



CITY OF

NorthOaks

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CITY OF NORTH OAKS

Regular City Council Meeting

Thursday, June 11, 2020

7 PM, Via Teleconference or Other Electronic Means Only

The meeting can be viewed live via the web broadcast on the City website. Those wishing to provide comment during the Citizen Comments portion - click the link below to join the meeting: <https://us02web.zoom.us/j/82235477108> Or Telephone: US: +1 312 626 6799, Meeting ID: 822 3547 7108. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely as noted above. Please note that one (1) of the public spots will be reserved for individuals wanting to make a presentation during the citizen comment portion of the meeting.

MEETING AGENDA

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Approval of Agenda

5. Citizen Comments - *Individuals may address the City Council about any item not included on the agenda. Speakers are requested to come to the podium, state name and address for the clerk's record, and limit their remarks to three minutes. During the pandemic, when meetings are held virtually, speakers will be able to call in to the meetings to make remarks, or request that submitted comments are read by a member of Council or the City Staff. Generally, the Council will not take official action on items discussed during the citizen comment period, but Council members may refer the matter to City Staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

6. Consent Agenda - *These are items that are considered routine and can be acted upon with one vote.*

a) Licenses and Checks for Approval: 13569-13601

Licenses for approval: Kidd Plumbing, Inc.; Patton Heating; McQuillan Brothers;

- b) May 14, 2020 Meeting Minutes
[City Council Minutes 05.14.2020.docx](#)
- c) 2020 Resolution 1383 to Move Election Polling Place for Precinct #2 from Waverly Gardens
[1383. Revising Designated Polling Places for 2020 Elections.docx](#)
- d) City Council Special Meeting minutes of May 19, 2020
- e) Resolution 1384 Approving 16 Sunset Lane Septic Variance
[1384. Approving 16 Sunset Lane Septic Variance.docx](#)
- f) Moundsview School District - Class of 2020 Senior Day Proclamation
[High School Senior Recognition Day 2020.docx](#)
- g) Approve Resolution 1385 CUP for 7 Eagle Ridge
[LVD Resolution Approving 7 Eagle Ridge Road CUP 6-11-20.docx](#)
- h) Approval Resolution 1386 of COVID-19 Preparedness Plan
[NO Resolution Adopting COVID Plan.doc](#)
[COVID_19_business_plan.pdf](#)

7. Petitions, Requests & Communications -

Deputy Mike Burrell Report

8. Unfinished Business

9. New Business

- a) Joint Powers Agreement with White Bear Township
[Joint Powers Agreement Addendums Anderson Woods Wilkinson Lake Villas Phase 1.pdf](#)
- b) City Response to Death of George Floyd
- c) Consideration of application for preliminary plan/plat/subdivision Anderson Woods
[FINAL AW CC Packet 6 11 2020.pdf](#)
- d) Consideration of application for preliminary plan/plat/subdivision Nord
[V2 FINAL Nord 6 11 2020 Packet.pdf](#)

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

13. Miscellaneous

- a) Northeast Youth and Family Services Quarterly Summary
[NYFS Oaks - Cover Letter - Jan-Mar 2020.pdf](#)
[North Oaks - Services Provided Jan-Mar 2020.pdf](#)

b) Lake Johanna Fire Department - May 20, 2020 Meeting minutes

[Fire Department Minutes.pdf](#)

c) April 16, 2020 NRC Meeting Minutes

[4.16.20 NRC Meeting Minutes.pdf](#)

d) April 2020 Planning Commission Meeting Minutes

[04.14.2020 Planning Commission Minutes.docx](#)

[04.15.2020 Planning Commission Minutes.docx](#)

[4-30-2020 Planning Commission Minutes - timesavers.docx](#)

14. Adjournment - *The next meeting of the City Council is Thursday, July 9th, 2020.*

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
May 14, 2020**

CALL TO ORDER

Mayor Nelson called the meeting of May 14, 2020, to order at 7:00 p.m.

ROLL CALL

City Councilmembers participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021. Residents can view the meeting on our cable access channel and through the website portal just like other public meetings.

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

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, and Administrative Assistant Gretchen Needham.

Others Present: Videographer Maureen Anderson.

A quorum was declared present.

APPROVAL OF AGENDA

Mayor Nelson noted an amendment to the agenda, which is to read the Pledge of Allegiance into the record.

MOTION by Kingston, seconded by Ries, to approve the agenda as amended. Motion carried unanimously by roll call.

PLEDGE OF ALLEGIANCE

Mayor Nelson read the Pledge of Allegiance.

DISCUSSION AND REVIEW OF CODE OF CONDUCT/CIVILITY

a. Memo on Civility/Code of Conduct

Councilmember Long apologized for his conduct, stating that it was unbecoming for a Councilmember of many years.

Administrator Kress read information from the Memo given to the Council which stated: As you know, we recently received a complaint form regarding concerns of the Code of Conduct being violated at several of our meetings. Since that time there have been a variety of Memos outlining different strategies and situations for self-reflection and self-regulation. A role model is more than someone you look up to and admire. It is someone who can help you unlock your potential by showing you what is possible and providing examples of how you should or should not behave. He also expressed to the leadership team that members should strive to preserve, protect, and enhance the present and future of the community and to be the best role models, coaches, and mentors possible. He stated this has always been his top priority as a leader, coach, mentor,

and City Administrator, and that it should also be the top priority of all members of the leadership team. He also requested the Council to consider the following to be the guiding principles, noting that he feels they are extremely important and should be focused on at every meeting moving forward: Be direct; get to the point and lay out facts and reasons behind your viewpoint. Be specific; be honest and thorough in your feedback to fully clarify your viewpoint. The more clarity there is, the better it will be received. Plan the conversation; think about what you are going to say and how it will be received. Watch your language; be sensible of your presentation. You are in the public eye, and people expect you to be leaders of the community. Offer a solution; clearly explain your viewpoint and reasons you think are beneficial and offer suggestions to improve. Manage your emotions; have a conversation in an even tone and keep it professional. He noted this is often the most challenging piece of any conversation. When emotions start to take over, remind yourself that the more you are in control of your emotions, the better you will be at delivering your viewpoint and the better it will be received. Be empathetic; think about the other members of your leadership team (Council, Staff, consultants) and give them time to process their emotions. Do not downgrade anyone on the leadership team; we are all in this together. Allow others to ask questions; this helps us process the discussion and clarify details that will set our direction for policy movement going forward. He stated the document goes on to describe to the leadership team the review of the Code of Conduct and as members of the leadership team they have agreed collectively to hold themselves accountable. He asked whether members are following these rules and what we can do better moving forward. He asked members to self-reflect on the Code of Conduct and be honest on whether or not they thought they were following these and ways they could improve. He posed a few questions for the Council to think about and some feedback: Think about what is being presented; does it add value to the conversation, does it aid in the discussion? Is what I am about to say going to trigger a negative response? Is what I'm going to ask relevant to the discussion or have we already discussed it? Does what I'm saying or how I'm responding preserve, protect, and enhance the present and future of the community or does it put the Council in a poor position and give ammunition to local news outlets and publics to question this? Am I being a good role model, coach, and mentor by asking the question or making the statement? Will it put the City under the microscope, damage the image of the City, and create a lack of civility, drama, or poor behavior? He stated that those are all good questions to think about as the Council moves through any discussion. He also discussed relationships between the City Administrator and the rest of the leadership team. Work for win-win – strive for consensus and seek common ground. Honor “discussions” before “decisions” – reserving making formal motions until discussions have taken place. Disagree agreeably and professionally. Share information and avoid surprises. Approach the business of governing in a professional manner – conducting business in a way that brings honor to the institution of government. Praise in public; criticize in private. Work together as a body, modeling teamwork and civility for our community. He also posed questions that impact an effective relationship: Not understanding/appreciating/respecting each other's roles. Differing philosophies. Differing personalities. Challenging issues. External pressure from the media, community groups, employee organizations, etc. He added a few items about the perception of the community and of the individual councilmembers and items that build civility and trust: organizational reputation; value to the community; personal reputation; community pride and confidence. As he read from the document, he reminded everyone to conduct themselves at Council meetings in a professional/businesslike manner: even on very controversial topics with greatly varying opinions, the Council deliberation can be and should be "businesslike" and

professional. While it may be more entertaining (possibly from a reality TV perspective) to see Councilmembers and citizens yelling and having temper tantrums, it gets in the way of thoughtful deliberations and only tends to lower the respect for the Council and City in the eyes of the constituents. He concluded by saying Councilmembers and the Administrator need to make creating, supporting, and sustaining relationships a high priority. If made a high priority, the odds of success are great. Remember that your service on the City Council is a unique honor that has been bestowed on you by your fellow citizens. While it is often a challenge, with inherent difficulties, someone needs to do it, and the community has selected you for that responsibility. You have been selected to serve in a professional and honorable manner during good times and bad. Your service on the City Council will be over soon enough. Conduct yourself in a manner that will allow you to look back with pride – not only for what you accomplished, but also the way in which you conducted yourself, which will likely be remembered the longest. He discussed options the Council has if a member(s) believe the Code of Conduct has been violated. For example, the Council could hold a hearing and ask questions of the individual(s) on whether they perceive themselves to be outside of the Code of Conduct. He suggested that if a member is believed to have violated the Code, they be given the opportunity to speak and explain their point of view. Members should be careful with the questions they intend to ask. These scenarios can backfire quickly, and multiple members may become under fire for previous displays of poor civility. Tempers can run high, and this creates damaging effects for the City's image. Ask to understand and listen intently; remember the guiding principles. In many cases, these types of discussions are better held outside of a Council meeting between the City Administrator and whomever is perceived to have violated the Code. Realistically, the Council is limited on the amount/type of disciplinary action available if there is an instance requiring Council discussion and/or action. In most cases, if there is a hearing, it is generally between a Councilmember and one of the Staff members. It is very rare for the Council to hold a hearing to discuss any conduct among themselves. He discussed examples of discipline. First: host a hearing to discuss the matter (often better suited for a workshop setting). Sometimes this makes the matter worse and other members of the leadership team are questioned on their own conduct both during the hearing or on events that previously happened. Second: an opportunity should be made available for a member that appears to have violated the Code. They should be given the opportunity to acknowledge and apologize for stepping outside the Code. Members that believe a breach has occurred need to be mindful that their own comments to the individual may also constitute a breach or lack of civility. Third: the Council could draft a resolution acknowledging the lack of civility, the change desired, the behavior that was unsavory, etc. Fourth: the Council may ask that the individual resign but can't force an individual to resign. He noted that members need to tread with caution in this area, as it will be perceived negatively all around and gather unnecessary media attention. He also does not believe in most cases this is appropriate for members to ask. If someone feels strongly about this, it is better suited for a private conversation. It is ultimately up to the individual(s) if they believe this is the best option. He reviewed the recommended actions and noted there is limited opportunity for the Council to discipline a member for failing to comply with the Code of Conduct. All members should understand that self-regulation is required and to remind each other when civility appears to be lacking. If there is concern over something happening at or during a Council meeting, members need to understand it is at that time a Point of Order should be raised by either the Mayor or member(s) of the Council. It is very important that you respect when such a question is raised and you be respectful in dealing with the concern. If tempers or emotions are

running high, call for a recess or adjourn the meeting if necessary. Be mindful of the guiding principles and the Code of Conduct at all times.

Mayor Nelson thanked Administrator Kress for looking into the matter and providing guidance in order to help facilitate better meetings. He noted, given the very controversial issues Councilmembers have dealt with, by and large the Council has done pretty well, although there have been some exceptions. He said the Council wants to continue to make good efforts.

Councilmember Ries noted there has been some media coverage in this particular situation. There have been two formal complaints filed against members. She thinks it is the Council's obligation and responsibility to address these issues. She asked Administrator Kress to help the Council deal with complaints that are filed and formal actions.

Administrator Kress stated it is quite rare to receive a formal complaint. It brings it to the attention of the Administrator and City Council. As far as dealing with individual complaints, he took it upon himself to reach out to any members that were indicated in the letter to walk through all of the scenarios that were involved. In some cases, the tape was watched; in most cases there was discussion about what could have been done differently or what should be done differently moving forward. He said it is a poor image upon the Council and generally does more harm than good because tempers start to flare. It also gives another opportunity for the media and public to scrutinize what the Council is doing. If the Council felt very strongly about it, they could draft a resolution, but in most cases, he has already addressed the issue(s) with whoever was involved in the complaint. Even with the resolution, it is only a public statement. It is not going to change the fact that something happened. It might not even change the fact that it could happen again. In almost every case, it is typically between a Councilmember and Staff member, where they need to step in and censure the individual from interacting with a member of the Administration.

Mayor Nelson asked if there was a motion. Otherwise, he would move on to No. 5.

Councilmember Ries noted Administrator Kress had somewhat addressed the issue in terms of options the Council could do. She asked Administrator Kress if he had ever had the experience of bringing in someone from the outside to look at a situation.

Administrator Kress stated that he had. He said there are a number of things that can be done. In this case he reached out to a fellow colleague, a gentleman he considers to be his leadership coach, and involved him with several members of the Council to walk through different situations. He said he would not state the gentleman's name at this time, but he is a local Mayor and has a good understanding of how Councils work and has a vast amount of experience in dealing with different and challenging Codes of Conduct. He stated if he does not see conduct and civility improve, he intends to have this person meet individually with all members of the Council outside of a public setting.

Councilmember Ross asked Attorney Nason if she has had any experience with this issue in other cities.

Attorney Nason said she has not had experience of this nature. She assisted with an issue for another client a few years ago where there was a motion, a vote, and a resolution to censure a Councilmember for particular behavior. There was not a hearing; there was Council deliberation and direction regarding preparation of a resolution censuring that individual. It was voted on eventually by the City Council. She noted there are limited options when the Council wants to address situations such as censuring. It's more of a formal action stating a position as opposed to having any practical implication or practical impact. In other words, there is no way, by vote of the Council, to remove someone from office.

Councilmember Kingston said, as he reads the document, he thinks it is very good and that Administrator Kress put a lot of thought into putting something in black-and-white. One of the challenges that people run into in these kinds of documents is, one, oftentimes it is a judgment call. In other words, not all breaches are created equal. In the examples of discipline, it is assuming someone has actually done something that rises to the occasion of some type of disciplinary action. He likes the idea about going to somebody outside of the City because it is someone outside of the City; people within the City are sometimes much more charged and believe things are much more egregious than others that are coming into it from an objective, independent view. He thinks it is good to go over the Code and give specific examples and get outside input. In the end, it is going to be a self-regulatory process; each member needs to hold themselves up to as high of a standard as possible. If someone is not particularly excited about a way a particular item was handled, he does not have any problem with getting feedback from people. He wanted to point out that often these matters are judgment calls. Somebody may take offense to something that other people think was perfectly executed and done in good faith, and so forth. He wanted to get that information out as the Council works with the document and process moving forward.

DISCUSSION ON CITIZEN COMMENT PROCEDURE/OPTIONS

a. Memo on Public Comment

Administrator Kress said he recently questioned the Council on the likelihood or flavor for the Public/Citizen Comments. He displayed a Memo and said, as part of the Memo, he outlined that Staff recently eliminated a few items on agendas due to the inability to incorporate them. When the City Council first started using Zoom, they did not have the capability to run a webinar platform, so they took off the Citizen Comments and Pledge of Allegiance and tried to limit any ordinances or resolutions that could wait until later and hopefully an in-person meeting. A citizen/public comment period is purely voluntary by the body and is not required by law that it be conducted. If the Council does desire a Citizen Comments section, he suggested creating some procedures/rules/guidelines. The Council has several options they may want to consider. The first option is to host a Citizen Comments section at the beginning of the meeting with a set of procedures/rules/guidelines that govern what is expected. Having the comments at the front could potentially add to discussion items later in the agenda. However, most comments should be deferred to Staff or consultants for review at a later date. It is typically recommended to never answer any question/statement made by the public at the time it is made. Having comments at the front may also be detrimental if the questions or statements are negative and received poorly by the Council. This sets a negative atmosphere from the start of the meeting, and members of the Council may display a poor attitude if any were/are offended by any statements/comments.

The Council needs to be mindful that meetings are intended to be for “business” purposes; and they need to balance citizen comments with the idea that members are here to set and direct policy decisions and act on business-related responsibilities, and allowing citizen comments may divert the Council from their business-related responsibilities. An example of this would be allowing comment throughout the meeting after citizen comments has been accepted. Another example would be receiving repetitive comments or statements that do not afford the Council an opportunity to take any type of action. The second option is to host a Citizen Comments section at the end of the meeting with a set of procedures/rules/guidelines that govern what is expected. This can sometimes be perceived negatively if those wishing to present public comment have to wait until the end of the meeting. This option is generally utilized with the understanding that any comments are deferred to Staff and consultants for potential action in a future meeting. This assumes the comment relates to some type of action the Council may take. If the comment is a statement that doesn’t afford any action, this may be a more appropriate solution. This is also considered by some Councils to afford action on business-related items first. This opinion varies depending on what the goal or reason for allowing citizen comment is. Keep in mind, the Council is elected to make decisions on policy and procedure and were given the responsibility to act on behalf of their constituents. The third option is to not offer any citizen comment at meetings. The only comments received should be part of any necessary or desired public hearings. The Mayor also has the option to allow for citizen comment if someone raises their hand. This option is used by a number of cities for a variety of reasons. In some cases, it is utilized because the comments received were derogatory and harmful to individual Councilmembers, Staff, or consultants. In other cases, the option is utilized because the comments being received could have easily been emailed to Staff or Council; a phone call could have been made to deliver the comment. He said some cities require that comments be emailed on letterhead to City Staff or the Mayor. Some choose to read these comments at the meeting or include them as reports at the end of the meeting. This option is also used on occasion because the City isn’t required to receive citizen comments. The idea is that the Council is elected to make decisions on behalf of the residents, and it is their responsibility to make business-related decisions. In some cases, there are no citizen comments because there have been instances where personal attacks have been made, such as Councilmembers or Staff have been harassed, followed home, surrounded in parking lots, etc. He said he had some questions for the Council to consider: Is the Council concerned about the amount of time citizen comment requires as part of the meeting? Is the Council concerned about receptiveness of questions raised? Is the Council concerned that the comments made are derogatory or set a negative mood/atmosphere? Is the Council concerned that the comments made do not allow for any action to be taken and that they could have been submitted outside of a meeting? Does the Council want questions about items on the current agenda, not on the current agenda, or both? Does the Council want a form to be filled out prior to submittal/delivery of citizen comment, meaning all comments would be requested to be in writing in advance of the meeting? Where does the Council align in terms of the options available, and why? He noted he gave the Council three options, but that does not mean that those are all that are possible. What type of procedures/rules/guidelines would the Council like to use if citizen comment is utilized? He noted there are a couple samples of the guidelines that are typically on the agenda. He said he would like to focus on some examples of Rules of Conduct for citizen comments, and he directed Councilmembers to pages 10-11 where he listed a sample. He noted the document says: “North Oaks City Council encourages public input at appropriate and scheduled times. To ensure all have an opportunity to speak and to allow

the conduct of business, the City Council has established the following participation rules. These rules apply to all City of North Oaks public meetings; failure to comply may result in expulsion from Council Chambers or meeting rooms: Unless permitted, everyone should remain seated, not block any doorways, and not enter the space forward of the speaker's podium, and no movement of chairs is allowed. Speakers shall not make personal attacks, air personal grievances, make political endorsements, or make political campaign statements. Audience members shall not engage in disorderly conduct including loud, threatening, or abusive language; whistling; clapping; stamping of feet; repeatedly waving of arms, or other disruptive acts or gestures. All demonstrations that disrupt or impede the orderly conduct of meetings are prohibited. Photographs, audio, and video may be taken from any available public seat in the meeting room near the rear. The activity shall not be conducted in a manner that disturbs or disrupts the audience, speakers, or Councilmembers, or otherwise disrupts the Council meeting. Animals are prohibited in the Council Chambers except for trained service animals as defined by state and federal law. The Mayor or Chair has the following responsibilities for maintaining the order of all meetings and has power to do the following: issue a verbal warning to a person violating these rules; exclude a person from the remainder of a meeting if, after a warning, a person continues to violate the rules; recess or adjourn the meeting for safety reasons. Repeated violations of these Rules of Conduct may result in the exclusion of a person from future City Council meetings for a time period specified by the City Council." He stated the Staff recommendation is to discuss the available options and questions posed and determine if there is interest in any of the three options. Once an option has been chosen, decide on the guidelines/procedure/rules.

Mayor Nelson thanked Administrator Kress for reviewing the options and noted some cities do not have citizen comments and some do; some are at the beginning of the meeting and some are at the end of the meeting.

Attorney Nason reiterated Administrator Kress' statement that it is not a legal requirement to have a citizen comment portion of the meeting. She believes it is common to do so and all of the cities her firm represents have some type of citizen comment opportunity. Every Council makes a different policy decision: first, if they want to allow citizen comments; second, how long they want them to go, it is common to see a 3- or 5-minute time limit; third, if the Council wants to have any restraints on what the citizen comment portion of the meeting is for. For example, some cities will say it is an opportunity to discuss things that are not on the agenda, and Staff will be directed by the Council to do any necessary follow-up. In those cities, typically the Council has a practice of allowing citizen comments on every agenda item. Other Councils will take the position that citizens are allowed to speak about anything on the agenda or not, but it is limited to a 3-minute period; there will be no back-and-forth with the speaker; Council will direct appropriate Staff to follow up on any comments raised during that Citizen Comments period. She reiterated it is a policy decision of the Council, as far as how they would like to handle it.

Mayor Nelson said one of the things he has noticed in the 10 or so years he has been on City Council is that the nature of citizen comments has changed appreciably in the last couple of years. There are repeated comments on the same issue over and over again and they are about issues already in front of the City Council but may not be on the agenda that particular meeting. In his view, citizen comments are to bring to the Council's attention items that citizens believe

are not being noted and that should be noted, or on new issues. That has not been happening in the last couple of years. Instead, the same people are speaking about the same issues over and over again. He would like to ensure that other residents of the City also have an opportunity to speak. He suggested that if people had a comment to make, they could submit it in writing and it could be appended to the meeting minutes that are available on the website after the meeting. If the Council then wants to hear from someone that submitted a written comment that seems of interest which is an item new to the City Council, they can be invited to the next meeting to comment more and give the Council more information. He is trying to give other residents of the City of North Oaks an opportunity to speak.

Councilmember Ries stated she finds the citizen comments at the beginning are very important for discussion purposes; and as elected officials, listening to them is one of the Council's main obligations. She asked what better place to be listening to them than when everyone is meeting together and they are able to discuss and field questions. At that point the Council could decide if they wanted to add the item as an agenda item for the next meeting or if further discussion needs to be addressed at that point. She thinks the residents have done a really good job so far of respecting the time limits and acting respectfully when they come to the podium and discuss things. She finds the citizen comments to be a critical part of the meetings. She likes them at the beginning because then the agenda can be changed, added to, or organized in a different manner if certain comments need to be addressed. She would like to talk about keeping the citizen comments at the beginning of the meeting to be a tone-setter for the meeting. Although she does not know if that is to be decided right now, that is how she is leaning.

Mayor Nelson said the tone-setting issue is one of the problems. He noted the City Council typically does not act on citizen comments during the meeting.

Administrator Kress asked Councilmember Ries what her perspective was on having citizen comments written in advance of the meeting.

Councilmember Ries said that it is okay, but a lot of times Councilmembers ask questions when there are citizen comments, rebuttals, or follow-ups. She would like to have it live because then she can clarify things on the spot and there can possibly be Council input on the spot; that cannot be done with writing. She finds that citizen comments -- when the person is able to interact, ask questions, and talk to Councilmembers directly -- is very important. She also noted the Council sees a lot of the same people, but there are recommendations that large groups of people have one representative to basically present so the Council does not hear the same things again and again. Residents in the community with these issues have been very good at organizing and putting forth one representative. That is very good because the Council hears it one time and it is more concise.

Administrator Kress asked Councilmember Ries to give her perspective on the other two options on the table.

Councilmember Ries said that sometimes when it is at the end, it is too late, the issue has been decided. She said it is nice to put it at the beginning because then people feel like they have spoken, gotten their word out. They also do not have to wait for the whole meeting and so it is

respectful for them, too. She would err on the side of having it, particularly in the COVID-19 era, where the Council is doing things electronically. It is one more way the public can be included and hear from the public when meeting electronically or dealing with issues. She would prefer to have citizen comments at the beginning.

Councilmember Long stated he also likes citizen comments at the beginning as long as the tone is respectful and it follows the guidelines that Administrator Kress has put forward. He would like the comments in writing, as it will help the Council understand what they are trying to point out or bring to the Council's attention. It is really nice to know who is up there: their name, address. He thinks it is important that if they are coming to the podium, the Council has something in writing. It helps in follow-up and it helps Staff. He said it is not asking much to get an email.

Administrator Kress asked Councilmember Long his opinion on the other two options.

Councilmember Long said he does not want citizen comments to go to the end and he thinks it is important that the City Council have citizen comments.

Administrator Kress noted that when the next person speaks, they give their opinion on all three issues so there can be a full-spectrum analysis of it.

Councilmember Ries suggested to Administrator Kress that he look at the last 12 months of meetings and do an analysis of how long the citizen comments lasted. From her recollection, she did not think the Citizen Comments sections go terribly long, at least not in the last few months.

Administrator Kress agreed to do so.

Councilmember Ross stated she thinks it is important for the Council to hear from residents before meetings and she likes the way it has been done all of these years. There have been times when there has been something on the agenda and someone got up to speak and the Council's comment was that it was going to be discussed and the individual could stay and listen. She said it is important and that it is the Council's responsibility to listen to the people that have elected them. She wants to see it at the beginning of the meeting rather than the end. She does not think it would work for the Council to not take any comments at all because it looks like the Council is not interested in hearing from its constituents, which sends a bad message to the community.

Councilmember Kingston said he would like to break it down into different areas when Administrator Kress was talking about the different options. Number one, beginning or end of the meeting. Second, a Code of Conduct for the public that they adhere to when discussing an item. Third, recording or getting written comments. As far as beginning or end, he knows members have stated they like it at the beginning. The problem with citizen comments at the beginning is that sometimes the Council meeting can be hijacked with information the Councilmembers have not had a chance to vet yet. He referenced Councilmember Ries' comment that it gives them a chance to change the agenda. He stated he does not want the agenda to be changed; there is a specific agenda that was put in place. Staff has studied the agenda and there are issues before the Council, the Councilmembers have thought through the

items, and they are attending the meeting to deal with a topic. He said it is an unnecessary distraction to have somebody come and throw a wrench in it and it makes it difficult for the Councilmembers to do their job. In addition, people should not be discussing things that are not on the agenda. It is supposed to be an opportunity to discuss something that is not on the agenda that evening so it can be taken back to Staff and addressed at a further time. He thinks that having it at the end of the meeting is more appropriate. As far as that being an inconvenience for people, freedom is not free. The Councilmembers are all there. He would like to think they would like to see how government operates and they can show up and listen to the deliberations. It may be the first meeting they have attended. It does not ring true with him to say that the Council should make it so easy for them that they can just come in, make a comment, and leave. He wants them to actually participate and listen to what is going on. He reiterated that the Councilmembers are all there; they are volunteers and are spending their time and energy to represent the community. If someone feels strongly enough about something that they want to bring it to the Council, it seems like they could show up at a meeting and sit and listen to what the members do as a Council. As far as the Code of Conduct, it is reasonable. The Council does not want anyone coming up and attacking individuals, whether they are other citizens, people on the Council, Staff, etc. If citizens want to make comments, that is reasonable. As far as the recording, he thinks it is important that citizens put something in writing. It memorializes what the citizen came to the meeting for. It is easier for people to go back in the meeting minutes and they can see it attached and have a full record of exactly what they presented. He thinks that is positive. If there are questions about what was presented previously, a tape does not have to be pulled, no one has to go on the web and try to find the spot where they talked about it; the comments are there. He would like to see more comments than less. He thinks sometimes citizens come in with really good information. He referenced the Citizens United petition with Jim Bower and said Mr. Bower did an incredible job of putting all of the information into a very comprehensive document that was put into the record as far as how the Council took the action it took. He thinks the Council should give people the opportunity to say their piece and have it entered into the record for future reference. Also, he thinks there should be comments. He thinks it is important that Councilmembers hear what people have on their minds, especially if it is something that is not supposed to be on the agenda to begin with. If someone wants to comment on a particular issue taking place during the meeting, the Council has the option to call on them if necessary or if people want to do that. He said the Council often deviates from citizen comments. Sometimes someone in the audience has a particular piece of information they can bring to the table, and the Mayor or someone else calls on them and asks them for information, which helps the Council. Citizen comment is an important part of what the Council does, the Council needs to hear from citizens, and he wants to make sure what the citizens bring to the Council is adequately recorded. He noted if the meeting minutes are 50 pages long, he does not care. He thinks it would help the Council a lot in terms of getting the tone and tenor of what was being presented by that citizen.

Mayor Nelson indicated there may be a couple of misunderstandings based on some comments made. North Oaks' tradition with citizen comments is to allow citizens to comment on items that are not before the City Council that evening. The Council does not respond to the comments and they are referred to Staff. As Administrator Kress noted, that is the best practice. When he talks about citizen comments as they used to be, people would bring things to the Council's attention so the Council could act on them after they were vetted and when it is appropriate. What the City

Council is having instead is, repetitive citizen comments by the same people on the same issue, which is the development. That is not appropriate citizen comments. The Councilmembers know the development is an issue. He suggested having citizen comments that bring individuals in front of the Council that have issues that are not known to the Council previously.

Councilmember Ries noted Councilmember Kingston brought up some good points. She said Citizens United was initially addressed at citizen comments at the beginning of the meeting, and she found that was very helpful because they could ask questions when needed. She noted it went through a couple of public hearings as discussed with the representative; but that was a successful result, and she thinks that is a good example of where it was at the beginning of the meeting. Another good point is that the Council gets to see the resident, their reaction, and interact with them if needed. She cautioned against putting them at the end of the meeting. The issue may have been addressed or it could have been an agenda item. She added there are times in their meetings when they do not open up discussion to the public. If it is on a public hearing, they are not required to. If there is a vote where it says something like, "It's going to be at the end," perhaps the Council should open up the Citizen Comments to ensure the Council does have citizen feedback when discussing issues before taking a vote. It might be helpful to ensure the Council gets the public's response and input. She thinks writing does not capture it enough; it is two-dimensional. If people take the time to show up at a meeting and are well-prepared, even though Mayor Nelson may not want to hear it for the fifth time, this is their backyard, this is the development, and it is very important to them. The City needs to give them the opportunity to express themselves and the Council needs to make sure they are listening to them.

Mayor Nelson said he appreciates that it is their backyard and the people that speak are individuals that have property adjoining the development, so he understands their perspective. That does not necessarily represent the rest of the community, which is what he is concerned about, that no one else is being heard. He stated he is not trying to stop citizen comments; he is saying they can do better than what they are doing right now. He is not against having citizen comments at the beginning of the meeting, but he wants to keep it so that the Council is hearing citizen comments that address something that the Council can take under advisement and then act on the following month or have Staff respond to. He thinks written comments preceding the meeting are helpful to Staff as well.

Councilmember Long asked Administrator Kress to weigh in after he heard what the Councilmembers' sense is, as far as his direction to the Council at this point.

Administrator Kress stated it sounds like the general consensus is to leave the Citizen Comments section at the front. He noted the Council could take a hand vote on that before a formal motion to gauge the Council. He asked would everybody be respectful and understanding if the Citizen Comments section were at the top of the agenda, yes or no.

Mayor Nelson said he is okay with comments at the beginning or end of the meeting. He is trying to control how it is dealt with so other individuals have an opportunity to speak as well.

Councilmember Ries said she would like comments to be at the beginning. She thinks the Council adheres to a pretty good controlled standard where everyone gets time and the Council

usually does not respond. It has worked traditionally and she does not really want to mess with it right now, so keep it at the beginning.

Councilmember Long stated he is fine with the beginning. He wants the comments in writing because, as Councilmember Kingston said, it would be nice to have it in the minutes so it can be found and have Staff work with them if the Council wants. He also does not want the broken record over and over again. If the Council has heard from them, the Council should allow others to come forward. There is a limited amount of time, and if it is the same repeated concern and the Council has addressed it, he thinks it is over.

Councilmember Ross said it is good that they are upfront and that she would like to keep them that way. It would be great if they could give the Council something in writing so it could be used for the minutes, although she does not necessarily think that should be required.

Administrator Kress indicated he remembered Councilmember Kingston's point of view on that issue so he would not ask him again. He stated he would ask for a second gauging on whether the Council would like to entertain having it in writing and presented publicly. He said they know Councilmembers want citizen comment upfront. The second question is, does the Council want to require or suggest that their comments be in writing in advance of the meeting.

Councilmember Long stated that he would like to require comments in writing.

Mayor Nelson said he would like to require a written submission and, if appropriate, the Council can ask that person to speak. In other words, the City Administrator could do that, or the City Council can decide whether they want the citizen to speak the following month. He said there certainly should be written submission so the Council does not have what they have right now.

Councilmember Ries said she would leave the writing portion of it as voluntary. If people show up, that is a pretty big gesture. She asked wouldn't it already be captured in the minutes because the minutes are now being transcribed. She does not understand what the added benefit would be.

Administrator Kress stated the request was to have a written submission in advance of the Council meeting, so typically he would have it when he sends out the Council packet. The Council, if they have questions, can call that individual directly or they can direct himself to ask follow-up questions to facilitate the discussion.

Councilmember Ries clarified that it would be for the benefit of each Councilmember's personal preparation. She noted if the City Council is adhering to their tradition where they don't take any vote or make any decisions, she did not know what the advantage would be except for hearing them. She would leave the writing portion of it voluntary.

Administrator Kress indicated the City Council has mixed feelings about that issue, but right now it would be in favor with a 3-to-2 vote. He suggested talking about the Rules of Conduct and engaging the Council for setting some rules for citizen comment, which is on pages 10-11 of the document.

Councilmember Long asked if it would be the City Administrator's task to make sure they are adhering.

Administrator Kress said it is actually the responsibility of the Mayor initially, but it is also the responsibility for Councilmembers. For example, if the Mayor does not catch lack of civility or conduct, two members of the Council can raise a Point of Order that the Mayor can act on to either stop the discussion, give a warning, etc. Typically, it is the Mayor's responsibility to listen and understand that if somebody starts to get derogatory or attacks somebody, that would be a good case for issuing a warning. If the problem persisted, more than likely they would be asked to leave the building.

Councilmember Long clarified that it would be clearly explained they are not acting in accordance to the Code of Conduct.

Administrator Kress said that Councilmember Long was correct. He asked the Councilmembers to look at the sample set of guidelines for Rules of Conduct and to give their perspective.

Mayor Nelson asked Administrator Kress if the Rules of Conduct for citizen comment apply to the audience in general in addition to the citizen comment period, or if that is a separate set of rules.

Administrator Kress said that it does talk about people sitting out in the crowd, too. He noted if there was any whistling, hand-waving, or disruptiveness, a Point of Order could be raised and the individual could be given a warning.

Mayor Nelson stated he supports the rules as they are. He asked if any other Councilmembers had a comment.

Councilmember Kingston stated he agrees with the Rules of Conduct and that it is important.

Mayor Nelson noted the Council is okay with the Rules of Conduct.

Administrator Kress stated if that is the set of Rules of Conduct Councilmembers prefer, it is getting very close to a motion being called. He noted it sounded like a majority of the Council wanted citizen comments at the front of the meeting. He suggested two separate motions to gauge the whole Council. There would be a roll call regardless. The first motion would be whether or not the Council wanted citizen comments at the front of the agenda.

MOTION by Long, Ries seconded, to continue having citizen comments occur at the beginning of Council meetings. Councilmembers Ries, Ross, and Long voted for; Councilmembers Kingston and Nelson voted against. Motion carried.

Administrator Kress said the second question is whether or not the Council wants to require citizen comments be submitted in writing in advance of the meeting. He stated "required" or "suggested" is the appropriate motion.

Attorney Nason asked if written comments were submitted before the meeting, as far as if someone submits something to the City Administrator called “Public Comment,” would those be presented to the Council and the Council will make a motion to accept them and add them into the record as the “Public Comments Received” before the meeting date. She asked whether, if someone submits something in writing, the individual would come up to the podium and read it, or would it be a separate opportunity.

Administrator Kress stated he was under the impression that the Council would require an individual to submit the comment in writing. He indicated the second part of the question is whether they become part of the record, which they now will under the verbatim-style minutes. Ultimately, he would expect that, even though it is written, the individual would present at the Council meeting as well.

Mayor Nelson asked whether the Council could invite those individuals to speak at a later meeting if they submit something they wish to bring up. He is fine with a written requirement so the Council knows who they are going to hear from and what about. He asked if the Council is basically saying no one can speak unless they submit something in writing.

Administrator Kress stated he was trying to gauge the Council’s perspective on whether or not they wanted it in writing.

Councilmember Ross said if someone wants to come at the last minute because something popped up that day and they want to bring a question to the Council, she does not have a problem with that. Also, if they have it in writing, that is fine. She does not feel like it has to be submitted before the Council meeting so the Council knows what they are going to say. She does not have a problem with someone coming up and reading something. If it is in writing, they can give it to the Council; if it is not in writing, they can tell the Council what they are thinking.

Mayor Nelson noted he has a problem with that.

Administrator Kress said the reason he brought it up is because it is part of the guiding principles. It eliminates the surprise effect because the Council will know what it is before the individual goes to the Council meeting and does not put the Council in a poor position for something they may want to answer or they just cannot. In most cases, the comment will not be discussed at the meeting because the Council has already approved the agenda and they will not add it to the agenda.

Councilmember Long stated it adds a level of professionalism and respect, and he wants it in writing.

Administrator Kress indicated to Mayor Nelson that it was appropriate to call for a motion.

Councilmember Kingston noted Councilmember Ries brought up a good point: these already go into the record because there is a verbatim transcript. He does not want to make it onerous for somebody if the Council knows there is going to be a written record that shows up in the meeting

minutes. He would like to know what they are going to talk about. If they want to have an opportunity to come before the Council, they should be able to give the Council 2-3 sentences or summarize what their discussion is going to be, and then they can talk at the Council meeting within their 3-minute duration and that goes into the record. He thinks it is a good idea that the individual lets the Council know what the matter is about, but it does not have to be their entire presentation. He referenced Attorney Nason's comment about an individual submitting something and then reading it, and stated that he did not think that would serve anything. He would like a heads-up on what it is the individual would like to bring up and then come up and talk about it. Then there are both things the Council can weigh, and it gives City Staff an opportunity to flush out any questions that might be associated with what it is they want to bring up. He likes the idea of the individual letting the Council know that they want to come and speak and the general topic they want to talk about. The Council will then have a record of what they say when the Council gets the meeting minutes.

MOTION by Kingston, seconded by Long, to have citizens submit a short summation of the general topic they want to talk about and then speak at the City Council meeting.

Councilmember Ries asked Administrator Kress what other cities do, commenting that North Oaks does not have to follow what other cities do but she is curious if he has looked into that.

Administrator Kress said he looked into the matter in a lot of detail, and the policy direction is all across the board. There are a number of cities that use the first option, second option, or third option. There are quite a few that require some kind of form that an individual wants to speak in front of the Council; it is quite common and usually on the City Council's website. It asks for a brief outline of what the individual intends to deliver to the Council so it is not a surprise, the Council is aware of it in advance, and, if need be, can act on it tactfully.

Councilmember Long asked how the City Council would let the public know about this.

Administrator Kress said generally the new rules, guidelines, and procedures would be put on the City's website, Facebook, and in the eblast updating the new Rules of Conduct if they are adopted.

Councilmember Long asked if people could be given a couple months' grace period if they are coming in and do not know the rules.

Administrator Kress stated that is the Mayor's directive. If the individual did not submit the document in advance, it is the Mayor's responsibility whether or not to recognize them.

Councilmember Ries asked if Councilmembers would have the ability to call somebody to the podium.

Administrator Kress said Councilmembers could challenge the Mayor's directives on whether or not somebody can be brought to the table; they can be cautioned by a majority of the Council. For instance, if Councilmembers Ries and Kingston invited somebody to the podium, the other three members of the Council can challenge that and decline to allow that to happen.

Councilmember Ries asked if Councilmembers could challenge the Mayor's invitation of someone to the podium, or if it was absolute discretion.

Administrator Kress said the same criteria would be in effect; it would be along the same lines. For instance, if the Mayor invited someone up and the rest of the Council felt strongly against that, they could challenge it as a whole Council. A motion would have to be made, seconded, and a majority of the Council in favor in order to overpower the ruling of the Mayor.

Attorney Nason said the policy could be implemented with a delayed implementation date. The must-submit-in-writing piece could start July 1 to give the public an opportunity to be made aware of the change. She encouraged the Council to consider that as a tactic as opposed to any sort of discretion, because the concern becomes one of whether or not someone is being allowed to speak/not speak based on the content of their speech. There are First Amendment implications that arise when a limited public forum is created, which is essentially what is being done. She recommended the Council adopt a content-neutral policy and keep it in place so the Council is not running into a situation where there are concerns that the subject of the speech is the determinative factor about whether or not somebody gets to speak at this limited public forum.

Mayor Nelson asked Councilmember Kingston if he would like to amend his motion to that effect.

Councilmember Kingston asked for a reminder about how the language was going to be changed.

Mayor Nelson said Attorney Nason stated the Council would have an effective date of July 1 rather than allowing for discretion in the interim, so the July meeting of the City Council would require written submissions in order to participate in citizen comments.

AMENDMENT MOTION by Kingston, seconded by Long, to ask people to submit comments ahead of the meeting in advance of presenting at the Council meeting. The advance notice would be a summary of what they intend to bring to the Council meeting. They have an opportunity to present within the three-minute limit, as previously set, and would be effective as of July 1, 2020.

Councilmember Ries stated she also thinks it is good to be content-neutral for First Amendment reasons. She asked, if people are submitting their issues upfront, is the Council going to make an opportunity if they say, "Oh, that's related to an agenda item," and then invite the individual up to speak at that point, or how it would be handled.

Administrator Kress said that is a question for the Mayor and that it is the Mayor's responsibility to recognize speakers on the floor after the public comments section.

Councilmember Ries asked what the motion was.

At the request of Administrator Kress, the motion was repeated.

Councilmember Ries thanked Councilmember Kingston and stated that because it is the Council's tradition to just listen to citizen comments and not take action, she does not think a written, in-advance requirement is necessary, and so she is opposed.

Councilmembers Long, Kingston, and Nelson voted for; Councilmembers Ries and Ross voted against. Motion as amended carried.

Administrator Kress indicated the last portion is Rules of Procedure or Rules of Conduct for citizens. He noted that in general there was no opposition to that and that unless there was something a Councilmember wanted to add to that, a motion would be appropriate to consider that.

MOTION by Long, seconded by Kingston, to accept the Rules of Procedure/Rules of Conduct for all citizens that are present at the meeting.

MOTION by Councilmember Ries to table the policy/guidelines for people coming to the meeting and giving public comment and give the Council further opportunity to review what they actually say.

Councilmember Ries said she reviewed them and is thinking, based on the comments, that the Council needs to ensure they will treat the public that attends the meeting as fair as the Code of Conduct policy is for Councilmembers. She likes it when people express some enjoyment or happiness and does not want to be too limiting on First Amendment issues. She would like to wait and decide on these particular issues and go through it in more detail line-by-line at a different meeting.

Mayor Nelson noted that he has the ability to control the crowd in any case. The Council is talking about setting expectations for the public so they know they are not to misbehave, so there will be printed expectations for them.

Councilmember Long said since it is a new procedure/policy, it can be subject to review over the next year if the Council misses something. He is good with it as it is stated.

Mayor Nelson asked Attorney Nason if the City Council effectively has a motion to table, or where the Council was at.

Attorney Nason stated there was a motion and a second, and then there was a motion to continue or postpone it. She said it looks like that would be the priority motion, so if that was a motion to postpone this to a later date, there would need to be a second, it would be debatable, and voted upon.

Mayor Nelson asked if there was a second to Councilmember Ries' motion.

Motion to table seconded by Ross.

Councilmember Kingston requested a clarification as far as what was being voted upon.

Administrator Kress stated the first motion was made to adopt the rules for citizen/public comment. A second motion was made by Councilmember Ries and seconded by Councilmember Ross, which takes precedence over the initial motion. He is taking a roll call vote on whether or not to table the discussion on the rules for public comment.

Mayor Nelson commented that he thinks it is obvious there needs to be rules in place for the citizens, just like there are rules in place for the Councilmembers. He said they are not egregious; in fact, there were no objections to the rules when they were read earlier in the meeting. He is a little baffled to have it tabled now as far as what part of the rules are egregious or are a problem. Also, he is in charge of the meeting; and if people are misbehaving, this is just setting out a set of rules they should live by. He does not know why the matter would need to be tabled.

Councilmembers Ries and Ross voted for; Councilmembers Long, Kingston, and Nelson voted against. Motion to table failed.

Administrator Kress said, as part of the Rules of Procedure, the City Council would go for a new motion, if he was not mistaken.

Attorney Nason stated the City Council has a pending motion that needs to be disposed of. The priority motion was dealt with. Now the City Council is back to the original motion, which was to approve as proposed. She said she would urge the City Council to consider removal of the last bullet point under the proposed examples of Rules of Conduct, which deals with repeated violations resulting in the exclusion of a person from future Council meetings. That would potentially constitute a challenging legal situation. There are ways, if people are disruptive in meetings, that they can be dealt with. If there is disorderly conduct, that is a misdemeanor. Obviously, the Mayor has the right to control the meeting and a recess can be called if someone is engaging in criminal conduct and they can be dealt with by Deputy Burrell. Her only concern is the last bullet point, and she asked the Council to consider not including that in the motion.

Mayor Nelson asked Councilmember Kingston if he wished to amend his motion to reflect Attorney Nason's suggestion.

Councilmember Kingston accepted the amendment as stated by Attorney Nason.

Mayor Nelson asked Councilmember Long if he approved of the amendment.

AMENDMENT MOTION by Councilmember Kingston, seconded by Long, to remove the last bullet point under the Rules of Conduct.

Mayor Nelson asked if there was any further discussion.

Councilmember Ries said she thinks some of the points are a bit too strict and take away some people's First Amendment rights. She knows there is some argument about trying to run efficient meetings and the Council wants to get comments across, but she noted North Oaks does not have

disruptive meetings like some cities do and people are not out of line. She thinks at this point putting the rules in writing is overstepping. She understands a general code/policy would be a good idea, but it goes a little too far for her.

Mayor Nelson said North Oaks has, in fact, had difficulties in the past with catcalls, boos, and comments made during the meetings that are inappropriate. First of all, they should not make comments at all. The City Council has had difficulties with that. The Council has also had difficulties with people assaulting persons and difficulties with people not leaving the room after the room is directed to be cleared. He thinks it is totally appropriate to have some rules.

Councilmembers Long, Kingston, and Nelson voted for; Councilmembers Ries and Ross voted against. Motion as amended carried.

CITIZEN COMMENTS

None.

CONSENT AGENDA

Councilmember Kingston noted there is a listing for checks but he does not have any check numbers and wanted to know if that was intentionally left out.

Administrator Kress said the newest packet that is on the website has all of the check numbers and he would pull that as Councilmember Kingston goes through the other items on the Consent Agenda.

Councilmember Kingston stated Consent Agenda items are considered routine and can be enacted upon with one vote. He listed the items as follows:

- a. Licenses for approval: Advanced Heating and Air Conditioning; Diversified Plumbing & Heating, Inc.; Ray N. Welter Heating; Sentra-Sota Sheet Metal, Inc.; Shorewood Tree Service; SPI Mechanical LLC;
Checks for approval: #013539–013568**
- b. Resolution 2020-1381 for Approval of CUP at 15 Ridge Road**
- c. Approval of Minutes of the City Council meeting of March 12, 2020
Approval of Minutes of the City Council meeting of April 9, 2020**

Mayor Nelson asked if the number of checks written was lower than usual.

Administrator Kress said it is slightly lower because the City has not had as many expenses during COVID-19, although business is still running as usual.

Councilmember Ross had a request regarding the minutes. She said when she looked for the minutes from the last couple of meetings on the website today, they were not there. She noted

Ms. Breen was great about getting them, but they were quite long and it was short notice to get them. She would like to see that they are included earlier with the rest of the packet so Councilmembers have a whole packet to read rather than piecemealing it. She said she thought it would help a lot if Councilmembers had everything at one time.

Administrator Kress said they got the minutes late the night before, which is the reason they did not have them in the typical Thursday presentation to the Council. Moving forward, Staff expects to have them well in advance of the Council meeting so the Council will have the opportunity to review them. He said he appreciated the concern expressed by Councilmember Ross.

MOTION by Long, seconded by Kingston, to approve the Consent Agenda. Motion carried unanimously by roll call.

Administrator Kress asked for a point of clarification regarding how everyone would like to be addressed.

Mayor Nelson stated he had no preference: Mr. Nelson, Councilmember, or Gregg.

Councilmember Long stated he had no preference.

Councilmember Ries said she would like consistency.

Councilmember Ross said she had no preference.

Councilmember Kingston stated he had no preference.

PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Mike Burrell Report

Deputy Burrell said he had a few things to talk about. With the current COVID-19 situation, it has been very busy in North Oaks. He has had numerous complaints about the trails being full, so he has made it a priority to monitor the parking lots and other privacy-related issues. He has discussed that with a few of the Councilmembers and also some actions that he has taken. They have been issuing tickets. He spoke with Sheriff Fletcher about having other Deputies step in when he is not there to have some consistency throughout the week. He stated they have had a lot of Shoreview residents, along with others, that have used the trail almost like a public trail around Pleasant Lake. There is more serious stuff going on; but in talking with residents, privacy is one of the biggest issues because that is one of the reasons they moved to North Oaks. He has also been dealing with a lot of criminal activity, most of which has been along Village Center. The Newport cigarette thief that hit Walgreens half a dozen times was back. The way some jails are operating, most people like him are being released, so he is back at his usual criminal activity. He has been charged with some additional theft crimes. There have also been some mail thefts; and those thieves are looking for valuable things in the mail and checks have been stolen. He noted that if residents have a locking mailbox, they should not put outgoing mail with checks

inside for the delivery man to pick up, because that defeats the whole locking mailbox part. He commented that there was an event that made the news involving a burglary which happened in North Oaks and extended across a couple of different cities. He stated a lot of people have asked him about that matter. Although it did start in North Oaks and North Oaks made the news, it was actually outside of North Oaks. The house was not part of the North Oaks Home Owners' Association (NOHOA), so when you think of North Oaks, it is not a house you typically think of. It still affected North Oaks and was a North Oaks resident. There was an apprehension made, and the person was charged criminally for not only the North Oaks burglary but also for other crimes he committed along the way the same day. There were several felony-level charges the suspect got hit with. He stated trespassing has been a big issue. There have been some very unusual characters coming through town; there have been some people in the area that are not wanted that have been caught. The good thing regarding the trespassing ordinance is that when somebody is seen that shouldn't be there, it allows the Deputies to remove them and get them out of town.

Mayor Nelson commended Deputy Burrell for his quick response, because the day before he had a door-to-door salesperson come to his door while he was working at home. He did not have a mask on and wanted to check for spiders. He told the man he was definitely in the wrong place for this. He sent the Deputy a picture of the man while walking down his driveway, and the Deputy met him at the end of his driveway. He noted the man was cited.

Deputy Burrell indicated the man was a State of Georgia resident, which is the typical method of operation (MO). They get people from the other side of the country and move them in, and they do door-to-door sales. He said it is kind of a shady business.

Mayor Nelson said he is offended by door-to-door sales in the City because they know the rules, but he is usually not as offended as he was this time. The man came to the door without a mask and the Mayor did not know who he was. He wondered what would have happened if there were elderly people in the home with him. He stated the man is a threat and a danger, and it is crazy what people will do.

Councilmember Long noted he was working with Councilmember Ross and Administrator Kress on a task force along with the Deputy. He said at the last meeting it was determined that the City would continue to have Deputy Burrell reached by residents but the NOHOA Board members were also asking him to deal with the trespassing issues. At that time, it was decided that Administrator Kress was the point person to keep Deputy Burrell focused on his work. A bigger issue that has come up with NOHOA is the question of enforcement of some NOHOA issues. He noted the trespassing ordinance is very clear, along with fishing, and so on. He spent some time with the other officer on the trail after an incident, and it was communicated that maybe the City needs to contact the Sheriff and explain the City's rules. He asked Administrator Kress to help explain the situation.

Administrator Kress said he talked with Sheriff Fletcher and asked for some discussion with him regarding protocol/procedure with the City so both parties are on the same page when it comes to enforcement of trespassing, fishing, and things the City has authority over. Sheriff Fletcher is going to review that and then present Councilmember Ross and himself a more detailed perspective on what Sheriff Fletcher's expectations are to see if they align with the Council's perspective. He was hopeful that they would have the information at the June or July meeting so there could be a more fruitful discussion at the Council to give them more direction from what the City wants to see.

Councilmember Long asked Deputy Burrell to weigh in regarding Board members contacting him, if there were quieter interruptions and if he felt it was beneficial to the enforcement.

Deputy Burrell said he has no problem when people reach out to him. He has worked with Mikeya Griffin in the past and she has been great. If NOHOA wants her to be the point person, he would be completely fine with that. As far as working with NOHOA, they do have an important voice in the City. The big trespassing issue is generally along their trail, and he thinks their insight is important. In the four years he has been in the City, the issue has been that NOHOA can do things that would help with the trespassing issues, which is why the City needs NOHOA's help. He said if NOHOA feels that it is the Sheriff Office's job to deal with trespassing issues, not theirs, that is where the City, NOHOA, and Sheriff's Office need to be able to work together, because it is a joint effort.

Councilmember Long added that they are still working on the protocol and asked Administrator Kress where the group was now.

Councilmember Ross stated she is in touch with Mikeya Griffin on a regular basis; she talks with her about what is going on. Deputy Burrell is working a lot of different hours right now because of the influx of people coming in, so they have to work together pretty closely to make sure things are covered. She said she talked to Bob Fletcher the previous night, and two more Deputies were in the area helping Deputy Burrell that day and they are able to spend more time dealing with the trespassing issues and going around the community, making sure that everything is kind of taken care of. She noticed there are people just walking around through the community. She said Deputy Burrell stopped somebody Saturday night that was not a good guy. She is in touch with Mikeya a lot, and Deputy Burrell and herself talk a lot. She has talked to Bob Fletcher at least a couple of times this week, and he has been very supportive. She said she thinks the City is in a good place right now and just needs to keep doing what they are doing.

Councilmember Kingston said he hoped the task force would start taking a look at the responsibilities of NOHOA versus the City, especially when talking about the trails. He said it seems like there should be a conversation with NOHOA about whether or not they need some additional security/support themselves. He thinks things are going to get worse rather than better over the next couple of years, and he thinks it is important to have the discussion with them now and is encouraging everyone to do so.

Mayor Nelson said he agrees and it can be worked on off-camera. He asked Administrator Kress if the discussion kind of morphed into the next item on the agenda, Unfinished Business.

Administrator Kress said it does somewhat tie into that.

UNFINISHED BUSINESS

a. Discussion and possible action on code compliance and enforcement procedures

Administrator Kress said the City's current enforcement protocol is typically that one is expected to submit in writing what the complaint/issue is to the City Administrator. then he reviews it and either submits it to the Deputy, handles it himself, or has the building official handle it, depending on the violation. His understanding was, there were some concerns over the anonymousness of the person submitting the claim and whether that procedure should be changed. He turned it over to Councilmember Ries for further explanation.

Councilmember Ries stated that some resident feedback she has gotten about the City's complaint system is that they do not want to attach their names to complaints that need to be addressed from the City perspective, such as cars that do not work sitting in driveways or junk sitting out in yards, as they are afraid of retribution if they complain. In the past the City had a system where the City Administrator would drive around and check things out and look into things himself; or he would get emails, look into it, and then take care of it. She stated she appreciates Administrator Kress setting up the official form and thinks it is a good system. She noted she talked to Administrator Kress briefly about not going back completely to the old way, but a way for people to contact Administrator Kress through email or call him and then let him look into it and see if it is a valid complaint or not. One of the concerns Administrator Kress has raised multiple times is that he is put in an interesting position as the City Administrator, having to investigate these complaints. She said a lot of cities have hired a part-time or full-time person to do code enforcement. In following Administrator Kress' suggestions on Item No. 5, come up with a solution, she would like the Council to entertain maybe hiring somebody part-time, one or two days a week, to assist Administrator Kress in code enforcement. That way Administrator Kress is not put into a difficult situation of having to be the bad guy but also the good guy in the City and he can focus on other work. She is asking for the Council to discuss the issue.

Councilmember Long said somebody has to be the bad guy and the North Oaks City Administrator might have to be that person. He is in charge. He is also in charge of Deputy Burrell and the Building Inspector, and so on. He stated Administrator Kress may need more help, but he has not heard that before tonight.

Councilmember Kingston asked Administrator Kress how many complaints he has been dealing with, how many does the City get on an average per month.

Administrator Kress said the City does not get a lot, at least not currently. Typically, the complaints are on boats, a car, a barking dog, or something like that. He has not had a situation yet where he has had a resident get extremely frustrated with him, threaten him, or anything like that. However, that is a concern if he goes to somebody's house, knocks on their door, and they are aggressive. He said it is a poor position, especially for the City Administrator. He stated that it is kind of rare for a City Administrator to do this task. There is typically a code enforcement official on staff or the City shops it out. When he looked into it, there are very few cities around North Oaks that have their City Administrator process code violations.

Councilmember Kingston asked if Administrator Kress visits the party personally rather than just sends the notice.

Administrator Kress said the property should be visited to make sure that a violation exists. He does not think it is appropriate to just send a letter blindly, hoping that the resident concern is accurate. He thinks due diligence needs to be done: go to the property, document, take pictures, and potentially knock on the door. A lot of times, when talking to individuals, it is fixed on the spot and there is no need to issue a warning or turn it over to the City's prosecuting attorney.

Councilmember Kingston said he was not thinking Administrator Kress would visit the property to see if it is a proper complaint. It seems odd to him that Administrator Kress would have a conversation with the individual right away as opposed to sending a friendly reminder of X, Y, or Z such as they need to move their car, keep their dog from barking and disturbing neighbors, or whatever. In reference to Councilmember Long's comment, he stated he does not think the City is in a position to be spending money right now, that things are going to get a lot worse before they get better, and he cannot see the City bringing in a part-time, couple-day-a-week person in terms of where the economy is at.

Councilmember Ries said she agrees that no one knows what is coming; but the City has to be ready and prepared, and nobody should be acting irresponsibly at this point. She suggested it might be worthwhile to hire somebody for 1-2 months, or the summer, once every other week to help Administrator Kress out in the busier months, when the permits and everything else are going on. She wants to protect him, help him, and support him as much as possible. Just like they have Kevin White doing permits and Brian Humpal doing septic, it might be nice to have someone who is looking out for violations. She said the City does not get a lot of violations so they do not need to throw a bunch of money at this, but maybe just a couple of hours once a month would be good.

Mayor Nelson asked Administrator Kress to explain to the people who are watching why the City cannot have the Sheriff do code enforcement.

Administrator Kress said the City potentially could, but he would have to be very fluent with the City Code and able to understand what areas are in violation of the code, which can be very

tricky. A prime example would be noise complaints, lighting complaints, things like that, which are very challenging to issue a citation on.

Mayor Nelson said he would think the Sheriff would be in a better position to enforce things than Administrator Kress.

Administrator Kress stated, typically, any time he approaches a resident's door, he asks that Deputy Burrell is present, because you never know. He has run into situations that have turned south very quickly, and it is not a good position to be in. Referencing Councilmember Ries' point, he said the City does not get a lot of them. He would estimate maybe one or two a month is what he is seeing right now. But it is extremely challenging to go out to the area, document it, try and get in touch with the person, and keep social-distancing. He went out with Deputy Burrell a few times, and in most cases, they were able to get the person to comply. He is concerned that if he runs into a situation where he upsets the wrong person, they could end up on the Council and he is on the chopping block because of it. It sounds really stupid, but it is factual. It has happened and will happen.

Councilmember Kingston said, unless he did not hear it correctly, he is hearing that Officer Burrell could do the task. If Administrator Kress is only talking about a couple complaints a month, he cannot think of anybody that is more diplomatic than Deputy Burrell. And if it turns out that it becomes a burden or it takes him away from his other responsibilities, the Council can look at other options. It seems like the best one is to have Deputy Burrell be the point person, unless Administrator Kress thinks there are some that he can handle just by contacting the people directly and having a conversation with them. He noted the position of authority Deputy Burrell exudes is going to have an influence as well. He thinks that would make a lot more sense and he would be supportive of that.

Commissioner Ross stated she has a concern about Deputy Burrell taking the position on right now, because some of the stuff he is dealing with is a little bit more difficult than normal stuff that comes through the City. She said there was a problem on her street the previous Saturday night, which was not a good problem, which happened to a resident down the street. She noted Deputy Burrell has a good head on his shoulders. She is hesitant to have him take away from the time that he is spending dealing with people coming in and out of North Oaks right now. He may be a good guy for that at some point when this tones down a little bit. She said she is wondering if Kevin White could do some of this work.

Councilmember Long commented that historically, as the leaves fill out and everything is canopied, everything becomes hidden and it seems like complaints are reduced until the fall.

Administrator Kress said at some point the City will want to fine-tune its policy with this issue because it definitely has its rough spots that Deputy Burrell and he have seen. He did not think it would hurt to explore the option, understanding times are tough right now. He thinks the City is

okay for the time being, but he would not mind exploring with a couple of other cities who they use and why and how productive it has been.

Mayor Nelson stated that is what he would suggest, that Administrator Kress gathers some information and gets back to the City Council on the matter. One piece of information is, would Officer Burrell be able to do the job within his current contract or would the City have to add to the contract somehow. He asked Administrator Kress to check on it and it could be talked about in a month. He noted it is almost 9:00 p.m. and they needed to keep moving, unless someone had a motion to make.

Councilmember Ries asked if she could make one other point, which may help with the motion. Since there are fewer complaints in the summertime because there is more foliage and tree growth, she asked if Administrator Kress would be willing to relax the formal system and look into some of the email complaints or more anonymous complaints and investigate, since there are only a few every summer, and then look into using someone else at some later point. She is a little worried about using Deputy Burrell because he is busy dealing with bigger issues and public safety is such a huge concern currently and she does not want to distract him from that. She asked if Administrator Kress, in the interim, while he is investigating and researching what other cities do, could agree to take on some emails, etc., and look into those complaints.

Administrator Kress said he would let the Council weigh in on the issue. He noted the question on the table was whether or not the Council would waive the requirements of the written public complaint form and allow for the City Administrator to take phone calls or emails as complaints.

Councilmember Ries added that the City Council could also make it a more anonymous system, because people are very worried about retribution if/when complaining about a neighbor.

Councilmember Long stated he thought the matter would require more discussion and did not believe it needed to be done that night.

MOTION by Long, seconded by Kingston, to table the matter until the next meeting.

Councilmember Kingston said he agrees with Councilmember Long, that the Council needs to look at the matter more. He indicated he had a chance to talk to Administrator Kress about the matter before the meeting, and he thinks there is a whole array of unintended consequences that go along with this. He is not opposed to looking at some other options to see if the Council can come up with something that works for people. He would like to have it fleshed out a little bit better in terms of how the Council would go about it and that they do not end up making things worse in the community. He said Administrator Kress gave some examples of things that happened in other cities where it made it a lot worse rather than better when anonymous complaints were accepted. He is not saying no, but he would like to study it more to see if a better, defined way of dealing with it can be found.

Mayor Nelson noted in the age of COVID, it is pretty hard to do enforcement work, anyway.

Motion carried unanimously by roll call.

NEW BUSINESS

a. Presentation of 2019 Audit

Mayor Nelson said he watched the video presentation by the auditors. He was inclined to play the tape or have it read, but it is 14 minutes long and it is almost 9:00 p.m. He asked if anyone wanted it played. He asked Administrator Kress to confirm that the City got a fully favorable opinion.

Administrator Kress agreed that Mayor Nelson's analysis was fair. The only points made were that the City was below the 60% threshold for reserve, which is not that surprising. He noted the City of North Oaks does not have large infrastructures or buildings it owns. He said if the Council wants to set a higher or lower threshold, they can do that; it is a policy decision. He is already working on that with an infrastructure study. If the Council wants to increase the number, it would be via a tax levy increase or a water and sewer increase.

Mayor Nelson stated the number is very close to 60% and that is where the City has been more than a couple of years. It seems like the City is always just below 60%. The City can increase taxes, change the utility rates; that is what Administrator Kress would look into. He suggested the other Councilmembers watch the audit presentation and the City Council could revisit it the next month. He asked if anyone objected to that.

Councilmember Ries said one of the comments the auditor made repetitively throughout the presentation was about what capital projects the City would be planning for. She would like to do a workshop towards the year-end and look at the City's five-year plan and what the City needs to look at, what it will take on, and what it needs to pay for, because there will be some larger ticket items coming down the pipeline in a couple of years. With development, the City will take on more utilities and figuring that out. She would like to see more budget discussion in a workshop setting where the City Council identifies as many things as they can, makes sure there is reserve and capital for it, and if there are escrow accounts that can handle the responsibility. She thinks, as a Council, they should carve out some time to look at capital improvement projects coming.

Mayor Nelson indicated Administrator Kress has a big project with the Engineers, working on the utility issue, because that is the primary issue the City will be dealing with going forward. He agreed with Councilmember Ries that once the project is to a point where Administrator Kress has a better handle on utility issues, the Council should have a confab and try to figure out where the City is at. He asked Administrator Kress if that was fair.

Administrator Kress stated Mayor Nelson's comments were absolutely correct. Once they get that back, they can start to establish some of the reserve balances, the funds can be set appropriately, and they can check into the levy balance and see what kind of reserves the Council wants to see. He noted that is part of the budget process, and July/August is when they will start to look into that.

MOTION by Ross, seconded by Ries, to accept the 2019 Audit. Motion carried unanimously by roll call.

b. Discussion and consideration of Resolution 2020-1382 extending term of previously-declared local emergency

Mayor Nelson noted the resolution is essentially mirroring Governor Walz's most recent declarations as best the City can.

Administrator Kress stated he has a rather large Memo prepared, but for the sake of time he would turn it over to Attorney Nason.

Attorney Nason stated the resolution was prepared last week for the Council packet before the four Executive Orders were issued the previous day by Governor Walz. The big-picture takeaways concerning the City are: the Stay-at-Home Order expires Sunday night; however, there is a Safer-at-Home Order that extends limitations on social gatherings and gatherings of groups of 10 people or more through May 31. There is an exemption for legislative bodies such as City Councils, so City Councils and other legislative bodies are not required to limit meetings to 10 people, but they are strongly encouraged by the Governor to meet remotely if possible. The Declaration of Emergency as drafted extends the City's local emergency under Chapter 12 through June 13. The significant piece for discussion is that the Council does have its regularly scheduled Council meeting on June 11, where it is anticipated that the Nord and Anderson Woods preliminary plan/preliminary plat applications would be coming forward for Council consideration. It is important to get the Council's sense of what the Council believes is practical or prudent as far as meeting in-person is concerned. She and Administrator Kress have had a lot of conversations about the issue with respect to what this means based on the City's meeting space. Every city is in a different situation. Some have very large Council Chambers so they can easily accomplish social-distancing without having to do much more than limit the number of people in City Hall. The space at North Oaks City Hall provides some challenges as far as how Councilmembers and Staff can be seated and also make room for the public. The subject declaration would extend North Oaks' Declaration of Local Emergency through June 13. It allows City Hall to remain closed until such time as Administrator Kress is ready to reopen it. Currently it says June 13 or such other time as Administrator Kress is ready, believes that there is a safety plan in place, and it is practical and prudent to do so. It also authorizes meetings to take place electronically unless the Mayor or presiding officer of each body determines it is no longer impractical or imprudent to have in-person meetings. She mentioned the existing Declaration of Emergency by the Governor provides an opportunity for the Council to meet in this remote

setting or some type of modified remote setting; for example, Administrator Kress and one or more Councilmembers present at City Hall. She reiterated that every city is doing it differently. For instance, some Councils are meeting in Council Chambers but are locking the doors and none of the public are allowed.

Mayor Nelson stated he is anxious to get back to meetings where at least the City Council is together to discuss things, especially given the next meeting being consideration of the development. He would like to see everyone present for an in-person meeting; but given the size of the City Council meeting room, he thinks all they will be able to manage is the City Council and Staff. The City does not know where it will be on June 11 at this point.

Councilmember Kingston said he cannot see the City Council coming together in that timeframe. From what he knows and is seeing from a health professional perspective, it is too soon. He thinks it will put everyone at risk.

Mayor Nelson stated he agrees it would be a risk, but was telling everyone what he would like.

Councilmember Kingston said he would like that, too; being at home is getting old for everyone. For right now he thinks the City Council needs to take the safest course.

Mayor Nelson asked Attorney Nason if a motion is required to decide what the nature of the June meeting will be or what she thinks the City Council should do.

Attorney Nason stated the drafted resolution says the City Council and Mayor hereby determine that in-person meetings of the Council, Planning Commission, or other Commissions are not practical or prudent and extends the authority of all such bodies to conduct such meetings remotely in compliance with 13D.021 until it is determined that such meetings can be conducted in a manner that is neither impractical nor imprudent. She said that for the Planning Commission meeting that is scheduled for May 28, it is going to be sort of a hybrid. She said as you look at 13D.021, there is a spectrum. Currently, nobody is present at City Hall and everyone is meeting remotely. To turn the dial a little bit, some people can be present at City Hall and some remotely, which is the halfway point. Obviously, once the emergency is over, it would be back to the normal full Council in Chambers. With respect to how many people are allowed into Chambers, that is going to depend on the guidance from the CDC and other health authorities at the time. The Planning Commission is having a hybrid meeting on May 28; it is anticipated there will be one or more members of the Planning Commission present at City Hall, Administrator Kress, some technical staff, and there might be room for 1-3 people. It has been noticed on the Public Hearing notice that the City reserves the right to implement limits on how many people can come into Council Chambers. With that in mind, on June 11 there could be one or more Councilmembers present in Council Chambers, but it would depend on where everyone is at. She noted the City is under the 13D.021 meeting space right now. When the States rescinds its Emergency Declaration pursuant to Chapter 12, the legislature enacted legislation that specifically allows when the City is meeting under a different section of the open meeting law,

there should be interactive television meetings so that one or more members of the Council could meet remotely or participate from their home if they have essentially received guidance from a healthcare provider that, due to their health or the health of those they live with, it is not practical for them to be present in City Hall and it is not reasonable for them to do what someone normally has to do when you meet remotely outside of the 13D.021 space, which is you have to make the space in which you're meeting remotely open to the public. The City is not there yet because they are still in the 13D.021 box. She said she mentioned it so the Council is aware, moving forward, if there are considerations that exist now or develop over time, that there is a possibility to allow Councilmembers to participate by interactive television. She noted Administrator Kress is aware of that, they have talked about it, and will work through it if that is the situation.

Councilmember Ries noted that at the last City Council meeting a vote was taken that Administrator Kress was going to ask North Oaks Company (NOC) if they were willing to extend 30 days. Based on the order's extension and this unclear time, it seems very prudent to her that they would do a 30-day extension. She asked Administrator Kress if NOC responded.

Administrator Kress said they did not respond in writing but they did submit that verbally to the Planning Commission.

Councilmember Ries asked if the City could have NOC submit the response in writing. She assumed the City had given the question to NOC in writing and asked if she was correct.

Administrator Kress said yes, that he would request it again in writing.

Councilmember Ries asked if other Councilmembers had comments on that. She stated she would like to get the definitive answer to clear up that any questions the City asks in writing be responded to in writing as well.

Mayor Nelson asked Councilmember Ries if she was making a motion to have Administrator Kress do that.

MOTION by Ries, seconded by Ross, to have Administrator Kress put in writing to the North Oaks Company, based on the City Council's unanimous vote, a request that the NOC extend out the 120-day deadline an additional 30 days for the Nord and Anderson Woods parcels.

Mayor Nelson stated that the motion is to request that the NOC extend the timeline past the 120 days by an additional 30 days and asked if that was correct.

Councilmember Ries said that Mayor Nelson was correct and that they also respond in writing to the City Council.

Mayor Nelson asked Administrator Kress if he noted that the NOC responded in the negative to the Planning Commission but it was not a written response.

Administrator Kress indicated Mayor Nelson was correct.

Motion carried unanimously by roll call.

Mayor Nelson asked if there was a motion to approve the resolution extending Emergency Declaration kk 5-8-20. He asked for confirmation that he had the correct number.

Administrator Kress indicated the resolution number is 2020-1382. He explained that 1382 is the number. He indicated to Attorney Nason that one of the dates had to be changed because the document was drafted before the new information was available.

Attorney Nason agreed and said if the City wants to be consistent with what exists as far as the Governor's Declared Emergency, it is set up for June 13, so throughout the resolution that is the termination date. The Governor's Declaration of Emergency runs through June 12, so if the Council wanted to match up with what exists at the moment, they may wish to make a motion to approve with a modification to show the expiration date of June 12, 2020.

Mayor Nelson asked if there was a motion to approve Resolution 2020-1382 with the modification of "June 12" instead of "June 13."

MOTION by Kingston, seconded by Ross, to approve Resolution 2020-1382 with the modification of the date "June 12" instead of "June 13." Motion carried unanimously by roll call.

c. Review of Coyote Management Plan

Administrator Kress stated the plan went through several stages of the Natural Resources Commission (NRC) and it was vetted well. His understanding was that this was done in the past by the City Council, so Staff brought it to the Council's attention for formal adoption. He noted it is a rather lengthy document and members of the NRC spent at least three meetings reviewing it. He thinks it is pretty well put together and would feel comfortable looking for a motion.

MOTION by Ross, seconded by Long, to approve the Coyote Management Plan.

Administrative Assistant Needham stated there were two highlighted sections in the draft that the NRC approved removing. She indicated the final version would be identical to the draft except the two highlighted portions would be removed.

Mayor Nelson stated the sections were on Pages 2 and 12.

Administrative Assistant Needham agreed with Mayor Nelson's statement.

AMENDMENT MOTION by Ross, seconded by Long, to approve the Coyote Management Plan with the exclusion of the two highlighted sections. Motion as amended carried unanimously by roll call.

d. Discussion and possible action on payment procedure for staff participating as hosts for Council and Commission Zoom meetings

Administrator Kress stated in the past, when Staff used to take the minutes, they were given the opportunity to receive \$100 per incident. His recommendation to the Council is to leave it the same for the time being because Staff still have to sit in on the Council meetings. They do not have to draft the minutes, but they have the responsibility to act as host for both the Planning Commission, the City Council, and for the NRC they also draft the minutes. Although he is comfortable with what Staff is really getting, it needs to be brought up to Council for action.

MOTION by Long, seconded by Ross, to approve \$100 for Staff participating as hosts for Council and Commission Zoom meetings. Motion carried unanimously by roll call.

COUNCIL MEMBER REPORTS

Councilmember Ries said the Fire Department meeting was canceled due to COVID; hopefully, the next one will occur. The Cable Commission meeting will be held next week. At the last Council meeting there were over 400 views, but that does not count any of the links the media stations posted, so there are probably far more than that viewing the meeting. On average, there are 200 views. The first phase of graphical design has taken place regarding the website, which sets up the layout. The next phase will be the sub pages, where the content will be written; that requires a lot more work. The process is moving along and it's been fun. She noted the weather is getting nicer in North Oaks, and she encouraged people to support local restaurants and safely social-distance. She congratulated the Garden Club on their very successful pre-order sale and said it was nice to see neighbors out, masked and social-distancing, and enjoying picking up their items.

Councilmember Long said Vadnais Lake Area Water Management Organization has a new administrator and he seems to be doing a wonderful job. He noted it was odd to have someone new after 25-plus years, but he thinks it will be a good move and a good quality person joined the group. He stated they will need to continue working on safety and security. He has been working with Councilmember Ross and feels it is her role to take it to the next level. Enforcement of NOHOA's codes is a gray area that the Council will need to discuss and all weigh in on. Even though it represents all but 12-13 homes, it is still using public money. He said Attorney Nason may have to weigh in on the issue.

