

# CITY OF NORTH OAKS

Regular Council Meeting  
Monday, April 22, 2019  
NOTE REVISED MEETING DATE & TIME  
8:00 P.M., Community Meeting Room  
100 Village Center Drive

## COUNCIL MEETING AGENDA

### Call to Order

### Roll Call

### Pledge of Allegiance

### Approval of Agenda

**Citizen Comments** - *Individuals may address the City Council about any item not included on the regular agenda. Speakers are requested to come to the podium, state their name and address for the record, and limit their remarks to three minutes. Generally, the City Council will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

**Consent Agenda** - *These are items considered to be routine and will be enacted by one motion. There will be no separate discussion, unless requested for separate consideration at which point the item will be removed from the Consent Agenda and placed as a separate item on the agenda.*

1. Minutes of the Regular Council Meeting of March 14, 2019 for approval
2. Minutes of the Natural Resources Commission meeting of March 21, 2019 for approval
3. Minutes of the Planning Commission meeting of March 28, 2019 for approval  
Licenses for Approval: Boehm Heating Company; Creative Air LLC; Glowing Hearth & Home, Heating & Cooling Two, Inc.; Metro Heating & Cooling; Pronto Heating and Cooling; River City Sheet Metal; Standard Heating and Air; Summit Heating & Air

Approval of Claims: Check#: 13059–13091

### Petitions, Requests & Communications

1. Deputy Mike Burrell Report

### **New Business**

1. Twenty Year Review of 1999 East Oaks PUD
2. Consider Taking Traffic Counts at Main Entrances to North Oaks
3. Consider & Set Public Hearing for Ordinance 129 Amending City Code Related to Planned Unit Development Processing
4. Discussion of Ordinance 130 Amending City Code Related to Planning Commission Composition and Organization
5. Consider Need for Staff Assistance
6. Establish Committee to Review City Attorney Applications

### **Council Member Reports**

- Kara Ries
- Katy Ross
- Marty Long
- Rick Kingston
- Mayor Gregg Nelson

### **City Administrator Reports**

1. League of Minnesota Cities Workshop, Thursday, May 9, 2019 at 5:00 p.m.

### **City Attorney Reports**

### **Miscellaneous**

Next Natural Resource Commission Meeting is Thursday, April 18, 2019 @ 7:00 pm  
Next Planning Commission Meeting is Thursday, April 25, 2019, @ 7:00 pm  
Next Regularly Scheduled Council Meeting is Thursday, May 9, 2019 @ 7:00 pm  
Next Tick Task Force Meeting is Tuesday, April 16, 2019 @ 7:00 pm

### **Adjournment**

The Council Meeting was called to order at 6:35 p.m. by Councilmember Mayor Gregg Nelson at the Conference Room, 100 Village Center Drive, Suite 230, City of North Oaks, Minnesota. Present were Mayor Gregg Nelson; Councilmembers Marty Long, Katy Ross, and Kara Ries; and Recording Secretary Gretchen Needham and Videographer Maureen Anderson. Councilmember Rick Kingston and Administrator Mike Robertson were absent.

### **Pledge of Allegiance**

### **Approval of Agenda**

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

### **Citizen Comments**

Patricia, 4 Hay Camp Rd., asked that the Council give background as to item #5 on the consent agenda, approval of 2019 Pay Equity Plan. Attorney Magnuson explained that it allows for equal pay for women and men in their respective positions and is required by state statute.

Tom Watson, 45 East Pleasant Lake Rd., spoke about the importance of keeping the Comp Plan's editing to very few individuals within the City to keep stray or unagreed-upon additions or deletions out of the document. Mr. Watson feels the City Planner should be present at workshops. Mr. Watson offered to help further with the Comp Plan and its preparation for Met Council. The documents that he presented at the Planning Commission Workshop on March 13, 2019 will be available to the public at the City office.

Francis Lewis, 3 Red Maple Lane, asked that the City Council carefully consider the East Oaks Development Plan to keep within the intended design of North Oaks.

Rich Dujmovic, 15 Black Lake Road, feels that privacy, safety, security, quality of life and harmony with nature are important tenants of our city, and that an additional entrance would not be aligned with these priorities. A petition signed by over 150 residents asks that the Council reject the development plan if it includes a new entry.

Damien Lepoutre, 6 Black Lake Road, asked for continued transparency, including making documents more available to the community. Mr. Lepoutre asks that all Planning Commission and City Council members work together to make sure the new development works to represent what North Oaks is.

Tom Watson spoke about the former West Black Lake Development of North Oaks Company, which had 3 of 5 phases completed and then was withdrawn, and the North Oaks Company then submitted the East Oaks Development. The proposed road on that West Black Lake Development was rejected by the City at that time.

Lisa Dujmovic, 15 Black Lake Road, asked that the Comp Plan be looked at carefully by the City Council.

Mayor Nelson reminded the community that the Comp Plan is a complex document that has taken a while to put together, and that it is a separate document from the East Oaks Development Plan, though the two do share some common elements and concerns.

### **Consent Agenda**

Licenses for Approval: TLT Enterprises, Inc.; CenterPoint Energy Resource Corp; Marsh Heating & A/C; MSP St. Paul Plumbing and Heating Co.; Alta Heating and Plumbing; Affordable Comfort Mechanical LLC; Air Quality Services, LLC; Hagen Remodeling & Construction; Metro Tree and Stump.

