

The Council Meeting was called to order at 7:00 p.m. by Acting Mayor Gregg Nelson at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota.

Council: Acting Mayor Gregg Nelson, Councilmembers Marty Long and Rick Kingston
Staff: City Administrator Mike Robertson, City Attorney David Magnuson, Deputy Mike Burrell, and Videographer Maureen Anderson.

Absent: Mayor Mike Egelston and Councilmember Katy Ross.

Pledge of Allegiance

Acting Mayor Nelson led the Pledge of Allegiance.

Approval of Agenda

Councilmember Long moved to approve the Agenda. The motion was seconded by Councilmember Kingston and passed unanimously.

Citizen Comments

No one spoke.

Consent Agenda

1. Minutes of the Regular City Council meeting of February 8, 2018, for approval
2. Minutes of the Natural Resources Commission meeting of February 15, 2018, for approval
3. Minutes of the Planning Commission meeting of February 12, 2018, for approval
4. Licenses for Approval: Liberty Comfort Systems; The Snelling Company; Crawford Merz LLC; Genz Ryan Plumbing and Heating; Central Minnesota Tree Service; Kraft Mechanical, LLC; Aerotek Heating & Cooling, and Metro Sheet Metal, Inc.
5. Claims for approval: 012610-012635

Councilmember Long moved to approve the Consent Agenda, with a second from Councilmember Kingston. Motion passed unanimously.

Petitions, Requests, & Communication

1. Jerry Hromatka-Northeast Youth & Family Services
Jerry Hromatka, representing Northeast Youth & Family Services (NYFS), spoke on the mission and services of NYFS, including focus areas of adolescent mental health, community education and day treatment for students. More information is available on the NYFS website, www.nyfs.org.

Councilmember Kingston thanked Mr. Hromatka for his presentation. He expressed his appreciation for the work of NYFS. He said he's spoken to Mr. Hromatka and that NYFS may assist residents in the future who have trouble complying with the Home Maintenance Ordinance. He expressed his interest in collaboration on a program that would connect local youth with senior citizens in the community who need help and companionship. Councilmember Kingston also stated many residents have expressed an interest in making contributions that are targeted for specific programs. Mr. Hromatka stated this is an option.

Mr. Hromatka stated grant funding from the City of North Oaks allows NYFS to allocate funding directly toward programs where it is most needed. He thanked the City of North Oaks for their partnership and support.

2. Deputy Mike Burrell's Report

- Road weight restrictions are currently in place, and resident complaints have been received about heavy trucks on City roads. Traffic Enforcement Officer Mike Casey plans to use a scale to actively enforce weight restrictions. Residents should contact Deputy Burrell or Ramsey County Dispatch to report over-sized trucks.
- Multiple complaints have been received from residents about bicyclists. This will continue to be an issue as the weather warms up.
- A recent robbery of a North Oaks resident at the White Bear Lake Cub Foods proved to be the catalyst for ending a string of similar crimes. Cub's Security Officer, Scott Nelson, was able to identify the suspects, who were subsequently arrested and charged.

Unfinished Business

1. MS4-Surface Water Management Plan - City Engineer Mike Kuno

City Engineer Mike Kuno reviewed the City's MS4 Surface Water Management Plan (SWMP), which is required by State Statute to be updated annually, and included as an addendum to the Comprehensive Plan. The Water Management Plan is intended to minimize costs associated with flooding and establish local policies. The SWMP maintains an inventory of existing surface water systems within the community, and is instrumental in defining actions and projects for consideration over the next ten years.

Mr. Kuno stated the Plan has recently been amended to include the Atlas 14 precipitation model, used by the Minnesota Pollution Control Agency (MPCA) and other agencies. This model incorporates 50 years of rainfall data to precipitation frequency estimates. As an example the 100 year rainfall event has been changed from 5.5 inches in 24 hours to 7.2 inches and stormwater ponds have increased in size accordingly. Mr. Kuno said Section 7 of the Plan has been updated to reflect new MPCA regulations, including Minimum Impact Design Standards (MIDS) performance goals. The MIDS model allows greater flexibility and a variety of treatment options for stormwater management.

Mr. Kuno stated a draft SWMP document has been forwarded to Vadnais Lake Area Watershed Management Organization (VLAWMO) and adjacent communities. He noted there is a 60-day review period before the draft is due for submission to the Metropolitan Council. A final draft will be submitted for approval with comments by all participating entities.

Councilmember Long stated North Oaks has a unique topography with natural ditches and swales that provide a lot of stormwater mitigation.

New Business

1. Discussion of Lake Weed Removal from Pleasant Lake

Acting Mayor Nelson stated Pleasant Lake weed removal is scheduled for the third week in June. He added Steve McComas of Blue Water Science will conduct a delineation survey prior to weed removal. He noted it is hoped that this analysis will provide insight into managing lake weeds on a multi-year basis.

2. Consider Approval of Proposed Changes to the Zoning Ordinance

Administrator Robertson reviewed proposed changes to the Zoning Ordinance as recommended by the Planning Commission:

- Adoption of a language amendment related to building height restrictions, to replace “average roof height” with “top ridge height”.
- Adoption of an Ordinance to approve hours of construction activity as follows:
7:00 a.m. - 7:00 p.m., Monday through Friday
9:00 a.m. - 5:00 p.m. on Saturdays
Prohibited on Sundays
Contractors can be on-site outside of these hours. North Oaks residents working on their own homes are not included in these restrictions.
- Adoption of a language amendment related to variances to replace the term “undue hardship” with “practical difficulties”;
- Blacktop, concrete or other approved hard surfaces will be required for driveways of newly constructed homes. Existing homes with gravel driveways will be grandfathered in.