Councilmember Ross said she thinks it is important for residents to make sure they keep their doors locked and garage doors closed. She stated a resident's garage door was open, the car was in the garage, and this person's purse was stolen. There are a lot of people roaming around right

now, and it is better to be safe and keep things locked up. Administrator Kress and herself have been talking about the safety and security meeting and are still in the process of trying to lay things out. She referenced that Deputy Burrell's bike was damaged when he was rear-ended this past year. He needs to have a new bike, and there was an agreement that the Ramsey County Sheriff's Office would pay for half and North Oaks would pay for the other half. Burrell is in the process of getting a bike so he can go out on the trails. She stated recycling has been challenging lately. The City processed about 52 tons of recycling in December and January, which are historically the highest months. Right now, the City is processing 72 or more tons of recycling, which is because people are home, etc. They will send information to the newspaper to talk about what can and cannot be recycled. For example, cribs and grills are not allowed in the recycling carts. Even without those kinds of items in the carts, the City is still processing at least 72 tons. She noted Clean-Up Day is Saturday, June 27, from 8:00-12:00. There will be a scrap metal truck and a paper shredding truck, which will include a hard drive shredder. There will be a coupon in the next issue of the paper. She said on May 29, the City will order another round of mailboxes, so people should get their orders in by then. She tells people not to put any outgoing mail in the locking mailboxes; it is safer to take it up to the post office or one of the post office boxes similar to what is in front of the City or Taste of Scandinavia. There is too much going on in the City right now, so it is not safe to leave it where people can get to it.

Councilmember Kingston echoed some of Councilmembers Ross and Long's comments about working with NOHOA to take a look at the jurisdiction issues with the enforcement of trespassing. He thinks that will be really important going forward and wants to make sure NOHOA comes to the table and there are some good, fruitful discussions, because NOHOA will probably be in a position to step forward with some of their own solutions and the City of North Oaks needs to support them as best it is able. He noted there are a couple of articles coming out that members of the Tick Task Force have worked on. They are thinking about changing the survey that's been done over the last few years. A very small number of people responded to the last survey cycle, and he thinks a lot of it has to do with calling in to report a negative. People have a lot of things going on in their lives, and they probably do not want to take the time and energy to do that. They would like to transition to where people that do have tick-borne illness issues are given an opportunity to fill out a survey of their experience so it can be tracked within the City. The problem with getting information from the Health Department is that they get their information from different clinics around the Cities. If the report comes from one clinic, it does not necessarily represent someone that got Lyme disease or another tick-borne illness in North Oaks. People will be given plenty of notice about the change in terms of how to give feedback. He said a couple of residents came forward who were concerned about the traffic from Highway 96 onto Pleasant Lake Road in the stretch between the entrance of the City and the first stop sign. Especially when people are coming in off of 96, people are moving pretty quickly. As they come off of 96, they turn onto Pleasant Lake Road and they pick up their speed fairly quickly, and there's a lot of people/kids that are riding their bikes or walking, maybe going to the park across the street on 96. Their question was whether or not there could be a dedicated lane for bikers and walkers. He said he brought the subject up with some folks at NOHOA and they will consider it. He stated it is an important issue that needs to be looked at.

Mayor Nelson stated he had an opportunity to talk to Fire Chief Tim Boehlke, which reminded him that we should be thankful for the First Responders and Firefighters that have continued to work through the pandemic, putting themselves in harm's way. He also thanked those who continue to staff Waverly Gardens and the residents who continue to work together in a very difficult situation. He asked everyone to keep them in their hearts and prayers. He said the Lake Johanna Fire Department (LJFD) is very close to trying to close on the property that has been the subject of discussion for the last year with the eventual plan to put in a new fire station. Chief Boehlke asked Mayor Nelson to get a sense from the City Council as to whether there is any significant opposition to North Oaks' participation to secure the purchase of the land. He stated he is in favor of the purchase and noted Chief Boehlke has been an excellent leader and has thoroughly vetted the matter. He asked Councilmembers if anyone had significant concerns, because the Chief needs to move forward on the matter shortly.

Administrator Kress said he put the draft agreement that Staff has been working on with the Cities of Shoreview and Arden Hills, and they are looking forward to the land purchase. The current arrangement is a cost-share formula that North Oaks has not fully agreed on with the Cities of Shoreview and Arden Hills. There hasn't been a Fire Department meeting, so Staff has not been able to present the proposal to the respective City Councils. His understanding is both Shoreview and Arden Hills are on board with moving forward with the purchase of the land.

Councilmember Long indicated he respectfully disagreed; he does not believe they all have. There's been some changes over the last few months. He was Fire Chair last year; and before the City moves forward, they need to reassess what the building is going to be like with this new world. He thinks only good things could come from a delay of property purchase from the university. He has worked with the Chief and respects and appreciates him. The Board is not a property-buyer, and he would suggest contacting Shoreview and asking for their direction with their City Administrator because they are going to be taking the big piece of this. North Oaks has a small part, 12-13%, and the third vote. He believes the City of Shoreview and the Council has not moved forward, although he could be wrong.

Mayor Nelson asked Councilmember Long if he had any objection if the other two Councils approved moving ahead.

Councilmember Long said he thinks the City Council needs to review the matter. He stated he was on the Board, he was the Chair, he continued to ask about outside values, and he was strongly against the way the university was pushing them to make a decision. Before putting \$12-15 million into it, which was a couple years ago, he thinks it needs further study.

Mayor Nelson noted that the land purchase is what is being discussed, not the building purchase, which is an entirely different issue.

Administrator Kress confirmed that it is the land purchase. He said Staff has some information, but it has not closed yet so the City does not have a final dollar amount. Those negotiations are still underway between the Fire Department and Bethel.

Mayor Nelson stated the Chief wanted a sense from the City Council; he was not asking for a vote. He was wondering if there have been any significant discussions in the last month.

Councilmember Ries said she had information which might be beneficial. The debate has come about because of COVID-19 and economic changes. The Fire Department does not know where it will be at financially going forward. The building being purchased is a larger facility in Bethel on the campus. A new facility would be built for training and overnight, and eventually Station 4 would be closed. The Fire Department would be getting rid of costs and shifting over the work into the larger, brand-new station for training and it is more robust, etc. Chief Boehlke's biggest concern at this point is that if the Fire Department gives up the opportunity to purchase the land, there is very limited opportunity within the LJFD area to purchase land and put up a facility like this. His concern is if the LJFD passes this by, a good opportunity would be given up that checks a lot of the boxes, or land would be found but it would be far more expensive to purchase. She noted North Oaks has the smallest portion of the payment; she thought Shoreview has the largest portion. It is based on population and use of the facilities, etc. She said she would like to talk to Terry Schwerm in Shoreview to find out their concerns about it, and suggested a little more financial research and disclosure might be beneficial, especially going forward and funding it in the future, as far as looking at costs for maintenance, etc. If Shoreview is still on board in addition to the other city, she would be on board, too, since North Oaks has a lesser portion of the responsibility.

Mayor Nelson said Chief Boehlke stated Arden Hills was on board, which the Chief considered a major coup.

Councilmember Long stated there are some road pavement issues and infrastructure that has not been finished.

Mayor Nelson suggested either Administrator Kress or he would get back to Chief Boehlke to talk to him more and see what the situation is.

Administrator Kress said if the Council's perspective is that if the other two cities are on board, then North Oaks is, a motion would be appropriate to state that. Otherwise, a special meeting would need to be called, which can be done, but he needs to know that from the Council so he can direct Chief Boehlke as far as what to do.

Councilmember Kingston stated he agrees with Councilmember Long. If someone takes a look at what is happening from an economic perspective, there will be incredible changes in terms of the landscape for real estate. With people and businesses finding out what they can do in terms of remote employees and the efficiencies they achieve, it is going to be a completely different

market for property, especially for buildings. He is not saying that the City Council does not look at it long-term, but even over the next two months things are going to be drastically different. He does not know how the other cities are looking at it from a financial perspective; maybe it is from how their budgets were set 3-4 months ago. This is uncharted territory, and he thinks the Council should walk rather than run, and might end up getting a much better deal simply because of market changes. He is reluctant to move ahead at this time and suggested telling Shoreview, Vadnais Heights, etc., that he does not think the Fire Department will lose a big deal. There are not going to be people clamoring to buy that property right now with the state of the economy.

Mayor Nelson suggested having Administrator Kress find out from Chief Boehlke if there is a chronological crisis and if there is another offer on the property. He stated the City Council can have a special meeting if necessary. He did not realize until he talked to the Chief that it was so close to a purchase. He said he thinks the points were well-made, that things are changing.

Administrator Kress stated that was fine with him. He asked the availability of the Councilmembers the following Tuesday, because he has to give a three-day notice for a Special Meeting, and that is the same day that they were hoping to sign the Purchase Agreement.

Mayor Nelson said he thought Administrator Kress was correct, that it is early next week. He said he was clear in the evening but would have to check as to daytime hours.

Administrator Kress noted the Council can set whatever time it wants, but the City Council should give the Fire Department some feedback so they know whether to move forward or pull back from the Purchase Agreement.

Councilmember Long asked if Terry at Shoreview should be talked to or what the next step would be.

Administrator Kress stated he would be reaching out to Terry and Dave to see if they have had any formal action. His understanding is that they were comfortable moving forward and using reserve fund balances to fund the purchase. He does not know how long it has been on the table; he has only been aware of it since his time with the City.

Mayor Nelson suggested getting more information/facts and meeting the following Tuesday morning if necessary.

Administrator Kress said in the meantime he would send Councilmembers the draft proposal for purchase and the document he shared on the screen.

CITY ADMINISTRATOR REPORTS

a. City Administrator Staff Report

Administrator Kress stated he is looking for a motion and a second recognizing the emergency Conditional Use Permit (CUP) that he had to have the Mayor sign after a septic failure that was erupting into somebody’s yard at 34 East Pleasant Lake. City Code states the Mayor has authority to grant a variance for a septic in emergency situations, which was done. He thought it was appropriate for the Council to formally adopt that item.

MOTION by Long, seconded by Ross, recognizing the emergency CUP signed by Mayor Nelson for property located at 34 East Pleasant Lake. Motion carried unanimously by roll call.

CITY ATTORNEY REPORTS

Attorney Nason said COVID-19 is wreaking havoc everywhere, including cities who are struggling with the new reality. She had no further comments unless anyone had questions.

MISCELLANEOUS

Mayor Nelson asked Administrator Kress if the items under “Miscellaneous” had to be reviewed, since they had only dealt with one item.

Administrator Kress said those items are typically for updates, commenting that Staff has been putting minutes, smaller updates, and miscellaneous items at the end of the meeting just so the Council can be aware of them. No action is required other than the item already taken care of.

Councilmember Ries asked if the Council took action at the beginning on the filed Code of Conduct violation/complaint.

Administrator Kress responded there was no formal action taken by the Council.

Councilmember Ries asked if the Council has to take a formal action.

Administrator Kress answered no and added that at this time it would not be appropriate, since the agenda item had already been passed by.

ADJOURNMENT

MOTION by Kingston, seconded by Long, to adjourn the Council meeting at 9:39 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

Gregg Nelson, Mayor

Date approved_____

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. 1383**

**RESOLUTION REVISING DESIGNATED POLLING LOCATION FOR PRECINCT 2
FOR THE 2020 STATE PRIMARY AND PRESIDENTIAL ELECTION**

WHEREAS, Minnesota Statutes 204B.16, Subd. 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, the State Primary is August 11, 2020 and the Presidential Election is November 3, 2020.

WHEREAS, the North Oaks City Council hereby previously designated the following polling places for elections conducted in the city in 2020:

Precinct 1 City of North Oaks
 100 Village Center Drive, Suite 150

Precinct 2 Waverly Gardens of North Oaks
 5919 Centerville Road, North Oaks

NOW, THEREFORE, BE IT RESOLVED, that due to the COVID-19 Pandemic, the North Oaks City Council hereby revises the polling place designation for Precinct 2 conducted in the city in 2020 as follows:

Precinct 2 North Oaks Golf Club
 54 East Oaks Road, North Oaks

AND BE IT FURTHER RESOLVED, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

AND BE IT FURTHER RESOLVED, that the city clerk is directed to send a copy of this resolution to the Ramsey County Elections Office.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

By: _____
 Gregg Nelson
Its: Mayor

Attested:

By: _____
 Kevin Kress
Its: City Administrator

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. 1384**

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
VARIANCES TO THE SOUTHWEST PROPERTY LINE SETBACK
REQUIREMENT AND TO ALLOW THE OFF-SITE LOCATION OF AN
ALTERNATIVE SITE FOR INSTALLATION OF A SUB-SURFACE SEWAGE
TREATMENT SYSTEM (SSTS) FOR THE PROPERTY LOCATED AT
16 SUNSET LANE**

WHEREAS, North Oaks Zoning Ordinance Section 151.050(F) prohibits an individual sewage treatment system from being located within thirty (30) feet of the lot lines on any individual lot; and

WHEREAS, an application for a variance has been submitted Kimberly Einan, the owner of the real property located at 15 Ridge Road, Ramsey County, MN (Property) legally described on the attached **EXHIBIT A** for the following two variances:

1. To allow the construction of a sub-surface sewage treatment system (SSTS) to within the required thirty (30) foot southwest property line setback, with an encroachment fourteen (14) feet into the required thirty (30) foot south property line setback.

WHEREAS, the Property is a previously established lot with an existing house on a lot of smaller size, and the area available for the installation of a sub-surface sewage treatment system is limited due to property line setbacks, the existing house, and shallow, limiting soils; and

WHEREAS, City Staff have determined that the proposed location of the SSTS, as shown on the site plan provided to the City in conjunction with the variance application attached hereto is the most viable location for the SSTS based on the site constraints identified above; and

WHEREAS, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.078 and Minnesota Statutes, Section 462.357, subd. 6, regarding the criteria for issuance of a variance, the requisite practical difficulties were found to support a grant of the requested variance, and the Council further makes the following findings of fact with respect to the variance application:

- The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner.

- The variance, if granted, will not alter the essential character of the locality.
- The variance is in harmony with the general purposes and intent of the zoning ordinance.
- The terms of the variance are consistent with the comprehensive plan.
- Granting the requested variance will not confer on the applicant any special privilege that is denied by Chapter 151 of the City Code to other lands, structures, or buildings in the same district.
- The Variance requested is the minimum variance which would alleviate the practical difficulties.
- The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

WHEREAS, the variance application was considered by the North Oaks Planning Commission at its May 28, 2020, meeting, at which time a hearing concerning the variance application was held, following which the Planning Commission voted unanimously to recommend approval of the Variance application subject to the conditions listed in the Planner’s Report dated May 7, 2020.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that the findings of fact related to the requested variance listed above are hereby adopted as the Council’s findings of fact to support the grant of the requested variances, and the following two variances are approved:

1. To allow the construction of a sub-surface sewage treatment system (SSTS) within the required thirty (30) foot south property line setback, with an encroachment fourteen (14) feet into the required thirty (30) foot south property line setback.

subject to the following two conditions:

1. The sub-surface sewage treatment system (SSTS) shall be installed in the location shown on the site plan provided to the City dated November 1, 2019 by Kloeppner Services & Designs.
2. Completion of the SSTS installation shall occur by December 31, 2020.

BE IT FURTHER RESOLVED that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

By: _____

Gregg Nelson

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Tract B, Registered Land Survey No. 115, files of Register of Titles, Ramsey County, Minnesota.

PID: 173022220013

Torrens Property

PROCLAMATION

WHEREAS, June marks the month of graduation for high school seniors across the country; and

WHEREAS, More than 950 students will graduate virtually from four schools in Mounds View Public Schools: The Area Learning Center, Irondale High School, Mounds View High School and Reach Transition Program on May 28 and June 1;

WHEREAS, Graduation is typically a time to gather and celebrate this important milestone together; and

WHEREAS, It is important to acknowledge the challenging situations being presented to graduating seniors and honor their hard work; and

WHEREAS, We encourage families, friends and neighbors to take some time to safely congratulate those graduates in their communities, recognize their achievements and honor them and their journey of education; and

NOW, THEREFORE, I Gregg Nelson, Mayor of the City of North Oaks, do hereby proclaim June 1, 2020, as 'High School Senior Recognition Day' within the City of North Oaks.

HIGH SCHOOL SENIOR RECOGNITION DAY

*In Witness Whereof I have hereunto set my hand as
Mayor on behalf of the Council of the City of North
Oaks to be affixed this Eleventh Day of June
in the Year Two Thousand Twenty.*



Gregg Nelson, Mayor

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR LAND
RECLAMATION ACTIVITIES ON REAL PROPERTY LOCATED AT 7 EAGLE
RIDGE ROAD, NORTH OAKS, MN**

WHEREAS, an application for a Conditional Use Permit has been submitted by Bernard Bosley, the owner of the real property described below, for land reclamation activities, namely to allow the importation and installation of more than 100 cubic yards of fill in conjunction with erosion repair activities to be completed on the real property located at 7 Eagle Ridge Road, North Oaks, Ramsey County, Minnesota, legal described on the attached **EXHIBIT A**; and

WHEREAS, pursuant to North Oaks Zoning Ordinance Section 151.027, a Conditional Use Permit is required for land reclamation involving 100 cubic yards or more of soil; and

WHEREAS, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.027 and 151.076, regarding the criteria for issuance of a Conditional Use Permit, and meets the minimum standards, is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance, and does not have a negative impact on public health, safety, or welfare; and

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on June 9, 2020, at which hearing the Planning Commission voted to recommend approval of the Conditional Use Permit application.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that a Conditional Use Permit to allow land reclamation activities, namely the installation of more than 100 cubic yards of fill, on the real property located at 7 Eagle Ridge Road and legally described on the attached Exhibit A is approved subject to the following conditions:

1. Owner shall advise the City when the land reclamation (erosion repair/fill) activities begin and are completed.
2. City staff shall monitor the completion of the erosion repair activities to ensure that the erosion repair activities, including installation of fill, are completed pursuant to the erosion repair activities described in the May 13, 2020 letter from Pinnacle Engineering, including all referenced attachments.

3. Land reclamation (erosion control/fill) shall be conducted in conformity with the description of the erosion repair activities in the May 13, 2020 letter from Pinnacle Engineering, including all referenced attachments.

BE IT FURTHER RESOLVED that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

By: _____

Gregg Nelson

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Tract N, Registered Land Survey No. 79, on file with the Register of Titles, Ramsey County, Minnesota.

PID: 173022230010
Torrens Property

RESOLUTION NO. 20-_____

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

**RESOLUTION ADOPTING AND APPROVING CITY OF NORTH OAKS COVID-19
PREPAREDNESS PLAN**

WHEREAS, on March 13, 2020, Governor Tim Walz, by way of Emergency Executive Order 20-01, declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response, effective immediately, which Peacetime Emergency has been extended by Executive Order through June 12, 2020; and

WHEREAS, pursuant to Executive Order 20-74, Critical Businesses, including the City of North Oaks, are required to develop and implement a COVID-19 Preparedness Plan as set forth in paragraph 7.e of Executive Order 20-74 and in accordance with the industry guidance currently posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>) and any additional applicable industry guidance that will be posted to the Stay Safe Minnesota website (<https://staysafe.mn.gov>); and

WHEREAS, the City has prepared the attached City of North Oaks COVID-19 Preparedness Plan based on the industry guidance posted on the Stay Safe Minnesota Website.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of North Oaks, Minnesota, as follows:

1. The City Council hereby approves and adopts the attached City of North Oaks COVID-19 Preparedness Plan.
2. The City Council authorizes the City Administrator to modify and amend the City of North Oaks COVID-19 Preparedness Plan as necessary based on any additional applicable industry guidance posted to the Stay Safe Minnesota website or further executive order.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

Ayes: Nays:

Attest:

Attest:

Gregg Nelson, Mayor

Kevin Kress, City Administrator/City Clerk

COVID-19 Preparedness Plan for the City of North Oaks

The City of North Oaks is committed to providing a safe and healthy workplace for all our employees. To ensure we have as safe and healthy workplace, we have developed the following COVID-19 Preparedness Plan in response to the COVID-19 pandemic. Managers and employees are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces and communities, and that requires full cooperation among our employees, management, and customers. Only through this cooperative effort can we establish and maintain the safety and health of our employees and workplaces.

Management and employees are responsible for implementing and complying with all aspects of this COVID-19 Preparedness Plan. **The City of North Oaks** managers and supervisors have our full support in enforcing the provisions of this policy.

Our employees are our most important assets. We are serious about safety and health and keeping our employees working at **The City of North Oaks** Worker involvement is essential in developing and implementing a successful COVID-19 Preparedness Plan. We have involved our employees in this process. Our COVID-19 Preparedness Plan follows Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines, federal OSHA standards related to COVID-19 and Executive Order 20-48, and addresses:

- hygiene and respiratory etiquette;
- engineering and administrative controls for social distancing;
- cleaning, disinfecting, decontamination and ventilation;
- prompt identification and isolation of sick persons;
- communications and training that will be provided to managers and employees; and
- management and supervision necessary to ensure effective implementation of the plan.
- protection and controls for pick-up, drop-off and delivery;
- protections and controls for in-store shopping;
- protections and controls for shopping malls; and
- communications and instructions for customers.

Screening and policies for employees exhibiting signs and symptoms of COVID-19

Employees have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19. The following policies and procedures are being implemented to assess employees' health status prior to entering the workplace and for employees to report when they are sick or experiencing symptoms.

The City of North Oaks has implemented leave policies that promote employees staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household. Accommodations for employees with underlying medical conditions or who have household members with underlying health conditions have been implemented.

City of North Oaks has also implemented a policy for informing employees if they have been exposed to a person with COVID-19 at their workplace and requiring them to quarantine for the required amount of time.

In addition, a policy has been implemented to protect the privacy of employees' health status and health information. **[Describe policy.]**

Handwashing

Basic infection prevention measures are being implemented at our workplaces at all times. Employees are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, but especially at the beginning and end of their shift, prior to any mealtimes and after using the toilet. All customers and visitors to the workplace will be required to wash or sanitize their hands prior to or immediately upon entering the facility. Hand-sanitizer dispensers (that use sanitizers of greater than 60% alcohol) are at entrances and locations in the workplace so they can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled.

Respiratory etiquette: Cover your cough or sneeze

Employees, customers and visitors are being instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose and eyes, with their hands. They should dispose of tissues in provided trash receptacles and wash or sanitize their hands immediately afterward. Respiratory etiquette will be demonstrated on posters and supported by making tissues and trash receptacles available to all employees, customers and visitors.

Social distancing

Social distancing of six feet will be implemented and maintained between employees, customers and visitors in the workplace.

Cleaning, disinfection, and ventilation

Regular housekeeping practices are being implemented, including routine cleaning and disinfecting of work surfaces, equipment, tools and machinery, delivery vehicles and areas in the work environment, including restrooms, break rooms, lunch rooms, meeting rooms, checkout stations, fitting rooms, and drop-off and pick-up locations. Frequent cleaning and disinfecting will be conducted in high-touch areas, such as phones, keyboards, touch screens, controls, door handles, elevator panels, railings, copy machines, credit card readers, delivery equipment, etc.

Appropriate and effective cleaning and disinfectant supplies have been purchased and are available for use in accordance with product labels, safety data sheets and manufacturer specifications and are being used with required personal protective equipment for the product. The maximum amount of fresh air is being brought into

the workplace, air recirculation is being limited and ventilation systems are being properly used and maintained. Steps are also being taken to minimize air flow blowing across people.

Communications and training

This COVID-19 Preparedness Plan was communicated to all employees and necessary training was provided. Additional communication and training will be ongoing and provided to all employees who did not receive the initial training. Instructions will be communicated to customers and visitors about: how drop-off, pick-up, delivery and in-store shopping will be conducted to ensure social distancing between the customers and employees; required hygiene practices; and recommendations that customers and visitors use face masks when dropping off, picking up, accepting delivery or in-store shopping. Customers and visitors will also be advised not to enter the workplace if they are experiencing symptoms or have contracted COVID-19. Managers and supervisors are to monitor how effective the program has been implemented by. Management and employees are to work through this new program together and update the training as necessary. This COVID-19 Preparedness Plan has been certified by **City of North Oaks** management and was posted throughout the workplace [date]. It will be updated as necessary.

Certified by:

Kevin Kress

City Administrator

Appendix A – Guidance for developing a COVID-19 Preparedness Plan

General

Centers for Disease Control and Prevention (CDC): Coronavirus (COVID-19) – www.cdc.gov/coronavirus/2019-nCoV

Minnesota Department of Health (MDH): Coronavirus – www.health.state.mn.us/diseases/coronavirus

State of Minnesota: COVID-19 response – <https://mn.gov/covid19>

Businesses

CDC: Resources for businesses and employers – www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

CDC: General business frequently asked questions – www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html

CDC: Building/business ventilation – www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

MDH: Businesses and employers: COVID-19 – www.health.state.mn.us/diseases/coronavirus/businesses.html

MDH: Health screening checklist – www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf

MDH: Materials for businesses and employers – www.health.state.mn.us/diseases/coronavirus/materials

Minnesota Department of Employment and Economic Development (DEED): COVID-19 information and resources – <https://mn.gov/deed/newscenter/covid/>

Minnesota Department of Labor and Industry (DLI): Updates related to COVID-19 – www.dli.mn.gov/updates

Federal OSHA – www.osha.gov

Handwashing

MDH: Handwashing video translated into multiple languages – www.youtube.com/watch?v=LdQuPGVcceg

Respiratory etiquette: Cover your cough or sneeze

CDC: www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html

CDC: www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

MDH: www.health.state.mn.us/diseases/coronavirus/prevention.html

Social distancing

CDC: www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

MDH: www.health.state.mn.us/diseases/coronavirus/businesses.html

Housekeeping

CDC: www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

CDC: www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html

CDC: www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

Environmental Protection Agency (EPA): www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

Employees exhibiting signs and symptoms of COVID-19

CDC: www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html

MDH: www.health.state.mn.us/diseases/coronavirus/basics.html

MDH: www.health.state.mn.us/diseases/coronavirus/facilityhlthscreen.pdf

MDH: www.health.state.mn.us/diseases/coronavirus/returntowork.pdf

State of Minnesota – <https://mn.gov/covid19/for-minnesotans/if-sick/get-tested/index.jsp>

Training

CDC: www.cdc.gov/coronavirus/2019-ncov/community/guidance-small-business.html

Federal OSHA: www.osha.gov/Publications/OSHA3990.pdf

MDH: www.health.state.mn.us/diseases/coronavirus/about.pdf



1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

Board of Supervisors
ED M. PRUDHON, *Chair*
STEVEN A. RUZEK
SCOTT E. MCCUNE

April 27, 2020

Mark Houge, President
North Oaks Company
5959 Centerville Road
North Oaks, Minnesota 55127

Re: Anderson Woods / Wilkinson Lake Villas Phase 1A

Dear Mark:

Enclosed for execution by the City of North Oaks and the North Oaks Company are the following documents:

- Addendum – 1-L – Anderson Woods
- Addendum – 1-M – Wilkinson Lake Villas Phase 1A

Both of these Addendums to the Master Joint Powers Agreement between the Town of White Bear and the City of North Oaks were approved by the Town Board at their April 20, 2020, Town Board meeting.

Kindly return one executed copy to our offices for our files. If you have any questions please don't hesitate to contact me at patti.walstad@whitebeartownship.org or via phone at 651.747.2756.

Thank you.

Sincerely,

Patti Walstad
Deputy Clerk

ADDENDUM – 1-L

ANDERSON WOODS

LOCATION: Anderson Lane & Centerville Road

SERVICE PROVIDED: Sanitary sewer and water services with maintenance of such systems, and billing services

MAXIMUM # OF HOOK-UPS: 9 units

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

- Section 1 – Water Services: A-N;
- Section 2 – Sanitary Sewer Service: A-I;
- Section 3 – Billing: A-D; Maintenance: A & B;
- Section 4 – Rights-of-Way; A-C;
- Section 5 – Water System Maintenance: A-F;
- Section 6 – Sanitary Sewer System Maintenance: A-H;
- Section 7 – Indemnification: A & B;
- Section 8 – Term: A.

Billing Service. The water and sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customers of said services.

Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-L.

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their proper officers, Council and Board.

TOWN OF WHITE BEAR

By: Ed Prudhon
ED PRUDHON, Chair

Dated: 4-20-20

ATTEST:

By: 
PATRICK CHRISTOPHERSON, Clerk-Treasurer

CITY OF NORTH OAKS

By: _____
MAYOR GREGG NELSON

Dated: _____

By: _____
CITY ADMINISTRATOR, KEVIN KRESS

CONSENT BY OWNERS

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as ANDERSON WOODS, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: 

MARK HOUGE, President

ADDENDUM – 1-L

ANDERSON WOODS

LOCATION: Anderson Lane & Centerville Road

SERVICE PROVIDED: Sanitary sewer and water services with maintenance of such systems, and billing services

MAXIMUM # OF HOOK-UPS: 9 units

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

- Section 1 – Water Services: A-N;
- Section 2 – Sanitary Sewer Service: A-I;
- Section 3 – Billing: A-D; Maintenance: A & B;
- Section 4 – Rights-of-Way; A-C;
- Section 5 – Water System Maintenance: A-F;
- Section 6 – Sanitary Sewer System Maintenance: A-H;
- Section 7 – Indemnification: A & B;
- Section 8 – Term: A.

Billing Service. The water and sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customers of said services.

Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-L.

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their proper officers, Council and Board.

TOWN OF WHITE BEAR

By: Ed Prudhon
ED PRUDHON, Chair

Dated: 4-20-20

ATTEST:

By: [Signature]
PATRICK CHRISTOPHERSON, Clerk-Treasurer

CITY OF NORTH OAKS

By: _____
MAYOR GREGG NELSON

Dated: _____

By: _____
CITY ADMINISTRATOR, KEVIN KRESS

CONSENT BY OWNERS

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as ANDERSON WOODS, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: 

MARK HOUGE, President

ADDENDUM – 1-M

WILKINSON LAKE VILLAS PHASE 1A

LOCATION: Osprey Court

SERVICE PROVIDED: Sanitary sewer maintenance, and billing services

MAXIMUM # OF HOOK-UPS: 4 units

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

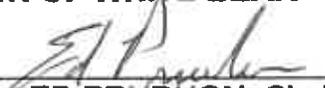
- Section 2 – Sanitary Sewer Service: A-I;
- Section 3 – Billing: A-D; Maintenance: A & B;
- Section 4 – Rights-of-Way; A-C;
- Section 6 – Sanitary Sewer System Maintenance: A-H;
- Section 7 – Indemnification: A & B;
- Section 8 – Term: A.

Billing Service. The sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customers of said services.

Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-M.

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their proper officers, Council and Board.

TOWN OF WHITE BEAR

By: 
ED PRUDHON, Chair

Dated: 4-20-20

ATTEST:

By: 
PATRICK CHRISTOPHERSON, Clerk-Treasurer

CITY OF NORTH OAKS

By: _____
MAYOR GREGG NELSON

Dated: _____

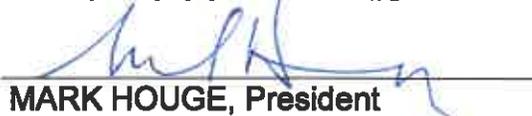
By: _____
CITY ADMINISTRATOR, KEVIN KRESS

CONSENT BY OWNERS

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as WILKINSON LAKE VILLAS PHASE 1A, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: _____


MARK HOUGE, President

ADDENDUM – 1-M

WILKINSON LAKE VILLAS PHASE 1A

LOCATION: Osprey Court

SERVICE PROVIDED: Sanitary sewer maintenance, and billing services

MAXIMUM # OF HOOK-UPS: 4 units

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

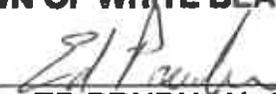
- Section 2 – Sanitary Sewer Service: A-I;
- Section 3 – Billing: A-D; Maintenance: A & B;
- Section 4 – Rights-of-Way; A-C;
- Section 6 – Sanitary Sewer System Maintenance: A-H;
- Section 7 – Indemnification: A & B;
- Section 8 – Term: A.

Billing Service. The sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customers of said services.

Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-M.

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their proper officers, Council and Board.

TOWN OF WHITE BEAR

By: 
ED PRUDHON, Chair

Dated: 4-20-20

ATTEST:

By: 
PATRICK CHRISTOPHERSON, Clerk-Treasurer

CITY OF NORTH OAKS

By: _____
MAYOR GREGG NELSON

Dated: _____

By: _____
CITY ADMINISTRATOR, KEVIN KRESS

CONSENT BY OWNERS

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as WILKINSON LAKE VILLAS PHASE 1A, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: 

MARK HOUGE, President

MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: June 11, 2020

RE: North Oaks - East Oaks Planned Unit Development
Anderson Woods Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.02

INTRODUCTION

At special meetings held on April 15, 2020 and May 28, 2020, the North Oaks Planning Commission formally considered the preliminary plan (subdivision) application of the North Oaks Company for a 9-lot single family residential subdivision of the “Anderson Woods” parcel located south of the recently approved Wilkinson Villas (1A) subdivision along Centerville Road.

The subject property occupies the southern one-half of “Site F” in the East Oaks Planned Development Agreement (PDA). Including a centrally located wetland area, Site F measures approximately 36 acres in size.

Including the four previously approved lots (developed as Wilkinson Villas 1A) which are located within Site F, a total of 13 lots are proposed upon the subject property. The East Oaks PDA stipulates that a total of 10 single family residential lots are allowed upon the subject site (Site F) with a potential 30 percent density increase. In this regard, the 13 lots proposed upon Site F are consistent with the dwelling unit requirements of the PDA.

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

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

Background information related to this application is provided in the City Staff planning report dated April 15, 2020 and a planning report addendum dated May 28, 2020.

PLANNING COMMISSION MEETING DISCUSSION

In consideration of the application, the Planning Commission raised numerous comments and/or questions. These included the following:

- Issues summarized in Staff's planning report addendum dated May 28, 2020 (attached).
- The following issues raised at the Planning Commission's special meeting held on May 28, 2020:
 - Recognizing that the City presently does not have a formal tree preservation ordinance, a Planning Commissioner expressed a desire to provide future property owners with a letter which promotes the preservation of trees within the subdivision.
 - A question was raised related to the intended flow of water in the wetland which is proposed to be mitigated.
 - Concern was expressed related to how past and planned wetland mitigation in the East Oaks PUD relates to that which was anticipated in the EAW.
 - Question was raised related to the building permit review process and the evaluation of related wetland impacts at such time.
 - A Commissioner raised question regarding wetland review procedures and expressed a desire to receive detailed VLAWMO comments in advance of City consideration of preliminary plan (subdivision) applications.
 - A question was raised related to anticipated tree loss in the conceptual roadway configuration as illustrated on the Conceptual Street and Access Plan in the East Oaks PDA versus the roadway configuration illustrated in the proposed subdivision.
 - A question was posed to the applicant related to wetland impacts and restoration and replacement efforts.

- A Commissioner questioned the applicant in regard to recent tree removal activities near and/or upon the subject site.
- The applicant was asked if he is in agreement with a determination that 174 dwelling units remain in the East Oaks PDA.

Public comments received at the May 28, 2020 meeting were relatively limited and included the following:

- A resident expressed her opinion that the proposed subdivision is not consistent with the East Oaks PDA as a result of proposed wetland impacts and a roadway configuration which is not consistent with the Conceptual Street and Access Plan included in the PDA. The resident presented a slideshow to help the Planning Commission visualize her concerns.
- A resident explained the VLAWMO/Wetland Conservation Act approval process to the Commission and suggested that it is rare that the agency rejects plans which have been approved by cities. In this regard, the resident indicated that now is the time which the City has control over wetlands impacts.

Planning Commission Recommendation. Based on the submitted application materials, background information, the recommendation of Staff and the evidence received at the meetings, the Planning Commission has recommended approval of the Anderson Woods preliminary plan (subdivision) subject to the following conditions. Staff have prepared suggested clarifying revisions to several conditions, and have added several conditions for Council consideration. **Conditions which were revised or added are highlighted in yellow.**

1. The City Council determine that the proposed Centerville Road access location is acceptable.
2. The following minimum setbacks shall be satisfied:

PDA Requirements:

Principal Building to Roadway Easements:

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

Principal Building to Adjacent Principal Buildings:

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

Wetlands: 30 feet

Shoreland Management Requirements:

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet

3. Floor area ratios within the subdivision shall not exceed 20 percent (ratio of floor area of buildings to gross lot area).
4. Final trail plans be developed in concert with NOHOA Staff (as they will be responsible for acceptance and maintenance of the trails).
5. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.
 - F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.
6. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from intersections or vertical curves on Centerville Road.
7. Applicant shall contact the Fire Marshall to review and discuss the proposed site design to determine which side of the street should be identified as the fire lane.
8. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
9. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.

10. "No parking" signs shall be placed on both sides of the street from the entrance at Centerville Road to proposed station 2+00; and also in the cul-de-sac area.
11. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by the City.
12. The applicant'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 in the proposed cul-de-sac.
13. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
14. Details of cross-section and tie-in at Centerville road shall be included with final construction plans.
15. 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.
16. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
17. Final watermain construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
18. Individual Building Permit Application review shall include the following: 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
19. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018 and shall be reviewed and approved by the City Engineer with consideration of VLAWMO recommendations. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans.
20. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.

21. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
22. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
23. Riprap 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.
24. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.
25. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
26. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
27. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
28. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
29. Comply with applicable recommendations of the City Forester.
30. A typical roadway cross-section and cul-de-sac cross-section shall be included as part of final construction plans.
31. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
32. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.

33. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer in collaboration with VLAWMO.
34. 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.
35. 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.
36. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed and approved by VLAWMO as the LGU.
37. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
38. Final plans shall illustrate the required width of buffer strips along the perimeter of wetlands, and the proposed ponds in accordance with City-approved VLAWMO policies. The final construction plans shall identify the buffer limits and any buffer plantings or protection per VLAWMO Water Management Policy.
39. Final construction plans shall indicate existing drainage patterns in Wet Basin #1 and detail proposed measures to be taken to preserve and/or enhance vegetation, wildlife and drainage patterns.
40. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
41. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
42. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS.
43. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.

44. Conservation easements shall be provided to cover the buffer strip areas, if recommended by VLAWMO. The easement documents shall conform to the requirements of the City.
45. Ramsey County shall be contacted to confirm proposed roadway easement is sufficient or if the County would like Centerville Road Right-of-Way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
46. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
47. Consideration of any comments received from the Department of Natural Resources.
48. Consideration of any comments received from the Lake Johanna Fire Department.
49. Where practical, the applicant shall comply with the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:
 - a. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - b. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
 - c. If grade changes are excessive retaining walls may be a viable option.
 - d. Do not place fill around save trees.
 - e. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
 - f. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
 - g. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.

- h. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
 - i. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
 - j. Follow the oak wilt protocol included above.
50. The applicant shall work with the City Forester and lot purchasers and explore options to preserve trees located upon all lots within the subdivision.
51. In accordance with the recommendation of the Fire Department and NOHOA, the proposed island within the cul-de-sac shall be removed (for snow removal and storage purposes).
52. Information requested by NOHOA in their letter dated April 7, 2020 shall be provided to NOHOA by the applicant.
53. **Compliance with all applicable requirements for final plat approval.**

ACTION REQUESTED

It is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Therefore, Staff recommends of approval of the proposed Anderson Woods preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the preceding conditions listed above.

MOTION ALTERNATIVES

Approval. A resolution approving the Anderson Woods preliminary plan/preliminary plat (subdivision) application is included in the Council packet for Council consideration.

Denial. Alternatively, a resolution denying approval of the Anderson Woods preliminary plan/preliminary plat (subdivision) application is included in the Council packet, which outlines required standards for the application. Should the Council find that any of the required standards are not met, the council may deny the application, but only upon the

adoption of written findings based on a record from public proceedings why the application should not be approved.

Attachments

- Staff planning report dated April 14, 2020 (with exhibits)
- Staff planning report addendum dated May 28, 2020 (with exhibits)
- Additional documents

cc: Kevin Kress, City Administrator
Mikeya Griffin, NOHOA Executive Director North Oaks Company
John Gleason, Department of Natural Resources
Phil Belfiori, Vadnais Lake Area Water Management Organization
Mark Houge and Gary Eagles, North Oaks Company

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING PRELIMINARY PLAN/PLAT (SUBDIVISION)
FOR ANDERSON WOODS DEVELOPMENT SITE**

WHEREAS, North Oaks Company, LLC, has applied for preliminary plan/preliminary plat (subdivision) approval for the subdivision of certain real property owned by North Oaks Company, LLC (the “Developer”) commonly referred to as the “Anderson Woods Parcel,” located within the City of North Oaks, Ramsey County, Minnesota and legally described as follows:

Tract G, REGISTERED LAND SURVEY NO. 633

WHEREAS, Tract G, REGISTERED LAND SURVEY NO. 633 is subject to the terms and conditions of the 1999 East Oaks Planned Development Agreement, as subsequently amended (the “East Oaks PDA”) and is zoned Residential Multiple Family High Density (RMH-PUD); and

WHEREAS, on December 3, 2019, the Developer submitted a Concept Plan for subdivision of the Anderson Woods Parcel to the City of North Oaks (the “City”), which was subsequently reviewed and discussed by the North Oaks Planning Commission on December 3, 2019 and January 30, 2020, and the North Oaks City Council on February 13, 2020; and

WHEREAS, Developer subsequently submitted an Application for Preliminary Plan/Subdivision approval to the City, which application was deemed complete on February 24, 2020; and

WHEREAS, the Planning Commission reviewed and considered the Application for Preliminary Plan Approval at meetings on February 27, 2020, April 14, 2020, and May 28, 2020; and

WHEREAS, following published notice in the City’s newspaper of record on March 31, 2020 and May 12, 2020, public hearings were held on the Application on April 14, 2020 and May 28, 2020; and

WHEREAS, following completion of the public hearings, on May 28, 2020, the Planning Commission voted 7-0 (7 in favor, 0 against) to recommend approval of the Application to the City Council, subject to the conditions listed in the Planning Report Addendum, dated May 28, 2020, as amended; and

WHEREAS, the City Council, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 City Council Packet

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of North Oaks, Ramsey County, Minnesota, hereby APPROVES the Application for Preliminary Plan/Preliminary Plat (subdivision) for the real property described above and commonly known as the Anderson Woods Parcel, subject to the following conditions:

1. The City Council determine that the proposed Centerville Road access location is acceptable.
2. The following minimum setbacks shall be satisfied:

PDA Requirements:

Principal Building to Roadway Easements:

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

Principal Building to Adjacent Principal Buildings:

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

Wetlands: 30 feet

Shoreland Management Requirements:

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet

3. Floor area ratios within the subdivision shall not exceed 20 percent (ratio of floor area of buildings to gross lot area).
4. Final trail plans be developed in concert with NOHOA Staff (as they will be responsible for acceptance and maintenance of the trails).
5. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.

- D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.
 - F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.
6. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from intersections or vertical curves on Centerville Road.
 7. Applicant shall contact the Fire Marshall to review and discuss the proposed site design to determine which side of the street should be identified as the fire lane.
 8. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
 9. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
 10. “No parking” signs shall be placed on both sides of the street from the entrance at Centerville Road to proposed station 2+00; and also in the cul-de-sac area.
 11. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by the City.
 12. The applicant’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 in the proposed cul-de-sac.
 13. The applicant’s engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
 14. Details of cross-section and tie-in at Centerville road shall be included with final construction plans.
 15. 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.

16. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
17. Final watermain construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
18. Individual Building Permit Application review shall include the following: 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
19. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018 and shall be reviewed and approved by the City Engineer with consideration of VLAWMO recommendations. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans.
20. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.
21. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
22. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
23. Riprap 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.
24. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.
25. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
26. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists.

The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.

27. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
28. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
29. Comply with applicable recommendations of the City Forester.
30. A typical roadway cross-section and cul-de-sac cross-section shall be included as part of final construction plans.
31. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
32. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.
33. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer in collaboration with VLAWMO.
34. 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.
35. 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.
36. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed and approved by VLAWMO as the LGU.
37. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
38. Final plans shall illustrate the required width of buffer strips along the perimeter of wetlands, and the proposed ponds in accordance with City-approved VLAWMO policies. The final construction plans shall identify the buffer limits

and any buffer plantings or protection per VLAWMO Water Management Policy.

39. Final construction plans shall indicate existing drainage patterns in Wet Basin #1 and detail proposed measures to be taken to preserve and/or enhance vegetation, wildlife and drainage patterns.
40. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
41. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
42. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS.
43. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
44. Conservation easements shall be provided to cover the buffer strip areas, if recommended by VLAWMO. The easement documents shall conform to the requirements of the City.
45. Ramsey County shall be contacted to confirm proposed roadway easement is sufficient or if the County would like Centerville Road Right-of-Way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
46. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
47. Consideration of any comments received from the Department of Natural Resources.
48. Consideration of any comments received from the Lake Johanna Fire Department.
49. Where practical, the applicant shall comply with the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:

- a. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - b. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
 - c. If grade changes are excessive retaining walls may be a viable option.
 - d. Do not place fill around save trees.
 - e. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
 - f. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
 - g. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
 - h. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
 - i. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
 - j. Follow the oak wilt protocol included above.
50. The applicant shall work with the City Forester and lot purchasers and explore options to preserve trees located upon all lots within the subdivision.
51. In accordance with the recommendation of the Fire Department and NOHOA, the proposed island within the cul-de-sac shall be removed (for snow removal and storage purposes).
52. Information requested by NOHOA in their letter dated April 7, 2020 shall be provided to NOHOA by the applicant.

53. Compliance with all applicable requirements for final plat approval.

BE IT FURTHER RESOLVED that the City Clerk shall promptly serve a copy of this resolution of Approval on the developer.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

Ayes: Nays:

By: _____
Gregg Nelson
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator/City Clerk

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION DENYING APPROVAL OF PRELIMINARY PLAN/PLAT
(SUBDIVISION) FOR ANDERSON WOODS DEVELOPMENT SITE**

WHEREAS, North Oaks Company, LLC, has applied for preliminary plan/preliminary plat (subdivision) approval for the subdivision of certain real property owned by North Oaks Company, LLC (the “Developer”) commonly referred to as the “Anderson Woods Parcel,” located within the City of North Oaks, Ramsey County, Minnesota and legally described as follows:

Tract G, REGISTERED LAND SURVEY NO. 633

WHEREAS, Tract G, REGISTERED LAND SURVEY NO. 633 is subject to the terms and conditions of the 1999 East Oaks Planned Development Agreement, as subsequently amended (the “East Oaks PDA”) and is zoned Residential Multiple Family High Density (RMH-PUD); and

WHEREAS, on December 3, 2019, the Developer submitted a Concept Plan for subdivision of the Anderson Woods Parcel to the City of North Oaks (the “City”), which was subsequently reviewed and discussed by the North Oaks Planning Commission on December 3, 2019 and January 30, 2020, and the North Oaks City Council on February 13, 2020; and

WHEREAS, Developer subsequently submitted an Application for Preliminary Plan/Subdivision approval to the City, which application was deemed complete on February 24, 2020; and

WHEREAS, the Planning Commission reviewed and considered the Application for Preliminary Plan Approval at meetings on February 27, 2020, April 14, 2020, and May 28, 2020; and

WHEREAS, following published notice in the City’s newspaper of record on March 31, 2020 and May 12, 2020, public hearings were held on the Application on April 14, 2020 and May 28, 2020; and

WHEREAS, following completion of the public hearings, on May 28, 2020, the Planning Commission voted 7-0 (7 in favor, 0 against) to recommend approval of the Application to the City Council, subject to the conditions listed in the Planning Report Addendum, dated May 28, 2020, as amended; and

WHEREAS, the City Council, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 City Council Packet

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of North Oaks, Ramsey County, Minnesota, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 Council Packet and the recommendation of the North Oaks Planning Commission, hereby **DENIES APPROVAL** of the Application for Preliminary Plan/Preliminary Plat (subdivision) for the real property described above and commonly known as the Anderson Woods Site, based on the following **FINDINGS:**

Preliminary Plan Requirement	Potential Grounds for Denial	
	Noncompliant	Specific Findings of Noncompliance (written findings based on a record from the public proceedings why the application shall not be approved)
Address all of the standards and requirements of the Zoning Ordinance (94)(Chapter 151)		
Address all of the standards and requirements of the Subdivision Ordinance (93) (Chapter 152)		
Address all of the standards and requirements of the PDA		
Proof that the preliminary plan is consistent with the approved Master Development Plan		
Proof that the preliminary plan is consistent with the PDA		
Factors for Consideration When Reviewing Preliminary Plan		
Consistency with approved Master Development Plan		
Consistency with Agreed Upon PDA		
Impacts on existing and anticipated traffic		
Pedestrian and vehicular movements		
Ingress and egress		
Landscaping		
Provisions for utilities		
Site grading and drainage		

Green space		
Signage		
Monuments		
Screening		
Lot coverage		
Other related matters		
Uses in conformity with underlying zoning district		
Compliance with additional PUD zoning standards: <ul style="list-style-type: none"> <input type="checkbox"/> Overall density is consistent with Comprehensive Plan <input type="checkbox"/> Overall density is consistent with the approved PDA, subject to any approved density transfer provisions <input type="checkbox"/> Compliance with any PDA-imposed performance standards (including performance standards found in amended Appendix 1 related to setbacks, etc.) <input type="checkbox"/> Complies with Gross Density requirements for RMH-PUD zoning District 		
Preliminary plan is in conformance with the City's Comprehensive Plan		
PDA Requirements: <ul style="list-style-type: none"> <input type="checkbox"/> The Development Site will be developed in accord with the PUD controls <input type="checkbox"/> The Final Plan shall conform in material respects to the PDA, East Oaks Project master Development Plan, and Preliminary Plan. 		

BE IT FURTHER RESOLVED that the City Clerk shall promptly serve a copy of this resolution of **DENIAL** on the developer.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

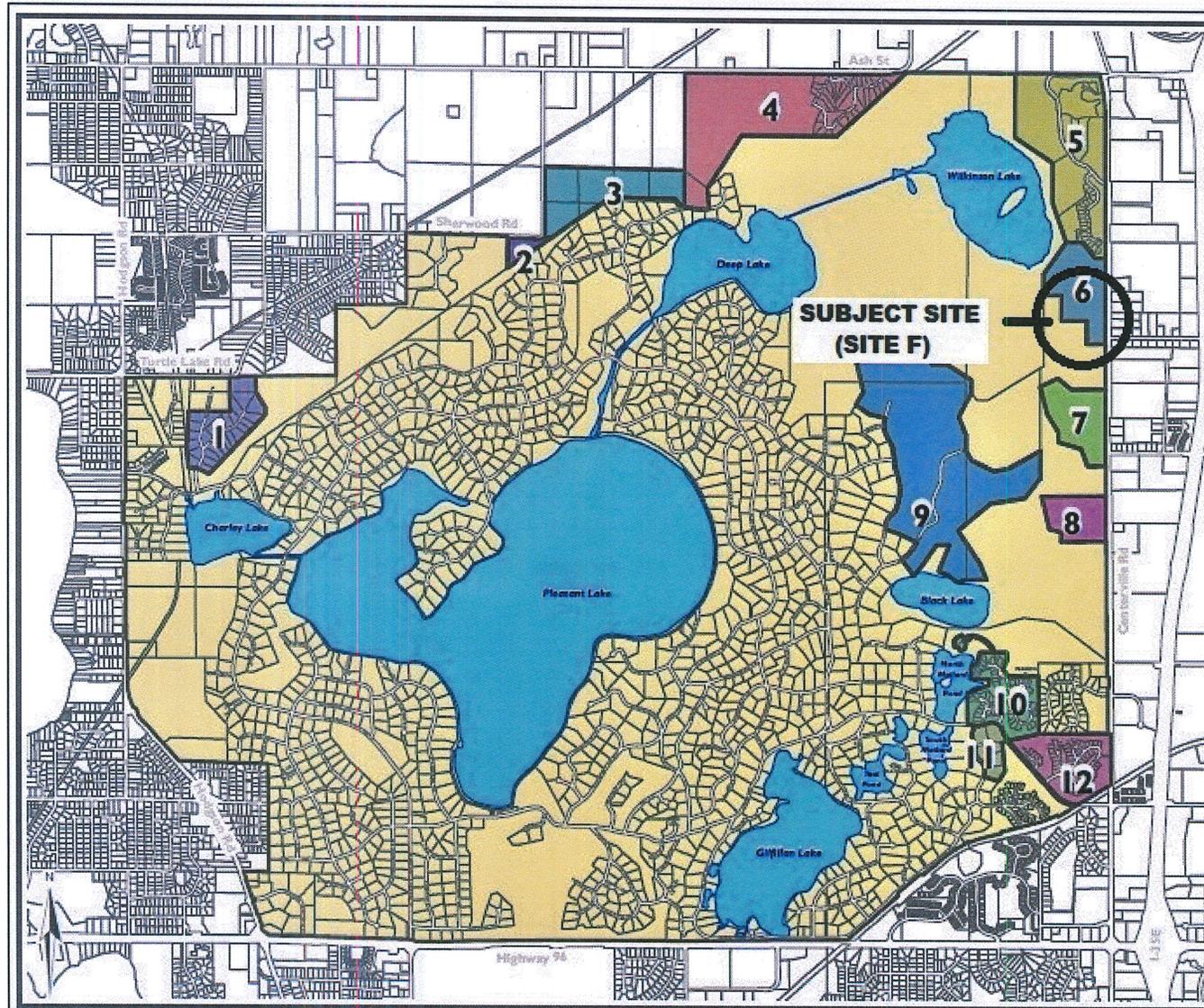
Ayes:

Nays:

By: _____
Gregg Nelson
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator/City Clerk



MAP 12: East Oaks Planned Unit Development

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

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

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

 Developed and Undeveloped Land or Protected Open Space



February 5, 2020

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

Re: Site F – Anderson Woods Development
 Preliminary Plan –Subdivision Application

Dear Kevin,

Attached you will find the application for Preliminary Plan approval to subdivide Site F – Anderson Woods, including all items outlined in the submittal requirements of the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

North Oaks Company LLC (Company) submitted its current Concept Plans for the remaining development sites of the Subject Property in the PDA, including Anderson Woods, Anderson Woods, Gate Hill, Island Field and Black Forest Way on December 3, 2019 and again on January 30, 2020.

Please consider this a request for the City Staff to review the application for Preliminary Plan approval for the subdivision of Site F - Anderson Woods (SITE), confirm it is complete, proceed to review and comment, publish for a public hearing regarding same at the February 27, 2020 Planning Commission Meeting, at which time the Company requests the Planning Commission recommend City Council approve the subdivision of SITE at its next meeting.

The SITE is zoned RMH-PUD and the Company proposes subdividing the SITE into 9 single-family lots. Each lot will be served with municipal water, sanitary sewer, natural gas, electric, and communication systems.

Enclosed you will find the following documents:

- Sheet 1 – Existing Conditions, dated January 23, 2020
- Sheet 2 – Preliminary Plan, dated January 23, 2020
- Sheet 3 – Preliminary Easement Plan, dated January 23, 2020
- Sheet 4 – Preliminary Grading Plan, dated January 23, 2020
- Sheet 5 – Preliminary Utility Plan, dated January 23, 2020
- Sheet 6 – Preliminary Landscape Plan, dated January 23, 2020
- Floor to Area Worksheet, dated January 22, 2020

The primary access to the SITE will be from Centerville Road. A 32' wide street with curb and gutter will be constructed to serve the lots. The Company met with representatives of Ramsey County Engineering, consulted with Westwood Engineering, and the preliminary review indicates no turn lanes or other improvements to Centerville Road will be required, see attached memo from Westwood.

The site plan shows boxes on each lot that represent a one or two story single-family home with an approximate foundation size of 3000 square feet (SF). The actual location, height, and size of each future house will be determined by the homeowner

and approved by the City's Building Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The approximate size of each lot is noted in the FAR worksheet.

The preliminary grading plan is attached, which illustrates minimal grading to build a street. Initial grading of the SITE will be limited to that required to install storm water, gas, electrical, communication systems, and construct the street. The elevation of the street generally follows the existing topography. Based on our preliminary review with Vadnais Lake Area Water Management Organization (VLAWMO), it agrees this is the most appropriate solution is to extend the road from the east portion of the site to the westerly lots, vs a much longer road from the south.

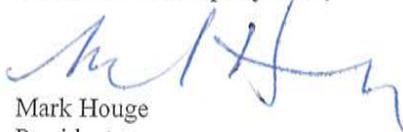
All lots will be created at one time, and the Company anticipates obtaining approval to enable the street to be complete summer of 2020.

Open space has been provided in other locations of the Subject Area, including the southwest corner of the SITE. However, the Company has considered the benefit to the community of connecting the proposed Anderson Woods development area to the existing NOHOA trail system. You will note that between proposed lots 2 and 3, and lots 5 and 6, a trail connection is identified to connect to the trail to the south.

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

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

Sincerely
North Oaks Company LLC,



Mark Houge
President

Enclosures

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

NORTH OAKS COMPANY
KURTH SURVEYNG INC.

ANDERSON WOODS AREA
FILENAME: Anderson Woods Preplan area 2-20.xls

DRAWING NAME = AW Easement Plan Overall
February 20, 2020

PROJECT RECAP	
TOTAL NUMBER OF BUILDABLE LOTS	9 Lots
TOTAL PROJECT ACREAGE	21.4 Acres
TOTAL AREA ACREAGE IN BUILDABLE LOTS	21.4 Acres
AVERAGE TOTAL LOT SIZE	2.38 Acres

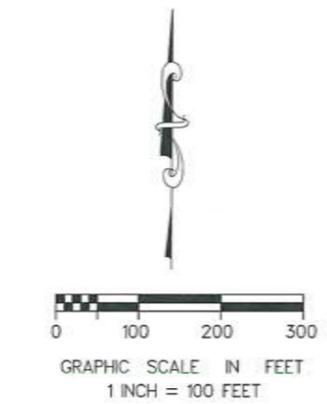
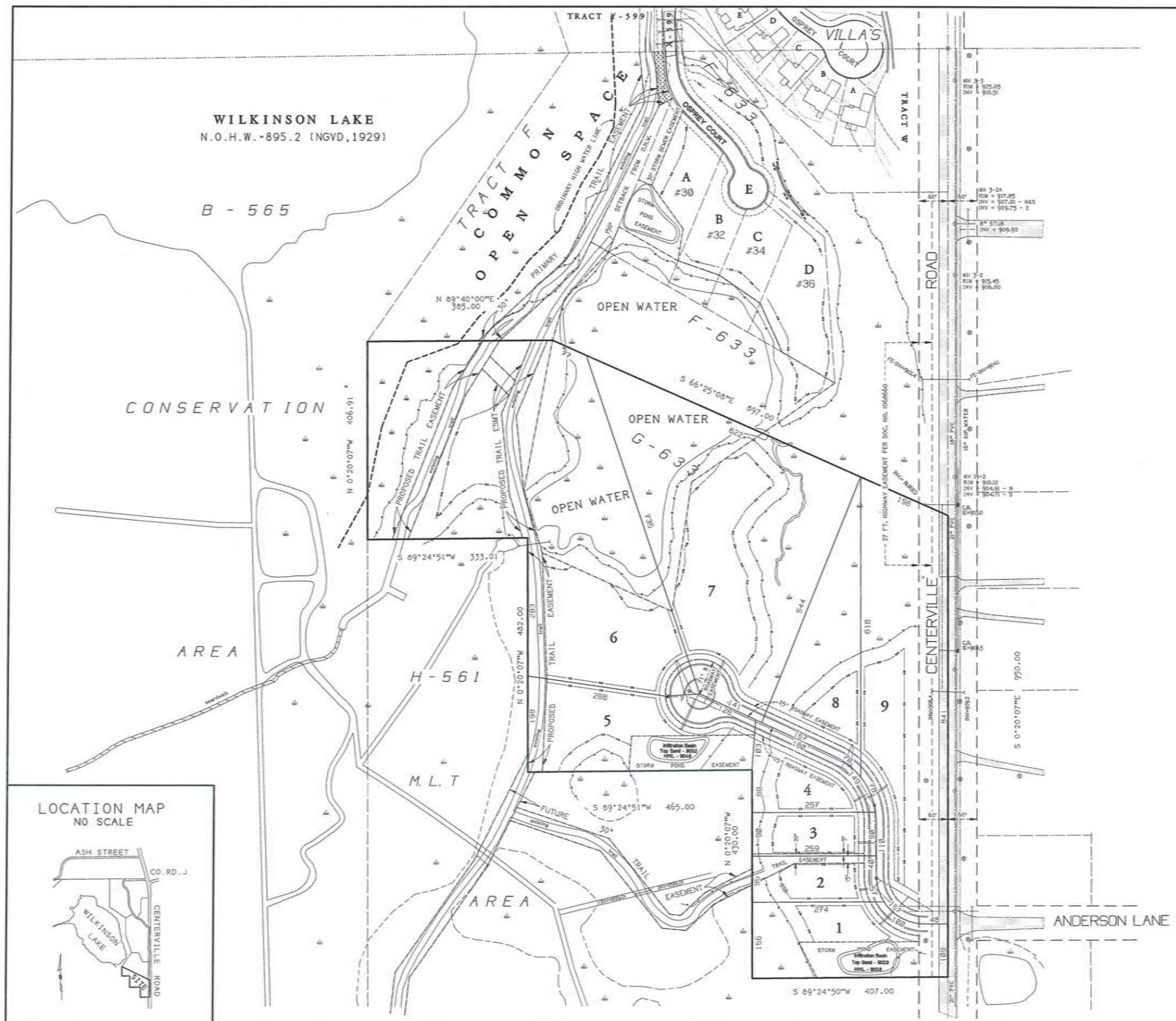
NOTES: TOTAL LOT AREA INCLUDES ROAD RIGHT OF WAY
GROSS LOT AREA EXCLUDES ROAD RIGHT OF WAY
ADJUSTED LOT AREA IS TOTAL LOT, LESS ROAD RIGHT OF WAY, AND LESS 2/3 OF WETLANDS
MAXIMUM HOUSE SIZE (FAR) IS 20% OF ADJUSTED LOT AREA
USEABLE AREA EXCLUDES ALL REQUIRED SETBACKS, EASEMENTS & WETLANDS

TRACT LETTER	PRELIM LOT NO.	TOTAL LOT AREA		ROAD R/W	GROSS LOT AREA	WETLAND AREA	ADJUSTED LOT AREA	TOTAL F.A.R.	USEABLE AREA	TRACT LETTER
		SQ. FT.	ACRES							
A	1	58,540	1.34	9,264	49,276	17,320	37,845	7,569	10,830	A
B	2	24,881	0.57	2,434	22,447	2,764	20,623	4,125	10,459	B
C	3	23,321	0.54	2,254	21,067	1,368	20,164	4,033	12,670	C
D	4	32,952	0.76	7,789	25,162	4,330	22,305	4,461	11,202	D
E	5	76,046	1.75	8,385	67,662	10,010	61,055	12,211	27,815	E
F	6	300,195	6.89	3,287	296,909	113,330	222,111	44,422	51,387	F
G	7	207,500	4.76	7,783	199,717	113,813	124,600	24,920	52,891	G
H	8	62,279	1.43	5,737	56,542	37,368	31,879	6,376	9,295	H
I	9	147,645	3.39	60,209	87,436	36,995	63,019	12,604	22,074	I
TOTALS		933,359	21.43	107,143	826,217	337,297		N/A	N/A	

NOTE: USEABLE AREA OF LOT 6 IS ONLY THE AREA CONTIGUOUS TO THE ROAD

Exhibit B2: Project Summary

DEVELOPMENT AREA "F"



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

BUILDING SETBACKS PER RMH-PUD ZONING

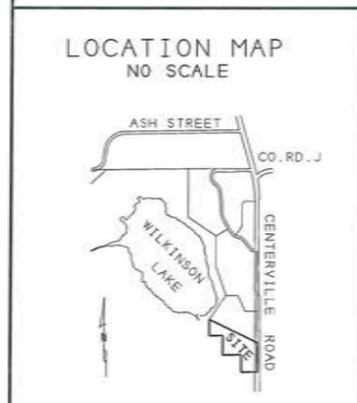
- BUILDING TO BUILDING SETBACKS:**
 FRONT TO FRONT: 40 FT. - PRINCIPAL BLDG
 SIDE TO SIDE: 15 FT. - PRINCIPAL BLDG
 REAR TO REAR: 30 FT. - PRINCIPAL BLDG
- ROAD RIGHT OF WAY SETBACKS:**
 FRONT: 15 FT. - PRINCIPAL BLDG
 SIDE: 20 FT. - PRINCIPAL BLDG
 REAR: 20 FT. - PRINCIPAL BLDG
- WETLAND SETBACKS:**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

BUILDING SETBACKS PER PRE PLAN

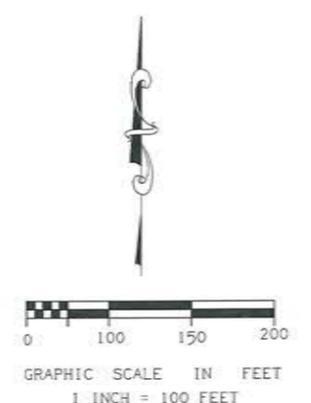
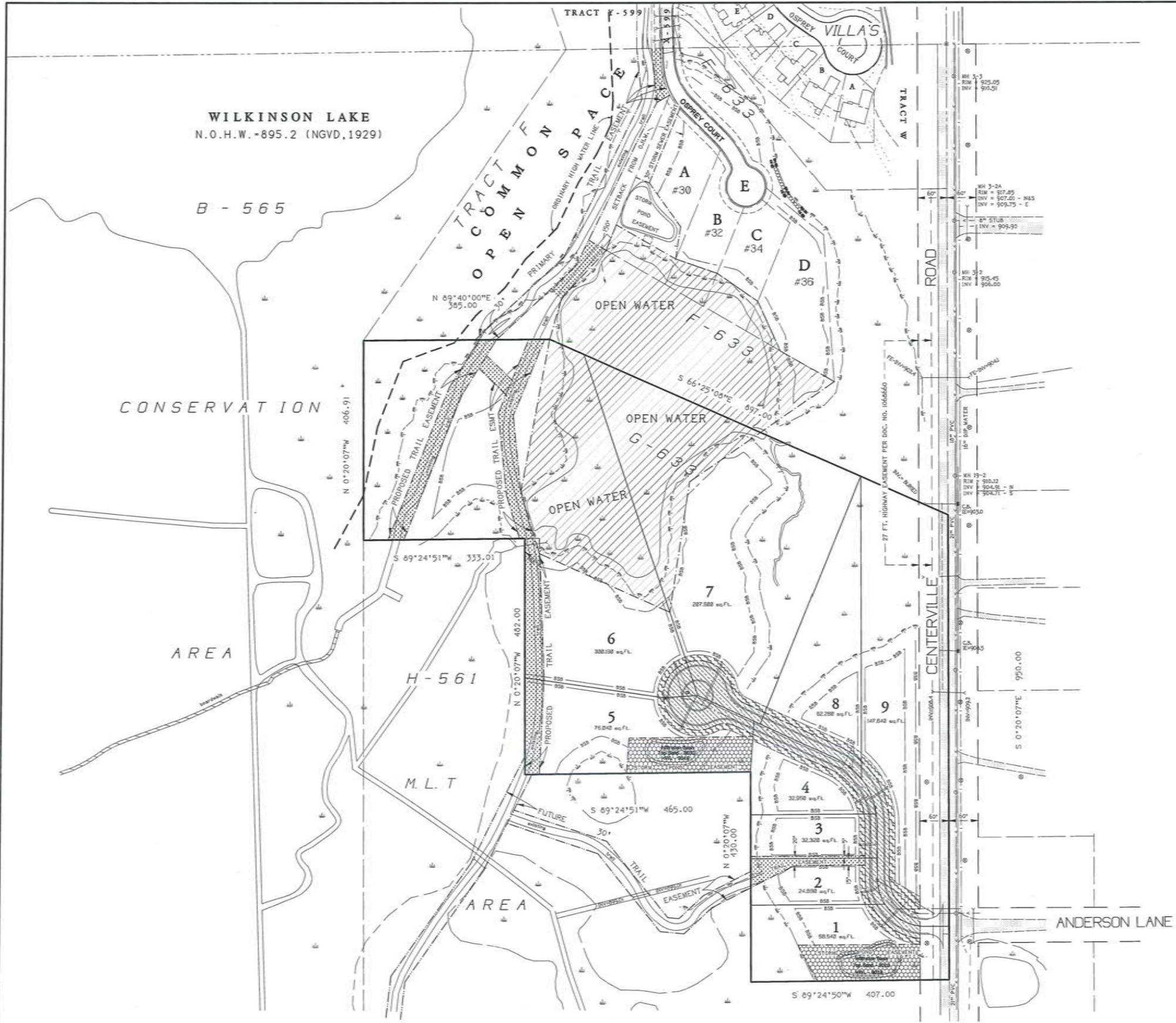
- FRONT YARD - 20 FT.
 SIDE YARD - 7.5 FT.
 WETLAND - 30 FT.
 CENTERVILLE RD. - 30 FT.

PROPERTY DESCRIPTION

TRACT G, REGISTERED LAND SURVEY NO. 633
 RAMSEY COUNTY, MINNESOTA



DATE: January 23, 2020	SHEET DESCRIPTION: PRELIMINARY SITE PLAN	PROJECT: ANDERSON WOODS	NORTH OAKS C O M P A N Y
<p>I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor in the State of Minnesota.</p> <p><i>[Signature]</i> Keith L. Kurth, R.L.S., No. 20276 Keith L. Kurth, R.L.S., No. 10113</p>			
<p>KURTH SURVEYING, INC. 4002 JEFFERSON ST., N.E. COLUMBIA HEIGHTS, MN 55421 PHONE: (763) 788-9769 FAX: (763) 788-7602 E-MAIL: ksl@kurthsurveyinginc.com</p>			

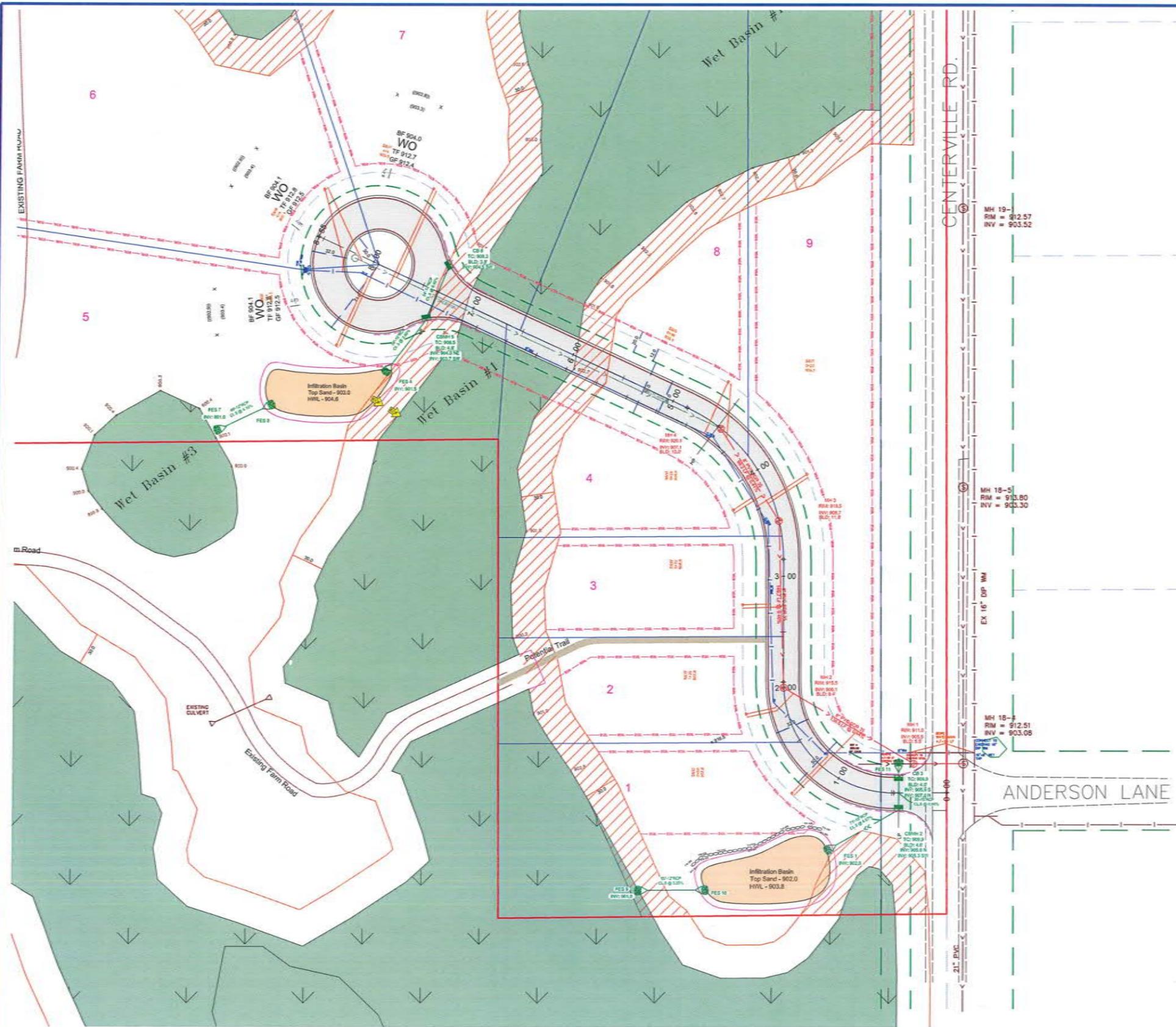


1 = PRELIMINARY LOT NUMBER
 #30 = FUTURE ADDRESS

- LEGEND**
- = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
 - = WET LAND SYMBOL
 - = 30' BUILDING SETBACK
 - = ROADWAY EASEMENT
 - = 12' UTILITY EASEMENT ADJACENT TO ROADWAY EASEMENT
 - = STORM POND/DRAINAGE EASEMENT
 - = TRAIL EASEMENT
 - = EXISTING BITUMINOUS
 - = WETLAND BANKING EASEMENT

PROPERTY DESCRIPTION
 TRACT G, REGISTERED LAND SURVEY NO. 633
 RAMSEY COUNTY, MINNESOTA

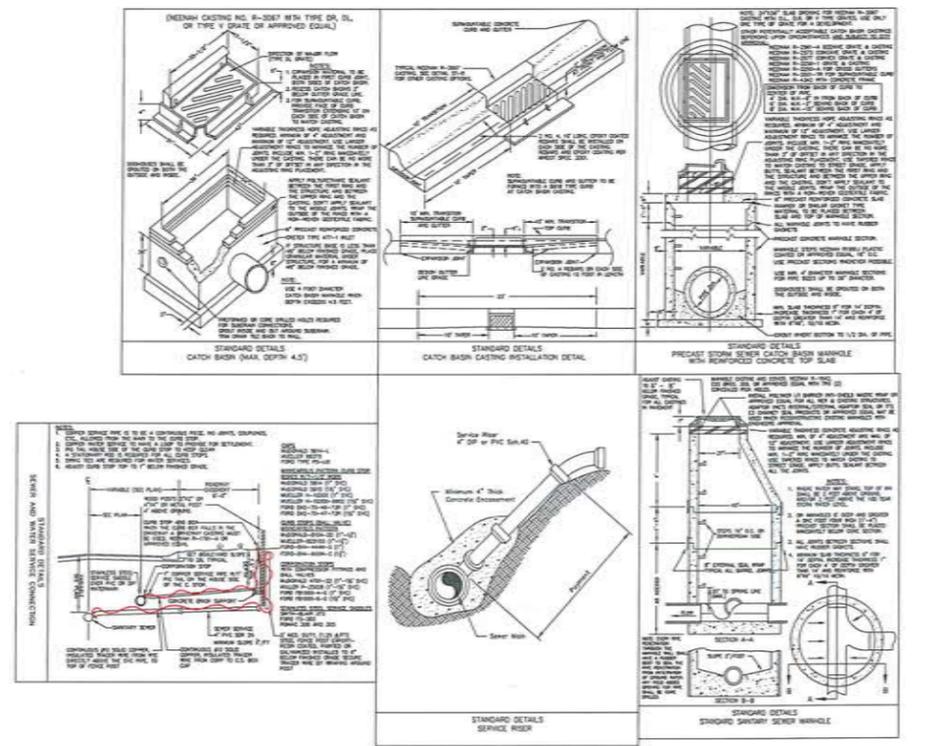
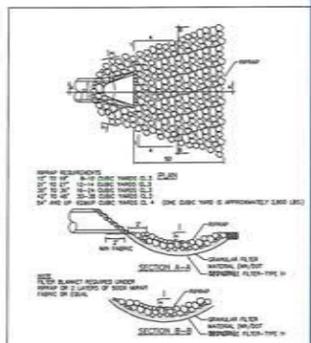
<p>DATE: January 23, 2020</p> <p>SHEET DESCRIPTION PRELIMINARY PLAT EASEMENT PLAN</p>	<p>PROJECT: ANDERSON WOODS</p>	<p style="text-align: center;">NORTH OAKS C O M P A N Y</p>
<p>I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.</p> <p style="text-align: right;"> David L. Kerth, R.L.S., No. 20720 David L. Kerth, R.L.S., No. 16113 </p>		
<p>KURTH SURVEYING, INC. 4002 JEFFERSON ST., N.E. COLUMBIA HEIGHTS, MN 55421 PHONE: (763) 788-9769 FAX: (763) 788-7602 E-MAIL: kst@kurthsurveyinginc.com</p>		



- SANITARY SEWER AND WATERMAIN NOTES:**
1. ALL HYDRANT BENCHMARKS ARE TOP NUT OF HYDRANT.
 2. WYE LOCATIONS TO BE SUPPLIED & VERIFIED BY CONTRACTORS. WYE STATIONING IS CALCULATED FROM THE DOWN STREAM MANHOLES.
 3. ALL TIES AND DISTANCES ARE TO THE CENTER OF SURFACE STRUCTURES.
 4. ALL HYDRANTS AND HYDRANT GATE VALVES ARE RETAINED AND TIED BACK TO THE WATERMAIN TEE BY MEANS OF APPROVED MEGALUGS UNLESS OTHERWISE NOTED.
 5. ALL SEWER SERVICES ARE LOCATED 3 FEET DOWNSTREAM OF WATER SERVICES IF SEWER AND WATER ARE IN THE SAME TRENCH.
 6. ALL SEWER AND WATER SERVICES ARE EXTENDED TO THE EASEMENT UNLESS NOTED.
 7. ALL VALVES ON THE WATERMAIN FOR THIS PROJECT SHALL BE GATE VALVES. NO BUTTERFLY VALVES SHALL BE USED ON THE WATERMAIN FOR THIS PROJECT. POLY WRAP ENTIRE VALVE.
 8. INSTALL HYDRANTS 5' BEHIND CURB (TYPICAL).
a) POLY WRAP ALL HYDRANT BARRELS
b) BAG ALL HYDRANTS UNTIL THEY ARE TESTED AND PUT IN SERVICE.
 9. ALL 4'-12" WATERMAIN SHALL BE PVC A11W4 C300 (DR18).
 10. MECHANICAL BALLS SHALL BE INSTALLED IN SANITARY SEWER AT CONNECTION POINTS FOLLOWING INSTALLATION OF PIPE TO PROTECT EXISTING LINES FROM DEBRIS, & SEDIMENT INFILTRATION. BALLS SHALL REMAIN UNTIL LINES ARE TESTED & ACCEPTED BY THE CITY.
 11. THE CONTRACTOR SHALL CONTACT THE WHITE BEAR TOWNSHIP AT LEAST 48 HOURS PRIOR TO ANY PUBLIC SEWER/WATERMAIN CONNECTION.
 12. ALL SANITARY SEWER MANHOLE ADJUSTING RINGS INSTALLATIONS SHALL HAVE POLYMER III BARRIERS IS TO BE INFI-SHIELD MASTIC WRAP OR APPROVED EQUAL INSTALLED.
 13. CONCRETE ADJUSTING RINGS SHALL BE USED ON ALL MANHOLES AND CATCH BASINS.
 14. ALL BELOW GRADE BOLTS, T-BOLTS, NUTS AND RODDING SHALL BE ASTM F 593 TYPE 316 STAINLESS STEEL. THIS APPLIES TO ALL FITTINGS, GATE VALVES, AND HYDRANTS.
 15. SANITARY SERVICES SHALL BE 4" PVC SDR 26 WITH TRACER WIRE.
 16. PROVIDE TRACER WIRE ALONG ALL PVC WATERMAIN, #10 AWG THIN WITH BLUE INSULATION SUITABLE FOR UNDERGROUND BURY.
 17. ALL FITTINGS SHALL BE DIP COMPACT FITTINGS WITH STAINLESS STEEL BOLTS AND POLY WRAPPED.