Approval of Claims: Checks Check#: 13025–13058

**Councilmember Ross moved to approve the Consent Agenda. The motion was seconded by Councilmember Ries and passed unanimously.**

### **Petitions, Requests, & Communication**

Report from Deputy Mike Burrell:

- Speed enforcement will continue as the snow melts and drivers speed up.
- A major traffic accident occurred on Highway 96 by the Pleasant Lake entrance; only minor injuries. Please use care when using the flashing yellow lights.
- Cigarettes have been stolen from the Walgreens in North Oaks.
- A snow removal service was trespassing and soliciting. If you see this action, call the Sherriff's office to report.
- A male arrested was arrested on child pornography charges in North Oaks. Bureau of Criminal Apprehension will conduct the case.

### **New Business**

1. Resolution 1348 – Approval of Ramsey County Hazard Mitigation Plan

Deputy Chief Matt Sather explained that this plan is mandated to be renewed every five years.

**Councilmember Long moved to approve the Ramsey County Hazard Mitigation Plan. The motion was seconded by Councilmember Ries and passed unanimously.**

2. Approve 1-Day Temporary Liquor License

NOHOA asked for a one-day temporary liquor license to be used on June 1, 2019.

**Councilmember Long moved to approve the 1-Day Temporary Liquor License. The motion was seconded by Councilmember Ries and passed unanimously.**

3. Approve New Copier Lease

A new copier lease is put forth for the City, which will give the City and NOHOA access to a new copier machine at a lower cost than the current one.

**Councilmember Long moved to approve the New Copier Lease. The motion was seconded by Councilmember Ross and passed unanimously.**

4. Three-Month Review of Social Media Policy

Councilmember Ries said that the City's policy is consistent with surrounding communities. Mayor Nelson reported that there have no significant issues with the social media policy.

### **Councilmember Reports**

#### **Kara Ries**

- Councilmember Ries attended a VLAWMO meeting in Councilmember Long's absence; one of the topics discussed was measuring and monitoring local lakes and waters.
- The Cable Commission approved a handbook for employees, and put together a task force on how CTV can support the communities they serve.
- The coyote informational meeting that took place right before this meeting was very successful. The event was taped and will be on the website. The presentation gave statistics, trends in Minnesota, and education about coyotes.

#### **Katy Ross**

- The City Council toured areas involved in East Oaks Development proposed by North Oaks Company.
- The most recent Planning Commission meeting and working session had lots of attendance, which is appreciated. Councilmember Ross feels the Planning Commission is in a good position to move forward with the Comp Plan soon. There have been lots of questions from residents, and it takes time to look up answers and get back to residents. The Commissioners and Councilmembers will do their best to respond expediently to resident concerns.
- Mailboxes are for sale at a discounted rate from the City office. Order up until April 19. A handyman service will be available for installation.
- A recycle and shred event will be held on June 22 at Southpointe. Information will be on the City website.

#### **Marty Long**

- Commissioner Long appreciates the work of Tom Watson and the Planning Commission to work through the complexity of the Comp Plan.
- Locations for a new fire hall in Shoreview are being considered.

#### **Mayor Gregg Nelson**

- Mayor Nelson watched the work session of the 13th and appreciated the dedication and hard work of the Planning Commissioners. He did express concern over Commissioner Azman's comments that the Planning Commission is not properly supported. A city planner is available to the Planning Commission and should attend all significant meetings, as well as a city attorney. Any problems with these contractors should be brought to the City Council. Mayor Nelson also remarked that Planning Commission Chair Ross said she has been having a hard time getting a hold of the planner, but Mayor Nelson had only recently heard of this comment from her. Mayor Nelson expressed disappointment that the comments for the Comp Plan took so long in the workshop; these comments and edits should have been made sooner.

- Mayor Nelson reminded everyone that the Comp Plan and East Oaks Development are separate documents, although they have certain overlaps. He is pleased to see so much interest in the development plan by the residents.
- Mayor Nelson attended a mayors meeting and was reminded that our Planning Commission has to be independent from City Council.

### **City Attorney Report**

1. Approve a Request for Proposals (RFP) for a New City Attorney  
**Councilmember Long moved to approve a Request for Proposals (RFP) for a New City Attorney. The motion was seconded by Councilmember Ries and passed unanimously.**

Councilmember Ries noted the City's planner left last year and institutional knowledge is needed for the Comp Plan. Tom Watson has supplied some of it. The Planning Commission worked hard on the document and that the extra time spent over the past four months is critical. It's a value to the North Oaks of the future to have the Comp Plan completed correctly; Councilmember Ries thanked the Planning Commissioners of 2018 for all the good background work they did.

Councilmember Ross says that the Planning Commission wanted to amend the Comp Plan and give that to the Council, but Council decided to remand it back to the Planning Commission. New information had come to light. Councilmember Ross says she emailed Mayor Nelson asking for the planner and legal support, and that the response she received was that we already had a City Attorney and that she should talk herself to the planner.

Councilmember Long says he's had 20 plus years in the community, and thinks the Planning Commission and City Council are acting properly. The Planning Commission is working hard, and if we need to support the Planning Commission, that's the job of the City Council. Councilmember Long has been involved in comp plans and knows the involvement of a planner is important, but that planner has to be educated to our particular community.

Councilmember Long asked if there is a list of things Planning Commission needs from City Council and the City.

