication with the City by the SSTS owner or representative could be improved in such a way that it results in better record keeping at the City.

2. The increased financial burden on homeowners with challenging lots is concerning and finding sources to relieve the burden is recommended by the Committee. Opportunities such as grants and low-interest loans are suggested for research and application. The Committee recommends immediate attention to finding such financial sources that do not burden the City's resources.

3. Due to the potential of homeowners waiting until the expiration of the set period for updating non-compliant SSTS, incentives should be established to encourage homeowners to replace their bottomless tank cesspool systems as soon as possible. Incentives may include low-interest loans, grant money, etc., and could be offered in years 1–3 or 1–5 after implementation of the updated ordinance.

4. Because the status of all SSTS cannot be verified from existing records at the City, it is recommended that prior to holding a public hearing on an ordinance update, the City contact homeowners with suspected cesspool or other bottomless tanks to notify them of the considered changes, identify them as an affected homeowner, and provide a clear path using documentation that enables the homeowner to update the City's records as to the exact nature of their system. This would act as a pre-emptive appeal to the status of their system and streamline the approval of an update to the ordinance.

5. Once the records are complete, if there are more affected homeowners than can be reasonably encouraged by found financial assistance options, then an additional trigger may be considered (e.g., adding a Point of Sale replacement trigger should the Point of Sale occur prior to the date certain of the ordinance).

Committee Members:

Kara Ries

Francis Skamser Lewis

Joe Jesmer

Jack Anderson

Marc Owens-Kurz

Andrew Hawkins

Gretchen Needham

Gil Hartley

**CITY OF NORTH OAKS
REQUEST FOR COUNCIL ACTION**

Requested Date of Council Consideration: 2-13-20 Flexibility: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Originating Department: ADMINISTRATION
Agenda Item: ADMINISTRATOR STAFF REPORTS	Presenter: KEVIN KRESS
	Estimated Time: <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> 5 Min. <input type="checkbox"/> 15 Min. <input type="checkbox"/> 30 Min. <input type="checkbox"/> 45 Min. <input type="checkbox"/> 1 Hour
Council Action Requested: <input checked="" type="checkbox"/> Information/Review <input type="checkbox"/> Motion to approve... <input type="checkbox"/> Motion to deny... <input type="checkbox"/> Other <input type="checkbox"/> Budget Change	
Background: <u>City Hall</u> City staff conducted a research project on the 1999 PUD, housing count, and related materials. I attended a meeting with neighboring cities about the I35 Interchange. There will be additional follow-up meetings as MnDOT and the County gather more information. The County informed us that H2 will be milled and overlaid this summer. I attended the Mayor and Manager meeting with Mayor Nelson. We discussed the citizens united request, housing, and other various municipal matters. We received preliminary plans for Nord and Anderson Woods and have started our review. The Planning Commission will review them at their February meeting and conduct a hearing in March pending completeness. So far, 27 deer have been removed as part of the deer trapping program. Two surveys are published (Tick Task Force, Citizens United) on Polco and will be active until March.	
Supporting Documents: <input type="checkbox"/> Attached <input type="checkbox"/> None	
Department Head Signature/Date:	
Administrator Signature/Date:	
ACTION TAKEN <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Tabled <input type="checkbox"/> Accepted Report <input type="checkbox"/> Other	
Date of Action: _____	
Comments:	

LAKE JOHANNA FIRE DEPARTMENT

2019 ANNUAL FIRE REPORT



**REPORT PREPARED BY:
DEBI KRAUSE
OFFICE MANAGER
&
TIM BOEHLKE
FIRE CHIEF**

Lake Johanna Fire Department 2019 Annual Fire Report

In 2019 the Lake Johanna Fire Department responded to 3,820 calls for service which is an increase of 231 calls from the previous year. We assisted neighboring Fire Departments a total of 72 times. Automatic Aid responses totaled 65 calls, Mutual Aid Responses totaled 7 calls over the last year:

Automatic Aid – Given: 65

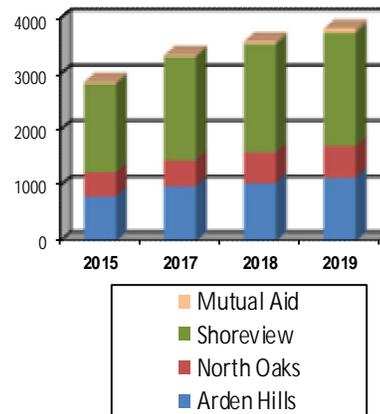
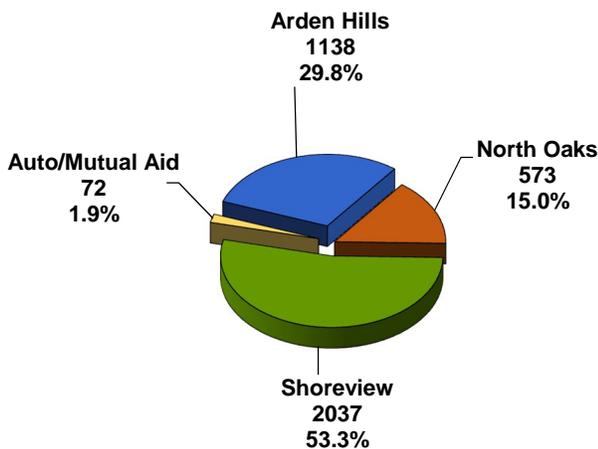
- Roseville- 26 calls
- Little Canada – 15 calls
- Vadnais Heights- 10 calls
- White Bear Twp- 9 calls
- White Bear Lake- 5 calls

Mutual Aid – Given: 7

- New Brighton- 4 calls
- St. Anthony- 1 call
- Fridley – 1 call
- Mounds View – 1 call

CALLS BY CITY

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
ARDEN HILLS:	804	930	986	1039	1138
NORTH OAKS:	434	406	471	556	573
SHOREVIEW:	1597	1784	1858	1948	2037
AUTO AID:	27	22	22	39	65
MUTUAL AID:		9	10	7	7
TOTALS:	2875	3151	3347	3589	3820



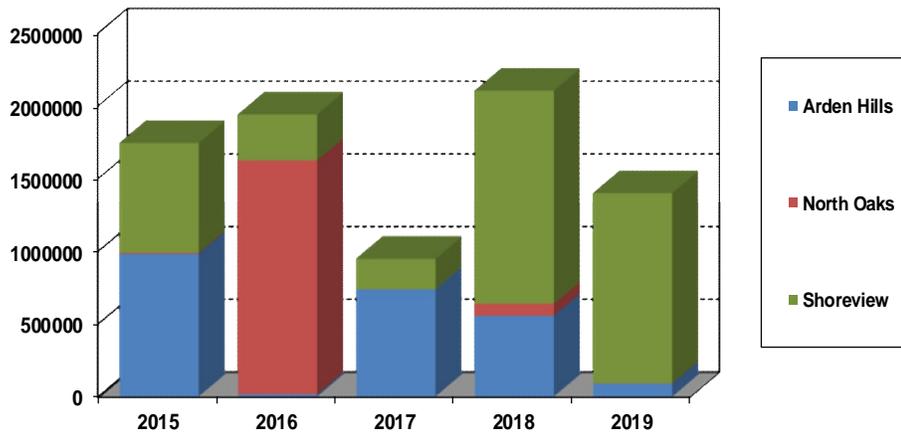
City of Shoreview calls for service increased by 89 calls which works out to be 53.3% of total calls for 2019. The City of Arden Hills accounted for 29.8% of the calls, up by 99 calls over last year. The City of North Oaks had an increase of 17 calls in 2019 which represents 15.0% of the total calls.

