

MINUTES OF THE REGULAR COUNCIL MEETING

Date: May 10, 2012

The Council Meeting was called to order by Mayor John Schaaf at 7:01 p.m. at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Gregg Nelson, Marty Long, Bruce Ackerman., Tim Dunleavy and Mayor John Schaaf. Also present were City Administrator Melinda Coleman, City Attorney Dave Magnuson, Recording Secretary Maureen Geier, and Videographer Kevin Scattum.

Pledge of Allegiance

Approval of Agenda

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

Citizen Comments

Jerry Hinderman, 8 White Oaks Lane

Mr. Hinderman serves on the NOHOA Board and has responsibility for the roads. A resident raised a concern that Mel's has been using the street sweepings from the roads to put on trails. Mr. Hinderman met with Mel's to discuss this issue. After an analysis of the issue, it was determined that the amount of phosphorus and salt in the sweepings used is not enough to affect the lakes. Currently about 600 tons per year are used. However, the use of road sweepings could affect some of the wetlands. Because of this, they intend to study the matter further to determine if other methods could be used on the trails near the wetlands.

Council Member Long explained that the Natural Resource Commission discussed this at their last meeting. He stated that many cities are dealing with this issue and attempting to use Best Management Practices. Council Member Long would like to get a sense from the Council as to whether or not further investigation should be done and if staff should be directed to see what neighboring cities are doing. The real concern is the polycyclic aromatic hydrocarbons. Cities such as Minnetonka are using their sweepings mixed with compost with water main breaks for such things as sprinkling on the shoulders of the road which keeps runoff away from critical habitat. This is considered a Best Management Practice.

Mayor Schaaf asked if the Council wanted to make a motion to deal with this issue at this time or wait until later in the meeting when Council Member Long gives his report. The

Mayor stated that it is not customary to make motions under Citizen Comments. It was decided to wait until Mr. Long presented his report.

The Mayor, as a resident, wanted to congratulate Council Member Dunleavy on his Presidency of the North Oaks Golf Club.

Consent Agenda

1. Minutes of the Regular Council Meeting of April 12, 2012 for approval
2. Planning Commission Minutes of April 26, 2012 for approval
3. Licenses for Approval:
 - Mechanical Contractors:** Heated Floor Systems
 - Plumbing & Heating:** None
 - General Contractors:** None
 - Arborists:** Precision Landscape and Tree, Inc.
 - Sewer/Water Installation:** None
4. Claims for Approval: Check #10,000-10,039
5. Variance 12-02, 5 Island Road, Richard and Nicole Kingston
6. Variance 12-03, 2 West Shore Road, Mark Ekblad

Council Member Long moved to accept the consent agenda and claims for Checks # 10,000-10,039. The motion was seconded by Council Member Ackerman and passed unanimously.

Petitions, Requests & Communications

1. Brian Corcoran, Head of Water Resource and Testing for VLAWMO

Council Member Long introduced Mr. Brian Corcoran, a resident of White Bear Lake, who has worked with VLAWMO for the last 4 years and has been a tremendous asset to VLAWMO. Brian gave a demonstration of the GIS Site which can be found on the VLAWMO website (www.vlawmo.org). The site can be used to determine a number of things including, for example, the distances on North Oaks trails or the area of a property. Mr. Corcoran used Lake Gilfillan as an example and showed how the site could be used to measure the distance across the lake. Council Member Long mentioned that the site could also be used to measure how many inches Lake Gilfillan has risen in the last couple of weeks. Mr. Long stated that it could be a very valuable tool for the Planning Commission and City Building Inspector. The site is able to show a topographic aerial map which could also help the City when looking at ways to avoid erosion, for example. Google maps showing street views are not available in North Oaks.

Mr. Corcoran went on to show a number of other features found on this site. One can zoom in on a property to find the parcel number and a link can be copied and pasted to share with another to work collaboratively. Also, fish surveys, lists of public rain gardens, shoreline and wetland restorations, monitoring sites, VLAWMO wetlands, and lake depth contour maps can all be found on this site. This site would

also be valuable for distances between properties and shore lands.