### **Miscellaneous**

Next Natural Resource Commission Meeting is Thursday, March 21, 2019 @ 7:00 pm

Next Planning Commission Meeting is Thursday, March 28, 2019, @ 7:00 pm

Next Regularly Scheduled Council Meeting is Thursday, April 11, 2019 @ 7:00 pm

Next Tick Task Force Meeting is Tuesday, April 16, 2019 @ 7:00 pm

### **Adjournment**

**On motion duly made by Mayor Nelson, seconded by Councilmember Ross and carried unanimously, the meeting was adjourned at 8:10 p.m.**

Attest:

Respectfully Submitted

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City Administrator Mike Robertson

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Gretchen Needham  
Recording Secretary

DRAFT

**Natural Resources Commission Minutes**  
**March 21, 2018**  
**7:00 P.M.**

**Call to Order:**

Chair Bob Larson called the meeting to order at 7:00 p.m.

**Roll Call:**

**Present:** Chair Bob Larson, Vice Chair Kate Winsor, Commissioners David White, Damien LePoutre, Dan McDermott, City Council Liaison Gregg Nelson and NOHOA Liaison Diane Gorder  
**Staff:** City Administrator Mike Robertson and Recording Secretary Debbie Breen.

Commissioners asked that staff advertise for a new Natural Resources Commissioner.

**Approval of Agenda:**

**Commissioner Winsor moved to approve the agenda. Commissioner White seconded. Motion approved unanimously.**

**Pollinator Resolution Discussion – U of M student Presentation**

Four students from the Agriculture Sciences Department from the University of Minnesota were present to request that North Oaks pass a Pollinator friendly resolution. They discussed the state of bees, butterflies, bats and moths, which make up ¾ of pollination of all crops. Fifty percent of the world's honeybees were lost last year due human causes and weather, pathogens, pesticides, habitat and loss of food. A pollinator resolution is a set of guidelines on how to treat the landscape in a pollinator friendly way, that can be tailored to fit community's needs. They said that Shoreview had recently passed a similar resolution.

Commissioner White asked if this was typically adopted as resolution or as an ordinance. The students confirmed that it is a non-binding Resolution, more like a pledge. Commissioner McDermott asked if there is any data yet on results from passing the ordinances. They stated it is too soon to determine as it is a world problem and initiatives are just underway and there are over 400 species of bees. Commissioner LePoutre asked if forests like North Oaks is a better source of pollinators, or worse source than a more urban environment. They provided a brochure that shows what works best in a wooded environment.

Mayor Nelson confirmed that the NRC should come up with the Resolution and then propose it to the City Council for approval once NOHOA has given approval. The Commission agreed to move ahead.

**Review of Coyote Presentation**

Chair Larson gave a summary of the Coyote presentation on March 14<sup>th</sup>. The State specialists noted that the removal of Coyotes just makes room for others coming in, and said that residents should harass them with loud noises, firecrackers, etc. and that is usually enough to be effective. The overall emphasis of the presentation was on coexisting with coyotes. It was a really good turnout for the presentation and the recording is on the website.

Commission Winsor asked how the City plans to address Coyote inquiries going forward. Administrator Robertson stated they would refer residents to the presentation. The Ramsey County Sheriff's office also recently instructed Deputy Burrell to not shoot coyotes unless there was an imminent threat to life. Chair Larson noted a few people in attendance asked for additional presentations on other nature/wildlife topics. Commissioner White asked if there is a sense of community input on the topic. Robertson stated there have been many sightings reported, but only a few of a more aggressive nature. The City is tracking reports of sightings, and will send out the Deputy or animal control for any direct threats.

#### **Review of Proposed Water Plan**

Administrator Robertson noted the Water Plan is part of Comp Plan update to the 2018. He asked the Commissioners if they had any feedback on the plan.

Commissioner Winsor mentioned in Part B of Page 10 – might want to add information on Blandings turtles found in North Oaks. Page 18, section 3 – wondered if salt use should be mentioned as part of water quality. NOHOA Gorder mentioned that Mel's is trying to use more sand and less salt now. Commissioner Winsor asked if Climate change was addressed in document. Administrator Robertson noted that the 100-year rainfall event has been changed from 5.5 inches to 7.0 inches and that future stormwater systems have to be sized accordingly. Commissioner White stated in yesterday's paper there was an article about what happens to the salt used on road, and that it doesn't go away but just settles in the bottom. Robertson stated that there is an alternative to salt, but it is a chemical mixture that is much more expensive. Sand / Salt combination is the cheapest solution. Commissioner LePoutre asked if there was anything specific to Black Lake on page 14 – if not, may need to add since it is important to VLAMO. He suggested inclusion of water willow on Page 10. Robertson stated they will receive the next document to be revised in 2-3 months. NOHOA Gorder mentioned on page 11 top and Page 17 – need to make consistent all the townships involved. Page 11, area 3 – revise to mention North Oaks parks are open to NOHOA members. Page 14 there is mention of the Mississippi water and how much water comes in to the watershed. Page 20 #12 – state NOHOA contractors instead of Public Works officials. Page 26 #5, mention of the environmental commission should be Natural Resource Commission.

Commissioner LePoutre requested the related maps be sent over to NRC and for them to be put on the website. Robertson stated that our City Engineer Sambatek put together the original document and continues to help maintain the document and maps.