NOTES

1. 4" DRAINILE (W/sock) SHALL BE INSTALLED AT THE LOWPOINT CATCH BASINS 50' MIN. (STD) IN EACH DIRECTION & 100' IN THE UPHILL DIRECTION FOR ON SLOPE CATCH BASINS.
2. TIE THE LAST 6 PIPE JOINTS TO FLARED END SECTIONS (TYPICAL).
3. TRASH GUARDS SHALL BE PLACED ON ALL FLARED END SECTIONS 24" OR LARGER. THERE ARE NO TRASH GUARDS ON 12" THROUGH 21" F.E.S.S.
4. TIE ALL PIPE JOINTS IN AND OUT OF ALL OUTLET STRUCTURES.
5. WIMCO'S OR APPROVED EQUAL TO BE INSTALLED AT ALL STORM INLETS.
6. RP-RAP FOR STORM SEWER SHALL BE CLASS 3 AND SHALL BE HAND PLACED.
7. WET BASIN TO BE CLAY LINED. (2" MINIMUM CLAY LINER)
8. ALL ADJUSTING RINGS TO BE HOPE.
9. SAND FILTER AND DRAINILE FOR THE FILTER BASIN SHALL BE INSTALLED AFTER FINAL STABILIZATION.
10. OUTLET CONTROL STRUCTURE GRATE TO BE GALVANIZED GRATE (SPLIT) 4" X 4" OPENINGS.



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

DRAWING NAME	NO.	BY	DATE	REVISIONS
AW-PRELIM SHEETS				
DRAWN BY		ERJ		
CHECKED BY		RSM		
DATE			01/23/2020	

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

Eric R. Johnson
ERIC R. JOHNSON, P.E.
Date: 01/23/20

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

CITY PROJECT NO.
NORTH OAKS, MINNESOTA

Exhibit B7: Preliminary Utility Plan
NORTH OAKS

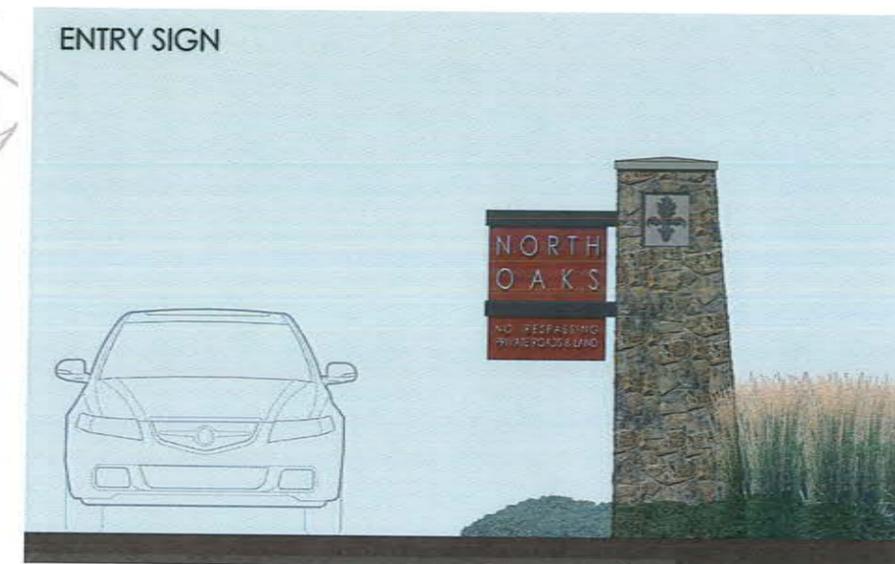
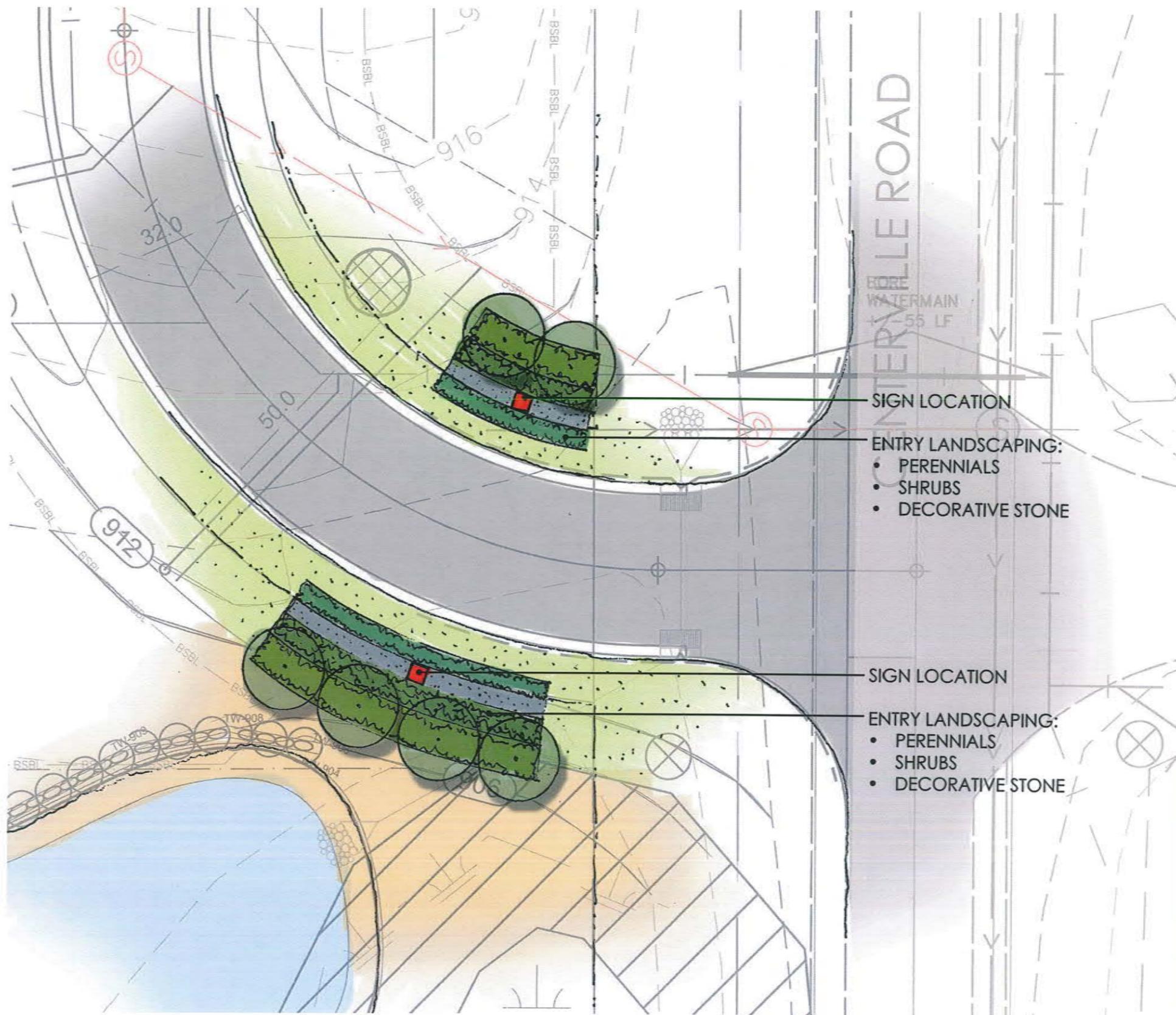


Exhibit B8: Preliminary Landscape/Sign Plan

SHEET 6

PLANNING REPORT ADDENDUM

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: May 28, 2020

RE: North Oaks - East Oaks Planned Unit Development
Anderson Woods Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.02

BACKGROUND

The intent of this addendum is to provide additional information and/or clarify information related to the Anderson Woods preliminary plan (subdivision) application.

Such information relates specifically to issues raised at the Planning Commission's special meeting held on April 15, 2020, regular meeting held on April 30, 2020, as well as various inquiries which have been received by City Staff since the regular meeting.

During the Planning Commission meetings, a variety of questions and concerns were raised by both the Planning Commission and the general public. The purpose of this addendum is to convey Staff findings related to its investigation of issues which have been raised and supplement information provided in the City Staff report dated April 15, 2020.

To be noted is that this addendum includes a slightly modified listing of recommended conditions of approval (as recommended by City Staff) which reflects recently received information.

The Planning Commission's consideration of the Anderson Woods preliminary plan (subdivision) application has been continued to the Commission's regular May 28, 2020 meeting.

Attached for reference:

- Exhibit A: East Oaks Wetland Transaction Summary
- Exhibit B: Ramsey County Access Comments
- Exhibit C: Roadway Comparison Map - PDA vs. Actual

DISCUSSION OF ISSUES

Wetland Impacts

Road Construction. A Planning Commissioner raised question related to wetland impacts associated with the construction of the road necessary to access Lots 5, 6 and 7.

Impacts to wetland will be limited to those necessary to build road crossing over wet basin #1. Embankment/slope stabilization analysis will be completed by applicant in order to evaluate geotechnical recommendations and refine design to be consistent with those recommendations and compliant with all local, state and federal requirements.

Relationship to EAW. Question was raised related to wetland impacts and mitigation efforts which have historically taken place as part of the development of the development of the East Oaks PUD. In this regard, it was questioned whether an amendment to the 1999 Environmental Assessment Worksheet (EAW) or a new EAW would be required if it is found that actual wetland impacts exceed those which are anticipated in the 1999 EAW.

Environmental Quality Board (EQB) guidance states that the purpose of an EAW is to provide enough information regarding a proposed project in order to make decisions about environmental impacts and whether further analysis is required. An EAW is not intended to be an approving or permitting document. On April 10th, 2019, Kristin Mroz, Local Government Coordinator for MN EQB, attended the Planning Commission workshop meeting and provided the following relevant guidance.

- EAWs are not approval documents.
- EQB does not give guidance on requirements for “new” EAWs and EQB is not a decision maker. New EAWs are at the discretion of the Responsible Governmental Unit (RGU).
- EAWs do not expire. Passage of time alone is not reason to require a new Environmental Assessment.
- The MN Rules governing EAWs do have thresholds for impacts which require mandatory EAWs. (4410.4300)
- MN Rules governing EAWs do NOT have thresholds for changes to projects which would require a new EAW.

- MN Rule 4410.1000 Subp 5. addresses changes to a project which would require a new EAW.
- Rule 4410.1000 subp. 5 states that a new EAW is required for projects which exhibit “Substantial change” which “may affect the potential for significant adverse environmental effects that were not addressed in the existing EAW”.
- “Substantial change” is not defined.

Minn. R. P. 4410.1700, subps. 6, 7 provide four factors that must be used to evaluate whether a project has the potential for “significant environmental effects” as follows:

Subp. 6. Standard. In deciding whether a project has the potential for significant environmental effects the RGU shall compare the impacts that may be reasonably expected to occur from the project with the criteria in this part.

Subp. 7. Criteria. In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. type, extent, and reversibility of environmental effects;

B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Based on the proposed development application, staff does NOT believe that proposed development illustrates a substantial change from the prior conceptual plans which would institute potential for “significant adverse environmental effects” to require a new EAW.

Wetland Summary. A Planning Commissioner questioned the status of the East Oaks wetland summary which was raised as part of concept plan review. Specifically, tracking information has been requested to wetland impacts which have taken place since the East Oaks PUD was approved by the City in 1999.

The applicant has provided a summary of wetland transactions which have taken place within the East Oaks PUD. Such information is attached as Exhibit A.

Site Access. A resident expressed her opinion that the proposed preliminary subdivision should be rejected because the proposed access and street configuration is not consistent with the “Conceptual Street and Access Plan” included in the East Oaks PUD.

The subject site is proposed to be accessed from the east via a single point along Centerville Road which aligns with Anderson Lane. In contrast, the “Conceptual Street and Access Plan, illustrates three access points to the site along Centerville Road.

Staff acknowledges the differences between the “Conceptual Street and Access Plan” and the proposed preliminary subdivision design. It is, however, the opinion of Staff that a single access point along Centerville Road is preferable. One access point is sufficient to serve the 9 proposed residential lots. Reducing the number of access points to a development also typically results in benefits related to development impacts, safety and privacy to residents.

Ramsey County Engineering has also provided the opinion that the County will not be supportive of multiple accesses onto Centerville Road for a residential type of development that can be served by a single access point and local roadway network (see attached County correspondence Exhibit B).

Finally, it is worthwhile to note that the final plan application for the “Wilkinson Villas 1A” subdivision was approved in the spring of 2019, which provided for access to those residences in a manner different that illustrated on the Conceptual Street and Access Map. Additionally, as shown in the attached exhibit, streets have been constructed within various East Oaks development areas that differ from that shown within the Conceptual Street and Access map. The PDA provides that “street layout shall conform to the Performance Standards within the Development Guidelines, unless otherwise requested by the Developer and approved by the Council.”

Storm Pond. Question was raised related to maintenance responsibilities associated with the stormwater pond located in south half of proposed Lot 1. The referenced pond is proposed to be located within a “storm pond easement” such that area devoted to the pond will be under private ownership.

Responsibility for stormwater facility maintenance has been addressed on a case by case basis per development needs. It is Staff’s opinion that the responsibility of future stormwater facilities, including any required annual maintenance, shall be included as part of the development agreement. Development agreement language shall clearly state which portions of stormwater facilities are covered under drainage, utility and maintenance easements and what party is responsible for ongoing maintenance compliant with all local, state and federal requirements. Developer should be required to

enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.

Tree Preservation. At the Planning Commission's regular meeting on April 30, 2020, a Planning Commissioner suggested that the City adopt a tree preservation ordinance in a timely manner such that it's provisions may be applied to lots now under consideration as part of received subdivision applications.

While the preservation of trees is certainly consistent with City policy (related to the preservation of natural resources), it is Staff's opinion that the lack of such an ordinance at this time should not be considered a basis to delay or recommend denial of the preliminary plan (subdivision) application now under consideration.

Included in the Staff report dated April 15, 2020 is a cross reference to comments received from the City Forester. Such comments are attached to the referenced report as Exhibit L. As a condition of preliminary plan (subdivision) approval, it is recommended that the applicant, when practical, consider the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:

- A. Fell trees to be removed towards the centerline of the street to limit injury to saved trees.
- B. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- C. If grade changes are excessive retaining walls may be a viable option.
- D. Do not place fill around save trees.
- E. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- F. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- G. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- H. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.

- I. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
- J. Follow the oak wilt protocol included above.

NOHOA Comments. Included in the April 15, 2020 Planning Commission packet was a letter received from NOHOA (dated 4/7/20) which summarizes their comments on the proposed Anderson Woods preliminary plan (subdivision).

Within such letter, NOHOA has requested that a center island proposed within the cul-de-sac either be removed for snow removal and snow storage purposes or a planting plan be provided by the applicant which ensures snow storage capabilities. NOHOA has also indicated that the Association will not be responsible for landscape maintenance within the proposed subdivision, which includes any landscaping proposed within the cul-de-sac.

Lot 9 Configuration. A Planning Commissioner raised question regarding the configuration of proposed Lot 9 which is bordered by on the east by Centerville Road. Specifically, question was raised regarding the intent of narrow, southern one-third of the lot which is not considered buildable as a result of setback requirements.

It has been indicated by the applicant that the narrow area of Lot 9 will likely be left undisturbed and serve as a buffer of sorts between Centerville Road and the new homes located to the west. Recognizing that the City does not have a tree preservation ordinance, nothing would technically prohibit the future Lot 9 owner from removing existing vegetation within the narrowed portion on the lot.

To retain what is considered to be a subdivision amenity, Staff recommends that the applicant work with the City Forester and explore options to preserve trees located within the narrow, southern one-third of Lot 9. The applicant is agreeable to this condition.

PLANNING COMMISSION ACTION OPTIONS

Note: The following "Planning Commission Action Options" is a reiteration of material provided in the Staff report dated April 15, 2020. The material has been provided here for the Planning Commission's reference and convenience.

In consideration of the preliminary subdivision application, the Planning Commission has the following options:

A) Recommend approval, without conditions.

B) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.

- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements and previously approved East Oaks PDA and Master Development Plan provisions.

C) Recommend denial based on the applicant's submission, the contents of City Staff reports, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of the City Code or East Oaks PDA that are not being met by the preliminary plan (subdivision) proposal.

STAFF RECOMMENDATION

Based on the preceding review, it is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Therefore, Staff recommends of approval of the proposed Anderson Woods preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the following amended conditions (changes from the conditions listed in the April 15, 2020 planning report are highlighted):

1. The City Council determine that the proposed Centerville Road access location is acceptable.
2. The following minimum setbacks shall be satisfied:

PDA Requirements:

Principal Building to Roadway Easements:

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

Principal Building to Adjacent Principal Buildings:

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

Wetlands: 30 feet

Shoreland Management Requirements:

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet

3. Floor area ratios within the subdivision shall not exceed 20 percent (ratio of floor area of buildings to gross lot area).
4. Final trail plans be developed in concert with NOHOA Staff (as they will be responsible for acceptance and maintenance of the trails).
5. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.
 - F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.
6. The East Oaks PDA be formally amended to accomplish the following:
 - A. Document the approval of the Anderson Woods final plan (subdivision).
 - B. Update the remaining East Oaks PUD dwelling unit count.
7. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from intersections or vertical curves on Centerville Road.
8. Applicant shall contact the Fire Marshall to review and discuss the proposed site design to determine which side of the street should be identified as the fire lane.

9. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
10. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
11. "No parking" signs shall be placed on both sides of the street from the entrance at Centerville Road to proposed station 2+00; and also in the cul-de-sac area.
12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by VLAWMO.
13. The applicant'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 proposed cul-de-sac turn around area to verify there is adequate area for the turning movement, given the proposed diameter of the interior curbed island.
14. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
15. Details of cross-section and tie-in at Centerville road shall be included with final construction plans.
16. 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.
17. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
18. Final watermain construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
19. Individual Building Permit Application review shall include the following: 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
20. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas.

- A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans.
21. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.
 22. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
 23. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
 24. Riprap 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.
 25. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.
 26. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
 27. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
 28. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
 29. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
 30. Comply with applicable recommendations of the City Forester.
 31. A typical roadway cross-section and cul-de-sac cross-section shall be included as part of final construction plans.

32. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
33. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.
34. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO.
35. 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.
36. 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.
37. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
38. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
39. VLAWMO 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 and any LGU requirements for buffer protection.
40. Final construction plans shall indicate existing drainage patterns in Wet Basin #1 and detail proposed measures to be taken to preserve and/or enhance vegetation, wildlife and drainage patterns.
41. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
42. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
43. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS.

44. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
45. 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.
46. Ramsey County shall be contacted to confirm proposed roadway easement is sufficient or if the County would like Centerville Road Right-of-Way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
47. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
48. Consideration of any comments received from the Department of Natural Resources.
49. Consideration of any comments received from the Lake Johanna Fire Department.
50. **Where practical, the applicant shall consider the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:**
 - a. **Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.**
 - b. **Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.**
 - c. **If grade changes are excessive retaining walls may be a viable option.**
 - d. **Do not place fill around save trees.**
 - e. **If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.**

- f. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
 - g. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
 - h. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
 - i. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
 - j. Follow the oak wilt protocol included above.
51. The applicant shall work with the City Forester and explore options to preserve trees located within the narrow, southern one-third of Lot 9.

52. Comments of other City Staff.

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



Date: May 22, 2020

To: Kevin Kress
Larina Vosika DeWalt

From: Mark Houge

CC: Gary Eagles, NOC
Don Pereira, NOC
Phil Belfiori, VLAWMO

Re: East Oaks Development

North Oaks Company LLC (Company) has been developing sites in the East Oaks project area since 1999. Each time a site has been developed the Company has worked closely with the City of North Oaks and Vadnais Lake Area Water Management Organization (VLAWMO) to avoid impacting wetlands. In addition, the Company set aside approximately 900 acres as a permanent conservation area with significant wetlands.

If the City and VLAWMO agreed the best design solution would need to impact any wetland the Company always replaced or improved wetlands within the development site boundaries, in a quantity at least twice the area impacted. During the last 25 years the Company has created 7.32 acres of new or improved wetlands. The wetlands in each site have been enhanced and the result was more wetlands of higher quality than originally present within each site.

Project Site	Year Constructed	Wetland Impact (acre)	New Improved wetland (acre)
Wildflower Place	1999	0.300	0.740
Rapp Farm	2005 - 2017	0.594	2.500
East Wilkinson	2004 - 2016	0.075	0.150
Pines	1999	0.220	0.440
Ski Hill	2002	0.000	0.000
West Black Lake	2001 - 2016	0.000	0.000
Southeast Pines	2002	0.180	0.390
Subtotal		1.369	4.220

In addition to the improvement of wetlands noted above, the Company improved the wetland in Andersonville resulting in a new higher quality wetland 3.1 acres in size. The Company is currently collaborating with VLAWMO to create a long-term plan to improve storm water management in the Conservation area, in conjunction with development of Anderson Woods, Gate Hill, and Island Field. This work may include a meandering of existing ditches into a more natural flowing stream, which may result in also improving the water quality of Wilkinson Lake and restoring adjacent wetlands.

The Company has improved the wetlands in every development site to date, and intends to continue to work towards improving the water quality flowing through the Conservation area and into the lakes of North Oaks.

Larina Vosika DeWalt, PE, PMP (MN, WI)

From: Estochen, Bradley M <Bradley.Estochen@CO.RAMSEY.MN.US>
Sent: Friday, May 22, 2020 7:41 AM
To: Larina Vosika DeWalt, PE, PMP (MN, WI)
Subject: RE: Centerville Road Access - North Oaks

Hi Larina,

The developer did some early coordination with the county about our expectations for access related to this new development. Our suggestion to them was to align their access for the development up with other existing access in place along the corridor to create a traditional 4 leg intersection. Anderson Lane was the logical spot for that to occur and is reflected in their proposal.

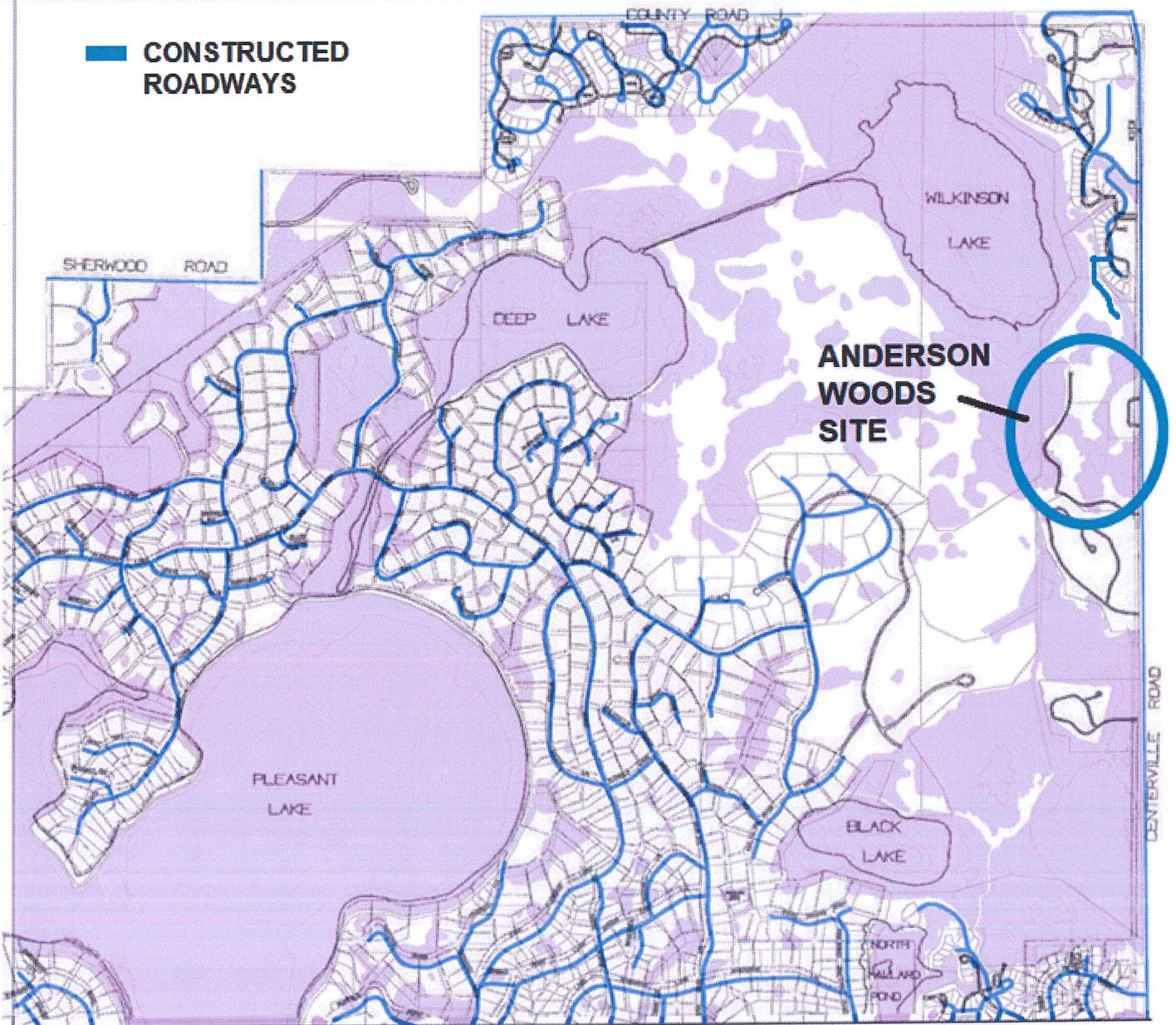
Regarding the PUD and conceptual street access the county would not be supportive of multiple accesses onto Centerville Road for a residential type of development that can be served by a single access point and local roadway network. There has been several studies and trials that have occurred over the past 20 years, since the PUD was developed, that indicate the benefit of managing access on higher roadway classifications such as county roads and trunk highways. The benefit is usually a safer and more efficient roadway operations, Ramsey county uses these studies as support to justify managing/limiting access onto our roadway when practical.

Please let me know if you have additional questions or if a phone call is needed to discuss further.

BE

ROADWAY COMPARISONS

East Oaks PDA vs. Actual



MAP SOURCES: CITY OF NORTH OAKS AND NOHOA

From: [Kevin Kress](#)
To: [Bob Kirmis](#); [Bridget McCauley Nason](#); [Larina Pmp](#)
Subject: Fwd: Fire truck access to Nord and Anderson Woods
Date: Friday, May 22, 2020 4:41:56 PM
Attachments: [image004.png](#)
[ATT00001.htm](#)
[image005.png](#)
[ATT00002.htm](#)
[image006.png](#)
[ATT00003.htm](#)
[image007.png](#)
[ATT00004.htm](#)
[image005.png](#)
[ATT00005.htm](#)
[image006.png](#)
[ATT00006.htm](#)
[SKM_C300i20051106430.pdf](#)
[ATT00007.htm](#)
[SKM_C300i20051106350.pdf](#)
[ATT00008.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Boehlke, Tim" <tboehlke@ljfd.org>
Date: May 22, 2020 at 4:01:52 PM CDT
To: Kevin Kress <KKress@cityofnorthoaks.com>
Subject: FW: Fire truck access to Nord and Anderson Woods

Caution: This email originated outside our organization; please use caution.

Kevin, for Nord and Anderson Woods are only comments are that we definitely prefer to not have islands in the cul de sac's since if an emergency vehicle is parked at the end it is nearly impossible for any vehicle to get past. This in not a requirement, but a strong request.

Obviously No parking would need to be allowed depending on roadway widths, I attached the codes for reference. Depending on the width, you may have to restrict parking on one or both sides of the road.

I hope this helps.
Thanks,
Tim

From: Rewald, Kris <krewald@ljfd.org>
Sent: Monday, May 11, 2020 7:48 AM
To: Sather, Matt <msather@ljfd.org>; Boehlke, Tim <tboehlke@ljfd.org>; Nordeen, Eric

116

<enordeen@ljfd.org>

Subject: RE: Fire truck access to Nord and Anderson Woods

I agree with Matt...if we could get them to eliminate the island.

I have attached information from the 2020 State Fire Code in regards to road widths, signage requirements, etc.

Preliminary Plan * Requirement	Source	
	Ordinance 93/ Chapter 152 (Subdivision Ordinance)	Ordinance 94/ Chapter 151 (Zoning Ordinance)
Address all of the standards and requirements of the Zoning Ordinance (94)(Chapter 151)		X
Address all of the standards and requirements of the Subdivision Ordinance (93) (Chapter 152)	X	
Address all of the standards and requirements of the PDA	X	
Proof that the preliminary plan is consistent with the approved Master Development Plan **		X
Proof that the preliminary plan is consistent with the PDA		X
Factors for Consideration When Reviewing Preliminary Plan		
Consistency with approved Master Development Plan		X
Consistency with Agreed Upon PDA		X
Impacts on existing and anticipated traffic		X
Parking (n/a)		X
Pedestrian and vehicular movements		X
Ingress and egress		X
Building location, height, and size (n/a)		X
Architectural and engineering features (n/a)		X
Landscaping		X
Lighting (n/a)		X
Provisions for utilities		X
Site grading and drainage		X
Green space		X
Loading and unloading areas (n/a)		X
Signage		X
Monuments		X
Screening		X
Lot coverage		X
Other related matters		X
Uses in conformity with underlying zoning district		X

<p>Compliance with additional PUD zoning standards:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Overall density is consistent with Comprehensive Plan <input type="checkbox"/> Overall density is consistent with the approved PDA, subject to any approved density transfer provisions <input type="checkbox"/> Compliance with any PDA-imposed performance standards (including performance standards found in amended Appendix 1 related to setbacks, etc.) <input type="checkbox"/> Complies with Gross Density requirements for RSM zoning District 		
<p>Preliminary plan is in conformance with the City’s Comprehensive Plan</p>	<p>x</p>	
<p>PDA Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Development Site will be developed in accord with the PUD controls*** <input type="checkbox"/> The Final Plan shall conform in material respects to the PDA, East Oaks Project master Development Plan, and Preliminary Plan. (5.3) 		

*=Preliminary Plan is defined in the Subdivision Ordinance as follows:

Preliminary Plan: A map or drawing at a scale of 100 feet to an inch delineating showing correctly the boundaries of the subdivision; boundaries, layout and size to the nearest tenth of an acre of the lots therein; streets, parks, playgrounds, and other such land locations; north point and scale; existing topographical features, including contours and other physical aspects such as drainageways, wetlands, and tree areas, and the proposed changes to such features. Also included shall be a separate map of the City showing the location of the proposed subdivision within the City. (Ord. 93, Sec. 5.21/152.005)

**=The Master Development Plan is defined in City Code Section 151.005 as follows: “Plans as required in § 151.056(B)(1)(a).” the “East Oaks Project Master Development Plan” is defined in the PDA as “all those plans, drawings, and surveys identified on the attached Exhibit B, and hereby incorporated by reference and made a part of and including this Planned Development Agreement.”

***= “PUD Controls” are defined as the PDA, the PUD Ordinance, East Oaks Project Master Development Plan, Final Plan, Subdivision Ordinance, and Zoning Ordinance.

Note: Per Section 5.1 of the PDA, “the procedure and substance, including financial assurance, of approval for each Development Site shall be subject to compliance with this Planned Development Agreement, the Subdivision Ordinance, the Zoning Ordinance, and the Development Contract for the Development Site.”



800 County Road E East, Vadnais Heights, MN 55127
www.vlawmo.org

TO: Kevin Kress
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: February 11, 2020
SUBJECT: Comments – Preliminary Plans **Anderson Woods** & Nord Development Site C– North Oaks

Kevin,

Below are our comments to the Preliminary Plans for **Anderson Woods** & Nord Development Site C Submittal received 2-7-2020.

- No issues at this time for the Nord Development Site C preliminary plans. Will need stormwater/hydro plans and a Minnesota Routine Assessment Method (MnRAM) report for the wetlands on site for formal application review.
- No issues at this time for the Anderson Woods site preliminary plans. Will need stormwater/hydro plans and a replacement plan application for wetland impact on site for formal application review.

VLAWMO will provide detailed comments once formal applications are received for these two projects.

Thank you,

Brian Corcoran

Cc: Gary Eagles – North Oaks Company

Forestry Assessment for Anderson Woods and Nord

RE: Planning Commission request to determine significant and heritage tree impacts in “civil” work areas (streets, trails, storm ponds, etc.) and to provide the information to City Staff prior to the public hearing.

The City does not have a definition of what constitutes a “Significant” tree nor a “Heritage” (aka Specimen) tree in its ordinances. Also, the City does not have a tree preservation policy in place. After reviewing numerous tree preservation policies throughout the Twin Cities, some examples of the most common definitions, and the City from which it came, are included below:

Significant Tree (Lake Elmo). “A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.”

Significant Tree (Apple Valley). “Any healthy deciduous tree measuring eight inches or greater in diameter, or any coniferous tree measuring six inches or greater in diameter, at four and one-half feet above grade.”

Specimen/Heritage Tree (Eagan). “A healthy tree measuring equal to or greater than thirty (30) inches in diameter breast height.”

Specimen tree (Maplewood) “a tree of any species that is 28 inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.”

*It is also common practice to not include multiple stemmed trees as heritage trees even if the cumulative diameter of all the stems meets the heritage tree definition for diameter requirements. For instance, a five-stemmed tree with 6” trunks would not be defined as a heritage tree.

**Some communities also use the term heritage stand as defined below.

Specimen Tree or Stand (Shorewood): Any tree or grouping of trees which has been determined to be of a high value by the Zoning Administrator because of its species, size, age, or other professional criteria.

In general, these definitions are similar in nature and intent and can be used going forward.

Anderson Woods

Southern Hill and Old Nursery

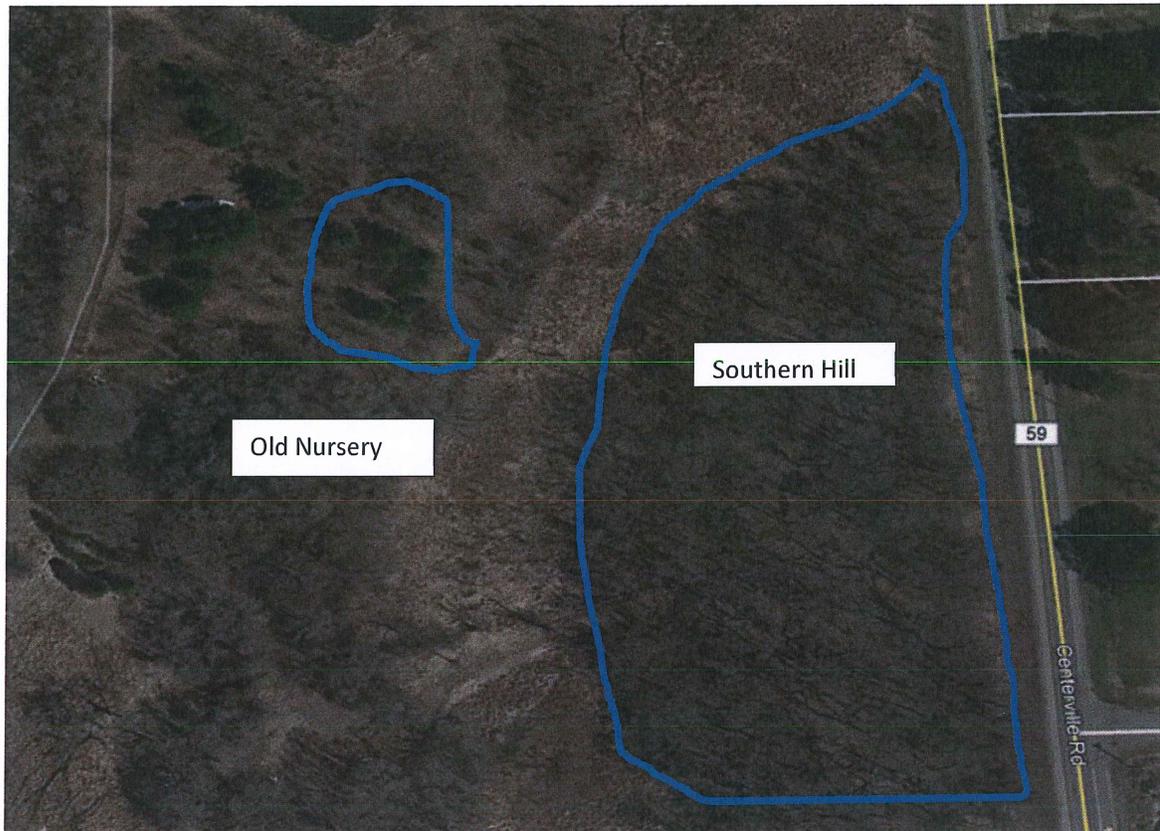


Figure 1 Anderson Woods Aerial with Southern Hill and Old Nursery defined

Southern Hill

The Southern Hill at Anderson Woods is comprised mostly of oak species. A tree inventory was conducted within the last few years based on visible tags on the trees. A map of the tree inventory is included as Appendix A. There are 293 trees on site. Tree species as well as diameter are included on the map. Since the site is on a mound some leveling of the hill will have to occur. Also, as the road turns toward the west the construction limits need to be extended to compensate for the change of grade. Based on the tree inventory, oaks comprise 71% of the trees on site. Within that 71%, red oaks contribute 38%, bur oaks 46%, and white oaks 16%. The remaining 29% of tree species on site include cherry, and ash. The understory is 99% buckthorn.

Based on the map provided (Appendix A), anticipated removals due to the construction of the sedimentation pond will include 18 oak trees and two ash trees, the oaks averaging 16" in diameter.

The construction of the street will result in the removal of approximately 83 trees. The breakdown of removed species is similar to the breakdown of total species on site. Total oaks removed will be near 73,

with ash and cherry species nearing 10 total trees. The largest diameter tree scheduled for removal is a 30" Green ash and the average diameter of removed trees is near 16".

A total of perhaps three trees will need to be removed for the installation of the trail.

A table of anticipated removals is included below. One hundred six trees out of two hundred and ninety-three trees is scheduled for removal, or 36%.

Tree Removal Totals for Anderson Woods Southern Hill

	Oaks	Other (ash, cherry)
Pond	18	2
Street	73	10
Trails	2	1
Totals	93	13

Old Nursery

The Old Nursery is located across the wetland from Southern Hill. Trees within the construction limits have been removed from the site. At one point this was one of many nurseries established on North Oaks Company property. Throughout the year's trees were pulled from these nurseries to be planted in areas that needed tree cover. Based on aerial photos from Google Earth and conversations with North Oaks Company, approximately 10-20 White pine and perhaps another 20-40 small diameter lilac trees were removed, and silt fence was installed. The trees that were removed were not suitable for transplanting as they were either too large or had poor form due to growing too close to neighboring trees. They were most likely planted in the early 1990's. They were removed during the construction of Vista Hills to the north. A map of the construction limits is included as Appendix B.



Figure 2 Clearing at Old Nursery facing east

Estimated Species Make-up of Trees Removed at Old Nursery

	White Pine (average)
Cul-de-sac	15

Based on the information provided there were four trees that could be considered Heritage trees using the definitions provided above. Two are planned to be removed, and two are planned to be saved. The forest consists of semi-mature oak on the south and wetland associated species such as aspen to the west. Trees near construction limits will have to be individually assessed to first see if they are worthy of preservation, and secondly, to determine impacts. Usually trees that have impacts from construction to just one side of the tree remain fairly healthy because of the non-disturbance to the other side of the tree. Depending on how close and how intrusive the disturbance some trees may show signs of die-back in following years.



Figure 3 Southern Hill view looking north from Center Line

Total Anticipated Tree Removals at Anderson Woods

	Oak	Other
Southern Hill	93	13
Old Nursery	0	15
Total	93	28

Nord

A tree inventory was not undertaken at this site by North Oaks Company. A tally of trees on site demonstrated that oaks are the pre-dominant species. On the western edge of the site, just off Sherwood Road, ash trees are also well represented and make up the dominant species for the first 500 feet of the proposed street development. Aspen are also well represented to the south of the proposed street as they are associated with wetland edges and wetter sites. After crossing over a few small gullies, the species change from ash/aspen into an oak component. White oaks (bur and white oaks) make up approximately 70% of the oak tree species and Red oaks make up about 30%. A few other species such as hackberry, elm, birch, and boxelder are responsible for a very small percent of the overall tree population in this area. The understory is comprised of about 95% buckthorn and some smaller tree species.

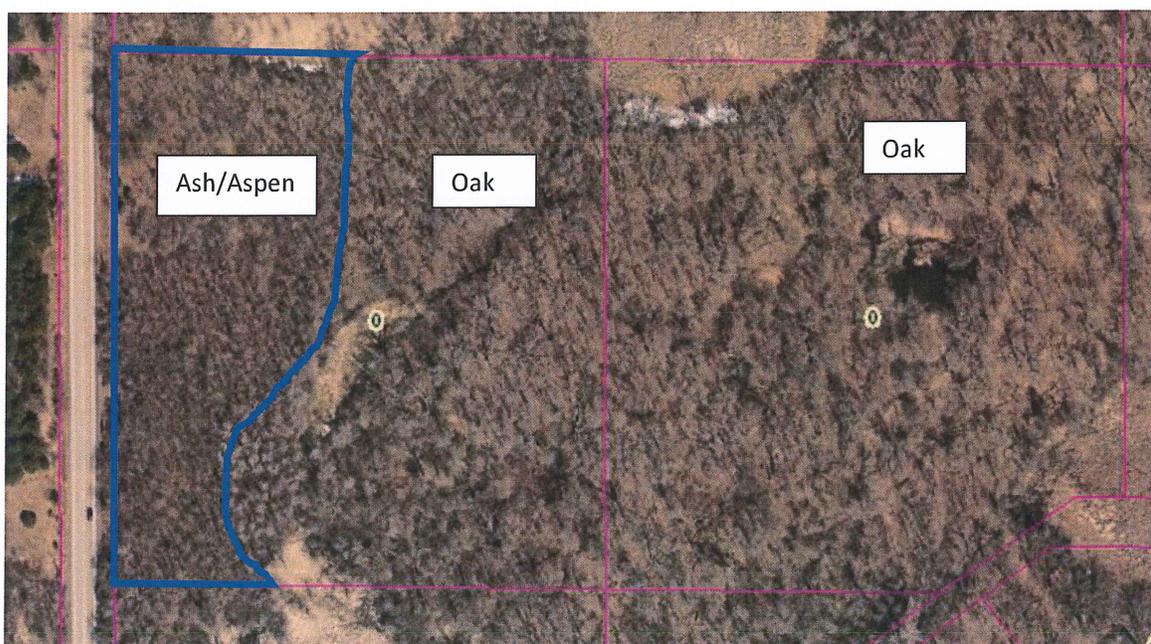


Figure 4 Tree Species Locations at Nord

The construction of the street, pond, and trail will result in the removal of approximately 216 trees (Appendix C). The breakdown of removed species is similar to the breakdown of species throughout the site. Total oaks removed will be around 95 (26 Red oaks and 69 White oaks), 65 aspen, 49 ash trees, and 7 cherry trees. The largest diameter tree within construction limits is a 30+” Red oak and the average oak tree diameter is near 20”. The Red oak should not be considered a heritage tree as it appeared to have die-back associated with decay. In general, the oak trees were slightly larger than at Anderson Woods. Ash trees on site average approximately 12”. A table of anticipated removals is included below.

Approximate Tree Removal Totals for Nord

	Oaks	Ash	Aspen	Cherry
Pond	6	4	8	0
Street	87	39	56	7
Trails	2	6	1	0
Totals	95	49	65	7

The area is a nice forest of semi-mature oak to the east and an ash/aspen component to the west. The developer does have some discretion with regards to road placement and therefore, tree preservation. If there are some nice trees that could be preserved efforts will be made to nudge the street a few feet in one direction or another. Trees near construction limits will have to be individually assessed to first see if they are worthy of preservation and secondly, to determine impacts. Usually trees that have impacts from construction to just one side of the tree remain fairly healthy because of the non-disturbance to the other side of the tree. Depending on how close and how intrusive the disturbance some trees may show signs of die-back in the future.

The area of the development proposed to go off North Deep Lake Road is devoid of trees (Appendix D). There is a cluster of willow trees near the gate adjacent to North Deep Lake Road which would most likely have to be removed but no other tree removals are anticipated based on submitted plans.

Oak Wilt

We are now in the high-risk period for Oak wilt and this will most likely continue until the beginning of July. The University of Minnesota has scientists who determine when it is OK to cut oaks again and that can be monitored. It is imperative that save trees are not wounded during this time frame. If construction needs to take place within this timeframe precautions should be put in place. There do not appear to be any active oak wilt infection centers in the proposed development areas.

While working on a pipeline project several years ago outside of North Oaks, Kunde Company (previous contracted City Forester), was contracted to paint all oak stumps on site immediately after removal and also any time they were re-wounded but before the stumps could be removed (popped). Arborists were stationed with each tree removal work crew and would have paint on hand to re-paint tree stumps as construction equipment maneuvered their way along the corridor. This will almost guarantee that oak wilt will not start in this area and a recent review of aerial photographs seems to back up that claim. Even exposed stumps that are not immediately removed, and not immediately painted, can contribute to oak wilt appearing in neighboring save trees later in the growing season. Oak trees graft roots and if a stump were to become "infected", it can pass the oak wilt fungus into healthy save trees nearby.

Also, it is recommended to have a long extension pole on site (or a climber) with a brush roller and paint to apply to save trees that may have had a limb accidentally broken off or a wound to a trunk higher up. Applying wound dressing (paint) to a wound immediately after it occurs will almost guarantee that the tree will not get oak wilt. There is existing research which validates this. These measures are a small step that can be taken to keep the forest disease free and preserve a significant oak resource enhancing property values and the potential sale of the parcels.

If the tree removal work takes place after the beginning of July the risk becomes much lower, but it is still a risk and the same precautions could be put into place. The best time to work on oak trees is in the winter.

Emerald Ash Borer

No signs of Emerald Ash Borer (EAB) were visible on the ash trees at Nord or Anderson Woods. It is my opinion that the ash trees on proposed parcels should stay and should not be removed proactively ahead of development. While this may save a few future homeowners of countless ash tree removals their removal would also cause a dramatic shift in the visual appeal and function of the site. The benefits gained from leaving the trees and having them continue to provide habitat, absorb water, clean air and water, keep down dust, add privacy, reduce noise and glare, etc., outweigh the impacts of proactive removal. Its possible these trees will remain viable for many years before they potentially succumb to EAB. At that point the homeowner will have decide the proper course of action.

Recommendations to Preserve Save Trees on Site

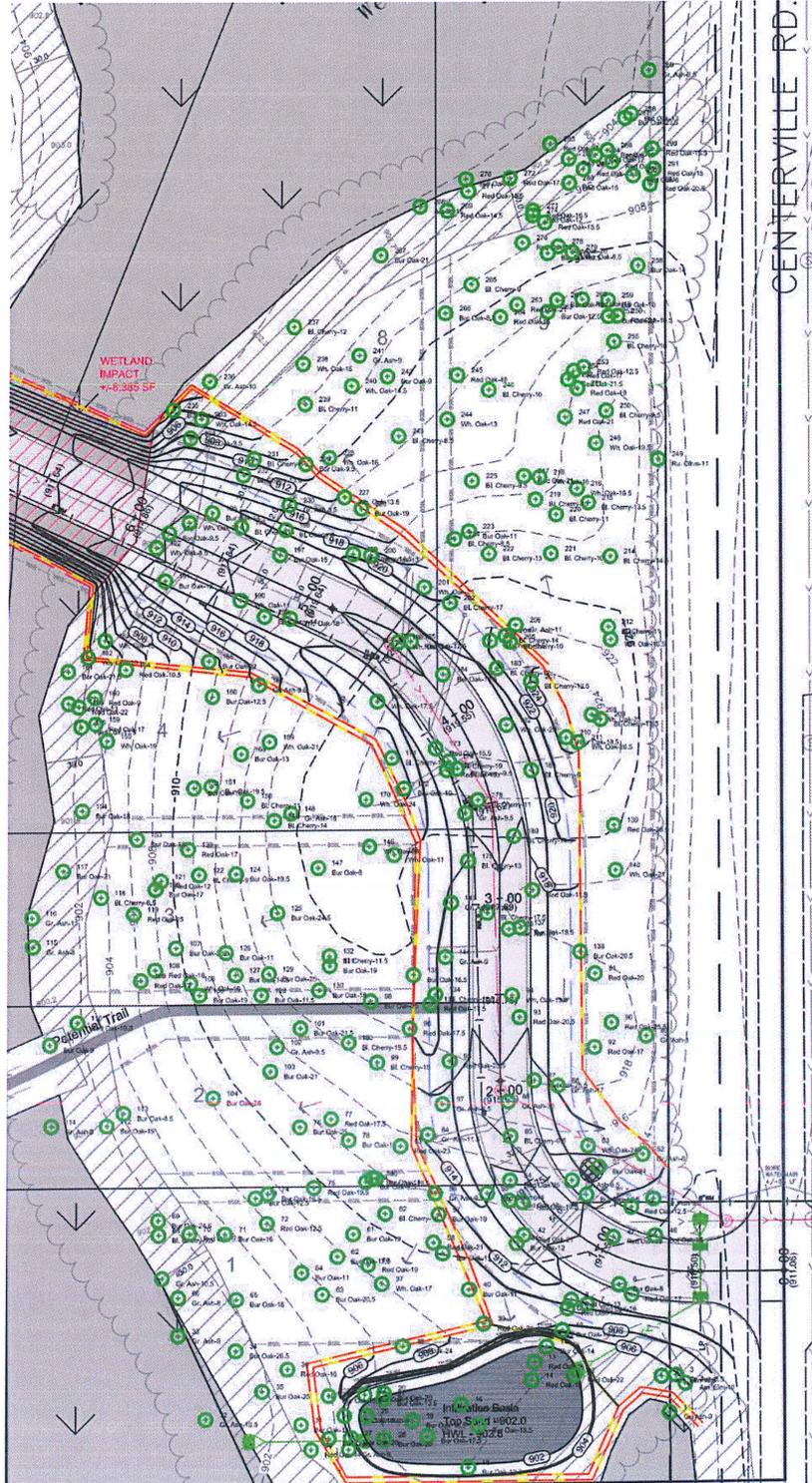
- Fell all remove tree towards the Center Line to limit injuring to save trees.
- Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- If grade changes are excessive retaining walls may be a viable option.
- Do not place fill around save trees.
- If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- Brushing of understory material outside of construction limits may be an option since it is 99% buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90% of the tree's roots are within the top one foot of soil.
- Follow the oak wilt protocol included above.

Mark Rehder

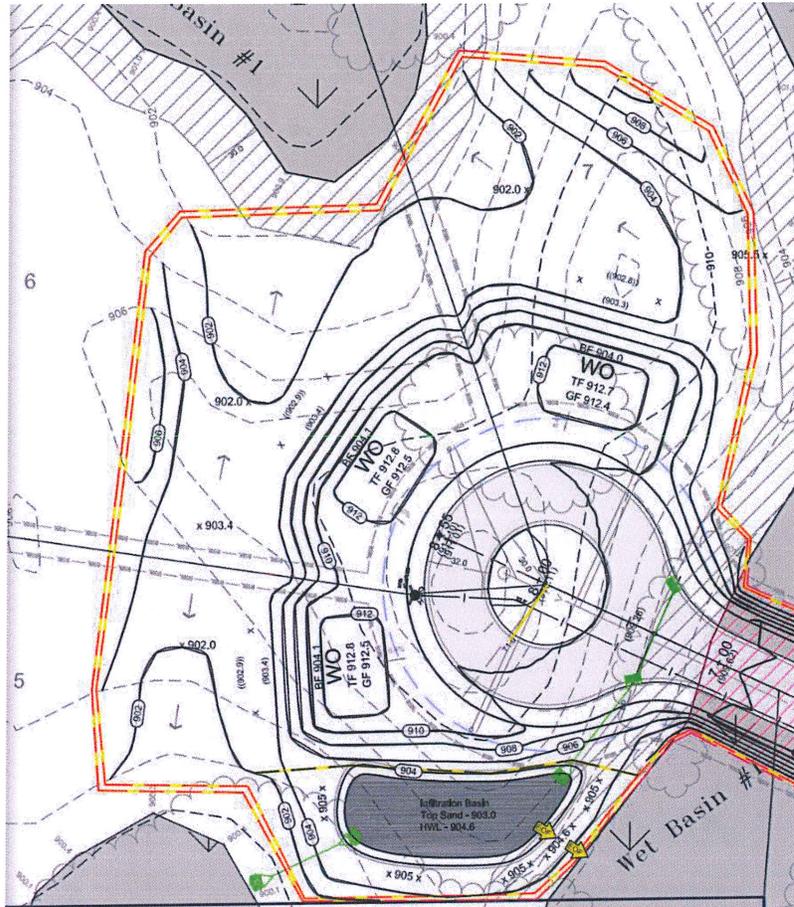
North Oaks Contracted City Forester



Appendix A



Appendix B





NORTH OAKS
HOME OWNERS' ASSOCIATION

April 7, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Anderson Woods Preliminary Plans

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans submitted by the North Oaks Company for the Anderson Woods development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and suggested plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. A center island is indicated on the plans within the cul-de-sac. For plowing purposes it is requested that this island be removed or a planting plan provided to ensure snow storage capabilities. NOHOA will not be completing any landscape maintenance in this development.
2. Trail maintenance and construction fall under the purview of NOHOA. As such the following is requested:
 - a. Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of impacts.
 - b. Trail construction details should be provided to NOHOA for review and comment. These details should include any necessary boardwalk and culvert installation locations.
 - c. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
 - d. Elevations should be provided of the existing culvert noted under the existing farm road to verify that the trail will remain dry during rain events.

• NATURE • HERITAGE • COMMUNITY •

- e. Details on how Wet Basin #3 drains should be provided to ensure any outflow will not over top the trail.
3. NOHOA prefers the road concept as shown in the preliminary plan as it will create less impervious surface, be less maintenance for NOHOA, and protect the private nature of the community.
4. NOHOA's willingness to accept the revised road plan as proposed by the North Oaks Company does not waive NOHOA's right to require compliance with the terms of the 1999 PDA as to all future developments.
5. To allow for appropriate future road maintenance, NOHOA requests that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design. The roadway as proposed crosses a wetland and a soil boring should be taken in this area and the geotechnical report should provide specific design and construction requirements.
6. Plan and profile information for the road should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
7. The road side slopes at the wetland crossing are indicated as 1:1 slopes on either side with approximately 12 to 14-feet of fill on the high side. A minimum slope of 3:1 is required for future maintenance.
8. Copies of the stormwater plans, drainage calculations and a wetland replacement plan are requested. Approval from VLAWMO will be required for the improvements prior to acceptance. NOHOA reserves the right to comment on plans as they are revised to avoid wetland impacts.
9. Two infiltration basins are noted for stormwater practices to meet water quality and rate control as a result of stormwater runoff from the road. As this infrastructure relates to the road that NOHOA will maintain we request soil boring information be provided at each infiltration practice. Documentation is also requested that indicates that there is three feet of separation from the bottom of the infiltration practice to the groundwater level. A geotechnical report should be provided that documents the infiltration rate of the soils at each location. Stormwater runoff will be required to infiltrate within 48 hours. If infiltration is allowed in this location pretreatment should be provided prior to the storm sewer discharging to the basins for ease of future maintenance. This pretreatment should be in the form of a forebay and sump structure with a Safl baffle at the storm sewer structure just upstream of the discharge point. A 10-foot bench should be graded around the basin for maintenance access.

Mr. Greg Nelson, Mayor
April 7, 2020

10. The maximum wall height that the Association will accept is 4-feet in height. A wall is currently being shown that is 5-feet in height in the vicinity of the pond. This should be revised. In addition, drainage from above the wall should be routed around the wall instead of over the top.
11. Documentation should be provided as to approval by Ramsey County of the road access.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on February 27th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Anderson Woods site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Anderson Woods development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA prior to being recorded.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Thank you,

(Signed copy on file)

Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors

PLANNING REPORT

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: April 15, 2020

RE: North Oaks - East Oaks Planned Unit Development
Anderson Woods Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.02

Date Application Determined Complete:	February 24, 2020
Planning Commission Meeting Date:	April 15, 2020
City Council Meeting Date:	TBD
120-day Review Date:	June 23, 2020

BACKGROUND

In December of 2019, the North Oaks Company (hereinafter “North Oaks Company,” “NOC,” or “Applicant”) submitted a concept plan for the subdivision of real property located within the East Oaks Development Area and commonly referred to as Site F or the Anderson Woods Parcel. The concept plan depicted the subdivision of the Anderson Woods Parcel into nine new residential lots. At the January 30, 2020 meeting of the North Oaks Planning Commission (the “Planning Commission”), the Planning Commission provided informal feedback to the North Oaks Company regarding the concept plan submittal for the Anderson Woods Parcel located south of the recently approved Wilkinson Villas (1A) subdivision along Centerville Road.

In February of 2020, the North Oaks Company submitted a formal application for preliminary plan/preliminary plat/subdivision approval for the Anderson Woods Parcel. At this time, the North Oaks Company is seeking approval for its application for preliminary plan/preliminary plat (subdivision) approval of the Anderson Woods Parcel.

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

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

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

Attached for reference:

- Exhibit A: Site Location
- Exhibit B: Applicant Narrative
- Exhibit C: Project Summary
- Exhibit D: Concept Plan Feedback Summary (CC memo dated 2/13/20)
- Exhibit E: Existing Conditions
- Exhibit F: Preliminary Plan (Subdivision)
- Exhibit G: Preliminary Plat / Easement Plan
- Exhibit H: Preliminary Grading Plan
- Exhibit I: Preliminary Utility Plan
- Exhibit J: Preliminary Landscape / Sign Plan
- Exhibit K: VLAWMO Comments
- Exhibit L: City Forester Comments

ISSUES AND ANALYSIS

In review of the preliminary plan (subdivision), the following planning and engineering comments are offered:

PLANNING COMMENTS (Bob Kirmis)

Concept Plan Review. At the January 30, 2020 meeting of the Planning Commission, the Planning Commission provided informal feedback to the North Oaks Company regarding a concept plan submittal for the “Anderson Woods” parcel. The intent of the concept plan review process was to provide informal feedback on various aspects of the plan which may be considered by the applicant as part of the plan refinement process. To be noted is that feedback which was provided on the concept plan is considered advisory and non-binding.

A summary of concept plan feedback provided by the Planning Commission is provided in the attached City Council memorandum dated February 13, 2020 (Exhibit D).

Scope of Preliminary Plan (Subdivision) Review. The intent of the of the preliminary plan/preliminary plat (subdivision) review is two-fold. In this regard, the following determinations should be made by City Officials.

Consistency with the East Oaks PDA

The preliminary plan/preliminary plat must be consistent with the approved master development plan and the East Oaks PDA, and likewise comply with all other applicable zoning ordinance and subdivision regulations. Section 2.1 of the East Oaks PDA lists the following as some of the purposes of the PDA:

- A. Modify the existing Zoning Ordinance and other City standards in order to provide for greater creativity and flexibility in environmental design that is provided for under the strict application of the existing Zoning Ordinance and standards while at the same time preserving the health, safety, order, convenience, prosperity, and general welfare of the City and its inhabitants.*
- B. Encourage the preservation and enhancement of desirable site characteristics and significant wildlife habitat, both terrestrial and aquatic.*
- C. Encourage a more creative and efficient use of the land.*
- D. Encourage a development pattern in harmony with the City's objectives for land use, overall residential density, environmental protection, habitat conservation, active and passive recreation, and diversity of residential and commercial opportunities to meet the changing needs associated with new demographic trends and a gradually aging population.*

As noted above, the preliminary plan/preliminary plat is required to be consistent with the approved master development plan and the East Oaks PDA, and Section 2.2 of the PDA further provides that preliminary plans “consistent with [the] PDA shall be approved by the Council.”

Compliance with regulations used to implement the East Oaks PDA

The preliminary plan/preliminary plat must also comply with the various development regulations imposed by the City’s Zoning Ordinance, Subdivision Ordinance and where applicable other City Code provisions.

If the Planning Commission is inclined to direct subdivision design changes which are not specifically required by the PDA or applicable ordinances, it is important to establish a justifiable basis to for such changes and to seek the agreement of the applicant to make such changes. In this regard, tangible findings should be established. State statutes provide that “a municipality must approve a preliminary plat that meets the applicable standards and criteria contained in the municipality's zoning and subdivision regulations unless the municipality adopts written findings based on a record from the public proceedings why the application shall not be approved.” Minn. Stat. § 462.358, subd. 3b.

Effect of Preliminary Plan (Subdivision) Approval. In consideration of the preliminary plan (subdivision) application, the Planning Commission should keep in mind that approval of the preliminary plat/preliminary plat, with or without conditions, essentially represents approval the final subdivision design. State statutes provide that “following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance.” Minn. Stat. § 462.358, subd. 3b. While City Council consideration of a final plan/final plat will follow, it should be recognized as an implementation step following approval of a preliminary plan/preliminary plat.

Planned Development Agreement (PDA). The use and intensity of development upon the subject site is governed the East Oaks PDA. The PDA is basically considered a “zoning contract” which supersedes the strict requirements of the City’s Zoning and Subdivision Ordinances.

According to the PDA, a total of 10 single family residential lots are allowed upon the subject site (Site F) with a potential 30 percent density bonus. In this regard, a maximum of 13 lots are allowed. To be noted is that the recently approved Wilkinson Villas (1A) subdivision, which occupies the northern one-half of the subject site, included four lots. Thus, nine units remain available for development on the southern one-half of the site.

The preliminary plan/preliminary plat illustrates a total of 9 new lots which will result in 13 total lots upon Site F. Thus, the proposed preliminary plan (subdivision is consistent with PDA requirements (specifically Exhibit B1 which directs future land use types and intensity).

The East Oaks PDA calls for a total of 645 dwelling units within the East Oaks Development area. It has been determined by approval of Resolution Number 1378 by majority vote of the City Council that a total of 174 dwelling units remain (additional units are however, allowed via the conversion of 5.73 remaining commercial acres to residential units). If the Anderson Woods subdivision is approved, 165 dwelling units

would remain within the East Oaks Development Area (not counting potential commercial acreage conversions).

Comprehensive Plan. Land within the “Anderson Woods” Parcel” is guided for “Mixed Residential” use by the City’s existing 2030 and draft 2040 Comprehensive Plans (Land Use Plans). Such land use category allows for a variety of housing types including detached single-family housing such as that which is proposed.

The Comprehensive Plan notes that uses within the “Mixed Residential” land use category are encouraged to place an emphasis on the preservation and protection of the natural environment.

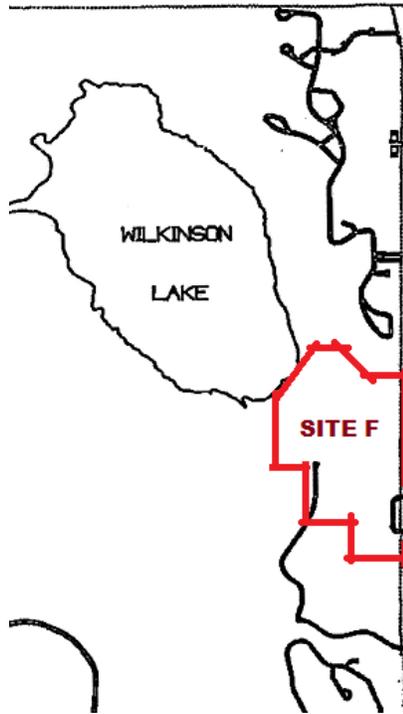
The Plan further notes that “Mixed Residential” sites must provide access to the primary trail system.

Zoning. The “Anderson Woods” site is zoned RMH - PUD, Residential Multiple Family High Density PUD, which makes an allowance for single family residential uses.

The northwest corner of the site lies within the Shoreland Management District of Wilkinson Lake, a designated “natural development” lake. Specifically, proposed Lots 5 through 9 lie within the District.

Site Access. The subject site is proposed to be accessed from the east via a single point along Centerville Road which aligns with Anderson Lane. The proposed access location is the same as that depicted upon the previously reviewed concept plan.

As noted as part of concept plan review, the “Conceptual Street and Access Plan”, Exhibit B-2 of the East Oaks PDA, illustrates three access points to the site along Centerville Road. As shown in the diagram below, the Conceptual Street and Access Plan illustrates two access points directly east of the site and one further to the south.



From a traffic management standpoint, Staff believes that a single point of access is preferable, and that multiple access points are not warranted for the number of lots which are proposed.

While Staff believes the Centerville Road access location illustrated on the preliminary plan (subdivision) is consistent with the purpose and intent of the PDA, a final determination of acceptability should be made by the City Council.

According to the developer, Ramsey County representatives have indicated that no turn lanes or other improvements will be required to Centerville Road to accommodate traffic generated by the subdivision.

Lots

Configuration. The arrangement of lots illustrated on the preliminary plan (subdivision) is identical to that illustrated upon the previously reviewed concept plan. All nine lots are to be accessed from a cul-de-sac which extends eastward from the intersection of Centerville Road and Anderson Lane.

Lot Area. As indicated in the provided Project Summary (Exhibit C), lots within the subdivision range in size from 0.54 acres (23,321 square feet) to 6.89 acres. Subtracting land devoted to roadway and wetlands, adjusted lot areas range from 0.46 acres (20,164 square) feet to 5.1 acres.

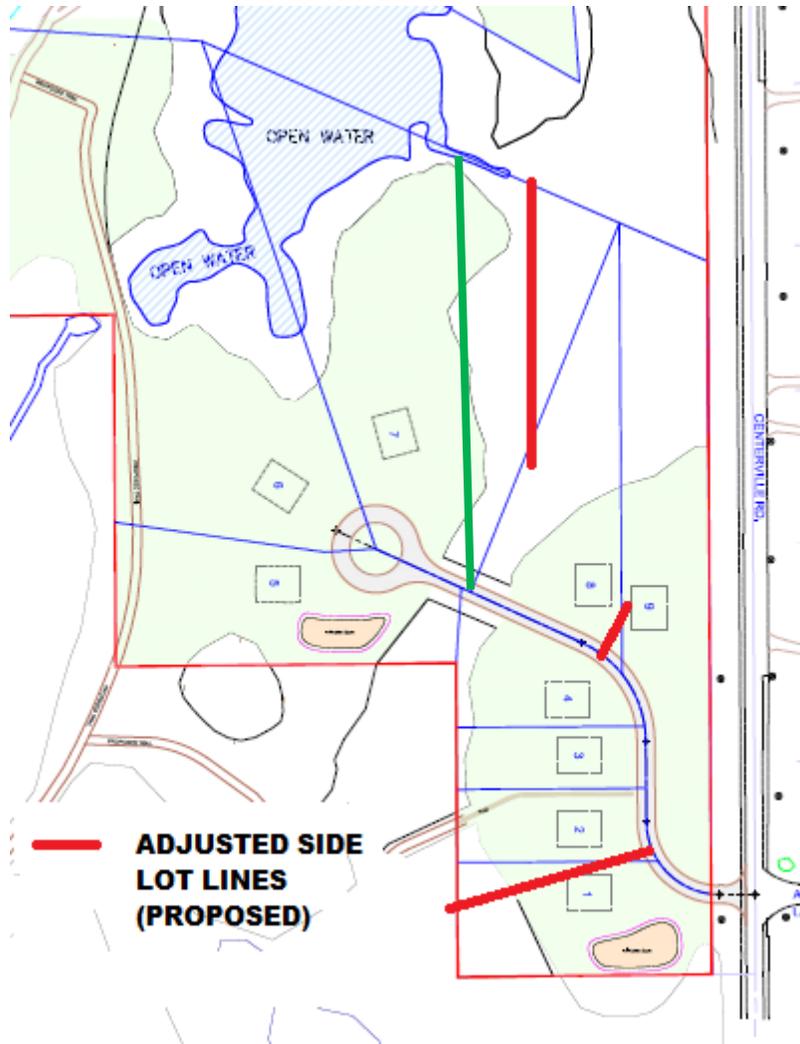
While the RMH - PUD zoning district does not impose a minimum lot area requirement, lots located within the Shoreland Management District of Wilkinson Lake must exhibit lot areas not less than 43,560 square feet (one acre) in size. Appropriately, Lots 5 through 9 exceed the minimum one-acre lot area requirement imposed in the Shoreland District.

Also, to be noted is that Section 151.056.E of the Zoning Ordinance stipulates that within RMH - PUD Districts, a minimum of 0.25 gross acres (10,890 square feet) of land is required per dwelling unit. This requirement has been satisfied.

Lot Width. The RMH District does not impose a minimum lot width requirement.

The Shoreland Management District provisions do, however, impose a minimum lot width requirement of 150 feet (measured at the midpoint of the building line). Lots 5 through 9, which lie within the Shoreland Management District, all exceed 150 feet in width.

Side Lot Lines. As part of previous concept plan review, Staff suggested that consideration be given to adjusting side lot lines such that they are substantially perpendicular to streets and radial to curved streets (as a means of avoiding future property line disputes and maximizing usable yard space). Specifically, it was suggested that side lot lines be adjusted in a manner similar to that illustrated below:



No changes have been made to side lot lines on the submitted preliminary plan (subdivision). In this regard, proposed lot configurations are identical to those depicted on the previously considered concept plan.

Recognizing that no Subdivision Ordinance design standards exist related to the configuration of side lot lines, a legal basis to require changes (as suggested as part of concept plan review) does not appear to exist.

Setbacks. The following minimum setbacks apply to principal structures upon the subject site:

PDA Requirements:

Principal Building to Roadway Easements:

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

Principal Building to Adjacent Principal Buildings:

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

Wetlands: 30 feet

Shoreland Management Requirements:

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet

The submitted easement plan demonstrates an ability for principal structures to meet the aforementioned setback requirements.

Floor Area Ratio. The PDA imposes a maximum floor area ratio of 20 percent upon Site F (ratio of floor area of buildings to gross lot area). It is recommended that this floor area ratio requirement be imposed as a condition of preliminary plan (subdivision) approval.

Park Dedication. The proposed preliminary plan (subdivision) does not include any parkland dedication. Park dedication requirements for the development sites located within the East Oaks Development area were previously satisfied by the developer via the following:

1. Open space easements
2. Conservation easements to the Minnesota Land Trust
3. Rough grading of park and trail areas and the construction of trails as depicted on the trail plan
4. Primary trail easements to NOHOA
5. Conveyance of open space as depicted on the Park and Open Space Plan to NOHOA

Trails. Appropriately, the preliminary plan (subdivision) illustrates a link to the existing trail system to the west. Specifically, a trail connection is proposed between Lots 2 and 3.

As noted as part of the previous concept plan review, Staff recommends that proposed trail locations reflect received North Oaks Home Owners Association (NOHOA) input and be mutually agreed upon by the developer and NOHOA. The final trail plans should be

developed in concert with NOHOA Staff (as they will be responsible for acceptance and maintenance of the trails).

Tree Preservation. While both the City's Comprehensive Plan and the East Oaks PDA clearly highlight the preservation of natural resources as a primary community objective, City ordinances do not impose specific tree preservation requirements on new residential subdivisions.

As part of concept plan review for the Anderson Woods site, the Planning Commission expressed a desire to ensure the preservation of significant trees. Specifically, it was suggested that the City Forester review the received development plans, conduct an in-person inspection of the site and provide a report to the Planning Commission.