ESTIMATED FIRE DOLLAR LOSS

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
ARDEN HILLS:	\$980,400	\$ 14,100	\$736,200	\$555,000	\$88,950
NORTH OAKS:	\$6,300	\$1,608,074	\$0	\$82,000	\$2,351
SHOREVIEW:	\$753,800	\$ 314,802	\$208,300	\$1,462,750	\$1,304,629
TOTALS:	\$1,740,500	\$1,936,976	\$944,500	\$2,099,750	\$1,395,930

The City of Shoreview had \$1,304,629 in fire dollar loss in 2019 down slightly from 2018. The City of Arden Hills had \$88,950 in fire dollar loss which was a significant decrease from the previous year. The City of North Oaks recorded \$2,351 in fire dollar loss down from 2018.

ANNUAL DOLLAR LOSS COMPARISON



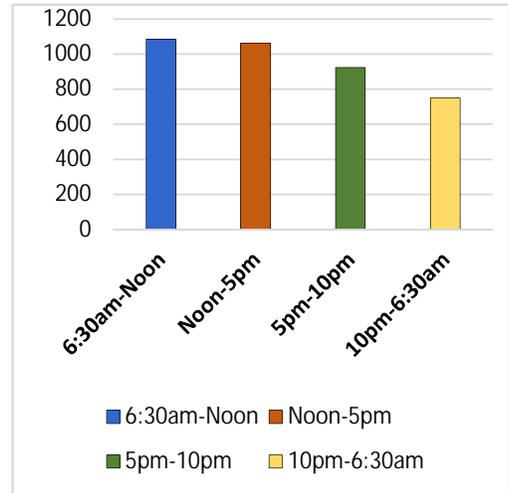
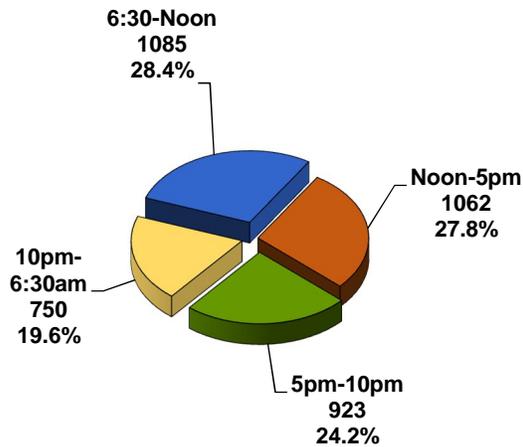
Over the last 5 years the cities combined average dollar loss from Fire was \$1,623,531.

In 2019, Building fires attributed for the majority of dollar loss totaling about \$1,266,102. The next highest loss total was from Vehicle fires which totaled \$93,551.

THE DEPARTMENT RESPONSE

On Duty Shift crews handled 98.7% of the calls responding to 3,771 calls in 2019. Stations were called back to assist the Shift Crews 49 times throughout the year which is roughly 1.3% of the calls.

CALL BREAKDOWN BY SHIFTS



CALL OVERLAP

It is very common to have more than one incident occurring at a time, the chart below shows the number of times each month we had two, three or four calls overlapping. Our goal is to have personnel available and able to respond to an emergency fire or EMS call that occurs.

	Double	Triple	Quadruple		
Jan	33	5	0	call overlaps /	299 calls
Feb	47	8	2	call overlaps /	310 calls
Mar	38	5	1	call overlaps /	301 calls
Apr	40	8	1	call overlaps /	316 calls
May	39	3	1	call overlaps /	328 calls
Jun	37	5	2	call overlaps /	311 calls
Jul	46	6	0	call overlaps /	338 calls
Aug	52	4	2	call overlaps /	354 calls
Sep	33	7	0	call overlaps /	280 calls
Oct	42	2	0	call overlaps /	318 calls
Nov	44	5	1	call overlaps /	328 calls
Dec	54	7	1	call overlaps /	337 calls

RESPONSE TIME

	<u>2017</u>	<u>2018</u>	<u>2019</u>
Emergency Response Time Average to Contract Cities	5:33	5:31	5:32

AVERAGE RESPONSE TIME BY CITY Emergency Calls Only

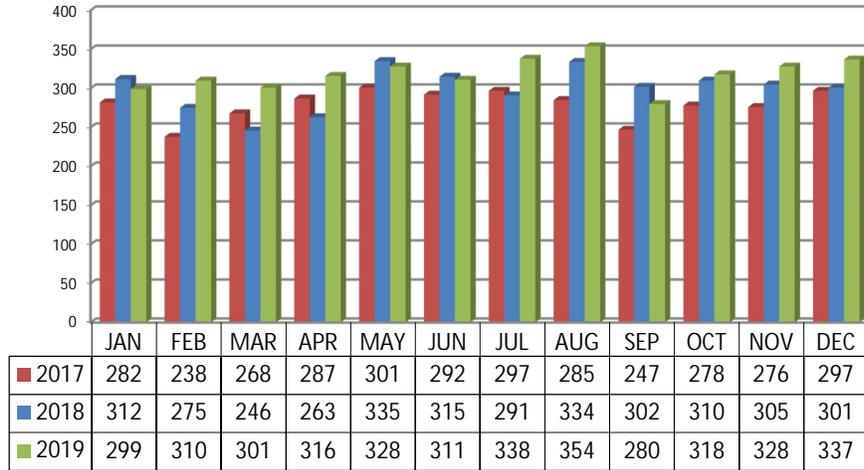
	Initial Response Avg. Response Time
Arden Hills	6:01
North Oaks	7:18
Shoreview	4:45
	5:32

North Oaks Average Response Time: 6:24 (excluding 5919 Centerville Rd.)