#### **Environmental Assessment Worksheet Review**

Administrator Robertson said that last month's minutes had a mentioned an environmental impact study. He said that the Commission needs specific reasons to request either an environmental impact study or a revised EAW. Robertson noted that the North Oaks Company has withdrawn their proposed concept plan. Mayor Nelson clarified that the North Oaks Company could return with a new concept plan which proposed some of the same options. At the next Planning Commission meeting, they will be closing the public hearing on the concept plan and just focusing on the applications remaining.

Robertson noted that an EAW is required whenever more than 80 acres are proposed for development. The EAW done in 1999 is one of the most thorough he has ever reviewed. He reviewed some of the issues that have been brought up about the EAW. With the withdrawal of the concept plan none of these issues rise to the level necessary to require a new or revised EAW.

Commissioner LePoutre requested that the City Attorney review documents closely to make sure the new plan is compatible with what was approved in 1999. Commissioner LePoutre believes that topography maps show water flowing south into Black Lake. Robertson said that the water flows north from Black Lake to Wilkinson Lake.

Commissioner White asked if there's anything in deeds that restricts people from building based on environmental concerns. Robertson said there was nothing in City ordinances.

Public Comment – Susan Hinrichs thanked NRC and city for their review of upcoming project and encouraged the North Oaks Company, NOHOA and City to work together. She shared what she learned from VLAMO regarding wetlands.

Leanne Saveride – mentioned that original plan had road coming off of Sherwood for the Nord parcel.

Mayor Nelson has asked that residents forward any comments to the Planning Commission and the City Council.

**City Update:**

**Grant** – Administrator Robertson reported that the City received grant for \$2,750 for removal of oriental bittersweet.

**Deer Management** – They have been 24 deer removed this year. The City seems to be meeting its target of having less than 8 deer per acre.

**Approval of Minutes:**

Administrator Robertson asked to correct the February minutes to more accurately reflect the EAW discussion.

**Commissioner White moved to correct the February 21, 2019 minutes to state "Motion was made to review the EAW on the proposed East Oaks Development in greater detail".**

**Commissioner Winsor seconded. Motion unanimously approved with Mayor Nelson abstaining.**

Commissioner Lepoutre asked if there was a need to include more information on wildlife importance in the Comp Plan. Robertson clarified that the Comp Plan is a land use document and what he was talking about was a governance issue.

**Tick Task Force Report**

Commissioner White stated next meeting is Tuesday, April 16<sup>th</sup> at 7:00 p.m. Commissioner McDermott referenced a publication from White Bear about Lyme disease. He will provide this document to Administrator Robertson for sharing with Tick Task Force.

**Kate Winsor's Report**

Submitted a North Oaks news article re: Are there any Weeds in My Seeds and a Happy Earth Day article.

**NOHOA/NEST Update**

NOHOA Liaison Gorder stated Justin Townsend has approval from NOHOA and VLAMO to conduct training at the end of April or early May for residents on identifying oriental bittersweet. Possibly put up signs and conduct seminar and he has offered to take care of anything identified right away. Administrator Robertson mentioned that Emerald Ash Borer was detected in a tree by the St. Paul Water Department Pumphouse. They are going to meet with NOHOA and Rehder Forestry on Monday to discuss an overall management plan.

**Other Business**

Commissioner McDermott asked if the Commissioners were vulnerable on any decisions made in relation to the Comp Plan or developments. Administrator Robertson stated that as City Commissioners they were covered under the City's liability insurance policy.

**Adjournment:**

Commissioner White made a motion to adjourn. Commissioner McDermott seconded. The motion was approved unanimously. The meeting ended at 9:15 p.m. Next Meeting is April 18, 2019.

**Planning Commission Meeting**  
**March 28, 2019**  
**7:00 PM**

**Call to Order:**

Chair Ross called the meeting to order at 7:00 pm.

**Roll Call:**

Present: Chair Katy Ross, Commissioners Mark Azman, Stig Håuge, Nancy Reid, Kara Ries, and Sara Shah.

Staff: City Administrator Mike Robertson, Recording Secretary Gretchen Needham, City Planner Bob Kirmis, City Attorney Dave Magnuson and City Engineer Paul Pearson.

Absent: Commissioner Joyce Yoshimura-Rank.

**Approval of Agenda:**

Commissioner Reid moved to approve the agenda. Commissioner Hauge seconded. Motion approved unanimously.

**Approval of Minutes:**

Commissioner Ries moved to approve the February 28, 2018 meeting minutes with an addendum to the citizen comments section. Commissioner Reid seconded. Motion approved unanimously.

**Concept Plan Withdrawal — North Oaks Company — Red Forest South, Gate Hill, and Island Field Developments and Event Center**

Chair Ross explained that the North Oaks Company (NOC) has withdrawn their concept plan for Red Forest South, Gate Hill, and Island Field Developments and the Event Center.

**Planning Commission Questions/Feedback**

Administrator Robertson asked if the Planning Commission had any feedback or questions for NOC regarding the withdrawn concept plan. Commissioner Reid let the community know that language in the Comp Plan about a road connection to Centerville Road was removed. Commissioner Reid asked why the Nord Parcel wasn't withdrawn. She thought that all six areas should be reviewed or none of them should proceed. Commissioner Hauge asked about the number of units and the differing opinions on the count of remaining units. He would like clarification on the number of units from NOC.