In response, the applicant expressed an intent to work with the City Forester regarding potential impacts in areas of the subject site where initial grading activities are anticipated (primarily the proposed roadway corridor). The City Forester's comments are attached hereto as Exhibit L.

Signage. Included with the preliminary plan (subdivision) application materials is a preliminary entrance monument sign plan (attached as Exhibit J). According to the PDA, monuments to identify development sites are permitted if they conform to the following standards:

1. *Not exceed 8 feet in height as measured from the finished grade.*
2. *Not extend into adjacent road easement.*
3. *Not obstruct the view of oncoming traffic.*
4. *Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.*
5. *No exposed neon lighting on sign.*
6. *Designed to be compatible with adjacent building architecture.*
7. *The sign face shall not exceed 80 square feet for each side of the sign.*

The PDA also indicates that, notwithstanding the foregoing standards, deviations from the standards regarding the final location of a monument may be approved by the City.

While the proposed monument sign appears to meet the preceding PDA requirements, additional detail (sign and setback dimensions) is necessary to make a final determination. As a condition of final subdivision approval, it is recommended that the proposed monument sign meet the preceding PDA requirements.

ENGINEERING COMMENTS (Larina DeWalt)

Engineering comments below are based on a cursory review of preliminary plans. A comprehensive plan review will be completed with final construction plans.

Street System

1. The proposed street design will adhere to City standards provided comments herein are addressed with the final construction plans.
2. The preliminary plan identifies a 32-foot wide bituminous paved street with curb and gutter. A cul-de-sac with a curbed landscape island is proposed at the end of the street. The following comments are offered related to the proposed street system:
 - a. Verification from Ramsey County confirming location of proposed street access should be provided with final construction plans.
 - b. The Lake Johanna fire department has previously indicated that streets which are 32-feet-wide or less need to be posted “No Parking Fire Lane” on one side of the road. Staff recommends that the applicant contact the Fire Marshall to review and discuss the proposed site design to determine which side of the street should be identified as the fire lane.
 - c. The applicant’s engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
 - d. Proposed bituminous shall be placed in two lifts. The final lift shall be placed one construction season after the utilities have been installed within the street limits.
 - e. A Traffic Impact Memorandum, prepared by Westwood, has been submitted and identifies potential impacts associated with the nine proposed residential lots shown in the Anderson Woods Concept plan. According to industry standard Trip Generation calculations and preliminary discussions with Ramsey County Engineering, it appears that the county volume guideline for warranting turn lanes along Centerville Road, or signalization at the intersection will not be exceeded. It is assumed that only a side street stop condition will be required. Verification from Ramsey County should be provided with future development submittals.
 - f. Details of tie in at Centerville road shall be included with final construction plans.
 - g. Any landscaping to be proposed within the cul-de-sac island shall be detailed on final construction plans.

- h. Snow storage should be considered in final construction design.

Sanitary Sewer

1. The proposed residential units are to be served by municipal sanitary sewer.
2. Final construction plans shall identify the sewer service locations and wye stationing from the downstream manhole(s), as well as invert elevations at services.
3. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.

Water Supply

1. The proposed residential units are to be served by municipal water. Proposed watermain extension to be connected to existing 16" watermain located in Centerville Road.
2. It is recommended that at least one additional hydrant be provided at a location to serve lots south of roadway high point.
3. Final watermain construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.

Surface Water Management and Site Grading Design

1. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans.
2. Details of stormwater infiltration basin designs, including typical cross sections and details for outlet structures shall be included in the final construction plans.
3. Staff recommends that the 100-year high water elevation for all site surface water features, including wetlands, be determined and shown on the final grading plan. These high-water elevations should be reviewed as a part of the building permit review process for the adjoining lots.
4. Identify the emergency overflow locations and elevations (EOF) on the final grading plan for wetlands, based on actual field topographic survey information.

These EOF elevations should be reviewed as a part of the building permit review process for each adjoining lot.

5. Riprap will 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.
6. Proposed turf or vegetation in drainage swales and adjacent to roadway shall be reviewed and approved by NOHOA.
7. A copy of Report of Geotechnical Exploration for Anderson Woods Development Road and Utilities, dated February 21, 2020, prepared by American Engineering Testing, Inc. has been provided. Report indicates soil boring locations, including ground water conditions at locations which align with proposed road and utilities. The applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot as well as be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basins based on applicable borings.
8. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
9. If applicable, a 10-foot maintenance bench shall encompass the stormwater ponds and shall be shown on the final grading construction plan.
10. All applicable recommendations of the City Forester shall be satisfied.
11. 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. We recommend a minimum driveway slope of 3 percent, and a maximum of 10 percent. Details of proposed driveway sections over drainage ditch with proposed culverts shall be included in plans for building permit review to ensure grading and drainage plan is maintained.
12. A typical roadway cross section and cul-de-sac cross section shall be included as part of final construction plans.
13. Final grading plan should include high point elevations, grade breaks, typical slopes and drainage arrows.
14. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.

15. North infiltration basin appears to be located within wetland buffer. Basin should be modified to comply with wetland buffer requirements per VLAWMO as LGU.
16. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO.

Small Utilities

1. 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.
2. 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.

Wetlands

1. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
2. VLAWMO shall also 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 and any LGU requirements for buffer protection.
3. City has requested Applicant to submit a transaction history of wetland impacts, restoration and banked credits for all East Oaks developments to date. Transaction history should also include proposed impacts with associated method of mitigation for remaining East Oaks PUD sites.
4. Indicate existing drainage patterns in Wet Basin #1 and address measures to be taken to preserve and/or enhance vegetation, wildlife and drainage patterns.
5. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU.

Signage

1. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
2. The final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO.
3. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.

Easements

1. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS and shall be determined to be sufficient for all necessary site drainage, utility and roadway access and maintenance.
2. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
3. A minimum 20-foot drainage easement shall be provided along the center of the drainage swales, where applicable. Drainage easements should be revised to include sufficient area to access and maintain infiltration basins.
4. 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.
5. Ramsey County should be contacted to confirm roadway easement is sufficient or if the County would like Centerville Road Right-of-Way dedicated as part of the subdivision.

Permits

Copies of all required and approved permits (MPCA, VLAWMO, Ramsey County etc.) shall be provided to the City Engineer upon receipt from each agency.

Other Engineering Comments

1. All final construction plans shall include applicable plan legends to facilitate comprehensive plan review.
2. Diligence in plan review prior to submittal of final construction plans to resolve Preliminary plan typos and inconsistencies.
3. Please remove all gender specific pronoun references on the preliminary engineering plans.
4. Ensure all primary plan features are adequately dimensioned and proposed dimensions are consistent with application narrative.
5. Existing conditions plan shall include field verification dates for topographic survey and wetland delineation.
6. Application narrative indicates proposed trail connection between Lots 5 & 6. Preliminary plans do not appear to illustrate this connection.

7. Application narrative indicates site plan shows boxes on each lot representing each proposed single-family home with approximate foundation size. Preliminary plans do not appear to illustrate approximate foundation sizes.
8. Lot sizes listed on FAR worksheet do not appear to match lot sizes indicated on Sheet 3, Preliminary Plat/Easement Plan.

CONCLUSION

The Planning Commission is being asked to examine and provide recommendation to the City Council on the preliminary plan (subdivision) plan for the Anderson Woods site which overlays Site F in the East Oaks PDA.

If the Planning Commission finds that the submitted plans are consistent with the approved East Oaks PUD master plan and demonstrate an ability to meet applicable requirements of the City's Zoning, Subdivision and Shoreland Ordinances, the Commission should recommend approval of the plans and list conditions to be considered by the City Council.

If the Planning Commission finds that the submitted plans are not consistent with the approved East Oaks PUD master plan and do not meet applicable requirements of the City's Zoning, Subdivision and Shoreland Ordinances, the Commission may recommend denial of the request by stating findings of fact as to the specific reasons for such recommendation.

PLANNING COMMISSION OPTIONS

In consideration of the preliminary subdivision application, the Planning Commission has the following options:

- A) Recommend approval**, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.
 - This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements and previously approved East Oaks PDA and Master Development Plan provisions.
 - Approval at this time means that, upon City Council approval, the applicant can proceed to final plans with assurances that final subdivision approval will be granted provided all conditions are met.

B) Recommend denial based on the applicant's submission, the contents of City Staff reports, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of the City Code or East Oaks PDA that are not being met by the preliminary plan (subdivision) proposal.

C) Continue the matter to request for further information from staff or the applicant or to continue the public hearing. Additional requested information should be specifically identified by the Planning Commission.

STAFF RECOMMENDATION

Based on the preceding review, it is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Therefore, Staff recommends of approval of the proposed Anderson Woods preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the following conditions:

1. The City Council determine that the proposed Centerville Road access location is acceptable.
2. The following minimum setbacks shall be satisfied:

PDA Requirements:

Principal Building to Roadway Easements:

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

Principal Building to Adjacent Principal Buildings:

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

Wetlands: 30 feet

Shoreland Management Requirements:

Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet

3. Floor area ratios within the subdivision shall not exceed 20 percent (ratio of floor area of buildings to gross lot area).
4. Final trail plans be developed in concert with NOHOA Staff (as they will be responsible for acceptance and maintenance of the trails).
5. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.
 - F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.
6. The East Oaks PDA be formally amended to accomplish the following:
 - A. Document the approval of the Anderson Woods final plan (subdivision).
 - B. Update the remaining East Oaks PUD dwelling unit count.
7. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from intersections or vertical curves on Centerville Road.
8. Applicant shall contact the Fire Marshall to review and discuss the proposed site design to determine which side of the street should be identified as the fire lane.
9. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
10. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
11. "No parking" signs shall be placed on both sides of the street from the entrance at Centerville Road to proposed station 2+00; and also in the cul-de-sac area.

12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by VLAWMO.
13. The applicant'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 proposed cul-de-sac turn around area to verify there is adequate area for the turning movement, given the proposed diameter of the interior curbed island.
14. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
15. Details of cross-section and tie-in at Centerville road shall be included with final construction plans.
16. 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.
17. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
18. Final watermain construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
19. Individual Building Permit Application review shall include the following: 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
20. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans.
21. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.

22. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
23. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
24. Riprap 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.
25. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
26. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
27. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
28. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
29. Comply with applicable recommendations of the City Forester.
30. A typical roadway cross-section and cul-de-sac cross-section shall be included as part of final construction plans.
31. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
32. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.
33. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO.

34. 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.
35. 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.
36. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
37. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
38. VLAWMO 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 and any LGU requirements for buffer protection.
39. The applicant shall submit a transaction history of wetland impacts, restoration and banked credits for all East Oaks developments to date for City review and determination of consistency with control documents. Transaction history shall include proposed impacts, as detailed on final construction plans for current application, with associated method of mitigation. Transaction history shall also include assumed impacts for all remaining East Oaks PUD sites.
40. Final construction plans shall indicate existing drainage patterns in Wet Basin #1 and detail proposed measures to be taken to preserve and/or enhance vegetation, wildlife and drainage patterns.
41. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
42. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
43. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS.
44. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.

45. 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.
46. Ramsey County shall be contacted to confirm proposed roadway easement is sufficient or if the County would like Centerville Road Right-of-Way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
47. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
48. Consideration of any comments received from the Department of Natural Resources.
49. Consideration of any comments received from the Lake Johanna Fire Department.
50. Comments of other City Staff.

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



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner

DATE: February 13, 2020

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

FILE NO: 321.02 - 19.09

INTRODUCTION

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

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

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

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

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

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

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

DISCUSSION

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

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

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

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

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

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

ACTION REQUESTED

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

Attachment

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

cc: Kevin Kress, City Administrator
Larina DeWalt, City Engineer
Bridget Nason, City Attorney
Mikeya Griffin, NOHOA Executive Director
Stephanie McNamara, Vadnais Lake Area Water Management Organization
Jenifer Sorensen, Department of Natural Resources
Mark Houge and Gary Eagles, North Oaks Company



800 County Road E East, Vadnais Heights, MN 55127
www.vlawmo.org

TO: Kevin Kress

FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)

DATE: February 11, 2020

SUBJECT: Comments – Preliminary Plans **Anderson Woods** & Nord Development Site C– North Oaks

Kevin,

Below are our comments to the Preliminary Plans for **Anderson Woods** & Nord Development Site C Submittal received 2-7-2020.

- No issues at this time for the Nord Development Site C preliminary plans. Will need stormwater/hydro plans and a Minnesota Routine Assessment Method (MnRAM) report for the wetlands on site for formal application review.
- No issues at this time for the Anderson Woods site preliminary plans. Will need stormwater/hydro plans and a replacement plan application for wetland impact on site for formal application review.

VLAWMO will provide detailed comments once formal applications are received for these two projects.

Thank you,

Brian Corcoran

Cc: Gary Eagles – North Oaks Company

Forestry Assessment for Anderson Woods and Nord

RE: Planning Commission request to determine significant and heritage tree impacts in “civil” work areas (streets, trails, storm ponds, etc.) and to provide the information to City Staff prior to the public hearing.

The City does not have a definition of what constitutes a “Significant” tree nor a “Heritage” (aka Specimen) tree in its ordinances. Also, the City does not have a tree preservation policy in place. After reviewing numerous tree preservation policies throughout the Twin Cities, some examples of the most common definitions, and the City from which it came, are included below:

Significant Tree (Lake Elmo). “A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.”

Significant Tree (Apple Valley). “Any healthy deciduous tree measuring eight inches or greater in diameter, or any coniferous tree measuring six inches or greater in diameter, at four and one-half feet above grade.”

Specimen/Heritage Tree (Eagan). “A healthy tree measuring equal to or greater than thirty (30) inches in diameter breast height.”

Specimen tree (Maplewood) “a tree of any species that is 28 inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.”

*It is also common practice to not include multiple stemmed trees as heritage trees even if the cumulative diameter of all the stems meets the heritage tree definition for diameter requirements. For instance, a five-stemmed tree with 6” trunks would not be defined as a heritage tree.

**Some communities also use the term heritage stand as defined below.

Specimen Tree or Stand (Shorewood): Any tree or grouping of trees which has been determined to be of a high value by the Zoning Administrator because of its species, size, age, or other professional criteria.

In general, these definitions are similar in nature and intent and can be used going forward.

Anderson Woods

Southern Hill and Old Nursery

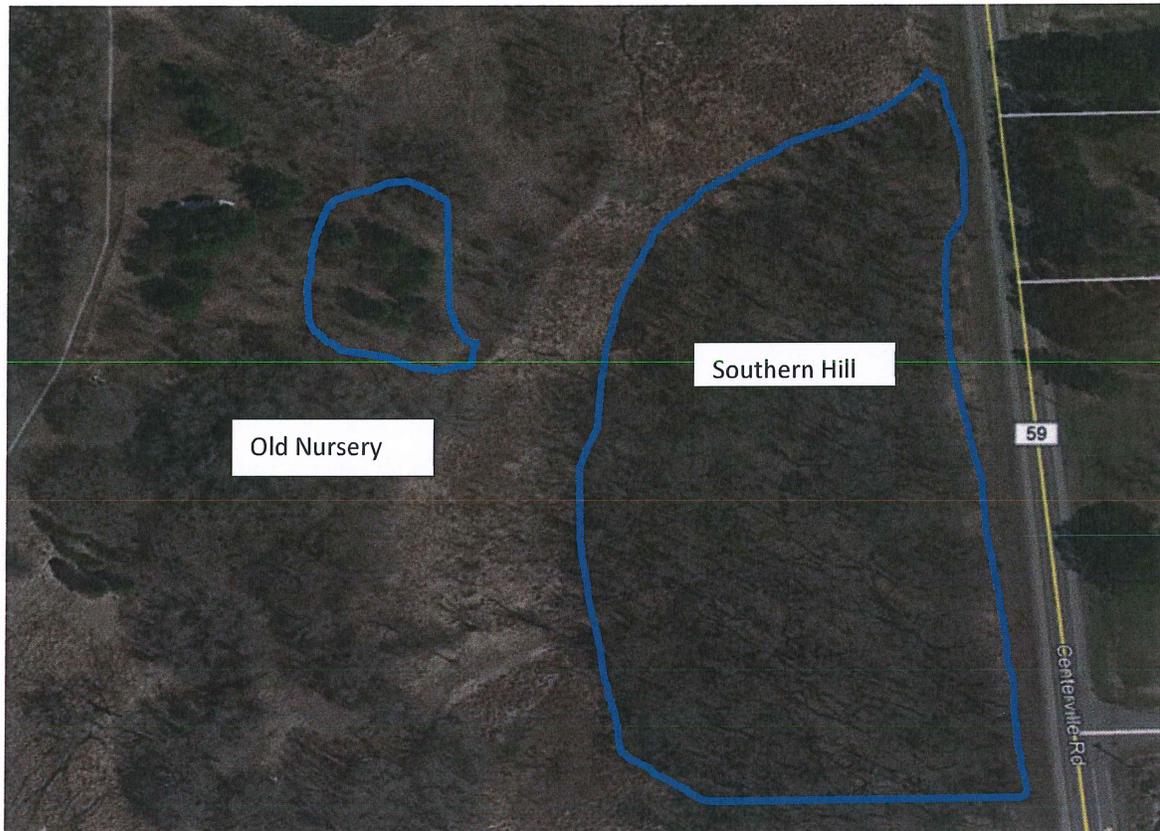


Figure 1 Anderson Woods Aerial with Southern Hill and Old Nursery defined

Southern Hill

The Southern Hill at Anderson Woods is comprised mostly of oak species. A tree inventory was conducted within the last few years based on visible tags on the trees. A map of the tree inventory is included as Appendix A. There are 293 trees on site. Tree species as well as diameter are included on the map. Since the site is on a mound some leveling of the hill will have to occur. Also, as the road turns toward the west the construction limits need to be extended to compensate for the change of grade. Based on the tree inventory, oaks comprise 71% of the trees on site. Within that 71%, red oaks contribute 38%, bur oaks 46%, and white oaks 16%. The remaining 29% of tree species on site include cherry, and ash. The understory is 99% buckthorn.

Based on the map provided (Appendix A), anticipated removals due to the construction of the sedimentation pond will include 18 oak trees and two ash trees, the oaks averaging 16" in diameter.

The construction of the street will result in the removal of approximately 83 trees. The breakdown of removed species is similar to the breakdown of total species on site. Total oaks removed will be near 73,

with ash and cherry species nearing 10 total trees. The largest diameter tree scheduled for removal is a 30" Green ash and the average diameter of removed trees is near 16".

A total of perhaps three trees will need to be removed for the installation of the trail.

A table of anticipated removals is included below. One hundred six trees out of two hundred and ninety-three trees is scheduled for removal, or 36%.

Tree Removal Totals for Anderson Woods Southern Hill

	Oaks	Other (ash, cherry)
Pond	18	2
Street	73	10
Trails	2	1
Totals	93	13

Old Nursery

The Old Nursery is located across the wetland from Southern Hill. Trees within the construction limits have been removed from the site. At one point this was one of many nurseries established on North Oaks Company property. Throughout the year's trees were pulled from these nurseries to be planted in areas that needed tree cover. Based on aerial photos from Google Earth and conversations with North Oaks Company, approximately 10-20 White pine and perhaps another 20-40 small diameter lilac trees were removed, and silt fence was installed. The trees that were removed were not suitable for transplanting as they were either too large or had poor form due to growing too close to neighboring trees. They were most likely planted in the early 1990's. They were removed during the construction of Vista Hills to the north. A map of the construction limits is included as Appendix B.



Figure 2 Clearing at Old Nursery facing east

Estimated Species Make-up of Trees Removed at Old Nursery

	White Pine (average)
Cul-de-sac	15

Based on the information provided there were four trees that could be considered Heritage trees using the definitions provided above. Two are planned to be removed, and two are planned to be saved. The forest consists of semi-mature oak on the south and wetland associated species such as aspen to the west. Trees near construction limits will have to be individually assessed to first see if they are worthy of preservation, and secondly, to determine impacts. Usually trees that have impacts from construction to just one side of the tree remain fairly healthy because of the non-disturbance to the other side of the tree. Depending on how close and how intrusive the disturbance some trees may show signs of die-back in following years.



Figure 3 Southern Hill view looking north from Center Line

Total Anticipated Tree Removals at Anderson Woods

	Oak	Other
Southern Hill	93	13
Old Nursery	0	15
Total	93	28

If the tree removal work takes place after the beginning of July the risk becomes much lower, but it is still a risk and the same precautions could be put into place. The best time to work on oak trees is in the winter.

Emerald Ash Borer

No signs of Emerald Ash Borer (EAB) were visible on the ash trees at Nord or Anderson Woods. It is my opinion that the ash trees on proposed parcels should stay and should not be removed proactively ahead of development. While this may save a few future homeowners of countless ash tree removals their removal would also cause a dramatic shift in the visual appeal and function of the site. The benefits gained from leaving the trees and having them continue to provide habitat, absorb water, clean air and water, keep down dust, add privacy, reduce noise and glare, etc., outweigh the impacts of proactive removal. Its possible these trees will remain viable for many years before they potentially succumb to EAB. At that point the homeowner will have decide the proper course of action.

Recommendations to Preserve Save Trees on Site

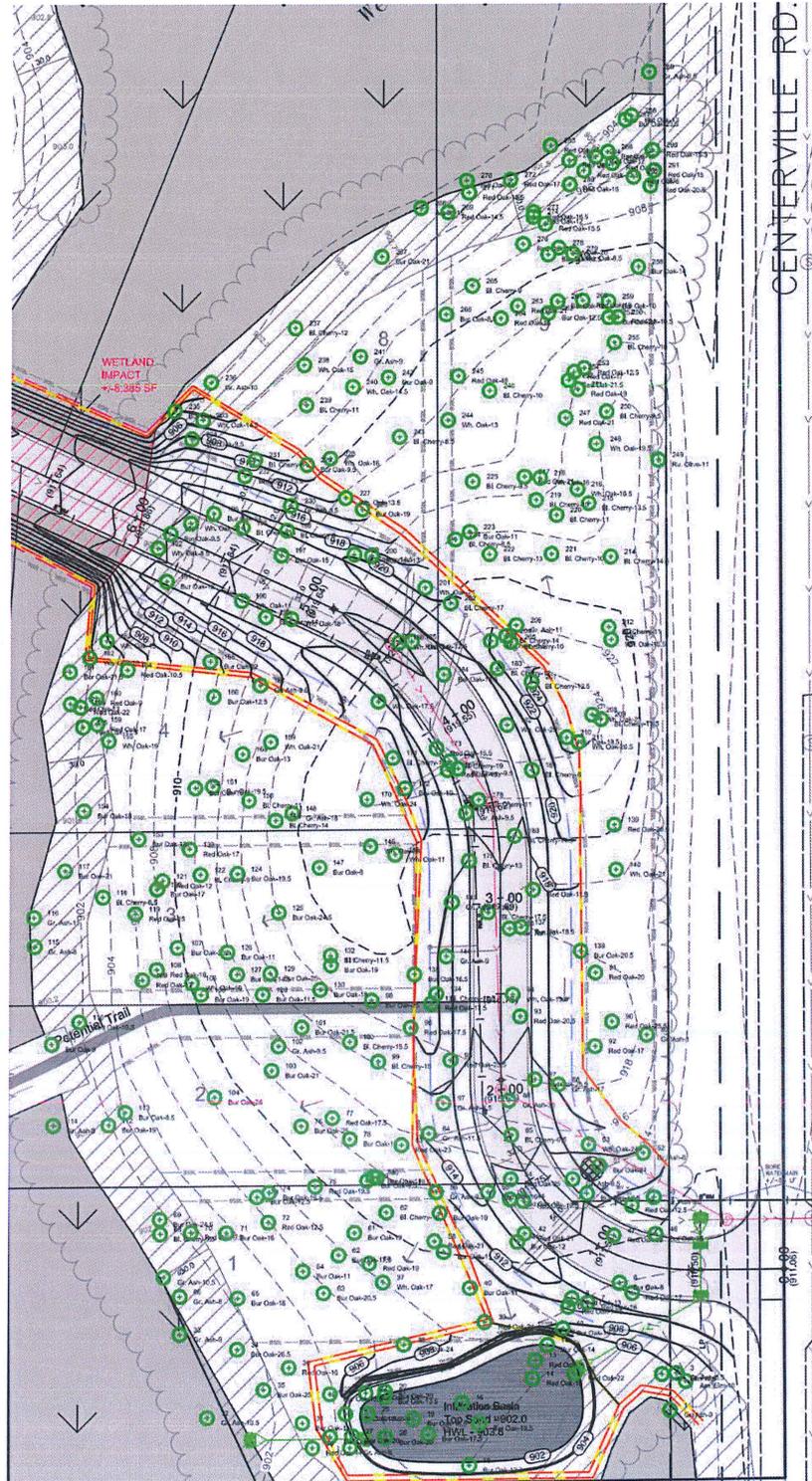
- Fell all remove tree towards the Center Line to limit injuring to save trees.
- Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- If grade changes are excessive retaining walls may be a viable option.
- Do not place fill around save trees.
- If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- Brushing of understory material outside of construction limits may be an option since it is 99% buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90% of the tree's roots are within the top one foot of soil.
- Follow the oak wilt protocol included above.

Mark Rehder

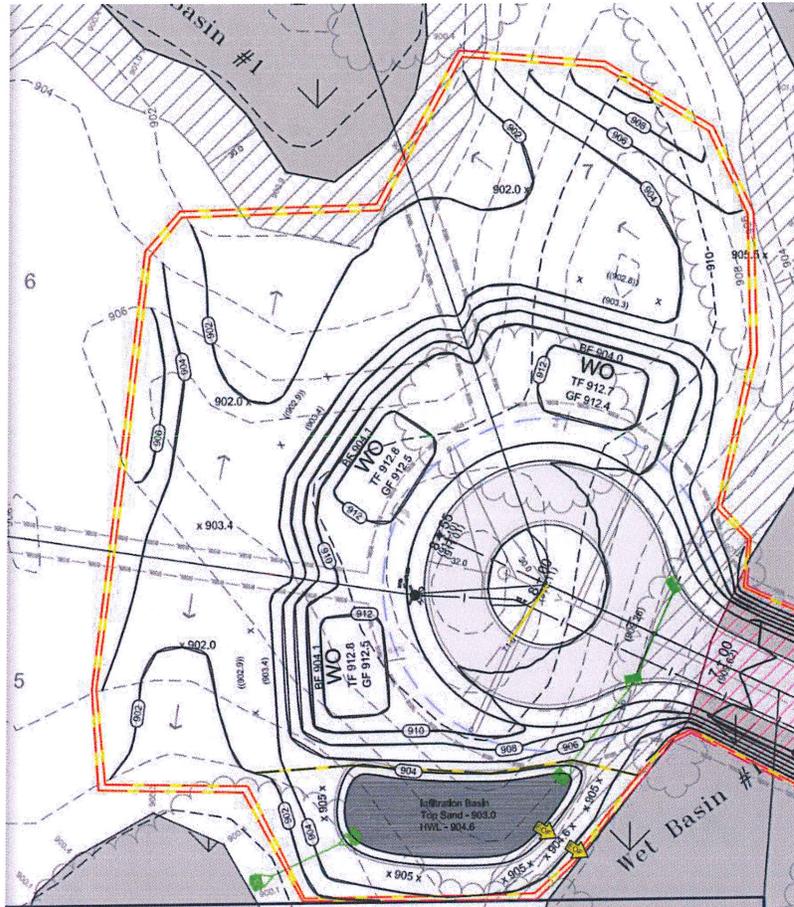
North Oaks Contracted City Forester



Appendix A



Appendix B





MEMORANDUM

TO: North Oaks Mayor and City Council

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: June 11, 2020

RE: North Oaks - East Oaks Planned Unit Development
Nord Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.01

INTRODUCTION

At a series of recent meetings, the North Oaks Planning Commission formally considered the preliminary plan (subdivision) application of the North Oaks Company for a 12-lot single family residential subdivision (12 lots proposed for single-family residences, one lot designated for open space) of the “Nord parcel” located northwest of Deep Lake. The proposed subdivision overlays 55 acres of land, 3.95 acres of which lie outside the boundaries of the East Oaks Development Area.

Specifically, the preliminary plan (subdivision) application was considered at the following Planning Commission meetings:

- Meeting held on April 14, 2020 (Public hearing held)
- Meeting held on May 28, 2020 (Continued public hearing held)
- Meeting held on June 9, 2020

The subject property overlays “Site C” in the East Oaks Planned Development Agreement (PDA) and includes two adjacent parcels which are not subject to the terms of the East Oaks PDA. The East Oaks PDA stipulates that a total of 10 single family residential lots are allowed upon the subject site (Site C) with a potential 30 percent density increase (resulting in 13 lots). In this regard, the 12 buildable lots proposed upon the site are consistent with the dwelling unit requirements of the PDA.

According to the PDA, the portion of the proposed subdivision which is located within the East Oaks Development Area is zoned RSM - PUD, Residential Single-Family Medium Density. The portion of the proposed development property located outside of the East Oaks Development Area (the “excluded parcels”) are zoned RSL - Residential Single Family Low Density. Additionally, the eastern one-third of the site lies within the Shoreland Management District of Deep Lake, a designated “recreational development” lake.

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

Background information related to this application is provided in the City Staff planning report dated April 14, 2020, a planning report addendum dated May 28, 2020 and a second planning report addendum dated June 9, 2020.

PLANNING COMMISSION MEETING DISCUSSION

Planning Commission Comments. In consideration of the application, the Planning Commission raised numerous comments and/or questions. These include the following:

- Issues summarized in Staff’s planning report addendum dated May 28, 2020 (attached).
- The following questions/issues were raised by the Planning Commission at the special meeting held on May 28, 2020:
 - A Planning Commissioner raised a question related to the recommended establishment of easements for future water service. The Commissioner also questioned whether future sanitary sewer service to the site is considered a realistic possibility.
 - Question was raised related to the status of NOHOA approval of trail locations.
 - A Commissioner requested information related to the specific provision (or provisions) of the East Oaks PDA which indicate that open space requirements have been previously satisfied.
 - Question was raised whether the shared driveway is considered a legal non-conforming condition or if a variance must be processed.
 - Also related to the shared driveway, a Commissioner asked if a driveway width of 24 feet is considered acceptable.

- Clarity was requested in regard to VLAWMO's position concerning wetland buffers. In this regard, question was raised whether the combination of Lots 1 and 2 may be necessary to satisfy buffer requirements and avoid variance processing.
- A Commissioner questioned whether the two excluded parcels should be subject to park dedication requirements.
- Question was raised related to the legality of creating parcels of land with two different zoning designations (such condition will result from the inclusion of the excluded parcels in the subdivision).
- The following questions/issues were raised by the Planning Commission at the special meeting held on June 9, 2020:
 - A Commissioner raised the following questions/concerns related to the proposed shared driveway (intended to provide access to Lots 1 and 2):
 - How future improvement of the proposed shared driveway would impact its legal nonconforming status.
 - The impacts of truck traffic on the driveway and whether VLAWMO has any concerns related to wetland impacts.
 - Whether VLAWMO would support the resurfacing of the shared driveway.
 - The need for variance processing (for the shared driveway) as a land disturbing activity would take place.
 - The applicant was questioned regarding any future plans for the shared driveway and whether other gravel driveways exist in the City.
 - Question was raised whether the City has any driveway requirements which apply to single family residential uses.
 - A Commissioner questioned who is responsible for addressing any future drainage problems/issues upon the proposed lots.
 - A Commissioner questioned whether there is still an agreement between the applicant and NOHOA regarding trail locations (as represented on the trail plan submitted by North Oaks Company and dated March 26, 2020).
 - Staff was asked whether the recommended conditions of approval (recommended by Staff) make an accommodation for potential future sewer and water service.
 - A Commissioner expressed his opinion that the subdivision under consideration satisfactorily addresses road and trail concerns identified in the previous submission (which was ultimately denied by the City).

- A Commissioner acknowledged that much work had been done in the past year by applicant and progress had been made on the three main concerns that were basis for prior application denial: subdivision road configuration/access point, trails and wetlands.
- The City Attorney was asked about the legal obligations in the Planning Commission's consideration of the application and whether a condition of approval could be added related to the acknowledgement of the remaining housing unit count in the East Oaks PUD.

Public Comments. In response to the application, numerous public comments were received. These comments include the following:

- Issues summarized in Staff's planning report addendums dated May 28, 2020 and June 9, 2020 (attached).
- The following comments offered at the Planning Commission's special meeting held on May 28, 2020:
 - A resident suggested that the proposed subdivision be redesigned to reflect the Randall Arendt open space plan as provided as Exhibit C in the 1999 East Oaks Environmental Assessment Worksheet (EAW). In this regard, the resident suggested that the submitted application be denied.
 - A resident presented a video and expressed her opinion that the application should be denied for the following reasons:
 1. Incorrect setbacks have been applied.
 2. Impacts will result upon high value wetlands.
 3. Suitable sites for sewage tanks, homes, and access to Lots 1 and 2 are not identified.
 4. The provided wetland delineation is outdated and potentially incorrect. In this regard an updated (current) wetland delineation is required.
 5. The usable area of proposed Lot 1 is considered questionable.
 6. A proposed trail segment overlays a wetland.
 7. Proposed Lot 1 is not accessible (due to wetland buffers) and not suitable for development.
 8. The granting of variances is necessary to provide access and allow construction on certain lots.
 - A resident expressed concerns related to wetland impacts, proposed trail locations and the shared driveway (intended to provide access to Lots 1 and 2).

- A resident shared her concern over the shared driveway and pointed out that it may not be accepted by NOHOA. The same resident expressed her opinion that the “existing trail” location upon the subject site (north of the wetland) should remain.

Planning Commission Recommendation. Based on the submitted application materials, background information, the recommendation of Staff and the evidence received at the meetings, the Planning Commission has recommended approval of the Nord preliminary plan (subdivision) subject to the following conditions. Staff have prepared suggested clarifying revisions to several conditions, and have added several conditions for Council consideration. **Conditions which were revised or added are highlighted in yellow.**

1. The following conditions shall be satisfied related to the proposed shared driveway to Lots 1 and 2:A. Signage be provided to clearly identify the shared driveway. The type, size, and location of such signage shall be subject to City approval.
 - B. No parking be allowed on the shared portion of the driveway as necessary to maintain Fire Department vehicle/equipment accessibility.
 - C. Developer is advised that it may need to obtain approval from NOHOA for use of the shared driveway.
 - D. A shared access easement and agreement must be recorded against Lots 1 and 2.**
 - E. A survey of the “Old Farm Road” access driveway must be completed and provided to the City. The survey shall show the boundaries of the existing “Old Farm Road” access driveway from the entry off of Deep Lake Road (north to south) as well as the existing east-west location of the “Old Farm Road” access driveway to the extent lying within the proposed shared driveway area, as well as the location of the “Old Farm Road” access driveway through any lot line setbacks and wetland setback or wetland buffer areas in proposed Lots 1 and 2.**
 - F. Prior to final plat approval, a determination must be made by the City Council that the existing “Old Farm Road” access driveway constitutes a legally established nonconforming use in the areas shown on the survey of the existing “Old Farm Road.” If the existing Old Farm Road access driveway is not found by the Council to be a legally established nonconforming use, then the proposed shared access driveway to Lots 1 and 2 and access driveways on each lot located within any lot line setbacks, wetland setbacks, or wetland buffer areas, may only be allowed if either a variance is obtained, the PDA is amended in a manner that permits the**

shared driveway as proposed, or it is permitted by another appropriate process.

2. Trails within the Nord site shall be constructed in accordance with the trail plan prepared by the North Oaks Company, dated March 26, 2020, and attached as Exhibit A, except that such trail location may be modified by mutual agreement of the Developer, NOHOA, and the City, and easements shall be shown on the final plans and conveyed to NOHOA following subdivision and prior to the conveyance of the various affected lots to third parties.
3. The buildable area of Lot 4 (the flag lot) shall include a turnaround area (or hammerhead). The design of such turnaround area shall be subject to review and approval by the Lake Johanna Fire Department and City Engineer.
4. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).
5. With the exception of the existing Old Farm Road Access Driveway, 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

Wetlands: 30 feet

Lot Lines: 30 feet

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

6. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.

- F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.
8. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
 9. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from vertical and horizontal curves on Sherwood Road.
 10. Fire lane signage shall be provided, as necessary, in accordance with the requirements of the Lake Johanna Fire Department.
 11. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
 12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by the City.
 13. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
 14. Details of cross-section and tie-in at Sherwood road shall be included with final construction plans.
 15. Individual Building Permit Application review shall include the following: Final locations and designs for ISTS; private well locations; 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code and all other applicable regulations.
 16. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney, and an easement shall be required for the stormwater pond.

17. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.
18. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
19. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
20. Riprap 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.
21. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
22. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
23. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
24. 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.
25. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
26. All applicable recommendations of the City Forester shall be satisfied.
27. Final grading plan shall include high point elevations, grade breaks, typical slopes, and drainage arrows.
28. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.

29. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer with consideration of VLAWMO recommendations.
30. 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.
31. 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.
32. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed and approved by VLAWMO as the LGU.
33. Final plans shall illustrate the required width of buffer strips along the perimeter of wetlands, and the proposed ponds in accordance with City-approved VLAWMO policies. The final construction plans shall identify the buffer limits and any buffer plantings or protection per VLAWMO Water Management Policy.
35. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
36. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
37. Easements sufficient for all necessary site drainage, utility, and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS in locations determined by the City Engineer and in a form acceptable to the City Attorney.
38. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process as shown on proposed easement plan.
39. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
40. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5 and 5A. A drainage and utility easement shall be added between wetlands 5A and 5B.
41. Conservation easements shall be provided to cover the buffer strip areas, if required by the City per VLAWMO policy. The easement documents shall conform to the requirements of the City.

42. Ramsey County shall be contacted to confirm that the proposed roadway easement is sufficient or if the County would like Sherwood Road right-of-way dedicated as part of the subdivision, and if required, shall be dedicated on the final plat. Written correspondence shall be provided to the City.
43. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
44. Final proposed location for potential trail along North Deep Lake Road shall conform to MnDOT recommendations for clear zone requirements for applicable speed limit.
45. Construction details and grading cross-section for the interconnection of proposed trail with the shared access of Lots 1 & 2 shall be included in final construction plans.
46. Consideration of any comments received from the Vadnais Lake Area Water Management Organization.
47. Consideration of any comments received from the Department of Natural Resources.
48. Where practical, the applicant shall comply with the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:
 - A. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - B. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
 - C. If grade changes are excessive retaining walls may be a viable option.
 - D. Do not place fill around save trees.
 - E. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
 - F. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.

- G. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- H. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- I. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any nonbuckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
- J. Follow the oak wilt protocol included above.

49. The applicant shall work with the City Forester and lot purchasers and explore options to preserve trees located upon all lots within the subdivision.

50. Information requested by NOHOA in their letter dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available.

51. Compliance with all applicable requirements for final plat approval.

ACTION REQUESTED

It is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Therefore, Staff recommends of approval of the proposed Nord preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the conditions listed above.

MOTION ALTERNATIVES

Approval. A resolution approving the Nord preliminary plan/preliminary plat (subdivision) application is included in the Council packet for Council consideration.

Denial. Alternatively, a resolution denying approval of the Nord preliminary plan/preliminary plat (subdivision) application is included in the Council packet, which outlines required standards for the application. Should the Council find that any of the required standards are not met, the council may deny the application, but only upon the adoption of written findings based on a record from public proceedings why the application should not be approved.

Attachments

- Staff planning report dated April 14, 2020 (with exhibits)
- Staff planning report addendum dated May 28, 2020 (with exhibits)
- Staff memorandum dated June 9, 2020
- Additional documents

cc: Kevin Kress, City Administrator
Mikeya Griffin, NOHOA Executive Director North Oaks Company
John Gleason, Department of Natural Resources
Phil Belfiori, Vadnais Lake Area Water Management Organization
Mark Houge and Gary Eagles, North Oaks Company

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING PRELIMINARY PLAN/PLAT FOR NORD
DEVELOPMENT SITE**

WHEREAS, North Oaks Company, LLC, has applied for preliminary plan/preliminary plat (subdivision) approval (Preliminary Plan) for the subdivision of certain real property owned by North Oaks Company LLC and North Oaks Farms Inc. (the “Developer”) commonly referred to as the “Nord Parcel” and located within the City of North Oaks, Ramsey County, Minnesota:

Tracts A, F, G, I, L, and M, REGISTERED LAND SURVEY NO. 268;
Tract V, REGISTERED LAND SURVEY NO. 284;
Tract B, REGISTERED LAND SURVEY NO. 292; and
Tract KK, REGISTERED LAND SURVEY NO. 589.

WHEREAS, Tracts A, F, G, I, L, and M, RLS No. 268 and Tract KK, RLS No. 589 are subject to the terms and conditions of the 1999 East Oaks Planned Development Agreement, as subsequently amended (the “East Oaks PDA”) and are zoned Residential Multiple Family medium Density (RMM-PUD); and

WHEREAS, Tract V, RLS No. 284 and Tract B, RLS No, 292, are not subject to the provisions of the East Oaks PDA, and are zoned Residential Single Family-Low Density (RSL); and

WHEREAS, on December 3, 2019, the Developer submitted a Concept Plan for subdivision of the Nord Parcel to the City of North Oaks (the “City”), which was subsequently reviewed and discussed by the North Oaks Planning Commission on December 3, 2019 and January 30, 2020 and the North Oaks City Council on February 13, 2020; and

WHEREAS, Developer subsequently submitted an Application for Preliminary Plan approval to the City, which application was deemed complete on February 24, 2020; and

WHEREAS, the Planning Commission reviewed and considered the Application for Preliminary Plan Approval at meetings on February 27, 2020, April 14, 2020, May 28, 2020, and June 9, 2020; and

WHEREAS, following published notice in the City’s newspaper of record on March 31, 2020 and May 12, 2020, public hearings were held on the Application on April 14, 2020 and May 28, 2020; and

WHEREAS, following completion of the public hearings, on June 9, 2020, the Planning Commission voted 6-0-1, (6 in favor, 0 against, 1 abstention) to recommend approval of the Application to the City Council, subject to fifty (50) conditions listed in Planning Report Addendum Number 2, dated June 9, 2020; and

WHEREAS, the City Council, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 City Council Packet.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of North Oaks, Ramsey County, Minnesota, hereby APPROVES the Application for Preliminary Plan/Preliminary Plat (subdivision) for the real property described above and commonly known as the Nord Parcel, subject to the following conditions:

1. The following conditions shall be satisfied related to the proposed shared driveway to Lots 1 and 2:
 - A. Signage be provided to clearly identify the shared driveway. The type, size, and location of such signage shall be subject to City approval.
 - B. No parking be allowed on the shared portion of the driveway as necessary to maintain Fire Department vehicle/equipment accessibility.
 - C. Developer is advised that it may need to obtain approval from NOHOA for use of the shared driveway.
 - D. A shared access easement and agreement must be recorded against Lots 1 and 2.
 - E. A survey of the “Old Farm Road” access driveway must be completed and provided to the City. The survey shall show the boundaries of the existing “Old Farm Road” access driveway from the entry off of Deep Lake Road (north to south) as well as the existing east-west location of the “Old Farm Road” access driveway to the extent lying within the proposed shared driveway area, as well as the location of the “Old Farm Road” access driveway through any lot line setbacks and wetland setback or wetland buffer areas in proposed Lots 1 and 2.
 - F. Prior to final plat approval, a determination must be made by the City Council that the existing “Old Farm Road” access driveway constitutes a legally established nonconforming use in the areas shown on the survey of the existing “Old Farm Road.” If the existing Old Farm Road access driveway is not found by the Council to be a legally established nonconforming use, then the proposed shared access driveway to Lots 1 and 2 and access driveways on each lot located within any lot line setbacks, wetland setbacks, or wetland buffer areas, may only be allowed if either a variance is obtained, the PDA is amended in a manner

that permits the shared driveway as proposed, or it is permitted by another appropriate process.

2. Trails within the Nord site shall be constructed in accordance with the trail plan prepared by the North Oaks Company, dated March 26, 2020, and attached as Exhibit A, except that such trail location may be modified by mutual agreement of the Developer, NOHOA, and the City, and easements shall be shown on the final plans and conveyed to NOHOA following subdivision and prior to the conveyance of the various affected lots to third parties.
3. The buildable area of Lot 4 (the flag lot) shall include a turnaround area (or hammerhead). The design of such turnaround area shall be subject to review and approval by the Lake Johanna Fire Department and City Engineer.
4. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).
5. With the exception of the existing Old Farm Road Access Driveway, 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

Wetlands: 30 feet

Lot Lines: 30 feet

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

6. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.

- F. Designed to be compatible with adjacent building architecture.
- G. The sign face shall not exceed 80 square feet for each side of the sign.

8. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
9. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from vertical and horizontal curves on Sherwood Road.
10. Fire lane signage shall be provided, as necessary, in accordance with the requirements of the Lake Johanna Fire Department.
11. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by the City.
13. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
14. Details of cross-section and tie-in at Sherwood road shall be included with final construction plans.
15. Individual Building Permit Application review shall include the following: Final locations and designs for ISTS; private well locations; 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code and all other applicable regulations.
16. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney, and an easement shall be required for the stormwater pond.

17. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.
18. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
19. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
20. Riprap 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.
21. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
22. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
23. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
24. 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.
25. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
26. All applicable recommendations of the City Forester shall be satisfied.
27. Final grading plan shall include high point elevations, grade breaks, typical slopes, and drainage arrows.
28. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.

29. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer with consideration of VLAWMO recommendations.
30. 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.
31. 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.
32. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed and approved by VLAWMO as the LGU.
33. Final plans shall illustrate the required width of buffer strips along the perimeter of wetlands, and the proposed ponds in accordance with City-approved VLAWMO policies. The final construction plans shall identify the buffer limits and any buffer plantings or protection per VLAWMO Water Management Policy.
35. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
36. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
37. Easements sufficient for all necessary site drainage, utility, and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS in locations determined by the City Engineer and in a form acceptable to the City Attorney.
38. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process as shown on proposed easement plan.
39. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
40. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5 and 5A. A drainage and utility easement shall be added between wetlands 5A and 5B.
41. Conservation easements shall be provided to cover the buffer strip areas, if

- required by the City per VLAWMO policy. The easement documents shall conform to the requirements of the City.
42. Ramsey County shall be contacted to confirm that the proposed roadway easement is sufficient or if the County would like Sherwood Road right-of-way dedicated as part of the subdivision, and if required, shall be dedicated on the final plat. Written correspondence shall be provided to the City.
 43. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
 44. Final proposed location for potential trail along North Deep Lake Road shall conform to MnDOT recommendations for clear zone requirements for applicable speed limit.
 45. Construction details and grading cross-section for the interconnection of proposed trail with the shared access of Lots 1 & 2 shall be included in final construction plans.
 46. Consideration of any comments received from the Vadnais Lake Area Water Management Organization.
 47. Consideration of any comments received from the Department of Natural Resources.
 48. Where practical, the applicant shall comply with the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:
 - A. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - B. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
 - C. If grade changes are excessive retaining walls may be a viable option.
 - D. Do not place fill around save trees.
 - E. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
 - F. After harvesting, blow chipped tops of trees along tree protection fencing to

help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.

- G. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- H. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- I. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any nonbuckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree’s roots are within the top one foot of soil.
- J. Follow the oak wilt protocol included above.

- 49. The applicant shall work with the City Forester and lot purchasers and explore options to preserve trees located upon all lots within the subdivision.
- 50. Information requested by NOHOA in their letter dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available.
- 51. Compliance with all applicable requirements for final plat approval.

BE IT FURTHER RESOLVED that the City Clerk shall promptly serve a copy of this resolution of Approval on the developer.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

Ayes: Nays:

By: _____
Gregg Nelson
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator/City Clerk

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION DENYING APPROVAL OF PRELIMINARY PLAN/PLAT
(SUBDIVISION) FOR THE NORD DEVELOPMENT SITE**

WHEREAS, North Oaks Company, LLC, has applied for preliminary plan/preliminary plat (subdivision) approval (Preliminary Plan) for the subdivision of certain real property owned by North Oaks Company LLC and North Oaks Farms Inc. (the “Developer”) commonly referred to as the “Nord Parcel” and located within the City of North Oaks, Ramsey County, Minnesota:

Tracts A, F, G, I, L, and M, REGISTERED LAND SURVEY NO. 268;
Tract V, REGISTERED LAND SURVEY NO. 284;
Tract B, REGISTERED LAND SURVEY NO. 292; and
Tract KK, REGISTERED LAND SURVEY NO. 589.

WHEREAS, Tracts A, F, G, I, L, and M, RLS No. 268 and Tract KK, RLS No. 589 are subject to the terms and conditions of the 1999 East Oaks Planned Development Agreement, as subsequently amended (the “East Oaks PDA”) and are zoned Residential Multiple Family medium Density (RMM-PUD); and

WHEREAS, Tract V, RLS No. 284 and Tract B, RLS No, 292, are not subject to the provisions of the East Oaks PDA, and are zoned Residential Single Family-Low Density (RSL); and

WHEREAS, on December 3, 2019, the Developer submitted a Concept Plan for subdivision of the Nord Parcel to the City of North Oaks (the “City”), which was subsequently reviewed and discussed by the North Oaks Planning Commission on December 3, 2019 and January 30, 2020 and the North Oaks City Council on February 13, 2020; and

WHEREAS, Developer subsequently submitted an Application for Preliminary Plan approval to the City, which application was deemed complete on February 24, 2020; and

WHEREAS, the Planning Commission reviewed and considered the Application for Preliminary Plan Approval at meetings on February 27, 2020, April 14, 2020, May 28, 2020, and June 9, 2020; and

WHEREAS, following published notice in the City’s newspaper of record on March 31, 2020 and May 12, 2020, public hearings were held on the Application on April 14, 2020 and May 28, 2020; and

WHEREAS, following completion of the public hearings, on June 9, 2020, the Planning Commission voted 6-0-1, (6 in favor, 0 against, 1 abstention) to recommend approval of the Application to the City Council, subject to fifty (50) conditions listed in Planning Report Addendum Number 2, dated June 9, 2020; and

WHEREAS, the City Council, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 City Council Packet.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of North Oaks, Ramsey County, Minnesota, having reviewed the Application for Preliminary Plan Approval and related documents included in the June 11, 2020 Council Packet and the recommendation of the North Oaks Planning Commission, hereby **DENIES APPROVAL** of the Application for Preliminary Plan/Preliminary Plat (subdivision) application for the real property described above and commonly known as the Nord Parcel, based on the following **FINDINGS**:

Preliminary Plan Requirement	Potential Grounds for Denial	
	Noncompliant	Specific Findings of Noncompliance (written findings based on a record from the public proceedings why the application shall not be approved)
Address all of the standards and requirements of the Zoning Ordinance (94)(Chapter 151)		
Address all of the standards and requirements of the Subdivision Ordinance (93) (Chapter 152)		
Address all of the standards and requirements of the PDA		
Proof that the preliminary plan is consistent with the approved Master Development Plan		
Proof that the preliminary plan is consistent with the PDA		
Factors for Consideration When Reviewing Preliminary Plan		
Consistency with approved Master Development Plan		
Consistency with Agreed Upon PDA		
Impacts on existing and anticipated traffic		

Pedestrian and vehicular movements		
Ingress and egress		
Landscaping		
Provisions for utilities		
Site grading and drainage		
Green space		
Signage		
Monuments		
Screening		
Lot coverage		
Other related matters		
Uses in conformity with underlying zoning district		
<p>Compliance with additional PUD zoning standards:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Overall density is consistent with Comprehensive Plan <input type="checkbox"/> Overall density is consistent with the approved PDA, subject to any approved density transfer provisions <input type="checkbox"/> Compliance with any PDA-imposed performance standards (including performance standards found in amended Appendix 1 related to setbacks, etc.) <input type="checkbox"/> Complies with Gross Density requirements for RMM-PUD zoning District 		
Preliminary plan is in conformance with the City's Comprehensive Plan		
<p>PDA Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Development Site will be developed in accord with the PUD controls <input type="checkbox"/> The Final Plan shall conform in material respects to the PDA, East Oaks Project master Development Plan, and Preliminary Plan. 		

BE IT FURTHER RESOLVED that the City Clerk shall promptly serve a copy of this resolution of **DENIAL** on the developer.

Adopted by the City Council of the City of North Oaks this 11th day of June, 2020.

Ayes: Nays:

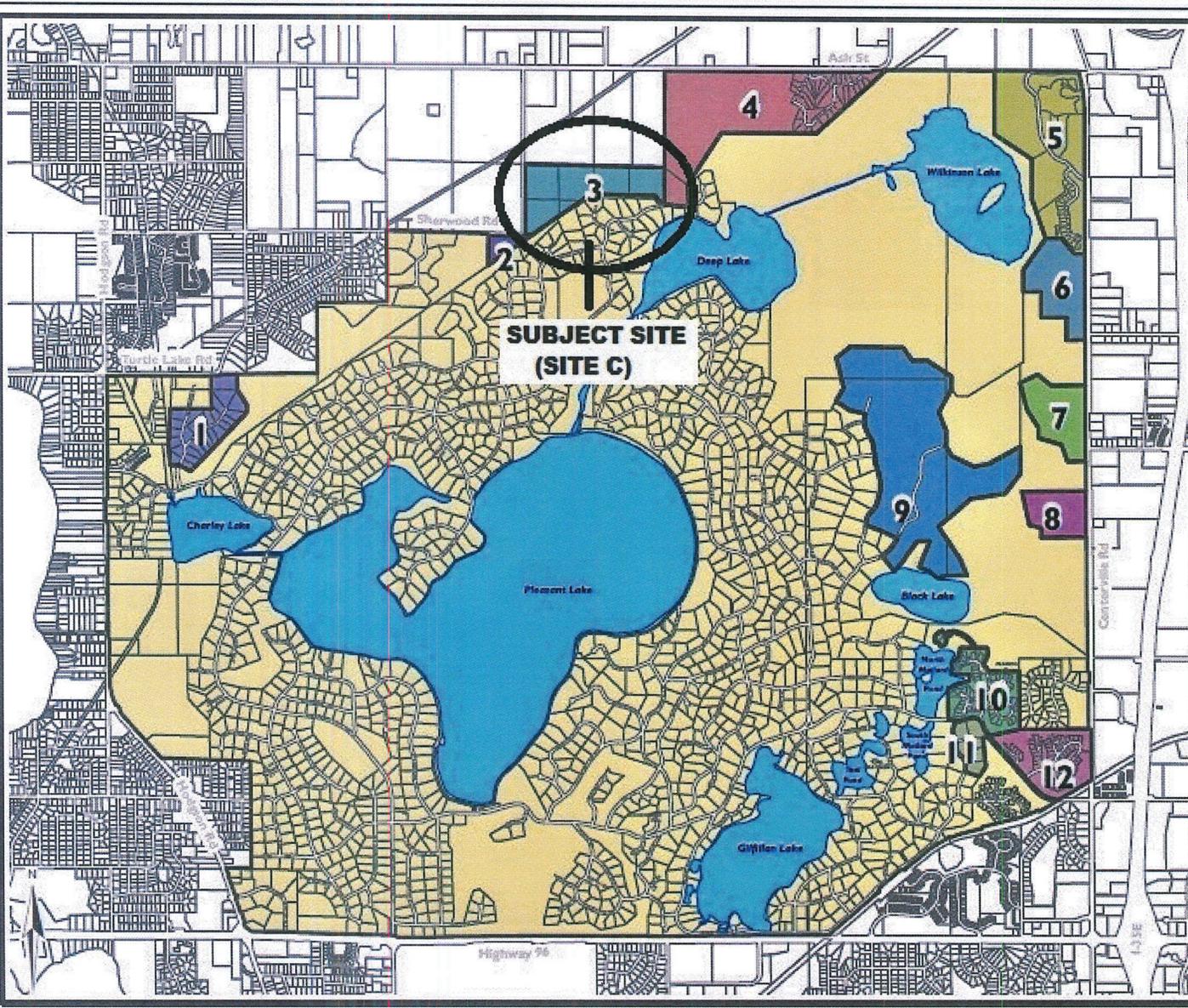
By: _____
Gregg Nelson

Its: Mayor

Attested:

By: _____
Kevin Kress

Its: City Administrator/City Clerk



MAP 12: East Oaks Planned Unit Development

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

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

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

 Developed and Undeveloped Land or Protected Open Space



February 5, 2020

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

Re: Site C – Nord Development
 Preliminary Plan –Subdivision Application

Dear Kevin,

Attached you will find the application for Preliminary Plan approval to subdivide Site C – Nord, including all items outlined in the submittal requirements of the East Oaks Planned Unit Development Agreement, dated February 11, 1999 (PDA).

North Oaks Company LLC (Company) submitted its current Concept Plans for the remaining development sites of the Subject Property in the PDA, including Nord, Anderson Woods, Gate Hill, Island Field and Black Forest Way on December 3, 2019 and again on January 30, 2020.

Please consider this a request for the City Staff to review the application for Preliminary Plan approval for the subdivision of Site C - Nord (SITE), confirm it is complete, proceed to review and comment, publish for a public hearing regarding same at the February 27, 2020 Planning Commission Meeting, at which time the Company requests the Planning Commission recommend City Council approve the subdivision of SITE at its next meeting.

The SITE is zoned RSM-PUD and the Company proposes subdividing the SITE into 12 single-family lots. Each lot will be served with natural gas, electric, and communication systems. Each individual homeowner will install septic systems and wells.

Enclosed you will find the following documents:

- Sheet 1 – Existing Conditions, dated January 23, 2020
- Sheet 2 – Preliminary Plan, dated January 23, 2020
- Sheet 2A – Septic Site Location Plan, dated January 23, 2020
- Sheet 2B – Septic Site Location Plan, dated January 23, 2020
- Sheet 3 – Preliminary Easement Plan, dated January 23, 2020
- Sheet 4 – Preliminary Grading Plan, dated January 23, 2020
- Sheet 5 – Preliminary Utility Plan, dated January 23, 2020
- Sheet 6 – Preliminary Landscape Plan, dated January 23, 2020
- Floor to Area Worksheet, dated January 22, 2020

The primary access to the SITE will be from Sherwood Road. A 28' wide street (typical rural section) will be constructed to serve the westerly 10 lots, extending from Sherwood Road to the proposed cul-de-sac in the center, approximately, of the SITE. In addition, the two existing lots on the east end of the Site will be reconfigured and access will continue to be from an existing shared driveway at Deep Lake Road. The Company met with representatives of Ramsey County Engineering,

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consulted with Westwood Engineering, and the preliminary review indicates no turn lanes or other improvements to Sherwood Road or Deep Lake Road will be required, see attached memo from Westwood.

The site plan shows boxes on each lot that represent a one or two story single-family home with an approximate foundation size of 3000 square feet (SF). The actual location, height, and size of each future house will be determined by the homeowner and approved by the City's Building Official, and the Architectural Supervisory Committee (ASC) of North Oaks Home Owners' Association (NOHOA). The minimum lot size is 1.1 Acres, the approximate size of each lot is noted in the FAR worksheet.

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

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

Open space has been provided in other locations of the Subject Area, including the southwest corner of the SITE. During the Planning Commission meeting on January 30, 2020, it became apparent to the Company that the information about the status of and location of trails near the proposed Nord Development area need clarification. To that purpose, the Company offers the following additional information to the City Council, the Planning Commission and the community in general. Please consider this as part of the Company's discussion of the existing conditions and proposed development plan for the proposed Nord Development area.

In the mid-1970's, the Company received approval to develop certain lots along North Deep Lake Road and Red Maple Lane in the area immediately to the south of the current Nord development area. As part of the approval and recording process, trail easements were dedicated to the North Oaks Home Owners' Association on Tracts B, C, D, F, G, H, and I at the time the tracts were sold by the Company. On our overview visual of the Nord development area, you can see the trail location on the impacted lots.

At the time of preparing documents for inclusion in the East Oaks Planned Development Agreement ("PDA"), the document attached to the Agreement and identified as Exhibit "B4" – Trail Map did not accurately identify the location of the existing NOHOA trail in the area south of the current proposed Nord development area. While it has been many years since entering into the original Agreement, one can look to Article 19.13 (x) for an understanding of the definition of "Existing NOHOA Trail Easements" for the purpose of the Agreement. To be an existing trail, the definition requires the previous conveyance by the Developer or its predecessors prior to the execution of the Planned Development Agreement. Applying this definition, the location of actual trails near the planned Nord Development area, the Exhibit "B4" Trail Map are on the seven tracts previously mentioned. Further, future trails contemplated under the Agreement and outlined on Exhibits "C1" Trail Conveyance Schedule and "C2" Temporary Trail do not include the Developer's dedication of future trail easements in the proposed Nord development area.

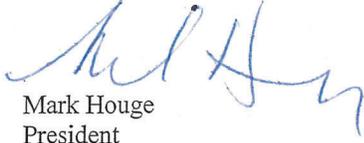
However, the Company has considered the benefit to the community of connecting the proposed Nord development area to the existing NOHOA trail system. You will note that between proposed lots 6 and 7 a trail connection is identified to connect to the trail area on Tract G of RLS 284 and again on proposed lots 1 and 2 connecting to the trail area on Tract B of RLS 284.

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

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

Sincerely

North Oaks Company LLC,



Mark Houge
President

Enclosures

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

NORTH OAKS COMPANY

NORD AREA

DRAWING NAME = Nord Easement Plan-FAR wrk.gxd

KURTH SURVEYNG INC.

FILENAME: Nord Area-2020 Plan.xls

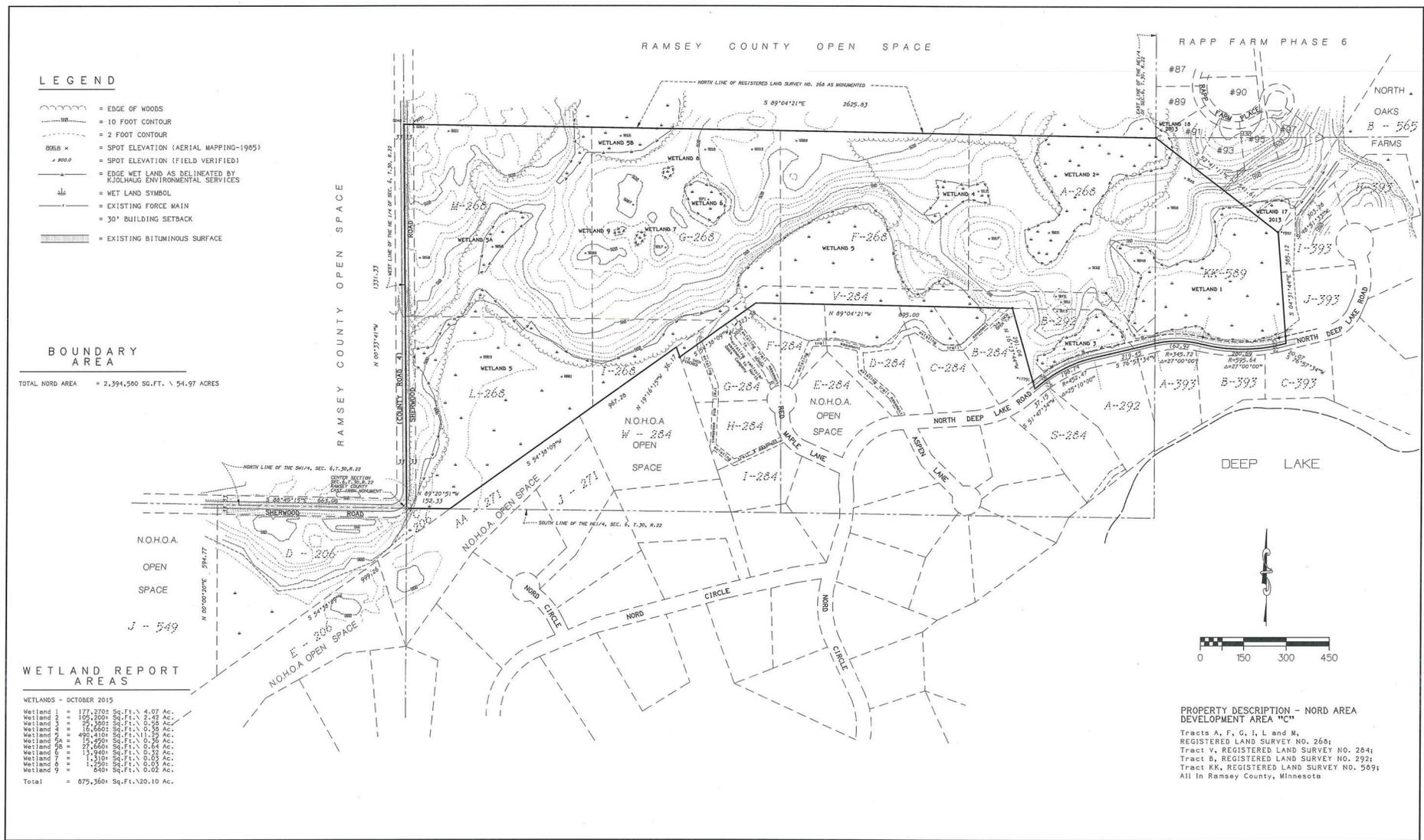
January 22, 2020

PROJECT RECAP	
TOTAL NUMBER OF BUILDABLE LOTS	12 Lots
TOTAL PROJECT ACREAGE	55.0 Acres
TOTAL AREA ACREAGE IN BUILDABLE LOTS (DOES NOT INCLUDE OPEN SPACE)	50.0 Acres
AVERAGE TOTAL LOT SIZE	4.17 Acres

NOTES: TOTAL LOT AREA INCLUDES ROAD RIGHT OF WAY
 GROSS LOT AREA EXCLUDES ROAD RIGHT OF WAY
 ADJUSTED LOT AREA IS TOTAL LOT, LESS ROAD RIGHT OF WAY, AND LESS 2/3 OF WETLANDS
 MAXIMUM HOUSE SIZE (FAR) IS 12% OF ADJUSTED LOT AREA
 USEABLE AREA EXCLUDES ALL REQUIRED SETBACKS, EASEMENTS & WETLANDS

TRACT LETTER	PRELIM LOT NO.	TOTAL LOT AREA		ROAD R/W	GROSS LOT AREA	WETLAND AREA	ADJUSTED LOT AREA	TOTAL F.A.R.	USEABLE AREA	TRACT LETTER
		SQ. FT.	ACRES							
A	1	403,190	9.26	13,570	389,620	239,580	231,497	27,780	81,150	A
B	2	355,210	8.15	9,460	345,750	85,050	289,617	34,754	167,930	B
C	3	217,150	4.99	2,200	214,950	58,480	176,353	21,162	81,460	C
D	4	127,800	2.93	2,660	125,140	57,470	87,210	10,465	39,760	D
E	5	129,870	2.98	10,170	119,700	50,270	86,522	10,383	35,890	E
F	6	145,090	3.33	7,140	137,950	27,110	120,057	14,407	66,460	F
G	7	113,590	2.61	3,550	110,040	21,490	95,857	11,503	38,670	G
H	8	131,190	3.01	3,670	127,520	21,020	113,647	13,638	66,910	H
I	9	161,270	3.70	5,290	155,980	77,140	105,068	12,608	41,050	I
J	10	163,060	3.74	30,140	132,920	31,910	111,859	13,423	60,130	J
K	11	83,080	1.91	17,640	65,440	0	65,440	7,853	38,160	K
L	12	148,510	3.41	29,430	119,080	27,630	100,844	12,101	28,640	L
M	OPEN	215,680	4.95	14,400	201,280	178,210	83,662	10,039	N/A	M
TOTALS		2,394,690	54.97	149,320	2,245,370	875,360	1,667,633	N/A	N/A	

STREET NAMES



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

DEVELOPMENT AREA "C"

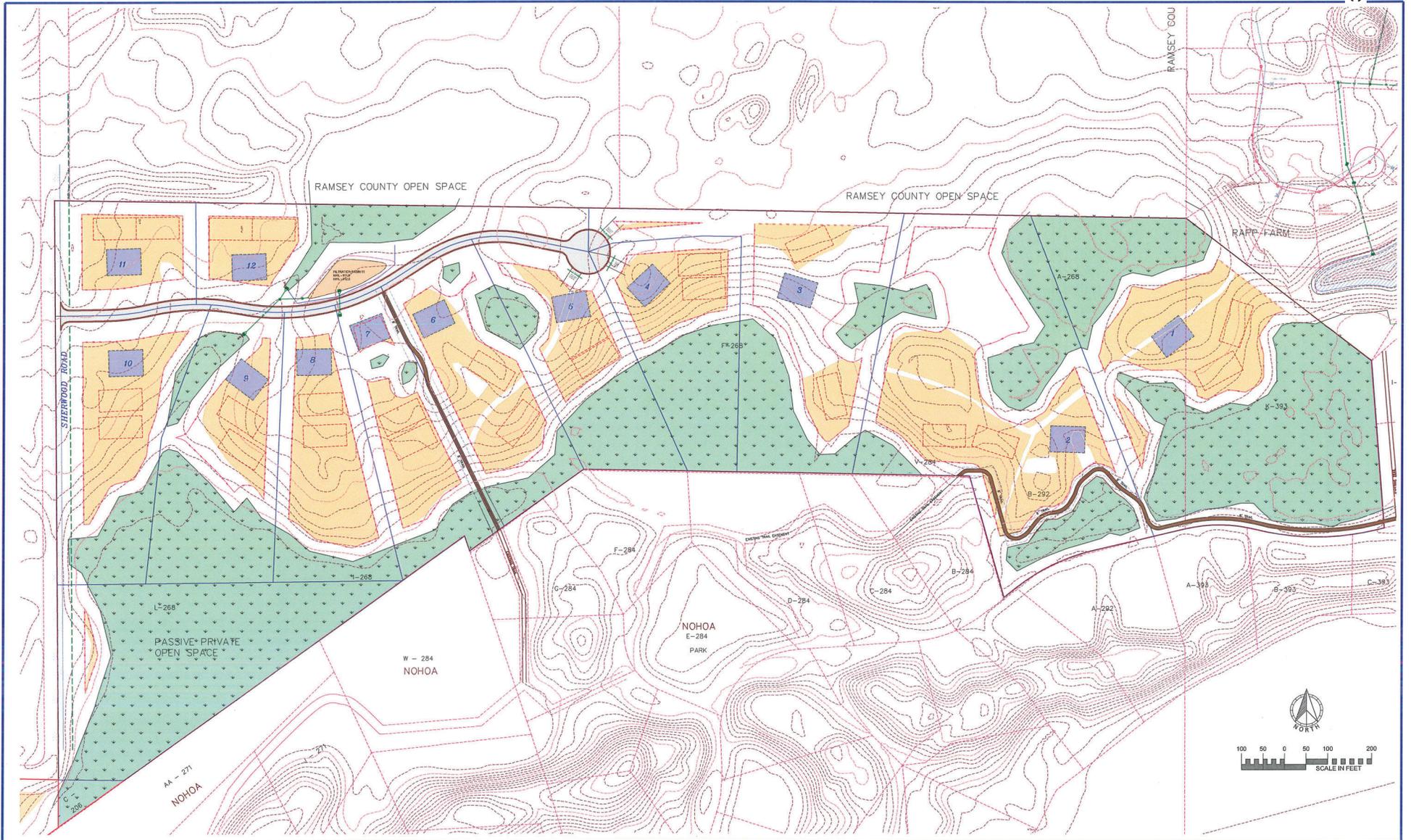
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

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

NORTH OAKS
 COMPANY

PROJECT:	SHEET DESCRIPTION	DATE: <u>January 23, 2020</u> <small>rev. 2-4-20 (see sheet 60000001)</small>
NORD AREA	EXISTING CONDITIONS	
SHEET 1 OF 6 SHEETS		

Exhibit E: Existing Conditions



DRAWING NAME	NO.	BY	DATE	REVISIONS
NORD				
DRAWN BY				
ERJ				
CHECKED BY				
RSM				
DATE				
01/23/20				

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

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

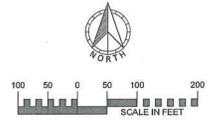
Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 01/23/20 Lic. No. 56659

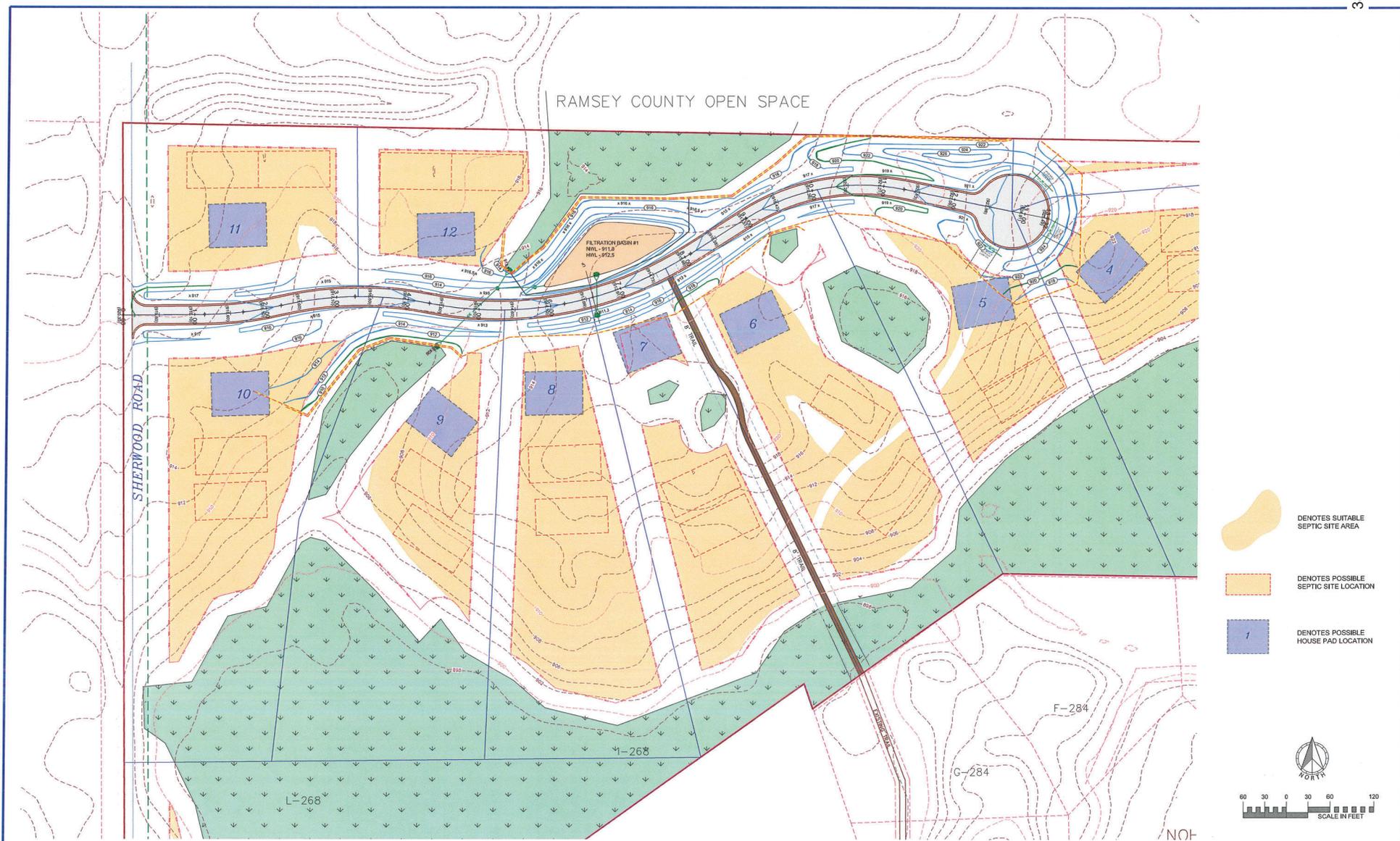
ENGINEERS SURVEYORS
SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

CITY PROJECT NO. —
 NORTH OAKS,
 MINNESOTA

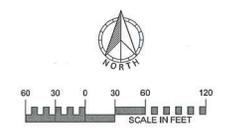
Exhibit F: Preliminary Plan (Subdivision)
 NORTH OAKS COMPANY