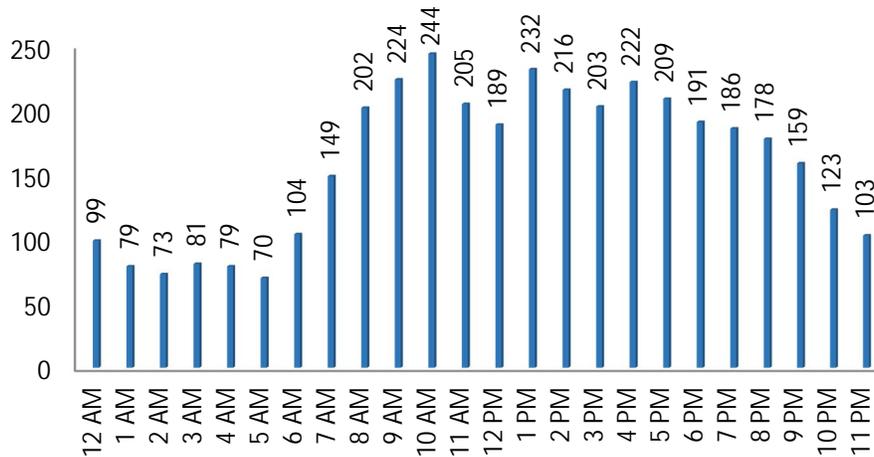
ANNUAL ALARM SUMMARY REPORT

Situation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
100 Series - Fire	6	3	4	9	11	11	2	5	1	4	3	4	63
200 Series - Overpressure Rupture, Explosion, Overheat (No Fire)							1	2	1		1		5
300 Series - Rescue & Emergency Medical Service Incident	218	232	246	221	247	209	250	263	205	248	241	256	2836
400 Series - Hazardous Condition (No Fire)	5	13	8	15	9	16	19	16	14	12	14	9	150
500 Series - Service Call	14	13	10	17	11	13	11	12	10	6	22	19	158
600 Series - Good Intent Call	30	37	23	40	29	34	29	32	28	34	40	35	391
700 Series - False Alarm & False Call	25	12	10	14	21	26	25	24	21	14	6	14	212
800 Series - Severe Weather & Natural Disaster						2	1						3
90 Series - Special Incident Type	1										1		2
Grand Total	299	310	301	316	328	311	338	354	280	318	328	337	3820

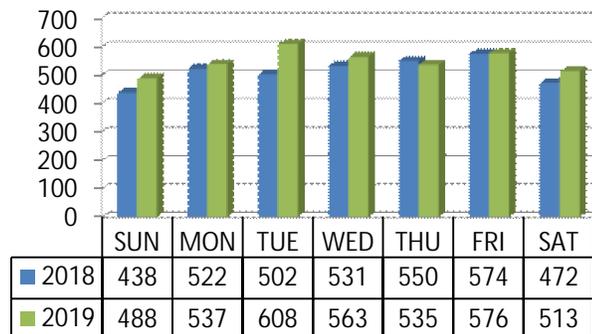
CALLS BY MONTH



CALLS BY TIME OF DAY

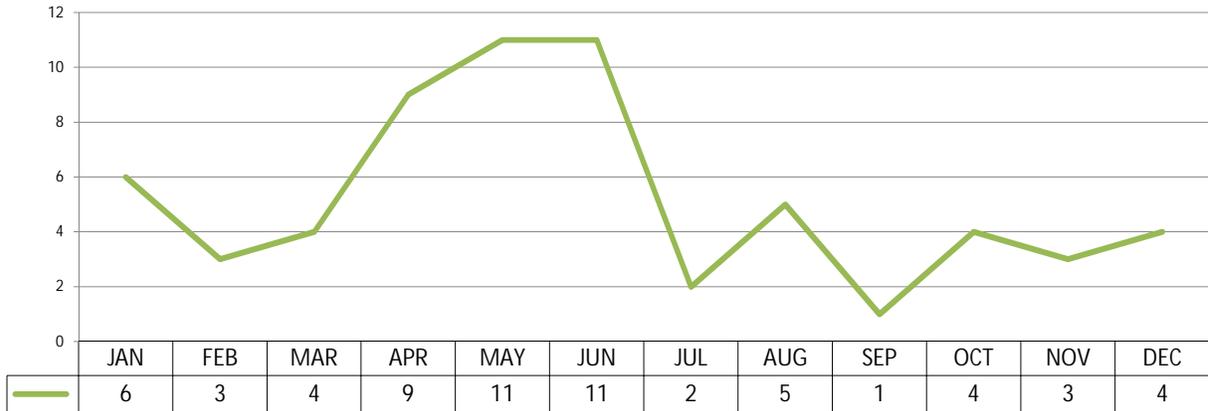


CALLS BY DAY OF WEEK

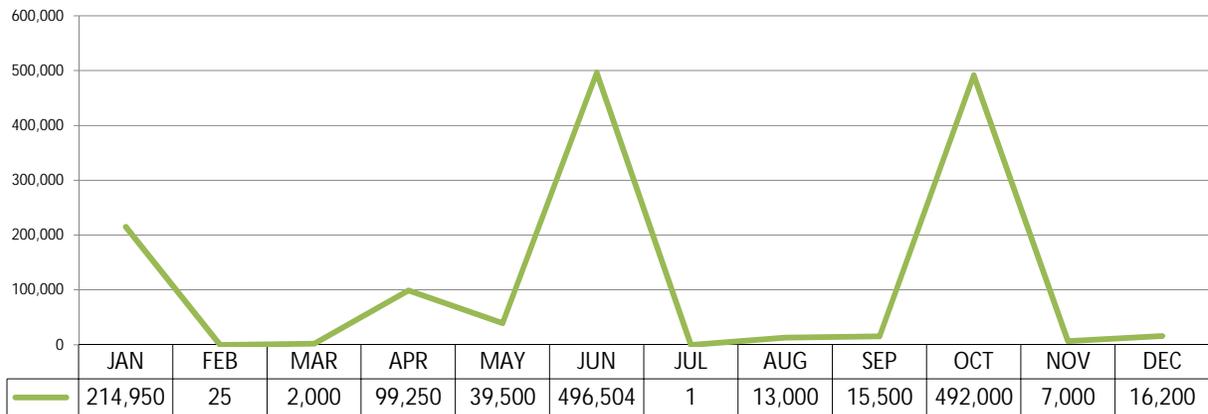


FIRE INCIDENTS

(100 Series – Fire)