Commissioner Ries wanted to remind NOC that any development is done for the benefit of the community and the residents. Historically, new roads coming into the community were limited, in order to protect safety, traffic, and privacy. She echoed Commissioner Hauge's concern for clarification of the numbers of units. Commissioner Ries would like to see an update on the remaining areas and how they are affected by any withdrawal. The decennial review is coming soon and will be important for understanding the totality of the development proposal. City Ordinance, Section 152 outlines subdivisions, including how any development plan is approved.

Commissioner Ries would like to see lists of all information requested so that documents can be found and the proper due diligence followed by the Planning Commissioners.

Commissioner Shah also wants clear numbers on remaining units. She wants a collaborative approach for getting supporting documents and understanding historical context. She does not support an event center. Commissioner Azman cited a statute that allows the Planning Commission 120 days in order to consider the development application. He wants to make sure both ordinance 151 and 152 are properly understood as they apply to the development application. An updated count is needed for each phase of the development; for example, he would like to better understand how a condo is converted to a dwelling unit, and how that affects the count. Commissioner Azman raised the question of whether or not a new environmental assessment worksheet (EAW) is required. Commissioner Ries added that how the dwellings are counted is important, and that the Planning Commission needs NOC to inform them on that. Chair Ross noted that the Comprehensive Plan is being worked on, and that it also applies to the East Oaks Development. She reiterated the need for clear numbers and a desire to see the plan as a whole. The feedback from residents will help inform future applications from NOC.

NOC President Mark Houge said the housing count NOC submitted is their count. Commissioner Shah says that the updated numbers are Exhibit D in her packet, dated March 20, 2019. Commissioner Ries said that the original document with updated numbers was sent to the City in October of 2018; the Planning Commission only received the document on March 20, 2019. She asks that the documents are received in a timely fashion.

Commissioner Hauge questioned the housing unit numbers listed in Exhibit B-1.2, E-2, site 603: 192 total units, but NOC holds the rights to 178, with the remainder held by Presbyterian Homes. President Mark Houge confirmed that the number is 178 units, and Tom Watson, 45 East Pleasant Lake Road, agreed that the 192 number should indeed be 178. Administrator Robertson says it's up to the City to decide on the final number of units.

City Planner Kirmis reviewed the portions of a memo dated March 28, 2019 about the withdrawn concept plan. He recommends that prior to the consideration of future submissions, that the applicant provide a revised concept plan for all phases including all numbers of units. Commissioner Azman moved to close the public hearing regarding the Concept Plan due to the withdrawal of Red Forest South, Gate Hill, and Island Field Developments and the Event Center concept plans. Commissioner Reid seconded. Motion approved unanimously, Chair Ross abstained.

#### **Public Hearing — Preliminary Subdivision — North Oaks Company — Nord Parcel**

City Planner Kirmis gave an overview of the Nord Parcel proposal, which consists of 55 acres of land northwest of Deep Lake, with a plan for 10 single family lots. The lots would be a minimum of 1.1 acres. Access to the subdivision would be from North Deep Lake Road via a cul-de-sac. Wetland mitigation will be required in some of the area. Both the 2030 Comp Plan and the current draft of the 2040 Comp Plan have low-density residential land use recommended for

this area. The site is zoned RMM (residential multi-family, medium density) although the 1999 East Oaks PDA references a zoning of RSM (residential single-family, medium density); in the case of conflict, the terms of the PDA apply, so RSM will be the zoning in the Nord Parcel. The project as proposed will be a complete build out of the site. A specific trail has not yet been outlined, but the applicant has expressed interest in providing a trailway.

Commissioner Ries questioned the zoning of lots 9 and 10, which she believes are at least partially zoned recreational. She notes that NOHOA's input is needed for any trails, parks and recreational areas.

Commissioner Azman asked if the application is considered complete, since the updated numbers were only recently supplied for Nord Parcel. City Attorney Magnuson replied that since no objection to the application was filed within 10 days of submittal, the application is deemed complete under state law.

City Engineer Pearson from Sambatek suggested that fire and police departments comment about any emergency response needs for this parcel. Estimated traffic is 100 vehicles per day (calculated by 10 vehicles per day per lot), which the City Engineer feels can be accommodated by the existing street system. He noted that roads in North Oaks can handle approximately 1,000 vehicles per day. He proposed that the diameter of the cul-de-sac be increased to 100 feet. The amount of wetlands to be mitigated is 0.23 acres, with a 2 to 1 ratio of mitigation credits required. The Vadnais Lake Area Water Management Organization (VLAWMO) would provide recommendations on wetland mitigation once a final plan is submitted. Commissioner Reid mentioned that the 1999 East Oaks PDA called for an access street coming in from Sherwood Road, and she asked why that changed to North Deep Lake Road; Engineer Pearson did not know why and suggested that the NOC could address that question.

Administrator Robertson said that emergency response time to the Nord area is 13 minutes, which is the longest response time in North Oaks. Commissioner Ries asked that traffic and safety studies be conducted for Nord Parcel and other phases as they come up for application. She asked whether some sort of noise barrier was needed on the north side of the property due to the Ramsey County Recycling Center being located to the north. City Engineer Pearson said he had no opinion on that.

Commissioner Azman asked about the zoning of lots 8 and 9, which appear to be zoned for open space on the City's zoning map. Planner Kirmis says he will have to research this.

