

# **CITY OF NORTH OAKS**

**Regular Council Meeting  
Thursday, May 9, 2019  
7 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 April 22, 2019 for approval
2. Minutes of the Natural Resources Commission meeting of April 18, 2019 for approval
3. Minutes of the Planning Commission meeting of April 25, 2019 for approval
4. Approve Expenditure of \$8,493.91 for Body Cameras for Sheriff's Deputies  
Licenses for Approval: Sedgwick Heating;

Approval of Claims: Check#:

### **Petitions, Requests & Communications**

1. Review of Highway 96 Superfund Site
2. Dana Healy, CTV Executive Director-Workshop on CTV Services
3. Deputy Mike Burrell Report

### **New Business**

1. Proposed Preliminary Subdivision – Nord Parcel
2. Proposed Preliminary Subdivision – Wilkinson Parcel
3. Set Council Workshop

### **Unfinished Business**

1. Public Hearing for Ordinance 129 Related to Planned Unit Development Processing
2. Chapter 34 Related to Planning Commission Structure
3. Twenty Year Review of 1999 East Oaks PUD

**Council Member Reports**

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

**City Administrator Reports**

**City Attorney Reports**

**Miscellaneous**

Next Natural Resource Commission Meeting is Thursday, May 16, 2019 @ 7:00 pm

Next Planning Commission Meeting is Thursday, May 30, 2019, @ 7:00 pm

Next Regularly Scheduled Council Meeting is Thursday, June 13, 2019 @ 7:00 pm

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

**Adjournment**

The Council Meeting was called to order at 8:01 p.m. by Councilmember Mayor Gregg Nelson at the Conference Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Mayor Gregg Nelson; Councilmembers Rick Kingston, Marty Long, Kara Ries, and Katy Ross; City Administrator Mike Robertson, City Attorney Dave Magnuson, City Planner Bob Kirmis, Recording Secretary Gretchen Needham, and Videographer Maureen Anderson.

### **Pledge of Allegiance**

### **Approval of Agenda**

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

### **Citizen Comments**

Rich Dujmovic, 15 Black Lake Road, is not opposed to development per say but opposed development that is not in line with the rules. He specifically brought attention to definitions regarding streets and access, dwelling units (which should be properly counted to reflect true usage of shared resources), and the 1.45-acre minimum for lots in North Oaks. Adhesion to the rules is critical.

Mayor Nelson asked that citizen comments not address items already on the agenda for tonight's meeting.

Bill Ecklund, 15 Larkspur Lane, former NOHOA director and former mayor of North Oaks, focused on the role of the City along with NOHOA in sharing responsibilities. NOHOA is essential for the City of North Oaks to maintain its privacy. Mr. Ecklund believes some members of the City Council are attempting to diminish NOHOA's control. He cited the proposed amendment to Ordinance 130, which relates to the organization of the Planning Commission, and which would make it possible to remove two current members of the Planning Commission who voted against approving the Comp Plan at the February City Council meeting.

Susan Hinrichs, 55 East Pleasant Lakes Road, asked if comments and questions could be asked after the New Business portion of the meeting. Mayor Nelson did not agree to this.

Bob Ostlund, 7 North Mallard Road, was interested to know a true traffic count and also what steps need to be taken to remove members of the City Council or the Mayor, and whether or not additional councilmembers could be added to the five that currently compose the City Council. Attorney Magnuson replied that North Oaks is a statutory city, which requires a mayor and four councilmembers. Additional members would require a City charter and changing the City's ordinances.

Kathie Emmons, 20 Duck Pass Road, President of NOHOA's Board, made a statement, which was provided for the record. NOHOA will support and follow the 1998 PDA.

Franny Skanser-Lewis, 3 Red Maple Lane, asked for a thorough review of the City's ordinances and wanted more information about item #4 on the agenda (proposal to amend Ordinance 130 relating to Planning Commission composition and organization).

Anna Burgett, 32 East Pleasant Lake Road, asked about transparency, particularly as to Ordinances 129 and 130 coming up for review at this meeting. She wanted to see a redlined version of the proposed changes to Ordinance 130 showing what edits are being made.

### **Consent Agenda**

Licenses for Approval are as follows: Air Mechanical; 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: Checks Check#: 13059-13097

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

### **Report from Deputy Mike Burrell**

- Criminal activity at Walgreens; Newport cigarettes thief was arrested, released, and stole cigarettes again.
- Intoxicated male at Walgreens was apprehended and taken into custody; he had a warrant out for his arrest.
- A man was arrested after stealing from Cub in Vadnais Heights; he was identified by his tattoo.
- In the three years Deputy Burrell has patrolled North Oaks, he has had many positive interactions with residents, and he enjoys the community part of the policing.
- Body cameras should be given to Ramsey County officers this June.
- Now that the weather is getting warmer, Deputy Burrell will sometimes be patrolling the trails and roads on his bike.

### **New Business**

#### **1. Twenty Year Review of 1999 East Oaks PUD**

North Oaks Company (NOC) was not able to attend the meeting this evening. Commercial unit counts are key, according to Councilmember Ries, and NOC needs to supply those numbers. Tom Watson quoted from Section 6.3 in the East Oaks PDA. The decennial review is outlined there.

**Councilmember Long moved to table the Decennial Review until the next City Council meeting. The motion was seconded by Councilmember Ross and passed unanimously.**

#### **2. Consider Taking Traffic Counts at Main Entrances to North Oaks**

Councilmember Ross suggests conducting a fresh traffic count from all the main entrances. Administrator Robertson asked Ramsey County to provide the counters. Councilmember Ries suggested a traffic study for roads in the interior of the City. Councilmember Kingston

asked that NOHOA be on board with the traffic counts and any traffic study; Mayor Nelson asked that the City get a bid for this. The Council was in agreement to go ahead with traffic counts and a safety study.

**3. Consider & Set Public Hearing for Ordinance 129 Amending City Code Related to Planned Unit Development Processing**

Councilmember Ries explained that an amendment is proposed to Ordinance 129 to require developers to provide a complete concept plan for all phases of a development with the initial development submission. Councilmember Ross suggested the public hearing be set for the May City Council meeting. Planner Kirmis agrees with the amendment to aid good planning in the future.

**Councilmember Long moved to set a public hearing for the May City Council meeting for the amendment to Ordinance 129. The motion was seconded by Councilmember Ross and passed unanimously.**

**4. Discussion of Ordinance 130 Amending City Code Related to Planning Commission Composition and Organization**

Mayor Nelson asked for a discussion of the proposed ordinance at the May City Council meeting. He used a template based on Shoreview's ordinance about the composition of their planning commission. Mayor Nelson feels the current organization of the City's Planning Commission risks conflicts of interest.

**5. Consider Need for Staff Assistance**

Planning Commission at their last workshop suggested a project manager be hired by the City to assist the City staff. Councilmember Ries asked that the City staff management be reviewed, with her concern being that Planning Commission receive documents and research support in a timely manner, which they recently have not. Councilmembers Long and Ross were concerned that an intern might overburden the current staff because of the management needed. Intern projects could be to organize the City ordinances or revamp the City website. City Council will meet sometime in May to discuss the staffing level; City Administrator Robertson will provide possible meeting dates to the City Council.

**6. Establish Committee to Review City Attorney Applications**

Councilmember Ries asked that the entire Council be involved in the hiring process of the City Attorney. Councilmember Long asked that the current City Attorney be involved in the search and review process.

**Councilmember Long moved to set a create a committee, composed of Councilmember Ries, Mayor Nelson, and Administrator Robertson, head the search for a City Attorney. The motion was seconded by Councilmember Ross and passed unanimously.**

**7. Storage of Ex-Mayor's Records**

Councilmember Long asked that notes and details from previous mayors be stored in the City.

**Councilmember Reports****Kara Ries**

- The Cable Commission has a current proposal that Councilmember Ries does not support as it may raise costs and limit access for residents. She has asked Administrator Robertson to write a letter expressing these concerns to the Cable Commission.
- An overhaul of the website is being considered; a presentation will be put together for the May City Council meeting.
- A newsletter is being considered for the City to publish with City-related information and happenings.

**Katy Ross**

- Locking mailboxes have been ordered; a total of 100 were ordered by residents.
- The City booth at the Home Improvement Fair was busy with questions about mailboxes, recycling, arborists, etc.
- The Planning Commission has had three workshops to review the Comp Plan and the Nord Parcel. A lot of work has been done by Planning Commissioners to prepare for and participate in these meetings.
- At a recent meeting regarding recycling, a grant was discussed that the City will apply for.
- A recycling and shredding event will happen on June 22 at Southpointe from 9 a.m. to 1 p.m.

**Marty Long**

- Councilmember Long has had many conversations with neighbors and residents about the East Oaks development.
- A new firehouse will be built; North Oaks is 10% to 12% responsible for the total cost of this building. A new hydrant will be added to Nord Circle.
- Councilmember Long has been added to the VLAWMO finance board.
- Councilmember Long has had a few meetings with Bob Fletcher, the new Ramsey County Sheriff, who is also a new North Oaks resident.
- Stormwater pond maintenance is done by NOHOA.
- Cameras are mounted on stop signs taking car counts in Nord Circle; they are NOHOA cameras.

**Rick Kingston**

- The Polco survey tool is not ready for use for the Tick Task Force (TTF) survey, but the survey is prepared and ready for residents to take using Survey Monkey.
- The TTF is applying for a grant from the state to continue their education efforts.
- Councilmember Kingston attended the NRC meeting last week. A pollinator protection group gave a talk that was impressive.
- Councilmember Kingston and Sheriff Fletcher had a meeting to talk about how the government of North Oaks is balanced between the City and NOHOA.
- East Oaks development discussions lately with residents have been productive.

**Mayor Gregg Nelson**

- State mayors' meeting is later this month.
- Two beehives have been installed on Mayor Nelson's property.
- Mayor Nelson is offended at Mr. Ecklund's comment that he is trying to dissolve NOHOA; he is in fact a supporter of NOHOA. Mayor Nelson addressed Mr. Ostlund's questions about how to remove City Councilmembers and the Mayor. He mentioned that the City Council meetings are run differently than the Planning Commission meetings.

**City Attorney Report**

1. A League of Minnesota Cities Workshop, Thursday, May 9, 2019 at 5:00 p.m. will be open to the public.
2. Brush pick up day will be May 24; more details will come out in an e-blast and Facebook.
3. A workshop was suggested to discuss the decennial review for some time in May.

**Miscellaneous**

Next Natural Resource Commission Meeting is Thursday, May 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

**Adjournment**

**On motion duly made by Councilmember Ross, seconded by Councilmember Kingston and carried unanimously, the meeting was adjourned at 9:49 p.m.**

Attest:

Respectfully Submitted

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City Administrator Mike Robertson

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Gretchen Needham  
Recording Secretary

## **Natural Resources Commission Minutes**

**April 18, 2019**

**5:30 P.M.**

### **Call to Order:**

Chair Bob Larson called the meeting to order at 5:15 p.m.

### **Roll Call:**

Present: Chair Bob Larson, Vice Chair Kate Winsor, Commissioners David White, Damien LePoutre, Commissioner Dan McDermott, and City Councilmember Rick Kingston

Staff: Recording Secretary Gretchen Needham and City Administrator Mike Robertson

Absent: City Council Liaison Kara Ries and NOHOA Liaison Diane Gorder

### **Approval of Agenda:**

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

### **Approval of Minutes:**

Commissioner LePoutre corrected the minutes to remove mention of a brochure in the pollinator resolution, changing of wording about Black Lake, changing of "acre" to "square mile" in discussion of deer, and correct spelling of the Vadnais Lake Area Water Management Organization (VLAWMO)'s acronym. Commissioner Winsor moved to approve amended March 21, 2019 minutes. Commissioner McDermott seconded. Motion approved unanimously.

### **Pollinator Ordinance**

Commissioners discussed a draft of a resolution endorsing pollinator protection and promoting pollinator habitat. A presentation was given by students of the University of Minnesota. The NRC hope to have the resolution finalized and ready for the City Council meeting on May 9.