FIRE DOLLAR LOSS BY MONTH



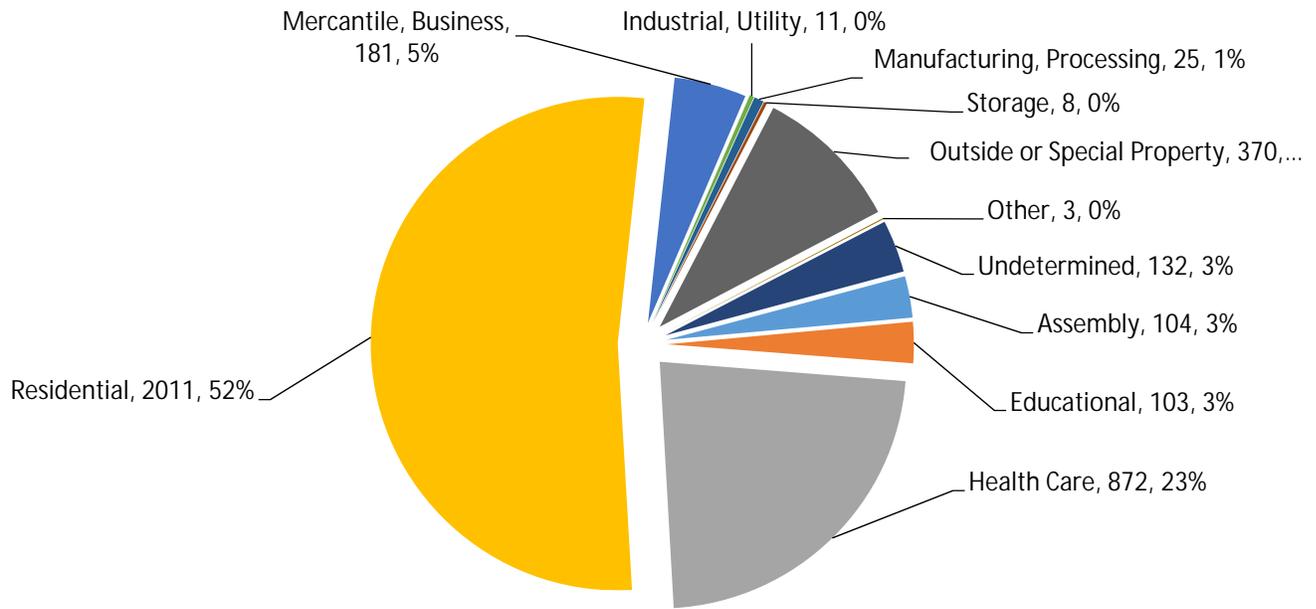
FIRES BY INCIDENT TYPE

Incident Type	Total Incidents	Total Incidents % of Incidents	Total Property Loss	Total Content Loss	Total Loss	Total Loss % of Total
Incident Type Category: 1 - Fire						
111 - Building fire	17	0.4%	994,403.00	271,700.00	1,266,102.00	90.70%
113 - Cooking fire, confined to container	5	0.1%		350.00	350.00	0.03%
114 - Chimney or flue fire, confined to chimney or flue	1	0.0%	0.00	0.00	0.00	0.00%
118 - Trash or rubbish fire, contained	1	0.0%				
131 - Passenger vehicle fire	12	0.3%	90,500.00	3,051.00	93,551.00	6.70%
132 - Road freight or transport vehicle fire	1	0.0%	500.00	0.00	500.00	0.04%
137 - Camper or recreational vehicle (RV) fire	2	0.1%	20,000.00	1,500.00	21,500.00	1.54%
140 - Natural vegetation fire, other	2	0.1%				
141 - Forest, woods or wildland fire	1	0.0%	0.00		0.00	0.00%
142 - Brush or brush-and-grass mixture fire	6	0.2%	0.00	0.00	0.00	0.00%
143 - Grass fire	4	0.1%	1.00	0.00	1.00	0.00%
150 - Outside rubbish fire, other	1	0.0%	0.00	500.00	500.00	0.04%
151 - Outside rubbish, trash or waste fire	5	0.1%	0.00	0.00	0.00	0.00%
154 - Dumpster or other outside trash receptacle fire	1	0.0%	5,000.00	0.00	5,000.00	0.36%
162 - Outside equipment fire	4	0.1%	4,300.00	4,100.00	8,400.00	0.60%
Total:	63	Total: 1.6%	Total: 1,114,704.00	Total: 281,201.00	Total: 1,395,904.00	Total: 100.00%

RESPONSE TO PROPERTY TYPES

(Annual Fires by General Property Use)

General Use	JAN 2019	FEB 2019	MAR 2019	APR 2019	MAY 2019	JUN 2019	JUL 2019	AUG 2019	SEPT 2019	OCT 2019	NOV 2019	DEC 2019	Total
*NA													
100-Assembly	5	9	14	4	7	11	9	12	9	11	5	8	104
200-Educational	7	9	7	9	9	8	7	5	10	14	12	6	103
300-Health Care, Detention & Correction	81	63	61	63	80	73	73	83	63	74	66	92	872
400-Residential	153	172	175	176	169	151	176	172	145	164	183	175	2011
500-Mercantile, Business	19	12	14	15	19	14	18	24	11	12	11	12	181
600-Industrial, Utility, Defense, Agriculture, Mining		2	1	1	1	1		1		2	1	1	11
700-Manufacturing, Processing	4	3	2	1	2	4		4	2	1	1	1	25
800-Storage	1	2			1		1			1	1	1	8
900-Outside or Special Property	25	31	23	31	32	41	41	41	31	24	27	23	370
Other			1				1	1					3
Property Use, other													0
Undetermined	4	7	3	16	8	8	12	11	9	15	21	18	132
Grand Total	299	310	301	316	328	311	338	354	280	318	328	337	3820



Of the 3,820 calls for service in 2019, 2011 of those calls were to **Residential** properties, the next highest category was **Health Care** facilities where we responded to 872 times; these include health clinics, senior assisted living apartments as well as nursing homes. **Outside, Special Properties** include calls to fires, accidents and EMS calls on roadways as well as open spaces, and parks that accounted for 370 of the calls for the year.

INCIDENT TYPE REPORT

Incident Type	Total Incidents	Total Incidents % of Incidents
Incident Type Category: 1 - Fire		
111 - Building fire	17	0.40%
113 - Cooking fire, confined to container	5	0.10%
114 - Chimney or flue fire, confined to chimney or flue	1	0.00%
118 - Trash or rubbish fire, contained	1	0.00%
131 - Passenger vehicle fire	12	0.30%
132 - Road freight or transport vehicle fire	1	0.00%
137 - Camper or recreational vehicle (RV) fire	2	0.10%
140 - Natural vegetation fire, other	2	0.10%
141 - Forest, woods or wildland fire	1	0.00%
142 - Brush or brush-and-grass mixture fire	6	0.20%
143 - Grass fire	4	0.10%
150 - Outside rubbish fire, other	1	0.00%
151 - Outside rubbish, trash or waste fire	5	0.10%
154 - Dumpster or other outside trash receptacle fire	1	0.00%
162 - Outside equipment fire	4	0.10%
	Total: 63	Total: 1.6%
Count: 15		
Incident Type Category: 2 - Overpressure Rupture, Explosion, Overheat (No Fire)		
243 - Fireworks explosion (no fire)	1	0.00%
251 - Excessive heat, scorch burns with no ignition	4	0.10%
	Total: 5	Total: 0.1%
Count: 2		
Incident Type Category: 3 - Rescue & Emergency Medical Service Incident		
300 - Rescue, EMS incident, other	1	0.00%
3009 - Person Down	1	0.00%
311 - Medical assist, assist EMS crew	2,496	65.30%
320 - Emergency medical service, other	64	1.70%
321 - EMS call, excluding vehicle accident with injury	129	3.40%
322 - Motor vehicle accident with injuries	94	2.50%
323 - Motor vehicle/pedestrian accident (MV Ped)	6	0.20%
324 - Motor vehicle accident with no injuries.	38	1.00%
350 - Extrication, rescue, other	2	0.10%
352 - Extrication of victim(s) from vehicle	1	0.00%
353 - Removal of victim(s) from stalled elevator	3	0.10%
365 - Watercraft rescue	1	0.00%
	Total: 2,836	Total: 74.2%
Count: 12		
Incident Type Category: 4 - Hazardous Condition (No Fire)		
400 - Hazardous condition, other	5	0.10%
411 - Gasoline or other flammable liquid spill	6	0.20%
412 - Gas leak (natural gas or LPG)	54	1.40%
413 - Oil or other combustible liquid spill	1	0.00%
421 - Chemical hazard (no spill or leak)	1	0.00%
422 - Chemical spill or leak	2	0.10%
424 - Carbon monoxide incident	7	0.20%
440 - Electrical wiring/equipment problem, other	2	0.10%
441 - Heat from short circuit (wiring), defective/worn	1	0.00%
442 - Overheated motor	1	0.00%
444 - Power line down	32	0.80%
445 - Arcing, shorted electrical equipment	7	0.20%
460 - Accident, potential accident, other	6	0.20%
463 - Vehicle accident, general cleanup	15	0.40%
480 - Attempted burning, illegal action, other	10	0.30%
	Total: 150	Total: 3.9%
Count: 15		