NOC President Mark Houge said they considered the road coming in from North Deep Lake Road better than Sherwood Road from a privacy and safety point of view, and it also keeps encroachment on wetlands to a minimum. Ramsey County would need to give approval for a connection from Sherwood Road into the Nord subdivision. There has been no discussion to connect this parcel to Rapp Farm. Commissioner Hauge asked about negotiations with NOHOA about trails in this parcel; Mark Houge said they have suggested a trail that would connect with

current trails. Commissioner Reid asked if they would consider road from Sherwood during the construction process to reduce traffic on North Deep Lake Road. Mark Houge said they would.

**Chair Ross opened the Public Hearing at 8:39 p.m.**

Franny Skamsler Lewis, 3 Red Maple Lane. She would like the road to access from Sherwood Road as outlined in the 1999 East Oaks PDA and to minimize impact on the wetlands. She's concerned about the increase of traffic on the surrounding roads. She asks that the Nord Parcel not be approved until after it is compliant with the East Oaks 1999 PDA, the 2040 Comp Plan, and any additional EAW that is needed.

Leanne Savereide, 4 Red Maple Lane, notes that the 1999 East Oaks PDA says that 0.03 acres of wetlands will have to be mitigated, while the current plan is to mitigate 0.23 acres.

Susan Hinrichs, 55 East Pleasant Lake Road, points out that the change from 0.03 acres to 0.23 acres is a sevenfold increase. She would like an independent review of whether or not a new EAW is needed.

Don Nightingale, 11 Nord Circle, gave background and historical context for the 1999 East Oaks PDA. In the past, roads did not come into North Oaks as a trade off to the higher density developments being allowed on the periphery. The trail system is the connectivity within North Oaks. He asked that the Planning Commission reject the current Nord proposal due to the trail issue.

George Brushaber, 3 Black Lake Court, disagrees with the 100-car estimate for vehicle traffic because it doesn't take into consideration deliveries.

Dave Plummer, 14 North Deep Lake Road, spoke about EMS response time and how it would be faster with access from Sherwood Road and asks that this be considered strongly by the Planning Commission.

Steve Butts, 3 Aspen Lane, says that the road should come in from Sherwood Road.

Mary Topel, 16 North Deep Lake Road, is concerned about drainage in the North Deep Lake Road area.

Tom Woods, 1 Black Lake Road, would like NOC to adhere to the 1999 East Oaks PDA. He thinks subject matter experts should be brought in to weigh on the plans put forth by NOC.

Kathie Emmons, NOHOA Board President, 20 Duck Pass Road, suggested that experts be consulted for traffic studies and environmental impacts. NOHOA has met with NOC and area residents to try to resolve the trail issue. She asks that the Planning Commission stay with the contract agreed to in the 1999 East Oaks PDA.

Kirsten Long, 1 Chickadee Lane, would like to know what triggers a new EAW; she believes there are thresholds that require a new study.

Lisa Dujmovic, 15 Black Lake Road, questions the numbers being used for evaluations written about in Staff memos. She notes that the EAW may be affected by incorrect numbers. She wants to know the Planning Commissioners' opinions on a road connection from Centerville Road into North Oaks.

Bob Cameron, 15 Hay Camp Road, is concerned about drainage and water runoff when the development in Nord is built. He would like an expert to review the plans regarding grading.

Peter Bailey, 30 North Deep Lake Road, has construction debris strewn near his property and the nearby marsh due to construction in Rapp Farm. He asks that the impacts of building this development be carefully monitored.

Cheryl Moore, 29 North Deep Lake Road, wants Sherwood Road to be used as the connection road instead of the proposed road in from North Deep Lake Road.

Tom Foley, 7 Duck Pass Road, would like assurances that a trail is put in Nord Parcel: he wants to see the trail outlined before the Nord project is accepted as final.

Leanne Savereide, 4 Red Maple Lane, would like NOC to stick to the original East Oaks PDA regarding the Sherwood Road entrance and the 0.03 wetland mitigation number. She doesn't agree with the NOC current proposal for a trail and would like to see a different configuration.

Rich Dujmovic, 15 Black Lake Road, is frustrated with the count of units, which has changed various times and still does not make sense to him. He also doesn't agree with the calculation of commercial space outlined. He cited a City ordinance regarding "lot area requirements" for residential single-family units. Emergency response is important, but he feels the tradeoffs for privacy are important as well.

Rob Fitzer, 11 Hay Camp Road, would like to see the road into Nord Parcel come out of Sherwood Road or else connect with Rapp Farm Place.

Mark Asch, 34 North Oaks Road, sees trade-offs for lack of speed for emergency response in return for privacy.

**With no further comments, Commissioner Azman moved to close the public hearing regarding the Nord Parcel at 10:12 p.m. Commissioner Ries seconded. The motion was approved unanimously.**

Chair Ross summarized that the citizen comments revolved mostly around trails, road access, wetlands, and the count of housing units. Commissioner Hauge suggested starting with the road as there's only two options. Commissioner Reid would like to see a study of different road configurations. Commissioner Azman believes the application was not complete due to the lack

of complete numbers and other missing documentation, and in that case, the 120-day time period starts now and the Planning Commission would then have more time to consider the proposal. Commissioner Azman would like to ask NOC to propose a designated trail. He also questioned the zoning of lots 8 and 9. He would like to see if Ramsey County would allow access to the property from Sherwood Road.