Council Member Long stated that this is a very important tool when working with the Pollution Control Agency and for identification of impaired lakes. Also it will help with identifying land for sustainable lake issues. The most recent aerial map is for 2010, but the maps go back to 1940.

The Mayor thanked Mr. Corcoran and also extended thanks to Stephanie and the others at VLAWMO for the work they have done.

Unfinished Business

1. None

New Business

Final Plat, North Oaks Company, First Phase of Rapp Farm II.

City Administrator Melinda Coleman presented the North Oaks Company final plan for the First Phase of Rapp Farm II which requests approval to plat 13 lots. Two documents were included: one for the Development Contract outlining the terms of the improvements that need to be completed and the other a copy of Resolution 1258 which gives final approval of the subdivision 2012-01 Rapp Farm II, Development D which is part of the original PUD for East Oaks. These agreements were in place for Phase 1 and guarantee that all things are completed. Escrow will be held until the improvements are done.

Darin Ellingson of MFRA presented a staff report on the proposed project which includes a reconfiguration of one lot from Phase One and final approval for an additional 12 lots. Approximately 73 acres will remain for development. Mr. Ellingson reviewed eight items: existing conditions, a tract map, a final plan, an easement plan, a grading plan, a utility plan erosion control, and details on the final landscaping plan.

As background, the East Oaks PUD was approved in 1999 and had a number of amendments. The preliminary plan for this Phase II site was approved in 2005. With the surge in the recent housing market, North Oaks Company is eager to move ahead. Grading, road construction, and utilities were completed in 2006. In his report there is a map showing each of the tracts A through N and the size of each. The following conditions of the preliminary plot plan have been met: work completed as per specifications for Rapp Farm, permits obtained for the work done, responsibility taken by White Bear Township for full sewer and water and the last condition to fulfill, the landscaping, is in process with plans submitted and are in accordance with preliminary approvals.

The Developer's Agreement was also reviewed and it is similar to historic agreements with developers and the proposed escrow amount is accurate. MFRA recommends final approval of the plat plan with the four conditions: the Development Agreement is completed and acceptable to the City Attorney and is executed, the easements shown on the final plans be dedicated via instruments in acceptance to the City Attorney, the

improvements shown on the final plans be installed as per the approved construction documents, and the proposed landscape plan be reviewed and approved by the City Forester prior to the installation of plantings.

Ms. Coleman stated that the City Attorney has reviewed the Agreement and it appears to be in order with the proper escrow amount of \$95,000 to complete the work.

The plat documents where the Council was being asked to review were just provided to the Council at the beginning of the meeting and Council Member Ackerman asked if it was proper procedure to approve something without allowing time to read the documents. Ms. Coleman stated that in this case the changes are insignificant. City Attorney Magnuson stated that most of the work was approved in the preliminary plan. After reading the Development Plan, Mr. Magnuson felt it was very thorough and the format originally developed in the PDA was very complete. He believes there is nothing to worry about with this document. This Development Agreement mimics the original plan except for a reconfiguration of one of the lots.

Council Member Ackerman also asked about the two maps in the folder. The layouts are quite different and will be addressed in the next item on the agenda.

Council Member Dunleavy explained that Mr. Ellingson is hired by the City. All work is done in the preliminary stage and this plan was brought back to the Council due to reconfiguration of one lot. Ms. Coleman believes the project will be developed properly because of the work done by the North Oaks Company and the review done by MFRA. Council Member Dunleavy asked for clarification on the reconfiguration. Chris Heim from the North Oaks Company explained the reconfiguration was for one lot and was made larger by the reconfiguration. Council Member Long asked why the entrance was changed. Again this was an item to be later addressed and is not part of this plan. The Planning Commission also reviewed the plan and saw nothing significant to worry about. Mayor Schaaf was on site and stated that it appears perfunctory and enhances Phase I and makes a lot of sense, in his opinion.