Incident Type Report Continued

Incident Type Category: 5 - Service Call		
500 - Service call, other	9	0.20%
5009 - Service Call, Keybox Request	1	0.00%
510 - Person in distress, other	16	0.40%
520 - Water problem, other	5	0.10%
521 - Water evacuation	2	0.10%
522 - Water or steam leak	14	0.40%
531 - Smoke or odor removal	8	0.20%
541 - Animal problem	1	0.00%
542 - Animal rescue	2	0.10%
550 - Public service assistance, other	9	0.20%
551 - Assist police or other governmental agency	5	0.10%
553 - Public service	19	0.50%
554 - Assist invalid	9	0.20%
561 - Unauthorized burning	18	0.50%
571 - Cover assignment, standby, moveup	40	1.00%
	Total: 158	Total: 4.1%
Count: 15		
Incident Type Category: 6 - Good Intent Call		
600 - Good intent call, other	14	0.40%
611 - Dispatched and cancelled en route	202	5.30%
6111 - EMS Dispatched and cancelled en route	122	3.20%
622 - No incident found on arrival at dispatch address	13	0.30%
631 - Authorized controlled burning	3	0.10%
650 - Steam, other gas mistaken for smoke, other	1	0.00%
651 - Smoke scare, odor of smoke	22	0.60%
652 - Steam, vapor, fog or dust thought to be smoke	4	0.10%
671 - HazMat release investigation w/no HazMat	10	0.30%
	Total: 391	Total: 10.2%
Count: 9		
Incident Type Category: 7 - False Alarm & False Call		
700 - False alarm or false call, other	5	0.10%
710 - Malicious, mischievous false call, other	4	0.10%
711 - Municipal alarm system, malicious false alarm	2	0.10%
714 - Central station, malicious false alarm	1	0.00%
715 - Local alarm system, malicious false alarm	2	0.10%
730 - System malfunction, other	3	0.10%
731 - Sprinkler activation due to malfunction	3	0.10%
733 - Smoke detector activation due to malfunction	16	0.40%
734 - Heat detector activation due to malfunction	1	0.00%
735 - Alarm system sounded due to malfunction	36	0.90%
736 - CO detector activation due to malfunction	20	0.50%
740 - Unintentional transmission of alarm, other	2	0.10%
741 - Sprinkler activation, no fire - unintentional	4	0.10%
742 - Extinguishing system activation	1	0.00%
743 - Smoke detector activation, no fire - unintentional	40	1.00%
744 - Detector activation, no fire - unintentional	8	0.20%
745 - Alarm system activation, no fire - unintentional	49	1.30%
746 - Carbon monoxide detector activation, no CO	15	0.40%
	Total: 212	Total: 5.5%
Count: 18		
Incident Type Category: 8 - Severe Weather & Natural Disaster		
814 - Lightning strike (no fire)	3	0.10%
	Total: 3	Total: 0.1%
Count: 1		
Incident Type Category: 9 - Special Incident Type		
911 - Citizen complaint	2	0.10%
	Total: 2	Total: 0.1%
Count: 1		
	Total: 3,820	Total: 100.0%

2019 PUBLIC FIRE EDUCATION

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yearly Totals
Scout Tours/Demos		1		1					1	1	2	3	9
Truck/Station Tours	1	1	1	2		2		1	3	8	2	1	22
Fire Extinguisher Training		1	1	4		1			1				8
Fire Drills/Smoke Alarm Check		10								13			23
Parades					1		4						0
Fire Truck Rides				1									1
Block Parties							1	122	1		1		125
Misc		1				1		2	1	5	1	1	12
EMS Standby						1			2	2			5
Monthly Totals	1	14	2	8	1	5	5	125	9	29	6	5	210

2019 MONTHLY INSPECTION REPORT

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yearly Totals
Consultation - General			1	1	1	2	1	1	2	4			13
Consultation - Site		4		3	2	3	1	6	1	3	1	3	27
Consultation-General					1	3	3	1	2	1		4	15
Consultation-Site		1	3	1		2	1	1			1		10
Daycare - Inspection									3				3
Fire Alarm System - Plan Review			2	2	5	2	5	3	2	1		1	23
Fire Code Complaint - Inspection	7	4	12	3	8	4	2	1	1	3	3	6	54
Foster Care - Inspection		3	3										6
General - Plan Review	2	1	1	2	1	3							10
Group Home - Inspection							1						1
Inspection - Certificate of Occupancy	1							2			1		4
Inspection - Construction Site								6	2		1	1	10
Inspection - Fire Alarm		2	16	3	2	2	1	5	5	3	2	1	42
Inspection - Fire Prevention Activity				1						4			5
Inspection - Fire Protection	4			1	1		1	3				1	11
Inspection - Fireworks					1	1	1						3
Inspection - General	33	65	83	18	16	23	30	3	22	45	41	50	429
Inspection - Hoarding						1			3	1			5
Inspection - Reinspection	3												3
Inspection - School										2			2
Inspection - Site					5	1	1						7
Inspection - Sprinkler System	1	2	2	1	3	2	5	3	4	14	12	3	52
Inspection-Cert of Occupancy							1			1		1	3
Inspection-Construction Site								1					1
Inspection-Fire Alarm								2					2
Inspection-General		4	4		1	2	4		1	1		19	36
Inspection-Reinspection	13	30	12	21	25	26	8	5	9	16	11	8	184
Inspection-Site					1								1
Inspection-Sprinkler System				1						2	2		5
Misc. - Inspection								3	18	2			23
Public Education - General								1		3			4
Residential - Inspection				4									4
Sprinkler System - Plan Review	4	2		3	4	8	4		7	1		7	40
Temporary Membrane Structure - Inspection				2	1		1	1	2				7
Grand Total	68	118	139	67	78	85	71	48	84	107	75	105	1045

