

**North Oaks City Council
Special Meeting Minutes
North Oaks City Council Chambers
July 16, 2020**

CALL TO ORDER

Mayor Nelson called the Special Meeting to order on July 16, 2020 at 6:05 p.m.

ROLL CALL

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

Present: Mayor Gregg Nelson, Councilmembers Rick Kingston, Marty Long, Kara Ries

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, City Engineer Larina DeWalt, City Planner Bob Kirmis

Others Present: Videographer Maureen Anderson, President of North Oaks Company Mark Houge, Vice President, Development of North Oaks Company Gary Eagles
A quorum was declared present.

PLEDGE OF ALLEGIANCE

Mayor Nelson read the Pledge of Allegiance.

APPROVAL OF AGENDA

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

NEW BUSINESS

- a. Discussion and possible action on request from North Oaks Company (NOC) for approval for grading, installation of drainage facilities and/or water and sanitary sewer lines, and street construction (infrastructure installation) in Nord and Anderson Woods Development Sites.**

Administrator Kress gave a brief description and said there was a request from the North Oaks Company (NOC) which is detailed in the included memo for grading, utility and storm-water work. He then invited City Engineer DeWalt to share.

City Engineer DeWalt said that at the regular Council meeting on July 9, 2020, the City received a request from the North Oaks Company for preliminary site preparation activities prior to the final plan approval for both Nord and Anderson Woods sites. As discussed in that meeting, per Article 5 of the East Oaks Preliminary Development Application (PDA), Council has the authority by separate action to grant applicant permission to conduct these requested activities prior to final plan approval. Ms. DeWalt said at the direction of Council the previous week, Staff

took the time to review the request, considering that authority granted under the PDA, as well as precedent set with historical developments within North Oaks per the applicant and also standard industry best practices. She said based on Staff review, the recommendation is for Council to grant approval of a subset of the requested work with some conditions, as noted in Ms. DeWalt's memo dated July 16, 2020. She noted that Staff finds it reasonable to request and for Council to allow those site preparation activities such as preliminary grading, erosion control and temporary storm water management on site for both Nord and Anderson Woods, per the preliminary plans, which were conditionally approved at the June 11, 2020 Council meeting. Ms. DeWalt said regarding any request for any additional work such as street construction, installation of utilities or permanent drainage facilities, Staff feels that approval is premature and would prefer that commencement of any work waits until after final plan submission, review and approval. She said however, if Council would like to exercise its right to grant that discretionary approval of the additional preliminary work request, Staff has outlined a recommended number of conditions that should be met.

Mayor Nelson clarified for those who are listening that the PDA provides for all of the activities being requested upon approval by City Council. He asked if Staff indicated they are fine with the grading and preliminary storm water management, but they would like to see the final plan submitted and approved before utility construction and permanent storm water management is affected. Engineer DeWalt said that is correct.

Mayor Nelson also wanted to clarify that anything the Company does pending final approval is done at their risk and not at the City's risk. Engineer DeWalt said that is correct, and said these plans are conditionally approved for the preliminary plans and the City fully expects that final construction documents will be submitted, thoroughly reviewed and approved (potentially with conditions), so it is at the applicant's risk to start work prior to the final plan approval.

Mayor Nelson asked about the timeline for the submission of the final plan approval request. Mr. Mark Houge stated the Company is working diligently to complete all of the component parts and need to coordinate their schedule in coordination with the White Bear Township water and sewer connection which comes under Centerville Road. He said they have their input now and are completing the final plans and he expects they'd be requesting final plan approval within the next 60 days.

Mayor Nelson asked Mr. Houge his thoughts regarding the Staff perspective that partial approval is appropriate at this time, without specific approval of utilities, and final storm water management. Mr. Houge said it may create some challenges in coordinating the work, but he understands that there are still details coming that the Company needs to provide to Staff. He said he is comfortable that if there was an understanding that as soon as the Company has those details in hand and sufficient time for Staff to review them, they could come back to the Council and get approvals in a timely way. He stated there is a bit of a work coordination question because they don't want to go into areas twice if that can be avoided, and said another reason they like to do the grading and drainage work before final plan approval allows the Company to

work with the City's Forester to coordinate things and make minor adjustments with the approval of City Engineer DeWalt to preserve trees wherever possible.

Mayor Nelson invited Mr. Gary Eagles to share. Mr. Eagles stated that this has been the typical process for the NOC in the thirty years he has worked at the company. He noted it can be difficult to get a good grasp on what you're dealing with when building lots in treed areas, so typically they like to go in the area and get a good handle on trees, the grades and soil conditions. He noted that typically Final Plans are pretty quickly prepared after that point.

Mayor Nelson said if the NOC needs it and the final plan wasn't ready, the Council could hold a Special Meeting to approve further work such as utilities.