### **Review of League of Minnesota Cities Award Application**

The City plans to submit the Tick Task Force (TTF) for the League of Minnesota Cities 2019 City of Excellence Awards. The application deadline is May 6, 2019.

### **Discussion of Open Meeting Law and NRC's Role in Development**

Commissioners reviewed the primary stipulations of the Open Meeting Law and how it applies and does not apply to the NRC. Commissioner LePoutre asked if Commissioners could discuss topics outside of meetings, such as data findings. Councilmember Kingston highlighted the intention of the law, which is to keep voting blocks from being formed ahead of scheduled meetings. Subcommittees would be allowed to do information gathering and sharing and that is within the spirit of the Open Meeting Law. Vice Chair Winsor mentioned that the NRC makes recommendations to the City Council, instead of deciding resolutions and ordinances that are binding. Commissioner LePoutre would like a definition on record of NRC's role in advising the City Council and the Planning Commission.

Chair Larson entered into the record a memo regarding a meeting he held with Stephanie MacNamara, the Superintendent of VLAWMO. Once the City approves the development project in East Oaks, VLAWMO will give their opinion regarding whether or not the plan has the minimum impact on wetlands.

Commissioner LePoutre questioned whether or not Sambatek is a good choice for consulting with the City on environmental matters given that they work for developers. Administrator Robertson said he approved Sambatek specifically because they are familiar with developers and their experience navigating the specifics involved.

Commissioner LePoutre recommended that the NRC's mission statement be reviewed at the next meeting.

#### **Tick Task Force Report**

The newest TTF survey has begun. The survey will be publicized on the City's website, Facebook page, email blast, and in the North Oaks News. The state's health department data will be analyzed with the TTF data to do a compare/contrast of results. Next year, the Polco survey tool will be used, which will have additional features.

#### **Kate Winsor's Report**

The article in this month's North Oaks News is about Oriental bittersweet. May 11 is the Garden Club Plant Sale at the Hill Farm. There will be a table manned by NRC staff. Free trees available will be pine saplings and some varieties of oak.

#### **City Update**

The City has received a grant from the MN Department of Agriculture for \$2,750 to combat Oriental bittersweet. Liaison Gordon will assist managing the project, which includes volunteer hours, removal efforts, and education.

Deer management is completed for the year; 24 deer were taken in total. Whether or not to trap next year will be discussed. Commissioner White wondered if the traps served any purpose anymore, since they are catching so few deer. Councilmember Kingston suggested the City not do a deer count automatically but wait and see if one is warranted.

The week after the 4th of July will be the target date for weed removal in Pleasant Lake.

#### **Adjournment:**

Commissioner Winsor made a motion to adjourn. Commissioner McDermott seconded. The motion was approved unanimously. The meeting ended at 7:12 p.m.

**Next Meeting: May 16, 2019**

The Planning Commission Workshop was called to order at 7:00 p.m. by Chair Katy Ross, at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota.

Present were Chair Ross, Commissioners Mark Azman, Stig Hauge, Kara Ries, Nancy Reid, Sara Shah and Joyce Yoshimura-Rank. City Administrator Mike Robertson, City Planner Bob Kirmis, City Engineer Mike Kuno, Recording Secretary Deb Breen and CTV videographers Pat Cook and Maureen Anderson.

Commissioner Ries shared the CTV analytics which indicate the City of North Oaks is 2<sup>nd</sup> in the metro area of viewing public meetings from home, a testament to a strong involved community.

**Approval of Agenda**

**Chair Ross moved to shift the Public Hearing for Wilkinson to after the Nord parcel discussion. Commissioner Ries motioned to approve revised agenda, Commissioner Shah seconded. Agenda was unanimously approved.**

**Approval of Minutes**

**Approval of the March 28, 2019 minutes: Commissioner Reid motioned to approve, Commissioner Shah seconded, all in favor.**

**Approval of March 13, 2019 workshop minutes: after a small correction in Spelling on the March 13<sup>th</sup> minutes, Commissioner Ries motioned to approve, Commissioner Reid seconded, all in favor.**

**Approval of March 28, 2019 workshop minutes: Commissioner Reid motioned to approve, Commissioner Yoshimura-Rank seconded, all in favor.**

**Approval of April 3<sup>rd</sup>, 2019 workshop minutes: Commissioner Ries motioned to approve, Commissioner Shah seconded, all in favor.**

**Preliminary Subdivision - North Oaks Company - Nord Parcel**

City Planner Kirmis reviewed the staff memo which summarized the findings to questions the Planning Commission had asked. The findings include:

**Sherwood Road Access:** He reviewed where access could be provided along Sherwood Road. The County does not expect any conflicts with having an access off of Sherwood and emergency service indicated that response time would be improved. The impact to wetlands is unknown if the road were to be based off Sherwood.

**County Compost site:** Administrator Robertson has spoken to compost site supervisor and was told that the lights are supposed to be off after hours and they will check into it further.

**Zoning Map Update:** The process to revise the zoning map will begin later this summer. The Planning Commission will be the first to review the change, Kirmis believes it would require approval of NOHOA as well as the City Council.

**Recreation zoning:** The City Attorney has researched and confirms that the zoning designations in the PUD supersede the zoning ordinance in any conflict and therefore the Nord parcel is zoned RSM.

**Drainage Issues:** City Engineer Kuno indicated there are 3 designated stormwater ponds in Nord area plan that would mitigate the stormwater requirement. The Rapp Farm development has its own stormwater ponds which were built to handle their stormwater.

**Site Area:** Kuno spoke to the discrepancy of 51 acres in the EAW and 55 acres in the current Nord application. There are 2 lots that are about 2 acres each that are not part of the main parcel and that makes up the difference. The 4-acre difference runs along what appears to be a trail in former maps. Commissioner Ries said the parcel identified as V-284 is now part of the Nord parcel. Parcel B-292 is also part of the proposed Nord subdivision.

North Oaks Company (NOC) Vice-President Gary Eagles said that when Mari Hill Harpur acquired the property from her father, parcels B-292 and V-284 existed in the North Oaks Company name, not the farm name like the other Nord parcels. They were not part of the original Nord subject project. NOC is requesting to replat V-284 and B-292 as part of the current Nord application.

Staff thinks that parcel V-284 was intended to be a trail. Gary Eagles stated that there is not an easement along V-284. NOC has agreed to work with NOHOA to set up a trail to serve the Nord parcel. Commissioner Ries referenced Article 13 of the 1999 PDA agreement which states the applicant is obligated to construct a trail and work with NOHOA on this.

**Trails:** The City Attorney stated that in his review of language in the East Oaks PDA, it is his opinion is that the 880 acres of trails have been provided already with easements granted to NOHOA. Commissioner Ries has asked Kirmis to follow up with Attorney Magnuson for specific citation. Robertson said that circumstantial evidence and the shape of the parcel suggest that this parcel was meant to be a trail leading into the recreation area.

**Cul-de-sac Diameter:** Kuno stated it appeared there would be no impact to wetland impact if the cul-de-sac diameter were increased to 100 feet.

**Wetland Impact:** Kuno said that he asked VLAWMO if they could provide overall wetland impact for East Oaks. They said they did not keep that information. Administrator Robertson confirmed that the City doesn't track it either. He reviewed a few past developments in East Oaks and found no information in the files.

**North Deep Lake Road Flooding** – Kuno indicated that this was a localized situation. Culverts were installed at an incorrect elevation and not maintained. That has been corrected by replacing the culverts at a higher elevation with regular maintenance.

**Crime History** – Information from Officer Burrell was that there is not significant difference between crime in internal vs. external access. Commissioner Shah asked that data from Ramsey County Sheriff's office be analyzed. Robertson stated the data comparison could be tricky between streets with a small amount of homes vs. 1,200 in the internal area. He will talk to the Sheriff's Office about it.

**Remaining Dwelling Numbers** – This topic was anticipated to be addressed at the City Council meeting but that did not occur.

**Additional Commissioner Comments:** Commissioner Ries pointed to additional language in section F in the 1999 agreement regarding the allowance to adjust trail based on environment. She thought that might be why the easement wasn't officially granted yet, because the parcel hadn't been platted. Commissioner Azman read a letter from NOHOA Executive Director Griffin stating NOHOA will accept open space, roads and trails only if they are consistent with the 1999 East Oaks agreement. This is the official response from NOHOA on the trail topic.

Commissioner Hauge asked Commissioner Azman whether he thought the intent of the PUD was for roads to come from perimeter, not internally. Commissioner Azman said road access and lack of a firm trail are still concerns from his perspective. Commissioner Hauge said that it seems the entire problem could be solved, or at least remediated, if the application had remained true to the original agreement. Commissioner Reid indicated that the information put forth now seems much clearer than in the beginning.

**Planner Kirmis reviewed the options for Approval or Denial:**

Commissioners discussed importance of sticking to PUD and PDA agreements while reviewing all applications. Commissioner Ries asked that staff cite the specific sections from the PDA and EAW. Commissioner Shah asked the lawyers on the Planning Commission if they felt the findings for denial were sufficient and that the city is safe from legal issues if they are adopted. Commissioner Reid stated that the City Attorney approved the language for denial and that therefore she thought it was adequate.

**Motion was made by Commissioner Reid to Deny the Nord Parcel preliminary application of subdivision by the North Oaks Company based on the following findings of fact:**

1. The subdivision's proposed access location and street layout is inconsistent with that provided in the EAW which illustrates a cul-de-sac access from the west via Sherwood Road.
2. The subdivision's proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan included in the 1999 PDA
3. The trail plan included in the 1999 PDA requires a well-defined trail within the subject site. Such a trail is not included in the submitted preliminary subdivision plan.

**Motion seconded by Commissioner Ries. All in favor of denial, with Ross abstaining as City Council Liaison. The application was denied.**

### **Public Hearing - Preliminary Subdivision - North Oaks Company Wilkinson South Villa Homes**

City Planner Kirmis reviewed the preliminary subdivision application which is located south of Osprey court and west of Centerville Road. The application consists of 36 acres with 4 villa lots which average 1,900 square feet in size. The majority of the site is dedicated to permanent open space. The Comp Plan calls for mixed residential use, including detached single homes and townhomes. The designated RMH zoning allows for the proposed villas. This is subject to the shoreland overlay district of Wilkinson Lake and all lots meet the shoreland requirements. It is site F within the East Oaks PUD, and calls for 10 single family units with potential increase to 13. The PUD does not impose any minimum width requirement, but imposes a 20% max floor area ratio. The subdivision doesn't include parkland as the park requirements were satisfied as part of previous approvals. The Comp Plan states that these lots must have a connected trail plan accepted by NOHOA. Building architecture will be of a similar design and quality to those on Osprey Court and will go through the NOHOA ASC process.

City staff recommends that applicant provide information as to what would happen on the south end of the property as a condition before final subdivision. These conditions would not prevent approval, they're just required before final subdivision approval. Engineer Kuno spoke to the hammerhead turnaround proposed in lieu of a cul-de-sac. He proposed as condition that NOC confirm that it meets fire safety, snow removal and school transportation guidelines. The remainder of the noted conditions are standard engineering conditions. From a staff perspective, the application is consistent with the planned unit subdivision. Exhibit E outlines conditions for either approval or denial.

**Commissioner Feedback:** Commissioner Ries said the preliminary plan shows this as a gravel road. Administrator Robertson clarified that gravel roads are now not permitted by ordinance. Commissioner Ries reviewed Map of PUD B2 which she believes shows a separate entrance for this area. Commissioner Azman noted that Map B2 has been updated in the 7<sup>th</sup> amendment and shows the street carrying through from existing Wilkinson development to the north.

#### **Public Hearing was opened at 9:20 p.m.**

Tom Watson, 45 East Pleasant Lake Road. He does not recall a road connection between site E and Site F in original plan. He wonders if they connect them, then how they are going to do unit counts in Table 1, appendix 1 as there is not a measure to combine the two.