208

January Month in Review

Forestry 2020



Rehder Forestry Consulting

- Approved and signed numerous arborist licenses
- Prepared year-end Forestry Report for Council
- Deadline for hazardous tree removal is Feb 1st. Inspections will start promptly in February as I see numerous trees with "X"s standing. We will try and make direct contact with homeowners to inquire about delay and work with them to get the trees down in a timely fashion. If not compliant after receiving certified final warning, we will remove trees for them and assess property.
- 18 N Mallard has received a hazard tree letter even though they are only two small standing dead aspen next to the trail. The trees have been removed.
- Working with MDA on acquiring additional funding for Oriental Bittersweet eradication program. It looks promising and we will continue with what we started last year and expand the program. Will work with NRC on this project.
- Provided update to City Council on 2019 accomplishments and plans for 2020.
- Prepare for and attend NRC Meeting
- Preparation for oak wilt removal inspections. Deadline for removal of oak wilt trees is Feb 1, 2020. We still see several trees standing with circles around them and will continue to work with property owners to get trees down quickly. If not compliant after receiving certified final warning, we will remove trees for them and assess property.
- Provided homeowners calls for 3 residents
- We appear to have our first suspected case of EAB on private property and working with landowner towards a strategy. Cannot visually confirm though at this time.

**North Oaks Planning Commission Meeting Minutes
North Oaks City Council Chambers
December 3, 2019**

CALL TO ORDER

Chair Azman called the meeting of December 3, 2019, to order at 7 p.m.

ROLL CALL

Present: Chair Azman. Commissioners Hara, Hauge, Sandell, Shah, and Yoshimura-Rank.

Staff Present: Administrator Kress, Recording Secretary Needham, City Planner Kirmis, Sanitary Inspector Humpal, and City Attorney Nason

Others Present: Videographer Anderson.

A quorum was declared present.

APPROVAL OF AGENDA

MOTION by Hara (adding an item to approve 2020 Planning Commission meetings), seconded by Yoshimura-Rank, to approve the agenda as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

MOTION by Yoshimura-Rank, seconded by Shah, to approve the minutes as amended (corrected a misspelling of a name and incorrect date).

Motion carried unanimously.

NEW BUSINESS

a. Consider Variance 19-07 — ISTS, 16 East Pleasant Lake Road, 13.5 from the Front Yard Setback

MOTION by Hauge, seconded by Shah, to open a public hearing to consider Variance 19-07. The hearing was opened.

Sanitary Inspector Humpal explained that the proposed primary site for the septic system would encroach 13.5 feet within the 30-foot setback. This proposed location is the most viable site for the septic system, and it is suggested by the Sanitary Inspector that the Planning Commission approve the variance request.

Bob Michels of Michels Homes spoke on behalf of the homeowners and was available for any questions.

Krista Wolter of 7 Skillman Lane spoke on behalf of the variance being approved. She is excited to see multiple generations living in North Oaks and the neighborhood being revitalized.

Chair Azman called three times for comment.

MOTION by Yoshimura-Rank, seconded by Shah, to close the hearing. The hearing was closed.

MOTION by Shah, seconded by Hara, to approve Variance 19-07 with the conditions that the installation is completed by January 1, 2021 and as per the design dated September 29, 2019 by Mark Tradewell.

Motion carried unanimously

b. Consider Variance 19-08 — ISTS, 15 Ridge Road, Primary Site 20 Feet into the Front Yard Setback and Secondary Septic Site 50 Feet into North Oaks Golf Club property

Sanitary Inspector Humpal gave an overview of the proposed primary and secondary ISTS sites; the primary would encroach 20 feet into the 30-foot setback, and the secondary would sit entirely within the North Oaks Golf Club property.

Attorney Nason confirmed that an easement agreement would need to be worded in such a way to protect the secondary site from any disturbance.

Adam Price of Custom Homes spoke on behalf of the homeowners and was available for questions.

MOTION by Yoshimura-Rank, seconded by Hauge, to approve Variance 19-08 with the conditions that a recorded easement allowing 5,000 square feet of North Oaks Golf Club land for the secondary ISTS site; that the installation of the primary site is completed by December 31, 2020; and that the system is located per the design dated September 19, 2019 by Tradewell Soil Testing.

Motion carried unanimously

c. Consider Proposed Conditional Use Permit (CUP) — 26 Evergreen Road, Garage Space in Excess of 1,500 Feet

MOTION by Yoshimura-Rank, seconded by Shah, to open a public hearing to consider a CUP at 26 Evergreen Road. The hearing was opened.

Planner Kirmis explained that the proposed construction for a home at 26 Evergreen Road would include two attached garages, the combined total of which totals 2,636 square feet. The main concern for staff is that the applicant adheres to exterior lighting requirements when lighting the garages and associated driveways. City Staff recommends approving the CUP.

Peter Eskuche of Eskuche Design is the home's designer and spoke on behalf of the homeowner and was available for questions.

Chair Azman called three times for comment.

MOTION by Hara, seconded by Yoshimura-Rank, to close the public hearing to consider a CUP at 26 Evergreen Road. The hearing was closed.

MOTION by Hara, seconded by Shah, to approve the CUP at 26 Evergreen Road.

Motion carried unanimously

d. Review of the Comp Plan Meeting with Met Council Staff by City Planner

Planner Kirmis explained that Metropolitan Council Staff asked for some changes and data requests from the City of North Oaks, and City Staff then had a meeting with Met Council to outline what those revisions should be.

Met Council wants the City to meet or exceed the forecasts laid out in Table 5. Affordable housing needs to be done, according to Met Council, at eight units per acre. Met Council cannot force North Oaks to provide affordable housing; they can ask that we set aside a possible area for high-density residential development.

Commissioner Hauge asked what the legal ramifications would be of ignoring Met Council requests. System statement came to North Oaks in 2015 stating that North Oaks would need to provide 44 units of affordable housing; no challenge to this system statement was issued. If an area for high-density development is added into the Comp Plan, that would supersede the City's current Zoning Ordinance.

Chair Azman promoted that the first step is to outline a plan within a workshop. Commissioner Hauge recommended taking time to research all the options. Commissioner Shah asked for action items to be given to City Staff; she asked for a definition of "affordable housing"; if Staff can reach out to the former mayor of Falcon Heights, who is now on Met Council, for advice; investigate where the 142 affordable housing units are that Met Council has on their website for North Oaks.

MOTION by Hauge, seconded by Yoshimura-Rank, to prepare a presentation in a report format for next steps for response to the Met Council at the January 30, 2019 Planning Commission meeting.

Motion carried unanimously

e. Discussion of Legal Issues Related to Planning Commission Authority by City Attorney

Attorney Nason reviewed a memo she sent on November 25, 2019. Items discussed were the requirement for a concept plan by developers within the East Oaks PDA; when and how zoning and subdivision applications are deemed complete; and how the terms of the PDA are applied to future developments within the PDA.

f. North Oaks Company— East Oaks Concept Plans Informal Review

Chair Azman expressed concerns that the preliminary concept plans submitted to the City from North Oaks Company are incomplete. Commissioner Shah echoed concerns that the maps in the packet are incomplete.