Mr. Eagles stated the question for the NOC is with White Bear Township's access for sewer and water. He said they've historically had no problems with the sewer but the water has become a bit of an issue for them. He stated White Bear Township has agreed to provide water, but it's the method at which they will cross the road for White Bear Township to approve.

Councilmember Ries noted that at the last regular Council meeting, City Engineer DeWalt mentioned there were conditions to the preliminary plan approval and asked Ms. DeWalt if she's had a chance to go out and verify that those conditions have been met. Ms. DeWalt said she'd reviewed the conditions that were tied to the preliminary plan approval and the conditions that she feels are applicable to the request are included in the memo she provided. She stated that she feels the balance of the conditions in the preliminary plan approval are tied more to the final construction documents than the preliminary grading request. Ms. DeWalt said she has included the conditions she feels are applicable that have not been met that need to be tied to the approval within the memo.

Councilmember Ries asked Ms. DeWalt if the conditions to the recommended approval have been met or have not been met. Ms. DeWalt said Staff recommends that a subset of what the applicant has requested be granted. She noted that the memo details preliminary grading and erosion control work be granted, but not the storm water facility construction or potential street construction. Ms. DeWalt said the conditions she feels are priority to that grading work are listed in the memo and those are the conditions that should be adhered to during construction or happen prior to construction, and noted that any required permits would need to be granted prior to the NOC starting work.

Councilmember Ries asked who oversees that and makes sure the conditions are being met. Ms. DeWalt said that is also part of the discussion and that she recommends there be periodic site inspection by City Staff. She said historically the City inspected for erosion control and over time, as she understands it, it was asked that the Consultant Engineer not be the inspector as long as there is a Certified Inspector tied to the project. She stated that as long as the City is involved with understanding the process, procedures and updates to those inspections, she is comfortable with that.

Councilmember Ries noted that Mr. Houge stated that it's nice to go in and do it all at once. She asked if the Council is taking part of the plan approval and doing it piece-by-piece, if there was a problem with utilities or utilities were changed, would the company need to come in and re-do some of the grading at some point; and if the Council gave partial approval, would there be a risk that the NOC would bear if plans changed. Ms. DeWalt said to a certain extent, but she believes the preliminary grading would be the work of bringing the site within tolerance of the approximate elevations, doing some preliminary clearing work, making sure the NOC has room to bring the equipment in and doing the erosion control work. She said she thinks it's a very minimal risk.

Mayor Nelson noted they have the option of approving as recommended by Staff for preliminary grading and storm water control, or the PDA permits the Council to simply approve the request as submitted by the Company to do the preliminary grading, storm water control, and utilities and final storm water management.

Administrator Kress noted there are two separate resolutions, Resolution #1390 and Resolution #1391.

Councilmember Ries asked Ms. DeWalt if the Anderson Woods plan site submitted in the preliminary plans is the complete site or if there is a portion of the site on the western side that is left out of the approved plans. Ms. DeWalt said the approved site plan for Anderson Woods is the complete site, there is no part of the site that is not shown. She said there may have been some confusion regarding the orientation and scale difference between site plan, grading plan and existing condition plans, which is typical for people not used to reading site plans.

Attorney Nason said the Council may recall that back in 2019, they did approve the plans for what is commonly referred to as Wilkinson Villas 1A, so the entire Anderson Woods site itself as shown in the PDA is comprised in both the Wilkinson Villas 1A development site which includes an area of common space/open area and the areas now that have been approved for Preliminary Plan Approval. She said there is perhaps some misunderstanding regarding those two pieces, as well. Councilmember Ries noted that her question had been answered by Ms. DeWalt.

Mayor Nelson thanked Administrator Kress for drafting the resolutions, as all of these things are quite lengthy and said he appreciates his work. Mr. Kress noted the memo and resolutions were a joint effort between all the Staff and consultants.

Administrator Kress asked Mr. Houge if he saw any issues in the memos and resolutions. Mr. Houge said no, they are comfortable with the resolutions as written.

MOTION by Kingston, seconded by Long, to approve Resolution #1390, approving grading of East Oaks Nord Development Site pursuant to approved Preliminary Plans and Resolution #1391, approving grading of East Oaks Anderson Woods Development Site F,

pursuant to approved Preliminary Plans. Motion carried by roll call as Members Kingston, Long and Nelson voted for; Member Ries voted against.

ADJORNMENT

**MOTION by Kingston, seconded by Ries, to adjourn the Council meeting at 6:25 p.m.
Motion carried unanimously by roll call.**

Kevin Kress

Kevin Kress, City Administrator

Gregg Nelson

Gregg Nelson, Mayor

Date approved 8/13/2020