Commissioner Ries wants to make sure NOHOA is brought into the conversation about trails. She wants a 1-to-1 count in the future for housing units and for the City to stay true to its zoning. Commissioner Shah points out that the order in which items are decided, such as the road and trail placement, will affect one another.

NOC President Mark Houge outlined the options, which are to approve the plan, reject the plan, or continue discussion on the plan. He suggested the Planning Commissioners consider the latter.

City Planner Kirmis said that changing the road entrance would require an entirely new application from NOC for the Nord Parcel. Commissioner Azman suggested making a condition with any approval to require conceptual plans for each phase of the development. He asked if the Planning Commission could make a motion on the housing unit count. Administrator Robertson said they could.

President Mark Houge suggests the experts at VLAWMO be brought in to consult upon the wetlands portion of the application.

Susan Hinrichs, 55 East Pleasant Lake Road, feels the change in the measurement of wetlands to be mitigated from 0.03 to 0.23 is significant.

Chair Ross summarized that the Planning Commission can approve the application for Nord, reject the application, or table the discussion until the next Planning Commission meeting. Attorney Magnuson explained that a rejection of the application would require the Planning Commission to supply cause for a rejection through findings, which the City staff would prepare.

Commissioner Ries asked President Mark Houge if NOC would consider changing the road configuration, and he responded that they would consider it. Commissioner Azman asked if the Commission could have an additional 30-day extension; President Mark Houge said they would not agree to that. Gary Eagles, of NOC, said that the original wetlands measurement was created without surveys and delineations and was an estimate.

Administrator Robertson and City staff will check into the following issues:

- Check if Ramsey County is okay with a road connection to Sherwood or a connection to it for a construction access;
- Have Sambatek's EAW specialist attend the next meeting to discuss the EAW;
- Review the impacts on wetlands;

- Have the City Attorney provide a legal opinion on the ability of the City to require a trail;
  - Review the open space zoning of the two proposed parcels;
  - Check if Ramsey County will allow driveway access to Sherwood road for the proposed two parcels on the East Preserve property;
  - Seek opinions on emergency access from the fire chief and sheriff's office;
- Commissioner Ries made a motion to amend the PUD ordinance to make submittal of a concept plan a requirement of any application for development and a revised updated count for all housing units be required before any future preliminary subdivision plans are accepted. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Shah made a motion to table the vote on the Nord Parcel. Commissioner Azman seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Reid made a motion to table the vote on Wilkinson South Villa Homes. Commissioner Ries seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Hauge made a motion to table discussion of the Comp Plan. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Adjournment:**

**Commissioner Hauge made a motion to adjourn. Commissioner Reid seconded. The motion was approved unanimously. The meeting ended at 11:36 pm.**

**Next Planning Commission Meeting: Thursday, April 25, 2019**

## MEMO

Date: April 4, 2019  
To: City Council  
From: City Administrator Mike Robertson  
Re: Proposed Change to PUD Ordinance

The Planning Commission recommended the following change (attached) to City Ordinances based on their experience working with the East Oaks development. Though not specified, I wonder if the phrase "final development plan" should be changed to "preliminary development plan" so there is no confusion over the fact that the City would like to see a concept plan before any subdivision or development plans are submitted.

**MOTION:**

I move we approve Ordinance 129, Amending Section 150.056(B) of the North Oaks City Code Related to PUD, Planned Unit Development Processing.

**DRAFT 4/2/19**

**ORDINANCE NO. 129**

**AN ORDINANCE AMENDING SECTION 151.056(B)  
OF THE NORTH OAKS CITY CODE RELATED TO  
PUD, PLANNED UNIT DEVELOPMENT PROCESSING**

**THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 151.056.(B)(2)(a) of the North Oaks City Code (Planned Unit Development District - Application and Processing) is hereby amended to read as follows:

(a) Concept plan for phases.

1. In order to receive guidance on the design of a PUD phase prior to submission of an application for final development plan approval for a phase, an applicant ~~may~~ **shall** submit a concept plan for review and comment by the Planning Commission and City Council. ~~Submission of a concept plan is optional for a phase~~ **The submitted concept plan shall depict development intentions for all phases of the PUD.** In order for the concept plan review ~~for a phase~~ to be most helpful to the applicant, the following general information, in schematic form, ~~should~~ **shall** be included:
  - a. General traffic circulation patterns, road locations, access points, and projected traffic;
  - b. Approximate building locations;
  - c. Height, bulk, and square footage of buildings;
  - d. Types and square footage of uses;
  - e. Types and numbers of dwelling units;
  - f. General grading plan;
  - g. Existing site conditions, topography, and character of the land;
  - h. Staging plan for development; and
  - i. Trail, parkland, green space, and open space size and locations.

2. Comments by the Planning Commission and City Council shall be for guidance only and, shall not be considered binding upon the Planning Commission, City Council, or applicant regarding the approval of the final development plans for a phase.

3. Concept Plan review shall not activate the sixty (60) application action requirement pursuant to Minnesota Statutes 15.99, as may be amended.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the City Council of the City of North Oaks.