Acting Mayor Nelson expressed concern that the underlying considerations related to “undue hardship” would not be amended. City Attorney Magnuson stated, in the past, it has been almost impossible to legally grant a variance for any reason. He added, however, the proposed language change will add an element of reasonableness that will be a benefit to the community. Councilmember Kingston stated he supports the language change as it gives more latitude for lots that are difficult to manage.

Acting Mayor Nelson asked for clarification regarding the reasons for changing the building height restriction language to “top ridge height”. Robertson stated steeply pitched roofs were increasing in height and pitch and that the Planning Commission wants to discourage that trend. Councilmember Kingston asked how “top ridge height” is measured. Administrator Robertson stated building height is measured from the front elevation.

Councilmember Long made a motion to approve proposed changes to the Zoning Ordinance as recommended by the Planning Commission, with a second from Councilmember Kingston. Motion passed unanimously.

2018 Councilmember Responsibilities

Acting Mayor Nelson noted that the major changes are that he will now be the liaison to the Natural Resources Commission while Councilmember Long will be the liaison to the Cable Commission. Councilmember Kingston stated, with regard to Home Maintenance Committee that, an amendment may be necessary. Acting Mayor Nelson agreed, adding Mayor Egelston should be included in that discussion.

Councilmember Reports

- **Councilmember Marty Long** - Councilmember Long requested a review of the North Oaks Warranty Deed, known as the “Countryman Deed” to ensure consistency of building practices, as well as protect property, homes and assets within the community. He added the Warranty Deed was created in 1950 and should be reviewed and updated to identify clear, consistent goals and policies.
- **Councilmember Rick Kingston** - The Tick Task Force is scheduled to meet April 17, 2018. A link to the Task Force survey is currently available on both the City of North Oaks and North Oaks Home Owner’s Association (NOHOA) websites. The survey results should be available for review at the April 17 Task Force meeting. He encouraged all City residents to take the survey, even if they have never been affected by Lyme disease or any tick-borne illness. He noted the survey will provide insight into the efforts of the Task Force and what needs to be done moving forward. Councilmember Kingston stated the Tick Task Force survey results will be presented to the City Council by Brooke Moore at their April 12, 2018, Regular Meeting. He added he will present the survey results to the NOHOA Board of Directors at their May 3, 2018, meeting.

Councilmember Kingston stated he attended a recent meeting of the NOHOA Board of Directors, which featured a discussion related to the By-Laws of the Architectural Selection Committee (ASC). He noted the Board took action on this issue without a Town Hall Meeting or resident input, and many residents came forward to raise questions regarding this process. The Board action was subsequently rescinded in lieu of holding a Town Hall meeting. He added, in his opinion, the ASC Handbook and the Home Maintenance Ordinance should be combined, as they are linked in many respects.

Councilmember Kingston stated he supports a discussion regarding interpretations of the Warranty Deed from an ASC perspective.

- **Acting Mayor Gregg Nelson** - Acting Mayor Nelson stated he attended a recent meeting of the Vadnais Lake Area Watershed Management Organization (VLAWMO). He expressed his appreciation of the hard work and efforts of the VLAWMO Staff and Board of Directors.

City Administrator Report

1. Approve Contract with St. Paul Animal Control

The City of North Oaks received a 60-day termination notice from Hillcrest Animal Hospital in December 2017 related to the City’s animal control contract. An agreement was reached with St. Paul Animal Control Center (SPAC) with input from the other Ramsey County cities that contract with the Sheriff’s Office for law enforcement. He noted SPAC began taking animals as of March 1, 2018 even though the agreement has not been formally approved by the City Council.

Acting Mayor Nelson asked whether the cost will be similar to Hillcrest. Administrator Robertson confirmed this, adding the cost is minimal as there are not many animals from North Oaks that are impounded.

Councilmember Long made a motion to approve the Animal Control Agreement with St. Paul Animal Control Center, with a second from Councilmember Kingston. The motion was approved unanimously.

Acting Mayor Nelson requested an update on deer harvest management. Administrator Robertson stated all traps have been pulled except those that are frozen to the ground. He added representatives of the U.S. Department of Agriculture (USDA) will be on-site through the end of March 2018, when the permit expires. He noted there have been significantly less deer this winter.

City Attorney Report

City Attorney Magnuson stated the Warranty Deed, also known as the Countryman Deed, is precluded by State Statute from expiring in 30-years, unlike most other warranty deeds.

Acting Mayor Nelson expressed his appreciation of the deed and its significance for the community of North Oaks. Councilmember Long agreed, adding the covenants and restrictions have worked well for many years.

Councilmember Kingston asked whether this preclusion could ever be removed. City Attorney Magnuson stated a change in State Statute would be required, as well as a 30-year period before the clause would be invalidated. He added the covenants contained in the Countryman Deed are as important and relevant today as when they were created.

Acting Mayor Nelson stated, however, the covenants can be subject to flexibility and interpretation on some issues. City Attorney Magnuson agreed.

Miscellaneous

Acting Mayor Nelson reviewed upcoming City meetings:

- The Natural Resource Commission will meet Thursday, March 15, 2018, at 7:00 p.m.;
- The Planning Commission will meet Thursday, March 29, 2018, at 7:00 p.m.
- The City Council's next Regular Meeting is scheduled for Thursday, April 12, 2018, at 7:00 p.m.

Adjournment

On motion duly made by Councilmember Long, seconded by Councilmember Kingston and carried unanimously, the meeting was adjourned at 8:09 p.m.

Attest:

Respectfully Submitted

Acting Mayor Gregg Nelson

Mary Mullen
Recording Secretary