Council Member Nelson made a motion to authorize the Mayor to sign the Development Contract Rapp Farm Phase II: Subdivision 2012-01 and Council Member Ackerman seconded the motion. The motion passed unanimously.

A second motion was made by Council Member Nelson and seconded by Council Member Long to authorize the Mayor to sign Resolution 1258 to approve 13 lots on a portion of Tract JJ of Registered Land Survey No. 589 with the following conditions:

1. Work completed per:
 - a. Kurth Surveying, Inc., Existing Conditions, dated September 29, 2005
 - b. Kurth Surveying, Inc., Overall Tracts, dated April 19, 2012
 - c. Kurth Surveying, Inc., Final Plan dated April 19, 2012
 - d. Kurth Engineering, Inc. Final Easement Plan, dated April 19, 2012
 - e. Plowe Engineering, Inc. Final Grading Plan, dated April 10, 2012
 - f. Plowe Engineering, Inc. Final Utility Plan, dated April 19, 2012

- g. Plowe Engineering, Inc. Final Erosion Control and Detail Sheet Plan, dated April 19, 2012
- h. Paul Miller Design, Inc. Final Landscape Plan, dated April 19, 2012
2. Preparation and execution of a Development Contract acceptable to the City.
3. The City Engineer shall approve the final grading and utility installation.

The motion carried unanimously.

Informational Presentation on Future Phases of Rapp Farm II

City Administrator Coleman introduced the second item on the future phases of Rapp Farm II. The new phase reconfigures the storm drainage and street layout. Two maps are given to Council Members. The map in black and white is for the previous plan and the colored version is for the new plan. This is an informational presentation with no action needed at this time.

The update on the future phases involves a few changes since 1999 when the original PDA was developed. There were 1600 acres to develop allowing 645 lots on this land. There are twelve different areas to develop. Rapp Farm Development D allows 200 units to be developed. The whole site is 110 acres. Phase I has 34 lots on about 29 acres, Phase II has 13 lots (including the one just reconfigured) on 9.5 acres and the final phase will have 110 lots on the remaining 71.6 acres. The total number of units is 156. Ms. Heim wanted to be clear that no more lots were added on the new plan and that the linear footage of the roads remains the same. Trail connections to the primary trail will be continued in the same way.

Taking input from residents, the City, builders, and realtors, changes were made to improve the original plan. Phase I has homes that are back to back lots so property lines in the back of the property often meet. Concerns about drainage developed because it did not allow for a natural flow. Storm sewers were planned but because of this, homeowners could not use this part of their yard. To avoid this, the new plan allows for a natural area that both allows for natural drainage and does not affect private property.

Changes were made to the entrances as well. There were four on the original plan, but one of the conditions was to reduce two entrances. Residents did not like the original entrance because of lack of privacy and the closeness to their homes. A new entrance which has an extended length, a landscaped island and a turn-around space has been designed and should allow more privacy and be a more beautiful entrance.

The third change was to open space. There were several small areas and a buffer area and trail connections in the preliminary plan. With the new plan, there is much more open space which includes a park and several upland open areas which could later be developed by the residents of Rapp Farm or NOHOA. In the new plan, a swimming pool, a community center, community room and a tot lot will be added. These will be owned by a sub-association but will have memberships and rental opportunities available for North Oaks residents. The trail connections are still there.

Lots will be somewhat smaller because they are not allowing lots to extend into the wetlands. However, again the same number of homes is on the new plan as the preliminary plan.

These changes are going to the Planning Commission on May 31, 2012 for the preliminary review and public hearing.

Council Member Ackerman clarified the map (blue shows the retaining ponds, white the wetlands and green is open space and uplands) and stated that the plan looked very nice. Council Member Long asked about the amount of open space that would be on this plan. This has not yet been calculated, but more open space is in the new plan. NOHOA and the City decided the original park location and No. Oaks Company is required to establish the trails before development. The trails will be on open space and none will be on an easement to the properties in Rapp Farm.