FILE NO. 6





-  DENOTES SUITABLE SEPTIC SITE AREA
-  DENOTES POSSIBLE SEPTIC SITE LOCATION
-  DENOTES POSSIBLE HOUSE PAD LOCATION



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Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 01/23/20 Lic. No. 56659

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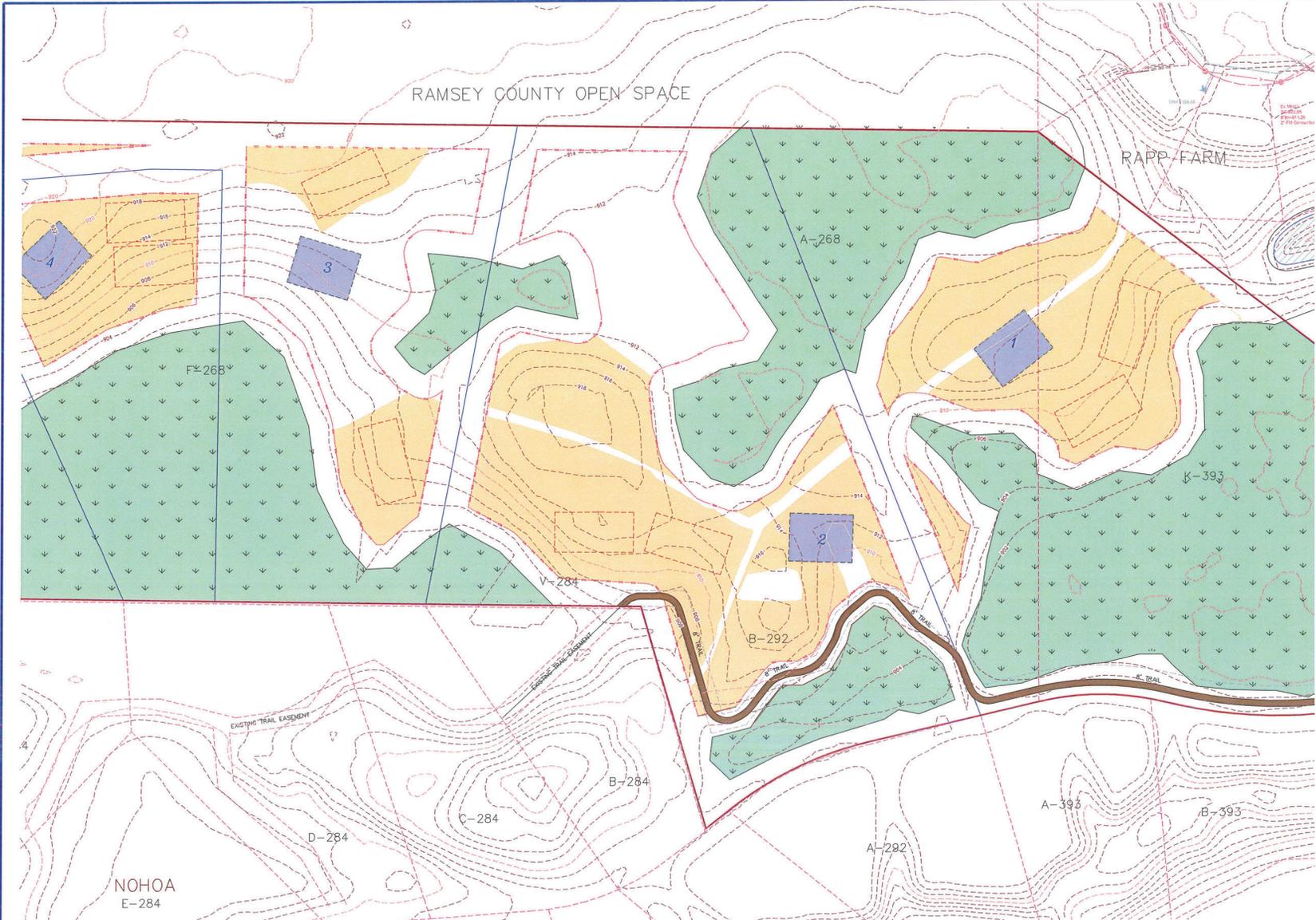
ENGINEERS SURVEYORS PLANNERS

CITY PROJECT NO. _____
 NORTH OAKS, MINNESOTA

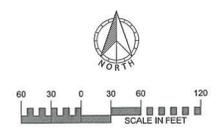
Exhibit G: Septic Site Location Plans
 NORTH OAKS COMPANY

FILE NO. _____

6



-  DENOTES SUITABLE SEPTIC SITE AREA
-  DENOTES POSSIBLE SEPTIC SITE LOCATION
-  DENOTES POSSIBLE HOUSE PAD LOCATION



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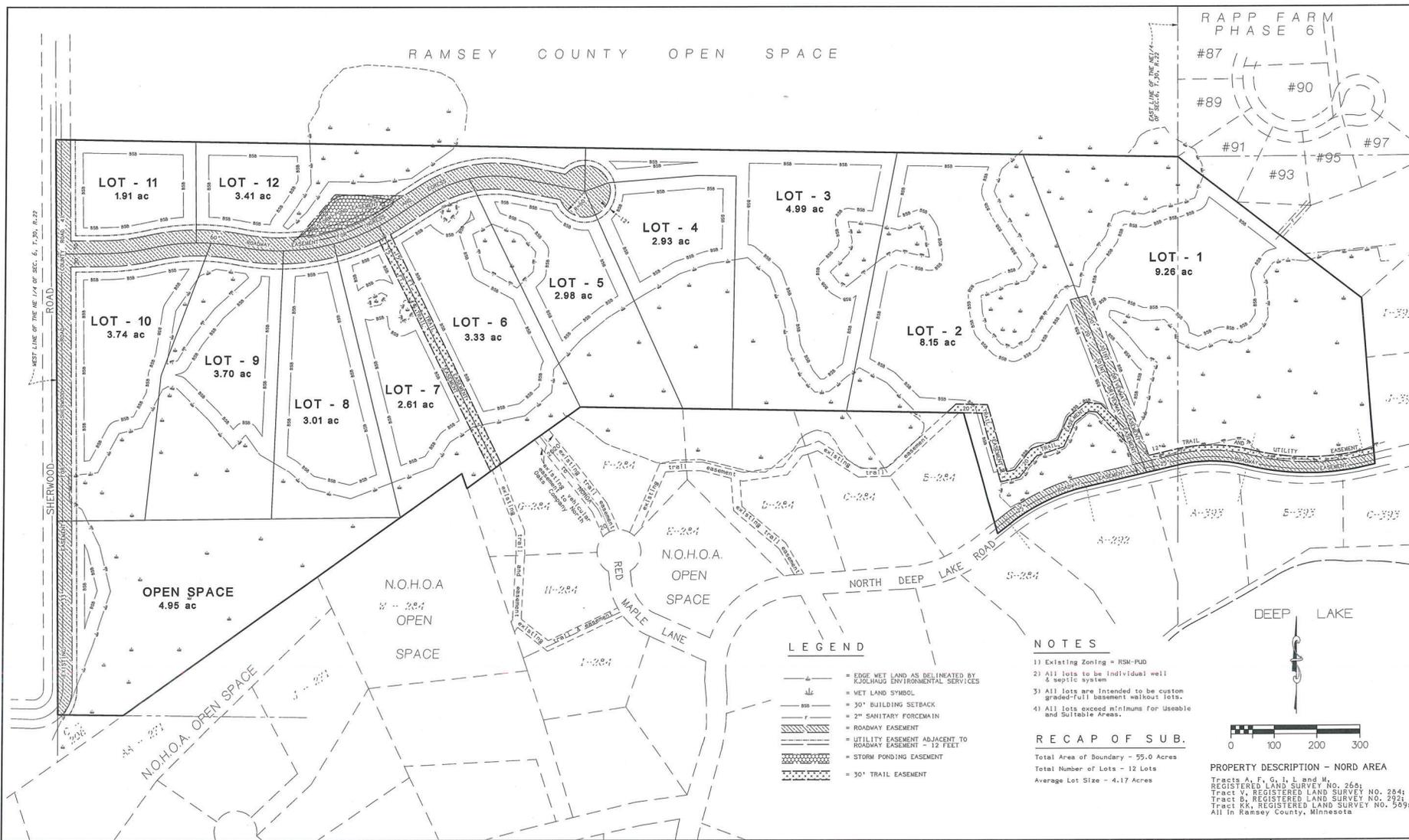


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CITY PROJECT NO. —
 NORTH OAKS,
 MINNESOTA

SEPTIC SITE LOCATION PLAN
 NORD AREA
 NORTH OAKS COMPANY

FILE NO.
 64500-013
2B
 6



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

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

Donald L. Kurth, REG. NO. 20270
 Russell J. Kurth, REG. NO. 16113

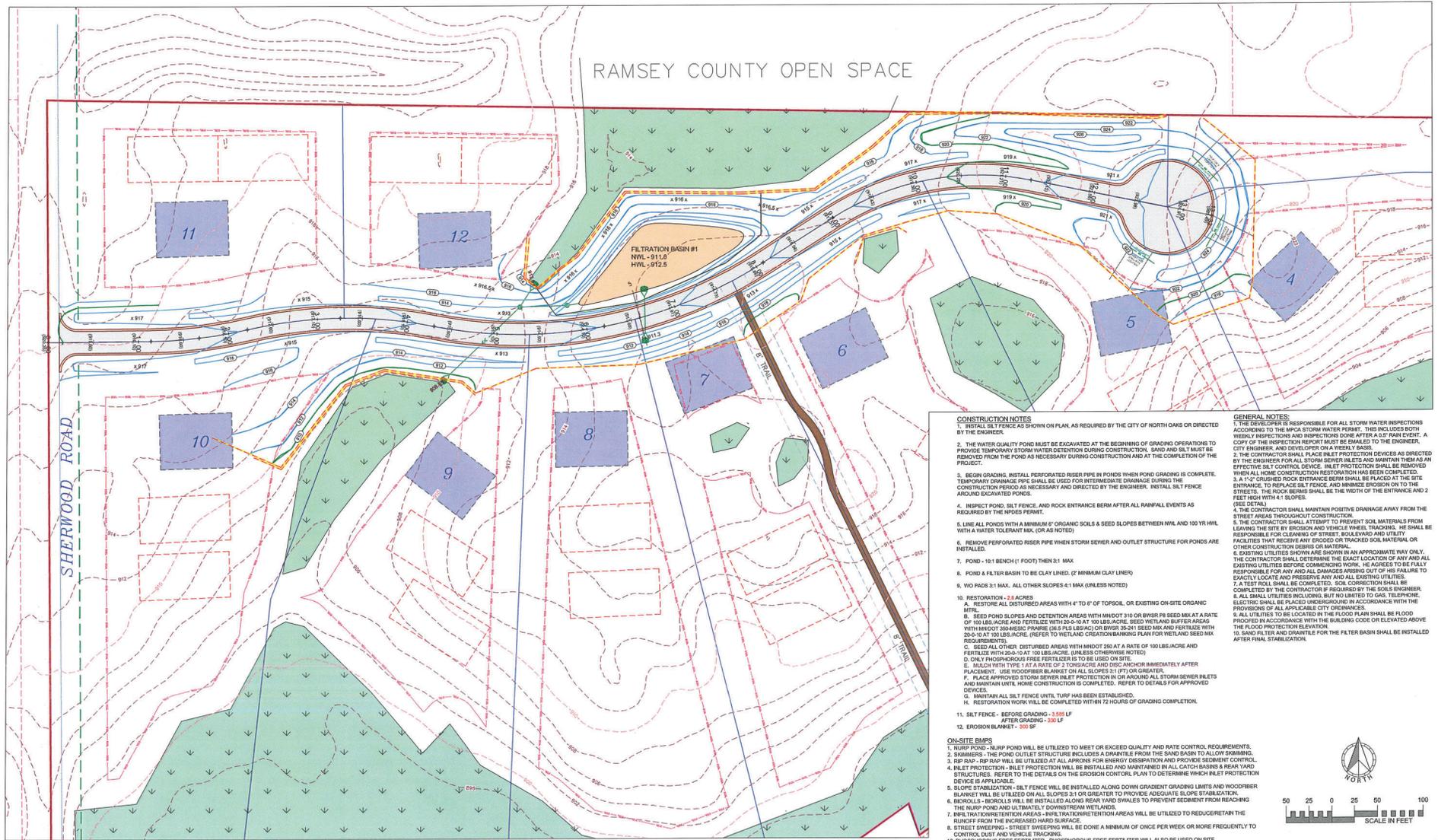
DEVELOPMENT AREA "C"



PROJECT: SHEET DESCRIPTION DATE: January 23, 2020

Exhibit H: Preliminary Plat / Easement Plan

RAMSEY COUNTY OPEN SPACE



CONSTRUCTION NOTES

1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF NORTH OAKS OR DIRECTED BY THE ENGINEER.
2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
3. BEGIN GRADING. INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
4. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE MPDS PERMIT.
5. LINE ALL PONDS WITH A MINIMUM OF ORGANIC SOILS & SEED SLOPES BETWEEN HWL AND 100 YR HWL WITH A WATER TOLERANT MIX. (OR AS NOTED)
6. REMOVE PERFORATED RISER PIPE WHEN STORM SEWER AND OUTLET STRUCTURE FOR PONDS ARE INSTALLED.
7. POND - 10' BENCH (1' FOOT) THEN 2:1 MAX
8. POND & FILTER BASIN TO BE CLAY LINED. 2" MINIMUM CLAY LINER
9. W/O POND & 1:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
10. RESTORATION - 2' FACIES
 - A. RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC TOPSOIL.
 - B. SEED POND SLOPES AND DETENTION AREAS WITH MNDOT 310 OR BWSP PB SEED MIX AT A RATE OF 100 LBS/ACRE AND FERTILIZE WITH 20-0-0 AT 100 LBS/ACRE. SEED WETLAND BUFFER AREAS WITH MNDOT 300MESC PRAIRIE (0.6 PLS LBS/AC) OR BWSP 30-24 SEED MIX AND FERTILIZE WITH 20-0-0 AT 100 LBS/ACRE. (REFER TO WETLAND CREATION/BANKING PLAN FOR WETLAND SEED MIX REQUIREMENTS).
 - C. SEED ALL OTHER DISTURBED AREAS WITH MNDOT 282 AT A RATE OF 100 LBS/ACRE AND FERTILIZE WITH 20-0-0 AT 100 LBS/ACRE (UNLESS OTHERWISE NOTED)
 - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND SEC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (PT) OR GREATER.
 - F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL HOME CONSTRUCTION IS COMPLETED. REFER TO DETAILS FOR APPROVED DEVICES.
 - G. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
11. SILT FENCE - BEFORE GRADING - 3.50' LF AFTER GRADING - 300' LF
12. EROSION BLANKET - 300' SF

ON-SITE BMPs

1. NURP POND - NURP POND WILL BE UTILIZED TO MEET OR EXCEED QUALITY AND RATE CONTROL REQUIREMENTS.
2. SWIMBERS - THE POND OUTLET STRUCTURE INCLUDES A DRAINABLE FROM THE SAND BASIN TO ALLOW SWIMMING.
3. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APPROX FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
4. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & SAND AND STRUCTURES. REFER TO THE DETAILS ON THE EROSION CONTROL PLAN TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
5. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LINES AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
6. ROCKSILLS - ROCKSILLS WILL BE INSTALLED ALONG BEAR YARD WALLS TO PREVENT SEDIMENT FROM REACHING THE NURP POND AND ULTIMATELY DOWNSTREAM WETLANDS.
7. INLET SWIMBERS - INLET SWIMBERS WILL BE INSTALLED IN ALL CATCH BASINS & SAND AND STRUCTURES TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
8. INLET SWIMBERS - STREET DRAINING WILL BE DONE A MINIMUM OF ONCE PER WEEK OR MORE FREQUENTLY TO CONTROL DUST AND VEHICLE TRACKING.
10. PHOSPHOROUS FREE FERTILIZER - PHOSPHOROUS FREE FERTILIZER WILL ALSO BE USED ON SITE.

GENERAL NOTES

1. THE DEVELOPER IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPDA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS ZONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER.
2. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
3. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
4. A TEST SOIL SHALL BE COMPLETED. SOIL CONSTRUCTION SHALL BE COMPLETED BY THE CONTRACTOR IN ACCORDANCE WITH THE SOILS ENGINEER.
5. 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.
6. ALL UTILITIES TO BE LOCATED IN THE FLOOD PLAN SHALL BE FLOOD PROOFED IN ACCORDANCE WITH THE BUILDING CODE OR ELEVATED ABOVE THE FLOOD PROTECTION ELEVATION.
7. SAND FILTER AND GRANULE FOR THE FILTER BASIN SHALL BE INSTALLED AFTER FINAL STABILIZATION.

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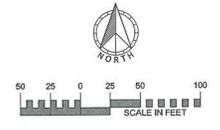
Eric R. Johnson
ERIC R. JOHNSON, P.E.
Date: 01/23/20 Lic. No. 56659

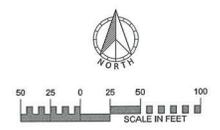
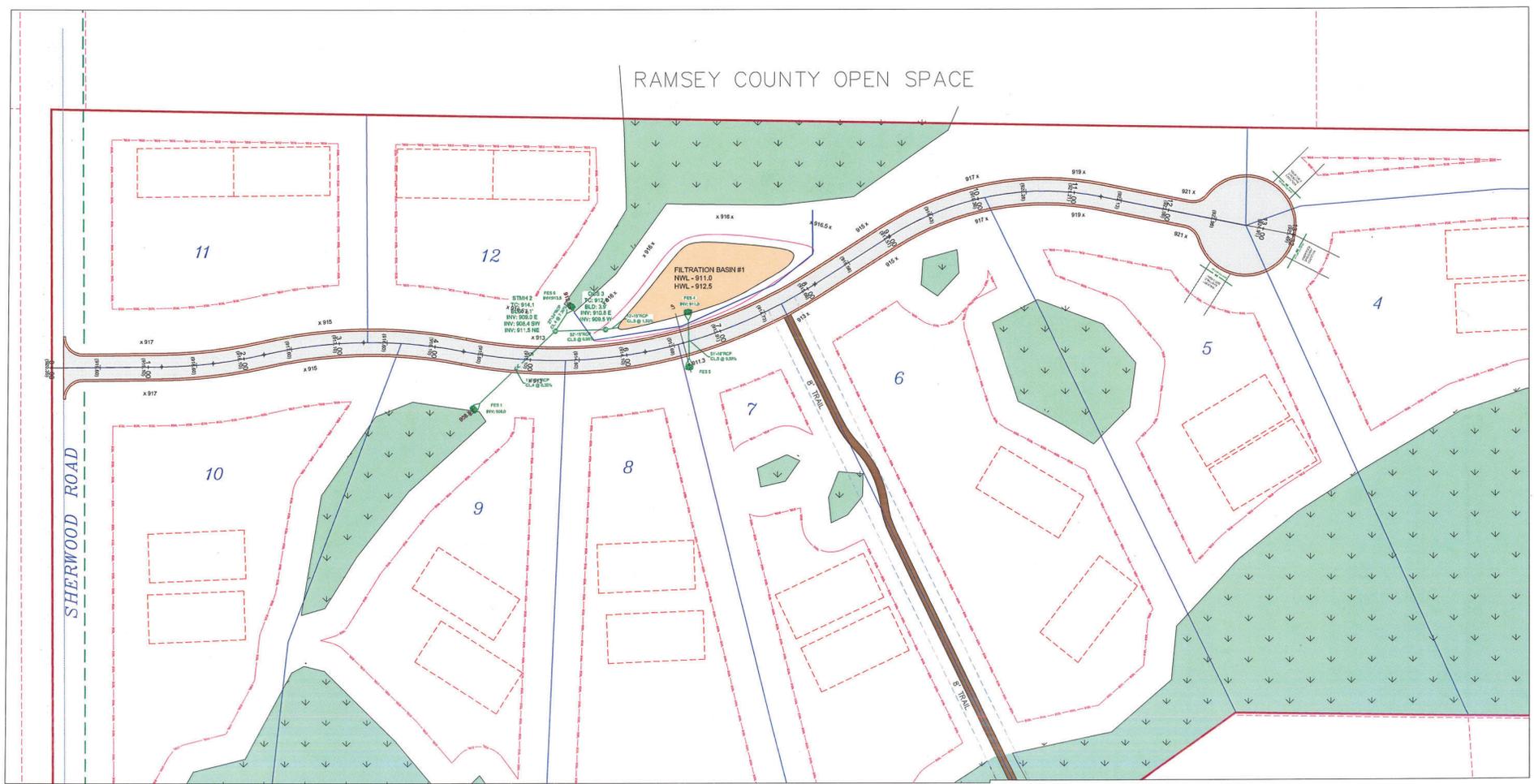
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150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000

ENGINEERS SURVEYORS
PLANNERS

CITY PROJECT NO. -
NORTH OAKS,
MINNESOTA

Exhibit I: Preliminary Grading Plan
NORTH OAKS COMPANY





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Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 01/23/20 Lic. No. 56651

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ENGINEERS SURVEYORS
 PLANNERS

CITY PROJECT NO. -
 NORTH OAKS,
 MINNESOTA

Exhibit J: Preliminary Utility Plan
 NORTH OAKS COMPANY

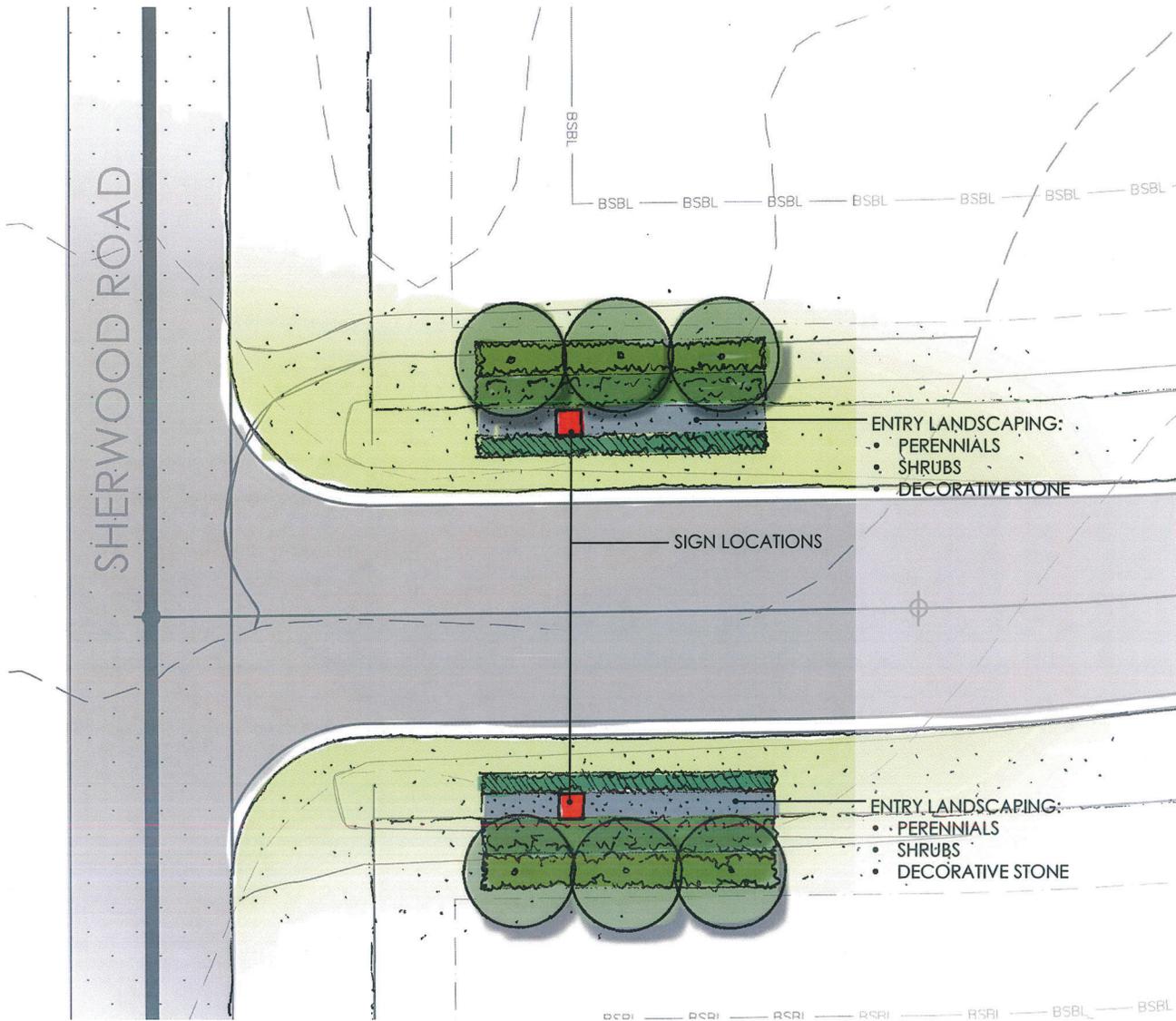


Exhibit K: Preliminary Landscape / Sign Plan

SHEET 6

NORD DEVELOPMENT
North Oaks, Minnesota

January 23, 2020



PLANNING REPORT ADDENDUM NUMBER 2

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: June 9, 2020

RE: North Oaks - East Oaks Planned Unit Development
Nord Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.01

BACKGROUND

The intent of this addendum is to provide a response to the various questions raised at and after the May 28, 2020 Planning Commission meeting, as well as to provide a revised list of recommended Conditions of Approval for the Nord Preliminary Plan/Subdivision application based on the additional information received by staff as well as the Planning Commissions discussion and comments regarding the application.

EXHIBIT LIST

- EXHIBIT 1:** MnRAM Wetland Delineation Map; May 13, 2020 Letter from VLAWMO
- EXHIBIT 2:** June 5, 2020 Memo from NOC; Old Farm Road Access Driveway Depiction Preliminary Plat Existing Conditions Including Old Farm Road Access Driveway; Various Aerial Photos Showing Old Farm Road Access Driveway from 1948-2017
- EXHIBIT 3:** Nord Development Site Proposed Trail Map; April 7, 2020 Letter from NOHOA; May 26, 2020 Letter from NOHOA

DISCUSSION OF ISSUES/RESPONSE TO QUESTIONS

During and after the May 28, 2020 Planning Commission meeting, questions were raised regarding a number of aspects related to the Nord Preliminary Plan/Subdivision applications. This section of the Planning Report Addendum provides additional information related and in response to those questions and comments.

1. What is VLAWMO’s position on whether there will be any wetland impacts resulting from the Nord subdivision and subsequent development of twelve single-family residences?

Per the May 13, 2020 memo from Brian Corcoran, VLAWMO has stated that it has no issues with the current Preliminary Plan Subdivision. In relation to this, concerns were raised regarding proposed future wetland impacts in Nord once lots are developed by individual homeowners. Currently the Nord subdivision application does not indicate any proposed wetland impacts. Per VLAWMO (as WCA LGU) and BWSR, after any potential subdivision approval, **no additional wetland impacts will be allowed outside of MN Rules 8420.0420 which details Exemption Standards.**

2. What are the wetland setback and buffer requirements for the wetlands located within the East Oaks Development Sites?

There are two separate requirements related to how far away from the edge of a delineated wetland a structure (such as a house) may be located.

The City Code imposes a **setback** for structures from the edge of a delineated wetland. A setback is defined as “[th]e minimum horizontal distance between a building or structure, individual sewage treatment system or well and lot lines, nearest edge of road easement(s), wetlands, or ordinary high water level of lakes, rivers, or ponds.”

Vadnais Lake Area Water Management Organization (VLAWMO), acting as the Local Government Unit (LGU) for purposes of the Wetland Conservation Act (WCA), administers the VLAWMO’s Water Managment Policy, which requires a **buffer** from the edge of a delineated wetland for any project that “increases the imperviousness of the subject parcel.” A buffer is defined as “[a]n area of specified width with natural, unmaintained, vegetated ground cover abutting or surrounding a watercourse, public waters wetland, or wetland delineated using current delineation standards.”

The width of a required wetland **buffer** depends on the management class of the wetland, and includes “base buffer widths” as well as “minimum applied buffer widths.” Buffer widths range from 20 feet (Mange 3) to 75 feet (Preserve), with minimum applied buffers of 16 to 67 feet, respectively. VLAWMO’s Water Management Policy further permits the reduction of Applied Buffer Widths based on certain factors, such as “demonstration by the applicant that the proposed buffer conditions clearly provide function and value equal to or greater than would be provided by a buffer of the applicable Applied Buffer Width, but may not be reduced to less than 50 percent of the applicable Applied Buffer Width. The wetlands located on the southern portion of proposed Lot 1 (WL 1) are classified as a Manage 1 wetland with a base buffer width of 40 feet and the wetland on the northern

portion of proposed Lot 1 (WL2) is classified as Preserve, with a 75 foot base buffer width. (See Exhibit 1)

3. Is there sufficient suitable non-wetland land within proposed Lot 1 to comply with City wetland setback requirements and VLAWMO buffer requirements for the proposed house and septic system to be located on Lot 1?

Concerns were raised about the availability of required usable area on Lot 1, once required **buffer** widths are applied. The current Preliminary Plan application meets all applicable City Wetland setbacks. The City application for preliminary plan/subdivision approval does not require the applicant to illustrate VLAWMO applied buffers. However, applicant's engineer has prepared a preliminary buffer plan which illustrates the calculated required applied buffers. This plan illustrates compliance with the required minimum 5,000 SF building pad site with two – 5,000 SF suitable soils areas for septic systems for each lot within the proposed Nord development.

4. Does the proposed driveway to Lot 1 meet the requirements for wetland setbacks and buffers?

The proposed driveways to Lots 1 and 2 follow the path of the existing "Old Farm Road" Access Drive. Concerns were raised regarding required VLAWMO setbacks for the driveway serving lots 1 and 2. A review of the provided plans shows that the proposed access driveways are outside of the **setback** areas. Per VLAWMO, the existing farm road used as access to the areas within proposed lots 1 and 2 may continue to be used and is considered to be a "grandfathered" use, with no required applied buffers. In addition, exceptions to VLAWMO Water Management Plan states that all maintenance, repair, resurfacing and reconditioning activities of existing facilities that do not involve land disturbing activities are not subject to the standards contained therein. Finally, the City has no specific Zoning Ordinance or City Code requirement/performance standard within the applicable zoning districts within the proposed Nord development site related to driveway surface (for access driveways) or driveway widths with the exception of maximum curb cuts (one per dwelling), setbacks from lot lines, driveways and other structures, and maximum driveway width at the front property line.

5. Is the Wetland Delineation Boundary and Type for the Nord parcel expired?

No. The Wetland Delineation Boundary and Type was approved on 9/9/2015, and is good for a period of five (5) years. VLAWMO has also confirmed that the Wetland Delineation Boundary and Type, approved on 9/9/2015, is good for 5 years; if Nord Development is not approved by 9/9/2020, a new Wetland Delineation Boundary and Type will be required.

6. Can the preliminary plat/subdivision be approved as proposed with the inclusion of the two excluded/orphan parcels?

Yes. There is nothing in state statute or the City code which explicitly prohibits the inclusion of property with different zoning classifications within the same lot/parcel.

7. Does the PDA need to be amended in order to approve the proposed subdivision/preliminary plan?

No. Staff recommends that the PDA be amended to reflect updated housing counts, and could be amended to incorporate the excluded/orphan parcels into the East Oaks Development Area. This would involve the following actions: 1) Text amendment to the PDA; 2) Rezoning of excluded parcels to RSM-PUD; and 3) zoning map amendment. This amendment process could occur at any time.

8. Is a variance required for the proposed shared driveway/access driveways to proposed Lots 1 and 2?

Based on the information provided by the North Oaks Company, it appears that the existing "Old Farm Road" Access Driveway is a legally established nonconforming use that has been used to access the property in proposed Lots 1 and 2 since before the City adopted its zoning ordinance, including the existing 30-foot lot line driveway lot line setback requirement. (See Exhibit 2) A legally established non-conforming use is entitled, per state statute and City Code, to continue, despite zoning ordinance changes which make the use no longer permitted where located/as established. Specifically, "[e]xcept as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless ..., the nonconformity or occupancy is discontinued for a period of more than one year." Minn. Stat. § 462.357, subd. 1e.

Additionally, note that Minn. Stat. § 117.184 prohibits the requirement for the removal of a legal nonconforming use without the payment of just compensation as follows:

117.184 COMPENSATION FOR REMOVAL OF LEGAL NONCONFORMING USE.

- (a) Notwithstanding any law to the contrary, an ordinance or regulation of a political subdivision of the state or local zoning authority that requires the removal of a legal nonconforming use as a condition or prerequisite for the issuance of a permit, license, **or other approval for any use, structure, development,** or activity **constitutes a taking and is prohibited without the payment of just compensation.** This section does not apply if the permit, license, or other approval is requested for the construction of a building or structure that cannot be built without physically moving the nonconforming use.
- (b) This section applies to an action of a political subdivision of the state or a local zoning authority occurring on or after May 20, 2006, that requires removal of a

legal nonconforming use as a condition or prerequisite for the issuance of a permit, license, or other approval.

If the “Old Farm Road” Access Driveway were not a legally established nonconforming use, then in order to use it for a shared access driveway, either:

- a. The PDA would need to be amended to include the excluded/orphan parcels, which would include a rezoning and update to the City’s zoning map and Appendix 1 would need to be amended to remove the 30-foot lot line setback requirement from the Nord Parcel.
- b. Variance(s) would be necessary from the existing 30-foot lot line setback requirement

9. Is the Developer required to provide for additional recreation/open space as a condition of preliminary plan/subdivision approval?

Included Parcels: Section 12.1 of the East Oaks PDA provides that “all park dedication requirements for the East Oaks PUD Project and its Development Sites ... shall be and are satisfied by the Developer in the form of “ the various Open Space Easements, Conservation Easements, rough grading of park and trail area and construction of trails depicted on the Trail Plans, granting of the Primary Trail Easements to NOHOA and conveyance of the Passive Private Open Space and Active Private Open Space depicted on the Park and Open Space Plan to NOHOA.

The Trail Plan and other PDA Development Documents do not depict any trails to be constructed within the boundaries of the included tracts in the Nord Parcel.

Excluded/Orphan Parcels. Section 152.052 of the City Code requires that “[e]ach subdivision to be developed for residential uses shall have a reasonable amount of land dedicated, set aside, conveyed, or preserved to or for the benefit of present or future residents of the City of North Oaks or present or future residents of the areas to be subdivided for open space purposes, parks, playgrounds, trails, or conservation purposes. In determining what a reasonable amount of land to be dedicated, set aside, conveyed, or preserved, consideration may be given to the open space, parks, playgrounds, trails and conservation land which the subdivider has provided in other plats in addition to the land which the subdivider is providing in the areas to be subdivided and other such land available to the residents of the areas to be subdivided that is within a reasonably accessible distance. The maximum area required to be dedicated, set aside, conveyed, or preserved for the purposes specified above shall be 10% of the area being subdivided.” Because the dedication requirement for the Nord parcel’s included parcels have already been met, the maximum dedication based on the inclusion of the excluded/orphan parcels in the preliminary plan/subdivision is 3.95 acres x 10% = .39

acres. This requirement can be waived when the City Council finds that land for the purposes specified above is not required or not suitable for such purposes. Based on the proposed trails to be dedicated within the Nord development, if not waived, this requirement can be satisfied by the dedication of those trail easements.

10. What is the status of NOHOA approval for the proposed new trail through the Nord development site?

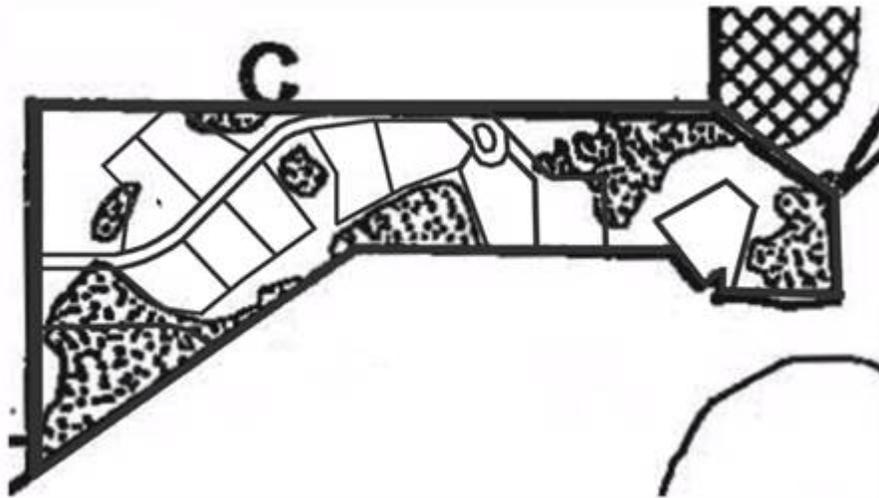
NOHOA has submitted the attached correspondence (NOHOA letters) regarding the proposed trail through the Nord development site. Staff have been advised by the Developer that the proposed trail through the Nord development site is acceptable to NOHOA and that NOHOA is willing to accept trail easements in the locations shown on the proposed Nord trail map. Due to the fluidity of this matter, staff have revised their proposed condition related to trail dedication to allow dedication of a trail in an alternate location upon agreement of NOC, NOHOA, and the City. (See Exhibit 3)

11. Is the Nord site required to be developed with sanitary sewer connections?

No. The City's existing Comprehensive Plan shows the Nord development as unsewered. Staff are requesting as condition of subdivision approval that the Developer grant easements to the City for future water and sewer utilities throughout the subdivision.

12. Does the proposed lot and house configuration need to "match" the Randall Arendt open space plan shown in Exhibit C to the PDA?

No. The EAW is **not** part of the PDA. It was completed in August of 1998 and was used to guide the preparation of the 1999 PDA. It is not incorporated into the PDA, or included within the definition of the PUD Controls or the Planned Development Agreement. As indicated at the April 28, 2020 meeting, a resident suggested that the proposed subdivision should be redesigned to reflect the Randall Arendt open space plan as provided as Exhibit C in the 1999 East Oaks Environmental Assessment Worksheet (EAW). The Randall Arendt plan, shown below, includes 10 lots and is characterized by groupings of smaller lots separated by open space.



The submitted preliminary plan (subdivision) illustrates a roadway configuration similar to the Randall Arendt plan. As indicated above and in previous meetings, open space requirements imposed by the East Oaks PDA have already been satisfied. In addition, the EAW was completed prior to execution of the East Oaks PDA which included those significant open space dedications as part of the terms of the PDA. In this regard, the City does not have the authority to require the applicant to provide additional open space within the Nord development area (with the caveat noted above related to the excluded/orphan parcels).

Also to be noted is that lot sizes illustrated in the Randall Arendt plan are significantly smaller than those proposed on the proposed preliminary plan (subdivision). The average upland (buildable) area of lots illustrated on the Randall Arendt plan is approximately 1.4 acres. This compares to an average upland area of approximately 3.0 acres for lots proposed within the submitted preliminary plan (subdivision). Recognizing that the City's 2008 Comprehensive Plan directs unsewered development upon the subject site, question exists whether ample lot areas are provided in the Randall Arendt plan to accommodate two drainfield sites, required wetland buffers and reasonably sized building pads.

13. What about the existing trail easements on property located outside of the Nord development site, and the concerns raised about their location in relation to existing homes, decks, retaining walls, and other structures?

The trail easements located on adjacent parcels have been in existence since 1972 and were recorded against the subject properties prior to construction of any of the structures or improvements on the subject properties. NOHOA and the affected property owners can agree to relocate the existing trail easements, but that process is between NOHOA and the property owners.

STAFF RECOMMENDATION

Based on the preceding review, it is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Recognizing that some additional information has become available since the May 28, 2020 Planning Commission meeting, Staff recommends of approval of the proposed Nord preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the following amended conditions (revised conditions are shown with **highlighting**):

1. The following conditions shall be satisfied related to the proposed shared driveway to Lots 1 and 2, which is determined to be a legally established nonconforming use:
 - A. Signage be provided to clearly identify the shared driveway. The type, size and location of such signage shall be subject to City approval.
 - B. No parking be allowed on the shared portion of the driveway as necessary to maintain Fire Department vehicle/equipment accessibility.
 - C. Developer is advised that it may need to obtain approval from NOHOA for use of the shared driveway.
2. Trails within the Nord site shall be constructed in accordance with the trail plan prepared by the North Oaks Company, dated March 26, 2020, and attached as Exhibit A, except that such trail location may be modified by mutual agreement of the Developer, NOHOA, and the City.
3. The buildable area of Lot 4 (the flag lot) include a turnaround area (or hammerhead). The design of such turnaround area shall be subject to review and approval by the Lake Johanna Fire Department and City Engineer.
4. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).
5. With the exception of the existing Old Farm Road Access Driveway, 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

Wetlands: 30 feet

Lot Lines: 30 feet

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

6. The proposed monument sign shall satisfy the following conditions:
 - A. Not exceed 8 feet in height as measured from the finished grade.
 - B. Not extend into adjacent road easement.
 - C. Not obstruct the view of oncoming traffic.
 - D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
 - E. No exposed neon lighting on sign.
 - F. Designed to be compatible with adjacent building architecture.
 - G. The sign face shall not exceed 80 square feet for each side of the sign.

7. (Condition related to amendment of PDA removed in its entirety)

8. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
9. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from vertical and horizontal curves on Sherwood Road.
10. Fire lane signage shall be provided, as necessary, in accordance with the requirements of the Lake Johanna Fire Department.
11. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by VLAWMO.

13. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
14. Details of cross-section and tie-in at Sherwood road shall be included with final construction plans.
15. Individual Building Permit Application review shall include the following: Final locations and designs for ISTS; private well locations; 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
16. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.
17. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.
18. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
19. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
20. Riprap 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.
21. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
22. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists.

The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.

23. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
24. 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.
25. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
26. All applicable recommendations of the City Forester shall be satisfied.
27. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
28. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.
29. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO.
30. 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.
31. 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.
32. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
33. VLAWMO 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 and any LGU requirements for buffer protection.
34. (Condition removed in its entirety.)
35. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.

36. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
37. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS in locations determined by the City Engineer and in a form acceptable to the City Attorney.
38. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process as shown on proposed easement plan.
39. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
40. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5 and 5A. A drainage and utility easement shall be added between wetlands 5A and 5B.
41. 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.
42. Ramsey County shall be contacted to confirm that the proposed roadway easement is sufficient or if the County would like Sherwood Road right-of-way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
43. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
44. Final proposed location for potential trail along North Deep Lake Road shall conform to MnDOT recommendations for clear zone requirements for applicable speed limit.
45. Construction details and grading cross-section for the interconnection of proposed trail with the shared access of Lots 1 & 2 shall be included in final construction plans.
46. Consideration of any comments received from the Vadnais Lake Area Water Management Organization.
47. Consideration of any comments received from the Department of Natural Resources.

48. Where practical, the applicant shall **comply with the** following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:

- a. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
- b. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- c. If grade changes are excessive retaining walls may be a viable option.
- d. Do not place fill around save trees.
- e. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- f. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- g. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- h. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- i. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
- j. Follow the oak wilt protocol included above.

49. **The applicant shall work with the City Forester and lot purchasers and explore options to preserve trees located upon all lots within the subdivision.**

50. **Information requested by NOHOA in their letter dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available.**

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

EXHIBIT 1

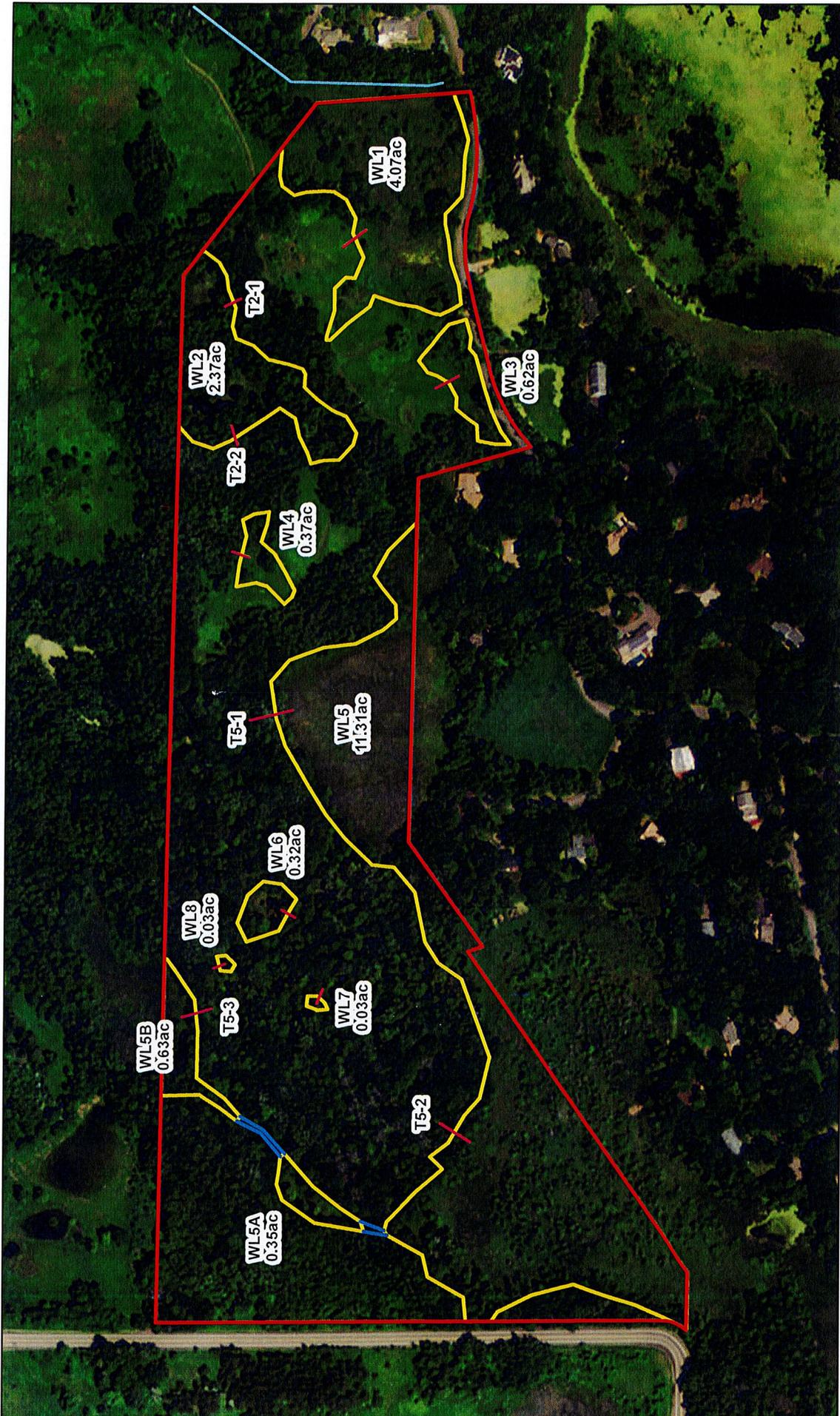
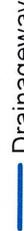
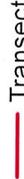


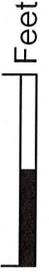
Figure 2A - Existing Conditions Map (2013 FSA Photograph)

Nord Parcel (KES 2015-045)
North Oaks, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

-  Ditch
-  Drainageway
-  Transect
-  Wetland Boundary

N 

 0 350 Feet

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY



TO: Kevin Kress
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: May 13, 2020
SUBJECT: Comments – Site C – Nord Development – Preliminary Plan Subdivision Application

Kevin,

Below are our comments to Site C – Nord Development – Preliminary Plan Subdivision Application Submittal received 5-12-2020.

- A wetland delineation Boundary & Type was approved on this site 9/9/2015. Per Preliminary Plan no wetland impact is anticipated.
- A MN Routine Assessment Method (MNRAM) was received on 4/6/2020. This worksheet identifies management classes for each wetland on site and their corresponding buffers per VLAWMO rules. Future homes to be built need to follow the buffer setbacks for each wetland.
- Each lot also has to meet current VLAWMO stormwater standards. VLAWMO requests review of each proposed lot construction plan as they come in to verify our standards have been met, a stormwater plan/hydro report will be needed at that time to verify rate control and volume standards are met.
- VLAWMO has no issues with the current Preliminary Plan Subdivision.

Thank you,

Brian Corcoran

EXHIBIT 2



MEMO

Date: June 5, 2020

From: Mark Houge

To: Kevin Kress

CC: Gary Eagles

Re: Nord – Site C

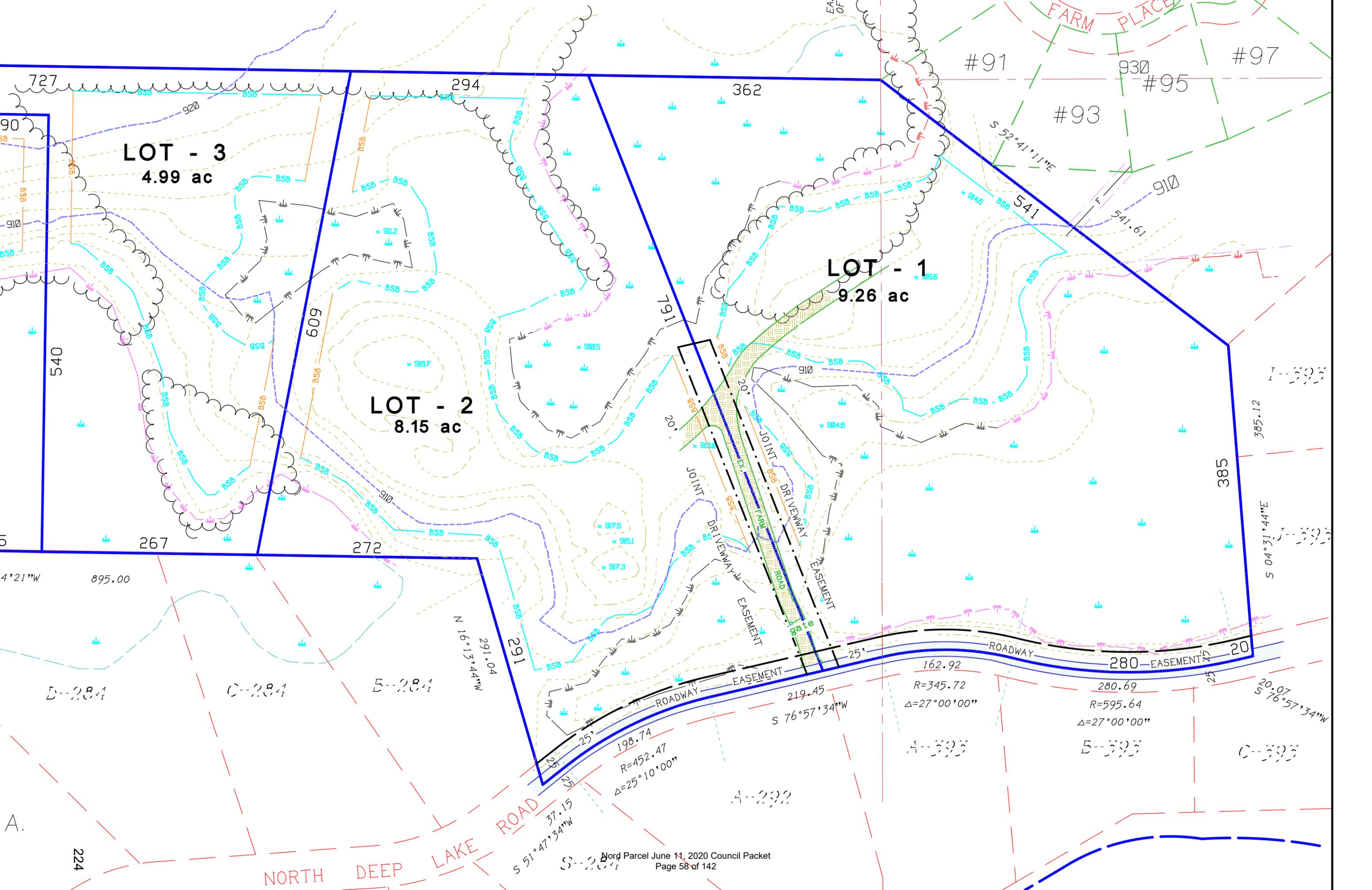
This memo briefly outlines the history of the farm road within the Nord – Site C, as referenced in the East Oaks Planned Unit Development Agreement (PDA).

The Hill family used many old farm roads in the area now know as Nord, in connection with its agriculture and farming operations dating back to the early 1900's. When the farming operations were being phased out in the '30 – 40's the farm roads continued to be used for forest management. North Deep Lake Road was built on an existing farm road, which was connected to the existing farm road in Nord.

The farm road in Nord has been in use continuously, most recently as an access to Rapp Farm during the construction of roads and utilities in that development. Today, the company uses the farm roads for forest management, activities associated with conservation management, and provides access for trail maintenance performed by a third-party.

The Open Space shown on the Preliminary Plans is reserved as a passive open space for wildlife and to preserve the existing forest and wetlands as a buffer from the municipal roads to the west.

Please let me know if you have any questions or require further clarification.



LOT - 3
4.99 ac

LOT - 1
9.26 ac

LOT - 2
8.15 ac

FARM PLACE

NORTH DEEP LAKE ROAD

A.

224

C--395

E--395

A--395

A--292

D--284

C--284

E--284

20.07
S 76°57'34"W

280.69
R=595.64
Δ=27°00'00"

162.92
R=345.72
Δ=27°00'00"

219.45
S 76°57'34"W

198.74
R=452.47
Δ=25°10'00"

37.15
S 51°47'34"W

S 04°31'44"E

S 52°41'11"E

N 16°13'44"W

4°21'W

I--395

I--395

385.12

385

385

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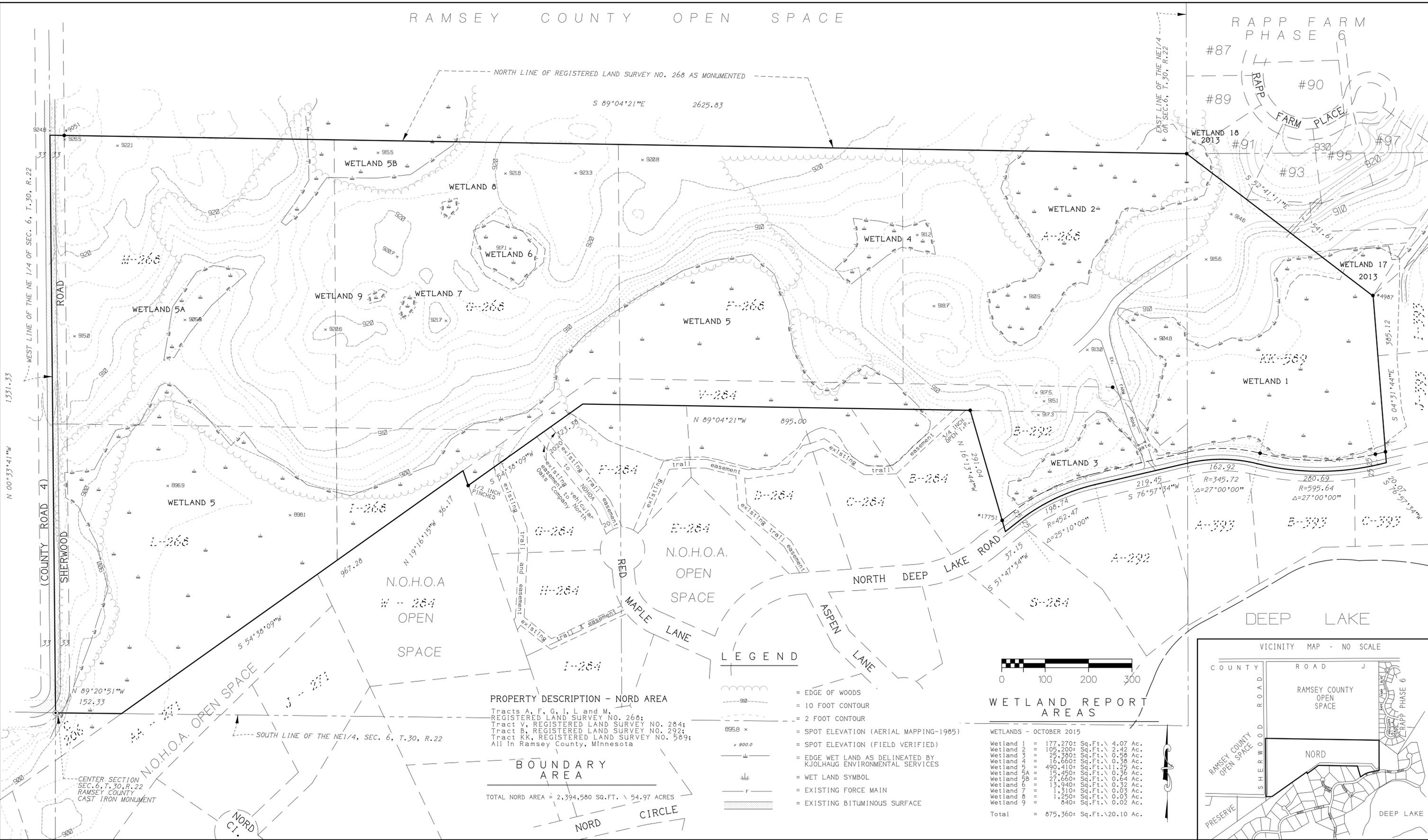
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RAMSEY COUNTY OPEN SPACE

RAPP FARM PHASE 6



PROPERTY DESCRIPTION - NORD AREA
 Tracts A, F, G, I, L and M,
 REGISTERED LAND SURVEY NO. 268;
 Tract V, REGISTERED LAND SURVEY NO. 284;
 Tract B, REGISTERED LAND SURVEY NO. 292;
 Tract KK, REGISTERED LAND SURVEY NO. 589;
 All in Ramsey County, Minnesota

BOUNDARY AREA
 TOTAL NORD AREA = 2,394,580 SQ.FT. \ 54.97 ACRES

LEGEND

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

WETLAND REPORT AREAS

WETLANDS - OCTOBER 2015

Wetland 1	= 177,270± Sq.Ft. \ 4.07 Ac.
Wetland 2	= 105,200± Sq.Ft. \ 2.42 Ac.
Wetland 3	= 25,380± Sq.Ft. \ 0.58 Ac.
Wetland 4	= 16,660± Sq.Ft. \ 0.38 Ac.
Wetland 5	= 490,410± Sq.Ft. \ 11.25 Ac.
Wetland 5A	= 15,450± Sq.Ft. \ 0.36 Ac.
Wetland 5B	= 27,660± Sq.Ft. \ 0.64 Ac.
Wetland 6	= 13,940± Sq.Ft. \ 0.32 Ac.
Wetland 7	= 1,310± Sq.Ft. \ 0.03 Ac.
Wetland 8	= 1,250± Sq.Ft. \ 0.03 Ac.
Wetland 9	= 840± Sq.Ft. \ 0.02 Ac.
Total	= 875,360± Sq.Ft. \ 20.10 Ac.

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

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

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

DEVELOPMENT AREA "C"

NORTH OAKS
 C O M P A N Y

PROJECT:
 NORD AREA

SHEET DESCRIPTION
 PRELIMINARY PLAT
 EXISTING CONDITIONS

DATE: January 23, 2020
 REV. 2-21-20 (NEW SHEET 1A)
 REV. 6-4-20 (ex. farm road)
SHEET 1A OF 6 SHEETS

1938

226

1953



227

1964



1974



229

1985

230

1991

231

2004



232

2006

2011



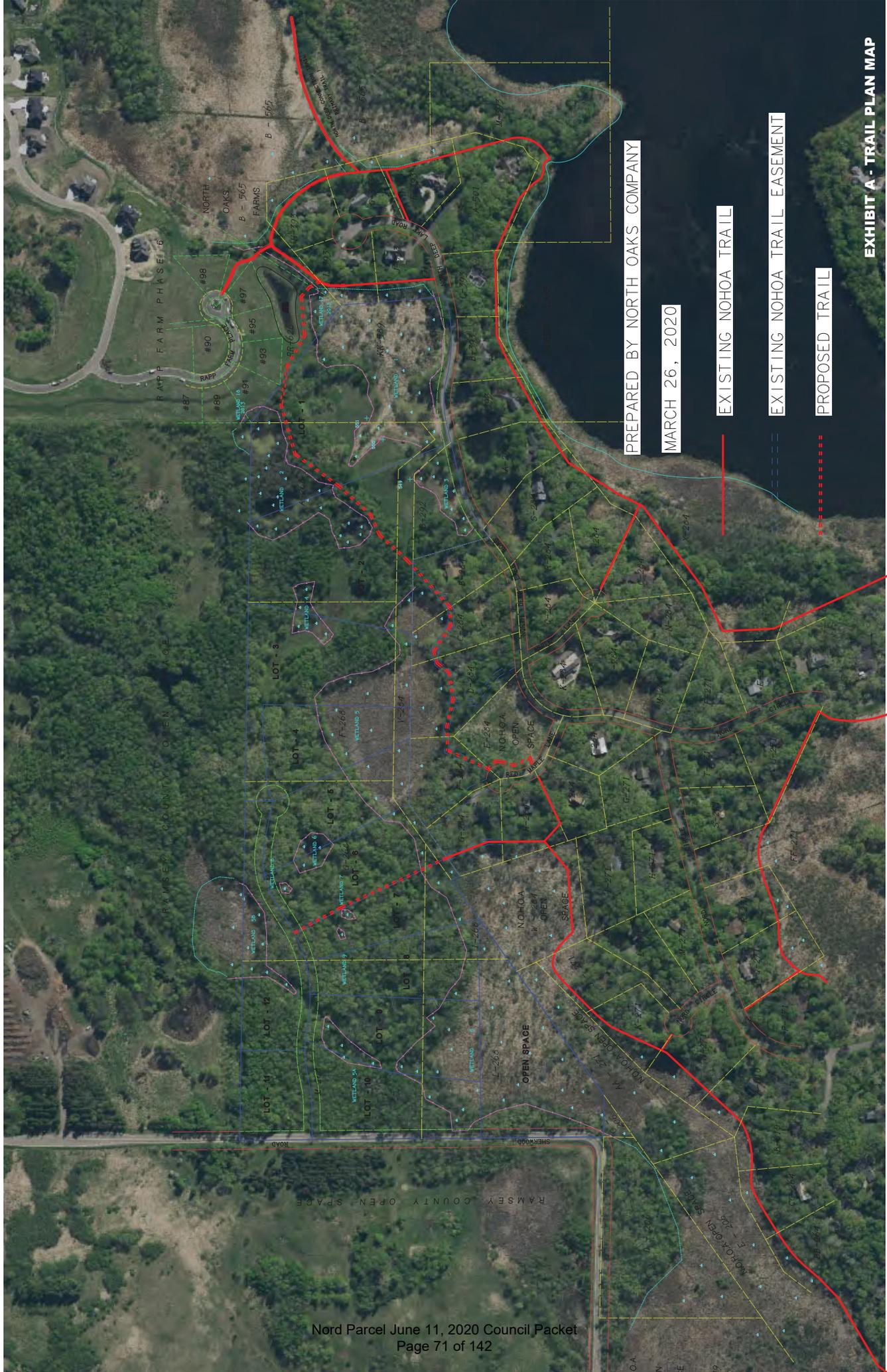
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2017



235

EXHIBIT 3



PREPARED BY NORTH OAKS COMPANY

MARCH 26, 2020

EXISTING NOHOA TRAIL

EXISTING NOHOA TRAIL EASEMENT

PROPOSED TRAIL

EXHIBIT A - TRAIL PLAN MAP



NORTH OAKS
HOME OWNERS' ASSOCIATION

April 7, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Nord Preliminary Plans

Dear Mayor Nelson,

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans submitted by the North Oaks Company for the Nord development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and suggested plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. The applicant should be advised that NOHOA policy does not allow for shared driveways except through board approval. At the time of construction, Lots 1 and 2 will need to receive board approval if a shared driveway is going to be used.
2. The following are NOHOA's recommendations relative to the North Oaks Company updated trail route provided on the exhibit dated March 26, 2020:
 - a. NOHOA prefers that the new route through Lots 1 and 2 be constructed as indicated on the attached exhibit, avoiding any wetland impacts.
 - b. NOHOA prefers the alignment through the west side of NOHOA open space to connect to the existing trail easement.

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- c. As offered, NOHOA expects the North Oak Company to work with NOHOA and the property owners to construct a trail through the existing easement located across the existing properties along North Deep Lake Road. Assistance shall also be provided by the North Oaks Company to establish new easements closer to the wetland when possible.
3. NOHOA's willingness to accept the revised trail plan as proposed by the North Oaks Company does not waive NOHOA's right to require compliance with the terms of the 1999 PDA as to all future developments.
4. A center island is indicated on the plans at the entrance. No landscape maintenance will be completed by NOHOA within the development. NOHOA would prefer no center island.
5. Trail maintenance and construction fall under the purview of NOHOA. As such the following is requested:
 - a. Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of impacts. This should occur for the trail along the lot line between Lot 7 and 6 and across Lots 1 and 2.
 - b. Trail construction details should be provided to NOHOA for review and comment.
 - c. Any necessary boardwalk and culvert installation locations should be noted on the plans.
 - d. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
6. To allow for appropriate future road maintenance, NOHOA requests that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design.
7. Plan and profile information for the road should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
8. Copies of the stormwater plans, drainage calculations and Minnesota Routine Assessment Method (MnRAM) report are requested. Approval from VLAWMO will be required for the improvements prior to acceptance. NOHOA reserves the right to comment on plans as they are revised to avoid wetland impacts.
9. The preliminary plans note that the road will discharge to a filtration basin. As the Construction details should be provided and a soil boring with groundwater elevations and infiltration rates should be provided. A 10-foot bench should be graded around the basin for maintenance access.

Mr. Greg Nelson, Mayor
April 7, 2020

10. Documentation should be provided as to approval by Ramsey County of the road access.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on February 27th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Nord site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Nord development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA prior to being recorded.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Thank you,

(Signed copy on file)

Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



NORTH OAKS
HOME OWNERS' ASSOCIATION

May 26, 2020

Mr. Gregg Nelson, Mayor and Mr. Mark Azman, Planning Commission Chair
Council Persons: Rick Kingston, Marty Long, Kara Ries and Katy Ross
Planning Commission Members: Jim Hara, Stig Hauge, Nick Sandell, Dave Cremmons, Sara Shah and Joyce Yoshimura-Rank
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: NOHOA Position Statement/Reiteration

Dear Mayor Nelson and Planning Chair Azman,

This letter states the position of the Board of Directors of the North Oaks Home Owners' Association, Inc., ("NOHOA") on matters related to the North Oaks Company's East Oaks development proposals.

The NOHOA Board's position regarding the 1999 East Oaks Planned Unit Development Agreements ("1999 PDA") is:

NOHOA signed a Consent and Joinder to the 1999 PDA and, by so doing, consented to and joined in specific provisions of the agreement. NOHOA will accept trails, parks, open space, and roads, and expand NOHOA boundaries to accept new development, but only if the trails, parks, open space and roads comply with the 1999 PDA and other applicable law.

During the development process NOHOA will: (1) review North Oaks Company's development proposals; and (2) provide comments on each proposed development to the City's Planning Commission, the City Council and the North Oaks Company. NOHOA will also review each proposed Declaration for each development and agree to be bound by each Declaration it approves.

As each of the North Oaks Company's developments are completed, and assuming that each development is completed consistent with the 1999 PDA and other applicable law, NOHOA will expand its boundaries to accept the new development within NOHOA through a Boundary Expansion Agreement that will, among other things, confirm NOHOA's architectural review process, its initiation fees and annual dues, the timing of NOHOA's acceptance of road and trail easements, and its acceptance of title to parks and open space.

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100 Village Center Drive, Suite 240 | North Oaks, MN 55127 | PHONE 651.792.7765 | nohoa.org

In conclusion, the NOHOA Board, within its purview under the 1999 PUD/PDA, has provided review and comment, but has not agreed to, the Nord and Anderson Woods development proposals. The NOHOA Board takes its role and responsibility to its Membership and the community in matters associated with the East Oaks development and PUD/PDA very seriously. We will continue to diligently attend to the issues and considerations presented throughout the development process.

Sincerely,

NOHOA Board of Directors

CC: NOHOA Board of Directors
Mark Houge, President, North Oaks Company
Kevin Kress, City Administrator, City of North Oaks

PLANNING REPORT ADDENDUM

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Larina DeWalt, City Engineer
Bridget Nason, City Attorney

DATE: May 28, 2020

RE: North Oaks - East Oaks Planned Unit Development
Nord Preliminary Plan (Subdivision)

FILE NO: 321.02 - 20.01

BACKGROUND

The intent of this addendum is to provide additional information and/or clarify information related to the Nord preliminary plan (subdivision) application.

Such information relates specifically to issues raised at the Planning Commission's special meeting held on April 14, 2020, regular meeting held on April 30, 2020, as well as various inquiries which have been received by City Staff since the regular meeting.

During the Planning Commission meetings, a variety of questions and concerns were raised by both the Planning Commission and the general public. The purpose of this addendum is to convey Staff findings related to its investigation of issues which have been raised and supplement information provided in the City Staff report dated April 14, 2020.

To be noted is that this addendum includes a slightly modified listing of recommended conditions of approval (as recommended by City Staff) which reflects recently received information.

The Planning Commission's consideration of the Nord preliminary plan (subdivision) application has been continued to the Commission's May 28, 2020 meeting.

Attached for reference:

Exhibit A: Trail Plan Map (North Oaks Company)

Exhibit B: VLAWMO Comments

DISCUSSION OF ISSUES

Excluded Parcels

Intent of Parcel V-284. Questions have been raised by both the general public and the Planning Commission related to the original intent of parcel V-284 which borders the Nord parcel along its southern property line. Specifically, questions have been raised whether the 60-foot wide parcel may have been intended to accommodate a future trail, roadway (to provide access the existing parcels to the north) or a utility.

Several persons have maintained that parcel V-284 is intended to be a trail route as depicted on the Trail Map (Exhibit B4) included in the East Oaks PDA. The PDA appears to illustrate an existing NOHOA trail within the parcel. To be recognized however, is that no such trail presently exists in such location and that easements for a future trail route exist in close proximity to the south.

As a follow-up to the Planning Commission meeting discussion, Staff obtained and reviewed registered land surveys (RLS) of parcels 284, 292 and 393. RLS 292 and 393 are located adjacent to where V-284 borders North Deep Lake Road. In review of the surveys and associated legal descriptions, Staff has not found any information which definitively defines the intended purpose of parcel 284.

Determination of Consistency with Planned Development Agreement. During the public hearing, an opinion was expressed that the proposed Nord subdivision should be deemed inconsistent with the East Oaks Planned Development Agreement (PDA) as parcels V-284 and B-292 lie outside of the boundaries of Site C (the Nord parcel).

While there are no specific City Code provisions that would preclude the subdivision of land including land located within and outside of the PDA with different zoning classifications, Staff acknowledges this condition and, as a condition of preliminary plan (subdivision) approval, recommends that the PDA (specifically Site C of the PDA) be amended to incorporate the presently excluded parcels, although it is not recommended that it be a required condition of subdivision approval.

Storm Pond. At the Planning Commission's regular meeting on April 30, 2020, question was raised regarding maintenance responsibilities related to the proposed storm pond proposed north of the cul-de-sac. The pond is located within the boundaries of proposed

Lot 12 and within a “storm pond easement.” In this regard, land devoted to stormwater storage is proposed to be under private ownership.

In regard to pond maintenance responsibilities, Staff has discovered that responsibility for stormwater facility maintenance has been addressed on a case by case basis per development needs. It is staff’s opinion that the responsibility of future stormwater facilities, including any required annual maintenance, shall be included as part of the development agreement. Development agreement language shall clearly state which portions of stormwater facilities are covered under drainage, utility and maintenance easements and what party is responsible for ongoing maintenance compliant with all local, state and federal requirements.

As a condition of preliminary plan (subdivision) approval, Staff recommends that stormwater facility responsibilities are outlined in the required development agreement with the City including a specific requirement for the Developer to enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.

Water Service. At a previous Planning Commission meeting, a Commissioner raised questions regarding the potential for future municipal water service to be provided to the Nord Parcel.

As a follow-up, Staff has contacted both White Bear Township and the applicant regarding the viability for future water service. In this regard, the following feedback was provided: The Nord area development is located in between two separate water systems; Shoreview to the west and White Bear Township to the east. It has been determined that requiring placement of additional utility easements is a reasonable path forward to plan for potential future municipal water connection. City staff will continue conversations with adjacent municipalities regarding the appropriate potential path for municipal watermain connections. To that end, Staff recommends the dedication of utility easements within the Nord development area in locations to be determined by City Staff.

Trails Located Outside of PDA Boundaries

Relationship to Action on Proposed Subdivision. Question was raised regarding the construction of trails outside of the PDA boundaries and specifically if such condition presents any application processing problems or concerns.

It is the opinion of Staff that the construction of trails within existing trail easements which lie outside of the PDA boundaries is a separate matter which should not influence action on the proposed subdivision application. Technically, the North Oaks Home Owners Association (NOHOA) could construct trails within existing trail easements at any time, regardless of the action taken on the proposed subdivision.

To be noted is that the applicants have agreed to clear the existing trail easements located directly south of the Nord site prior to trail construction.

Trail Impacts on Existing Homes. Concern was raised at the Planning Commission meeting regarding the impact trail construction (within existing trail easements located south of the Nord site) may have upon existing homes.

In review of the site survey, it appears that three lots will be affected by the proposed trail clearing. Of the three lots, one home appears to be in relatively close proximity to the trail route. While it is acknowledged that close proximity of the home to the proposed trail may not be the most desirable, it should be recognized that the trail easement was established prior to construction of the existing home.

While Staff is sympathetic to this concern, it is not considered an issue which should influence action on the proposed subdivision.

Trail Flooding. During the public hearing, a resident stated that trails which are located south of the Nord site are subject to flooding.

As a follow-up, City Staff discussed this concern with NOHOA representatives. NOHOA representatives have indicated that they are willing to work with property owners and potentially adjust rear yard trail locations in an attempt to lessen flood impacts.

While acknowledged, this this issue should not influence action on the proposed subdivision.

Trail Construction and Maintenance Responsibilities. As part of received public testimony, a resident indicated the developer is required to address existing and new trails as provided on the Trail Plan included in the East Oaks PDA. This would include a trail which appears to be illustrated upon parcel V-284 which overlays a wetland.

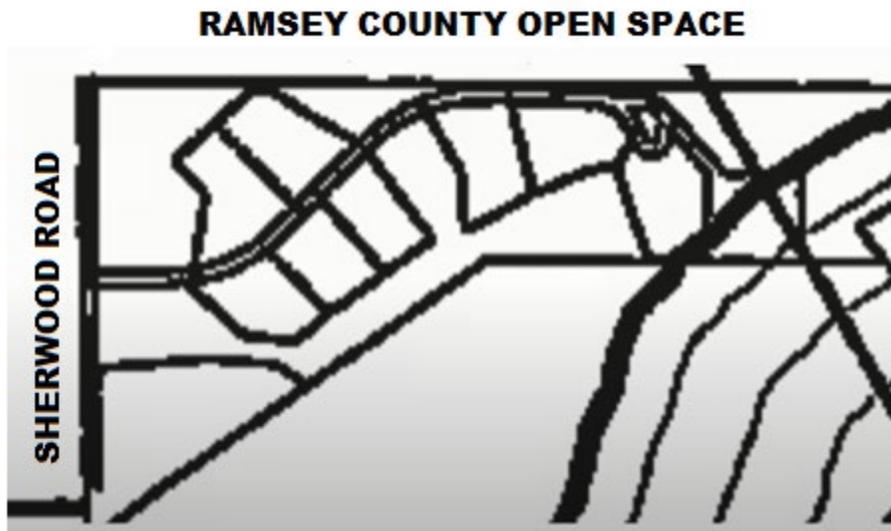
The PDA requires that the developer construct the trails shown on the trail plan. The trail plan illustrates three types of trails of significance: existing NOHOA trails, primary trails, and restricted trails as well as "trail easement (use to be determined by NOHOA)." A trail is shown on the Trail Map across parcel V-284; however, the trail is not identified as a primary or restricted trail. No trails are shown in the Nord development area. It is unknown why a trail is shown across parcel V-284, which consists primarily of wetland. It is possible the map meant to refer to the existing easements located on parcels south of parcel V-284. In any event, the intent of the PDA was to require the construction of various additional trails and conveyance of trail easements within the development area, within which parcel V-284 is not included.