Mark Houge of North Oaks Company presented preliminary concept plans for the East Oaks development. He stated the Company's belief that concept plans are not mandated to be submitted. Mr. Houge started with Exhibit B1 showing the six parcels for development. Island Field is a 21-acre site zoned residential/commercial mixed use; based on input from the community, this area is slated for condominiums. There will be a private entrance off Centerville Road. This scheme complies with the PDA's apportionment of 35 units, plus a 30% increase, for a total of 46 total units. 5.73 commercial acres are still available for use, but no specific use is currently defined. The condominium building would be three stories over enclosed parking. Mr. Houge plans to have meetings for focus groups in the future.

The next map showed Red Forest Way South, which would have 34 homes on 1.5-to-3-acre lots to be built in two phases. They would have well and septic. Building is hoped for in 2021.

Commissioner Shah asked if these plans were different from the ones presented to residents at the Golf Club in October, and Mr. Houge responded that they are indeed the same plans.

Gate Hill would comprise 85 housing units with an entrance off Centerville Road. They would be a combination of twin homes and detached homes, 2600–3000 square feet for each home.

Anderson Woods would have an entrance off of Centerville Road and would comprise 6 lots.

Nord parcel will have an entrance off Sherwood Dr. for 10 lots and two lots will be off of Deep Lake Road. These lots are 1.8 to 8 acres and will have well and septic. Trails will connect with exiting NOHOA trails. The east-west trail connection will be maintained either by existing trail easements or through a new designation with NOHOA.

Franny Skamser Lewis, 3 Red Maple Lane, has concerns about Anderson Woods and Nord, the entrances and the trails; she will be happy to share details at an appropriate time.

Commissioner Shah asked about next steps for plans submitted from the NOC. Chair Azman suggested combining the concept plan and preliminary plan reviews into one meeting. Planner Kirmis suggested that meetings with the developer before a preliminary plan is submitted is best, going forward. Attorney Nason mentioned that the City's Ordinance 129 stipulates a concept plan is reviewed by Council but the wording doesn't specify in what order those plans need to be submitted. Commissioner Shah is concerned there be 15 days to review the plans to determine if they are complete.

Mark Houge stated that NOC agrees there needs to be sufficient time for City Staff to review documents they submit.

A formal resolution for the 2020 regular Planning Commission Meetings schedule will be created for consideration at January's meeting.

**MOTION by Yoshimura-Rank, seconded by Hauge, to direct City Staff to present a resolution to adopt the 2020 regular Planning Commission Meetings schedule for consideration at their next meeting in January.
Motion carried unanimously.**

Next Planning Commission Meeting: Thursday, January 30, 2020

ADJOURN:

**MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 10:45 p.m.
Motion carried unanimously.**

Kevin Kress, City Administrator

Gregg Nelson, Mayor

Date approved _____

**North Oaks Natural Resources Commission
Meeting Minutes
North Oaks City Conference Room
December 19, 2019**

CALL TO ORDER

Bob Larson called the meeting of December 19, 2019, to order at 7:00 p.m.

ROLL CALL

Present: Chair Bob Larson, Commissioners Andrew Hawkins, Kate Winsor, David White, Damien LePoutre, NOHOA Liaison Diane Gorder, Mayor/Council Liaison Gregg Nelson

Absent: Commissioner Dan McDermott

Staff Present: Administrator Kevin Kress, and recording secretary Deb Breen.

Others Present: City Forester Mark Rehder

A quorum was declared present.

APPROVAL OF AGENDA

Commissioner White requested to add discussion of the open meeting law to the agenda. Item 4, Approval of the Previous Month's Minutes, was tabled.

MOTION by Gorder, seconded by Hawkins, to approve the amended agenda.

Motion carried unanimously.

UNFINISHED BUSINESS

a. Coyote Management Plan

- City Staff Gretchen Needham was going to present a draft plan based on the one used in Calabasas, California. A draft has not yet been submitted.

b. Oriental Bittersweet Removal Update

- City Forester Rehder stated that former City Administrator Robertson had applied for a MDA grant and the City received \$2,750 for treatment and \$1,000 for in-kind services. As the City forester, he was asked to conduct a survey in North Oaks looking for this invasive species. He surveyed the North Oaks Road and Pheasant Lane area and found a fairly extensive area of dense mats. Rehder mentioned it is very difficult to differentiate from native bittersweet and it also hybridizes with the Oriental species. Next spring, they will continue to go after the larger areas on 3 properties that were identified. Due to onset of early cold weather, the Grant has been extended until June of 2020 for completion of work. They may be able to use volunteers with this project.

NOHOA Representative Gorder asked about the cost, and was told the cost for Forester fees are not part of the grant. Rehder was asked about the next best way to attack it, and mentioned that he must speak to the homeowner before he can complete the removal. Commissioner Hawkins suggested a ribbon color to indicate Oriental bittersweet.

Forester Rehder will continue workshops in conjunction with the City and NOHOA to educate residents on what it looks like on properties. There was discussion on whether forester has the authority to eradicate immediately upon removal. Mayor Nelson and Administrator Kress will look into whether an ordinance is needed, or if we can proactively remove it since it has been deemed a noxious weed and MN department of agriculture mandates its removal. NOHOA representative Gorder suggested a letter be sent to the homeowner first to alert and give them a chance to remove on own, before we remove it for them and bill them for the cost.

Commissioner LePoutre suggested an article in the paper as well as the City e-blast. Rehder reviewed the protocol used by Forester staff when visiting the residents. He mentioned that we may be able to get more funding from Department of Agriculture. It was suggested we ask for \$10,000. Commissioner Hawkins asked if there was an application deadline. Rehder said that this would be an addendum by June/July so not a brand new grant.

MOTION by Hawkins for Forester Rehder to contact the Dept. of Agriculture inquiring about additional funds for oriental bittersweet removal, seconded by White. Motion carried unanimously.

c. Introduction to New Administrator

- Each NRC member introduced themselves to the new City Administrator Kress. Liaison Gorder mentioned that she is turning over her responsibilities as NOHOA Liaison to Forester Mark Rehder.

d. Conservancy Area

- Commissioner LePoutre asked who takes care of and maintains of the Conservatory area within North Oaks. Mayor Nelson mentioned that the North Oaks Company manages the Trust on behalf of the Hill Family. Administrator Kress will inquire with North Oaks Company to see how that will transfer when the build out is complete and the Company exits North Oaks. It was mentioned that the biologist recently hired North Oaks Company may be involved in this.

e. Update on Septic Ordinance Committee

- Commissioner Hawkins attended the recent septic meeting on December 17, 2019. New people were in attendance so they reviewed what was discussed at kick off meeting, including; the amount of cesspools in North Oaks, the different types of septic system, mission of the committee, options of point of sale vs. a specific date and how to minimize the impact of sudden cost on residents. By State statute, the MN Department of Pollution now considers Cesspool (open bottom tanks) non-compliant. The next meeting is in January. Commissioner LePoutre asked if they had a target timeline for completion of their task. Commissioner Hawkins mentioned the objective is to come up with several options and put forth a recommendation to City Council, and they need to be thorough in their analysis. He stated it is up to each individual homeowner to test their wells, so it is hard to collect data on pollution. Every septic system, soil content and property is unique,

and there is no ordinance requiring well testing, which would give the scientific data. Commissioner Winsor asked if residents had the right to ask the City what type septic system their neighbors might have. City Staff confirmed this is public record. Commissioner White asked if Realtors were pushing back a septic ordinance. Hawkins stated that various realtors had attended both meetings and it seemed productive. Realtors generally seemed to be in favor of removing systems that affected public health. Hawkins indicated that the State permits Cities to be more restrictive in their septic regulations than State law. It is a misdemeanor to violate the ordinance.