Bill McNeill, 7 Sunset Place. For the end of the road, he would like to see a cul-de-sac instead of a hammerhead for access for snow plows and ease of maintenance. From his experience as part of NOHOA road committee, he suggested this would be helpful for Mel's Service plowing and recommends a 100-foot cul-de-sac if possible. There are pros and cons of hammerhead vs. cul-de-sac. Cul-de-sac is more road surface to plow vs. a smaller road. He wondered if the holding pond could be moved south to provide more room for a cul-de-sac. Engineer Kuno thought they may need to remove a lot in order to do a cul-de-sac.

North Oaks Company Vice-President Gary Eagles stated that the maps were concept drawings back in 1999 and were not meant to be specific. He mentioned North Oaks Company was part of the wetland banking program that was established in the early 1990's.

**With no further Comment Chair Ross closed public hearing 9:33 p.m.**

Commissioner Azman said the only issue is the turn-around for him. Commissioner Ries would like to see how the southern part of the land is going to be used. Commissioner Hauge sees the proposed 4 units as a natural extension of the existing villas. North Oaks Company indicated that the Summit and Pines both have hammerheads, but they are not quite the same and very difficult to maneuver around. Commissioner Ries doesn't believe it the proposed extension was contemplated in 1999 and has concerns whether it was planned for in East Oaks EAW.

Mark Hauge, President of NOC confirmed in the proposed application the access would terminate with the 4 lots. Other proposed lots further south would access off of Centerville Road or from the Hill farm lot. They are open to looking at the cul-de-sac option if necessary. Hauge mentioned it is an unofficial 55+ community so busing may not be a huge issue. NOC confirmed they have met with residents on Osprey Court as recently as November's annual meeting, and they are aware that Osprey Court always planned to be extended. Hauge stated the connection to the trail off Osprey Court is accessed by walking down the street just as residents on Osprey currently do to reach the trail

Engineer Kuno stated the roadway width is standard to others in North Oaks at 24' wide. They did ask the applicant to check to ensure fire trucks can access it. It may need to be less than a 100' cul-de-sac given the wetlands. NOC confirmed it was a conscious decision to preserve the land to the south.

Commissioner Azman doesn't see the hammerhead as a big issue. Commissioner Ries is concerned about hammerhead and possible safety issues with maintenance and garbage trucks backing up. Commissioners Hauge and Azman feel the subdivision seems to be in line with agreements. Commissioners Shah and Ries have concerns with the hammerhead end. Commissioner Reid asked if they can recommend approval based on the condition that there would be no access from Wilkinson to new single family lots to the south. Kirmis stated that he does not believe they could connect to the south since they are separated by a large wetland.

Commissioner Azman referenced language in the East Oaks PDA that development can be done in a phased approach and thought that applied to this proposal. Other commissioners mentioned this verbiage could also be referencing phases by site, not necessarily phases within a site. Commissioners Ries and Hauge requested to take out Item #37 about making any approved subdivision part of the East Oaks PDA. Kirmis said the condition was to try and memorialize any approvals and that he would look for another way to do that. Chair Ross, Commissioners Ries and Reid believe that having the NOC come back to City Council

with answers to these concerns would be not fulfilling the Commission's role to fully assess application.

**Commissioner Azman motioned to approve the Wilkinson application with 39 conditions, adding the cul-de-sac option and removing condition #37.**

**Commissioner Hauge seconded. Commissioners Shah, Ries, Reid, and Yoshimura-Rank opposed. Ross abstained. Motion failed 2-4.**

**Commissioner Ries motioned to deny the Wilkinson Application based on recommended findings of fact:**

**1) As a result of the withdrawal of the East Oaks concept plan, a conceptual subdivision layout for the southern one-half of the subject site has not been provided. Approval of the preliminary subdivision prior to the receipt and review of such concept plan for the remainder of Site F is considered premature.**

**2) Comments have not been received from the local fire department of the proposed "hammerhead" turn around. Approval of the preliminary subdivision prior to Fire Department approval of the proposed "hammerhead" turn around design is considered premature.**

**3) The subdivision's proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan included in the 1999 PDA.**

**Commissioner Yoshimura-Rank seconded. In favor to Deny the application were Commissioners Ries, Shah, Reid and Yoshimura-Rank. Commissioners Hauge and Azman opposed, and Ross abstained. Application was Denied 4-2.**

#### **2040 Comprehensive Plan Update**

Chair Ross suggested the Commission postpone its review of the final Comp plan to the May meeting, with the plan to be submitted to Council in May. Commissioners are asked to closely review and submit any comments to Gretchen prior to next meeting.

Chair Ross stated the next Planning Commission meeting will be held May 30, 2019 at 7:00 p.m.

#### **Adjournment**

**Commissioner Hauge motioned to adjourn, Commissioner Yoshimura seconded, and all unanimously approved. Meeting adjourned at 10:42 p.m.**

## **MEMO**

Date: April 30, 2019  
To: City Council  
From: City Administrator Mike Robertson  
Re: Proposed Body Camera Purchase

Sheriff Bob Fletcher has moved up the purchase of body cameras for the Sheriff's Department and the Ramsey County Board has backed him in the effort. The total cost is approximately \$1.1M. The Sheriff has asked the contract communities (North Oaks, Shoreview, Vadnais Heights, White Bear Town, Little Canada, Arden Hills and Falcon Heights) to contribute \$100,000 of that with the County paying the rest. Funds for our share will come from the Sheriff's budget reconciliation funds, which is the budget surplus left over at the end of the year.

Using the established equipment formula, our share would be \$8,493,91. I would recommend this purchase.

### **MOTION:**

I move we approve an expenditure of \$8,493.91 for the City of North Oaks' share of the Ramsey County Sheriff's purchase of body cameras, with the money to come from the law enforcement budget reconciliation funds.



# Ramsey County Sheriff's Office

Bob Fletcher, Sheriff

## Public Safety Services Division

1411 Paul Kirkwold Drive • Arden Hills, Minnesota 55112

Phone: 651-266-7300 • Fax: 651-266-7306

[www.RamseyCountySheriff.us](http://www.RamseyCountySheriff.us)

April 18, 2019

Contract City Managers,

The Ramsey County Sheriff's Office is targeting implementation of body cameras and squad cameras for July 2019. The Sheriff's Office is requesting the contract cities fund \$100,164 for 2019.

There will be 100 body cameras and 40 squad cameras allocated for the Public Safety Services Division. The contract cities fund 56 sworn deputies in this division. Additionally, there are 21 marked squads that service the contract cities.

The total expenditure estimates for implementation of the body cameras and squad cameras for 2019 are listed below:

Cost Centers	Sum of Contract Cities Total	Sum of PSSD Total
Capital Improvement	\$ 5,600.00	\$ 10,000.00
Equipment	\$ 104,527.95	\$ 194,164.00
Ongoing support	\$ 100,164.00	\$ 217,260.00
Personnel	\$ 29,407.82	\$ 339,942.50
<b>Grand Total</b>	<b>\$ 239,699.77</b>	<b>\$ 761,366.50</b>

The Sheriff's Office recognizes this was not a planned expense for contract cities. The Sheriff's Office is requesting the contract cities fund only the ongoing support which includes the license fees, data usage, and CAD integration fee for 2019. Below is the expenditure estimate for each contract city based on the equipment formula:

City	Formula	Cost to City
Arden Hills	13.77%	\$13,792.58
Falcon Heights	14.63%	\$14,653.99
Little Canada	13.76%	\$13,782.57
North Oaks	8.48%	\$8,493.91
Shoreview	25.61%	\$25,652.00
Vadnais Heights	12.48%	\$12,500.47
White Bear Township	11.27%	\$11,288.48
	<b>100.00%</b>	<b>\$100,164.00</b>

Respectfully,

Jeff Ramacher, Undersheriff  
Ramsey County Sheriff's Office  
Public Safety Services Division  
1411 Paul Kirkwold Drive  
Arden Hills, MN 55112



January 28, 2019

Reference No. 002012

Ms. Andri Dahlmeier  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194

Dear Ms. Dahlmeier:

**Re: Proposed Modifications (Updated)  
Long-Term Groundwater Monitoring Requirements - Operable Unit 4  
Highway 96 Site  
White Bear Township, Minnesota**

On behalf of Whirlpool Corporation and Reynolds Metals Company, GHD Services Inc. (GHD) has prepared this request for the Minnesota Pollution Control Agency's (MPCA's) approval of proposed modifications to the long-term groundwater monitoring requirements associated with Operable Unit 4 (OU4) of the Highway 96 Site (Site) in White Bear Township, Minnesota. This letter was previously submitted to the MPCA on November 6, 2017 and has been updated to reflect subsequent discussions with the MPCA and include results from routine sampling events conducted in October 2017, June 2018, and October 2018.

## **1. Background**

Residential well sampling in North Oaks, Minnesota is a long-term groundwater monitoring requirement associated with OU4. Residential well sampling is currently conducted in accordance with:

- Section 5.2.2 of the MPCA's amendment to the 1993 Minnesota Decision Document (MDD) for the Site, signed on August 26, 2008 (MDD Amendment #1).
- MPCA-approved modifications outlined in CRA's "October 2010 Residential Well Sampling Event" letter to the MPCA dated September 16, 2010 and GHD's "October 2017 Residential Well Sampling Event" letter to the MPCA dated September 20, 2017.

The current sampling frequency for each residential well location in the long-term groundwater monitoring network for OU4 is shown on Figure 1 and listed in Table 1. Historical data summary sheets for these residential well locations are provided as Attachment A.

## **2. Assessment of Residential Well Monitoring Results (2008 – 2018)**

Table 1 of MDD Amendment #1 lists seven VOCs of potential concern (Listed VOCs) associated with long-term groundwater monitoring under OU4: vinyl chloride (VC), 1,1-dichloroethane (11DCA), trans-1,2-dichloroethene (T12DCE), benzene, methyl ethyl ketone (MEK), toluene, and 1,1,2-trichloroethene (TCE). A discussion of residential well monitoring results over the last 11-year period (since MDD Amendment #1 was signed in 2008) for each Listed VOC is presented separately in the paragraphs below.



### ***Vinyl Chloride (VC)***

As summarized in the 2017 Annual Monitoring Report (GHD, March 2018) and further supported by the results from the June 2018 and October 2018 Residential Well Sampling Events (reported in GHD's letters to MPCA dated August 28, 2018 and December 18, 2018, respectively), the number of residential well locations in the southeast portion of North Oaks, west of Gilfillan Lake, that have ever had detectable concentrations of VC is limited to ten wells: 50 East Oaks Road, 2 Heron Lane, 3 Heron Lane, 1 Hummingbird Hill 2 Hummingbird Hill, 10 West Shore Road, 11 West Shore Road, 12 West Shore Road, 13 West Shore Road, and 15 West Shore Road. No new VC-impacted wells have been identified in the last six years (since May 2012)

Four of the ten VC-impacted wells (2 Heron Lane, 2 Hummingbird Hill, 12 West Shore Road, and 13 West Shore Road) have been replaced with new/deeper residential wells (see legend notes on Figure 1); the last well replacement occurred in 2013.

VC concentrations at the other six impacted wells (50 East Oaks Road, 3 Heron Lane, 1 Hummingbird Hill, 10 West Shore Road, 11 West Shore Road, and 15 West Shore Road), have remained at or below the Health Risk Limit (HRL) for VC promulgated by the Minnesota Department of Health (MDH) (0.2 µg/L) and there have been no detections of VC for the last nine consecutive sampling events (since April 2014). Graphs of historical VC concentrations at the above-referenced residential wells are presented as Attachment B.

VC has not been detected at any of the other 71 residential well locations in the long-term groundwater monitoring network for OU4.

### ***1,1-Dichloroethane (11DCA)***

Since 2008, 11DCA has been detected at 16 residential well locations in OU4 (see Attachment A). The maximum concentration of 11DCA detected during this period was 3.1 µg/L, which is well below the Risk Assessment Advice (RAA) for 11DCA developed by the MDH (80 µg/L). There is no HRL promulgated for 11DCA.

