

**Attendees:**

The Council Meeting was called to order at 7:00 p.m. by Councilmember Mayor Gregg Nelson at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Mayor Nelson, Councilmembers Kara Ries, Marty Long, Rick Kingston, Katy Ross, City Administrator Mike Robertson, City Attorney Bridget Nason, City Planner Bob Kirmis and Recording Secretary Debbie Breen.

North Oaks Company: Mark Houge, Gary Eagles, and Attorney Tom Bray.

NOHOA: Executive Directory Mikeya Griffin and NOHOA Board President Kathy Emmons.

**Decennial Review of the East Oaks PDA:**

The purpose of the meeting was to continue the required 10 year review of the 1999 Agreement put in place by the North Oaks Company, City of North Oaks and North Oaks Homeowners Association.

Mark Houge, North Oaks Company (NOC) representative, began the discussion stating they are currently comfortable with the PDA document and Amendments in place and how they are working. North Oaks Company has submitted to Council a Memo dated August 18, 2019 responding to information brought up at the prior Decennial Review meeting.

Mayor Nelson confirmed for all in attendance that both the North Oaks Company and City are not asking for any changes or amendments to the 1999 PDA. The last update made was the 7th Amendment in 2010. Councilmember Ross stated her concern that we still don't have agreed upon counts to put in the 2020 Comprehensive plan. NOHOA President Kathy Emmons stated since NOHOA was not a party or signatory to any of the Amendments they do not consider the 7th amendment recognized. They only look to the original 1999 PDA and have a commitment to support what is in the PDA.

Administrator Robertson stated that Councilmember Ries' numbers were 14 units different from NOC's numbers. Councilmember Kingston stated that NOC and City agreed upon the numbers in the 7th Amendment since both parties signed off on the documents. He asked Attorney Nason if only one party wanted to change it if that was even possible. She indicated she hasn't yet reviewed the complete PUD and related documents, but in concept both parties would need to consent to changes.

Councilmember Ries mentioned a Sept. 18, 2010 memo from NOC counsel. She said at the time of the amendments, both the City Administrator, City Attorney and other Councilmembers were new, which she believes may have led to some items being missed. She asked where it says in 7th Amendment that we have agreed upon counts, with NOC representative Houge responding that Exhibit B-1.5 shows the agreed upon numbers at that time. Councilmember Ries indicated text within the 7th amendment doesn't specifically refer to that Exhibit. As an example of something she feels may have been missed in the transition of City personnel is that Maps E1, E2, E3 all incorporate Ramsey County Centerville Road boundary lines; however Exhibit C4 area E4 does not include the road **even** after discussions took place for 2 years. She understands that everyone has signed it, but wants to be sure that its clear going forward and to make a correction if need be.

Mayor Nelson stated that discussions about the Amendments took place from 2006 until the documents were signed in 2010. Attorney Nason confirmed that all parties must put in writing any requested

change to the agreement. The central goal for everyone is to find a way to move forward with agreed upon counts. NOC representative Houge confirmed they are not interested in changing the numbers agreed upon in the 7th amendment.

Councilmember Kingston asked if we are bound to the methodology which was applied to 7th Amendment going forward. Attorney Nason stated that she will need to review the contractual terms specified as the original PDA would be in place and Amendments placed on top of that would need to be reviewed. Mayor Nelson mentioned that Waverly Gardens wasn't expected in the original PDA and a compromise was made to address Waverly Gardens. They don't anticipate another structure like Waverly for the calculations used to become a precedent. It was noted that Amendments 5 through 7 were all to address Waverly.

Councilmember Ries is concerned there may be clerical errors that need to be cleaned up and that the City needs to avoid setting a precedent going forward. Councilmember Kingston would like to put energy into how to move forward in the new areas and ensure NOC puts forth proposals that we all feel are true to PDA. He believes NOC still must justify future requests for development and the Council is in the driver's seat for review and approval of new proposals.

Councilmember Ries stated this is our first review of the 7th amendment, so if there's any changes that need to be made now is our chance. NOC representative Houge stated NOC believes the information is correct and that all parties spent 2 years looking at them before finalizing the documents and he doesn't believe there was a clerical error. Councilmember Ries believes the City was focused on other projects at that time which may be caused an error in map Area E3. She noted the discrepancy may be minor or major but it might affect going forward. City Planner Bob Kirmis mentioned that in his experience, the County always requests and picks up some right of way on road dedication whenever there is a subdivision request, which might account for some of the acreage discrepancy. Typically land dedicated for road right of way isn't considered as buildable acreage. Councilmember Ries pointed out that in Sections E2 and E1, there is one section that does include the right away, so this doesn't appear to be the answer.

North Oaks Company was asked for any clarification and NOC representative Gary Eagles mentioned that NOC does give land to the County for road right of way. NOC representative Houge mentioned the parcels that abut Centerville includes E3, the next parcel NOC gave to NOHOA for soccer fields & public spaces, and the next field E1 is planned to be given to NOHOA as well. His belief is that at the time all parties reviewed the area and this was the negotiated result. Mayor Nelson stated that all parties have signed document and the focus should be on reviewing on what the plan going forward is from NOC.

NOC representative Houge stated they are targeting the end of September for holding community listening dates for proposed developments. NOHOA President Emmons asked who is targeted for listening sessions. NOC stated anyone interested in hearing about the issue, including residents, Council, and NOHOA. Administrator Robertson stated he would notice it for the City Council and Planning Commission so they could attend. NOHOA wanted to make sure that current residents are heard as priority, rather than new prospective residents. NOC hopes for a casual meeting, with display boards, blank cards welcoming suggestions, rank options and asking residents for feedback. NOC will

Speak with realtors separately to gauge needs in the market but the listening session is targeted for residents. They plan to present their ideas for the remaining areas; however, the timeframe for implementation may be staggered out ( i.e. Island Field might go forward more quickly, but Gate Hill may be delayed if limited interest at this time). NOC stated their goal is to preserve the value of North Oaks, and they don't want to erode the value of homes by having too much new inventory. The plans presented would be schematic and designed to be adjusted, not an official preliminary concept plan. NOC will bring ideas and ask residents for their reaction and feedback to those ideas. NOC already has input from City and NOHOA and will only submit what is in line with the 1999 PDA. An example would be to gauge if interest for condos vs. townhomes. NOC will have a scribe compile notes and share with NOHOA and City. Councilmember Ries asked if there are any plans to submit formal concept plans this fall. NOC representative Houge stated they would like to bring preliminary plans for Nord or Anderson Woods this fall.

Administrator Robertson said he would like to have an answer on the counts so they can be added to the Comp Plan. Councilmember Ries mentioned the unit count for Rapp Farm is one unit apart between NOC and City numbers. This one unit was used as a pool area for Rapp Farm, and she believes it should be counted as a unit to set a precedent. That location could be transitioned to a home someday and she feels the unit number should be 157 instead of 156. Councilmember Ries would like to have on record that there is a discrepancy in the number.

Councilmember Long recapped what had been discussed that there would be no change to 1999 PDA. The Council would like the City Attorney to review the PDA/Amendment documents. Mayor Nelson would like Attorney Nason to consider whether a mutual mistake of fact was involved regarding the counts, as the number of units remaining is important. Attorney Nason will review this information in advance of the October city council meeting.

Councilmember Ries asked NOC to ensure NOHOA is in conversation from the beginning as they are a party on the PDA. NOC representative Houge stated since December they have continued to seek input from NOHOA. The PDA is not written in a manner that holds them contingent to NOHOA approvals. They welcome any feedback that comes into the City. NOHOA would like to be in conversation as they feel this is practical to make sure they can afford what is being discussed. It is in best interest of everyone to work together.

Councilmember Ries asked if the North Oaks Company has plans within next nine years for sale of business or an exit plan that the City should start thinking about. NOC representative Houge stated there have been no discussions within NOC about an exit plan or completely selling all property left to another party. However, if condominiums are decided upon, NOC would sell just the land needed for the condo space to a developer since they don't do vertical but there is no plan to sell off raw land.

**Councilmember Kingston motioned to adjourn at 8:14 p.m., Councilmember Ross seconded with all parties unanimously agreed.**