Council Member Dunleavy asked about the size of the lots. The width would remain the same, but the depth of the lot is a little less. However, the usable space for building a home on each lot is the same. By removing the wetlands from the property, it makes it easier to maintain the wetlands.

Council Member Ackerman asked about the size of the lots. The width will range from 85 feet to 110 feet wide. Each lot will be about 4/10ths acre. The smaller lots will be located closer to County Road J and the larger lots will be back by the open spaces. The largest lots are on the southern end closest to the conservation areas. The Mayor stated that the redesign is very complimentary to the land and alleviates the problem of back to back lots. The re-designed entrance and recreational amenities are a nice improvement.

Council Member Nelson had a question about the floor area ratio (FAR). In a PUD a different FAR is allowed. Gary Eagles from the North Oaks Company explained that in the Appendix 1 of the original PUD, it spells out the area allowed. Rapp Farm was originally planned for 200 lots; however, 156 will actually be developed. Also in the original document a .375 FAR was established, but in this agreement an aggregate number can be used.

Council Member Nelson had questions about the changes in the entrances. He asked if the original entrance could be closed if residents are not happy with it. It was explained that the entrance was needed at the beginning, but they could consider closing the original entrance or making it an exit only.

Council Member Dunleavy asked about the typical price of the homes in Rapp Farm. Based on Phase I, the home values are \$500,000 to \$900,000. The Mayor stated that a discussion about the value of the land pre-building cannot be discussed.

Council Member Long asked about ownership of the open space. NOHOA presently takes care of retaining ponds, wetlands and entrances. NOHOA may continue to take ownership of the open spaces in Rapp Farm as well. The park development would be owned by the sub-association.

Council Member Ackerman asked about the sales of this land. Three builders are currently allowed to purchase lots in Rapp Farm. The lots are being developed as needed. Phase I is now completed and Phase II is now going for preliminary approval so that it can be started as soon as possible.

The Mayor thanked the North Oaks Company for the presentation and reminded the Council that it will go to the Planning Commission on the 31st of May and then onto the City Council for approval on June 14th, 2012.

Council Member Reports

1. Tim Dunleavy

Finance Committee –

The Finance Committee met and continued discussion on the 2013 Budget.

Lake Johanna Fire Board –

The latest fire report showed 14 events with no indication of loss.

Council Member Dunleavy also commented that he was watching Channel 11 and saw a report on the filtering of the zebra mussels.

2. Bruce Ackerman

Council Member Ackerman had a few questions for Chris Heim from the North Oaks Company about the lots for sale on Red Forest Way. Ms. Heim confirmed that one lot has been sold and that it is an extension of Catbird. Nine lots remain for sale.

NOHOA –

Council Member Ackerman attended two meetings totaling 6.5 to 7 hours. He attended the Planning Meeting on April 24th and the NOHOA meeting on May 1st, 2012.

At the **Planning Meeting** four topics were discussed: the ASC Rules, the Oxygenation project, Home of the Good Shepherd project, and the Reserve and Assets study.

ASC Rules – At the meeting, improving procedural steps to enforce rules was discussed. They discussed steps to use if there is no compliance to letters sent out and procedures to ensure that the 15 days given to comply starts promptly. They questioned if rules make sense and had a discussion of aesthetics versus safety. The question was if the Board wanted to police versus only respond to complaints. Mark Azman does not want to police each project and questions how aggressive they should be. Mayor Schaaf was at this meeting and said the City will continue to enforce City ordinances when notified.

Oxygenation Project – The St. Paul Water Authority wanted to know

NOHOA's position on this property. There was also a discussion of the rights of NOHOA, the power of the St. Paul Water Authority, and fears that lack of cooperation could lead to other issues in the City. Some people felt that the City should handle this with zoning. The issue of screening came up and some felt it was time to discuss this issue. There was a vigorous discussion about if it was premature to discuss these issues now and the consequences of a lack of communication. Mark Azman felt that it was now appropriate to discuss this issue as there is a real plan.