The combination of low-level detections of 11DCA in the presence of low-level detections of cis-1,2-dichloroethene (C12DCE) and VC has been previously identified as one of two VOC fingerprints likely associated with the Site (see Attachment A). The combination of low-level detections of 11DCA in the presence of low-level detections of dichlorodifluoromethane (DCDFM) and/or dichlorofluoromethane (DCFM) has been previously identified as a second VOC fingerprint likely associated with the Site (see Attachment A). As discussed in previous reports submitted to the MPCA, isolated low-level detections of 11DCA, in the absence of other fingerprint VOCs, are most likely attributed to impacts from current and/or historical residential septic system use in the southeastern portion of North Oaks.

### ***Trans-1,2-Dichloroethene (T12DCE)***

Since 2008, T12DCE has only been detected at one residential well location in OU4 (see Attachment A). In October 2010, T12DCE was detected at 1 Poplar Lane at a concentration of 0.11 µg/L, which is well below the HRL for T12DCE promulgated by the MDH (40 µg/L). There have been no detections of T12DCE in subsequent samples collected from this location. As discussed in previous reports submitted to the MPCA, it is unlikely that the the isolated detection of T12DCE at 1 Poplar Lane is associated with the



Site. Isolated detections of low-level VOCs in residential wells in OU4 are most likely attributed to current and/or historical residential septic system use in the southeastern portion of North Oaks.

#### ***Benzene***

Benzene was not detected at any residential well location in OU4 over the last 11-year period (2008-2018).

#### ***Methyl Ethyl Ketone (MEK)***

MEK was not detected at any residential well location in OU4 over the last 11-year period (2008-2018).

#### ***Toluene***

Since 2008, toluene has been detected at six residential well locations in OU4 (see Attachment A). The maximum concentration of toluene detected during this period was 12 µg/L, which is well below the HRL for toluene promulgated by the MDH (200 µg/L). The most recent detection of toluene occurred in October 2014 (1.1 µg/L at 44 Robb Farm Road). As discussed in previous reports submitted to the MPCA, it is unlikely that these detections of toluene are associated with the Site. Isolated detections of low-level VOCs in residential wells in OU4 are most likely attributed to current and/or historical residential septic system use in the southeastern portion of North Oaks.

#### ***1,1,2-Trichloroethene (TCE)***

Since 2008, TCE has only been detected at one residential well location in OU4 (see Attachment A). In October 2012, TCE was detected at 4 West Shore Road at an estimated (J) concentration of 0.051 J µg/L, which is well below the HRL for TCE promulgated by the MDH (0.4 µg/L). There have been no detections of TCE in subsequent samples collected from this location. As discussed in previous reports submitted to the MPCA, it is unlikely that the the isolated detection of TCE at 4 West Shore Road is associated with the Site. Isolated detections of low-level VOCs in residential wells in OU4 are most likely attributed to current and/or historical residential septic system use in the southeastern portion of North Oaks.

### **3. Proposed Modifications**

The substantial historical data set for residential wells within OU4 presented in Attachment A, along with the assessment presented in Section 2, support the following findings:

- VC has not been detected in residential wells at levels above MDH HRLs since 2012; no other Listed VOCs have ever been detected in residential wells at levels above MDH HRLs.
- No new VC-impacted wells have been identified since May 2012.
- VC has not been detected at any location since April 2014.

Based on these findings, GHD proposes that the current residential well sampling frequencies associated with OU4 be updated as follows:



Current Sampling Frequency	# of Homes	Proposed Updated Sampling Frequency
Semi-Annually <i>(twice per year – April &amp; October)</i>	28	Annually <i>(once per year – October)</i>
Annually <i>(once per year – October)</i>	34	Every Five Years <i>(once every five years – October)</i>
Biennially <i>(once every two years – October, odd years)</i>	8	
Biennially <i>(once every two years – October, odd years)</i>	7	No Longer Sampled

The proposed updated sampling frequency for each residential well location is shown on Figure 2 and listed in Table 1. The updated sampling frequencies are appropriate for monitoring potential long-term (chronic) exposure to low-level concentrations of VOCs in groundwater, as supported by the information presented in Section 2.

GHD also proposes that the Listed VOCs for OU4 be updated to remove T12DCE, benzene, MEK, toluene, and TCE, as supported by the information presented in Section 2.

GHD requests MPCA's approval of the proposed updates take effect beginning in 2019.

If you have any questions or require additional information, please contact us at (651) 639-0913.

Sincerely,

GHD

Sarah Illi, PE

Brian Sandberg, PG

SI/md/6

Encl.

cc: Emily Hansen, Minnesota Department of Health  
Mayor, City of North Oaks  
Mike Robertson, City of North Oaks  
Michelle Hosfield, Wenck Associates  
Highway 96 Site RP Group

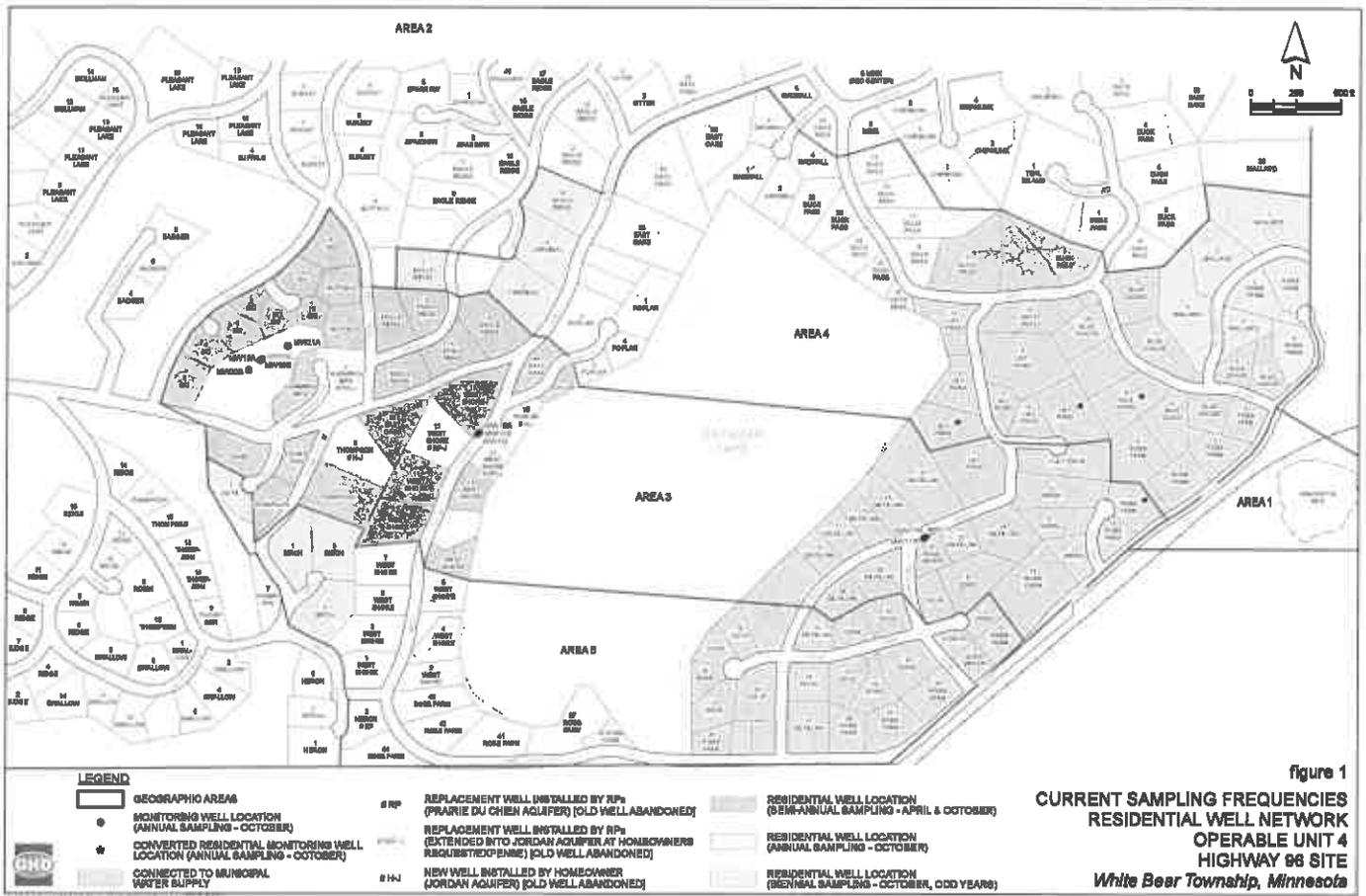


figure 1  
**CURRENT SAMPLING FREQUENCIES  
 RESIDENTIAL WELL NETWORK  
 OPERABLE UNIT 4  
 HIGHWAY 88 SITE  
 White Bear Township, Minnesota**

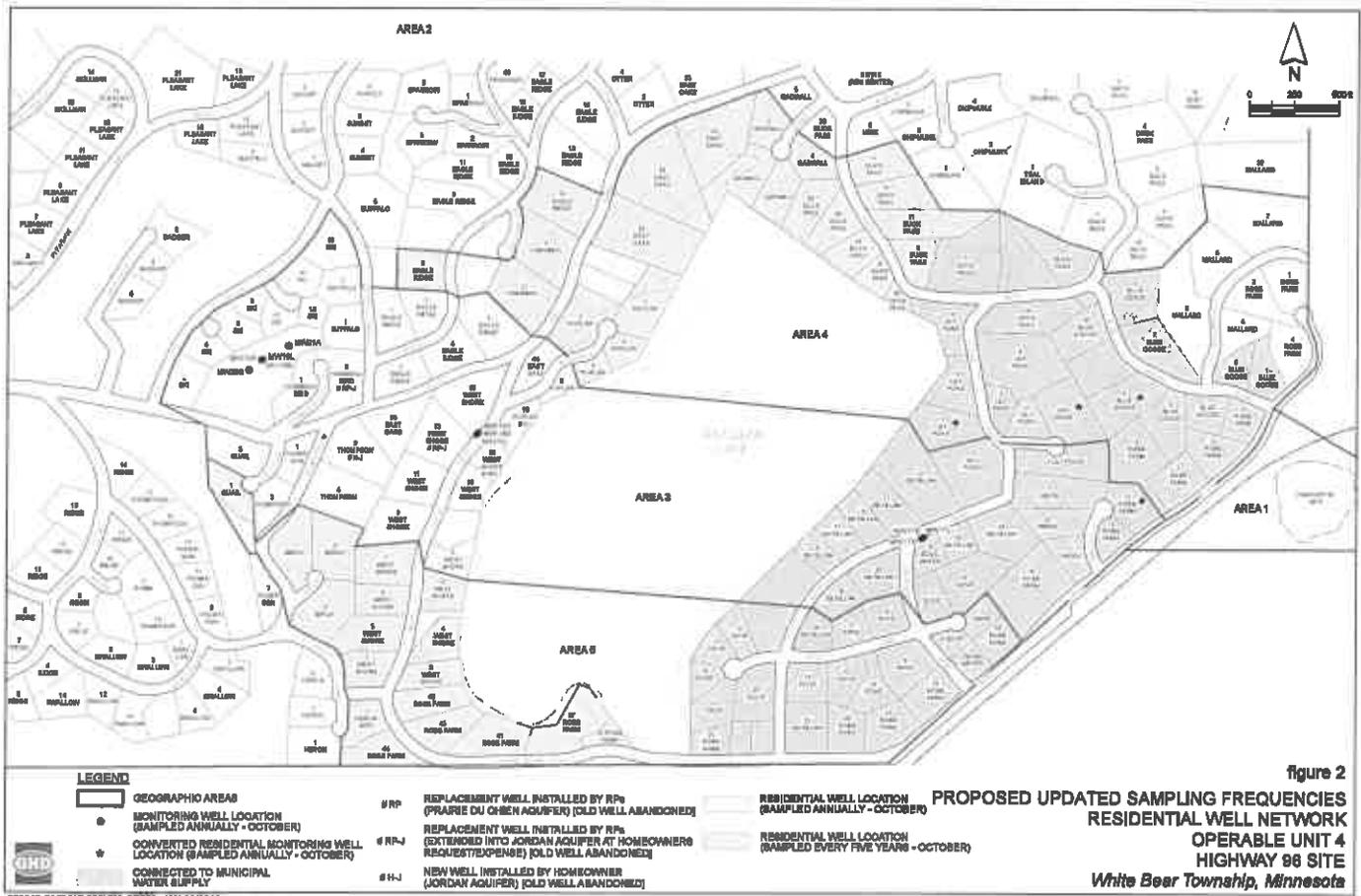


figure 2

**PROPOSED UPDATED SAMPLING FREQUENCIES  
RESIDENTIAL WELL NETWORK  
OPERABLE UNIT 4  
HIGHWAY 96 SITE  
White Bear Township, Minnesota**