The Developer has agreed to construct certain additional trails/dedicate certain trail easements within the Nord parcel, which the City has been advised by NOHOA are acceptable to NOHOA, and which staff recommends be approved as part subdivision approval.

Shared Driveway. At the public hearing, some residents expressed their opinion that the allowance of the shared driveway along North Deep Lake Road is inconsistent with the Conceptual Street and Access Plan included in the PDA and therefore the subdivision should be denied.

It is the opinion of Staff that the Conceptual Street and Access Plan is intended to conceptually illustrate future street routes and not individual driveway locations. A final decision regarding the acceptability of the proposed shared driveway rests with the City Council. It is worthwhile to note that a driveway, which appears to be a legally established nonconforming use, currently exists in the area where the proposed shared driveway is to be located.

PDA Concept Plan. During the public testimony, a resident stated that the proposed subdivision should be redesigned to reflect the Randall Arendt open space plan as provided as Exhibit C in the 1999 East Oaks Environmental Assessment Worksheet (EAW). The Randall Arendt plan, shown below, is characterized by groupings of smaller lots separated by open space.



While the submitted preliminary plan (subdivision) illustrates a roadway configuration similar to the Randall Arendt plan, it does not include any dedicated open space. To be recognized however, is that open space requirements imposed by the East Oaks PDA have already been satisfied, and that the EAW was completed prior to execution of the

East Oaks PDA which included those significant open space dedications. In this regard, the City does not have the authority to require the applicant to provide additional open space within the Nord development area.

Tree Preservation. Included in the Staff report dated April 14, 2020 is a cross reference to comments received from the City Forester. Such comments are attached to the referenced report as Exhibit M. As a condition of preliminary plan (subdivision) approval, it is recommended that the applicant, where practical, consider the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:

- A. Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
- B. Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- C. If grade changes are excessive retaining walls may be a viable option.
- D. Do not place fill around save trees.
- E. If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- F. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- G. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- H. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- I. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.

J. Follow the oak wilt protocol included above.

NOHOA Comments. Included in the April 14, 2020 Planning Commission packet was a letter received from NOHOA (dated 4/7/20) which summarizes their comments on the proposed Nord preliminary plan (subdivision). Staff responses to a number of highlighted issues are provided below:

Shared Driveway. NOHOA does not allow for shared driveways except through Board approval. In this regard, proposed Lots 1 and 2 will need to receive Board approval for the proposed shared driveway. Considering that alternative access to Lots 1 and 2 via separate driveways would likely impact adjacent wetlands, it should be recognized by the applicant that denial of the shared driveway by the NOHOA Board could prompt a change to the proposed subdivision design (the combination of Lots 1 and 2).

Trail Plan. The applicants and NOHOA have reached agreement regarding trail locations.

While trail planning is considered the responsibility of the applicant and NOHOA, it is considered appropriate for the City to document agreed upon trail routes. Therefore, as a condition of preliminary plan (subdivision) approval, it is recommended that trails within the Nord site be cleared/constructed in accordance with the trail plan map prepared by the North Oaks Company and dated March 26, 2020 (attached as Exhibit A).

PLANNING COMMISSION ACTION OPTIONS

Note: The following “Planning Commission Action Options” is a reiteration of material provided in the Staff report dated April 14, 2020. The material has been provided here for the Planning Commission’s reference and convenience.

As noted in the Planning report dated April 14, 2020, the Planning Commission has the following options in its consideration of the preliminary subdivision application:

A) Recommend approval, without conditions.

B) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.

- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements and previously approved East Oaks PDA and Master Development Plan provisions.

C) Recommend denial based on the applicant's submission, the contents of City Staff reports, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of the City Code or East Oaks PDA that are not being met by the preliminary plan (subdivision) proposal.

STAFF RECOMMENDATION

Based on the preceding review, it is the opinion of Staff that the submitted preliminary plan/preliminary plat (subdivision) application is consistent with the East Oaks PDA and the Master Development Plan and will, with conditions, comply with regulations used to implement the PDA.

Recognizing that some additional information has become available since the April 14, 2020 Planning Commission meeting, Staff recommends of approval of the proposed Nord preliminary plan/preliminary plat (subdivision) application subject to the fulfillment of the following amended conditions (changes from the conditions listed in the April 14, 2020 planning report are highlighted):

1. The following conditions shall be satisfied related to the proposed shared driveway to Lots 1 and 2:
 - A. Signage be provided to clearly identify the shared driveway. The type, size and location of such signage shall be subject to City approval.
 - B. No parking be allowed on the shared portion of the driveway as necessary to maintain Fire Department vehicle/equipment accessibility.
 - C. A variance for the shared driveway is required pursuant to City Code Section 152.080. The applicant shall apply for and obtain a variance for the shared driveway.**
2. **Trails within the Nord site shall be constructed in accordance with the trail plan prepared by the North Oaks Company, dated March 26, 2020, and attached as Exhibit A.**
3. The buildable area of Lot 4 (the flag lot) include a turnaround area (or hammerhead). The design of such turnaround area shall be subject to review and approval by the Lake Johanna Fire Department and City Engineer.

4. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).

5. 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

Wetlands: 30 feet

Lot Lines: 30 feet

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

6. The proposed monument sign shall satisfy the following conditions:

- A. Not exceed 8 feet in height as measured from the finished grade.
- B. Not extend into adjacent road easement.
- C. Not obstruct the view of oncoming traffic.
- D. Include landscaping around the base consisting of shrubs, flowers, and ornamental trees, notwithstanding the provisions of Section 151.034 of the Ordinance.
- E. No exposed neon lighting on sign.
- F. Designed to be compatible with adjacent building architecture.
- G. The sign face shall not exceed 80 square feet for each side of the sign.

7. The East Oaks PDA be formally amended to accomplish the following:

- A. Address the excluded parcel issue. In this regard, the East Oaks PDA be amended such that the legal description for the Nord site (Site C) incorporate the two excluded parcels (parcels V-284 and B-292).
- B. Address the performance standards for the proposed shared driveway for Lots 1 and 2 **and obtain variance for proposed shared driveway.**

8. 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 and pay all required fees and costs including all City planning, engineering, and legal fees.
9. Verification from Ramsey County confirming location of proposed street access shall be provided with final construction plans. Confirmation shall address location compliance with County recommendations for sight distance and adherence to minimum distances from vertical and horizontal curves on Sherwood Road.
10. Fire lane signage shall be provided, as necessary, in accordance with the requirements of the Lake Johanna Fire Department.
11. Local street signage, including necessary stop condition signage, meeting City of North Oaks standards shall be posted at proposed intersection.
12. The final construction plans shall identify proposed street signage, including buffer strip signage, if required by VLAWMO.
13. The applicant's engineer shall submit a pavement design with the final construction plans, in accordance with Geotechnical recommendations. 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.
14. Details of cross-section and tie-in at Sherwood road shall be included with final construction plans.
15. Individual Building Permit Application review shall include the following: Final locations and designs for ISTS; private well locations; 100-year high water elevations and Stormwater emergency overflow (EOF) locations and elevations; and detailed grading plans meeting state building code.
16. The proposed storm water management and drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018. This includes volume control, rate control and water quality requirements to mitigate new impervious areas. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval with the final construction plans. Developer shall enter into a Stormwater Facilities Maintenance Agreement in a form acceptable to the City Attorney.
17. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be included in the final construction plans.

18. 100-year high water elevations for all site surface water features, including wetlands, shall be determined and shown on the final grading plan.
19. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be shown on the final grading plan based on actual field topographic survey information and stormwater management plan design.
20. Riprap 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.
21. The Report of Geotechnical Exploration shall be updated with final construction plans to include infiltration rates and design recommendations for the proposed infiltration basin. Applicant's Geotechnical Engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation for each proposed lot.
22. A drain tile system shall be provided on the street subgrade surface at the street low points, per Geotechnical report, if poorly draining subgrade soil type exists. The drain tile shall extend to the ditch section to drain. If installed, rodent screens shall be provided at the outlet.
23. In areas where the proposed ditch section will be maintained by the homeowner, a drain tile system shall be installed where proposed slopes are less than 2 percent, if the existing soil condition is not free draining, or per Geotechnical recommendations.
24. 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.
25. A 10-foot maintenance bench shall encompass all stormwater basins and shall be shown on the final grading construction plan.
26. All applicable recommendations of the City Forester shall be satisfied.
27. Final grading plan shall include high point elevations, grade breaks, typical slopes and drainage arrows.
28. Final construction plans shall include locations and details for all proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction.
29. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO.

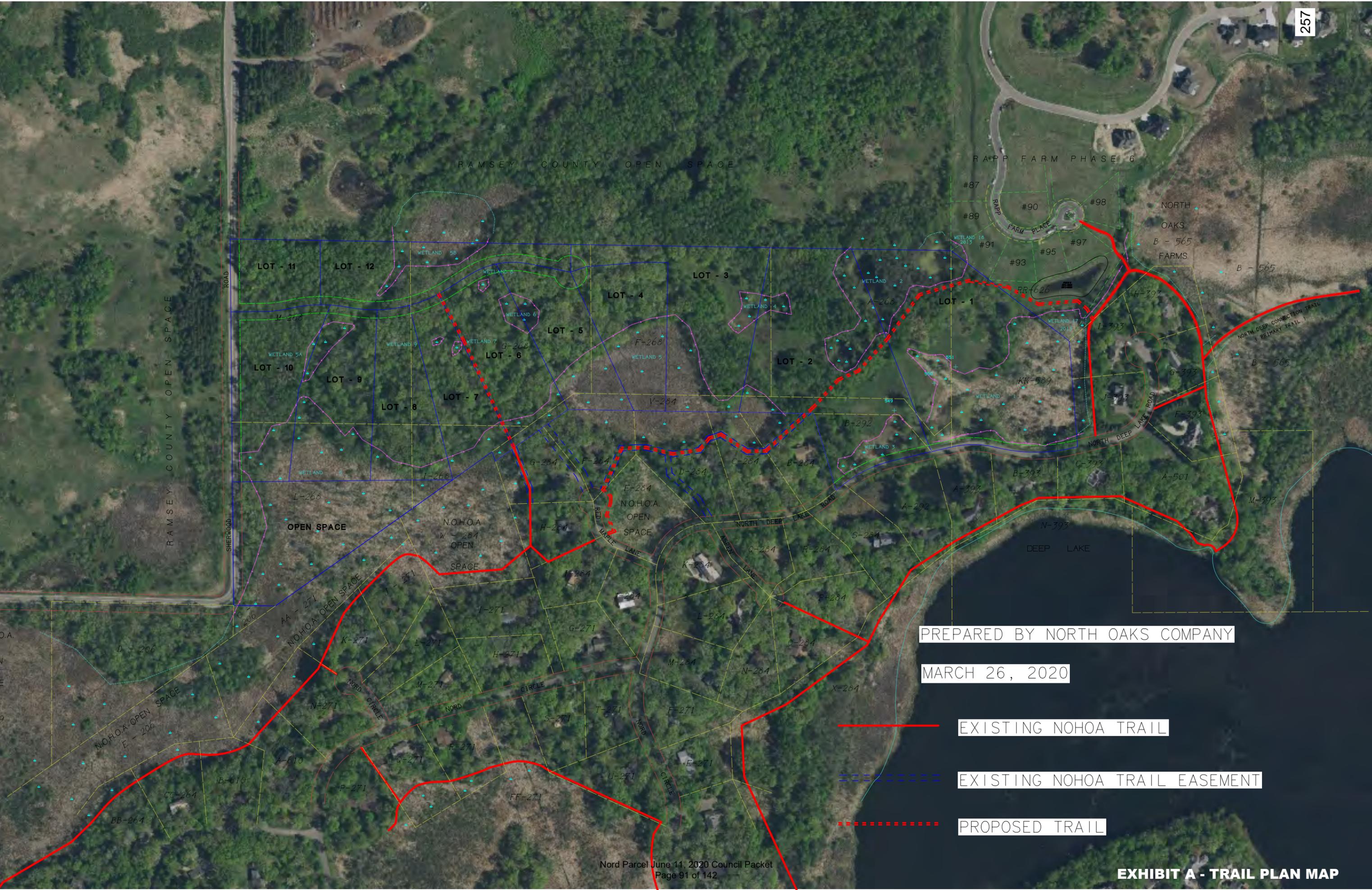
30. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
31. All utilities to be located in the floodplain shall be flood proofed in accordance with the building code or elevated above the flood protection elevation.
32. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
33. VLAWMO 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 and any LGU requirements for buffer protection.
34. The applicant shall submit a transaction history of wetland impacts, restoration and banked credits for all East Oaks developments to date for City review and determination of consistency with control documents. Transaction history shall include proposed impacts, as detailed on final construction plans for current application, with associated method of mitigation. Transaction history shall also include assumed impacts for all remaining East Oaks PUD sites.
35. Final construction plans shall include statement of trail design narrative which will detail no planned grading impacts for proposed trail locations. If boardwalk segments are proposed, these locations shall be detailed with specifications on final construction documents.
36. Any additional wetland delineation requirements shall be confirmed with VLAWMO as the LGU and provided as part of final construction plans.
37. Easements sufficient for all necessary site drainage, utility and roadway access and maintenance for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be included as part of final construction documents and be dedicated with the final RLS in locations determined by the City Engineer and in a form acceptable to the City Attorney.
38. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process as shown on proposed easement plan.
39. The proposed easements for utilities shall be a minimum of 20 feet and be centered on the utility.
40. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5 and 5A. A drainage and utility easement shall be added between wetlands 5A and 5B.

41. 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.
42. Ramsey County shall be contacted to confirm that the proposed roadway easement is sufficient or if the County would like Sherwood Road right-of-way dedicated as part of the subdivision. Written correspondence shall be provided to the City.
43. Copies of all required and approved permits, including but not limited to MPCA, VLAWMO, Ramsey County, shall be provided to the City Engineer upon receipt from each agency.
44. Final proposed location for potential trail along North Deep Lake Road shall conform to MnDOT recommendations for clear zone requirements for applicable speed limit.
45. Construction details and grading cross-section for the interconnection of proposed trail with the shared access of Lots 1 & 2 shall be included in final construction plans.
46. Consideration of any comments received from the Vadnais Lake Area Water Management Organization.
47. Consideration of any comments received from the Department of Natural Resources.
48. **Where practical, the applicant shall consider the following recommendations of the City Forester in an effort to preserve/save trees upon the subject site:**
 - a. **Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.**
 - b. **Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.**
 - c. **If grade changes are excessive retaining walls may be a viable option.**
 - d. **Do not place fill around save trees.**
 - e. **If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.**

- f. After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- g. Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- h. Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- i. Brushing of understory material outside of construction limits may be an option since it is 99 percent buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90 percent of the tree's roots are within the top one foot of soil.
- j. Follow the oak wilt protocol included above.

49. Comments of other City Staff.

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



PREPARED BY NORTH OAKS COMPANY

MARCH 26, 2020

EXISTING NOHOA TRAIL

EXISTING NOHOA TRAIL EASEMENT

PROPOSED TRAIL



TO: Kevin Kress
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: May 13, 2020
SUBJECT: Comments – Site C – Nord Development – Preliminary Plan Subdivision Application

Kevin,

Below are our comments to Site C – Nord Development – Preliminary Plan Subdivision Application Submittal received 5-12-2020.

- A wetland delineation Boundary & Type was approved on this site 9/9/2015. Per Preliminary Plan no wetland impact is anticipated.
- A MN Routine Assessment Method (MNRAM) was received on 4/6/2020. This worksheet identifies management classes for each wetland on site and their corresponding buffers per VLAWMO rules. Future homes to be built need to follow the buffer setbacks for each wetland.
- Each lot also has to meet current VLAWMO stormwater standards. VLAWMO requests review of each proposed lot construction plan as they come in to verify our standards have been met, a stormwater plan/hydro report will be needed at that time to verify rate control and volume standards are met.
- VLAWMO has no issues with the current Preliminary Plan Subdivision.

Thank you,

Brian Corcoran

From: [Kevin Kress](#)
To: [Bob Kirmis](#); [Bridget McCauley Nason](#); [Larina Pmp](#)
Subject: Fwd: Fire truck access to Nord and Anderson Woods
Date: Friday, May 22, 2020 4:41:56 PM
Attachments: [image004.png](#)
[ATT00001.htm](#)
[image005.png](#)
[ATT00002.htm](#)
[image006.png](#)
[ATT00003.htm](#)
[image007.png](#)
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[image006.png](#)
[ATT00006.htm](#)
[SKM_C300i20051106430.pdf](#)
[ATT00007.htm](#)
[SKM_C300i20051106350.pdf](#)
[ATT00008.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Boehlke, Tim" <tboehlke@ljfd.org>
Date: May 22, 2020 at 4:01:52 PM CDT
To: Kevin Kress <KKress@cityofnorthoaks.com>
Subject: FW: Fire truck access to Nord and Anderson Woods

Caution: This email originated outside our organization; please use caution.

Kevin, for Nord and Anderson Woods are only comments are that we definitely prefer to not have islands in the cul de sac's since if an emergency vehicle is parked at the end it is nearly impossible for any vehicle to get past. This in not a requirement, but a strong request.

Obviously No parking would need to be allowed depending on roadway widths, I attached the codes for reference. Depending on the width, you may have to restrict parking on one or both sides of the road.

I hope this helps.
Thanks,
Tim

From: Rewald, Kris <krewald@ljfd.org>
Sent: Monday, May 11, 2020 7:48 AM
To: Sather, Matt <msather@ljfd.org>; Boehlke, Tim <tboehlke@ljfd.org>; Nordeen, Eric

259

<enordeen@ljfd.org>

Subject: RE: Fire truck access to Nord and Anderson Woods

I agree with Matt...if we could get them to eliminate the island.

I have attached information from the 2020 State Fire Code in regards to road widths, signage requirements, etc.

Preliminary Plan * Requirement	Source	
	Ordinance 93/ Chapter 152 (Subdivision Ordinance)	Ordinance 94/ Chapter 151 (Zoning Ordinance)
Address all of the standards and requirements of the Zoning Ordinance (94)(Chapter 151)		X
Address all of the standards and requirements of the Subdivision Ordinance (93) (Chapter 152)	X	
Address all of the standards and requirements of the PDA	X	
Proof that the preliminary plan is consistent with the approved Master Development Plan **		X
Proof that the preliminary plan is consistent with the PDA		X
Factors for Consideration When Reviewing Preliminary Plan		
Consistency with approved Master Development Plan		X
Consistency with Agreed Upon PDA		X
Impacts on existing and anticipated traffic		X
Parking (n/a)		X
Pedestrian and vehicular movements		X
Ingress and egress		X
Building location, height, and size (n/a)		X
Architectural and engineering features (n/a)		X
Landscaping		X
Lighting (n/a)		X
Provisions for utilities		X
Site grading and drainage		X
Green space		X
Loading and unloading areas (n/a)		X
Signage		X
Monuments		X
Screening		X
Lot coverage		X
Other related matters		X
Uses in conformity with underlying zoning district		X

<p>Compliance with additional PUD zoning standards:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Overall density is consistent with Comprehensive Plan <input type="checkbox"/> Overall density is consistent with the approved PDA, subject to any approved density transfer provisions <input type="checkbox"/> Compliance with any PDA-imposed performance standards (including performance standards found in amended Appendix 1 related to setbacks, etc.) <input type="checkbox"/> Complies with Gross Density requirements for RSL/RSM zoning District 		
<p>Preliminary plan is in conformance with the City’s Comprehensive Plan</p>	<p>x</p>	
<p>PDA Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Development Site will be developed in accord with the PUD controls*** <input type="checkbox"/> The Final Plan shall conform in material respects to the PDA, East Oaks Project master Development Plan, and Preliminary Plan. (5.3) 		

*=Preliminary Plan is defined in the Subdivision Ordinance as follows:

Preliminary Plan: A map or drawing at a scale of 100 feet to an inch delineating showing correctly the boundaries of the subdivision; boundaries, layout and size to the nearest tenth of an acre of the lots therein; streets, parks, playgrounds, and other such land locations; north point and scale; existing topographical features, including contours and other physical aspects such as drainageways, wetlands, and tree areas, and the proposed changes to such features. Also included shall be a separate map of the City showing the location of the proposed subdivision within the City. (Ord. 93, Sec. 5.21/152.005)

**=The Master Development Plan is defined in City Code Section 151.005 as follows: “Plans as required in § 151.056(B)(1)(a).” the “East Oaks Project Master Development Plan” is defined in the PDA as “all those plans, drawings, and surveys identified on the attached Exhibit B, and hereby incorporated by reference and made a part of and including this Planned Development Agreement.”

***= “PUD Controls” are defined as the PDA, the PUD Ordinance, East Oaks Project Master Development Plan, Final Plan, Subdivision Ordinance, and Zoning Ordinance.

Note: Per Section 5.1 of the PDA, “the procedure and substance, including financial assurance, of approval for each Development Site shall be subject to compliance with this Planned Development Agreement, the Subdivision Ordinance, the Zoning Ordinance, and the Development Contract for the Development Site.”



800 County Road E East, Vadnais Heights, MN 55127
www.vlawmo.org

TO: Kevin Kress

FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)

DATE: February 11, 2020

SUBJECT: Comments – Preliminary Plans Anderson Woods & Nord Development Site C– North Oaks

Kevin,

Below are our comments to the Preliminary Plans for Anderson Woods & Nord Development Site C Submittal received 2-7-2020.

- No issues at this time for the Nord Development Site C preliminary plans. Will need stormwater/hydro plans and a Minnesota Routine Assessment Method (MnRAM) report for the wetlands on site for formal application review.
- No issues at this time for the Anderson Woods site preliminary plans. Will need stormwater/hydro plans and a replacement plan application for wetland impact on site for formal application review.

VLAWMO will provide detailed comments once formal applications are received for these two projects.

Thank you,

Brian Corcoran

Cc: Gary Eagles – North Oaks Company

Forestry Assessment for Anderson Woods and Nord

RE: Planning Commission request to determine significant and heritage tree impacts in “civil” work areas (streets, trails, storm ponds, etc.) and to provide the information to City Staff prior to the public hearing.

The City does not have a definition of what constitutes a “Significant” tree nor a “Heritage” (aka Specimen) tree in its ordinances. Also, the City does not have a tree preservation policy in place. After reviewing numerous tree preservation policies throughout the Twin Cities, some examples of the most common definitions, and the City from which it came, are included below:

Significant Tree (Lake Elmo). “A healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for coniferous/evergreen trees, or twelve (12) inches in diameter for common trees, as defined herein.”

Significant Tree (Apple Valley). “Any healthy deciduous tree measuring eight inches or greater in diameter, or any coniferous tree measuring six inches or greater in diameter, at four and one-half feet above grade.”

—
Specimen/Heritage Tree (Eagan). “A healthy tree measuring equal to or greater than thirty (30) inches in diameter breast height.”

Specimen tree (Maplewood) “a tree of any species that is 28 inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.”

*It is also common practice to not include multiple stemmed trees as heritage trees even if the cumulative diameter of all the stems meets the heritage tree definition for diameter requirements. For instance, a five-stemmed tree with 6” trunks would not be defined as a heritage tree.

**Some communities also use the term heritage stand as defined below.

Specimen Tree or Stand (Shorewood): Any tree or grouping of trees which has been determined to be of a high value by the Zoning Administrator because of its species, size, age, or other professional criteria.

In general, these definitions are similar in nature and intent and can be used going forward.

Nord

A tree inventory was not undertaken at this site by North Oaks Company. A tally of trees on site demonstrated that oaks are the pre-dominant species. On the western edge of the site, just off Sherwood Road, ash trees are also well represented and make up the dominant species for the first 500 feet of the proposed street development. Aspen are also well represented to the south of the proposed street as they are associated with wetland edges and wetter sites. After crossing over a few small gullies, the species change from ash/aspen into an oak component. White oaks (bur and white oaks) make up approximately 70% of the oak tree species and Red oaks make up about 30%. A few other species such as hackberry, elm, birch, and boxelder are responsible for a very small percent of the overall tree population in this area. The understory is comprised of about 95% buckthorn and some smaller tree species.



Figure 4 Tree Species Locations at Nord

The construction of the street, pond, and trail will result in the removal of approximately 216 trees (Appendix C). The breakdown of removed species is similar to the breakdown of species throughout the site. Total oaks removed will be around 95 (26 Red oaks and 69 White oaks), 65 aspen, 49 ash trees, and 7 cherry trees. The largest diameter tree within construction limits is a 30+” Red oak and the average oak tree diameter is near 20”. The Red oak should not be considered a heritage tree as it appeared to have die-back associated with decay. In general, the oak trees were slightly larger than at Anderson Woods. Ash trees on site average approximately 12”. A table of anticipated removals is included below.

Approximate Tree Removal Totals for Nord

	Oaks	Ash	Aspen	Cherry
Pond	6	4	8	0
Street	87	39	56	7
Trails	2	6	1	0
Totals	95	49	65	7

The area is a nice forest of semi-mature oak to the east and an ash/aspen component to the west. The developer does have some discretion with regards to road placement and therefore, tree preservation. If there are some nice trees that could be preserved efforts will be made to nudge the street a few feet in one direction or another. Trees near construction limits will have to be individually assessed to first see if they are worthy of preservation and secondly, to determine impacts. Usually trees that have impacts from construction to just one side of the tree remain fairly healthy because of the non-disturbance to the other side of the tree. Depending on how close and how intrusive the disturbance some trees may show signs of die-back in the future.

The area of the development proposed to go off North Deep Lake Road is devoid of trees (Appendix D). There is a cluster of willow trees near the gate adjacent to North Deep Lake Road which would most likely have to be removed but no other tree removals are anticipated based on submitted plans.

Oak Wilt

We are now in the high-risk period for Oak wilt and this will most likely continue until the beginning of July. The University of Minnesota has scientists who determine when it is OK to cut oaks again and that can be monitored. It is imperative that save trees are not wounded during this time frame. If construction needs to take place within this timeframe precautions should be put in place. There do not appear to be any active oak wilt infection centers in the proposed development areas.

While working on a pipeline project several years ago outside of North Oaks, Kunde Company (previous contracted City Forester), was contracted to paint all oak stumps on site immediately after removal and also any time they were re-wounded but before the stumps could be removed (popped). Arborists were stationed with each tree removal work crew and would have paint on hand to re-paint tree stumps as construction equipment maneuvered their way along the corridor. This will almost guarantee that oak wilt will not start in this area and a recent review of aerial photographs seems to back up that claim. Even exposed stumps that are not immediately removed, and not immediately painted, can contribute to oak wilt appearing in neighboring save trees later in the growing season. Oak trees graft roots and if a stump were to become "infected", it can pass the oak wilt fungus into healthy save trees nearby.

Also, it is recommended to have a long extension pole on site (or a climber) with a brush roller and paint to apply to save trees that may have had a limb accidentally broken off or a wound to a trunk higher up. Applying wound dressing (paint) to a wound immediately after it occurs will almost guarantee that the tree will not get oak wilt. There is existing research which validates this. These measures are a small step that can be taken to keep the forest disease free and preserve a significant oak resource enhancing property values and the potential sale of the parcels.

If the tree removal work takes place after the beginning of July the risk becomes much lower, but it is still a risk and the same precautions could be put into place. The best time to work on oak trees is in the winter.

Emerald Ash Borer

No signs of Emerald Ash Borer (EAB) were visible on the ash trees at Nord or Anderson Woods. It is my opinion that the ash trees on proposed parcels should stay and should not be removed proactively ahead of development. While this may save a few future homeowners of countless ash tree removals their removal would also cause a dramatic shift in the visual appeal and function of the site. The benefits gained from leaving the trees and having them continue to provide habitat, absorb water, clean air and water, keep down dust, add privacy, reduce noise and glare, etc., outweigh the impacts of proactive removal. Its possible these trees will remain viable for many years before they potentially succumb to EAB. At that point the homeowner will have decide the proper course of action.

Recommendations to Preserve Save Trees on Site

- Fell all remove tree towards the Center Line to limit injuring to save trees.
- Install tree protection fence immediately after tree removals. Make sure fence is respected by contractors on site and immediately raise fence if it is compromised. Pre-construction meetings are an excellent time to implement the seriousness of tree preservation efforts and penalties for violations.
- If grade changes are excessive retaining walls may be a viable option.
- Do not place fill around save trees.
- If save trees are going to be preserved within the construction limits armor trees with 2X4's to reduce the chance of mechanical injury to the trunk.
- After harvesting, blow chipped tops of trees along tree protection fencing to help reduce soil compaction from construction equipment and moderate soil temperatures and moisture levels.
- Before preserving save trees on edges make sure they are healthy (good structure, no decay, etc.) and will not become a hazard tree within a few years. An arborist or City Forester assessment may be justified for individual trees.
- Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
- Brushing of understory material outside of construction limits may be an option since it is 99% buckthorn. An inventory to look for any non-buckthorn species could be incorporated to mark and avoid those shrubs during buckthorn removal. Care should be taken to minimize impacts to soil during this process. Scraping off of any topsoil should be prohibited as 90% of the tree's roots are within the top one foot of soil.
- Follow the oak wilt protocol included above.

Mark Rehder

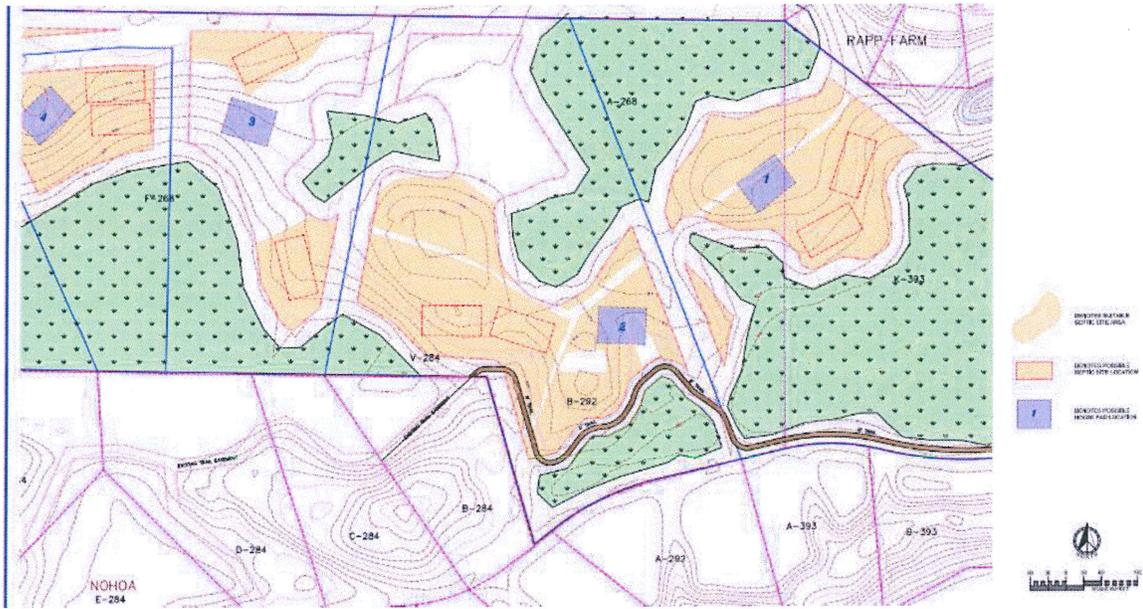
North Oaks Contracted City Forester



Appendix C



Appendix D





NORTH OAKS
HOME OWNERS' ASSOCIATION

April 7, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Nord Preliminary Plans

Dear Mayor Nelson,

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans submitted by the North Oaks Company for the Nord development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and suggested plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. The applicant should be advised that NOHOA policy does not allow for shared driveways except through board approval. At the time of construction, Lots 1 and 2 will need to receive board approval if a shared driveway is going to be used.
2. The following are NOHOA's recommendations relative to the North Oaks Company updated trail route provided on the exhibit dated March 26, 2020:
 - a. NOHOA prefers that the new route through Lots 1 and 2 be constructed as indicated on the attached exhibit, avoiding any wetland impacts.
 - b. NOHOA prefers the alignment through the west side of NOHOA open space to connect to the existing trail easement.

• NATURE • HERITAGE • COMMUNITY •

- c. As offered, NOHOA expects the North Oak Company to work with NOHOA and the property owners to construct a trail through the existing easement located across the existing properties along North Deep Lake Road. Assistance shall also be provided by the North Oaks Company to establish new easements closer to the wetland when possible.
3. NOHOA's willingness to accept the revised trail plan as proposed by the North Oaks Company does not waive NOHOA's right to require compliance with the terms of the 1999 PDA as to all future developments.
4. A center island is indicated on the plans at the entrance. No landscape maintenance will be completed by NOHOA within the development. NOHOA would prefer no center island.
5. Trail maintenance and construction fall under the purview of NOHOA. As such the following is requested:
 - a. Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of impacts. This should occur for the trail along the lot line between Lot 7 and 6 and across Lots 1 and 2.
 - b. Trail construction details should be provided to NOHOA for review and comment.
 - c. Any necessary boardwalk and culvert installation locations should be noted on the plans.
 - d. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
6. To allow for appropriate future road maintenance, NOHOA requests that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design.
7. Plan and profile information for the road should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
8. Copies of the stormwater plans, drainage calculations and Minnesota Routine Assessment Method (MnRAM) report are requested. Approval from VLAWMO will be required for the improvements prior to acceptance. NOHOA reserves the right to comment on plans as they are revised to avoid wetland impacts.
9. The preliminary plans note that the road will discharge to a filtration basin. As the Construction details should be provided and a soil boring with groundwater elevations and infiltration rates should be provided. A 10-foot bench should be graded around the basin for maintenance access.

Mr. Greg Nelson, Mayor
April 7, 2020

10. Documentation should be provided as to approval by Ramsey County of the road access.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on February 27th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Nord site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Nord development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA prior to being recorded.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Thank you,

(Signed copy on file)

Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors

Public Waters Ramsey County, Minnesota



The DNR Information Center
Twin Cities: (612) 296-6157
Minnesota toll free: 1-888-646-6367
Telecommunication device for the hearing impaired (TDD): (651) 296-5484
TDD Minnesota toll free: 1-800-657-3929
DNR web site: <http://mndnr.gov>

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The Adobe PDF file represents a map created at a size of 22 inches by 34 inches (ANSI D). The data were compiled at a scale of 1:50,000 using the Universal Transverse Mercator Projection, gridzone 15, 1983 North American Datum. This map was created on: 20 May 2011.

Public Waters are defined in Minnesota Statutes, section 103G.005. The boundaries of public waters shown on this map are approximate. A public water boundary coincides with the ordinary high water level as defined in Minnesota Statutes, section 103G.005 and is determined through DNR field inspection or survey. Public waters are subject to regulation as per Minnesota Statutes, section 103G.245. Current designated trout streams are listed in Minnesota Rules, part 6264.0050. Shaded Public Land Survey sections may contain designated trout stream tributaries (see Minnesota Rules, part 6264.0050) subject to permit requirements. Additional public watercourses may exist within these sections, subject to field determination. It is incumbent upon a person contemplating work in a public watercourse to investigate whether said watercourse is a designated trout stream regardless of whether said public watercourse is depicted on this map. Note: As stated in Minnesota Statutes, section 103G.205, the designation of waters of this state as public waters does not affect state law forbidding trespass on private lands. Contact the DNR office in your area for further information or visit <http://mndnr.gov>.

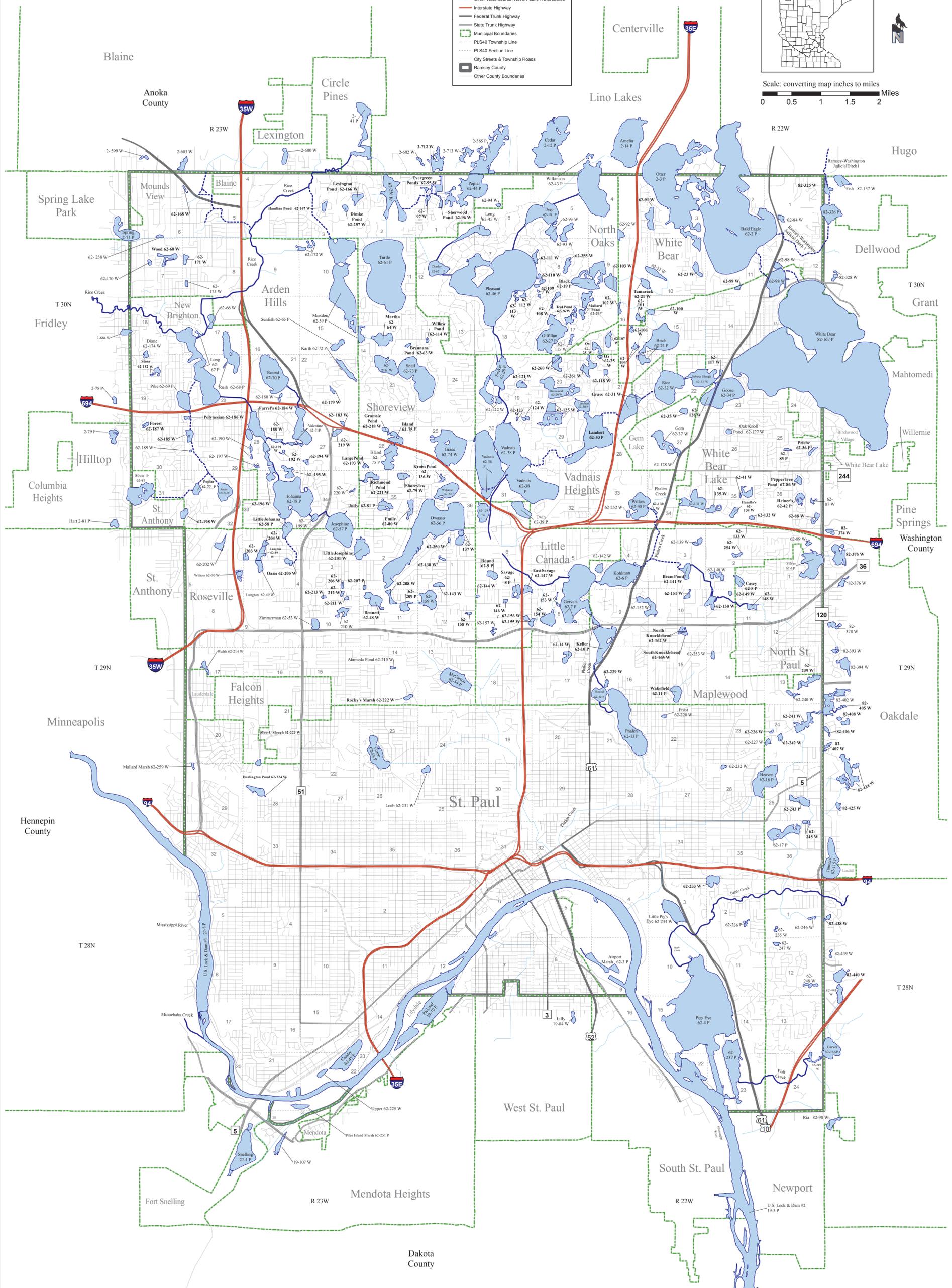
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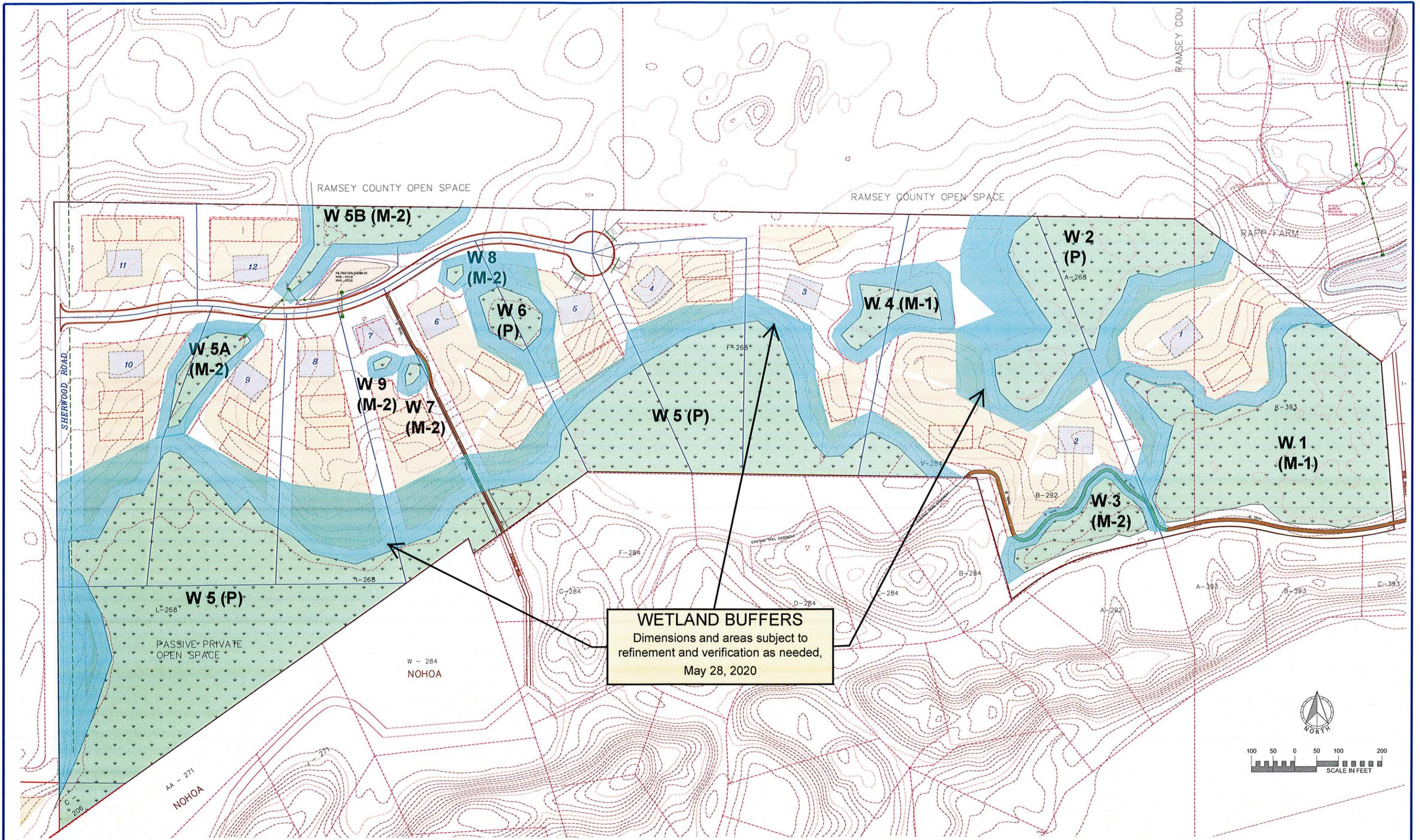
- Public Water Basin or Wetland
- Public Water Watercourse
- Public Ditch/Altered Natural Watercourse
- Other Watercourse, Not a Public Watercourse
- Interstate Highway
- Federal Trunk Highway
- State Trunk Highway
- Municipal Boundaries
- PLS40 Township Line
- City Streets & Township Roads
- Ramsey County
- Other County Boundaries

Locator Map:



Scale: converting map inches to miles
0 0.5 1 1.5 2 Miles





WETLAND BUFFERS
 Dimensions and areas subject to
 refinement and verification as needed,
 May 28, 2020

DRAWING NAME	NO.	BY	DATE	REVISIONS
NORD				
DRAWN BY				
CHECKED BY				
DATE				
01/23/20				

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Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 01/23/20 Lic. No. 56659

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

ENGINEERS SURVEYORS
 U.S. OWNERS PLANNERS

CITY PROJECT NO.
 NORTH OAKS,
 MINNESOTA

PRELIMINARY WETLAND BUFFER PLAN
 NORD AREA
 NORTH OAKS COMPANY

FILE NO. 64500-013
2
6

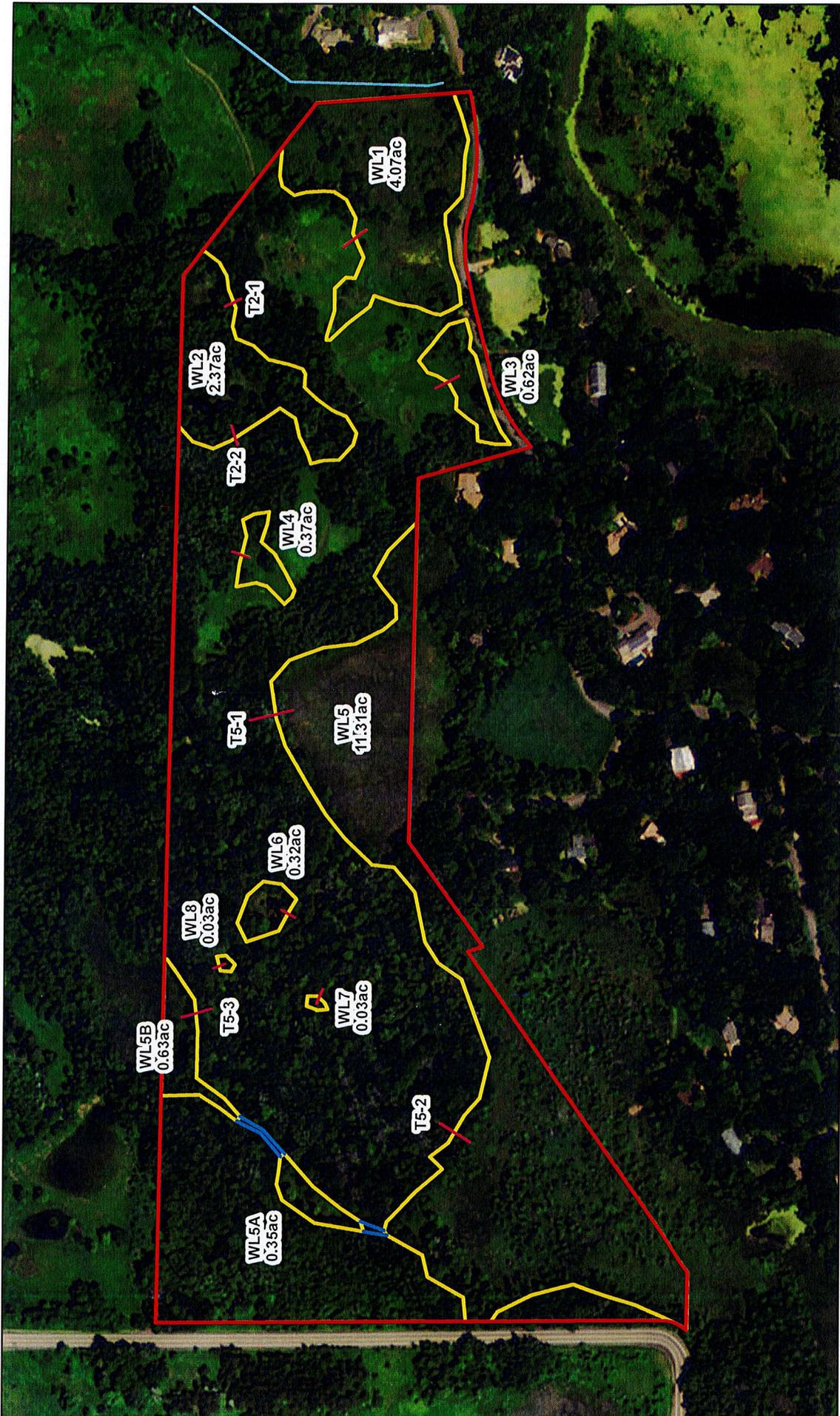
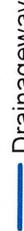
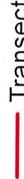


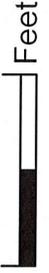
Figure 2A - Existing Conditions Map (2013 FSA Photograph)

Nord Parcel (KES 2015-045)
North Oaks, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

-  Ditch
-  Drainageway
-  Transect
-  Wetland Boundary

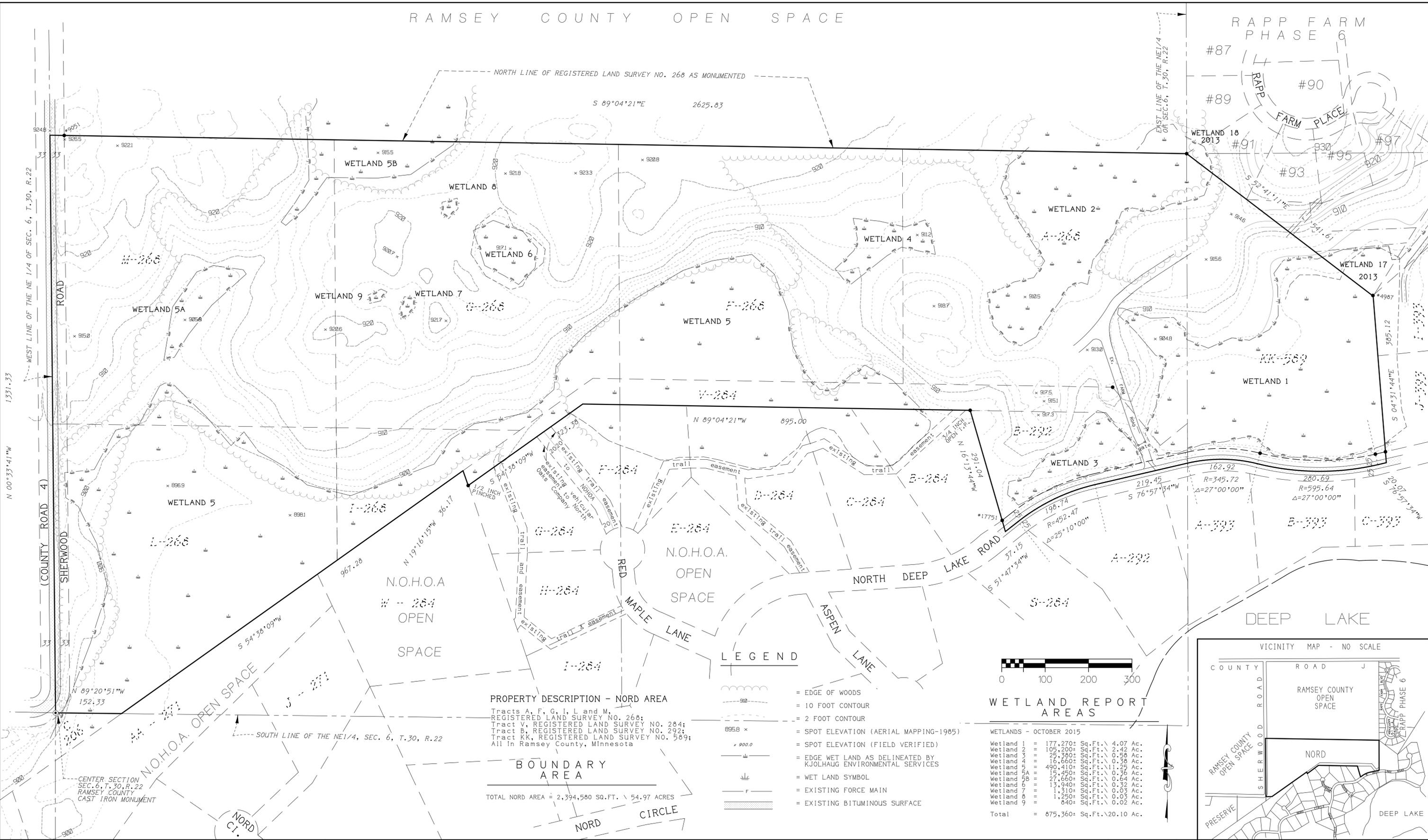
N 

0 350 Feet 

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

RAMSEY COUNTY OPEN SPACE

RAPP FARM PHASE 6



PROPERTY DESCRIPTION - NORD AREA
 Tracts A, F, G, I, L and M,
 REGISTERED LAND SURVEY NO. 268;
 Tract V, REGISTERED LAND SURVEY NO. 284;
 Tract B, REGISTERED LAND SURVEY NO. 292;
 Tract KK, REGISTERED LAND SURVEY NO. 589;
 All in Ramsey County, Minnesota

BOUNDARY AREA
 TOTAL NORD AREA = 2,394,580 SQ.FT. \ 54.97 ACRES

- LEGEND**
- = EDGE OF WOODS
 - = 10 FOOT CONTOUR
 - = 2 FOOT CONTOUR
 - = SPOT ELEVATION (AERIAL MAPPING-1985)
 - = SPOT ELEVATION (FIELD VERIFIED)
 - = EDGE WET LAND AS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES
 - = WET LAND SYMBOL
 - = EXISTING FORCE MAIN
 - = EXISTING BITUMINOUS SURFACE

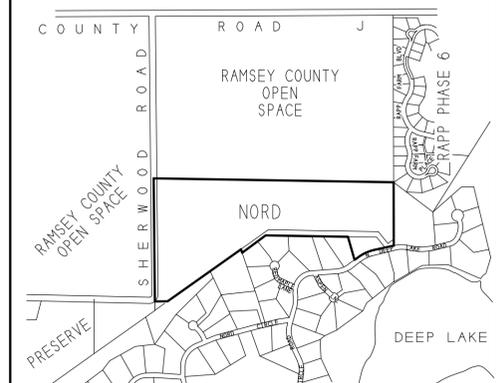


WETLAND REPORT AREAS

WETLANDS - OCTOBER 2015

Wetland 1	177,270± Sq.Ft.	4.07 Ac.
Wetland 2	105,200± Sq.Ft.	2.42 Ac.
Wetland 3	25,380± Sq.Ft.	0.58 Ac.
Wetland 4	16,660± Sq.Ft.	0.38 Ac.
Wetland 5	490,410± Sq.Ft.	11.25 Ac.
Wetland 5A	15,450± Sq.Ft.	0.36 Ac.
Wetland 5B	27,660± Sq.Ft.	0.64 Ac.
Wetland 6	13,940± Sq.Ft.	0.32 Ac.
Wetland 7	1,310± Sq.Ft.	0.03 Ac.
Wetland 8	1,250± Sq.Ft.	0.03 Ac.
Wetland 9	840± Sq.Ft.	0.02 Ac.
Total	875,360± Sq.Ft.	20.10 Ac.

VICINITY MAP - NO SCALE



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

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

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

DEVELOPMENT AREA "C"

NORTH OAKS
 C O M P A N Y

PROJECT:
 NORD AREA

SHEET DESCRIPTION
 PRELIMINARY PLAT
 EXISTING CONDITIONS

DATE: January 23, 2020
 REV. 2-21-20 (NEW SHEET 1A)
 REV. 6-4-20 (ex. farm road)
SHEET 1A OF 6 SHEETS

Nord Parcel

City of North Oaks, Ramsey County, Minnesota

Wetland Buffer Plan

Prepared for

North Oaks Company, LLC

by

Kjolhaug Environmental Services Company, Inc.

(KES Project No. 2019-023)

May 28, 2020

Nord Parcel

City of North Oaks, Ramsey County, Minnesota

Wetland Buffer Plan

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Wetland Buffer Plan.....	3

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Table 2. Wetland Management Classifications and Buffer Widths.....	2
Table 3. Wetland Buffer Areas Needed and Provided.....	3

APPENDICES

- A. MnRAM Wetland Function Assessment Summaries
- B. Preliminary Wetland Buffer Plan
- C. Wetland Buffer Seeding and Management Plan

Nord Parcel

City of North Oaks, Ramsey County, Minnesota

Wetland Buffer Plan

1. INTRODUCTION

North Oaks Company, LLC is proposing to develop 12 single-family lots on 54.93 acres known as the Nord Parcel. The project area includes 20.12 acres of wetland distributed among 11 basins and wetland buffers will be required by the Vadnais Lake Area Water Management Organization (VLAWMO). This document reviews VLAWMO wetland buffer requirements and puts forth a preliminary plan to demonstrate wetland buffer compliance.

2. WETLAND DELINEATION

Kjolhaug Environmental Services (KES) delineated three wetlands on the site on September 13, 2018. Characteristics of delineated wetlands are listed in **Table 1**. The wetland delineation has been approved by the VLAWMO and the U.S. Army Corps of Engineers.

Table 1. Characteristics of Wetlands at Nord Parcel

Wetland ID	Wetland Type			Dominant Vegetation	MnRAM Classification
	Circ. 39	Cowardin	Eggers and Reed		
1	2/3/6	PEMB/C/ PSS1B	Weet meadow/ shallow marsh/ shrub-carr	Dogwood, willow, sedge, cattail, reed canary grass	Manage 1
2	2/7	PEMB/ PFO1B	Wet meadow/ hardwood swamp	Reed canary grass, green ash, common buckthorn	Preserve
3	2	PEMB	Wet meadow	Reed canary grass	Manage 2
4	1	PEM1A	Wet meadow	Reed canary grass, sedge	Manage 1
5	3/6	PEM1C/ PSS1B	Shallow marsh/ shrub-carr	Cattail, willow, common buckthorn	Preserve
5A	3/6	PEM1C/ PSS1B	Shallow marsh/ shrub-carr	Cattail, willow, common buckthorn	Manage 2
5B	3/6	PEM1C/ PSS1B	Shallow marsh/ shrub-carr	Cattail, willow, common buckthorn	Manage 2
6	1	PEM1A	Seasonally flooded basin	Reed canary grass	Preserve
7	1	PEM1A	Seasonally flooded basin	Green ash	Manage 2
8	1	PEM1A	Seasonally flooded basin	Reed canary grass	Manage 2
9	1	PEM1A	Seasonally flooded basin	Green ash	Manage 2

3. WETLAND BUFFER PLAN

VLAWMO Wetland Buffer Compliance Framework

Section 10 of the VLAWMO Water Management Policy (October 26, 2016) states that the base wetland buffer width is determined by the management class of the wetland, as evaluated by the current version of the MnRAM. Wetlands were evaluated using MnRAM 3.4 and assigned management classifications of Manage 2 to Preserve (**Table 2**). MnRAM results are included in **Appendix A**.

Table 2. Wetland Management Classifications and Buffer Widths

Wetland ID	MnRAM Classification	Base Buffer Width (Ft)	Minimum Applied Buffer Width (Ft)	Ave. Buffer Slope (%)	Hydro. Soil Group	Applied Buffer Width (ft)
1	Manage 1	40	34	10	-	36
2	Preserve	75	67	7.5	B/D	71
3	Manage 2	30	24	8	-	26
4	Manage 1	40	34	6	B, B/D	36
5	Preserve	75	67	9	B	71
5A	Manage 2	30	24	8	B	26
5B	Manage 2	30	24	6.5	B	26
6	Preserve	75	67	6	B	71
7	Manage 2	30	24	10.5	B	26
8	Manage 2	30	24	4	B	24
9	Manage 2	30	24	4	B	24

VLAWMO Policy allows the Base Buffer Width to be reduced under certain conditions. The reduced Base Buffer Width is referred to as the Applied Buffer Width. The Base Buffer Width may be reduced:

1. by 2 feet for every 5% decrease in average buffer slope from 20%; or
2. by 2 feet for every grade of Hydrologic Soil Group above Group D for the predominant buffer soil condition.

Reductions for beneficial slope or soil conditions cannot reduce the Applied Buffer Width to less than the applicable Minimum Applied Buffer Width (**Table 2**).

Existing average wetland buffer slopes range from 4% to 10.5% for each wetland (**Table 2**). The predominant wetland buffer soils include Braham loamy fine sand Dundas fine sandy loam, which correspond to Hydrologic Soil Groups B and B/D, respectively. Some of the buffer soils are also mapped as Urban land-Hayden-Kingsley complex, which does not have an assigned Hydrologic Soil Group. Based on beneficial slopes and soils, the Base Buffer Width was reduced by 4 to 6 feet to arrive at the Applied Buffer Width for each wetland (**Table 2**).

Wetland Buffer Plan

The project includes wetland buffers that meet buffer dimensional requirements as described above (**Table 3, Appendix B**). Wetland buffer averaging will be implemented where necessary to allow for development of lots, roads, and trails (**Appendix B**). The following factors indicate wetland buffer width averaging will provide the overall size, function, and value at least equal the applied buffer widths:

1. average buffer widths and buffer areas will be greater than required;
2. buffer proposed for Wetland 3 is over three times the size of Wetland 3; and
3. adjoining property to the west and south is covered under the Minnesota Land Trust conservation easement.

Table 3. Wetland Buffer Areas Needed and Provided

Wetland ID	MnRAM Classif.	Wetland Area (Ac)	Wetland Perimeter (Ft)	Applied Buffer Width (Ft)	Buffer Area Needed (SF)	Buffer Area Provided (SF)	Max. Width (ft)	Min. Width (ft)	Average Width (ft)
1	Manage 1	4.07	1,072	36	38,592	40,600	72	18	37.87
2	Preserve	2.37	1,282	71	91,022	91,200	142	35.5	71.14
3	Manage 2	0.62	511	26	13,286	16,800	48	13	32.88
4	Manage 1	0.37	669	36	24,084	25,500	65	18	38.12
5	Preserve	11.30	3,326	71	236,146	240,400	177	35.5	72.28
5A	Manage 2	0.35	628	26	16,328	16,500	41	13	26.27
5B	Manage 2	0.64	697	26	18,122	18,300	32	13	26.26
6	Preserve	0.32	447	71	31,737	32,700	102	35.5	73.15
7	Manage 2	0.03	146	26	3,796	3,810	28	13	26.10
8	Manage 2	0.03	140	24	3,360	3,410	28	12	24.36
9	Manage 2	0.02	118	24	2,832	2,900	28	12	24.58
Total		20.12			479,305	492,120			

The Preliminary Wetland Buffer Plan included in **Appendix B** will be refined by project land surveyors as necessary, and then documented and recorded by declaration at Ramsey County in accordance with requirements. Buffers will be planted with a native mesic seed mix as specified in **Appendix C** and monitored as required by VLAWMO.

The Applicant will monitor the wetland buffer and submit an annual Wetland Buffer Inspection Report to VLAWO for 5 years. Buffer monitoring may end after 3 years if buffers are well established and approved by VLAWMO.

Annual Wetland Buffer Inspection Reports will include:

1. A Site Plan showing:
 - a. the location of the approved buffer,
 - b. bare soil/erosion areas,
 - c. invasive vegetation areas, and
 - d. the location and type of buffer encroachments, if any (e.g., structures, unapproved mowing, trails, etc.).

2. Color photographs of the wetland buffer taken during the growing season from vantage points labeled on the Site Plan.
3. A description of buffer vegetation including:
 - a. list of dominant plant species and their estimated percent cover, and
 - b. comparison of the species present to the approved planting/seeding plan.
4. A written narrative identifying management strategies to be used during the next growing season to control invasive species, improve vegetative cover and species diversity, and mitigate any buffer encroachments.

Nord Parcel

Wetland Buffer Plan

APPENDIX A

MnRAM Wetland Function Assessment Summaries

Management Classification Report for Nord Parcel WL 1

Nord Parcel

ID: 206

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 1**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Moderate	Vegetative Diversity/Integrity	High
Moderate	Habitat Structure (wildlife)	High
Moderate	Amphibian Habitat	Moderate
Not Applicable	Fish Habitat	High
Not Applicable	Shoreline Protection	Moderate
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	High / Moderate
High	Stormwater/Urban Sensitivity and Vegetative Diversity	High / Moderate
Moderate	Wetland Water Quality and Vegetative Diversity	High / Moderate
Moderate	Characteristic Hydrology and Vegetative Diversity	High / Moderate
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	High
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 1** was **Maintenance of Characteristic Amphibian Habitat**

Details of the formula for this action are shown below:

Maintenance of Characteristic Amphibian Habitat (Q43) * [(Q44 + 2*Q23wildlife + Q14 +Q 41 + Q20 reversed)/6]

<i>Question</i>	<i>Value</i>	<i>Description</i>
14	0.5	Upland land use
20	0.5	Stormwater runoff
23	0.5	Buffer width
41	0.5	Wildlife barriers
43	1	Amphib breeding potential--fish presence
44	0.1	Amphib & reptile overwintering habitat

This report was printed on: Friday, February 21, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 2

Nord Parcel

ID: 207

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Preserve**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Exceptional
Moderate	Habitat Structure (wildlife)	Exceptional
Moderate	Amphibian Habitat	High
Not Applicable	Fish Habitat	Exceptional
Not Applicable	Shoreline Protection	High
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Exceptional / High
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	Exceptional / Moderate
Moderate	Wetland Water Quality and Vegetative Diversity	High / High
High	Characteristic Hydrology and Vegetative Diversity	High / High
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Preserve** was **Wetland Sensitivity to Stormwater and Urban Development & Vegetative Diversity**

Details of the formula for this action are shown below:

Wetland Sensitivity to Stormwater and Urban Dev NA

<i>Question</i>	<i>Value</i>	<i>Description</i>
NA	NA	NA

Vegetative Diversity NA

<i>Question</i>	<i>Value</i>	<i>Description</i>
NA	NA	NA

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 3

Nord Parcel

ID: 208

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Moderate	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
Moderate	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
Moderate	Wetland Water Quality and Vegetative Diversity	- / -
Moderate	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
Moderate	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Vegetative Diversity**

Details of the formula for this action are shown below:

Vegetative Diversity **NA**

<i>Question</i>	<i>Value</i>	<i>Description</i>
NA	NA	NA

This report was printed on: Friday, February 21, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 4

Nord Parcel

ID: 209

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 1**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Moderate	Vegetative Diversity/Integrity	High
Moderate	Habitat Structure (wildlife)	High
Not Applicable	Amphibian Habitat	Moderate
Not Applicable	Fish Habitat	High
Not Applicable	Shoreline Protection	Moderate
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	High / Moderate
Moderate	Stormwater/Urban Sensitivity and Vegetative Diversity	High / Moderate
High	Wetland Water Quality and Vegetative Diversity	High / Moderate
High	Characteristic Hydrology and Vegetative Diversity	High / Moderate
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	High
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 1** was **Maintenance of Wetland Water Quality & Vegetative Diversity**

Details of the formula for this action are shown below:

Maintenance of Wetland Water Quality $(Q3e * 2+Q14+Q20R + (Q23+Q24+Q26)/3+Q18+Q28)/7$

<i>Question</i>	<i>Value</i>	<i>Description</i>
14	0.5	Upland land use
18	1	Sediment delivery
20	1	Stormwater runoff
23	1	Buffer width
24	0.82	Adjacent area Management
26	0.73	Adjacent area slope
28	0.5	Nutrient loading
3e	0.5	<No Description Found>

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 4

ID: 209

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Vegetative Diversity

NA

<i>Question</i>	<i>Value</i>	<i>Description</i>
NA	NA	NA

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 5

Nord Parcel

ID: 215

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Preserve**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Exceptional	Vegetative Diversity/Integrity	Exceptional
Exceptional	Habitat Structure (wildlife)	Exceptional
Moderate	Amphibian Habitat	High
Not Applicable	Fish Habitat	Exceptional
Not Applicable	Shoreline Protection	High
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Exceptional / High
High	Stormwater/Urban Sensitivity and Vegetative Diversity	Exceptional / Moderate
Exceptional	Wetland Water Quality and Vegetative Diversity	High / High
High	Characteristic Hydrology and Vegetative Diversity	High / High
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
Moderate	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Preserve** was **Vegetative Diversity**

Details of the formula for this action are shown below:

This report was printed on: Friday, February 21, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 5A

Nord Parcel

ID: 214

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
High	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
Moderate	Wetland Water Quality and Vegetative Diversity	- / -
High	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

Maintenance of Characteristic Wildlife Habitat Str $(Q3e*2+Q39+Q38+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/9$

Question	Value	Description
13	1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
38	0.1	Community interspersion
39	0.5	Detritus
3e	0.1	<No Description Found>

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 5A

ID: 214

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

40 0.5 Wetland interspersion/landscape

41 0.5 Wildlife barriers

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 5B

Nord Parcel

ID: 213

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
High	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
Moderate	Wetland Water Quality and Vegetative Diversity	- / -
High	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

Maintenance of Characteristic Wildlife Habitat Str $(Q3e*2+Q39+Q38+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/9$

Question	Value	Description
13	1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
38	0.1	Community interspersion
39	0.5	Detritus
3e	0.1	<No Description Found>

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 5B

ID: 213

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

40	0.5	Wetland interspersion/landscape
41	0.5	Wildlife barriers

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 6

Nord Parcel

ID: 210

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Preserve**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Exceptional
Moderate	Habitat Structure (wildlife)	Exceptional
High	Amphibian Habitat	High
Not Applicable	Fish Habitat	Exceptional
Not Applicable	Shoreline Protection	High
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Exceptional / High
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	Exceptional / Moderate
High	Wetland Water Quality and Vegetative Diversity	High / High
High	Characteristic Hydrology and Vegetative Diversity	High / High
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Preserve** was **Maintenance of Characteristic Amphibian Habitat**

Details of the formula for this action are shown below:

Maintenance of Characteristic Amphibian Habitat (Q43) * [(Q44 + 2*Q23wildlife + Q14 +Q 41 + Q20 reversed)/6]

<i>Question</i>	<i>Value</i>	<i>Description</i>
14	1	Upland land use
20	1	Stormwater runoff
23	1	Buffer width
41	0.5	Wildlife barriers
43	1	Amphib breeding potential--fish presence
44	0.1	Amphib & reptile overwintering habitat

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 7

Nord Parcel

ID: 211

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
High	Wetland Water Quality and Vegetative Diversity	- / -
High	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

Maintenance of Characteristic Wildlife Habitat Str $(Q3e*2+Q39+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/8$

Question	Value	Description
13	1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
39	0.5	Detritus
3e	0.1	<No Description Found>
40	0.5	Wetland interspersions/landscape

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 7

ID: 211

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

41 0.5 Wildlife barriers

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 8

Nord Parcel

ID: 212

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
High	Wetland Water Quality and Vegetative Diversity	- / -
High	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

Maintenance of Characteristic Wildlife Habitat Str $(Q3e*2+Q39+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/8$

Question	Value	Description
13	1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
39	0.5	Detritus
3e	0.1	<No Description Found>
40	0.5	Wetland interspersions/landscape

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 8

ID: 212

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

41 0.5 Wildlife barriers

This report was printed on: Monday, February 24, 2020

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 9

Nord Parcel

ID: 217

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Moderate	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
High	Wetland Water Quality and Vegetative Diversity	- / -
High	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
High	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

Maintenance of Characteristic Wildlife Habitat Str $(Q3e*2+Q39+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/8$

Question	Value	Description
13	1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
39	0.5	Detritus
3e	0.1	<No Description Found>
40	0.5	Wetland interspersions/landscape

* The classification value settings for these functions are not adjustable

Management Classification Report for Nord Parcel WL 9

ID: 217

Nord Parcel

RAMSEY County
Mississippi (Metro) Watershed, #20
Corps Bank Service Area 7

41 0.5 Wildlife barriers

This report was printed on: Monday, February 24, 2020

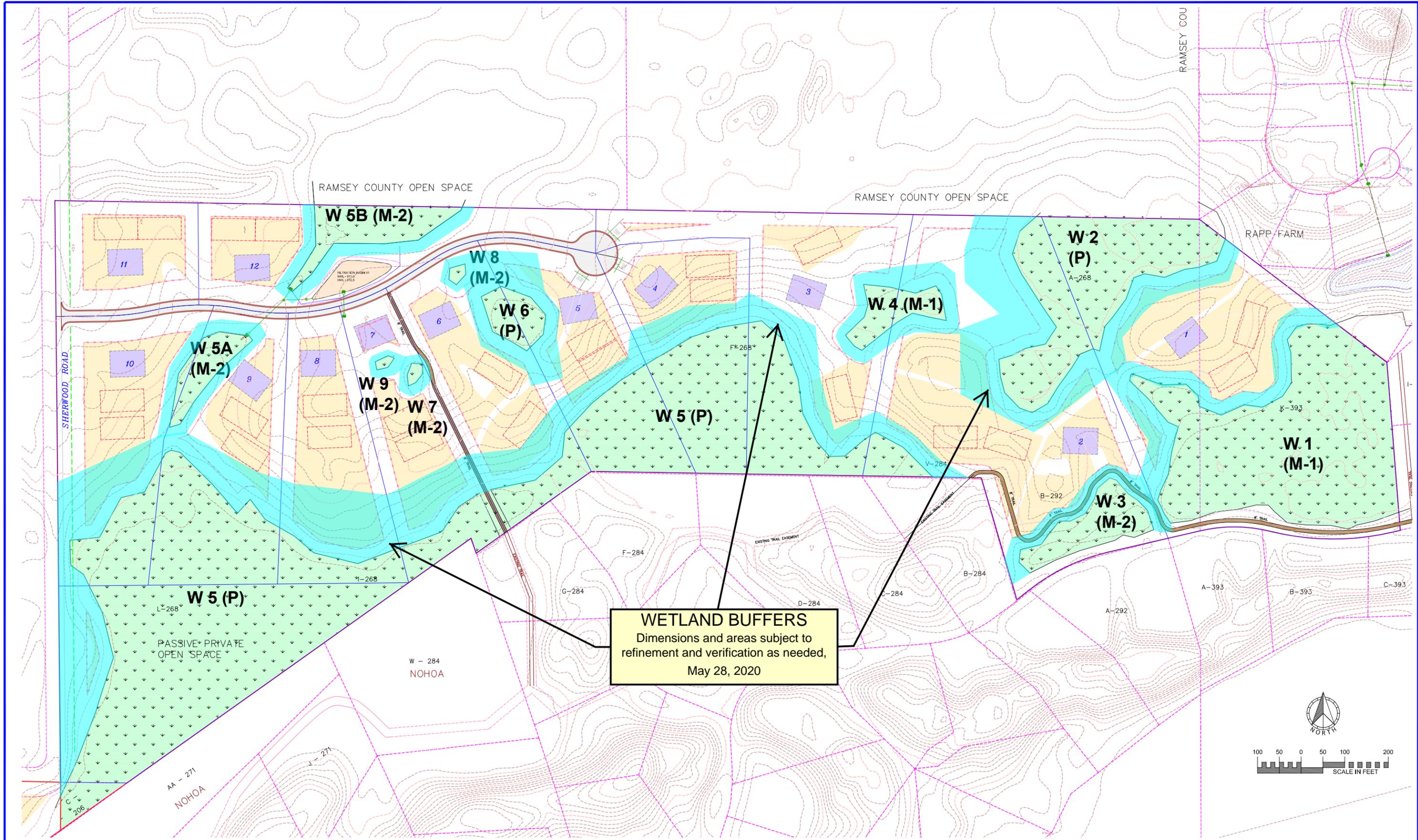
* The classification value settings for these functions are not adjustable

Nord Parcel

Wetland Buffer Plan

APPENDIX B

Preliminary Wetland Buffer Plan

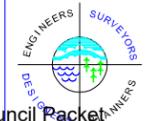


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CHECKED BY				
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 ERIC R. JOHNSON, P.E.
 Date: 01/23/20
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CITY PROJECT NO. ---
 NORTH OAKS, MINNESOTA

PRELIMINARY WETLAND BUFFER PLAN
 NORD AREA
 NORTH OAKS COMPANY

FILE NO. 304
 64500-01C
 2
 6

Nord Parcel

Wetland Buffer Plan

APPENDIX F

Wetland Buffer Seeding and Management Plan

These Buffer Seeding, Maintenance, and Monitoring Notes pertain to Disturbed Wetland Buffer Areas to be Shown on Final Plans

1. CONSTRUCTION AND SEEDING NOTES

Construction

1. Silt fence shall be installed prior to construction and maintained until viable cover has established. Silt fence shall be removed upon final acceptance by the engineer.
2. Silt fence that is initially installed above wetland areas for grading shall be moved and reinstalled at the limits of the buffer after buffer areas are graded (where applicable) and accepted. Any soil ridge left at the initial silt fence location shall be removed.
3. Contractor shall verify or confirm graded elevations within disturbed buffer areas prior to initiating seeding.
4. Excess excavated soil shall be disposed of outside of wetlands.

Seed Mixture Suppliers and Approval

1. Contractor shall submit seed tags or written certification of seed mix contents and suppliers for approval by the wetland consultant prior to installation.
2. Substitutions of seed mixes or seed mix components must be approved by the wetland consultant.