**CITY OF NORTH OAKS**

\_\_\_\_\_  
Gregg Nelson, Its Mayor

**ATTEST:**

\_\_\_\_\_  
Mike Robertson, Its City Administrator

DRAFT 4/10/2019

ORDINANCE NO. 130

CHAPTER 34: PLANNING COMMISSION

**§ 34.01. ESTABLISHMENT.** A Planning Commission is hereby established. The Planning Commission shall be and is the planning agency for the City of North Oaks, as authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in the City of North Oaks ordinances, the Planning Commission shall be advisory directly to the City Council of the City of North Oaks.

**§ 34.02. COMPOSITION.** The Planning Commission shall consist of seven (7) members, who must be residents of the City of North Oaks [and Minnesota][, and members of the North Oaks Homeowners Association]. All members shall be appointed by the City Council. One (1) of the members may be a member of the City Council. Such City Council liaison member shall be a non-voting member of the Planning Commission and shall not be counted in determining quorum.

**§ 34.03. TERMS, OATH, AND VACANCIES.** Subject to the removal provisions in this chapter, the term of each member shall be three (3) years, which shall commence on January 1 of the applicable first year, and end on December 31 of the third year. At the start of the applicable term and before exercising any authority or duties, each member shall take an oath that he or she will faithfully discharge the duties of the office. Members shall be and are automatically removed without vote of the City Council when they no longer meet the residential eligibility requirement; fail to meet the attendance requirement in § 34.07; or die. Members may also be removed during a term for any reason by a majority vote of the City Council. Each member shall hold office until a successor is appointed and qualified. If a member of the Planning Commission subsequently becomes a member of the City Council, such individual shall automatically cease to be a member of the Planning Commission as the date he or she is sworn into the City Council. In the event of a vacancy, the term of an appointed successor shall be for the remainder of the departing member's term.

**§ 34.04 COMPENSATION.** Members serve without compensation; except that the City Council may, in its discretion and by a vote of at least [ $\frac{2}{3}$ ] [ $\frac{3}{4}$ ] [ $\frac{4}{5}$ ], establish compensation for the Planning Commission members.

**§ 34.05. ORGANIZATION, STAFF, AND ADVISORS.**

**(A) Organization.** The City Council shall appoint the chairperson of the Planning Commission from among the members. The chairperson may hold office for a term of one (1) year. The chairperson shall not be the City Council liaison. The City Council may create and fill other offices as it determines necessary.

**(B) Staff.** The staff of the City of North Oaks shall provide reasonable support and information as requested by the Planning Commission. The city administrator for the City shall attend official Planning Commission meetings. City staff shall be responsible for attending the meetings and keeping the minutes and records of the Planning Commission.

**(C) Advisors.** The city attorney, city planner, city engineer, building inspector and/or any other representatives that are engaged by the City of North Oaks, are available as advisors and resources to the Planning Commission. They shall attend Planning Commission meetings upon request, and may be compensated for such attendance in accordance with their [agreements] [contracts] with the City of North Oaks.

#### **§ 34.06 MEETINGS, MINUTES AND EXPENDITURES.**

**(A) Meetings.** The Planning Commission shall hold regular meetings, at least once each month, at the time and place as they may fix by resolution filed with the city clerk, and upon at least seven (7) days' written notice, unless notice is waived by all Planning Commission members. Regular meetings shall be held at least once per month, unless circumstances such as lack of agenda, severe, inclement weather or absences, prevent them. Special meetings may be called at any time by the chairperson, or in the chairperson's absence, the acting chairperson, or as directed by the City Council or Mayor, upon \_\_\_ days' written notice, unless notice is waived by all Planning Commission members. Meetings may proceed when a quorum is present. Attendance by four (4) voting members is necessary for a quorum. The City Council liaison member is not a voting member and does not count in determining a quorum.

**(B) Rules of Order.** Subject to approval by the City Council, the Planning Commission shall adopt rules of order for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

**(C) Minutes, Records and Reports.** The Planning Commission shall keep written minutes of its regular and special meetings, and shall keep a record of its motions, resolutions, transactions, and findings. The minutes of each meeting (official or unofficial) shall be promptly filed with the city clerk prior to the next regularly scheduled City Council meeting. If the minutes are unofficial, they remain subject to approval at the next Planning Commission meeting. On or before January 1 of each year, the Planning Commission shall submit a written report of its work during the preceding calendar year, to the City Council.

**(E) Expenditures.** The Planning Commission may make expenditures subject to and only within the amounts appropriated by the City Council. The Planning Commission shall submit a written report of its expenditures for a calendar year, to the City Council, on or before January 1 of the following calendar year.

**§ 34.07 ATTENDANCE.** Planning Commission members are required to attend at least half of the Planning Commission's official regular [and special] meetings in each calendar year, unless specifically excused by the Planning Commission chairperson because of unforeseeable circumstances. Excused absences shall be so noted in the minutes of the applicable meeting.

Failure to meet this attendance requirement in a given calendar year, shall result in automatic removal from the Planning Commission as of December 31 of that calendar year.

**§ 34.08. POWERS AND DUTIES.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall perform its duties as set forth in these City ordinances, including as set forth in Chapter 150.

**§ 34.09. EFFECTIVE DATE.** This ordinance, Chapter 34, is effective on the date it is published (or a summary of the ordinance is published pursuant to M.S. § 412.191, subd. 4) in a manner that meets the requirements of Minnesota Statutes § 331A.01, subd. 10.

Passed by the City Council of North Oaks, Minnesota, this \_\_\_ day of May, 2019.

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk