



NorthOaks

Building on a tradition of innovation

Minnesota

CITY OF NORTH OAKS

Special City Council Meeting

Thursday, July 16, 2020

6 PM, Via Teleconference or Other Electronic Means Only

City Council members will participate by telephone or other electronic means pursuant to Minn. Stat. § 13D.021. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Meeting ID: 848 7770 1226 or by joining the meeting via the following link: <https://us02web.zoom.us/j/84877701226>.

Individuals wishing to monitor the meeting remotely may do so in real time by watching the livestream of the meeting on North Oaks Channel 16 and on the City's website. 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.

MEETING AGENDA

1Call to Order

2Roll Call

3Pledge of Allegiance

4Approval of Agenda

5New Business

5.aDiscussion and possible action on request from North Oaks Company 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.

[CC Memo -071620 - Nord Anderson Woods Request - Site Preparation Activities.pdf](#)

[NO Resolution 1390 Approving Grading on Nord Parcel 7.15.2020 kk.doc](#)

[NO Resolution 1391 Approving Grading on AW Parcel 7.15.2020 kk.doc](#)

6Adjournment

Memorandum

DATE: Thursday, July 16, 2020
TO: North Oaks Mayor and City Council
FROM: Larina Vosika DeWalt, PE, PMP – City Engineer
SUBJECT: Nord and Anderson Woods - Site Preparation Activities

BACKGROUND

As a follow-up to recent preliminary plan (subdivision) approvals, the North Oaks Company has requested City Council approval to conduct various site preparation activities upon the Nord and Anderson Woods development sites.

Specifically, the applicant has requested approval to conduct the following site preparation activities:

Nord Site:

- Grading, Drainage and Stormwater Facility construction

Anderson Woods Site:

- Grading, Drainage and Stormwater Facility construction

ISSUES

Processing Requirements. Both the East Oaks Planned Development Agreement (PDA) and the City Code make an allowance for site preparation activities including Grading, Street Construction and installation of utilities and drainage facilities to precede final plan (subdivision) approvals. Article 5, §5.2 Final Plan, of the PDA grants the authority, if approved by separate City Council action, to allow for those requested activities to precede final plan (subdivision) approval.

In contrast, Section 152.021 (F)2 of the City Subdivision Regulations limits such site preparation activities (prior to final plan approval) to preliminary grading and construction of streets.

Considering the PDA provisions supersede the processing requirements of the City Code, it is the opinion of Staff that the City Council has the authority to approve all of the requested site preparation activities.

Scope of Activities. The allowance of preliminary grading activities prior to final subdivision approval is common practice in many communities, subject to various conditions related to industry standard best practices. In this regard, Staff is comfortable allowing the requested preliminary grading activities (for both the Nord and Anderson Woods sites) to precede final plan approval and recommend that Council approve preliminary grading activities as shown per the preliminary plans, conditionally approved by means of Resolution 1388 and 1387 respectively, with the following conditions to be satisfied prior to commencement of work and/or strictly adhered to during preliminary grading work.

- 1) If necessary, updated plans provided to include all locations and details for proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction such as future stormwater infiltration areas to be protected from heavy equipment.
- 2) Information requested by NOHOA in their letters dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available.
Specifically: Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of improvements and impacts. Required staking shall be completed and verified with NOHOA in advance of any trail grading.
- 3) 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.
- 4) 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.
- 5) Periodic site inspection by City Staff.

In addition, Staff recommends the following additional conditions be satisfied prior to work commencement:

- 1) All required fees and costs incurred to date, including but not limited to City Planning, Engineering and Legal fees related to East Oaks Development applications be paid in full, or dispute documentation related to specific costs be provided to City Administration.
- 2) Construction cost estimate be provided for preliminary grading and erosion control scope.
- 3) Cash escrow through executed escrow agreement, be provided to the City in an amount equal to 125% of the construction cost estimate amount for surety to City.
- 4) Preconstruction meeting is held with City and NOHOA representation.
- 5) Schedule of planned preliminary work be provided to City.

In regard to any request for approval of any street construction or installation of drainage facilities, Staff believes approval of such activities prior to review and approval of final plans (part of the final plan review process) is premature. If, however, the City Council is inclined to approve the commencement of such activities at this time, Staff would recommend that the following additional conditions be minimally imposed:

1. Verification from Ramsey County for street access permit confirming location of proposed street accesses shall be provided.
2. The applicant's engineer shall submit a pavement design in accordance with Geotechnical recommendations that is 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.
3. The Report of Geotechnical Exploration shall be updated to include infiltration rates and design recommendations for the proposed infiltration basins to be utilized in the stormwater management analysis.
4. A storm water management report, outlining the design analysis for the site, including exhibits and calculations shall be submitted for review and approval. 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.
5. Details of stormwater basin design, including typical cross sections and details for outlet structures shall be provided.
6. Emergency overflow locations and elevations (EOF), for all site surface water features, including wetlands shall be provided based on actual field topographic survey information and the stormwater management plan design.
7. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO as the LGU.
8. Slope stability analysis shall be conducted and associated recommendations for wetland crossing of road in Anderson Woods shall be provided. Any necessary related plan changes shall be reviewed by City Engineer and VLAWMO in accordance with all applicable policies.

RECOMMENDATION

While Staff feels comfortable with the applicant's request to allow preliminary grading activities upon the Nord and Anderson Woods sites, it is recommended that other proposed site preparation activities (the installation of utilities, street and stormwater facility construction) not take place until such time as final development plans have been subject to Staff review and the final subdivision plan has been formally approved.

With the preceding in mind, Staff recommends approval of preliminary site grading activities upon the Nord and Anderson Woods sites in accordance with the conditions outlined above.

cc: Kevin Kress, City Administrator
Bridget Nason, City Attorney
Bob Kirmis, City Planner
Mark Houge and Gary Eagles, North Oaks Company
Mikeya Griffin, NOHOA Executive Director
Phil Belfiori, VLAWMO

RESOLUTION NO. 20-1390

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

**RESOLUTION APPROVING GRADING OF EAST OAKS NORD DEVELOPMENT SITE
(SITE C) PURSUANT TO APPROVED PRELIMINARY PLANS**

WHEREAS, the North Oaks Company (Developer) submitted an application for preliminary plan/preliminary plat (subdivision) approval (the “Application”) for real property located in the City of North Oaks, Ramsey County, Minnesota, commonly referred to as the “Nord Parcel” and identified as Development Site C in the 1999 East Oaks PDA, including two parcels not included within the legal description of the Site C Development Site (together referred to herein as the “Nord Development Site”); and

WHEREAS, following a series of public hearings and a vote to recommend approval of the Application, the City Council, by a vote of 3-2, voted to approve the Application at its June 11, 2020, Council meeting; and

WHEREAS, the Application included plans related to preliminary grading of the Nord Development Site for the installation of a private road and certain utilities as well as a stormwater pond; and

WHEREAS, the North Oaks City Code and the 1999 East Oaks PDA, as subsequently amended (the “East Oaks PDA”) provide various process for the grading of development sites following preliminary plan approval, including Section 5.2 of the East Oaks PDA which provides as follows: “No Development shall occur on any Development Site until the City approves the Preliminary Plan and Final Plan for that Development Site. The following may occur without the Final Plan or Registered Land Survey for a particular Development Site being approved and recorded: ... grading[,]street construction ... [and] installation of water and sanitary sewer lines and drainage facilities,” but only if the council approves the same by separate action.

WHEREAS, Developer has requested the City Council approve grading activities, along with the construction of drainage and stormwater facilities on the Development Site as shown on the Preliminary Plan documents previously submitted to the City, which plans were previously approved as part of the preliminary plan/preliminary plat (subdivision approval).

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 authorizes preliminary grading activities on the Nord Development Site in conformity with the preliminary plans previously approved by the City Council pursuant to Resolution No. 1388 and on file with the City, subject to the following conditions:
 - a. If necessary, updated plans provided to include all locations and details for proposed site

- sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction such as future stormwater infiltration areas to be protected from heavy equipment.
- b. Information requested by NOHOA in their letters dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available. Specifically: Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of improvements and impacts. Required staking shall be completed and verified with NOHOA in advance of any trail grading.
 - c. 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.
 - d. 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:
 - (1) Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - (2) 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.
 - (3) If grade changes are excessive retaining walls may be a viable option.
 - (4) Do not place fill around save trees.
 - (5) 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.
 - (6) 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.
 - (7) 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.
 - (8) Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
 - (9) 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.
 - (10) Follow the oak wilt protocol included above.
 - e. Periodic site inspection by City Staff.
 - f. All required fees and costs incurred to date, including but not limited to City Planning, Engineering and Legal fees related to East Oaks Development applications be paid in full, or dispute documentation related to specific costs be provided to City Administration.
 - g. Construction cost estimate be provided for preliminary grading and erosion control scope.
 - h. Cash escrow through executed escrow agreement, be provided to the City in an amount equal to 125% of the construction cost estimate amount for surety to City.
 - i. Preconstruction meeting is held with City and NOHOA representation.
 - j. Schedule of planned preliminary work be provided to City.

2. The City Council hereby DENIES the Developer's request to construct drainage and/or stormwater facilities, as well as any requested street construction activities on the Development Site as premature based on the City Engineer's memo dated July 16, 2020.

Adopted by the City Council of the City of North Oaks this 16th day of July, 2020.

Ayes: Nays:

Attest:

Attest:

Gregg Nelson, Mayor

Kevin Kress, City Administrator/City Clerk

RESOLUTION NO. 20-1391

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

**RESOLUTION APPROVING GRADING OF EAST OAKS ANDERSON WOODS
DEVELOPMENT SITE (SITE F) PURSUANT TO APPROVED PRELIMINARY PLANS**

WHEREAS, the North Oaks Company (Developer) submitted an application for preliminary plan/preliminary plat (subdivision) approval (the “Application”) for real property located in the City of North Oaks, Ramsey County, Minnesota, commonly referred to as the “Anderson Woods” parcel (the “Anderson Woods Development Site”) and identified as Development Site F in the 1999 East Oaks PDA; and

WHEREAS, following a series of public hearings and a vote to recommend approval of the Application, the City Council, by a vote of 3-2, voted to approve the Application at its June 11, 2020, Council meeting; and

WHEREAS, the Application included plans related to preliminary grading of the Anderson Woods Development Site for the installation of a private road and certain utilities as well as a stormwater pond; and

WHEREAS, the North Oaks City Code and the 1999 East Oaks PDA, as subsequently amended (the “East Oaks PDA”) provide various process for the grading of development sites following preliminary plan approval, including Section 5.2 of the East Oaks PDA which provides as follows: “No Development shall occur on any Development Site until the City approves the Preliminary Plan and Final Plan for that Development Site. The following may occur without the Final Plan or Registered Land Survey for a particular Development Site being approved and recorded: ... grading[,]street construction ... [and] installation of water and sanitary sewer lines and drainage facilities,” but only if the council approves the same by separate action.

WHEREAS, Developer has requested the City Council approve grading activities, along with the construction of drainage and stormwater facilities on the Development Site as shown on the Preliminary Plan documents previously submitted to the City, which plans were previously approved as part of the preliminary plan/preliminary plat (subdivision approval).

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 authorizes preliminary grading activities on the Anderson Woods Development Site in conformity with the preliminary plans previously approved by the City Council pursuant to Resolution No. 1387 and on file with the City, subject to the following conditions:
 - a. If necessary, updated plans provided to include all locations and details for proposed site sedimentation and erosion control BMPs, including plans for temporary stormwater management BMPs and protection of permanent BMPs during construction such as future

- stormwater infiltration areas to be protected from heavy equipment.
- b. Information requested by NOHOA in their letters dated April 7, 2020 shall be provided to NOHOA by the applicant as it becomes available. Specifically: Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of improvements and impacts. Required staking shall be completed and verified with NOHOA in advance of any trail grading.
 - c. 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.
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 - (1) Fell all trees to be removed towards the centerline of the street to limit injury to saved trees.
 - (2) 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.
 - (3) If grade changes are excessive retaining walls may be a viable option.
 - (4) Do not place fill around save trees.
 - (5) 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.
 - (6) 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.
 - (7) 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.
 - (8) Root cutting and growth hormone regulator treatments for high-value trees are also options that could be implemented.
 - (9) 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.
 - (10) Follow the oak wilt protocol included above.
 - e. Periodic site inspection by City Staff.
 - f. All required fees and costs incurred to date, including but not limited to City Planning, Engineering and Legal fees related to East Oaks Development applications be paid in full, or dispute documentation related to specific costs be provided to City Administration.
 - g. Construction cost estimate be provided for preliminary grading and erosion control scope.
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 - i. Preconstruction meeting is held with City and NOHOA representation.
 - j. Schedule of planned preliminary work be provided to City.

2. The City Council hereby DENIES the Developer's request to construct drainage and/or

stormwater facilities, as well as any requested utility or street construction activities on the Development Site as premature based on the City Engineer's memo dated July 16, 2020.

Adopted by the City Council of the City of North Oaks this 16th day of July, 2020.

Ayes: Nays:

Attest:

Attest:

Gregg Nelson, Mayor

Kevin Kress, City Administrator/City Clerk