Home of Good Shepherd – There was a discussion on if NOHOA should talk to Pemton about joining NOHOA prior to any action by the City Council. Mr. Azman had had previous inquiries with Pemtom, but received vague responses. A lengthy discussion took place on whether the Pemtom development, if approved, would be allowed to become NOHOA members. The issue of trespassing and the use of facilities were discussed and how Pemtom would market the properties if the new residents are not allowed to be members. Some spoke in favor of having the residents in this development join NOHOA. In the end they decided to have Mark Azman proceed to discuss this further with Pemtom.

Reserve Study – NOHOA decided it needed an independent consultant to help in this study. After receiving a number of bids, the lowest bid was selected. The money is to come out of the Pavilion Budget. One resident was concerned about the current insurance value of the NOHOA property and did not want to see too large of reserves. This resident felt that the roads should not be included when considering the amount of the reserves, but should instead be handled as problems come up.

At the **Homeowner Meeting** on the May 1st, 2012 the following was discussed:

Joan Brainerd noted there were errors in printing of the bylaws in the North Oaks News.

Also a discussion was held about the relationship of the ASC, NOHOA, and Countrymen deeds. This discussion included the question about the deed and the rights of the ASC.

Chris Heim gave a presentation on Rapp Farm similar to the one she gave the Council and a discussion of landscaping followed. It was decided that this would be discussed again at a later date.

ASC Enforcement – A discussion took place on how to enforce ordinances on new residences. A suggestion to look immediately at the home following construction to determine if the ordinances were followed was made; however, this is a volunteer committee and it does not appear that they want to add this responsibility. They do look at preliminary plans. A suggestion was made to ask either the City Building Official Greg Schmit or Chris Heim at North Oaks Company to do this. Currently, the ASC has a \$7,000 budget but this could double if required to do more enforcement. They agreed to a trial

basis for one quarter.

The ASC approved a request for replacing steps to the lake for one home and this led to a discussion of NOHOA's liability as many homes have steps going down to the lake.

A discussion followed on the attorney client privilege. The question was on the draft of the proposed by-laws and if it was privileged and confidential. The power of a Director to gather information from residents was questioned. There was obvious disagreement on the Board on this issue.

Finally, a discussion of the City Council minutes was on the agenda. Mr. Ackerman acts as the liaison but concern was expressed that private information was being made public. Mr. Ackerman stated that the Homeowners meetings do have written minutes and are televised and City Council meetings are both televised and have written minutes available. The Council meetings are more open to the general public than the NOHOA meetings.

Renee Michalow on the NOHOA Board stated that they have always had a liaison. She stated that the liaison does not affect what takes place at the Homeowner's Meeting, and the Homeowner's minutes are the official minutes. Council Member Ackerman was asked to speak at this meeting. He agreed with Ms. Michalow that he cannot affect the validity of the minutes but that he needs to inform the Council. What the Homeowner's Board does affects the quality of life in North Oaks and such things as property values and he believes the City Council should know what is going on. Mr. Ackerman was asked if he can provide nonpublic reports to the Council on what took place at the NOHOA meetings. He said no, that his comments were public information. While the NOHOA Board members can talk amongst themselves, the Council members cannot meet and discuss issues in a private setting because of the open meeting laws. It was an interesting discussion and Council Member Ackerman stated he tries to be factual and talk about the general topics.

The Director Reports were hurried at the end of the meeting. The Directors decided that more time should be spent in this area, so in the future it will be moved to earlier in the meetings.

3. Marty Long

VLAWMO-

Council Member Long attended the Lake Management Workshop on May 3rd, 2012 which was put on by the MPCA, the University of MN Strong Water Management group, and the sister cities through VLAWMO. The focus was to explain the goals of impaired waters and how it relates to the daily loads that cities need to watch. Currently, two lakes in North Oaks are impaired:

Lake Gilfillan and Wilkinson. The hope is that with the filling of Lake Gilfillan it will be taken off this list. Pleasant Lake is not part of the watershed. Council Member Long and City Administrator Coleman expect that there will be a cost to the City to manage this situation.