**Proposed Sampling Frequency Updates  
Residential Well Network - Operable Unit 4  
Highway 96 Site  
White Bear Township, Minnesota**

<b>Location</b>	<b>Operable Unit <sup>(1)</sup></b>	<b>Geographic Area <sup>(2)</sup></b>	<b>Current Sampling Frequency <sup>(3)</sup></b>	<b>Proposed Updated Sampling Frequency <sup>(4)</sup></b>
<b>Birch Lane</b>				
1 Birch Lane	OU4	Area 5	Every Two Years	Every Five Years
2 Birch Lane	OU4	Area 5	Every Two Years	Every Five Years
3 Birch Lane	OU4	Area 5	Every Two Years	Every Five Years
<b>Buffalo Road</b>				
1 Buffalo Road	OU4	Area 3	Semi-Annually	Annually
3 Buffalo Road	OU4	Area 3	Semi-Annually	Annually
<b>Cardinal Lane</b>				
2 Cardinal Lane	OU4	Area 4	Every Two Years	Every Five Years
4 Cardinal Lane	OU4	Area 4	Every Two Years	Every Five Years
<b>Duck Pass Road</b>				
9 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
11 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
13 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
15 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
20 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
22 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
24 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
26 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
28 Duck Pass Road	OU4	Area 4	Annually	Every Five Years
<b>Eagle Ridge Road</b>				
1 Eagle Ridge Road	OU4	Area 3	Semi-Annually	Annually
2 Eagle Ridge Road	OU4	Area 3	Semi-Annually	Annually
3 Eagle Ridge Road	OU4	Area 3	Semi-Annually	Annually
4 Eagle Ridge Road	OU4	Area 3	Semi-Annually	Annually
5 Eagle Ridge Road	OU4	Area 4	Every Two Years	Every Five Years
6 Eagle Ridge Road	OU4	Area 3	Semi-Annually	Annually
10 Eagle Ridge Road	OU4	Area 4	Every Two Years	Every Five Years
<b>East Oaks Road</b>				
32 East Oaks Road	OU4	Area 4	Annually	Every Five Years
36 East Oaks Road	OU4	Area 4	Annually	Every Five Years
38 East Oaks Road	OU4	Area 4	Annually	Every Five Years
44 East Oaks Road	OU4	Area 3	Semi-Annually	Annually
50 East Oaks Road	OU4	Area 3	Semi-Annually	Annually
<b>Gadwall Lane</b>				
1 Gadwall Lane	OU4	Area 4	Annually	Every Five Years
2 Gadwall Lane	OU4	Area 4	Annually	Every Five Years
3 Gadwall Lane	OU4	Area 4	Annually	Every Five Years
4 Gadwall Lane	OU4	Area 4	Annually	Every Five Years

**Proposed Sampling Frequency Updates  
Residential Well Network - Operable Unit 4  
Highway 96 Site  
White Bear Township, Minnesota**

<b>Location</b>	<b>Operable Unit <sup>(1)</sup></b>	<b>Geographic Area <sup>(2)</sup></b>	<b>Current Sampling Frequency <sup>(3)</sup></b>	<b>Proposed Updated Sampling Frequency <sup>(4)</sup></b>
<b>Heron Lane</b>				
2 Heron Lane (New Well)	OU4	Area 5	Annually	Every Five Years
<b>Hummingbird Hill</b>				
1 Hummingbird Hill	OU4	Area 3	Semi-Annually	Annually
<b>Mallard Lane</b>				
3 Mallard Lane	OU4	Area 4	Every Two Years	No Longer Sampled
5 Mallard Lane	OU4	Area 4	Every Two Years	No Longer Sampled
6 Mallard Lane	OU4	Area 4	Every Two Years	No Longer Sampled
7 Mallard Lane	OU4	Area 4	Every Two Years	No Longer Sampled
<b>Poplar Lane</b>				
1 Poplar Lane	OU4	Area 4	Annually	Every Five Years
3 Poplar Lane	OU4	Area 4	Annually	Every Five Years
4 Poplar Lane	OU4	Area 4	Annually	Every Five Years
6 Poplar Lane	OU4	Area 4	Annually	Every Five Years
8 Poplar Lane	OU4	Area 3	Semi-Annually	Annually
<b>Quail Lane</b>				
1 Quail Lane	OU4	Area 5	Every Two Years	Every Five Years
3 Quail Lane	OU4	Area 3	Semi-Annually	Annually
<b>Robb Farm Road</b>				
1 Robb Farm Road	OU4	Area 4	Every Two Years	No Longer Sampled
2 Robb Farm Road	OU4	Area 4	Every Two Years	No Longer Sampled
4 Robb Farm Road	OU4	Area 4	Every Two Years	No Longer Sampled
35 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
37 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
41 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
43 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
44 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
45 Robb Farm Road	OU4	Area 5	Annually	Every Five Years
<b>Ski Lane</b>				
2 Ski Lane	OU4	Area 3	Semi-Annually	Annually
4 Ski Lane	OU4	Area 3	Semi-Annually	Annually
6 Ski Lane	OU4	Area 3	Semi-Annually	Annually
8 Ski Lane	OU4	Area 3	Semi-Annually	Annually
10 Ski Lane	OU4	Area 3	Semi-Annually	Annually
12 Ski Lane	OU4	Area 3	Semi-Annually	Annually
14 Ski Lane	OU4	Area 3	Semi-Annually	Annually
16 Ski Lane	OU4	Area 3	Semi-Annually	Annually

**Proposed Sampling Frequency Updates  
Residential Well Network - Operable Unit 4  
Highway 96 Site  
White Bear Township, Minnesota**

<b>Location</b>	<b>Operable Unit <sup>(1)</sup></b>	<b>Geographic Area <sup>(2)</sup></b>	<b>Current Sampling Frequency <sup>(3)</sup></b>	<b>Proposed Updated Sampling Frequency <sup>(4)</sup></b>
<b>Thompson Lane</b>				
1 Thompson Lane	OU4	Area 3	Semi-Annually	Annually
3 Thompson Lane	OU4	Area 3	Semi-Annually	Annually
4 Thompson Lane	OU4	Area 3	Semi-Annually	Annually
<b>West Shore Road</b>				
1 West Shore Road	OU4	Area 5	Annually	Every Five Years
2 West Shore Road	OU4	Area 5	Annually	Every Five Years
3 West Shore Road	OU4	Area 5	Annually	Every Five Years
4 West Shore Road	OU4	Area 5	Annually	Every Five Years
5 West Shore Road	OU4	Area 5	Annually	Every Five Years
6 West Shore Road	OU4	Area 5	Annually	Every Five Years
7 West Shore Road	OU4	Area 5	Annually	Every Five Years
8 West Shore Road	OU4	Area 3	Semi-Annually	Annually
9 West Shore Road	OU4	Area 3	Semi-Annually	Annually
10 West Shore Road	OU4	Area 3	Semi-Annually	Annually
11 West Shore Road	OU4	Area 3	Semi-Annually	Annually
15 West Shore Road	OU4	Area 3	Semi-Annually	Annually

**Notes:**

- (1) - As stipulated in the Minnesota Pollution Control Agency's (MPCA's) Minnesota Decision Document (MDD) for the Highway 96 Site, signed October 7, 1993, and modified by subsequent amendments.
- (2) - See Site Figure(s)
- (3) - In accordance with the long-term groundwater monitoring requirements outlined in Section 5.2.2 of the MPCA's amendment to the 1993 MDD for the Highway 96 Site, signed August 26, 2008.
- (4) - Currently under review by the MPCA



## MEMORANDUM

**TO:** North Oaks Mayor and City Council

**FROM:** Mike Robertson, City Administrator  
Bob Kirmis, City Planner  
Mike Kuno, City Engineer  
Dave Magnuson, City Attorney

**DATE:** May 9, 2019

**RE:** North Oaks - East Oaks Planned Unit Development

- "Nord Parcel" Preliminary Plan for Major Subdivision
- "Wilkinson Villas (Phase 1A)" Preliminary Plan for Major Subdivision

**FILE NO:** 321.02 - 19.01

## INTRODUCTION

The purpose of this memorandum is to summarize issues and actions taken by the Planning Commission at their April 25, 2019 meeting related to the following applications of the North Oaks Company, LLC:

- 1. The "Nord Parcel" Preliminary Subdivision.** The "Nord Parcel" overlays 55 acres of land located northwest of Deep Lake and consists of 10 single family residential lots. The proposed lots average 5 acres in size.
- 2. The "Wilkinson Villas (Phase 1A)" Preliminary Subdivision.** The Wilkinson Villas (Phase 1A) site is located south of Osprey Court and west of Centerville Road and consists of four "villa" lots averaging 18,970 square feet in size. The majority of the 36-acre site is devoted to permanent open space.

Additionally, this memorandum will describe City Council action alternatives related to the two applications.





The preliminary subdivision requests were considered at the Planning Commission's regular meetings on February 28, 2019, March 28, 2019 and April 25, 2019 as well as a workshop meeting held on April 10, 2019.

As the City Council is aware, development of the two sites is governed by the provisions of the East Oaks Planned Development Agreement which was executed in between the City and the North Oaks Company in 1999.

Presently, six undeveloped sites remain in the East Oaks project. Aside from the Nord Parcel and Wilkinson Villas (1A) sites now under consideration, the following are expected to be developed in future years:

- East Preserve
- Gate Hill
- Island Field
- Red Forest Way South

Background information related to the applications is provided in the following Staff reports and memorandums.

- Concept Plan report (dated December 20, 2018)
- Preliminary Subdivision report (dated February 28, 2019)
- Issues memorandum (dated March 28, 2019)
- Various issues memorandums included in the April 10, 2019 Planning Commission workshop packet
- Nord Issues memorandum (dated April 25, 2019)

Attached for reference:

- Attachment 1 - Conceptual Street and Access Plan (Exhibit B2 in the 1999 PDA)
- Attachment 2 - Concept Plan (Exhibit 2 in the 1998 EAW)
- Attachment 3 - Trail Map (Exhibit B4 in the 1999 PDA)
- Attachment 4 - Nord Conditions of Approval
- Attachment 5 - Wilkinson Villas (1A) Conditions of Approval





## **NORD PARCEL PRELIMINARY SUBDIVISION**

**Issues.** While the proposed use and the number of proposed dwelling units proposed upon the Nord Parcel was found to be consistent with requirements of the 1999 Planned Development Agreement, numerous questions and issues of concern were raised by both the Planning Commission and the public (during public hearing testimony). "Primary" issues related to the following:

**Site Access.** The Nord Parcel preliminary subdivision illustrates an access from the southeast via North Deep Lake Road. The Planning Commission expressed a preference for an alternative access from Sherwood Road to the west as referenced in the 1999 Planned Development Agreement (Exhibit B2 - Conceptual Street and Access Plan) and concept plan provided in the 1998 Environmental Assessment Worksheet (Exhibit 2). In this regard, the subdivision design was determined to be inconsistent with the 1999 Planned Development Agreement.