Seedbed Preparation

1. After completion of final grading, soils will be decompacted to a depth of 18 inches and organic matter will be incorporated into soils.
2. Prior to seeding, the contractor shall kill and plow or disc vegetation that covers more than 20 percent of the ground in the area to be seeded.
3. Areas of existing vegetation that are not plowed or disked shall be killed by spraying an appropriate glyphosate herbicide at label rates.
4. The seedbed shall be prepared by loosening topsoil to a minimum depth of 3 inches.
5. Seeding shall not be conducted between June 30 and October 15.

Seeding Methods

1. The seed mix shall be installed in accordance with the Minnesota Board of Water and Soil Resources Native Vegetation Establishment and Enhancement Guidelines (2019, <https://bwsr.state.mn.us/sites/default/files/2019-07/Updated%20guidelines%20Final%2007-01-19.pdf>).

2. Minnesota State Seed Mix 35-241 (Mesic Prairie General) shall be planted above wetland edges in disturbed parts of the buffer at the rates specified in <https://bwsr.state.mn.us/seed-mixes>.
3. Seed Mix 35-241 (Mesic Prairie General) shall be acquired from a reputable native seed supplier and the native seed supplier shall be subject to approval by the wetland consultant.
4. Seed Mix 35-241 (Mesic Prairie General) shall be installed with a native grass drill or broadcast evenly by hand or by use of a mechanical broadcast seeder.
5. Seeding shall not be conducted between June 30 and October 15.
6. All seeded areas shall be firmed with a rolling-type packer within two days after seeding. Packing will be considered adequate when only a slight footprint is left in the soil after walking across the area.
7. Seeded areas shall be mulched with MN/DOT Type 3 (MICA certified weed free grain straw) mulch at a rate of 2 tons per acre and the mulch shall be anchored with a disc or tackifier.

2. VEGETATION MANAGEMENT

Disturbed upland buffer areas will be seeded with seed mixes as specified in this document. Disturbed buffer areas will be assessed during annual monitoring site visits for the presence of noxious weeds and invasive species. If noxious weeds and/or invasive species are identified within the buffer areas, efforts will be made to control these species using appropriately timed herbicide applications or other methods. The following steps will be considered for treatment of invasive species during the five years after seeding, with the intention of developing plant communities with a predominance of non-invasive species.

Year 1 Maintenance

1. Where possible, the seeded buffer areas shall be mowed at a height of 6 to 8 inches a minimum of two times during the first growing season and before September 30.
2. Purple loosestrife shall be pulled by hand if it covers less than 5% of buffer, and spot sprayed with Rodeo herbicide during late August or September if it covers 5% or more of the buffer.
3. Other invasive species shall be spot sprayed twice annually at times that are effective given the growth cycle of the particular problem species.
4. Stands of reed canary grass shall be treated with Rodeo or Roundup herbicide in late October and again early the following spring before desirable species emerge.
5. Herbicide treatments shall be applied according to label instructions.

Year 2 Maintenance

1. Areas of invasive species such as reed canary grass and thistles shall be treated with herbicide early in spring prior to the emergence of desirable species.
2. Where possible, the seeded buffer areas shall be mowed to a height of 6 to 8 inches between June 1 and July 15 to allow for light penetration to seeded species and prevent seed set on weedy species.
3. Purple loosestrife shall be pulled by hand if it covers less than 5% of buffer, and spot sprayed with Rodeo herbicide during late August or September if it covers 5% or more of the buffer.
4. Other invasive species shall be spot sprayed twice annually at times that are effective given the growth cycle of the particular problem species.
5. Stands of reed canary grass shall be treated with Rodeo or Roundup herbicide early in the spring before desirable species emerge and again in late October.
6. Herbicide treatments shall be applied according to label instructions.

Year 3 to 5 Maintenance

1. Areas of bare ground or dead vegetation covering more than 20 square feet shall be reseeded (Year 3 only).
2. Spot spray perennial weeds as necessary.
3. Patches of problem species that represent more than 5% cover of buffer areas should be spot mowed to prevent seed set and treated with herbicide at appropriate times.
4. If possible and reasonably feasible, a controlled burn should be conducted once between Years 3 and 5.

3. MONITORING

The Applicant will submit an annual Wetland Buffer Inspection Report to VLAWMO for up to 5 years following vegetation establishment. The report shall include:

1. A site plan with locations of disturbed buffer areas;
2. Areas of bare or eroded soils;
3. Areas of invasive and noxious vegetation;
4. Location and type of encroachments on the buffer;
5. Color photos of the disturbed buffer areas taken during the growing season;
6. Description of the buffer vegetation including a list of dominant species, their estimated percent cover, and a comparison of species observed to the approved seed mix.
7. If necessary, the monitoring report will include management strategies proposed to control invasive species, improve native vegetation cover and species diversity, and/or mitigate encroachment on the buffer.

April 30, 2020

Kevin Kress, City Manager
City of North Oaks
100 Village Center Drive, #150
North Oaks, MN 55127

Dear Kevin:

Part of the way we keep our municipal partners informed about services provided by Northeast Youth & Family Services (NYFS) to residents in your community is through quarterly reports. *In response to the 'Stay at Home Orders' due to COVID-19, I am sending reports via email to reach everyone who may be working remotely. Please let me know if you would like a hard copy sent as well.*

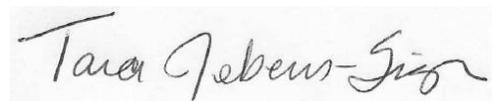
Attached is a copy of a report outlining the services provided in the first quarter of 2020.

Contract services are those outlined in our agreement. These services are assured to all community residents regardless of their ability to pay. Non-contract services represent those received by your residents through other programs at NYFS. Taken together, this report demonstrates how your partnership helps leverage resources for all services received by your residents. To complement the hard statistics we like to provide a success story, which brings those numbers to life.

A NYFS therapist was having a telehealth counseling session with a client who was experiencing severe anxiety. The counselor was able to calm the client down even though she wasn't in the same room with them and also directed them to a meditation app that they could review together during the session. This calmed the client down further and the therapist said learning to use the meditation practice in their home environment is more effective than learning to do it in a therapist's office. This is one of the many things we are learning about telehealth.

I look forward to the time when I can introduce myself in person and look forward to working with you. If you have any questions about this report or would like to talk about any other aspect of our partnership, please do not hesitate to contact me at tara.jebens-singh@nyfs.org or at 651-379-3404.

Sincerely,



Tara Jebens-Singh
President & CEO

City of North Oaks
Report Period: January 1, 2020 to March 31, 2020

The following is a brief report on Northeast Youth & Family Services' programs that directly affect the residents of your community. If you have any questions about this report, please call Tara Jebens-Singh, President & CEO, at (651) 379-3404.

Annual City Contract for Service 2020	\$10,020
Total cost of all services through March 31	\$3,191

(Please note that these numbers represent the actual cost of services provided, not what NYFS charges clients for these services. Because of your collaboration with NYFS, many of these services are offered free of charge or on a sliding-fee scale based on income.)

Services Provided	City Totals		
	# of Clients	Hours	Service Cost
Contracted Services			
Mental Health	3	20	\$ 2,466.25
Senior Chore			
Youth	1	15	\$ 362.50
Seniors	1	15	\$ 362.50
Total for Contracted Services	5	49	\$ 3,191.25
Totals for all Individual Services	5	49	\$ 3,191.25

*There are no NYFS clients that have completed community service work through our Diversion program at this point in the year.

**LAKE JOHANNA FIRE DEPARTMENT
BOARD OF DIRECTOR'S MEETING
WEDNESDAY, MAY 20, 2020
VIRTUAL ZOOM MEETING
7:30 A.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES—JANUARY 22, 2020 MEETING**
- 4. APPROVAL OF FINANCIAL REPORT—MARCH/APRIL, 2020**
- 5. APPROVAL OF LIST OF BILLS PAID—MARCH/APRIL, 2020**
- 6. PERSONNEL ITEMS**
- 7. FIRE CHIEF REPORT**
- 8. UNFINISHED BUSINESS**
 - A. ITEMS RELATED TO THE FIRE STATION SITE ACQUISITION
AND FIRE STATION PLANS**
- 9. NEW BUSINESS**
- 10. ADJOURNMENT**

**LAKE JOHANNA FIRE DEPARTMENT
BOARD OF DIRECTOR'S MEETING
MINUTES
JANUARY 22, 2020**

1. CALL TO ORDER

The January 22, 2020 meeting of the Lake Johanna Fire Department Board of Directors was called to order at 7:30 am by Chair Marty Long.

2. ROLL CALL

Board Members Present: Dave McClung, Arden Hills; Marty Long, North Oaks; Sue Denkinger and Terry Schwerm, Shoreview; and Bruce Carlson and Matt Schifsky, Lake Johanna Fire Department.

Board Members Jeff Rhein, Lake Johanna Fire Department.

Others Present: Fire Chief Tim Boehlke; Arden Hills City Administrator Dave Perrault; and North Oaks City Administrator Kevin Kress

3. APPROVAL OF MINUTES

McClung moved, seconded by Schifsky, approval of the November 21, 2019 Lake Johanna Fire Department Board meeting minutes. Motion was adopted 6-0.

4. APPROVAL OF FINANCIAL REPORT

Chief Boehlke presented the November/December 2019 Financial Reports. Boehlke noted that the Department ended the year about \$12,000 over the budget in 2019 due primarily to major equipment (general engineering) repair costs that greatly exceeded the budget. McClung moved, seconded by Schifsky, approval of the November/December Financial Reports. Motion was approved 6-0.

5. APPROVAL OF LIST OF BILLS PAID

McClung moved, seconded by Schifsky, approval of the November/December 2019 List of Bills paid. Motion was approved 6-0.

6. PERSONNEL ITEMS

Discussed under Fire Chief's Report.

9. NEW BUSINESS

A. Appointment of Officers for 2020

Schwerm explained that it had been the practice of the Lake Johanna Fire Department Board of Director's to rotate the President and Vice-President positions between the three cities elected representatives on the Board. Based on that rotation schedule, it would be Shoreview's representative's turn to be President and North Oaks representative's turn to be Vice-President. It was noted that Board member Terry Schwerm has typically served as Secretary and that Ralph Adair was the Treasurer. After a short discussion it was decided to appoint Bruce Carlson as the Treasurer. Schwerm moved, seconded by McClung that the following slate of officers be appointed for 2020:

- President – Sue Denkinger
- Vice-President – Dave McClung
- Secretary – Terry Schwerm
- Treasurer – Bruce Carlson

B. Review of the Lake Johanna Fire Department Annual Report

Chief Boehlke reviewed the 2019 Annual Report with the Board. Some of the highlights included:

- A total of 3820 calls in 2019
- 65 Auto Aid calls and 7 Mutual Aid calls
- Total estimated fire losses of nearly \$1.4 million
- Average Response time of 5:32 department wide
- Nearly 75% of the calls were medical related

C. Update on Fire Station Schematic Design Plans and Property Acquisition

This item was discussed under the Fire Chief's Report

10. ADJOURNMENT

There being no further business before the Board, Schifsky moved, seconded by Denkinger that the meeting be adjourned at 8:52 am. Motion approved.

LJFD Financial Summary
As April 30, 2020

\$	1,335,732.06	Total Cash In Bank
	\$ 2,523,977.62	Operating Budget (2020)
	\$ (899,783.24)	Total Expenditures (Total Expense)
	\$ 1,624,194.38	Budgeted Expenses

<i>City</i>	<i>Invoice #</i>	<i>Invoice Detail</i>	<i>Amount</i>	<i>Memo</i>
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Arden Hills

North Oaks	743 4/13/20	Line #11 replace 4 gas monitors	\$	428.45
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Shoreview

Total Cash	\$	1,335,732.06
Outstanding Invoices (see above)	\$	-
Cities 2nd half payment	\$	1,251,988.82
FD General Fund Contribution	\$	20,000.00
Budgeted Expenses	\$	(1,624,194.38)
FD Operating Reserve (10% of Budget)	\$	<u>(252,397.76)</u>
Non-committed cash	\$	<u>731,128.74</u>

2/29/2020 Non-committed cash from previous report	\$	<u>747,057.02</u>
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LAKE JOHANNA FIRE DEPARTMENT
Profit & Loss Budget Overview
 January through April 2020

	Jan - Apr 20	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
40000 · Other Income				
41300 · Inspection Charges	50.00			
41700 · Interest Income	1,498.85			
Total 40000 · Other Income	1,548.85			
45000 · Contract Income				
45100 · Contract A. H.	310,493.23	620,986.45	-310,493.22	50.0%
45200 · Contract S.V.	784,985.17	1,529,930.33	-784,985.16	50.0%
45300 · Contract N. O.	176,530.42	353,060.84	-176,530.42	50.0%
45500 · FD General Fund	0.00	20,000.00	-20,000.00	0.0%
Total 45000 · Contract Income	1,251,988.82	2,523,977.62	-1,271,988.80	49.6%
47000 · Donation Income				
47300 · Misc. Donation	576.31			
Total 47000 · Donation Income	576.31			
Total Income	1,254,113.98	2,523,977.62	-1,269,863.64	49.7%
Gross Profit	1,254,113.98	2,523,977.62	-1,269,863.64	49.7%
Expense				
50000 · Administrative Expenses				
50300 · Flowers/Cards	155.35			
50400 · Bank Service Fees	35.00			
50500 · Office Supplies	1,112.31			
50600 · Postage Expense	550.00			
50700 · Copier Rental	1,190.14			
50800 · Misc. Admin. Expense	956.39			
50950 · Mileage Reimbursement	75.02			
50000 · Administrative Expenses - Other	933.17	16,077.00	-15,143.83	5.8%
Total 50000 · Administrative Expenses	5,007.38	16,077.00	-11,069.62	31.1%
51000 · Recognition and Retention				
51010 · Appreciation Dinner	75.06			
51040 · Christmas Breakfast	160.00			
51060 · Annual Dinner	985.81			
51000 · Recognition and Retention - Other	0.00	15,317.00	-15,317.00	0.0%
Total 51000 · Recognition and Retention	1,220.87	15,317.00	-14,096.13	8.0%
52000 · Insurance				
52200 · Worker's Comp.	78,346.00			
52300 · Property & Liability Insurance	13,673.00			
52500 · EAP (TEAM)	1,250.00			
52000 · Insurance - Other	0.00	88,685.00	-88,685.00	0.0%
Total 52000 · Insurance	93,269.00	88,685.00	4,584.00	105.2%
53000 · Medical Exams				
53100 · OSHA Physicals	1,357.00			
53000 · Medical Exams - Other	0.00	6,785.00	-6,785.00	0.0%
Total 53000 · Medical Exams	1,357.00	6,785.00	-5,428.00	20.0%
54000 · LJFD Relief Association	51,240.00	102,480.00	-51,240.00	50.0%
55000 · Physical Fitness				
55200 · Fitness Club Reimbursement	0.00			
55000 · Physical Fitness - Other	0.00	7,800.00	-7,800.00	0.0%
Total 55000 · Physical Fitness	0.00	7,800.00	-7,800.00	0.0%
56000 · Public Fire Education	580.76	8,305.00	-7,724.24	7.0%
57000 · Professional Fees				
57200 · Accounting Fees	195.00			

LAKE JOHANNA FIRE DEPARTMENT

Profit & Loss Budget Overview

January through April 2020

	Jan - Apr 20	Budget	\$ Over Budget	% of Budget
57400 · Memberships & Associations	1,918.80			
57500 · Payroll Services	2,626.65			
57000 · Professional Fees - Other	0.00	17,633.00	-17,633.00	0.0%
Total 57000 · Professional Fees	4,740.45	17,633.00	-12,892.55	26.9%
58000 · Compensation				
58100 · Fire Chief	42,770.40			
58110 · Asst Chief	36,976.16			
58120 · Deputy Chief / F.M.	27,040.00			
58130 · Deputy Chief/ E.M.	27,040.00			
58200 · Office Manager	23,928.58			
58500 · Part Time Staff				
58510 · Training	29,643.99			
58520 · Fire Runs	10,279.79			
58530 · Shift Pay	292,243.37			
58540 · Haz Mat/ATR	894.01			
58550 · Pub Ed	387.38			
58560 · Board of Directors	540.00			
58570 · Hose Testing	0.00			
58580 · Fire Inspector	0.00			
58590 · Fitness Club Reimb	3,923.22			
58500 · Part Time Staff - Other	0.00			
Total 58500 · Part Time Staff	337,911.76			
59000 · Payroll Taxes & Expense	0.00			
59010 · PERA - Coordinated	1,794.60			
59020 · PERA - Police & Fire	23,887.34			
59070 · Payroll Tax Expenses	31,565.90			
59510 · Long Term Disability	543.20			
59520 · Health Insurance	16,774.53			
59530 · Misc. Payroll Taxes	0.00			
59540 · HSA Health Savings Plan	3,976.96			
58000 · Compensation - Other	0.00	1,692,227.62	-1,692,227.62	0.0%
Total 59000 · Compensation	574,009.43	1,692,227.62	-1,118,218.19	33.9%
60000 · Staff Prof. Development	0.00	12,750.00	-12,750.00	0.0%
61000 · Training				
61020 · Drill Instructors	3,262.50			
61030 · New Member Training	296.00			
61035 · EMS Training	1,483.00			
61040 · Sectional Schools	2,252.52			
61070 · In Town Training and Schools	325.00			
61080 · Misc. Training	8,910.00			
61090 · FF Certifications	340.00			
61110 · Memberships & Subscriptions	240.00			
61000 · Training - Other	0.00	87,145.00	-87,145.00	0.0%
Total 61000 · Training	17,108.02	87,145.00	-70,036.98	19.6%
62000 · Building Maintenance				
62010 · Sewer & Water	2,554.64			
62020 · Gas & Electric	14,272.79			
62030 · Telephone	489.74			
62040 · Waste Disposal	2,684.16			
62050 · Yard Maintenance	3,807.50			
62060 · Cleaning Services	1,375.00			
62070 · Minor Repairs	2,509.00			
62080 · Building Extras	262.97			
62090 · Supplies	5,259.84			
62100 · Misc. Building Maint.	5,516.04			
62110 · Refreshments	1,211.44			
62120 · Services-Other	4,510.61			

LAKE JOHANNA FIRE DEPARTMENT
Profit & Loss Budget Overview
 January through April 2020

	Jan - Apr 20	Budget	\$ Over Budget	% of Budget
62000 · Building Maintenance - Other	0.00	138,014.00	-138,014.00	0.0%
Total 62000 · Building Maintenance	44,453.73	138,014.00	-93,560.27	32.2%
63000 · Clothing & Turnout				
63010 · New Firefighter Clothing	4,120.49			
63020 · Replacement Turnout Gear	812.42			
63030 · Clothing Allowance	5,774.87			
63040 · Misc. Clothing	952.00			
63000 · Clothing & Turnout - Other	0.00	75,362.00	-75,362.00	0.0%
Total 63000 · Clothing & Turnout	11,459.78	75,362.00	-63,902.22	15.2%
64000 · Communications				
64010 · User/Access Fees	1,004.28			
64020 · Equipment	3,356.74			
64040 · Misc. Communications	1,384.05			
64000 · Communications - Other	245.36	31,192.00	-30,946.64	0.8%
Total 64000 · Communications	5,990.43	31,192.00	-25,201.57	19.2%
65000 · General Engineering				
65010 · Vehicle Maintenance	31,808.72			
65020 · Equipment Testing & Inspections	17,793.73			
65030 · Fuel	8,096.80			
65040 · Misc. General Engr.	182.62			
65050 · General Engineering Extras	5,684.47			
65060 · Gen. Eng. Misc. Vehicles	1,790.27			
65070 · Medical Supplies				
65075 · Virus-Covid-19	1,679.73			
65070 · Medical Supplies - Other	2,062.91			
Total 65070 · Medical Supplies	3,742.64			
65000 · General Engineering - Other	0.00	162,180.00	-162,180.00	0.0%
Total 65000 · General Engineering	69,099.25	162,180.00	-93,080.75	42.6%
66000 · SCBA				
66010 · Annual Flow Testing	4,507.50			
66000 · SCBA - Other	0.00	8,155.00	-8,155.00	0.0%
Total 66000 · SCBA	4,507.50	8,155.00	-3,647.50	55.3%
67000 · Technology				
67010 · Software	743.95			
67020 · Supplies	501.10			
67030 · Misc. Technology	2,447.61			
67040 · IT Support	11,588.00			
67000 · Technology - Other	0.00	46,340.00	-46,340.00	0.0%
Total 67000 · Technology	15,280.66	46,340.00	-31,059.34	33.0%
67500 · Maps	0.00	1,520.00	-1,520.00	0.0%
68000 · Special Operations				
68060 · Misc. Spec. Operations	458.98			
68000 · Special Operations - Other	0.00	6,010.00	-6,010.00	0.0%
Total 68000 · Special Operations	458.98	6,010.00	-5,551.02	7.6%
Total Expense	899,783.24	2,523,977.62	-1,624,194.38	35.6%
Net Ordinary Income	354,330.74	0.00	354,330.74	100.0%
Other Income/Expense				
Other Income				
71000 · National Guard Contract	10,000.00			
Total Other Income	10,000.00			

LAKE JOHANNA FIRE DEPARTMENT
Profit & Loss Budget Overview
January through April 2020

	<u>Jan - Apr 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Other Expense				
80000 - Capital	<u>26,836.81</u>			
Total Other Expense	<u>26,836.81</u>			
Net Other Income	<u>-16,836.81</u>			
Net Income	<u><u>337,493.93</u></u>	<u>0.00</u>	<u>337,493.93</u>	<u>100.0%</u>

LAKE JOHANNA FIRE DEPARTMENT Transaction Journal All Transactions

Trans #	Type	Date	Num	Name	Memo	Account	Class	Debit	Credit
31884	Check	03/05/2020	46567	Bremer Visa ch...	Statement date 1/24-2/24	10000 · Regular Checking...2011	Shared Ex...		
				Bremer Visa ch...	Microsoft office 365 monthly fee	67010 · Software	Shared Ex...	25.45	4,332.67
				Bremer Visa ch...	Meenex, ssa batteries	62080 · Supplies	Shared Ex...	31.98	
				Bremer Visa ch...	(2) boxes N95 masks 49U069	65070 · Medical Supplies	Shared Ex...	92.97	
				Bremer Visa ch...	Flowers for Deb Lane's fathers passing, flowers Pat Larson's baby	50300 · Flowers/Cards	Shared Ex...	155.35	
				Bremer Visa ch...	Amplifi extenders for Sta 130	67020 · Supplies	130 Station	365.06	
				Bremer Visa ch...	cookies refillee coffee 1/28, kcup cups& filters,	62110 · Refreshments	Shared Ex...	29.68	
				Bremer Visa ch...	EaselUS backup workstation (Cleveland)	67010 · Software	Shared Ex...	59.10	
				Bremer Visa ch...	office computer mouse, 3 sets labor law posters, portable cam (returned)	50500 · Office Supplies	Shared Ex...	90.70	
				Bremer Visa ch...	Consent to search carbonless forms	50500 · Office Supplies	Shared Ex...	104.24	
				Bremer Visa ch...	32GB micro SD card	67020 · Supplies	Shared Ex...	9.24	
				Bremer Visa ch...	regis fee 2020 Fire school - Erickson	61040 · Sectional Schools	130 Station	160.00	
				Bremer Visa ch...	regis fee 2020 Fire school - Treff	61040 · Sectional Schools	120 Station	160.00	
				Bremer Visa ch...	regis fee 2020 Fire school - Kiley, Sheets	61040 · Sectional Schools	Shared Ex...	320.00	
				Bremer Visa ch...	regis fee 2020 Fire school - Olson	61040 · Sectional Schools	130 Station	160.00	
				Bremer Visa ch...	air fresh, bounce, garbage bags, storage bags, floor heater	62080 · Supplies	Shared Ex...	285.00	
				Bremer Visa ch...	Fire Officer 1 class - Maleski	61040 · Sectional Schools	Shared Ex...	201.79	
				Bremer Visa ch...	fabric soft sheets, creamer, 3 cs kcup coffee, laundry pods	62080 · Supplies	Shared Ex...	385.00	
				Bremer Visa ch...	Costco yearly membership	57400 · Memberships & Associations	Shared Ex...	262.09	
				Bremer Visa ch...	NREMT recert - Nordben	61080 · FF Certifications	Shared Ex...	240.00	
				Bremer Visa ch...	Mn Fire Chiefs - school - Roddy	61040 · Sectional Schools	Shared Ex...	20.00	
				Bremer Visa ch...	regis fee 2020 Riverland Fire school - Schuller	61070 · In Town Training and Schools	Shared Ex...	285.00	
				Bremer Visa ch...	steel pails, CO detectors, flash lights, Fire kits	56000 · Public Fire Education	Shared Ex...	125.00	
				Bremer Visa ch...	Fire Gone countertop display	56000 · Public Fire Education	Shared Ex...	401.27	
				Bremer Visa ch...	Cables for 2nd monitor @ St. 130	67020 · Supplies	Shared Ex...	128.74	
				Bremer Visa ch...	NREMT recert fee - Saitter	61080 · FF Certifications	Shared Ex...	19.31	
				Bremer Visa ch...	MBFTE renewal license (Saitter)	57400 · Memberships & Associations	Shared Ex...	20.00	
				Bremer Visa ch...	Strategies & Tactics class-Lakeville - Rewald	61070 · In Town Training and Schools	Shared Ex...	75.00	
				Bremer Visa ch...	Rewald - Amazon purchase 2/17	65040 · Misc. General Engr.	Shared Ex...	100.00	
								10.70	
TOTAL								4,332.67	4,332.67

LAKE JOHANNA FIRE DEPARTMENT

Transaction Detail by Account

March 2020

11:34 AM
05/04/20
Accrual Basis

Type	Date	Num	Item	Memo	Split	Amount	Balance
10000 - Regular Checking...2011							
Check	03/01/2020	46577	Sean R. Sawyer	Monthly Computer Support Fee	-SPLIT-	-700.00	-700.00
Check	03/03/2020	46578	Denis Mikulic		61080 · FF Certifications	-20.00	-720.00
Check	03/03/2020	46579	Brad Roberts		62080 · Supplies	-49.20	-769.20
Check	03/03/2020	46580	Mark Kobasa		61080 · FF Certifications	-20.00	-789.20
Check	03/03/2020	46581	Erif Peterson		61080 · FF Certifications	-20.00	-809.20
Check	03/03/2020	46582	Jeff Mahoney		61080 · FF Certifications	-20.00	-829.20
Check	03/03/2020	46583	Dave Vance		56000 · Public Fire Education	0.00	-829.20
Check	03/03/2020	46584	Dave Vance		56000 · Public Fire Education	-25.00	-854.20
Check	03/05/2020	46585	Tim Boehlke		64040 · Misc. Communications	-98.43	-952.63
Check	03/05/2020	46587	Bremer Visa change	Statement date 1/24-2/24	-SPLIT-	-4,332.67	-5,285.30
Check	03/10/2020	46596	Brian Schmidt	Misc. Reimbursement	61080 · FF Certifications	-20.00	-5,305.30
Check	03/11/2020	EFT	Psychex - ESR Services		50800 · Misc. Admin. Expense	-218.40	-5,523.70
Check	03/12/2020	EFT	Payroll Transfer - F.D.	Psychex Payroll 2020 3-13	-SPLIT-	-75,918.38	-61,442.08
Check	03/12/2020	46588	Tim Adrian		-SPLIT-	-488.68	-61,930.76
Check	03/12/2020	46589	Acc Solid Waste, INC.	Account # 3067-94956-001 Statement date: 2019-3/1	-SPLIT-	-671.04	-62,601.80
Check	03/12/2020	46590	Aspen Mills		-SPLIT-	-1,500.38	-64,102.18
Check	03/12/2020	46591	Bound Tree Medical, LLC		-SPLIT-	-1,250.89	-65,353.07
Check	03/12/2020	46592	City of Shoreview.		65070 · Medical Supplies	-257.91	-65,610.98
Check	03/12/2020	46593	City of Roseville	Utility: Sewer & Water	-SPLIT-	-2,897.00	-68,507.98
Check	03/12/2020	46594	Comcast		67040 · IT Support	-646.02	-69,154.00
Check	03/12/2020	46595	Emergency Response Solutions		62120 · Services-Other	-282.95	-69,436.95
Check	03/12/2020	46596	Emergency Apparatus Maintenance, Inc.		63020 · Replacement Turnout Gear	-9,544.90	-78,981.85
Check	03/12/2020	46597	Health Partners	Health Insurance	-SPLIT-	-6,671.67	-85,653.52
Check	03/13/2020	EFT	PERA	Payroll 2020 2/26	-SPLIT-	-23,048.75	-108,702.27
Check	03/13/2020	EFT	Payroll Processing Fee		20000 · Accounts Payable	-380.80	-109,083.07
Check	03/13/2020	46598	Konika Minolta	Payroll processing fee - payroll 2020 3/13	57500 · Payroll Services	-442.71	-109,525.78
Check	03/13/2020	46599	League of MN Cities Ins Trust	Contract # 061-0163722-000	52000 · Property & Liability Insurance	-13,673.00	-123,198.78
Check	03/13/2020	46600	MBC	Funds Transfer	10700 · Money Market Investment...5...	250,000.00	-101,466.59
Check	03/13/2020	46601	Municipal Emergency Services		-SPLIT-	-1,089.87	100,287.59
Check	03/13/2020	46602	Premium Waters, Inc.	Account 523309	62110 · Refreshments	-73.28	99,124.44
Check	03/13/2020	46603	Ramsey County - EMCOM	Cust # 011277	-SPLIT-	-430.56	98,693.88
Check	03/13/2020	46604	Ramsey County		-SPLIT-	-1,864.17	96,829.71
Check	03/13/2020	46605	City of Roseville		61020 · Drill Instructors	-150.00	96,679.71
Check	03/13/2020	46606	TDS Metrocom	Account # 6514817024 03/13	62030 · Telephone	-122.50	96,557.21
Check	03/13/2020	46607	Verizon Wireless.	Account # 38058908-00001	64010 · User/Access Fees	-35.01	96,522.20
Check	03/13/2020	46608	Xcel Energy	Utilities - Statement dated 2/21	-SPLIT-	-4,052.24	92,469.96
Check	03/18/2020	46609	Aspen Mills		-SPLIT-	-2,181.34	90,288.62
Check	03/19/2020	46610	Bound Tree Medical, LLC		65070 · Medical Supplies	-472.90	89,815.72
Check	03/19/2020	46611	City of Shoreview		-SPLIT-	-643.20	89,172.52
Check	03/19/2020	46612	Debi Krause	Cust ID 3131	-SPLIT-	-63.53	88,208.99
Check	03/19/2020	46613	Emergency Apparatus Maintenance, Inc.	Reimbursement for misc. expense	-SPLIT-	-5,573.48	82,635.51
Check	03/19/2020	46614	HobbyMinnesota.Com		-SPLIT-	-202.95	83,432.56
Check	03/19/2020	46615	Municipal Emergency Services		62080 · Supplies	-181.81	83,250.75
Check	03/19/2020	46616	Daniel Sheets		65050 · General Engineering Extras	-20.00	83,230.75
Check	03/19/2020	46617	John Wiesko		-SPLIT-	-462.96	82,767.79
Check	03/19/2020	46618	Regions Hospital		-SPLIT-	-480.00	82,287.79
Check	03/24/2020	46619	Robert Traut		-SPLIT-	-289.88	81,997.91
Check	03/24/2020	46620	Matt Seather		65075 · Virus-Covid-19	-47.98	81,950.93
Check	03/28/2020	46621	Daniel Sheets		-20.00	-4,101.40	77,849.53
Check	03/31/2020	EFT	Payroll Transfer - taxes	Payroll 2020 3/31	-SPLIT-	-120.05	77,729.48
Check	03/31/2020	EFT	Payroll Processing Fee	Payroll processing fee - payroll 2020 3/31	57500 · Payroll Services	-13,235.89	64,512.59
Check	03/31/2020	EFT	Payroll Transfer - Office	Psychex - payroll 2020 3/31	-SPLIT-	-5,353.83	59,158.76
Bill Print ...			PERA		20000 · Accounts Payable		

LAKE JOHANNA FIRE DEPARTMENT Transaction Detail by Account March 2020

Type	Date	Num	Name	Memo	Split	Amount	Balance	
Check	03/31/2020	46622	Sean R. Sawyer	Monthly Computer Support Fee	-SPLIT-	-700.00	58,458.96	
Check	03/31/2020	46623	Aspen Mills		-SPLIT-	-332.65	58,126.31	
Check	03/31/2020	46624	AT&T Mobility	Statement date: 2020, 11 Mar	64020 - Equipment	-646.10	57,480.21	
Check	03/31/2020	46625	Bound Tree Medical, LLC		66070 - Medical Supplies	-123.90	57,356.31	
Check	03/31/2020	46626	Comcast	Cable TV service - 8772 10 789 0001813 2020 3/4-4/3	62120 - Services-Other	-1,488.72	55,868.59	
Check	03/31/2020	46627	Debi Krause	Reimbursement for misc. expense	-SPLIT-	-60.94	55,808.65	
Check	03/31/2020	46628	Emergency Response Solutions		62100 - Misc. Building Maint.	-92.47	55,716.18	
Check	03/31/2020	46629	Emergency Apparatus Maintenance, Inc.		-SPLIT-	-5,505.06	50,211.12	
Check	03/31/2020	46630	Frattolone's Hardware Stores	Statement dated 11/30-19	-SPLIT-	-385.19	49,825.93	
Check	03/31/2020	46631	Minnesota State Fire Chiefs Association		-SPLIT-	-880.00	48,945.93	
Check	03/31/2020	46632	Nardini Fire Equipment		62120 - Services-Other	-83.25	48,879.68	
Check	03/31/2020	46633	Sprint	Acct # 838730191	64040 - Misc. Communications	-123.96	48,755.72	
Check	03/31/2020	46634	TEAM Corporation		52500 - EAP (TEAM)	-500.00	48,255.72	
Check	03/31/2020	46635	Xcel Energy	Utilities - Statement dated 3/23	-SPLIT-	-3,503.60	44,752.12	
Check	03/31/2020	46636	Idc Automatic Garage Door		62100 - Misc. Building Maint.	-548.15	44,203.97	
Check	03/31/2020	46637	Tim Boehlke	Interest	64040 - Misc. Communications	-86.43	44,117.54	
Deposit	03/31/2020			Interest	41700 - Interest Income	1.47	44,119.01	
Total 10000 - Regular Checking...2011							44,106.01	44,108.01
10500 - General Fund Checking...0626								
Payment	03/10/2020	558334	City of Shoreview Capital		12000 - Contract Receivable	4,175.86	4,175.86	
Check	03/12/2020	15584	Bustow 2 Architects, Inc.		80000 - Capital	-1,544.51	2,631.35	
Check	03/12/2020	15595	DreamSeals LLC		80000 - Capital	-16,531.96	-13,900.61	
Payment	03/18/2020	013462	City of North Oaks Capital		12000 - Contract Receivable	942.28	-12,958.33	
Check	03/19/2020	15586	Erickson, Bell, Beckman & Outram, P.A.		80000 - Capital	-1,372.50	-14,330.83	
Deposit	03/31/2020			Interest	41700 - Interest Income	3.08	-14,327.75	
Total 10500 - General Fund Checking...0626							-14,327.75	-14,327.75
10700 - Money Market Investment...3988								
Transfer	03/13/2020			Funds Transfer	10000 - Regular Checking...2011	-250,000.00	-250,000.00	
Deposit	03/31/2020			Interest	41700 - Interest Income	387.42	-249,612.58	
Total 10700 - Money Market Investment...5968							-249,612.58	-249,612.58
TOTAL							-219,834.32	-219,834.32

LAKE JOHANNA FIRE DEPARTMENT Transaction Journal All Transactions

Trans #	Type	Date	Num	Name	Memo	Account	Class	Debit	Credit
31957	Check	04/07/2020	48840	Bremer Visa C...	Statement date 1/24-2/24	10000 · Regular Checking..2011	Shared E...		
				Bremer Visa C...	Microsoft office 365 monthly fee-March	67010 · Software	Shared E...	25.77	3,126.87
				Bremer Visa C...	paper towels, napkins (Aldi), (Target)	62090 · Supplies	Shared E...	38.58	
				Bremer Visa C...	Tea, coffee, cookies/donuts retiree coffee 2/26,	62110 · Refreshments	Shared E...	45.76	
				Bremer Visa C...	facial tissue, paper towel, toilet tissue, Paper towel...	62080 · Supplies	Shared E...	96.74	
				Bremer Visa C...	PDQ Deploy software renewal (1 yr)	67010 · Software	Shared E...	483.19	
				Bremer Visa C...	coffee kcups auto delivery (Target), 96 ct kcups (A...	62110 · Refreshments	Shared E...	113.88	
				Bremer Visa C...	(25) Bitdefender security software	67010 · Software	Shared E...	115.00	
				Bremer Visa C...	Red equip out of service tags (2 bxs)	65040 · Misc. General Engr.	Shared E...	91.82	1,210.00
				Bremer Visa C...	Mn State College class refunds (due to Covid19)	61040 · Sectional Schools	Shared E...	180.00	
				Bremer Visa C...	State college - Tibbs	61040 · Christmas Breakfast	Shared E...	180.00	
				Bremer Visa C...	State college - Wiebe	61040 · Sectional Schools	Shared E...	23.61	
				Bremer Visa C...	propane tank refill St 120	62080 · Supplies	Shared E...	104.90	
				Bremer Visa C...	ketchup, mustard, clorox, srving tray, pot holder, pl...	62110 · Refreshments	Shared E...	5.96	
				Bremer Visa C...	cooking oil (4)	62110 · Refreshments	Shared E...	50.15	
				Bremer Visa C...	Lysol spray (8)	62110 · Refreshments	2017 Ros...	476.77	
				Bremer Visa C...	Inv. E4-54055 - E142 - cylinder block leaks,	65010 · Vehicle Maintenance	Shared E...	148.84	
				Bremer Visa C...	lunch bags, safety glasses, storage bags	65075 · Virus-Covid-19	Shared E...	230.88	
				Bremer Visa C...	protective eye wear (Northern Tool)	65075 · Virus-Covid-19	Shared E...	515.00	
				Bremer Visa C...	PK Safety Supply	50000 · Administrative Expenses			
				Bremer Visa C...	GenBay	50000 · Administrative Expenses			
				Bremer Visa C...	Green Mill - Dinner drill food at Green Mill	62110 · Refreshments	Shared E...	442.92	
				Bremer Visa C...	(4) 6x3 notebooks	50500 · Office Supplies	Shared E...	47.20	
				Bremer Visa C...	M&M's (Cub)	56000 · Public Fire Education	Shared E...	25.75	
				Bremer Visa C...	Kris - Target	50000 · Administrative Expenses	Shared E...	10.68	
				Bremer Visa C...	camera light - F.M.	65080 · Gen. Eng. Misc. Vehicles	Shared E...	36.41	
				Bremer Visa C...	Olympus digital camera - F.M.	65080 · Gen. Eng. Misc. Vehicles	Shared E...	459.57	
TOTAL								4,336.87	4,336.87

LAKE JOHANNA FIRE DEPARTMENT Transaction Detail by Account

April 2020

Type	Date	Num	Name	Memo	Split	Amount	Balance
10000 - Regular Checking...2011							
Transfer	04/01/2020						
Check	04/02/2020	46638	Debi Krause	2008 Ford PU Repairs (check 46485 sb Genl Fund)	10500 · General Fund Checking...0628	1,516.32	1,516.32
Deposit	04/02/2020			Reimbursement for misc. expense	58200 · Office Manager	-450.00	1,066.32
Check	04/08/2020	46639	Steve Smith	Deposit	58200 · Office Manager	450.00	1,516.32
Check	04/08/2020	46706	Renee Peterschick	Statement date 1/24-2/24	-SPLIT-	-60.00	1,456.32
Check	04/08/2020	46640	Bremer Visa charge	VOID: Payment was made on Matt's Visa charge	65075 · Virus-Covid-19	-70.00	1,386.32
Check	04/08/2020	46641	Matt Saffner	Customer # U 038058783	41300 · Inspection Charges	50.00	1,446.32
Check	04/13/2020	46642	Auto Plus	Account # 3087-94856-001 Statement date: 2019-4/1	-SPLIT-	-3,126.87	-1,690.55
Check	04/13/2020	46643	Aspen Mills	Utility: Sewer & Water	63030 · Clothing Allowance	0.00	-1,690.55
Check	04/13/2020	46644	Acs Soldi Wasata, INC.	Cable TV service - 8772 10 789 0001813 2020 4/4-5/3	50800 · Misc. Adm'n. Expense	-218.40	-1,898.95
Check	04/13/2020	46645	Mike Maleski	Cust # 011277	65040 · Misc. General Engr.	-0.56	-1,898.51
Check	04/13/2020	46646	City of Roseville	Statement dated 11/30-19	-SPLIT-	-257.70	-2,157.21
Check	04/13/2020	46647	City of Shoreview.	Health Insurance	-SPLIT-	-671.04	-2,828.25
Check	04/13/2020	46648	Comcast	Contract # 061-0163722-000	67040 · IT Support	-161.00	-3,006.25
Check	04/13/2020	46649	City of Roseville	Acct# 42428616	-SPLIT-	-2,887.00	-5,896.25
Check	04/13/2020	46650	Ramsey County - EMCOM	Prop 133023340053	61040 · Sectional Schools	-688.30	-6,584.55
Check	04/13/2020	46651	Ecolab	Account # 38056906-00001 & 242167378-00001	-SPLIT-	-652.78	-7,237.33
Check	04/13/2020	46652	Emergency Apparatus Maintenance, Inc.	Payroll processing fee - payroll 2020 4/15	64020 · Equipment	-417.09	-7,654.42
Check	04/13/2020	46653	Emergency Response Solutions	Paychex Payroll 2020 4/15	64010 · User/Access Fees	-215.28	-7,869.70
Check	04/13/2020	46654	Frattalino's Hardware Stores	Payroll 2020 4/15	62090 · Supplies	-504.64	-8,374.34
Check	04/13/2020	46655	Health Partners	Payroll processing fee - payroll 2020 4/15	65010 · Vehicle Maintenance	-880.30	-9,154.64
Check	04/13/2020	46656	Konica Minolta	Payroll 2020 4/15	-SPLIT-	-1,888.73	-11,043.37
Check	04/13/2020	46657	Office Depot - BSD	VOID: Reim. for misc. expense	65040 · Misc. General Engr.	-27.95	-11,069.32
Check	04/13/2020	46658	Pomps Tire Service	Reimbursement for misc. expense	-SPLIT-	-6,671.67	-17,740.99
Check	04/13/2020	46659	Plunkett's Pest Control	Misc. Reimbursement	50700 · Copier Rental	-288.30	-18,039.29
Check	04/13/2020	46660	Ramsey County	Prop 133023340053	-SPLIT-	-185.72	-18,225.01
Check	04/13/2020	46661	SHI International Corp	Account # 38056906-00001 & 242167378-00001	65010 · Vehicle Maintenance	-892.42	-19,117.43
Check	04/13/2020	46662	Verizon Wireless	Payroll processing fee - payroll 2020 4/15	62100 · Misc. Building Maint.	-102.00	-19,219.43
Check	04/13/2020	EFT	Payroll Processing Fee	Payroll processing fee - payroll 2020 4/15	-SPLIT-	-209.47	-19,438.90
Check	04/13/2020	EFT	Matt Saffner	Payroll 2020 4/15	64020 · Equipment	-106.00	-19,544.90
Check	04/15/2020	EFT	Payroll Transfer - taxes	Payroll processing fee - payroll 2020 4/15	64010 · User/Access Fees	-35.01	-19,579.91
Check	04/15/2020	EFT	PERA	Payroll processing fee - payroll 2020 4/15	57500 · Payroll Services	-369.80	-19,949.71
Check	04/20/2020	46664	Jeff Anderson	VOID: Reim. for misc. expense	-SPLIT-	-86,157.30	-106,222.19
Check	04/20/2020	46665	Eric Nordean	Reimbursement for misc. expense	-SPLIT-	-25,721.00	-131,943.19
Check	04/20/2020	46666	Eric Nordean	Misc. Reimbursement	20000 · Accounts Payable	-5,353.63	-137,296.82
Check	04/23/2020	46707	Maintenance & Service, Inc.	Payroll 2020 4/30	61090 · FF Certifications	-20.00	-137,316.82
Check	04/27/2020	46667	Fally Finery, Inc.	Payroll processing fee - payroll 2020 4/30	-SPLIT-	-183.60	-137,500.42
Check	04/27/2020	EFT	Payroll Transfer - taxes	Payroll processing fee - payroll 2020 4/30	64000 · Communications	-245.36	-137,745.78
Check	04/27/2020	EFT	Payroll Processing Fee	Statement date: 2020, 11 Apr	-SPLIT-	-1,200.00	-138,945.78
Check	04/27/2020	46668	Aspen Mills	Reimbursement for misc. expense	65075 · Virus-Covid-19	-600.00	-139,545.78
Check	04/27/2020	46670	AT&T Mobility	Account 523309	-SPLIT-	-4,003.97	-143,549.75
Check	04/27/2020	46671	City of New Brighton	Acct # 839730191	57500 · Payroll Services	-120.05	-143,669.80
Check	04/27/2020	46672	Debi Krause	Account # 6514817024.03/13	62050 · Yard Maintenance	-2,231.00	-145,900.80
Check	04/27/2020	46673	Premium Waters, Inc.	Utilities - Statement dated 4/21	-SPLIT-	-1,065.44	-146,966.24
Check	04/27/2020	46674	Ramsey County	Funds Transfer	64020 · Equipment	-895.35	-147,891.59
Check	04/27/2020	46675	Emergency Apparatus Maintenance, Inc.		68090 · Misc. Spec. Operations	-346.48	-148,238.07
Check	04/27/2020	46676	Jefferson Fire & Safety		-SPLIT-	-183.01	-148,421.08
Check	04/27/2020	46677	TDS Metrocom		62110 · Refreshments	-48.19	-156,616.00
Check	04/27/2020	46678	Xcel Energy		65030 · Fuel	-1,787.69	-158,405.69
Check	04/27/2020	46679	Jefferson Fire & Safety		64040 · Misc. Communications	-118.51	-158,524.20
Transfer	04/27/2020				62030 · Telephone	-122.24	-158,646.44
Transfer	04/27/2020				65050 · General Engineering Extras	-2,455.12	-161,101.56
Transfer	04/27/2020				10700 · Money Market Investment...5...	250,000.00	-84,860.33

LAKE JOHANNA FIRE DEPARTMENT

Transaction Detail by Account

April 2020

10:39 AM
05/04/20
Accrual Basis

Type	Date	Num	Name	Memo	Split	Amount	Balance
Check	04/29/2020	EFT	Payroll Transfer - Office	Paychex - payroll 2020 4/30	-SPLT-	-13,209.65	71,650.68
Check	04/28/2020	46680	Dave Vance		63030 · Clothing Allowance	-78.00	71,572.68
Deposit	04/29/2020				47300 · Misc. Donation	576.31	72,148.99
Deposit	04/29/2020		League of MN Cities Ins Trust		52200 · Worker's Comp.	12,136.00	84,284.99
Bill Pmt ...	04/30/2020	EFT	PERA		20000 · Accounts Payable	-5,353.63	78,931.36
Check	04/30/2020	46682	Doug Swanson	Reimbursement for Misc. Expenses	62110 · Refreshments	-48.45	78,882.91
Deposit	04/30/2020			Interest	41700 · Interest Income	286.35	79,179.26
Deposit	04/30/2020					1.19	79,180.45
Total 10000 · Regular Checking...2011							
10500 · General Fund Checking...0626							
Transfer	04/01/2020			2008 Ford PU Repairs (check 46485 sb Genl Fund)	10000 · Regular Checking...2011	-1,516.32	-1,516.32
Check	04/13/2020	15587	Buetow 2 Architects, Inc.		80000 · Capital	-3,603.75	-5,120.07
Check	04/13/2020	15588	Emergency Response Solutions		15400 · Equipment	-3,038.67	-8,158.74
Payment	04/20/2020	568339	City of Shoreview Capital		12000 · Contract Receivable	1,856.63	-6,302.11
Payment	04/20/2020	49261	City of Arden Hills Capital		12000 · Contract Receivable	753.58	-5,548.52
Check	04/27/2020	15589	Jefferson Fire & Safety	VOID:	15400 · Equipment	0.00	-5,548.52
Deposit	04/30/2020			Interest	41700 · Interest Income	2.88	-5,545.64
Total 10500 · General Fund Checking...0626							
10700 · Money Market Investment...5868							
Transfer	04/27/2020			Funds Transfer	10000 · Regular Checking...2011	-250,000.00	-250,000.00
Deposit	04/30/2020			Interest	41700 · Interest Income	74.07	-249,925.93
Total 10700 · Money Market Investment...5868							
TOTAL							
						-249,925.93	-249,925.93
						-176,291.12	-176,291.12

**North Oaks Natural Resources Commission
NRC Meeting Minutes
Virtual Meeting via Teleconference or Electronic Means Only
April 16, 2020 at 7 p.m.**

1. CALL TO ORDER

Chair Hawkins called the meeting of April 16, 2020, to order at 7:04 p.m.

2. ROLL CALL

NRC members participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021.

Present: Present: Chair Andrew Hawkins, Vice Chair Kate Winsor, Commissioners Bob Larson, Damien LePoutre, and David White; City Council Liaison Council Member Katy Ross; NOHOA Liaison Patricia Orud; City Forester Mark Rehder

Staff Present: Recording Secretary Gretchen Needham and City Administrator Kevin Kress

Others Present: Dan McDermott

A quorum was declared present.

3. APPROVAL OF AGENDA

MOTION by White, seconded by Winsor, to approve the agenda as submitted.

MOTION carried unanimously by roll call.

4. APPROVAL OF PREVIOUS MONTH'S MINUTES

MOTION by Larson, seconded by White, to approve the minutes as submitted.

MOTION carried unanimously by roll call.

5. NEW BUSINESS

5a. EAB Letter

- Mark Rehder presented a draft version of a letter about emerald ash borer for residents for review and approval by the NRC. Commissioner LePoutre suggested the ordinance language is specified, and Commissioner White would like to see pricing of tree removal listed. Forester Rehder commented that the price could vary greatly, but that he could add a price range to the letter. Vice Chair suggested some changes to language to make it clear that the homeowner is responsible for removing the trees, not the City. Forester Rehder will make the suggested changes; Chair Hawkins and Commissioner LePoutre will then review the letter in final form.

MOTION by Vice Chair, seconded by Larson, to approve the EAB letter with edits as amended.

MOTION carried unanimously by roll call.

5b. Coyote Management Plan: Final Draft

- Some amendments to the draft will be made, and then the final draft will be presented to Council for approval.

**MOTION by White, seconded by LePoutre, to recommend approval of the Coyote Management Plan to Council with edits as amended.
MOTION carried unanimously by roll call.**

5c. Draft of Brush Pick Up Letter

- A letter was drafted by Forester Rehder for brush pick up by Langer's in late May.

5d. TTF Survey Report from POLCO

- Commissioner White suggested tabling the discussion in order to have time to quantify the data gathered by the survey.

**MOTION by White, seconded by Larson, to table the TTF Survey Report from Polco.
MOTION carried unanimously by roll call.**

6. COMMISSIONER / STAFF REPORTS

6a. Tick Task Force Report: David White

- Commissioner White will work with Brooke Moore and Councilmember Kingston about data results from the Tick Task Force Survey.

6b. Community Outreach: Winsor Report

- A "thank you" article about movie night will be in the May issue of the paper.
- EarthDay.org has information and ideas for celebrating Earth Day, and the City could mention this site in an e-blast, Facebook, and website.

6c. NOHOA/ NEST Report: Patricia Orud

- Patricia Orud is NOHOA Board member and Co-Chair of NOHOA/Natural Environment Stewardship Team (NEST), a group focused on joint efforts between NOHOA and the City.

6d. City Report: Katy Ross

- The Planning Commission extended the public hearings for Nord and Anderson Wood sites to May 28.
- Chair Hawkins suggested a Public Comment section be added to the agendas of future NRC meetings, and this was agree to; staff will make the link to the next meeting available to the public, and a Public Comment section will be added to the meeting's agenda.

7. NEXT MEETING: Thursday, May 21, 2020 at 7 p.m. through Virtual Means

ADJOURN:

**MOTION by Larson, seconded by White, to adjourn the meeting at 8:22 p.m.
MOTION carried unanimously by roll call.**

Kevin Kress, City Administrator

Chair, Andrew Hawkins

Date approved_____

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
April 14, 2020**

CALL TO ORDER

Chair Azman called the meeting of April 14, 2020, to order at 6:00 p.m.

In compliance with Governor Walz's Stay-at-Home Order and pursuant to Minnesota Statute 13D.021, the meeting was conducted via Zoom.

Chair Azman noted there have been a lot of emails, mostly from concerned citizens, about meeting virtually: it doesn't provide the public with the optimum ability to meaningfully participate; some citizens might not have sufficient technology; the meeting should be postponed; and there might be some problems with the meeting notice. He shared with everyone some reasons why the meeting is moving forward in this manner: Governor Walz's Declaration of Peacetime Emergency by Executive Order effective through May 13; his Stay-at-Home Order effective through May 4; and the North Oaks City Council Resolution consenting to the Mayor's Declaration of Emergency which extends through May 19 and authorizes the Planning Commission and other bodies to meet remotely pursuant to Minnesota Statute 13D.021 involving situations where there is a pandemic. He also noted there are 2 pending subdivision applications, and they need to be moved through due to the 120-day rule. They thought about waiting to see if there would be an opportunity to meet in-person, and it does not look like there will be a blanket statement of, "We're done; everybody go back to normal." The concern is that there will not be a real opportunity to meet in-person in the near future with respect to the 2 applications while complying with the social-distancing and masking recommendations. Another reason to move forward is to give the Planning Commission the ability to proceed and get their feet wet in a hearing process with a virtual format. He noted that at the end of the meeting, instead of asking for a vote, the public hearing may be continued to a date in May that will be re-noticed to allow further public comment. He will also ask the Commission to not vote regarding the application in order to try and accommodate the various concerns that have been expressed to the Commission and Staff about meeting virtually. He asked City Attorney Nason to offer an opinion on whether a public hearing as opposed to a public meeting is permitted by virtual means and how the impact of a 120-day rule would apply.

City Attorney Nason stated the meeting is being conducted by telephone/other electronic means because, pursuant to Minnesota Statute 13D.021, an emergency exists and has been declared under Chapter 12, and a health pandemic exists. Under state statute, any meeting governed by Section 13D.01 may be conducted by telephone/other electronic means where, due to the circumstances outlined, it is neither practical or prudent to meet in public/in a public setting. This includes all components of a public meeting, including public hearings. She said Minnesota Statute 462.358 requires that applications for preliminary plan/preliminary plat approval for a subdivision be acted upon within 120 days from the date a completed application is received by the City. The League of Minnesota Cities has been working to obtain some type of legislation that would extend the 60-day rule and 120-day subdivision application rule. To date there has

been no legislative action, which means the statutory provisions which require the City to take action or, by its inaction, to have an application be deemed approved by default, apply to this situation. The City has to move forward with the application at this time, absent confirmation by the applicant to delay the proceeding or a legislative change that would overdate the 120-day deadline. She said although it is more challenging to meet in the electronic space, that is the situation the City is in. Other cities are in the same situation, not only with respect to meeting by electronic means, but also having to conduct public hearings via electronic means. Many cities are also in the process of moving forward with approving special assessments for street or road projects, all of which require a public hearing, and are working to adapt and meet the public hearing requirements in the electronic space. It is contemplated that there may be a motion made to continue the public hearing and to continue the meeting to a date towards the end of May, outside of the current declared emergency and shelter-in-place order. No one knows whether that will result in an in-person meeting, but it is a possibility. It is a challenging environment to navigate, but all cities and governmental subdivisions in the State are dealing with it at this time.

Chair Azman asked City Attorney Nason to explain what the impact of the 120-day rule is on the Planning Commission's obligation to move forward.

City Attorney Nason said that from the date of complete application as received by the City, the City has to take action to either approve or deny an application for a subdivision. If the City fails to do so, the application is deemed automatically approved, unless there is consent by the applicant to extend the deadline or some type of legislative change which extends the deadline for some period of time as a result of this pandemic. At this time, the City has to act or the application will be deemed approved.

Commissioner Shah asked for clarification of dates to get the application to the Council in time, noting there will be a May 28 Planning Commission meeting and the following City Council meeting is June 4.

Administrator Kress stated the City Council has until June 23 to take action on the application.

Chair Azman noted that if the Planning Commission pushed until the end of May to accommodate the various emergency declarations, it should provide the Planning Commission the optimum amount of time/ability to meet again, hopefully have an in-person meeting, and still be able to conclude and provide a recommendation to the City Council.

Commissioner Hauge asked if there was a Planning Commission meeting on April 30.

Administrator Kress said there is a meeting planned for April 30, which will be a separate public hearing for a Conditional Use Permit. If the Planning Commission is interested in extending this meeting out, there will be some options at the end of the meeting which also give the City Council sufficient time to act on the application on or before June 23. He also indicated every motion would need to be done by roll call as part of the virtual meeting process.

Commissioner Sandell asked Chair Azman to walk through the logistics going to the next meeting, wondering whether the Planning Commission would go through the entire

agenda/conversations again, or if everything that was discussed and considered in this meeting would count and it would be a 5-minute meeting, or how the 2 meetings would work together.

Chair Azman stated there might be some overlap and duplication. His request of the Commission would be to not deny anyone who would like the opportunity to speak/present, whether tonight or at the next meeting, to optimize the Commission's ability to hear everyone. He expected that the Commission would not need a full-blown Staff report at the next meeting, but if there were persons that wanted to speak or speak again, the Commission would provide that opportunity. He felt that would fully accommodate the concerns expressed about meeting virtually, notices, and things of that nature. He said he would give additional instructions to members of the public on how to participate and reminded everyone to stay muted to help with background noise. He noted the Planning Commission received a lot of public comments from people separate from the meeting and that they would get that information in the record.

ROLL CALL

Present: Chair Mark Azman, Commissioners David Cremons, Jim Hara, Stig Hauge, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. City Council Liaison Rick Kingston.
Staff Present: Administrator Kevin Kress, City Planner Bob Kirmis, City Attorney Bridget Nason, Engineer Larina DeWalt, City Forester Mark Rehder.
Others Present: Videographer Maureen Anderson.
A quorum was declared present.

APPROVAL OF AGENDA

MOTION by Hauge, seconded by Yoshimura-Rank, to approve the agenda as submitted. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

Commissioner Hara stated he has relatives that are residents of North Oaks that have gone on record opposing the current Nord concept development plan. He views his role as a Planning Commission member to support the North Oaks community at-large and not any specific individual/group. He has been a resident for over 30 years, and his votes and comments are based on his passion for the community. He wanted to put on the record that he is not biased toward any person or group of people.

Chair Azman noted the meeting is being conducted via Zoom, and there are panelists -- Planning Commissioners, Staff, Council member Kingston, and the applicant -- and also the attendees who he can see and call upon. Members of the public that wish to speak need to utilize the "raise your hand" function in Zoom, which signals to him that a member of the public would like to speak. As the hands go up, he will unmute the attendee; the attendee should accept the request to be unmuted and begin speaking. Comments should be limited to 3 minutes or less, if possible. If a member of the public would like to make a presentation or show content from their computer, he will elevate that member to "panelist" and they can share content. If a member does not use the "raise your hand" function, he does not know if they want to speak and cannot unmute anyone. If someone crashes or "Zoom bombs" the meeting, he as the host has the ability to remove them. If anything goes haywire, he can end the meeting. If there is a disruption similar to that, he will do the least amount he needs to do in order to remove the disruption. He noted that the meeting is

being broadcast over Channel 16 and also recorded so people that cannot make the meeting can watch it another evening.

Chair Azman called the public hearing to order at 6:30 p.m. for the purpose identified in the notice that was published: to consider an application for the subdivision of the Nord Parcel known as Site C in the planned development agreement between the applicant, North Oaks Company (NOC), and the City, which will allow the public an equitable opportunity to be heard.

BUSINESS ACTION ITEMS

a. Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision) Application: Nord Parcel

- City Planner Kirmis presented the Planning Report included in the packet and recommendation for approval of the proposed Nord preliminary plan/preliminary plat (subdivision) application subject to fulfillment of conditions 1-49.
- Commissioner Hara, referencing the May 2018 minutes, when the topic came before the Planning Commission, stated that at that time it was the Planning Commission's belief that V-284 and B-292 appeared to be trails in former maps. City Staff thought parcel V-284 was intended to be a trail, and City Planner Robinson said the circumstantial evidence and shape of the parcel suggested it was meant to be a trail leading into the recreation area. He said it seemed like it had been talked about a reasonable amount. Now there are different City Staff and Planning Commission members, but he is confused about the comment that these are mysteries, that nobody seemed to know what the 2 parcels were. When looking at the original platting of the 10 lots, his observation and thinking would be the same as what the 2018 Planning Commission and City Staff thought. He asked for illumination as far as how the 2 lots became mysteries in the past couple of years.
- City Planner Kirmis said Administrator Kress had a theory that potentially a roadway was envisioned at some point, particularly the east-west strip, V-284, but he did not know.
- Administrator Kress stated if one looks at the 2 different parcels, the width is about 60 feet; and he disagrees that it could be considered the size of a trail. If one were to look at the parcels with the southern development, it would have made more sense as a road. As they developed the southern parcel, they figured out it did not make any sense. As the City Council and Planning Commission went through the Comp Plan phases, those consistently changed. There have been a number of different zoning designations for both of the parcels.
- City Engineer DeWalt noted she had a number of high-level comments within the report related to service water management, grading, utilities, and streets. For the most part, they were cookie cutter/boilerplate/industry-standard comments that she would expect to be addressed with final design plans, and she did not think it would be a good use of time to go through them in great detail.
- Commissioner Hara referenced the orphan property that goes through a wetland and noted there was a question as to why someone would run a trail through a wetland. He understood Administrator Kress to say it was a road and asked if a road would be preferred over a trail,

and also if the trail would almost parallel the road that already exists there except it would be to the north by 25-50 yards.

- City Engineer DeWalt said she did not know how far back the V-284 _____ (RLS) dates, but it could be prior to any wetland delineation and prior to a lot of planning and understanding of what existed on the property. She thought the Commission would get further into the trail discussion once the applicant presents, although there is also the incorporation of the existing trail easements. She was not sure why there would be an additional trail planned when there are already trail easements to the south.
- Commissioner Shah clarified that it was the Environmental Assessment Worksheet (EAW) that did not have V-284, so that was where the discrepancy was found in February and then brought to Staff's attention. She also noted that there is some land located east of Lot 12 and asked what the intention of that land is, noting that it is a long, skinny piece of land.
- Chair Azman asked if Commissioner Shah was talking about the wetland area.
- Commissioner Shah said that east of Lot 12 there is a basin, but there is a skinny piece of land north/northeast of that which does not seem to be part of the lot to the east.
- Chair Azman said it looked like it was part of Lot 12 and hoped Mr. Houge could help answer that question.
- City Engineer DeWalt asked if Commissioner Shah was referring to the part of the wetland that is on Lot 12.
- Commissioner Shah indicated the cul-de-sac is the start of a long "flag" lot and, referring to the upper north portion, she said she is curious about the future of the outlot.
- City Engineer DeWalt said the entire piece of land appears to be part of Lot 12.
- City Planner Kirmis stated City Engineer DeWalt was correct, that it is all part of Lot 12, noting there is a skinny component that runs along the north property line of the development that extends up to near the center point of the cul-de-sac turn-around.
- Commissioner Hauge asked City Engineer DeWalt and City Planner Kirmis if there were any further thoughts about making provisions for future City sewer and water to the area. He noted from a planning perspective it would make sense to do so.
- City Engineer DeWalt said it had been discussed in the past and the prior plan showed City water and sewer coming into the area. Staff has requested a discussion with the applicant again. She stated part of the challenge with bringing in City water is where it will come from and how the system will be adequately looped, because North Oaks is on the edge of 2 disparate systems. She indicated another challenge will be bringing in City sanitary sewer, noting there was a stub that was planned from the Rapp Farm Phase 6 and a forced main but that there were challenges with a forced main system as well. She has been told that White

Bear Township and North Oaks Home Owner's Association (NOHOA) have stated they would not like to take on that type of system. She said there are ways to move forward with planning in the future, but the City is not quite there yet with this particular application.

- Administrator Kress stated he sat in on a meeting with Mr. Houge and White Bear Township regarding the utilities section of the development. One of the main concerns was the water level lawsuit that White Bear Township is currently dealing with. There is a bit of uncertainty as far as providing water. He said there is also potential to get water services from the Shoreview side up Sherwood Road because their system is just down the street from that. They did request from the company, if possible, to place additional easements so that if or when utilities are requested or desired, the City has the option to do that. Beyond that, he would turn the discussion over to Mr. Houge for any commentary.
- Mark Houge from NOC echoed Administrator Kress' comments, stating if they can show a potential future path and accommodate that with some easements, they are open to that idea. He said at this point the discussion needs to go beyond what might happen in the Nord area and asked how they would connect to any utilities that would ultimately go in there beyond the boundaries of Nord.
- Commissioner Shah noted the Planning Commission talked in the past about having a fire hydrant in the area and asked where the Commission ended as far as whether it was viable.
- Administrator Kress said the City did address the issue with White Bear Township. If the line system were to be extended, it would still be a dead-end system. You would need some type of valve to clean at some point, or there would be a bunch of junk in the hydrant when you would want to use it. It is currently not advised unless the system can be looped.
- Chair Azman asked City Engineer DeWalt what her thoughts were on how the plan addresses wetland impacts, if there are any.
- City Engineer DeWalt stated, as the plan has been submitted, there are no wetland impacts identified.
- City Forester Rehder said he was asked to determine impacts to significant and heritage trees on-site as a result of the work -- the construction of the street, installation of storm ponds, and installation of trails -- and then provide the information to the City. He provided a report to the City, and it included his observations of the site and also recommendations if the process goes forward on things that can be done to preserve trees on-site.
- Commissioner Shah stated City Forester Rehder indicated there would be 216 possible trees removed from this parcel and asked what percentage of the parcel that was.
- City Forester Rehder said that as far as the entirety of the population on-site, he did not do any analysis or measurements of area. Just looking at the size of the lots and width/length of the street, he would think it would be less than 10% and probably in the 5% region.

- Commissioner Yoshimura-Rank asked if a heritage tree would need to be defined for the City, or what trees would be considered valuable.
- City Forester Rehder noted the City does not currently have a tree preservation ordinance in place nor true definitions of what constitutes a “significant” or “heritage” tree. He mentioned in the report he had reviewed a number of other City Ordinances to see what a usable definition is, and he did incorporate that into the report. Usually it is used when the community has a replacement policy to help determine how many trees need to be replaced. For example, if you take a heritage tree, you may have to replace at a 3:1 ratio compared to a smaller tree or a significant tree, where you may have to replace at a 1:1 ratio. He did not know if the City needed to clarify the definitions for a “significant” or “heritage” tree.
- Commissioner Hauge asked City Forester Rehder if he ranked any type of tree higher or has a list of tree rankings. For example, his grandfather said aspen might not be ranked very high while oak might be ranked the highest, with pine somewhere in between.
- City Forester Rehder said the perspective that one is coming from is important. There are different ways to look at the value of trees. The way he generally looks at it is, what the benefits are to the environment; oak and cherry trees definitely feed a lot of insects which, in turn, feed birds, and so on. In his opinion, from a natural environment perspective, oaks and cherries have more value than aspen or ash, but all trees are good trees.
- Chair Azman asked Mr. Houge to comment about the application and summarize his April 14 Memo which was issued to the Planning Commission. He reminded attendees to click the “raise your hand” button if they wished to speak.
- Mark Houge said they started the process over a year ago with an entirely different plan, hoping to get approval in early 2019 and build lots last summer. One year later, and they have new residents at Rapp Farm and a lot of people still interested in moving in the area which could be satisfied by the Nord addition. In order for the process to be satisfied in a timely way, NOC needs approval for a preliminary plan; then they would request a permit to start doing grading in July, which times well with City Forester Rehder’s recommendation that they not disturb trees until after July 1, if possible. They would work closely with City Forester Rehder to make minor tweaks to the road, if possible, to preserve any really important trees. Then they would come back before the Council to get the final plat, which they would file with the County. It would take until the latter part of summer/early fall to complete the process. He said he is aware that there are a number of residents concerned about the Company’s approach to the project. He thinks there is a misconception that the Company is unwilling to make changes in response to input from its members, the Planning Commission, NOHOA, and the City Council. He stated the opposite is true. NOC started the process of entering the project from North Deep Lake Road. The idea was to preserve privacy and not to create another entrance. It would have also given NOC an opportunity to extend a pressure sewer system for sanitary sewer as well as water. NOC would have had some challenges working with White Bear Township: they had concerns about a dead-end water system as well as who would maintain the pressure system. NOC changed the design and now are accessing a majority of the lots from Sherwood Road. They have worked with

NOHOA to try to come up with the best trail solution. He said Exhibit B4, which is part of the PDA, does not require the Company to add any trails in Nord. They have decided, with the support of NOHOA, to extend the trail easements by adding an easement on Lots 1 and 2 on the easterly portion of the project, and NOHOA would restore the trail south of the wetland and continue over to the south tip of Rapp Farm and connect to the conservation area. With respect to Lots V-284 and B-292, they do not know what was in the mind of Louis Hill, Jr., at the time. He also asked everyone to keep in mind the lots were created in the 60s.

- Commissioner Hara referenced an exhibit and the area where the trail connects, which is south of Rapp Farm, and asked if the proposed dashed line is an existing trail or a new trail, noting it is a pretty heavily wooded area and it would not seem like the best idea to put the trail there and cut trees down. He also said if the existing trail were used, it would encroach into Lot 1 roughly 30 feet.
- Mark Houge said they would put the trail on Lots 2 and 1 as close to the wetland as possible. They would enter the Rapp Farm development on an existing outlot that was intended to be strictly for stormwater. It does not encroach on Lot 93.
- Commissioner Hara stated behind Lot 93 there is a thicket of woods, which is probably 20-30 feet wide, and on the other side of the thicket is the existing trail which is used for cross-country skiing and walking, etc. He asked if the intention is to use the existing pathway, or cut the trees down and move the pathway to the north by eliminating the trees.
- Mark Houge said their hope is to shift the trail a little to the south where it crosses the boundary going into Rapp if that is where there is a clear path. They have to be careful to not come too far south to encroach on where a home may be built.
- Commissioner Hara stated if the trail that is there now could be maintained, it would eliminate removing a stand of trees, which includes birch and other high-value trees.
- Mark Houge said he hoped they would be able to accommodate that and would probably have to go out there with City Forester Rehder and look at it to make sure they were both talking about the same thing. Their approach generally would be to put the trail in locations around large trees so they would not have to be cut down. The trail meanders through most parts of North Oaks, and they try to avoid taking down trees if possible.
- Chair Azman indicated he screen-shared the trail map that was submitted. He stated it was his understanding the trail map is representing the agreement between NOHOA and the Company on a trail through the Nord Parcel.
- Mark Houge stated he was correct. He said there is a letter from NOHOA acknowledging that a solution was worked out and that NOHOA is in support of the trail map on the screen.
- Commissioner Shah asked if Mr. Houge approached the Rapp Farm Subassociation in regard to the extension to the east which was being indicated on the displayed map.

- Mark Houge stated he has and also shared that he is on the Rapp Farm Subassociation Board, along with Gary Eagles and Robyne Platzer and two residents. They have discussed the matter and, as a Board, they think this is a reasonable approach. They want to bring it to the members of the Subassociation to confirm their agreement.
- Commissioner Cremons asked if there was any portion of the proposed trail path that requires the agreement of any homeowners to change the rights that are currently there. He asked if it was dependent on anything other than the Rapp Farm Subassociation giving its final consent.
- Mark Houge indicated there is not. The easements all exist on the lots to the south and the Company owns the other property and they would grant easements, so there are no additional easements that would have to be granted by any of the homeowners.
- Commissioner Cremons clarified that there would also be no relocation of easements or any other changes which require consent.
- Mark Houge stated he was correct as far as accommodating the trail as shown.
- Commissioner Cremons noted NOC has a timing issue but he is concerned about a precedent that could be created by approving a Site C plan that includes property that isn't within Site C, clarifying that there are 2 lots that are not within the definition of Site C under the PDA. He asked for some kind of assurance from NOC that in future developments, where there is going to be any kind of change/request of change to the boundary beyond the site as it is currently defined, an amendment to the PDA be obtained first as opposed to having to deal with the issue later in the process.
- Mark Houge said he would like to see that in the future as well and is more than happy to accommodate that request.
- Commissioner Cremons requested that be put in writing in some form so there is no issue of a precedent being created that could cause a problem with Gate Hill, etc.
- Mark Houge stated he would be happy to do so. He said North Oaks is a place with a lot of challenges and there are other locations where lots were created that crossed zoning boundaries. It has happened before, and they should try to make sure it doesn't happen again.
- Commissioner Shah asked how many households/existing homes are impacted by the easements that would be implemented.
- Mark Houge referenced a map and said Lots F, D, C, and B are where the current easements exist.
- Commissioner Shah asked if NOC has approached the homeowners at this point.
- Mark Houge said NOHOA has talked with each of them, although there may have been 1 they were not able to reach. He noted Kathie Emmons may want to speak to that issue. They

have had discussions with 2 of the owners, the Savereides and Coonses, and although they may not view this as ideal, they did alter the original plan to make it more palatable.

- Commissioner Hauge asked if they could hear from NOHOA before the public hearing.
- Chair Azman stated he felt it may be more productive to have NOHOA speak after the public in the event there are any comments by the public that NOHOA could wrap into their comments. He asked for any additional comments.

MOTION by Yoshimura-Rank, seconded by Shah, to open the public hearing. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

- Citizen Comment: Don Nightingale, 11 Nord Circle, said originally, he hoped to have some exhibits he could put up but was not able to get it done. He understood and thought it was wise that Chair Azman would not be taking a vote but at least get things out in the open. He said he would argue strongly that the Planning Commission should reject this plan, which is not in agreement with the PUD, and it should be sent back to the Company to be corrected. He noted it relates primarily to 2 areas, and the first area is access. He referenced Article 7.1 of the PUD, which discusses location and creation of streets, and said that is married with the Nord Parcel, Exhibit B2 in the Conceptual Street & Access Plan, East Oaks Project of February 11, 1999. He said it clearly indicates that the Nord Parcel is to only be accessed off of Sherwood Road. The Company seems to be arguing that they had an existing driveway on the east and that, for Lots 1 and 2, they can be accessed by the shared driveway. He said the shared driveway was never a vehicle road that was used by North Oaks residents; it is an old farm road. He has lived in North Oaks since 1982, and it had a gate and lock and was the access to the Company up into what is now the Nord/Rapp Farm area where they had a burn site. He said to call it a driveway is a bit of semantic gymnastics. The Company is proposing a road into North Oaks to service the 2 lots and gives absolutely no justification for that. He stated most of the Commissioners understand/should understand the key basis of the 1999 PUD is that the Company struck a deal with North Oaks of, "Give us more density on the periphery areas," and then the community said they would all be accessed only by existing periphery roads and not come into old North Oaks roads and adding the traffic and density there. This proposal, as well as the proposals for the other periphery areas that the Company presented last spring, are in complete violation, including 3 new accesses into North Oaks on the east side. He said he has a download from the Ramsey County Platbook, which everyone could access via computer, that shows there are currently no platted lots in the Nord Parcel. He has been told by one of the Council members that the Company thinks that Lots 1 and 2 were previously platted, but the plat download shows it is not true. It also shows the immense difference in the amount of density in Rapp Farm versus North Oaks, which is not surprising because of the zoning difference. He believes it is accurate to say that in the Nord Parcel, under the zoning the rest of the residents live with, you could get 4-5 lots, depending on if there were 2 good septic sites for each of the parcels. The current proposal is coming in with 12 lots. Assuming the Company prices each lot at \$200,000, if they had the old zoning the Company could have a revenue of approximately \$1 million as opposed to the \$2.4 million, a 140% increase. He thinks North Oaks did a good job of treating the Company well, but the

Company is now trying to change the deal that was struck in 1999. He stated the current proposed trail plan by NOC is very unsatisfactory even though it goes into easements that no one remembered or knew about or were ever maintained or used south of the big wetland. The problem with it is, at the southwest end it dumps you onto an asphalt road. Therefore, in terms of use, particularly in the winter by cross-country skiers, it wouldn't be a continuous on-ski experience. He said he has an exhibit which shows a NOHOA trail that would have pretty well followed the EAW-documented trail, which would go on the north edge of the big wetland, which can be a no-brainer and win-win for everyone. For the homeowner at 5 North Deep Lake Road, the middle of the easement goes less than 1 foot from the deck of the house. It cannot be mediated by moving to the north because it is right next to the wetland already, or looping around the house the other way because then a driveway is crossed in a wetland. He thinks there is a very good alternative which could work for everyone.