Ms. Coleman stated that when the City does its MS4 application more work will need to be done partly because of the request for Rapp Farm Phase II. Additional money will need to be spent on the City Consultant, MFRA. The new guidelines for a reduction of 80% phosphorus may be difficult to achieve and additional funding may be needed.

Council Member Ackerman asked about which lake is most in danger. Wilkinson is more impaired because of the phosphorus due to farming nearby. Rapp Farm may also add to this problem.

In a second issue, NOHOA has been using their collection of sweepings combined with wood chips on the trails. MPCA is extremely clear on what can be done with the sweeping material, but Mr. Long would like to study the Best Practice for use of this material. He asked the Council to consider directing the Staff to investigate what neighboring cities are currently doing. In some cases, these sweepings have been used as a buffer to improve water quality. Mr. Long's concern is that no hazardous materials be used on the trails.

Mayor Schaaf stated that it was his opinion that the NOHOA Board should make the request for assistance from the City if they're interested since the roads and trails are privately owned. Since the City does not have public land this is not a City issue. Council Member Dunleavy agreed with the Mayor.

Ms. Coleman attended a meeting on this issue and is willing to consult with the NOHOA Board. Stephanie from VLAWMO also attended the meeting and gave advice on Best Practices. It was decided at this meeting that sweepings would no longer be used on the trails. This issue was discussed at the NRC meeting.

Ms. Coleman stated there would be expenditures if she spent time on this issue. NOHOA could ask other cities what they are doing. The Mayor stated that the City has provided contact information in the past and will continue to do so. Since this is a NOHOA issue; however, he again stated that there should be a formal request from the NOHOA Board rather than from an individual Board member. Since the NOHOA Board can vote via email, it would not have to delay the decision. Council Member Long agreed with this statement.

4. Gregg Nelson

Planning Commission-

Council Member Nelson attended the Planning Commission meeting on April 26, 2012. At this meeting they reviewed two requests for variances for ISTS and both were approved.

A presentation similar to the one presented at the Council Meeting on the plan for Rapp Farm Phase II was given. A formal application will be coming to the June Planning Commission meeting. An application for Phase III and IV may also be coming to the Planning Commission as early as fall of 2012.

Mayor John Schaaf

The Mayor presented to the Council a proclamation (see attachment) honoring John William Vessey Jr., a retired Four Star General Officer, on his 90th birthday on June 29th, 2012. He is being honored for being a distinguished soldier, diplomat, and advisor to Presidents.

Council Member Long made the motion to approve this Proclamation and Council Member Dunleavy seconded it and it passed unanimously.

The Mayor recently met with the eight people who are trying to resolve the shortage of water issue in White Bear Lake. Some of the members included: White Bear Mayor Jo Emerson, Molly Shodeen from the Department of Natural Resources, County Commissioner Victoria Reinhardt, and State Representative Carol McFarlane. They toured North Oaks pump house and filtration system and the Shoreview Snail Lake facility. All were appreciative of the information shared.

The Mayor also met with Mike Egelston and Mr. and Mrs. VanDeWalker to discuss the ponds around Lake Gilfillan and what might be done. The hope is once Lake Gilfillan is filled to a certain point, a plan might be developed to bring water north towards the ponds. The VanDeWalkers agreed to coordinate a steering committee to find out if there is an interest. The Mayor explained that this would be a pay as you go system, so they would need resident support. They also were given information from the City consultants, SEH. The Mayor stated that this plan will take a lot of work and will have to comply with State Statutes.

The Mayor also mentioned that if one walked along Robb Farm Road, the creek is visible and water is flowing into the lake at 800 to 900 gallons per minute.

Administrator Reports

1. 2012 Budget vs. Actual Expenditures –

Ms. Coleman explained that the City is now using reserve funds to fund operations until the first half of property taxes are sent to the City. This is usually sent in the first half of June and will amount to between \$600,000 and

\$635,000. The auditor recommends that the City Administrator present this information regularly to keep the Council informed.