The exhibits referenced above are attached to this memorandum as Attachments 1 and 2.

Article 7.1 of the East Oaks Planned Development Agreement states that "The Conceptual Street and Access Plan shows the neighborhood streets and other roads within the Subject Property that will serve the East Oaks PUD Project." Changes to the Conceptual Street and Access Plan may be requested by the Developer and approved by Council. If the Developer intends to change the Nord Parcel roadway access from Sherwood Road, as shown on the Conceptual Street and Access Plan, a request for that change must be presented for Council review and action.

If an access from North Deep Lake Road is requested, Staff recommends that a Traffic Impact Study, meeting the guidelines of Chapter 5 of the MnDOT Access Management Manual, be prepared and, upon review and approval by the City Engineer, conclusions or recommendations related to the traffic impacts from the Nord Development be implemented (as a condition of subdivision approval).

**Trail.** The Planning Commission raised concern over the lack of a defined trail route through the subdivision as referenced in the 1999 Planned Development Agreement (Exhibit B4 - Trail Map).

The exhibit referenced above is attached as Attachment 3.





**Wetland Impacts.** The Planning Commission raised concern over wetland impacts and specifically the need for wetland mitigation near the proposed North Deep Lake Road entry. It was questioned whether an alternative Sherwood Road access may have lesser wetland impacts.

**Planning Commission Action.** Based on the submitted application materials, background information provided by Staff and residents, and the evidence at the public hearing, the Planning Commission has recommended denial of the Nord Parcel Preliminary Subdivision (on a 6-0 vote) based on the following findings:

1. The subdivision's proposed access location and street layout is inconsistent with that provided in the EAW which illustrates a cul-de-sac access from the west via Sherwood Road (Exhibit 2 of the EAW).
2. The subdivision's proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan (Exhibit B2) included in the 1999 Planned Development Agreement.
3. The Trail Plan included in the 1999 Planned Development Agreement (Exhibit B4) requires a well-defined trail within the subject site. Such trail is not included in the submitted preliminary subdivision plan.

**City Council Action.** The City Council is being asked to act on the Nord Parcel Preliminary Subdivision application. In this regard, the City Council should either deny the application as recommended by the Planning Commission (based upon the provided findings of fact) or approve the application.

Tabling of the applications for further study is no longer an option as a result of the forthcoming 120-day action deadline.

Should the City Council choose to approve the Nord Parcel Preliminary Subdivision application, Staff recommends that the conditions listed in Attachment 4 apply.





## **WILKINSON VILLAS (1A) PRELIMINARY SUBDIVISION**

**Issues.** While several issues and concerns were raised by the Planning Commission, the volume of comments and concerns raised by residents was substantially less than that received for the Nord Parcel application. “Primary” issues related to the Wilkinson Villas (1A) preliminary subdivision application include the following:

**Site Access.** The Wilkinson Villas (1A) preliminary subdivision illustrates an access from the north via a southern extension of Osprey Court. The Planning Commission expressed concern that such an access is not illustrated in the 1999 Planned Development Agreement (Exhibit B2 - Conceptual Street and Access Plan) and concept plan provided in the 1998 Environmental Assessment Worksheet (Exhibit 2).

The exhibits referenced above are attached to this memorandum as Attachments 1 and 2.

**“Hammerhead” Turnaround.** The Planning Commission raised concern over “hammerhead” turnaround included in the subdivision design and a related lack of maneuvering space provided for large trucks, buses and delivery vehicles. Concern was also raised related to the inconvenience such “hammerhead” turnaround will have upon snowplowing efforts. In this regard, it was suggested that a standard cul-de-sac turnaround be considered.

Further concern was noted that the “hammerhead” turnaround has yet to be approved by the Fire Department.

**Future Site Development.** The Planning Commission raised concern that development plans and a related subdivision design for the southern half of the subject site have not been provided. In this regard, it was suggested that approval of the preliminary subdivision at this time may be premature.

To address this concern, Staff has recommended (as a condition of preliminary subdivision approval) that application for final subdivision approval not be accepted prior to Planning Commission and City Council consideration of a conceptual development plan for the southern one-half of the subject property for review and comment.



**Planning Commission Action.** Based on the submitted application materials, background information provided by Staff and residents, and the evidence received at the public hearing, the Planning Commission has recommended denial of the Wilkinson Villas (1A) Preliminary Subdivision (on a 4-2 vote) based on the following findings:

1. As a result of the withdrawal of the East Oaks concept plan, a conceptual subdivision layout for the southern one-half of the subject site has not been provided. Approval of the preliminary subdivision prior to the receipt and review of such concept plan is considered premature.
2. Comments have not been received from the Fire Department regarding the acceptability of the proposed "hammerhead" turnaround area. Approval of the preliminary subdivision prior to Fire Department approval of the "hammerhead" turnaround design is considered premature.
3. The subdivision fails to comply with Article 7.1 of the 1999 Planned Development Agreement related to the location and creation of streets. The subdivision's proposed access location and street layout is inconsistent with that provided in on the Conceptual Street and Access Plan (Exhibit B2) included in the 1999 Planned Development Agreement.

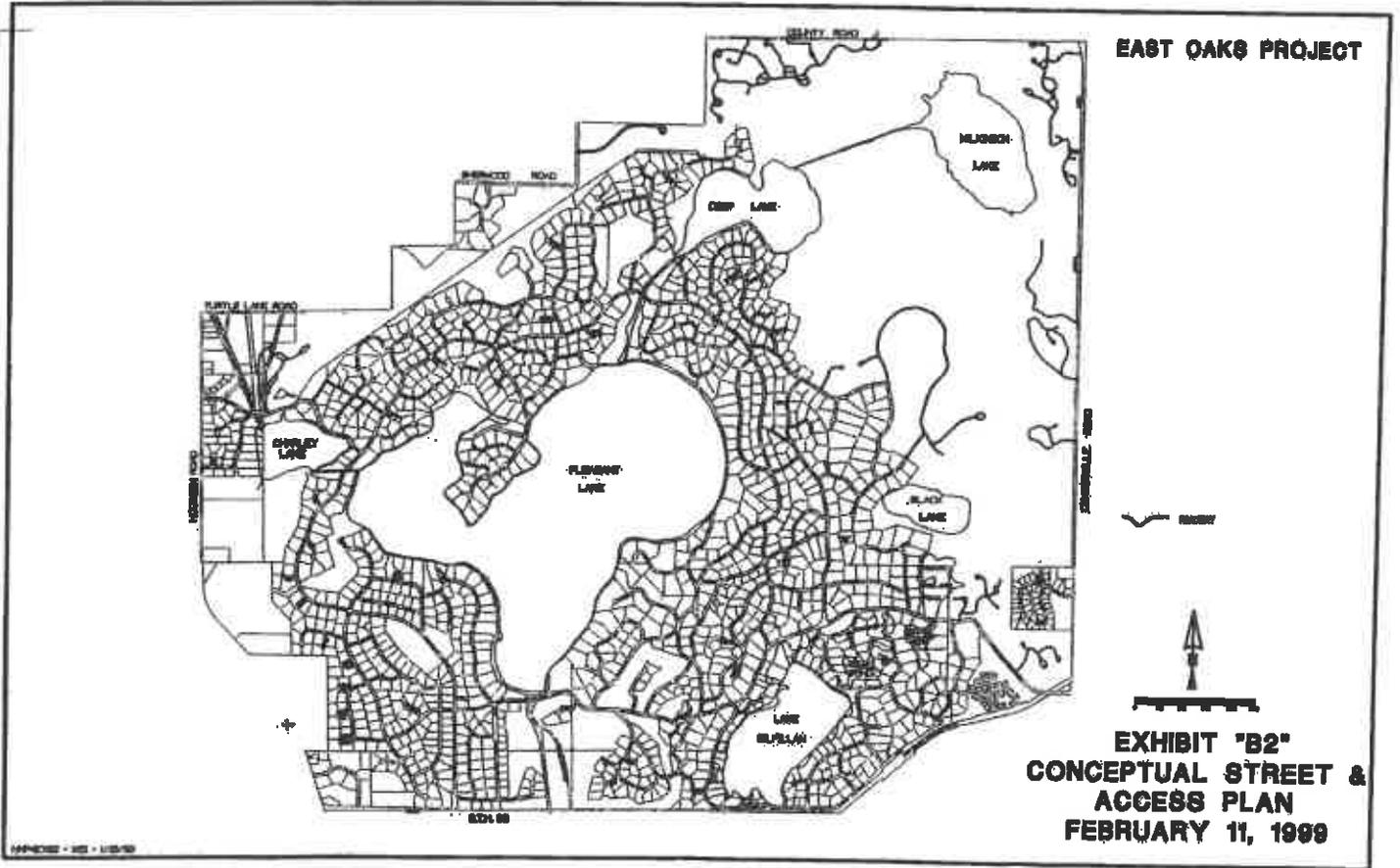
**City Council Action.** The City Council is being asked to act on the Wilkinson Villas (1A) Preliminary Subdivision application. In this regard, the City Council should either deny the application as recommended by the Planning Commission (based upon their provided findings of fact) or approve the application.

Tabling of the applications for further study is no longer an option as a result of the forthcoming 120-day action deadline.

Should the City Council choose to approve the Wilkinson Villas Preliminary Subdivision application (as recommended by City Staff), Staff recommends that the conditions listed in Attachment 5 apply.

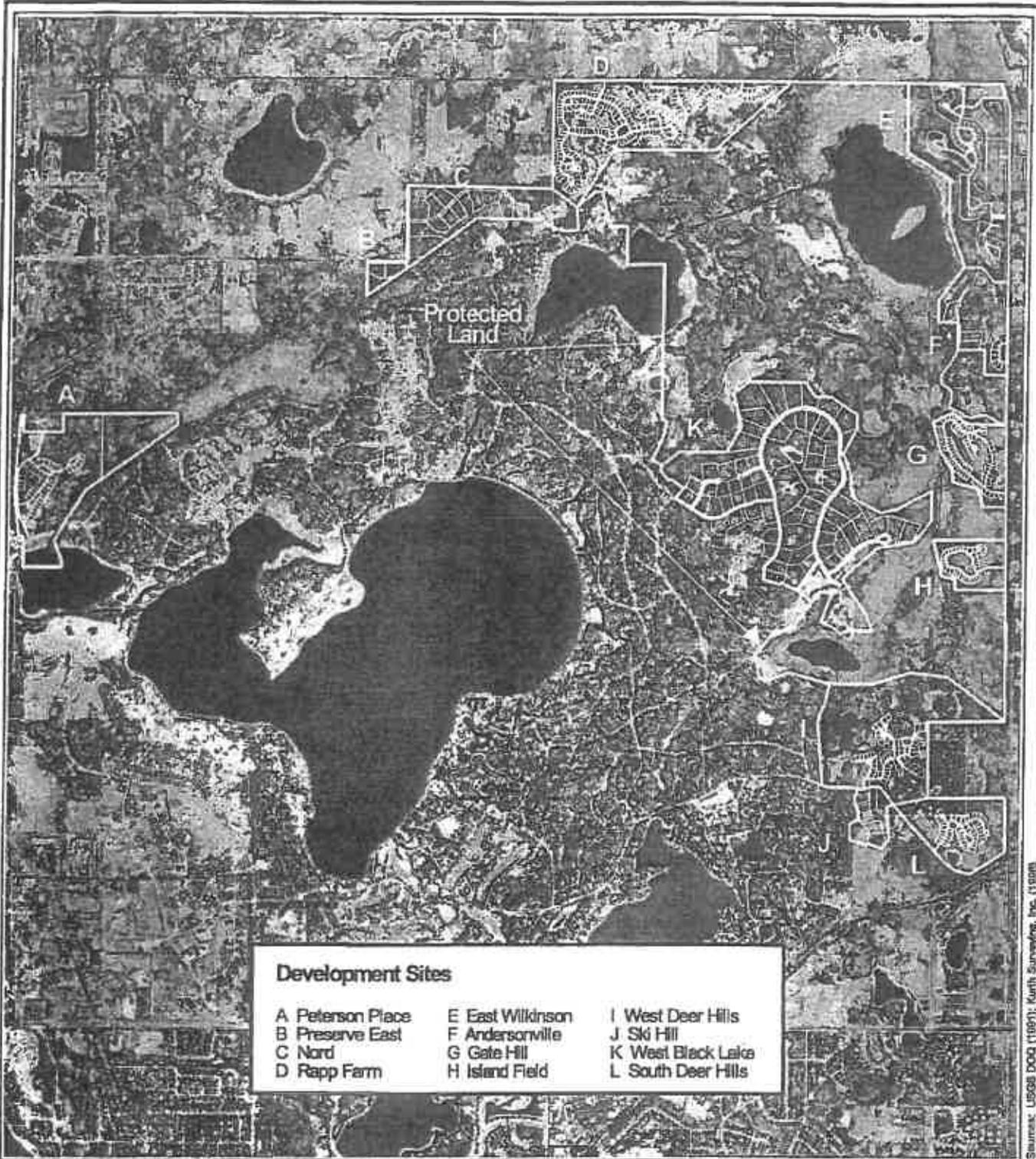
cc: North Oaks Mayor and City Council  
Mark Houge and Gary Eagles, North Oaks Company  
Mikeya Griffin, NOHOA Executive Director North Oaks Company  
Jenifer Sorensen, Department of Natural Resources  
Stephanie McNamara, Vadnais Lake Area Water Management Organization