Administrator Kress mentioned that stewardship to the land is important. He mentioned that there are a number of funding mechanisms and the state, EPA, and city could possibly offer low interest loans to residents to update their Cesspool system. In total, he estimates it could be \$1,000,000 to replace all the cesspool and septic systems.

f. Review of Stormwater Management Plan

- Administrator Kress indicated that we have nothing to review on this plan. This only relates to City owned stormwater ponds. If this doesn't relate to us, so we can remove from the agenda going forward. The Stormwater Management obligation only relates to storm sewers instead of natural run off. The City previously produced a Stormwater document to VLAWMO, comments were reviewed at the prior NRC meeting. Administrator Kress will find the stormwater plan and share it with the NRC as information.

g. Review of Conservation Award Application/Process

- Commissioner Hawkins mentioned an application that came in the fall, and asked for an overview of how the Conservation Award process works. Commissioner Winsor believes the City Administrator wasn't able to find a time for NRC members to do the onsite with the resident. Conservation applications are due August with the form and categories available on the website. There can be multiple winners in the year and winners receive a plaque given at the Council meeting by Mayor, and a write up in the North Oaks News. This will be put on the Spring March or April NRC agenda. City Staff will follow up with the Applicant to schedule an onsite visit in spring. Administrator Kress mentioned that the NRC has a budget of \$6,000 with \$1,655.50 used mainly for trees in 2019. There is money available for Awards.

NEW BUSINESS

a. Tick Task Force Report

- Commissioner White communicated an update from the October meeting. In attendance were Rick Kingston, David White, and Brooke More. Polco software updated group on Polco software. TTF will be using the Polco survey tool for the 2020 survey. The existing survey will be converted to Polco by City staff by mid-January, and links to educate residents on how to respond in North Oaks News, City e-blast, etc. Councilmember Rick Kingston to follow up with Polco on individual answers vs. household, asking for one responder per household. TTF will continue ongoing education including writing article on prevention, diagnosis, treatment, etc. The next meeting is January 21, 2020 at 7:00

p.m. Commissioner White will ask task force if they wish to have their committee minutes posted on the City website.

b. Kate Winsor's Report

- An article submitted for December 2020 North Oaks news as reminder for bird feeders height and regulations didn't get published as expected, possibly because it was a repeat reminder article. A New Year's resolution for the climate article has been submitted for the January issue.

She is also researching a movie screening of "Hometown Habitats, Stores of Bringing Nature Home" for viewing by the Community. She is working to line up partners with NOHOA/NEST and Garden club. There is no cost to partners, just helping to spreading the word and educating. The North Oaks Golf club has agreed to host the event, and waive the room rental fee. The Natural Resource Commission would pay for snacks, and she will work on the movie contract. March 4, March 25 or April 2 are movie viewing option dates, with the Committee choosing March 4 from 7 – 8:30 p.m. as the preferred date/time. She will submit for the grant to view and advertise the movie. This will be advertised via e-blast, Facebook and North Oaks news.

c. City Update

- Administrator Kress has been working with City council and Met Council to request a designation for North Oaks from "suburban" to "emerging suburban edge" which would change our density requirement in the Comp Plan from 5 – 1 to 3 – 1. Lino Lakes has an emerging designation, and this would apply to the outer ring of North Oaks not under the PDA restrictions. The Met Council asked for a density requirement which we have to acknowledge, but this does not mean we have to put it in our plan. This could impact potential Met Council funding for new projects, but this likely would not affect us. Kress is also spending time meeting with City staff and partners.

d. NOHOA/NEST Update

- Liaison Gorder and Rehder are working together on the pilot project on Pleasant Lake for Aquatic vegetation control since water quality is a benefit for all members. They are working with Steve McComas at Blue Water Science to come up with best practices and work towards a better experience on the beach. In effort to decrease the amount of swimmers itch, they plan to treat mid-June proactively around beach and remove docks to minimize geese droppings in water. They are also looking at clam raking to help rid of zebra mussels and Chinese mystery snail. This could be a Community oriented event which includes Boy Scout assistance as well. Forester Rehder will monitor water quality and take water samples to be tested regularly. Blue Water science will review vegetation in June, and determine how to make better sailboat and canoe access. NOHOA may reach out to residents who live along the lake and see if they'd like a 15 foot path cut for a fee, possibly \$200, to be done same time as clearing beach weeds. Gorder clarified that NOHOA owns both the beach and shoreline so feels this is pertinent to providing recreation for residents. The Ramsey county map system shows NOHOA property ownership within the various lakes. Rehder mentioned they feel confident in the vendor they have chosen to work with on this.

NEST Project – Representative Gordon stated the NEST committee has several priorities including: the overgrown Mary Hill park, applying for Level 2 VLAMO grant for entrance ponds, shoreline restoration and maintenance work. They are also collaborating with the Golf course on shoreline by hole #10, completing buckthorn removal and looking at new vegetation. Forest Rehder indicated the Emerald ash borer survey will take place in the winter. They continue to look where the hotspots are, let residents know, and remove trees where necessary to limit risk to people on trails and streets. Operation Clearview has removed a lot of dangerous brush adjoining roads. Commissioner Winsor asked about Purple Loosestrife with Rehder indicating he is keeping tuned in on it.

OTHER BUSINESS

Commissioner White asked what the terms are for NRC members. Commissioner Winsor indicated that the terms are on the website. Administrator Kress will look to see if there are statutes or ordinance on Terms. White asked for more information on what they can and cannot do in regards to the Open Meeting law to maintain compliance. Mayor Nelson confirmed the Commission is subject to open meeting law and City staff will forward on additional reference material on this topic. White asked if we were covered by City insurance if need be, Kress mentioned this is typically the case but it is good practice to be aware of the regulations. Mayor Nelson mentioned that Council and Administrator will be looking at the appointment process going forward, and if there is need to put in more formal rules for NRC.

MISCELLANEOUS

Next Natural Resource Commission Meeting is Thursday, January 16, 2020 @ 7:00 p.m.

ADJOURN:

**MOTION by White, seconded by Hawkins, to adjourn the Council meeting at 8:39 p.m.
Motion carried unanimously.**

Kevin Kress, City Administrator

Gregg Nelson, Mayor

Date approved_____