At this time the budget is on track and with building permits and license fees, the budget is ahead. The City recently received the first quarter franchise fee payment of \$16,000 and the Score grant amounting to a little over \$9,500.

On the expenditure side, the City received the invoice for the fire truck and has spent \$82,000 out of the fire equipment fund. The City pays Lake Johanna Fire twice a year. On the expense side, the City is on track.

Council Member Ackerman asked about the amount of cash the City has on hand. The City currently has a \$748,000 fund balance. He asked how the amount paid on the Lake Gilfillan project is treated. This is a loan and the City is paying interest payments at this time.

2. NRC

Ms. Coleman gave an update on the Natural Resource Commission. A new intern, Angel Smith, will be working on projects as a volunteer. She has an impressive background. She is an ICMA (International City Manager Association) fellow. She has an undergraduate degree in marketing, a Master's Degree in Administration, and is going for her PHD in personnel and psychology. She will work with the NRC to research information to help develop a plan to deal with Emerald Ash Borer and will also work to create a marketing brochure to share the environmental responsibility that comes with living in North Oaks. She will meet with NOHOA as well to discuss what might be done to inform new residents of this responsibility. Ms. Coleman reminded the Council that she is a volunteer with limited time to assist the City, but that she hopes the Council will get a chance to meet her.

The NRC is also working on revising an animal and deer feeding ordinance. They believe the current ordinance needs strengthening. They are looking at the Shoreview ordinance. The wording for penalties is being edited with the first notice to notify the resident, and then go on to fines if non-compliant. Ms. Coleman asked the Council to give an opinion on this ordinance and if the NRC should move forward. Council Member Long explained that feeding the deer is not healthy for the herd. The Mayor stated that the NRC should proceed and will look for a recommendation from Ms. Coleman in the future.

3. MCMA Conference -

Ms. Coleman thanked the Council for allowing her to attend the Minnesota Conference for City Managers. One hundred and sixty eight people attended and it was a great chance to discuss challenges in metro and out of state communities. She especially enjoyed the keynote speaker, Senator Durenberger who talked about servant leadership. Also Ross Bernstein, author of sports

books and a University of Minnesota graduate, was the inspirational speaker. He was instrumental in starting the Herb Brooks Foundation. Craig Rapp, former City Council member of Brooklyn Park, did a presentation on ethics. Ms. Coleman again thanked the Council for the opportunity.

City Attorney Reports

1. Pool litigation

The argument on the pool litigation will start on May 15, 2012. Ms. Coleman will be attending and she informed the Council Members that if they want to attend, she will send the information. Council Member Ackerman asked if there was communication from residents in regards to this lawsuit. City Attorney Dave Magnuson stated that it was hearsay that a group has prepared a communication and plans to attend the hearing.

The Mayor introduced Maureen Geier, the acting secretary, who is a member of the City Staff.

Council Member Ackerman asked if he could bring up one last issue. He is concerned about the oxygenation project and wants the previously established committee to start working on this matter. He has asked that the committee be reactivated a number of times over the past months and at the March Council meeting City Administrator Coleman stated that this would happen in April or May. However, so far, nothing has happened. He stated that NOHOA has spent a lot of time discussing this issue and that now is the time to meet. The Mayor reminded the Council that no formal plan has been submitted. City Administrator Coleman explained that she and Mr. Magnuson met with the St. Paul Water Utility who gave a sketch of what they would like to do. Ms. Coleman returned the sketch and asked them to put the information into a better format with how things would fit on this lot and dimensions of the equipment. She also asked them to come back with additional alternatives for sites. The Water Utility should have the information to Ms. Coleman soon and would like to present at the June Council meeting. At that time, she suggested the Council outline the process and discuss the City's legal obligations.