**EAST OAKS PROJECT**

**EXHIBIT "B2"  
CONCEPTUAL STREET &  
ACCESS PLAN  
FEBRUARY 11, 1988**



**East Oaks Planned Unit Development**  
 City of North Oaks, Ramsey County, Minnesota

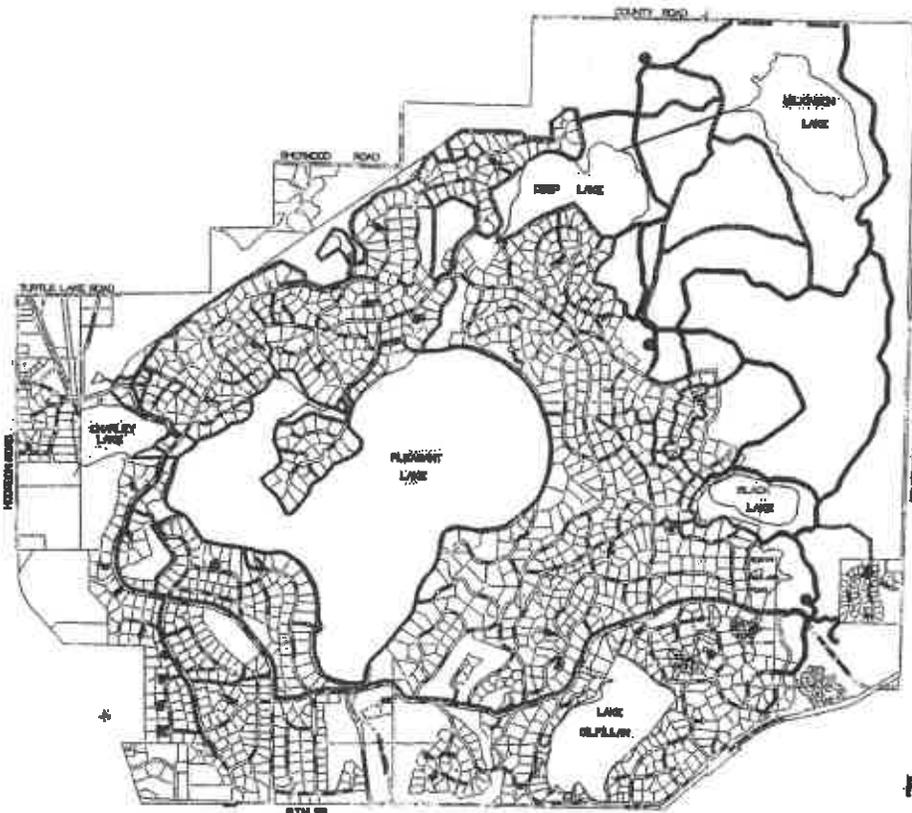
**Environmental Assessment Worksheet**  
**Aerial Photography and Concept Plan**



**Westwood Professional Services, Inc.**  
 7800 Arapahoe Drive  
 Eden Prairie, MN 55344  
 (952) 897-8100  
 July, 1998

**EXHIBIT 2**

**EAST OAKS PROJECT**



-  IMPROVED LOCAL TRAIL
-  TRAIL/ROAD
-  IMPROVED TRAIL
-  IMPROVED TRAIL WITH CURBING
-  TRAIL/ROAD
-  TRAIL/ROAD CROSSING



**EXHIBIT "B4"**  
**TRAIL MAP**  
**FEBRUARY 11, 1999**

# **NORD PARCEL - PRELIMINARY SUBDIVISION**

## **CONDITIONS OF APPROVAL:**

1. A Traffic Impact Study, meeting the guidelines of Chapter 5 of the MnDOT Access Management Manual, be prepared and, upon review and approval by the City Engineer, conclusions or recommendations related to the traffic impacts from the Nord Development be implemented as a condition of this approval.
2. The proposed cul-de sac street shall be named subject to City Council approval.
3. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).
4. The following minimum setbacks shall be satisfied:

### **Principal Building to Roadway Easements:**

Front-loaded garage: 20 feet  
Home or side-loaded garage: 10 feet

### **Principal Building to Adjacent Structures:**

Attached garage to attached garage: 12 feet  
Attached garage to house: 20 feet  
House to house: 24 feet

### **Structures to Ordinary High-Water Level (of Deep Lake): 75 feet**

5. A maximum floor area ratio of 12 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
6. The developer shall contact the Lake Johanna Fire Department to review and discuss the proposed site design and determine which side of the street should be identified as the fire lane.
7. The developer shall contact the Lake Johanna Fire Department to determine if the site plan, as proposed, is acceptable for their emergency services. Written correspondence shall be provided to the City.
8. The diameter of proposed cul-de-sac shall be expanded to 100 feet to allow a school bus to maneuver within the turnaround area. A minimum 2-foot-wide gravel shoulder shall be provided.
9. The developer's engineer shall submit a pavement design with the final construction plans. The design shall be completed in accordance with the MnDOT Flexible

**Pavement Design as outlined in the Road Design Manual. The street section shall be designed for a minimum 7-ton design and a 20-year design life.**

- 10. The final construction plans shall identify a plan and profile for the proposed 2-inch force main. Wye stationing and the proposed invert at the end of the service shall identified on the plans. Air release and cleanouts shall be provided as required. The developer's engineer shall determine if the diameter of the 2-inch main needs to be reduced at the westerly end of the system to maintain the minimum required velocity in the main.**
- 11. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.**
- 12. The proposed storm water drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018.**
- 13. A storm water management report shall be submitted for approval with the final construction plans.**
- 14. A skimmer system for each pond outlet pipe shall be provided with the final construction plans.**
- 15. The 100-year high water elevation for Wetland 2 shall be determined and shown on the final grading plan. This high-water elevation shall be reviewed as a part of the building permit review process for the adjoining lot.**
- 16. Emergency overflow elevations (EOF) shall be identified on the final grading plan for wetland basins 6 and 7, based on actual field topographic survey information. These EOF elevations shall be reviewed as a part of the building permit review process for each adjoining lot.**
- 17. Rip-rap shall not be required at the inlet end of proposed culverts, unless the velocity of the flow at the inlet requires this type of erosion protection.**
- 18. The developer shall provide a copy of the geotechnical report with soil boring locations, including ground water conditions. The developer's soils engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation.**
- 19. A drain tile system shall be provided on the street subgrade surface at the street low points if a clayey type subgrade soil exists. The drain tile shall extend to the ditch section to drain. A rodent screen shall be provided at the outlet of the drain tile.**
- 20. The preliminary grading plan shows a proposed longitudinal slope of 1% in the street ditch section in a few locations. In areas where the ditch will be maintained by the**

homeowner, a drain tile system shall be installed in a ditch section with a slope less than 2%, if the existing soil condition is not free draining.

21. A 2-foot separation shall be shown from the edge of the shoulder to the finished grade around the perimeter of the cul-de-sac on the final construction plan. The 2-foot separation shall be provided at 8 feet from the edge of the shoulder.
22. A 10-foot maintenance bench shall encompass the stormwater ponds and shall be shown on the final grading construction plan.
23. The limits of the existing trees shall be identified on the final grading construction plan. Tree protection fencing shall be identified on the plan, if necessary.
24. A grading plan for each "custom" lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. A minimum driveway slope of 3%, and a maximum of 10% shall be provided.
25. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO (as the LGU).
26. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
27. All utilities to be located in the floodplain shall be flood-proofed in accordance with the building code or elevated above the flood protection elevation.
28. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO (as the LGU).
29. VLAWMO (as the LGU) shall determine the required width of buffer strips along the perimeter of wetlands, and the proposed ponds. The final construction plans shall identify the buffer limits.
30. Local street signage meeting City of North Oaks standards shall be posted at each proposed intersection.
31. Final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO (as the LGU).
32. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
33. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS.

- 34. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process.**
- 35. The proposed easements for utilities shall be revised from a proposed width of 15 feet to a minimum of 20 feet and be centered on the utility. The easement limit for the force main located along the southerly side of the street shall also be modified on the final RLS to reflect this requirement.**
- 36. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5, 5A and 5B.**
- 37. A 15-foot utility easement shall be added along Sherwood Road (County Road 4).**
- 38. Conservation easements shall be provided to cover the buffer strip areas, if required by VLAWMO. The easement documents shall conform to the requirements of VLAWMO.**
- 39. Copies of all approved permits (MPCA for sanitary sewer and NPDES, VLAWMO, etc.) shall be provided to the City Engineer upon receipt from each agency.**
- 40. The developer shall enter into a subdivision development agreement with the City (the form of which shall be acceptable to the City) and post all necessary securities required by it. This issue shall be subject to further comment by the City Attorney.**
- 41. The Nord Parcel development agreement shall be attached to the East Oaks Planned Development Agreement for reference purposes.**
- 42. Consideration of any comments received from the Department of Natural Resources.**
- 43. Comments of other City Staff.**

# **WILKINSON VILLAS (1A) - PRELIMINARY SUBDIVISION**

## **CONDITIONS OF APPROVAL:**

1. Application for final subdivision approval shall not be accepted prior to Planning Commission and City Council consideration of a conceptual development plan for the southern one-half of the subject property for review and comment. Such conceptual development plan and related review procedures shall comply with applicable City ordinances.
2. A maximum floor area ratio of 20 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
3. The following minimum setbacks shall be satisfied:

### **Principal Building to Roadway Easements:**

**Front: 15 feet  
Side: 20 feet  
Rear: 20 feet**

### **Principal Building to Principal Building:**

**Front to front: 40 feet  
Side to side: 15 feet  
Rear to rear: 50 feet**

**Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet (per the Planned Development Agreement)**

**Principal and accessory buildings to wetlands: 30 feet**

4. In accordance with the City's Comprehensive Plan directives, the proposed "villa" lots shall be provided access to the trail system.
5. The applicant shall contact the Lake Johanna Fire Marshall and obtain approval of the proposed hammerhead turnaround as a part of this preliminary application. Received correspondence shall be provided to the City.
6. The applicant shall contact the local school bus company which provides service to Osprey Court as a part of this preliminary application and determine if the bus company will use the hammerhead turnaround, or if children will need to be picked up and dropped off at the existing intersection at the entrance to Anderson Woods on Osprey Court. Received correspondence shall be provided to the City.