- Citizen Comment: Cheryl DuBois, 20 Black Oak Road, said she and her husband Jeff have been residents for 25 years. They are avid cross-country skiers. They also run, bike, use the lakes for paddling, and love the trails. She noted Black Oak Road is on the west side near the Wildflower Way entrance. They love to ski into the Conservancy, although they have not been able to do so in a few years. They have a strong interest in a trail that will meaningfully allow them to traverse through. They noticed a road crossing at Red Maple. She asked if there was a road crossing on Deep Lake Road. She also asked what other obstructions there were, adding that she heard there was one point where you would be 10 inches from someone's foundation. She stated it is very disruptive and time-consuming as a skier to have to stop and take off your skis and put them back on. Also, there is a danger in walking on icy roads in ski boots. She requested that before any proposals are agreed to, stakeholder citizens and members view/walk the trail, as they need to be able to see what the ease of traverse is of the trail, because she has heard that it could be very difficult to get through unimpeded. She volunteered herself and offered Greg Mack, who is an expert on trails, among others who would be interested in walking/viewing the trail.
- Citizen Comment: Franny Skamsler Lewis, 3 Red Maple Lane, referenced a Nord Parcel map and noted a lot of her points follow the general trajectory of Mr. Nightingale's comments, and she would limit her comments to those that build on his. She stated, as noted by all Commissioners, Staff, and other residents, what she lovingly refers to as the "V-B parcels" are not included in the development site. She said the land is clearly valuable; otherwise, it would not be of interest to be included in the development site. It builds value for the potential owners of those sites and, therefore, NOC. Because the land also has a tangible value to the residents, she echoed Commissioner Cremons' position: this is something that should not be included or changed by way of an application. She believes the application is not compliant by virtue of the fact that those parcels are included; it is grounds for rejection of the application. She thinks ultimately there would be a path forward for all parties to find a way to include that, but because it involves rezoning and an amendment to the PUD, she believes it is most appropriate that it happens outside of the application process and appropriately noticed with any public hearings, meetings, and town hall sessions. She said there is value to cleaning this up, but it does not mean there is value in doing it the way it is being proposed currently. She commented that while it is possible at some point it was ideated as a road, it is indicated in the PUD on Exhibit B4 as an existing trail. She

understands that it was known and has been known that there have been failures to properly transfer easements and trail dedications in the past. She does not think that diminishes the contractual standard that the trail was agreed to by all parties as existing, and it ought to be identified as a legitimate criteria of the proposal. She stated the trail is meaningful to the community because of its contiguous, uninterrupted access from east to west into the Conservancy; it is a major connection trail that is referred to as the “Golden Gate Trail.” The proposed trail does not meaningfully satisfy the criteria that this trail provides the community. The proposed trail might have been an acceptable replacement had the contractual standard not already been agreed to by both parties that this was an existing trail and, according to the agreement, can only be eliminated if it is replaced with a meaningful equivalent. She sympathizes with the Company because it may have been a mistake, but it does not change the fact that it was agreed to by all parties. If there is interest in changing the agreement, it requires an amendment, which can only be done by a super majority vote of the Council. She said she is hoping the Planner is also counseling the Commission on the value of “desire paths.” People walk and traverse in ways that make sense; people are animals in that respect. When you look at paths, it might not make sense until you realize that trails were created by the humans that were walking on them. People know what the topography was like in the Nord Parcel over time. Satellite images from the government going back to the 50s demonstrate where the wet spots are, although they have changed a little. The general path that people have been walking has not changed much. She referenced the original NOHOA-proposed trail which was outlined in yellow on a displayed map, and stated it is reflective of what the EAW anticipated, it is reflective of how the existing trail would be accommodated for the natural topography, and it is as close to possible, as the desire path indicates, while still accommodating development of all 12 of the lots for the Company. It is unclear how the City would move forward without accepting the trail. She noted the access is coming off of Sherwood. She referenced City Ordinance 151.005 which defines road or street as “a public or private thoroughfare or easement, constructed according to the specifications of the city, which affords the principle means of access for vehicular traffic to abutting land.” As she reads it, the driveway would be considered a road or street. According to the concept plan, which is the controlling document of the PDA currently, Exhibit B2, Conceptual Street & Access Plan, there is no access designed there. She thinks the Company would meet incredible support from the community on immediate acceptance of their application if, including that extra land and driveway, which are considered non-compliant currently, that trail was reflective of the community’s needs and the contractual standards which have been agreed to by all parties. She welcomed any of the Commissioners reaching out, discussing, debating, any sort of discourse, and is very interested in continuing the conversation in a more in-depth way.

- Citizen Comment: Cheryl Blackford, 7 North Deep Lake Road, said she is the middle of the 3 houses where the proposed trail will go through the properties. They have spoken with NOHOA about the easement at the bottom of the property. They have managed that as a trail, including her husband putting wood chips on the trail for many, many years, which has built up the level of the trail. It is right on the edge of the wetland. She noted someone had brought up winter sport activities and said if the trail is not elevated, it will flood in the spring. She did not know if gravel would be brought in. She stated that their neighbor, Friedrichs, is the house that will be the most affected because the easement comes very close to that house,

about 3 feet from his windows. She brought up that parking would not be allowed on the shared driveway and that if either of the other two homes have any kind of party or gathering, all the extra cars would be parked along North Deep Lake Road. On one side of the road is a pond and on the other side there is a wetland. She is not convinced there will be adequate parking for 2 extra houses. The shared driveway was not part of the PUD and it feels as though it is being imposed on the residents, and she would like the Planning Commission to think about it some more.

- Citizen Comment: Rachel Maher, 91 Rapp Farm Place, said she had a video she wanted to submit entitled “Subdivision & Site Planning, Nord Parcel.” The video gave the following information: in the 1990s NOC chose renowned landscape planner Randall Arendt to design the 12 development sites in the East Oak project, those sites to be centered around a conservation area. Arendt used what is called “conservation subdivision” to design those development sites. This approach reduces lot size and preserves the extra land surrounding those lots and protected open space. The open space is designed to conserve natural resources and create trails that can ultimately link with open spaces in other similar subdivisions, which creates an interconnection network of footpaths and conservation lands. Additionally, conservation subdivision principles were adopted within the planning documents, subdivision regulations, and zoning ordinances. Under the PDA, the Nord Parcel is zoned as RSM-PUD, Residential Detached Open Space Home Lots for a Planned Development Unit. Open space home lots are used in conservation subdivisions which arrange lots that are 2-3 acres in size and clusters them together in an area on-site so as to reserve a portion of the site for community open space/green space that is protected in perpetuity. In using the conservation subdivision technique, conservation is extremely important. Interconnectivity is a basic requirement if conservation lands are to work together as an ecological whole, since linking them together physically and functionally enables natural systems to filter stormwater, detail and absorb floodwaters, and cleanse the area reef, which are all key in preventing negative impacts on human and wildlife biodiversity. Lack of interconnectivity prevents wildlife populations from flourishing and the ecological process from functioning properly. That is why the subdivision technique is so important when it comes to conservation. She displayed the Nord Parcel as initially designed by Randall Arendt on the screen and stated it was very common for a conservation subdivision to include incentives. For the Nord Parcel, there is an allowable 30% increase so lots can be added without sacrificing a desirable open space concept. She said there were 10 original lots and then added 3 virtual lots for a total of 13 lots, with plenty of open space available. She stated there was a problem with the Nord Parcel. The conservation subdivision, as outlined by Randall Arendt, was used for previously completed development sites: Rapp Farm, Wilkinson, The Pines, Gate Hill, and The Summits. She displayed the original subdivision parcel for Nord, noting it did not use conservation subdivision; instead, it uses conventional subdivision. After extensive research, she discovered that the PDA, EAW, PUD ordinances, subdivision ordinances, Comp Plan, and previously developed parcels are all consistent with conservation subdivision as described and planned by Mr. Arendt. She said she reviewed previous years’ meeting minutes which also evidence the adoption of conservation subdivision and its principles by the Commission, Council, and Company. She noted one inconsistency in the PUD controls, which has been the focus and reason for reverting back to conventional subdivision: PUD Article 1.6. Essentially, the recent interpretation is that the developer’s obligation to include

open space and trails in each subdivision is satisfied by the conservation area and trails within it, which does not make a lot of sense because that defeats the entire purpose of the interconnectivity plan of the East Oaks Development Project. She stated there are an overwhelming number of governing and non-governing documents that support open space home lots and conservation subdivisions and displayed information in support of her statement. She stated that Nord Parcel, using conservation subdivision, better serves the interests of the community, environment, and overall philosophy and vision of North Oaks. She asked the Commission to reject the preliminary plan for Nord Parcel, as it is inconsistent with the PDA as a whole. In addition, further clarity is requested per PUD Article 1.6. She reiterated that the information in her presentation would probably solve the vast majority of other concerns and issues.

- Citizen Comment: Greg Mack, 2 High Circle Way, said he was involved with Ramsey County Parks for a number of years and is very familiar with different types of trails and alignments. He has lived in North Oaks for about 30 years and, particularly with the advent of COVID-19, he sees the value of trails and open space. What is out there is significant and being used by the residents. He supports the trail connections and thinks they are critical to the well-being of the North Oaks community. He asked Chair Azman to display the trail map in order to point out the road access for Lots 1 and 2. While Chair Azman looked for the document, Mr. Mack stated he believed the driveway crosses the parcels that have been added to the subdivision, although he does not know the exact location. If they do, they are necessary for that access, so it is an important addition in order to make the plan work and also a good leverage point moving forward. After Chair Azman displayed a map showing the shared driveway, Mr. Mack asked if the trail illustration is going north of the building site on Lots 1 and 2. He does not want to see a trail with 2 trail crossings, 1 at Maple Lane and a second crossing on the driveway. He asked if the building site on Lot 2 is south of the trail.
- Mark Houge of NOC said the trail which was being displayed would be north of the building sites, which is one of the things NOC worked out with NOHOA, to minimize any driveway crossings by moving it to the northern location. There should be no driveway crossings. The only area that would have to be crossed is Red Maple Lane.
- Citizen Comment: Greg Mack stated he agreed with Ms. DuBois' suggestion to walk the site at some point and would be happy to do that. He said he knows there are challenges in the Red Maple Lane area that would be satisfied with the yellow alignment that was proposed by NOHOA; but as he has watched this unfold, he thinks the Company and NOHOA have come to a much better agreement except in the area where the old easements existed. When he entered the discussion, his objective was to try to get a continuous trail, understanding there may be one driveway crossing, and one driveway crossing has been illustrated so that objective has been met. He said he appreciates the work people have put into the project. If there were options, the trail Franny Skamser Lewis presented is a more continuous trail.
- Citizen Comment: Cindy Nielsen is allowing husband to use her speaker. He asked Chair Azman to show the trail map that was displayed to orient himself as to where he used to go on skis to what is being proposed now. He echoed the desire to either walk or get a feel for the area. He said it will never be perfect for everyone, but if he is seeing things the way he

thinks he is, it is a positive step forward in cooperation. He understands it has not been easy for a lot of people and thinks all parties involved have tried to have a respectful dialogue. If the area could not be indicated on the trail map, he said he could wait to hear if there would be any markings or a “tour.” After Chair Azman enlarged the aerial map in response to his request, He stated that, when looking at Lots 1 and 2, the tree line looks very close to where the red dotted line is and looks very close to where the trail was. He asked if that was accurate or not.

- Mark Houge said that he was accurate. He noted a shadow line under the “1” and stated that it is the remnants of the farm road, which is a little farther south than where the red dots are. He indicated the faint purple line above the dots is the edge of the wetland. The trail would be somewhere between the purple line and word “Lot 1.” The farm road went south and west, following a similar path to where the proposed new trail easement would go, then circled back up and basically dissected the center of Lots 2, 3, 4, 5, and 6, and then returned down to the connection on Parcel G-284. He stated that dissection in the middle is one of the reasons it is so difficult to make something work, not to mention the requirement for 2 areas for septic tanks that are each 5,000 square feet.
- Citizen Comment: Mr. Nielsen asked if it would be safe to assume the other option would be 2 driveways rather than the shared driveway. He said he would like to learn more about the thought process behind the shared driveway.
- Mark Houge stated he believes the shared driveway has the least amount of impact because you end up with a single private driveway which is significantly narrower than a street, which would have been the other option. Each lot will be served by the shared driveway and eliminates 1 driveway in its entirety.
- Chair Azman noted a drawback with Zoom is people that call in cannot raise their hand. He said he was checking to see if one person who called in would like to make a comment, noting the phone number ended in “2790.”
- Citizen Comment: Don Nightingale indicated at least 2 people who spoke have said they would like to walk the area. Having walked the Company’s proposed trail twice in the last week with a group of people, he said he would be happy to lead people when and if they wished to go.
- Chair Azman said he appreciated Mr. Nightingale’s comment and encouraged people to contact the Company and/or Mr. Nightingale to make arrangements.
- Mark Houge recommended the Planning Commission direct people to NOHOA to conduct the walking tour, given that it is NOHOA’s responsibility to help work through the trail solution. He said it is on easements that were granted to NOHOA that currently exist and he feels that would be the most appropriate approach. He added that he is happy to participate.
- Kathie Emmons of NOHOA thanked everyone for their comments, noting they have heard a lot of them before but there are some new angles on things and it is helpful. She said, as the

entity ultimately responsible for setting the trails, they have worked hard with the Company to come up with different solutions and test them out in the field. They have walked the sites and would be happy to arrange tours of the segment that is across the existing easements, but would have to get permission from the homeowners beforehand. There are currently stakes out there with little neon orange flags so they can see where the center of the trail goes through those properties. They have worked with their Consulting Engineer, Kristie Elfering; the Community Planner, Rita Trapp; and their Attorney, Tim Hassett, to give them a good foundation of facts and information as they go through the process. They have to look at what both the PUD says and how they are interpreting that, they have to look for overall connectivity, and they have to look at how it is impacting the environment -- both the wetlands and the trees. They tried to take all of the comments they heard over the last year into consideration when they tackled the project. She stated not only is Nord the toughest parcel they will address, but it also has the component of everyone figuring out how to work together. She said she has to give NOHOA credit for figuring out a way to work with the Planning Commission, Council, and Company. Regarding the Nord trail, she said they initially wanted the trail to go north of the wetland until they dug down into the facts. They are interpreting what is in the PUD as there is no call for new trails. The old easements were established in 1972, but that does not mean they do not matter anymore or don't exist. In speaking with the homeowners on 2 of the parcels, they have the trails there. They maintain them with chips, and they are still viable in that way. She commented that no negotiation is going to get everyone the ideal trail configuration, and opined that everyone present has their own idea of what a really great trail would be. She said when they looked at the northernmost loop above the wetlands, to cut out a 30-foot minimum swath along the edge of the wetland would not only cut into the lots that are there, it would make a significant impact to the environment, not to mention removing all of the root systems from along the shoreline of the wetland, and then Vadnais Lake Area Water Management Organization (VLAWMO) would need to be involved. She said drawing it on the map is not the same as imagining it in the actual environment. As they were looking at what the PUD calls for, NOHOA has the existing easements. They are not ideal; they are close to 1 house and they have to figure that out. But in meetings with other homeowners, they were actually very okay with it, even pointing out spots they would like preserved or addressed. She stated NOHOA is trying to establish connectivity throughout the whole community. They are not just looking at Nord; they are looking at everything. Some of the things that they have commitments for down the line, which will enhance the connectivity and the trail-walking and trail-skiing experience throughout the community for new and existing residents, are the trails that will be built in the next phases, and things that the Company has given NOHOA above and beyond what they originally requested. Like the east end of Nord trail that goes across through the top of Lots 1 and 2, these other trails are their ideal. In the negotiations they tried hard to give and take, and the trail map depicted is the result of that negotiation. It creates a minimal impact on wetlands and existing trees. It preserves and provides access to a significant natural vista both from the south and for new homeowners to the north. It is not located along the roadway as it was originally proposed. It provides access points for neighbors in Rapp Farm for new homeowners and everyone on the west side to get across. It also provides the critical east-west connection. NOHOA recognizes that it is not ideal for skiers who are going west to east. She said they are excited to take anyone through the trail configuration and suggested setting something up with Mikeya. She encouraged anyone to contact the office with any questions.

She reiterated that after working hard, this is the best outcome for the Nord Parcel and is a win for the community and whole trail system.

- Commissioner Shah asked Ms. Emmons to explain the vote that took place at the last meeting and the outcome of the vote.
- Kathie Emmons said the Board voted to accept the trails in Nord as they are shown on the maps which were viewed tonight and some of the other technical comments related to how the surface of the trails should be constructed, how the roads should be constructed, etc., and were recommending to send their comments to the Planning Commission. Although she did not recall the exact results of the vote, she thought there were a couple of “no” votes and it passed with the rest of the votes being in favor. She volunteered to share the information with the community at the next opportunity.
- Citizen Comment: Leanne Savereide, 4 Red Maple Lane, stated she has way too many things to say about it and does not know where to start. The trail going through their easement does not satisfy the B4 trail map which shows it existing in the Nord development. She clarified that it is something outside of Nord. The trail map shows a little trail going along the edge of the end of Red Maple Lane; that is not possible because it is all cottonwood trees and they would all have to be cut down. It would be on the road longer than just crossing the road; it would cross the road from where it comes out on Red Maple to where it goes in by their house. She expressed strong support for Franny Skamsler Lewis’ presentation and Rachel Maher’s presentation, indicating she loves the idea that they are trying to do something that is conservation-minded. She thinks the ecosystem is a beautiful, fragile wetland area and having that many houses in it is going to disrupt wildlife, etc. She reiterated the trail on the south edge is not ideal and does not think that it should be considered as appropriate according to the PUD.
- Citizen Comment: Cheryl Blackford stated she thought Ms. Emmons said if they had put the trail on the north side of the wetland, they would have had to carve out a 30-foot-wide strip. She asked if Ms. Emmons was saying she would need a 30-foot-wide strip on the south side of the wetland.
- Kathie Emmons stated the easement is that wide but the trail itself is not that wide and they would not be changing the width of the trail.
- Citizen Comment: Cheryl Blackford asked if Ms. Emmons said the flags that are down right now are in the center of where the trail would be.
- Kathie Emmons said she believes that is where Kristie posted them. That is the center of the easement. They are willing to work with the homeowners to get it in the spot where it already is or shift it 2 feet to the left or the right.
- Citizen Comment: Cheryl Blackford commented that they have some big oak trees in the area and do not want to lose them.

- Kathie Emmons agreed that they do not want to disturb those.
- Citizen Comment: Don Nightingale asked if Ms. Emmons said the PUD does not allow or require the Company to make any existing trail changes. He said if that is Ms. Emmons' understanding and the Chair thought it was appropriate, he would read a 9-sentence paragraph that the author on the City side created which indicates the Company is responsible to change unworkable trails.
- Kathie Emmons stated NOHOA was basing that on Exhibit 4B of the PDA. In NOHOA's review of the documents, their technical experts did not see where there was an indication for additional trails through Nord.
- Citizen Comment: Don Nightingale offered to quote parts of the PUD which require the developer to correct trail problems.
- Kathie Emmons indicated he could do so.
- Citizen Comment: Don Nightingale stated he was looking at a 1-page exhibit which talks about the areas of trails, which are Articles 12 and 13 in the PUD. He stated the following: Article 13.1 defines 3 types of trails: existing NOHOA trails, primary trails, and restricted trails. Article 13.3 places the responsibility on the developer to construct and grade all trails on the plan. It does not reserve this obligation to new trails; it refers to all trails. He said this is quoting the person on the City side who did the PUD. This is because at the time of the PUD, there were ongoing issues with the existing NOHOA trail that the developer was supposed to have previously conveyed but because of various failures had not properly located, constructed, conveyed, or provided. It put the obligation on the developer to fix these historic problems so that Louis Hill's vision and the vision of the Harpers when they entered into the PUD would be accomplished and corrected.
- Chair Azman referenced a discussion wherein the Planning Commission agreed to read the list of emails received from residents and asked Administrator Kress to do so.
- Administrator Kress offered to do a screenshare, noting a number of people that had emailed him previously also presented at the meeting, so some of them might be repeats.
- Chair Azman asked Administrator Kress to put the information on the screen and it could be scrolled through and see those that did not speak at the hearing.
- Administrator Kress pulled up the email from Leanne and John Savereide, and indicated Leanne had spoken.
- Chair Azman clarified that the summary or reproduction gets put into the record.
- Administrator Kress stated they could be put in the minutes and he could read each comment into the record, but they have a physical copy they could include as part of the packet.

- Chair Azman asked to make sure all the Commission members get a copy, noting he could not remember how it was distributed. He said he saw some of them since some were directed to him but wanted to make sure everyone on the Commission received them.
- Commissioner Hauge asked Administrator Kress to send copies to the Commissioners in the morning.
- Administrator Kress agreed and said if the Commission is planning to continue the public hearing, they should each be read into the record so they are more of an official record. He offered to go through some of them but indicated, for the sake of time, they could perhaps make a recording of them to get them all in one place.
- Commissioner Hauge noted the hearing would be continued to the next meeting and asked Administrator Kress to send the information to each Commissioner rather than walking through them now. He noted each Commissioner could read through the comments and it could be discussed at the continued hearing.
- Administrator Kress stated that sounded fair.
- Chair Azman asked if any Commissioners had any problems or concerns with that idea. After there was no comment from Commissioners, Chair Azman asked Administrator Kress if he got any phone calls/voicemails.
- Administrator Kress said that for anyone who called and left him a voicemail, he tried to call back. He asked anyone he missed to please call him again and he would make sure he put the name down as wanting to speak at the public hearing.
- Chair Azman asked whether the persons he called back followed up with an email, or how their comments would be available at the meeting tonight.
- Administrator Kress stated most of them presented as part of tonight's meeting or wrote a written summary.

b. Discussion/Preliminary Plan/Preliminary Plat (Subdivision) Application: Nord Parcel

- There being no additional comment, Chair Azman discussed continuing the public hearing in May.
- Administrator Kress shared with the Commissioners the required language and optional dates available for the continued public hearing, and asked what date the Commissioners would want to host the continued hearing. He stated if the Planning Commission wants to continue the public hearing to May 28, it is a regularly scheduled meeting, then the publication occurs on May 12 and the notice is due on May 6.
- Chair Azman felt the hearing from the meeting on April 15 would have to be done separate.

- Administrator Kress agreed with Chair Azman.
- Chair Azman said due to the Governor's Order, if a later day in May gets picked, such as the regular Commission meeting date which everyone knows about, that might give the Commission the most time they could possibly ask for. He asked for comments from Commissioners.
- Commissioner Sandell asked if there was an opportunity to consolidate the 2 matters into 1 meeting, since there will have been a full session on each matter.
- Chair Azman stated there is a significant amount of time between now and then and there may be some repetition. He suggested starting at 5:00 p.m. rather than 6:00 p.m. and combining the matters.
- Commissioner Cremons suggested May 28, since part of the goal is to have a face-to-face meeting with the public. He said the Planning Commission had a 50/50 chance that they will be able to have a public hearing. If the Planning Commission would meet earlier, the chances go down to almost 0 and the purpose of the continued meeting seems to be without any merit.
- Chair Azman, Commissioners Sandell, Hara, Shah, and Yoshimura-Rank agreed with Commissioner Cremons.
- Commissioner Hauge agreed but noted it should be a motion.
- Chair Azman stated they are trying to get the date set and then the motion will be done.
- Members of the Planning Commission discussed a start time and date for the continued meeting. It was suggested to have the meeting on May 28 starting at 5:30 p.m.
- After receiving no further comments regarding the 5:30 p.m. start time on May 28, Chair Azman asked someone to make a motion to continue the meeting using the correct language.
- Administrator Kress asked City Attorney Nason if the language regarding location should be taken out of the motion.
- City Attorney Nason said the language as worded says the meeting will be in the Community Room. She noted there is an option to potentially have notice for the Community Room and provide the Zoom login information, and stated it is important that people know where the meeting location is. She said the Planning Commission will have to work within the confines and constraints of the existing situation as they get closer to the publication deadline.
- Chair Azman quoted language in the motion, "unless due to a health pandemic or an emergency declared under chapter 12 it is not practical," and asked if neither of those are the case but social distancing is in place, which would make it almost impossible to meet in the Meeting Room, if it would be an option for the Planning Commission to have an electronic

meeting.

- City Attorney Nason said the language as quoted is taken directly from Minnesota Statute 13D.021, which authorizes all public meetings and their components, and the language needs to be used to have a meeting by electronic means.
- Chair Azman asked if there was an option to do a meeting remotely under 13D.02.
- City Attorney Nason said the problem with doing a meeting under 13D.02 is that if you are meeting under the interactive TV situation, you have to have the location where each member of the Planning Commission is open to the public to attend at that location, along with other restrictions.
- Chair Azman asked City Attorney Nason if her recommendation is that the Planning Commission leave the language as-is at this point and move forward.
- City Attorney Nason stated that was her recommendation.

MOTION by Hauge, seconded by Cremons, to continue the public hearing on the application for preliminary plan/preliminary plat (subdivision) approval for the Nord Parcel and to continue and adjourn this meeting to May 28, 2020, at 5:30 p.m. in the Community Room, 100 Village Center Drive, North Oaks, Minnesota, unless due to a health pandemic or an emergency declared under Chapter 12 it is not practical or prudent for an in-person meeting to occur, in which case the continued meeting and public hearing shall occur by telephone or other electronic means. If the continued meeting and public hearing must occur by telephone or other electronic means, then notice of how to monitor the meeting and present at the public hearing will be published in the City's official newspaper at least 10 days in advance of the continued meeting and public hearing date. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

- Commissioner Yoshimura-Rank asked, if the language says 10 days in advance of the continued meeting and it has to be put in the paper, what date does the Planning Commission have to decide.
- Chair Azman noted the meeting date is May 28.
- Commissioner Hara noted Commissioner Yoshimura-Rank was referring to the date to put it in the paper before the meeting to give people an opportunity to respond.
- Commissioner Yoshimura-Rank asked whether it has to be in the paper if the Planning Commission changes anything.
- Administrator Kress stated the Planning Commission's notice will be structured very similar to the language just read, where it talks about if the Planning Commission is able to meet in person they will do so; if there is still a shelter-in-place order, the Planning Commission will

meet remotely. Verbiage will be used so it makes sense. The Planning Commission will not have to meet again to re-issue notice whether it will be in-person or not. Worst-case scenario if that happened, a special meeting would be called to change the date, but he would have to meet the notice requirement of the May 12 publication, which is May 6. He said he would have to send the notice on May 6 to the paper so they can publish it 10 days in advance.

- Chair Azman clarified that Administrator Kress has to get it to the paper by May 6 in order for them to get it in the May 12 edition.
- Administrator Kress indicated Chair Azman was correct.
- Commissioner Yoshimura-Rank stated that if a decision has to be made by May 6, there is a good chance it will be an electronic meeting.
- Commissioner Hauge agreed and said it will probably be electronic.
- Administrator Kress stated that he did not think the order will be lifted for quite some time and that it is very unrealistic that it would be in any sort of public fashion where the Planning Commission could meet at the Community Room. It makes sense, though, to post it, regardless of the situation.
- Commissioner Hauge said if there is not a vaccine, the reins will be loosened very gradually.
- City Attorney Nason agreed that there is a strong likelihood the Planning Commission will not be able to meet in person on May 28. However, it is being structured so that if the shelter-in-place order is lifted, the Planning Commission has a window of opportunity should it be practical and prudent for in-person meetings to occur at that time. If not, it will have to be an electronic meeting again.
- Chair Azman asked if there would have to be notice 10 days beforehand if it was an electronic meeting.
- City Attorney Nason said he was correct and the recommendation is to publish notice of the continued meeting. Under the statute, when you continue a meeting, you do not have to re-publish the notice of the meeting if the motion is made to continue and the date and time of meeting are set at the meeting itself. However, to ensure the community is fully informed of how they may participate and make a presentation at the public hearing, it is recommended that the Planning Commission publish notice in accordance with the general publication requirements for that public hearing for a subdivision application.
- Chair Azman asked what the requirements would be to get notice out about the Zoom login credentials.
- City Attorney Nason said she anticipated having at the time the Zoom meeting information that would work for the meeting. With respect to the continuation of the hearing and continuation of the meeting, it would be anticipated that the notice of the meeting and public

hearing would include all of the Zoom login information, which would be published in the paper as well as publicized to the residents of the City via Facebook, email message, sent out to NOHOA, etc.

- Chair Azman noted the proceedings tonight have concluded and asked how the Planning Commission appropriately signs off without inadvertently closing the hearing, whether he should declare the meeting continued and the Videographer instructed to go off the air.
- City Attorney Nason said he was correct and reiterated that the motion made was to continue and adjourn the meeting to May 28 at 5:30 p.m., and that vote was taken. She advised Chair Azman to declare the meeting adjourned and continued to the specified date and time and end the meeting in that fashion.
- Commissioner Shah thanked Staff and CTV for organizing the virtual meeting because the Planning Commission had to pivot to a different place and take a totally different approach and there have been logistics and technical challenges.
- Commissioner Yoshimura-Rank thanked Administrative Assistant Deb Breen for printing out all of the material.
- Chair Azman said he would follow City Attorney Nason’s advice regarding how to continue the meeting. He asked Videographer Anderson to end the broadcast.

The Planning Commission meeting adjourned at 9:06 p.m.

Kevin Kress, City Administrator

Mark Azman, Chair

Date approved _____

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
April 15, 2020**

CALL TO ORDER

Chair Azman called the meeting of April 15, 2020, to order at 6:00 p.m.

In compliance with Governor Walz's Stay-at-Home Order and pursuant to Minnesota Statute 13D.021, the meeting was conducted via Zoom.

ROLL CALL

Present: Chair Mark Azman, Commissioners Jim Hara, Stig Hauge, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. Commissioner David Cremons joined at 6:10 p.m., City Council Liaison Rick Kingston.

Staff Present: Administrator Kevin Kress, City Planner Bob Kirmis, City Attorney Bridget McCauley Nason, City Engineer Larina DeWalt, City Forester Mark Rehder.

Others Present: Videographer Maureen Anderson.

A quorum was declared present.

Chair Azman reviewed various rules regarding Zoom meetings. He stated some people have questioned whether meeting virtually provides a meaningful opportunity for the public to participate, whether some residents have the technological capabilities/savviness to participate, whether meetings should be postponed until they can be in-person, and whether or not recent meeting notices have been appropriate. However, in order to accommodate the applicant and keep the City government moving forward, it was decided to use a Zoom webinar platform. He described the factors that went into the decision: the declaration of peacetime emergency and stay-at-home directive by Governor Walz; the North Oaks City Council's resolution declaring an emergency and allowing public bodies to meet virtually under special statutes; the need for the City to take action and review the pending application for Site F; and the public's opportunity to speak, be seen, be heard, and make presentations. He said the Planning Commission considered postponing the meeting, but in light of Governor Walz's comments about the unlikelihood of an abrupt reopening, the ability to stop and suspend government work does not seem reasonably possible at this point. A Zoom webinar allows people to speak and hear public comments. Azman recommended the Planning Commission not take a vote but open the hearing, take public comment, and continue the hearing to May 28 in hopes that the meeting can be finished in-person, which would still allow the City Council to take action within the 120-day timeframe.

City Attorney Nason said the Planning Commission is meeting pursuant to the authority granted to them, as well as other cities and governmental entities, pursuant to Minnesota Statute 13D.021, which provides that when there is an emergency declared under Chapter 12 or a health pandemic and it is determined not practical or prudent to meet in-person, these types of meetings may be conducted in an electronic/other environment. There are certain notification requirements which go along with that, such as a need for a roll call vote on each action. Notice has been provided for specific Zoom links for both the audio and electronic version to the public and there

is an opportunity for the public to participate using one of those versions. The City is holding a meeting and public hearing on the subdivision applications that have been submitted pursuant to the Planning Commission's directive in February. She noted the application is subject to the 120-day deadline established by statute which requires, from the date of application received by the City, which was February 24, the City to make a final determination to approve or deny the application. There has been no specific legislative fix/change to the deadline under Minnesota Statute 15.99, although there is legislation being worked on to potentially push those dates out because of the challenge in meeting remotely versus in-person. Since there has been no change, the City is required to take action unless the developer agrees to grant an extension for the final action on the application within the 120 days, which is June 23, 2020, so the City will move forward with processing the application. If the City fails to take action on the application before the Planning Commission, the end result is that the application is deemed to be automatically approved pursuant to Minnesota Statute.

Chair Azman indicated City Attorney Nason's comments provided much-needed context for why the Planning Commission is proceeding in this manner and the importance of forging ahead towards a meaningful review of the application. He noted although the meeting was held by virtual means, the goal is that no one would be denied an opportunity to speak in any manner through the webinar. He said he would have additional instructions on how the Commission would logistically move through the hearing in order to allow members of the public to speak.

APPROVAL OF AGENDA

MOTION by Yoshimura-Rank, seconded by Cremons, to approve the agenda as submitted. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

Chair Azman explained that Commissioners and Staff are called panelists and people at home are the attendees. If an attendee wants to speak, they should raise their hand by using the "raise hand" function in the Zoom menu. He will see the raised hands and call on people in the order in which their hands are raised. As far as phone calls, he will unmute the caller and ask if they want to participate because the raised hand function is not as effective. He said Staff would give a presentation regarding the application, the applicant will speak, and then it will move into the public hearing and members of the public can speak. He asked participants to limit comments to 3 minutes. If there is any "Zoom bombing" or disruption, he is able to either end the meeting or remove the disruption and keep the meeting moving forward. If anything occurs, he will do the least amount necessary to remove the disruption and keep the meeting going. He noted there was a producer from the cable TV franchise that could help as well.

a. Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision) Application: Anderson Woods Parcel

- City Planner Kirmis presented the Planning Report included in the packet and recommendation for approval of the proposed Anderson Woods preliminary plan/preliminary plat subject to the fulfillment of conditions 1-50.

- City Engineer DeWalt stated her review of the application resulted in a number of comments listed in the Staff report, a majority of which are fairly general in nature, and she would expect the applicant to resolve them in the final application. She said the development is planned to be served with sewer and water from Centerville Road with a dead-end water line. However, North Oaks Company (NOC) indicated they are working with the White Bear Township Engineer to design a loop system, which will differ from the plan in the packet. There are no wetland impacts for the Nord development, but in Anderson Woods there are wetland impacts of .19 acres for the access road which goes over Wet Basin 1. As part of final plan development, NOC has indicated they will do a global slope stability analysis, so the final proposed impacts for that crossing may increase or decrease slightly. She referenced Kirmis' comment about the access point differing from the conceptual plan in the 1999 PUD documents and stated that for the access point for Ramsey County on Centerville Road, she would have to defer to the County Engineer. In her engineering opinion, one access point would be preferred for the safety, minimization of impacts to the land, and privacy of North Oaks residents.
- Commissioner Hauge asked City Engineer DeWalt to explain how the road will be constructed across the wetland.
- City Engineer DeWalt said the current plans show the roadway would fill the area. Based on the geotechnical evaluation, fill would be brought in and placed. Dependent upon the slope stability analysis, that may change to include retaining walls, installing riprap or compacted fill, etc. She noted she would review the plans as they come in and the geotechnical engineer would make recommendations based on the slope stability analysis. At this point, what is shown is a fair estimate of what it would look like.
- Commissioner Shah asked Staff where the City is in totality in relation to the history of wetland impacts for East Oaks.
- City Engineer DeWalt said she does not have a great fact-filled answer and understands it has been discussed for over a year, before she came to the City. Based on the length of time that the East Oaks PUD projects have been implemented, even the LGU does not have proper records of what those impacts are. She spoke with the applicant and tried to get a better estimate of what has been implemented to this point, and referred the applicant to the question for more facts and information.
- Commissioner Cremons referenced the proposed trail on the south end, which appears to join the existing farm road, and asked if there would be any wetland impact associated with the connection from Lot 2 to where the farm road is or if there is an existing berm there.
- City Engineer DeWalt stated it is her understanding that is an existing location and there are no current wetland impacts planned for that connection. She referred the question to the applicant.
- Commissioner Shah referenced Exhibit C and asked Staff what they thought about the lot size variability, noting that other subdevelopments are generally consistent in lot size, which

gives a more cohesive feel in a neighborhood.

- City Planner Kirmis said City Ordinances typically establish minimum lot area requirements. Most of the time developers will not exceed those, since the objective is typically to provide as many lots as allowed by ordinance. There is nothing that says someone can't significantly exceed any minimum requirement. He stated it is subjective and potentially relates to some of the environmental features that are included in a subdivision. He felt there was a bit of a trend to provide smaller lots along the perimeter of the City boundary, specifically the high-volume roadways.
- Commissioner Shah asked if there were any other neighborhoods in North Oaks that have this amount of variability.
- City Planner Kirmis stated he did not know.
- Commissioner Sandell said when he looks at the table, the variability seems pretty gray. However, when looking at the map, it looks like there is a lot of natural space, which might not make the 2 lots feel quite as big as they look.
- City Planner Kirmis noted he referenced gross area rather than net.
- City Engineer DeWalt said it would be helpful to look at the buildable, and when doing so, it is pretty equivalent across all lots and the home sizes would be similar. She said she did not think it would feel that divergent when someone is in the neighborhood.
- Mark Houge of NOC stated they are down to 1 single-family lot in Rapp Farm and a handful in Red Forest Way. It is important to both the Company and community to continue to supply lots for those who might want to move into the community. He said the lots would be close to the Villas of Wilkinson Lake but are intended to be single-family homes, and there will not be an association. Regarding the lot size variability, if you look at the buildable areas, it felt like they were sized appropriately from their perspective. Generally, lots in proximity to a road such as Centerville Road are less desirable for some, so they wanted to make sure they were sized in accordance with the lot value. In regard to the wetland issue and how wide the road crossing will be, that is dependent on working through some of the pros and cons with engineering staff from both North Oaks Home Owners' Association (NOHOA) and the City. Originally proposed was a 1:1 slope, similar to a railroad track crossing East Oaks Road. It could just as easily be 3:1 and will depend on the preferences of NOHOA or long-term maintenance by the City in terms of the design standards. The trail on the south side is basically high ground that was probably used for access for forest management, so no fill will be required at that location. He said he will ask Don Pereira, Director of Conservation Programs, to speak about how NOC decided to take this approach, along with Gary Eagles. He pointed out there are very few trees on the larger lots to the west and virtually no trees where the trail is going. The trees are mostly on the eastern portion. They are proposing to grade the road to minimize any tree removal and leave the trees on the lots as best they can, and then each homeowner will decide how they want to organize their home on the site. He trusts they will value the trees as much as everyone in the community

and make every effort to preserve as many trees as possible. It will be municipal sewer and water. White Bear Township has had a policy of letting water lines go to a dead end if the cul-de-sac is between 500-1,000 feet. The development is about 800 feet. The NOC recently did a project with them where a loop-back was done, and they will discuss with the Township what their preference is in this case. They worked on the trails with NOHOA and will go forward with a trail that runs along the west boundary as well as a connection on the south part of the site.

- Don Pereira of NOC stated they are quite confident that the total environmental impact from the proposed access to the development from Anderson Lane will be likely considerably less than the originally proposed farm road coming in from the south. Although the farm road is an existing road, if it was developed into something suitable for residential access, it would have to get built up, and there would be additional wetland impacts and likely more tree removal as well. In regard to the proposed crossing over the wetland, the elevation is very flat on both sides. Ideally there would be fill there so the utilities could be buried, but the water will end up in the same place: the water to the north will eventually get into the drainage moving up to Wilkinson; and the water to the south can move to the flowage between Black Lake, which also moves up north into Wilkinson. He said they would work with the Vadnais Lakes Area Water Management Organization (VLAWMO) to extend any efforts for proper water quality management for Wilkinson. There is an existing culvert in the proposed trail that NOC will improve, and there are a number of things the Company will do to make the existing water resources of the area function better than they are today. NOC wants to do what they can to help develop a better, more robust trail system. For example, there is a lot of water on the landscape. He has done a fair bit of climate resilience planning for recent projects. According to the climatologists, the world will be as wet in the future as it is now, or even wetter, which means there will be some retrofitting of some trails to better cope with a wetter future, including the trail that crosses a major wetland to the west of Anderson Woods.
- City Forester Rehder said he was asked to determine impacts to both significant and heritage trees on-site. Although the City does not have a definition regarding what that constitutes, he researched other City Ordinances and provided those to the Planning Commission. He stated if a heritage tree is taken out, it is a 3:1 replacement ratio. If a smaller significant tree is taken out, it might be a 1:1 ratio. There was an existing tree inventory in place for the wooded portion of the property of about 300 trees. There would be about 100 trees removed due to the placement of the road, trail, and sedimentation pond. He spoke with the developer regarding concerns about the topography and the impacts that could occur to save trees and provided a number of suggestions and recommendations which they could use to make it easier for the trees on-site. He feels confident that construction can take place with a minimal amount of tree loss, hopefully working around trees as necessary and doing everything possible to preserve trees. He said there was an old nursery across the wetland with a number of trees. They used to pull trees from there and transplant them in different places in the community, but the trees got old and large and no longer have the form and function as transplant trees and were removed.

- Commissioner Yoshimura-Rank noted there would be about 200 trees lost in Nord and another 100 trees lost at Anderson, and asked if the City was in the process of creating a tree ordinance, defining a “heritage” tree, and also making some kind of policy to preserve/replace trees and asked who would undertake the project.
- City Forester Rehder indicated the issue has been brought up a number of times, most recently at the Natural Resources Commission (NRC). It has been tried before without much success but is something they are willing to try again from both a developer and builder standpoint. He thinks it is important and is glad it is being pursued and hopes it goes through this time so they can replant, which is the best thing to do to make sure there is a forest for everyone’s grandchildren. He noted there are many things people do not understand about forests such as impacts from invasives and structure as far as old versus young trees, etc. They are exploring many avenues and using different partners to get a clearer picture of what North Oaks’ forests will look like in the future and will do what they can to preserve it.
- Commissioner Yoshimura-Rank asked if there were people working on the issue currently.
- City Forester Rehder said both the NRC and the Homeowners' Association are looking at avenues, and the hope is to come up with something that works for all parties.
- Commissioner Sandell asked Mr. Houge where the house would go on Lot 9 and if the double orange lines on the map were for proposed driveways.
- Mr. Houge stated he envisioned it to be as close to the west property line as possible because he would want to preserve trees as a buffer between where the home would go and the street. He asked everyone to keep in mind that Lot 9 is a very large lot and it is sometimes hard to get a good sense of scale on small drawings. He reiterated it would be on the west and, depending on the homeowner’s desire, they may choose to be farther north to get better views of the wetlands or closer to the road to save costs on the driveway, as well as take tree locations into account.
- Commissioner Sandell referenced a little strip which goes south to the entrance on the map and asked what the strip would look like as far as landscape when the neighborhood is complete.
- Mr. Houge said the homeowner would own the area and could do what they wished to do. Their desire would be to leave the area natural. They are trying to minimize the construction area and save as many trees as possible between the proposed street and Centerville. He imagined that anyone who would want to live in this neighborhood would want to preserve as many trees as possible and keep it a natural setting.
- Commissioner Sandell clarified that the NOC team would not do anything to the strip and that no one knows what the homeowner would do, but it would be fairly cumbersome for them to do anything much.

- Mr. Houge stated Commissioner Sandell was correct. He said they gave a lot of thought regarding how best to grade the site, noting a lot of people like walk-out lots. In order to do that, they would have had to grade the land in a manner that would have removed most, if not all, the trees. They chose not to go that route. They think part of the benefit of being in the area is to take advantage of the trees.
- Commissioner Hara asked how many feet the skinny part is and asked if it was 100-200 feet from the new road to Centerville.
- Houge said a reference would be, if the street was 60 feet, it would be between 120-150 feet.
- Commissioner Cremons asked Houge if the infiltration basin shown on Lot 1 is within the boundaries or if it is in some kind of common area at the far south end of the property.
- Mr. Houge said it is being shown in a separate outlot.
- Commissioner Cremons clarified that it would not be owned by the property owner of Lot 1.
- Mr. Houge said it would be an outlot that the company would own and they would ultimately determine if NOHOA would want to take responsibility because there is no subassociation.
- City Engineer DeWalt stated the plans she reviewed shows the infiltration basin is currently part of that lot acreage with an easement over the top. She asked if that was correct or if that was going to change on future development plans.
- Mr. Houge stated, in looking at the drawings, that she was correct and he misspoke.

MOTION by Hara, seconded by Shah, to open the public hearing at 8:05 p.m. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

Chair Azman opened the floor for public comment.

- Citizen Comment: Franny Skamsler Lewis, 3 Red Maple Lane, stated she would like to emphasize that in the PDA a great deal of consideration was given to all of the factors discussed during the meeting. She thinks that is obvious based on the amount of detail that was provided to the environmental analysis group that performed the EAW, as well as all of the exhibits in the agreement itself, where it very clearly depicts road access not crossing the wetland. At the time, all parties involved evaluated the most advantageous configuration for lots and access for that property/parcel. The decision was to have access off of Centerville Road for the lots east of the wetland and access from the south for the lots west of the wetland. Ultimately, the one that was settled on was the one that was codified in the concept plan, which is the current controlling document. If there was interest in changing that access, she would encourage the Planning Commission to view that the same way it did the additional land being subsumed into the Nord parcel: through an amendment to the PDA that can be as equally and thoroughly evaluated by all parties, including the community, and that

can be managed before an application is brought to the Planning Commission and City. She stated the community has been very clear in its interest for strict adherence to the PDA and its controlling documents. While the EAW is not a controlling document, it is included by reference and virtue of that negative declaration. She recalled that, in totality, for all development parcels associated with the PUD, there was an anticipated .35 acres of wetland impact. The crossing at Anderson alone is estimated at .19 acres, which is over half of the total wetland impact for all of the development sites that have been worked on and developed since 1999. Because no party is able to provide an accurate accounting of the wetland mitigation to date in those development sites, it is unclear how the City could ever make an adequate determination that the total impact of wetlands has not exceeded a meaningful or significant amount of what was originally estimated. Even using the suggested criteria by the Environmental Quality Board, there is no conceivable way in her mind that the government can, in good faith and conscience, approve additional wetland mitigation without understanding the entire picture. She said it is also worth noting that she spoke to the Ramsey County Lead Transportation Planner, Joe Lux, and discussed with him the relative safety benefits of the original access plan versus what has been proposed, and he acknowledged the County generally guides new developments towards single-access points that are directly across from an existing access point to a main road. He said that when he looked at the plans and imagery of that specific parcel, it was clear to him why the original access plan had been chosen, and that from a safety standpoint he recognized the County does not have any specific regulation that would prevent the City from approving the original access plan. He also mentioned that, statistically speaking, the Centerville Road portion is incredibly safe and he would not have any concerns approving the original access plan. If the City decides it is more optimal or they are more comfortable with a single-access point, that is understandable. It does not give credence to any party to extend the access across the wetland, given the other covenants of the agreement that were agreed to by all parties. She said just because there is interest in changing one element for one reason does not mean any party has the right to sacrifice the other elements. She encouraged the Commission to recommend the plan for rejection until either a compliant plan is brought forward or the parties have agreed, by proper amendment, to change the access plan that was codified in the agreement.

- Leanne Savereide, 4 Red Maple Lane, said removing 100 out of 293 trees, and with construction it may be more than that, leaving $\frac{1}{3}$ of the trees, seems a bit drastic to her. She noted the tree report talks about oak wilt, which happens when you disturb trees during the summer. Even though July is the beginning of the medium amount of risk, they had a tree limb break off a red oak tree near their house in July, which died by August and spread oak wilt to other trees. It seems a very dangerous thing if they really are trying to save trees.
- City Forester Rehder stated oak wilt is a concern and there are recommendations in the report about things that can be done to limit it. He relies on University of Minnesota scientist Jenny Juzwik, who has a long history with oak wilt. She indicated there are 3 components to spreading oak wilt: the wound, inoculum, and correct weather situation. He stated that oak wilt usually occurs when the bugs are out and trees are still producing spore mats. It is generally a low risk time frame, but he would like to adhere to the determination by Jenny Juzwik. There are generally updates every 2 weeks: July 1, July 15. If it is still a high risk by July 1, he would like to see the recommendations in the forestry report implemented and wait

until the new determination on July 15, which is generally what good practitioners/tree care companies/utility contractors will do when they prune trees. Then it becomes a low-risk situation. He would then leave it in the developer's hands as to whether they wanted to continue to use the strategies which have been put forth.

- Kathie Emmons stated NOHOA has very little objection to the proposed preliminary plan for Anderson Woods. The trail configuration is very straightforward, meets all of their criteria, connects into the greater trail system, has minimal impact in and of itself to wetlands and trees and is not located on or close to a roadway. The surfaces are required to be high and dry throughout most of the seasons, and she felt it would be in good shape. They would do what they can to avoid trees or to keep the trail in the kind of shape they would want to see it. Regarding the trees and tree preservation activity, NOHOA was part of the discussion and continues to be very interested in tree preservation and replacement. NOHOA would like to explore being able to take a more aggressive stance on it through the purview of the ASC. As there are conversations with the partners, NOHOA wants to make sure they are hitting it from all sides to preserve as many trees as possible.
- Commissioner Cremons asked Ms. Emmons if the infiltration basins on Lots 1 and 5, which NOC would like to be a NOHOA responsibility, is something that is typically handled by the Association and if the Association is accepting of the assignment.
- Ms. Emmons said they are not currently actively interested in accepting stormwater ponds. They have some already, but they also have subassociations that handle their own stormwater and drainage ponds. The Board will discuss the issue in the coming months. They know the Company will have responsibility for the ponds until such time as they transfer them over to NOHOA, and they will be able to decide at that time where they would like to assign them. If they do not want to take care of them, there are a number of different options. For the short-term, the Company will take care of them. She looks forward to the Board reaching some clarity on what they would like to do so everyone is clear.
- Mr. Houge stated he agreed with Ms. Emmons' comments. They have an obligation when they develop sites to take care of the stormwater ponds. They are connected to the road system so it occurred to the Company that NOHOA may be interested in participating in the future maintenance versus somebody like the City. Dialogue has started, no decisions have been made, but it is important to look at this and come up with a long-term solution.
- Ms. Emmons agreed with Mr. Houge's comments.
- There being no additional comment, Chair Azman recommended to continue the public hearing to May 28 at 5:30 p.m. He indicated the hearing would be newly published and noticed as well. He stated Administrator Kress advised him that once the motion passes, the proceedings must end; there is nothing more to do at that point.

**b. Discussion/Action: Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision)
Application: Anderson Woods Parcel**

MOTION by Shah, seconded by Yoshimura-Rank, to continue the public hearing on the application for preliminary plan/preliminary plat (subdivision) approval for the Anderson Woods Parcel and to continue and adjourn this meeting to May 28, 2020, at 5:30 p.m. in the Community Room, 100 Village Center Drive, North Oaks, Minnesota, unless due to a health pandemic or an emergency declared under Chapter 12 it is not practical or prudent for an in-person meeting to occur, in which case the continued meeting and public hearing shall occur by telephone or other electronic means. If the continued meeting and public hearing must occur by telephone or other electronic means, then notice of how to monitor the meeting and present at the public hearing will be published in the City's official newspaper at least 10 days in advance of the continued meeting and public hearing date.

- Commissioner Hauge asked what the Planning Commission would be doing on April 30.
- Administrator Kress said there is a separate public hearing on April 30 to consider a CUP.
- Chair Azman stated the idea is to push the matter out as far as they can, consistent with the 120-day rule, in order to optimize the opportunity to have an in-person hearing, which is preferred, and that is why May 28 was selected.
- Commissioner Hauge asked Administrator Kress to clarify the process of what will happen if something changes by May 6, noting further meetings may happen via Zoom.
- Administrator Kress said Commissioner Hauge was correct, noting the end goal is not to get to June 23 and risk the 120-day rule or there would be an automatic approval. The idea of extending the meeting is to meet in-house/in-person if possible. If not, the Planning Commission will meet again via Zoom.
- Commissioner Shah asked if there would be anything done in the background while the Planning Commission waits until the May 28 meeting, such as some of the items which were brought up at the meeting.
- Administrator Kress stated City Staff and some of the consultants will review the public commentary and get in contact with NOC to see if any of them are relevant to address.
- Commissioner Shah indicated that was fair and stated Staff could look at the record to see what the open items and unanswered questions were.
- Chair Azman stated NOHOA had some of the issues in their letter. For example, they requested something different regarding the slopes on the wetland crossing. He said some of the issues can be worked through in the next 6 weeks so everyone can get on the same page.
- Commissioner Hara said he thought the adherence to the PDA seemed to be the most significant item.

- Chair Azman asked Commissioner Hara if he had that opinion from the comment on the roadway and access.
- Commissioner Hara stated that was correct. He asked, if that had to be vetted out, what the result of the vetting would be.
- Chair Azman said when the Planning Commission reconvenes and after the public hearing is closed the issue can be talked about and deliberated on, and then a vote taken regarding a recommendation to the City Council.
- Commissioner Sandell asked how the Planning Commission would memorialize the agreements between NOHOA and the Company on the trail route. He felt it was important to hear that NOHOA and the Company had agreed on a trail route and thought if they would have voted yesterday and voted today, that would have memorialized it. He asked if that could stay as an open item that could change until the next time the Planning Commission meets, or if the documents are frozen in time until the Planning Commission gets together.
- Administrator Kress said the Planning Commission would memorialize it in a resolution recommending approval or denial to the City Council.
- Commissioner Shah asked if it was safe to say NOHOA memorialized their position by taking a vote, which she indicated was 6-2.
- Administrator Kress said the Planning Commission would want to also memorialize it, so in the recommendations of approval or denial it should be specifically stated.
- Chair Azman agreed, noting it would be a condition.
- Ms. Emmons said they already made their review and comment in an April 7 letter and they do not plan to revisit any of those terms.
- Chair Azman stated that another option, now that the parties have presented, would be if it's approved, there can be a condition to follow that agreement.
- Administrator Kress agreed and stated the Council could weigh in on what their perspective is at the final approval stage.
- City Planner Kirmis said the trail plan map, which was agreed upon between the applicant and NOHOA, could be incorporated into the approval and cross-referenced as a condition of approval.
- Commissioners Hauge and Sandell agreed with City Planner Kirmis' suggestion.
- Chair Azman asked if there were any concerns on the logistics of the motion, saying Administrator Kress and Staff will take care of the republication, and on May 28 it will begin

with the public hearing.

- Commissioner Hauge asked what the City's official newspaper is, the *North Oaks News* or *Shoreview Press*.
- Administrator Kress stated it is the *Shoreview Press*.
- Chair Azman asked if the *North Oaks News* is a backup paper.
- Administrator Kress stated the City can only have one official newspaper, which is the *Shoreview Press*.
- Commissioner Cremons asked if it made sense to put a small article in the *North Oaks News* to let people know since the issue has been heated, assuming a lot more people read that than the *Shoreview Press*.
- Administrator Kress said he could make the suggestion.
- Ms. Emmons said NOHOA would be willing to put the information in their email blast.
- Commissioner Sandell asked if the *Shoreview Press* is a free publication.
- Chair Azman said as far as he knew it is, because he gets it and does not pay a subscription.
- Commissioner Hauge stated he also gets the paper free.
- Commissioner Yoshimura-Rank noted they send out an envelope once or twice a year and people can write a check then.
- Chair Azman said he knew *North Oaks News* did that but was not aware that *Shoreview Press* also did so.
- Administrator Kress noted *North Oaks News* is published monthly and the *Shoreview Press* is published twice per month.
- Ms. Emmons noted the deadline for *North Oaks News* is on Friday.
- There being no additional comment, Chair Azman asked for a roll call vote.
- Administrator Kress asked Chair Azman to shut video feed down immediately if the motion passed as that concludes meeting.

Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

ADJOURN

The Planning Commission meeting adjourned at 7:38 p.m.

Kevin Kress, City Administrator

Mark Azman, Chair

Date approved _____

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
April 30, 2020**

CALL TO ORDER

Chair Azman called the meeting of April 30, 2020, to order at 7:00 p.m.

In compliance with Governor Walz's Stay-at-Home Order and pursuant to Minnesota Statutes 13D.021, the meeting was conducted via Zoom.

ROLL CALL

Present: Chair Mark Azman, Commissioners David Cremons, Jim Hara, Stig Hauge, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. City Council Liaison Rick Kingston.

Staff Present: Administrator Kevin Kress, City Engineer Larina DeWalt, Building Inspector Kevin White.

Others Present: Videographer Maureen Anderson.

A quorum was declared present.

APPROVAL OF AGENDA

- Chair Azman requested the agenda be revised so that Item 6 is changed to a discussion of a potential tree ordinance being created by the Natural Resource Commission (NRC) and the remaining items renumbered.
- Commissioner Shah stated she did not know if it was a potential item or not, but she has been wondering where the Commission is at with the Comp Plan; she asked if it was possible to get an update or if it should be deferred to another meeting.
- Administrator Kress said there is no update; City Staff has not heard anything from Met Council.
- Chair Azman suggested the agenda be revised so that Item 7 reflects the Planning Commissioners were given the update about the Comp Plan.
- Administrator Kress suggested listing the additions as Items 5c and 5d on the agenda.

MOTION by Hauge, seconded by Sandell, to approve the agenda as revised, with Items 5c and 5d added to the agenda. Motion carried unanimously by roll call.

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of February 27, 2020 Minutes

MOTION by Yoshimura-Rank, seconded by Cremons, to approve the minutes of February 27, 2020. Motion carried unanimously by roll call.

BUSINESS ACTION ITEMS**a. Public Hearing: 15 Ridge Road Grading CUP**

- Chair Azman reminded everyone the State is under an existing Stay-at-Home Order from Governor Walz and the meeting and public hearing is being conducted virtually. The Zoom address has been published, allowing the public to hear and speak. He called the public hearing to order at 7:10 p.m. on April 30, 2020, for the purpose identified in the notice of hearing: to consider the Conditional Use Permit (CUP) application at 15 Ridge Road. The hearing will allow the public an opportunity to speak and be heard. He asked Staff for a presentation.
- Administrator Kress stated Building Official White could do a brief presentation followed by City Engineer DeWalt.
- City Engineer DeWalt, due to technical difficulties experienced by Building Official White, presented the Planning Report included in the packet and recommendation for approval of the Conditional Use Permit (CUP) application to allow the completion of land reclamation activities on the property at 15 Ridge Road for the construction of his home, with exception to the 30-foot grading setback, subject to conditions as outlined in the packet.
- Commissioner Hauge said he did not understand how the filling material would be distributed on the property, specifically, the purpose for it. He asked for additional explanation.
- City Engineer DeWalt indicated the property owner could also speak at the appropriate time, but according to the grading cut and fill plan that was submitted, she believes there was a previously existing swimming pool area and some other **sub cut** areas that are being filled. The fill on the proposed property will be used to backfill the house, create a new driveway area in the front, and landscape areas around the home. Based on the site elevations, it has been determined, according to the design, this activity is necessary. The total fill required after sub cutting the existing grade -- cutting below what is necessary for construction of the home and driveway, which produces extra material -- is 1,210 yards. 800 yards are already on the site, and they need an additional 410 yards of material.
- Commissioner Hauge noted it sounds like a minor issue. The Resolution indicates they cannot exceed 1,210 cubic yards, and he asked why they would not be allowed to exceed that amount, adding that 1,300 cubic yards does not matter. He stated that it looks to him as though it should have been settled by Administration.
- City Engineer DeWalt stated in her personal experience and opinion she would agree with Commissioner Hauge, that it is more of a paperwork exercise than anything, but code requires approval by the Planning Commission.
- Commissioner Shah asked for verification that the neighbors have been notified about the potential CUP and asked if there was any feedback/comment from neighbors.

- Administrator Kress said the City sent letters/correspondence and did not get any phone calls or emails, to his knowledge.
- Building Inspector White stated the applicant wanted to haul in fill and level off his backyard. What the applicant wants to do in his backyard has no effect on any of the adjoining properties. It also has no effect on his home because it is to the west of the house.
- Chair Azman asked if Building Inspector White had any objections or concerns about the application.
- Building Inspector White stated he did not.
- Commissioner Cremons noted he does not have a problem with the application. In the past there have been issues with people raising the elevation of their houses as part of the construction, causing issues with drainage, etc. He said in this case the elevation of the house looks like it's about the same as the house that was there before and asked if that was correct.
- Building Inspector White said Commissioner Cremons was correct.
- Commissioner Hauge noted the house was already built.
- Commissioner Sandell asked if this was the same property that had the easement with the golf course.
- Building Inspector White indicated it was.
- Commissioner Hauge indicated it was and noted that he would like the driving range if he was a golfer.
- Jon Reedy, 15 Ridge Road, explained that when they tore the existing house down, they didn't fill in the hole that was there before. There was also a large swimming pool. When they submitted for a permit, they had the elevation shown, and it requires fill to be brought in. If they would have filled in the pool and the home, there would be less fill that needed to be brought in, but it would have been brought in with the tear-down permit.
- Commissioner Hauge said he understands there needs to be a discussion about the issue because of code requirements. He asked Mr. Reedy if 1,210 yards would be enough. He noted the Resolution says the Commission will give him permission to do exactly 1,210 cubic yards, and he suggested 10% over that for a total of 1,331 cubic yards. He asked Mr. Reedy how sure he was about the number, because the Commission does not want him back to discuss it again.
- Mr. Reedy stated he is not an excavator or surveyor and that is what the surveyor came up with. He is also not sure how that would be monitored.

- Commissioner Hauge said he does not see that 10% over the 1,210 cubic yards would be a problem. He would move at some stage to give Mr. Reedy a little extra, like 1,300 cubic yards, instead of the 1,210 cubic yards, if that was okay with Mr. Reedy.
- Mr. Reedy stated he thought that was reasonable.
- City Engineer DeWalt said what Commissioner Hauge is suggesting is reasonable, but the code does not require any approvals for land reclamation involving less than 100 cubic yards. If the applicant gets to 1,210 and needs less than 100 more, he would not need a CUP.
- Chair Azman asked Administrator Kress how it should be worded in the Resolution such as, “shall not exceed 1,210 cubic yards and up to an additional 10% as may be needed” subject to submitting something to the City so the City knows, and asked if something like that would be needed.
- Administrator Kress said he did not know if it needed to be that detailed. If it was him doing it, he would just change the verbiage to “estimated” instead of a very strict defined number. The Resolution is actually for the City Council’s consideration, so the Planning Commission can make those alterations with the motion.
- Chair Azman asked if there were any objections to Commissioner Hauge’s suggestion, adding that he thought it was a good idea.
- Commissioner Sandell said it sounded efficient.

MOTION by Yoshimura-Rank, seconded by Hauge, to open the public hearing for the CUP. Motion carried unanimously by roll call.

- Chair Azman opened the public hearing at 7:26 p.m. He reminded the attendees, if they would like to speak, to click the “raise your hand” button, and then he could unmute the audio and allow them to be heard.
- There were no public comments regarding this application.

MOTION by Hara, seconded by Shah, to close the public hearing. Motion carried unanimously by roll call.

Chair Azman closed the public hearing at 7:29 p.m.

b. Discussion and consideration of Resolution recommending City Council approval of CUP for land reclamation activities at 15 Ridge Road

- Chair Azman asked for a motion to take action on the CUP either through approval or denial.
- Administrator Kress noted the motion should be to recommend approval of the CUP to the City Council in the Draft Resolution.

- Chair Azman asked for a motion to recommend approval utilizing the proposed Resolution in the packets subject to a change in Paragraph 1, stating “approximately 1,210 yards,” to give the applicant a little bit of wiggle room.
- Administrator Kress clarified that it is a motion to recommend approval and recommendation of the approval of the Draft Resolution with the changes as stated by the Chair.
- Chair Azman asked if he was correct that Commissioner Hara had a motion to approve on those grounds.

MOTION by Hara, seconded by Yoshimura-Rank, to recommend approval of Resolution Approving a Conditional Use Permit for Land Reclamation Activities on Real Property Located at 15 Ridge Road, North Oaks, Minnesota, subject to the fulfillment of conditions 1-4 and subject to a change in Paragraph 1 stating “approximately 1,210 yards.” Motion carried unanimously by roll call.

c. Discussion of potential tree ordinance being created by the Natural Resource Commission (NRC)

- Councilmember Kingston noted this item came before the City Council about 5 years ago. At the time there were a couple episodes of residents clearcutting their properties, which was not well-received. There were other challenges the City was facing such as Dutch elm disease, Emerald ash borer, and also the buckthorn issue. That was the first attempt for a proposed ordinance to deal with trees in general. When it first came before the Council, it was not necessarily well-received by the community and essentially got tabled. He said Administrator Kress had a chance to see there had been some work done on the item and thought it was important to bring it back before the Council to see if the Council needed to re-engage on the topic. Currently there is no action that has been set on this particular draft ordinance; it is essentially the start of one to engage the community further. Council may or may not decide to engage in that right now, but it is on the agenda as an informational item to see where the Council wants to go with it. There is no action being taken on the draft ordinance that was circulated. It is in its infancy stage in terms of what direction the City might want to take in the future.
- Administrator Kress said the City sent it to the NRC for an initial review. They had a very light discussion regarding the tree ordinance; the City Forester was there as well. It was suggested that it move on to a subcommittee. The subcommittee has had one meeting with a few members of the Natural Environment Stewardship Team (NEST) from the North Oaks Home Owners Association (NOHOA). There has not been a second meeting yet. There have been no updates to the draft which was sent to the Planning Commission/City Council.
- Councilmember Kingston stated it was sent out as an informational item to the City Council, so the Council has not been doing anything to it from an activity standpoint. The next question is, where does the City want to go from here.

- Administrator Kress agreed with Councilmember Kingston. He stated the original ordinance is at least 5 years old and has not been worked on since he has been with the City.
- Commissioner Shah asked if it went to the City Council 5 years ago when it was initiated by the NRC.
- Councilmember Kingston said he believes it came up as an informational item and the draft had been circulated. At that time, it did not seem to get much traction with the community and there were a lot of concerns with it. It went into a dormant stage, which is kind of where it has been since.
- Commissioner Shah asked Councilmember Kingston or Administrator Kress their opinion on the Planning Commission's involvement with this, noting she used the word "this" because she is not sure if the ordinance will move forward or not.
- Councilmember Kingston stated, because the Planning Commission was involved at that time, he felt the Commission should be involved at this time. He said they should be part of the process, as they would need to act on some permits that come in that might have potential tree-related issues. In addition, he noted that people were concerned that, with the way the ordinance was drafted, it might have some significant impacts on the East Oaks development. He stated East Oaks is covered under a completely different PUD and is not part of any other ordinance that might be enacted by the City. It is a completely separate issue and it would not have any impact on any development plans currently in progress.
- Commissioner Yoshimura-Rank asked whether an entirely different plan would need to be created just for the East Oaks development.
- Administrator Kress said Councilmember Kingston is saying that North Oaks Company (NOC) would have to accept the ordinance as a change, no different than any other change to ordinances like zoning.
- Councilmember Kingston stated an ordinance would actually have to be passed and then NOC would have to make a decision as to whether or not they wanted to be part of that. They already have the terms of their agreement that have been set forth in the PUD, so it would really not come into play unless they chose to somehow engage with a new ordinance that the City might come up with.
- Commissioner Shah asked Administrator Kress what sort of timeframe he was anticipating: May, June, July.
- Administrator Kress said it is hard to say at this point. He agrees with Councilmember Kingston that it is in its infancy stages. It has only been looked at a handful of times. It

started off fairly slow, there would need to be a closer look at it with the City Forester, so it could be July or so. The City has not spent a lot of time on it recently.

- Councilmember Kingston stated the Council has not spent any time on the matter in recent history. In order for it to move forward, the ordinance has to be brought up before the City Council and get a sense for where people want to go with it, and then give some direction to NRC and others. He said it makes sense to have some type of tree ordinance. He suggested that Administrator Kress should give the Planning Commission a bit of his background as far as some ordinances he has been involved with at other cities and his experience in the area. He stated North Oaks has some unique situations with invasive species like buckthorn that need to be addressed, and a place to do it would be in a tree ordinance.
- Administrator Kress said he created an ordinance with the City of Clearwater, which would probably be much different than North Oaks'. Generally, they are more of a preservation plan than they are a strict tree ordinance. It involves planting, cutting, restrictions on width of trees, number of cuttings, and the types of replacements that are allowed. He noted Maplewood has a pretty good tree preservation plan; Shoreview does a pretty good job of doing tree inventories and updating their stock from time to time. The big difference is, North Oaks doesn't own any property; all the property is owned by NOHOA.
- Commissioner Shah asked if there was any opportunity from a public standpoint for people to get engaged if they are interested, adding that it sounds like there is a subcommittee with the NRC. She asked if there were any words of wisdom for those in the public hearing about the item.
- Councilmember Kingston said it will be on the agenda for the next Council meeting, a discussion about it and suggestions about ways to move forward. At that point the Council can talk about the proper steps the Council would like to see in terms of who should be engaged and how people can get involved if they would like to do so.
- Commissioner Cremons stated Councilmember Kingston mentioned there was some bad feedback in his past experience with an attempt to get an ordinance. He asked if the issue ever went before the Council for a vote.
- Councilmember Kingston said he did not remember it going up to any vote.
- Commissioner Cremons asked how the negative feedback was expressed and how large the group of people was. He clarified he was not asking for exact numbers but just a general feeling.
- Councilmember Kingston stated it was 5 years ago, he remembers getting feedback from people that saw the proposed ordinance and felt it was overreaching, and they had a number

of concerns in that regard. He said it seemed like there were people that spoke at the meeting when it was under discussion. However, it did not go any further at that particular point.

- Commissioner Cremons asked if NOC expressed any kind of positive, negative, or neutral views towards an ordinance such as this for the long-term.
- Councilmember Kingston said he did not even know about this until Administrator Kress sent the proposal around for discussion, so he does not know if NOC has been involved in it.
- Administrator Kress stated NOC has not been involved in the process for the ordinance.
- Commissioner Cremons said he would like to see at least some effort by the Council to advance this for discussion in the community, because a well-drawn pre-ordinance would be very consistent with what North Oaks is trying to do and also prevent some of the things that have happened in the past with clearcutting. He stated it would be a balancing act to come up with something that makes sense but would be worth the effort. He hopes the Council will take it seriously and try to advance it.
- Councilmember Kingston stated he could only speak for himself, but he felt it is something the Council needs to address. There are a lot of different issues in the health of North Oaks' forests, and he wants to make sure the right kind of expertise, such as Foresters, is giving the City guidance in terms of what is best for the community to maintain its pristine environment. He said it is within the City's wheelhouse and they need to look at that. He appreciated the comments and supports taking a close look at the ordinance to see what they can do, what areas the City should be commenting on, where the greatest need is, and making sure there is plenty of community input in terms of what direction to take.
- Commissioner Yoshimura-Rank said she thinks it is really important to emphasize saving larger trees and replanting because at Anderson Woods there are 100 trees being cut down, and that will continue to happen as development continues. She also thinks the City needs to move quickly.
- Councilmember Kingston noted he will see how it goes at the next Council meeting.

d. Update on Comp Plan

- Administrator Kress stated there is no Comp Plan update. It was discussed internally and they chose not to push the issue. There is no reason for the City to get extra attention from the Met Council at this time, and North Oaks will let it sit until the Met Council gets back to them.
- Commissioner Yoshimura-Rank asked when the Comp Plan was due.

- Chair Azman asked if she meant by year or month.
- Administrator Kress said he thought it was February. He clarified that the latest draft was due prior to that. Nobody made the deadline as far as he is aware; every city is traditionally behind the mark on that front.
- Chair Azman asked if there is any thought, if the City does not hear anything, that at some point the City may have to take some affirmative steps.
- Administrator Kress said he did not know that the City would hear anything until the State is out of the shelter-in-place, adding he thinks they are up to their eyeballs with other stuff going on and that is why the City has not heard anything.

COMMISSIONER REPORT(S)

- Chair Azman said he did not have a report this month but it has been busy with the last couple of hearings. He is not on any other committees to report back on to the Commission.
- Commissioner Yoshimura-Rank had no updates. She asked what it was looking like for the Planning Commission's next public hearings.
- Administrator Kress stated the Governor's orders are until May 18. He does not think an in-person meeting will be allowed, because his understanding is there will still be 6-foot distancing in effect. He noted that would not be possible just with the 7 Planning Commission members and any consultants in the Council Chambers.
- Chair Azman asked, assuming the extension does not go beyond May 18 and the Planning Commission tries to do something in-person, if there was a way to place some Commissioners in the room, some would be virtual, and then allow people in a controlled fashion to cycle in, make a comment, and leave. He noted that would be to accommodate some concerns about the virtual hearings, particularly for the higher-level interest applications.
- Administrator Kress said it is a yes and no answer. If you have certain members in the Council Chambers, anyone not present that wants to participate by video has to be in a public place that can be accessed by anyone.
- Chair Azman asked, if the City is still operating under Minn. Stat. § 13D.021, whether the virtual component could be utilized for portions of the meeting or some members but not all members of the Commission. He noted it was more of a talking point.
- Administrator Kress said he would probably have to visit with City Attorney Nason. The latest order was just given so he has not visited with her on anything moving forward

- Chair Azman asked Administrator Kress to keep it in mind and take a look at it in light of the interest on the applications. If it cannot be done because it cannot be done, that is fine; but at least the City has considered and talked about it. He asked Administrator Kress to talk with City Attorney Nason, other Staff, the Council, and whoever needs to join in on the appropriate decision-making.
- Administrator Kress agreed to Chair Azman's request.
- Chair Azman stated he brought it up because he has gotten feedback/comments from residents about doing something like that, which he thinks the Planning Commission was trying to do when setting the last public hearing.
- Commissioner Hara had no comments. He encouraged the rest of the Commissioners to walk through the proposed trail so they understand what people are talking about at the next meeting.
- Commissioner Hauge asked if they could do that, noting it would be trespassing in technical terms.
- Commissioner Hara said he thought there were people out there volunteering to walk people. He stated NOHOA would take people on the tour.
- Commissioner Hauge stated the Commissioners have been informed by the Company that they couldn't walk the trails on that property without permission.
- Commissioner Hara said it would be hard to make a good judgment on something if someone has no idea what the trail looks like and how it impacts the residents, in his opinion.
- Commissioner Hauge asked Administrator Kress what the stance is on the issue.
- Administrator Kress said it would be a good idea to get permission from NOC for any property they own. If it is on the easements that are already in place, that is NOHOA property currently.
- Councilmember Kingston doubted they would give anybody any grief if people wanted to walk the trail and they would make arrangements to let people do that.
- Commissioner Cremons stated that Commissioner **Yoshimura-Rank** and himself walked it a few days prior with NOHOA people and it was fine.
- Commissioner Hara said he had nothing else.
- Commissioner Sandell stated he had nothing to add.

- Commissioner Shah noted everyone had already covered her questions so she was good.
- Commissioner Hauge said he had nothing to report.
- Commissioner Cremons said he had nothing to report.

MISCELLANEOUS

Next Meeting: May 28, 2020

ADJOURN

MOTION by Yoshimura-Rank, seconded by Hara, to adjourn the Planning Commission meeting at 7:58 p.m. Motion carried unanimously by roll call

Kevin Kress, City Administrator

Mark Azman, Chair

Date approved _____