Council Member Ackerman stated that he would like the members of the Council to walk the site to gain knowledge before the presentation. If it is necessary to publish a notice in regards to this action, he believes it should be done now. Mr. Magnuson stated that if three or more Council members did meet to gather or receive information, it would be considered an open meeting and a notice would need to be published. He suggested that two members walk the property.

Ms. Coleman is in favor of two members walking the property, but does not feel it is time to convene a committee until a plan is submitted. Once a site plan is submitted, she will forward the information to each Council Member. Council Member Ackerman asked for the material they presented at the last meeting, and Ms. Coleman explained she returned

the information to the Water Utility. It appears that the Water Utility believes it has the authority to do this work.

Mr. Ackerman felt information presented at the next meeting should be forwarded to the Council sooner than it is. He asked why the upcoming presentation by the Water Utility was not mentioned earlier in the meeting, and said that if he hadn't raised the issue a question about the committee, the information would not have come up. He also stated that getting the packet the Friday before the Thursday meeting does not give Council members enough time to do research about a matter, especially if the packet is not read right away. He would like information given as it is received.

The Mayor stated that the policy of the City Staff and Council is to provide the Council information when an item comes up for the agenda. He also stated that any member or two members of the Council can go look at the site. If three or more are interested, then a notice could be published. The Mayor asked if three or more members wanted to get together on this issue. At this time, only Council Member Ackerman wanted to meet.

Miscellaneous

Next Regularly Scheduled Planning Commission Meeting – Thursday, May 31, 2012 @ 7:00 pm in the Community Meeting Room

Next Natural Resource Commission Meeting – Tuesday, June 5, 2012 @ 6:00 pm. in the Community Meeting Room

Next City Council Meeting – Thursday, June 14, 2012 @7:00 pm in the Community Meeting Room

The North Oaks Community Fair is on June 2, 2012.

Adjournment

The motion to adjourn was made by Council Member Nelson and seconded by Council Member Long and carried unanimously. The meeting was adjourned at 9:27 p.m.

Attest:

Respectfully submitted,

Mayor John Schaaf

Maureen C. Geier
Recording Secretary

Attachment 1

PROCLAMATION

WHEREAS John William Vessey Jr., a retired United States Army Four Star General Officer who is turning 90 years old on Friday June 29th; and

WHEREAS General Vessey began his distinguished 46 year career in the United States Military with the Minnesota National Guard in 1939, when he was 16 years old, and

WHEREAS he received a battlefield commission during the Battle of Anzio in WWII and also served in the Korean and Vietnam wars, and

WHEREAS he is the only person who has ever achieved every rank the U.S. Army had to offer, and

WHEREAS in 1982, President Ronald Reagan appointed him to serve in the position of the tenth Chairman of the Joint Chiefs of Staff from June 18th, 1982 to September 30th, 1985 and

WHEREAS when General Vessey retired in 1985 at the age of 63, he was the longest serving acting duty member in the United States Army, and

WHEREAS after retiring from the Army, General Vessey became involved in efforts to account for military personnel listed as missing in action during the Vietnam War, and

WHEREAS, General Vessey has been awarded the: Distinguished Service Cross, Defense Distinguished Service Medal, Army Distinguished Service Medal, Navy Distinguished Medal, Air Force Distinguished Medal, Legion of Merit, Bronze Star, Purple Heart and the Presidential Medal of Freedom in 1992 by President George H.W. Bush, and

WHEREAS, General Vessey is a distinguished soldier, diplomat and advisor to presidents, the City of North Oaks wishes to recognize him for his leadership and extraordinary service.

NOW, THEREFORE, I, John R Schaaf, Mayor of the City of North Oaks, do hereby proclaim Friday, June 29th to be

JOHN WILLIAM VESSEY JR. DAY

in the City of North Oaks and urge all residents to join me in expressing our gratitude to General John William Vessey, Jr. for his selfless service to our country.

In Witness Whereof I have hereunto set my hand as Mayor on behalf of the Council of the City of North Oaks to be affixed, this Tenth Day of May in the Year Two Thousand Twelve.

John R Schaaf, Mayor