- 7. The developer's engineer shall submit a graphic using a software such as "AutoTurn" with the final plans identifying the movement of a fire truck, and school bus (if allowed by the bus company) in the hammerhead turn around area to verify there is adequate area for the turning movement.**
- 8. "No parking" be restricted to the inbound lane, or the southerly side of the street. Recognizing that State standards recommend a minimum parking lane width of 7 feet, the proposed gravel shoulder shall be widened from 2 feet to 3 feet.**
- 9. The bituminous street section be increased from a proposed minimum depth of 3 inches to a minimum depth of 3.5 inches. The bituminous shall be placed in two lifts. The last lift shall be placed one construction season after the utilities have been installed within the street area.**
- 10. The developer's engineer shall submit a pavement design with the final construction plans. The design shall be completed in accordance with the MnDOT Flexible Pavement Design as outlined in the Road Design Manual. The street section shall be designed for a minimum 7-ton design and a 20-year design life.**
- 11. The developer's engineer shall submit the typical section(s) for the existing street as constructed from Osprey Court to the terminus at station 2+20. The developer's engineer shall determine if the existing street section meets the minimum MnDOT 7-ton design for a 20-year design life, or if a modification is required.**
- 12. Final construction plans shall identify the sewer service locations and wye stationing from the downstream manhole, as well as invert elevation at the end of the service.**
- 13. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.**
- 14. The proposed storm water drainage system, and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018.**
- 15. A storm water management report shall be submitted for approval with the final construction plans.**
- 16. A storm sewer pipe shall be installed along the south side of the proposed street, including installation of a catch basin in the curb at approximately station 3+50.**
- 17. A skimmer system shall be provided for the pond outlet pipe with the final construction plans.**
- 18. A copy of the geotechnical report shall be provided with soil boring locations, including ground water conditions. The developer's soils engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation.**

19. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the State Building Code.
20. A minimum driveway slope of 3%, and a maximum of 10% shall be provided.
21. A 10-foot maintenance bench shall encompass the stormwater pond and shall be shown on the final construction plan.
22. The limits of the existing trees shall be identified on the final grading construction plan. Tree protection fences shall be identified on the plan, if necessary.
23. The location of the existing trail shall be identified on the final construction plans.
24. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO (as the LGU).
25. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
26. All utilities to be located in the flood plain shall be flood-proofed in accordance with the building code or elevated above the flood protection elevation.
27. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO (as the LGU).
28. VLAWMO (as the LGU) shall determine the required width of buffer strips along the perimeter of wetlands, and the pond. The final construction plans shall identify the required buffer limits.
29. Local street signage meeting City of North Oaks standards shall be posted at each proposed intersection.
30. The final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO (as the LGU).
31. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
32. "No parking" signs shall be placed on both sides of the street from the entrance at Osprey Court to proposed station 3+00; and also in the hammerhead area.
33. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS.
34. Conservation easements shall be provided to cover the buffer strip areas, if required by VLAWMO (as the LGU). The easement documents shall conform to the requirements of VLAWMO.

- 35. Copies of all approved permits (MPCA for sanitary sewer and NPDES, VLAWMO, etc.) shall be provided to the City Engineer upon receipt from each agency.**
- 36. The developer shall enter in to a subdivision development agreement with the City, (the form of which shall be acceptable to the City) and post all necessary securities required by it. This issue shall be subject to further comment by the City Attorney.**
- 37. The Wilkinson Villas (1A) development agreement shall be attached to the East Oaks Planned Development Agreement for reference purposes.**
- 38. Consideration of any comments received from the Department of Natural Resources.**
- 39. Comments of other City Staff.**

## **MAGNUSON LAW FIRM**

LICENSED IN MINNESOTA AND WISCONSIN  
5620 MEMORIAL AVENUE NORTH • SUITE E • STILLWATER, MN 55082  
TELEPHONE: (651) 439-9464 • FACSIMILE: (651) 439-5641  
WWW.MAGNUSONLAWFIRM.COM

DAVID T. MAGNUSON  
DTMAGNUSON@MAGNUSONLAWFIRM.COM

April 29, 2019

### **North Oaks Memo – PDA**

When an application for preliminary plat or plan approval is filed with the City for property that is within the area of the Planned Development Agreement of 1999 (the “PDA”) a review is needed to determine what developer rights were vested in the developer by the PDA. Because so many elements of each development site in the PDA have been included in the PDA, both the Nord and the Anderson Woods applications for preliminary plan approval have been determined in advance, both applications are entitled to a “presumption of validity”. The presumption shifts the burden that is usually on an applicant to a burden that is on the City to show legally sufficient grounds for denial. This is similar to an application for a CUP that is described in a zoning ordinance as being permitted by CUP. Court sees this as a form of “pre-approval”, and the pre-approval shifts the burden and puts the burden on the City to show legally sufficient grounds for denial.

**1. Zoning Classification** - decided and fixed by the PDA. The Nord site is zoned RSM – PUD

**2. Density** – decided and fixed by the PDA. Table 1 to the PDA states that 10 detached single family units are permitted, although a 30% density increase has been permitted.

**3. Park Dedication or payment in lieu** – decided and fixed by the PDA. The PDA covers 1,650 Acres, and 885 acres of land has been set aside in a variety of Open Space Easements and trail easements. It should be noted that in 1999 when the PDA was signed, it was before the “nexus” requirements for extractions was established by several USCUS cases and the state law then permitted that only 7% of the area of a plat could be extracted for parks. It is remarkable that more than 50% of the area of the PDA is set aside and protected as parkland.

**4. Trail Dedication** – decided and fixed by the PDA. Trails have an Article in the PDA and it is promised that the trails shown on Exhibit C-1 will be constructed, conveyed to NOHOA, and open for use within 60 days of the execution of the PDA. Exhibits to the PDA describe various classifications of trails. Neighbors believe that a potential trail is shown on the south edge of the Nord parcel, but the map is not clearly readable. Whether to deny approval on the issue of trail location rests in the sound discretion of the

City Council. Or, said another way, it is up to the council to decide whether a trail not showing on the plans is a material deviation from what is shown on exhibits to the PDA.

**5. Road design and layout.** Article 7.1 of the East Oaks Planned Unit Development Agreement states that "The Conceptual Street and Access Plan shows the neighborhood streets and other roads within the Subject Property that will serve the East Oaks PUD Project." Changes to the Conceptual Street and Access Plan may be requested by the Developer and approved by Council. If the Developer intends to change the Nord Parcel roadway access from Sherwood Road, as shown on the Conceptual Street and Access Plan, a request for that change must be presented for Council review and action.

If an access from North Deep Lake Road is requested, Staff recommends that a Traffic Impact Study, meeting the guidelines of Chapter 5 of the MnDOT Access Management Manual, be prepared and, upon review and approval by the City Engineer, conclusions or recommendations related to the traffic impacts from the Nord Development be implemented (as a condition of subdivision approval).

Whether to deny approval on the issue of the better access to Nord rests in the sound discretion of the City Council. Or, said another way, it is up to the City Council to decide whether the road access as shown on the plans, is a material deviation from what is shown in the Concept Road plan that are attached as exhibits to the PDA.

**6. Traffic impacts** – Subject to City review. Our engineer has the stats but the traffic from 10 lots is hardly measurable.

**7. Wetland Impacts** – Article 11 of the PDA is entitled "Wetlands" The Article states that development must conform to the Wetland Act, mitigation will follow wetland fill permits and responsibility and timing will be secured in the Development Contract. Wetlands are now protected by several laws and rules that have been adopted after 1999.

**8. Emergency services** - Subject to City review. Comment was received from emergency providers without negative comments.

David T. Magnuson



**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

## **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 residents of the State of Minnesota. All members shall be appointed by the City Council. In addition, one member of the City Council may serve as a liaison member. The City Council liaison 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 of 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.

**§ 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 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 statutory 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.

**(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. The City Council and staff will keep an accounting of Planning Commission expenditures.

**§ 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



**NORTH OAKS**  
C O M P A N Y L L C

April 5, 2019

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

Re: East Oaks PDA – Decennial Review

Dear Mike,

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

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

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

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

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

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

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

Sincerely,  
North Oaks Company LLC



Mark Houge  
President

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

EXHIBIT B5 - GENERALIZED PLAN FOR PHASING DEVELOPMENT

NORTH OAKS COMPANY  
EAST OAKS PUD

Updated: 04.05.19

SITE	NAME	PDA Dwelling Units designated	Actual 1998-2006	Actual 2007-2008	Actual 2010-2018	Proposed 2019-2029	Potential Density Shift	Permitted Density Increase	RLS #'s Filed to date
A	RESIDENTIAL HOUSING WILDFLOWER (Peterson Place)	40	27	0	0	0	13	30% = 12	564
B	EAST PRESERVE	2	0	0	0	2	0	30% = 1	
C	NORD	10	0	0	0	10	0	30% = 3	
D	RAPP FARM	200	34	0	122	0	44	50% = 100	589 611 612 614 617 626
E-1	EAST WILKINSON Villas of Wilkinson Lake	45	19	0	28	0	-2	50% = 22	599 603 615
E-2	EAST WILKINSON Waverly Gardens - Mews	65	0	90 (see note 1)	0	0	-25	50% = 33	586 603
F	ANDERSON WOODS (Andersonville)	10	0	0	0	13	-3	30% = 3	
G	GATE HILL	68	0	0	0	65	3	30% = 20	
H	ISLAND FIELD	35	0	0	0	46	-11	30% = 11	
I	THE PINES (East Mallard Pond)	54	54	0	0	0	0	0	562
J	NORTH SKI HILL	7	7	0	0	0	0	30% = 2	569
K	NORTH BLACK LAKE (Red Forest Way)	64	17	9	15	42	-19	30% = 19	566 604 618 629
L	SOUTHEAST PINES (South Deer Hills)	45	45	0	0	0	0	0	571
COMMERCIAL		645	203	99	165	178	0		
E-3	EAST WILKINSON Waverly Gardens & Tria	21	15.27	0	0	5.73			586

dwelling units  
5/acre = 29

Remaining  
Acreage

Acreage  
Developed

Acreage  
Allowed

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

## MEMO

Date: April 8, 2019

To: City Council

From: City Administrator Mike Robertson

Re: Information on Housing Count for East Oaks PDA 20 Year Review

The East Oaks PDA, approved in 1999, requires that the North Oaks Company review the PDA with the City Council every 10 years. That's why the 20-year review is on the Council agenda.

Though we have a variety of items to review I think the most important is to establish the number of remaining housing units allowed in the East Oaks area. When they first received the information from the North Oaks Company showing what they regarded as the remaining housing units that could be built, (attached), several Planning Commissioners expressed concern about the counts and how Waverly Gardens was handled. At the next Planning Commission meeting several residents expressed the same concern. The Planning Commission needs direction from the Council on the housing count, both for its review of East Oaks subdivision applications and for some tables that need to be completed in the Comp Plan update. North Oaks Company has sent a letter noting the issues that it would like to review with the Council. We may not be able to cover all these issues in one meeting.

These are the following issues that need to be reviewed;

1. Commercial land. North Oaks Company says 15.27 acres has been used for Waverly Gardens and Tria and they have 5.73 acres left. Ramsey County tax records show more than 23 acres for that property. North Oaks Company says the difference is the road easement for Centerville Road and that should not be counted toward their total acreage. Which figure should be used?
2. North Oaks Company says that Presbyterian Homes retains the right to construct 14 housing units in the NW corner of their land where Wilkinson Boulevard turns from east-west to north-south. Should these 14 units be

counted as part of future housing units or are they to be considered part of the previously approved housing units for Waverly Gardens?

3. The 7<sup>th</sup> Amendment to the East Oaks PDA (attached) which North Oaks Company says agreed that their commercial acreage was equal to 15.27 acres and that no housing units would be counted for Waverly Gardens. Please review.
4. The East Oaks PDA and the East Oaks EAW say the total number of housing units will be 645 in the East Oaks area. Does the 7<sup>th</sup> Amendment change this number or is it still the governing amount of total housing units for the East Oaks Area?
5. Because the 7<sup>th</sup> amendment to the East Oaks PDA allows the conversion of commercial acres into housing units to be counted differently than one to one, does that create a precedent for future commercial conversions into housing units?