

The Council Meeting was called to order at 7:02 by Acting Mayor Gregg Nelson at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Councilmembers Marty Long, Rick Kingston, and Katy Ross. Mayor Michael Egelston was absent. City Administrator Michael Robertson, City Attorney David Magnuson, Recording Secretary Linda Hanson and Videographer Maureen Anderson were present.

Pledge of Allegiance

Approval of Agenda

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

Citizen Comments

None

Consent Agenda

1. Minutes of the Regular Council Meeting of August 13, 2015 for approval
2. Minutes of the Natural Resource Commission Meeting of August 20, 2015 for approval
3. Minutes of the Regular Planning Commission Meeting of August 27, 2015 for approval
4. First Payment for Hodgson Road Sidewalk of \$3,300.00 for approval
5. Approval of ISTS Variance #15-08 for 11 Skillman Lane
6. Approval of ISTS Variance #15-09 for 8 West Shore Road
7. Approval of Master Subscriber Agreement for Court Data Services
8. Licenses for Approval:
 - Mechanical Contractors Plumbing & Heating:** Carter Custom Construction; Condor Fireplace
 - Arborists**
 - Sewer/Water Installation:**
9. Claims for Approval: Check numbers 011508-011541

Councilmember Ross made the motion to approve the Consent Agenda with a second from Councilmember Long. The motion carried unanimously.

Petitions, Requests, & Communication

1. **Public Hearing for Approval of Resolution 1304 Approving Conduit Bonds for Shoreview Senior Residence Project**

Mary Ipple, City Bond Attorney, reviewed the request for the City of North Oaks to act as a conduit for bonds for the Scandia Shores Shoreview Senior Residence Project. There is not any liability to the City for this and there will be a fee to the City for serving as the conduit. This request came to the City of North Oaks because the City of Shoreview has reached its State bonding limit for this year.

The Public Hearing was opened at 7:07 pm and with no comments, closed at 7:07 pm.

Councilmember Kingston made the motion to approve Resolution 1304 Approving Conduit Bonds for the Shoreview Senior Residence Project. With a second from Councilmember Long, the motion carried unanimously.

2. Public Hearing for Preliminary Assessment Hearing

Administrator Robertson stated that a Public Hearing is required on all proposed assessments. These assessments include the annual Lake Gilfillan Augmentation maintenance assessment. In addition, any unpaid bills owed to the City and any code violation fines not yet paid are proposed to be assessed. Robertson explained that the Lake Gilfillan assessment is much lower this year because no water needed to be pumped. Robertson recommended that the hearing be opened for any comments and then continued until the October 8, 2015 Council meeting.

Acting Mayor Nelson opened the Public Hearing at 7:12 pm and with no comments, closed the Public Hearing at 7:12 pm.

Councilmember Ross made the motion to continue the Public Hearing until the Council Meeting on October 8th, 2015. Councilmember Kingston seconded the motion which carried unanimously.

Unfinished Business

1. Resolution 1303 Adopting Preliminary 2016 Tax Levy for Approval

Administrator Robertson explained that Minnesota law requires the City to set a preliminary tax levy for 2016 in September. There will be a Truth in Taxation Hearing where residents can ask questions about the tax levy and budget at the December Council Meeting.

The current tax levy is \$1,301,310, but for 2016 the City's tax capacity has increased by 6.87%. If the City raises its tax levy by less than that amount, properties whose valuation is unchanged will see the City portion of their property taxes decrease. Robertson explained that it is a good idea to submit a higher preliminary levy than anticipated because the levy can only be decreased, not increased later. He recommended a 4% increase but anticipates a lower rate when the levy is finalized.

Councilmember Long made the motion to approve Resolution 1303 Adopting the Preliminary 2016 Tax Levy at a 4% increase or \$1,353,362. Councilmember Ross seconded the motion. The motion carried unanimously.

2. Set 2016 Truth-in Taxation Hearing

Administrator Robertson recommended to the Council that the Truth in Taxation Hearing date be set for the December City Council meeting. Since two members of the Council will be out of town on the regular meeting date of December 10, it was agreed that the Council meeting would be held on Wednesday, December 2, 2015.

Councilmember Long made the motion to hold the Truth in Taxation Hearing at 7:00 PM at the December 2, 2015 City Council meeting. The motion carried unanimously with a second from Councilmember Kingston.

New Business

1. Approval of Conditional Use Permit #15-06 for 16 Evergreen Road to Allow Additional Garage Space in Excess of Allowed 1,500 Square Feet

Administrator Robertson presented the request for a Conditional Use Permit for 16 Evergreen Road to construct a larger than allowed garage space. He explained that there is a provision in City Code allowing for construction of garage space above 1,500 square feet and that the request does meet the required conditions in the zoning code. The Planning Commission reviewed this request and had one concern. The Commissioners wanted a storm water drainage plan which the applicant submitted. The City Engineer reviewed the plan and found it acceptable. With that completed, the Planning Commission recommended approval of CUP #15-06 with six conditions.

A motion was made by Councilmember Kingston and seconded by Councilmember Ross to approve Conditional Use Permit #15-06 for 16 Evergreen Road with the following conditions was made:

- 1. That the garage, access driveway, and storm water system be constructed per the submitted plans.**
 - 2. That the proposed rain garden shall not be located over existing utilities, including the on-site septic system.**
 - 3. That one to two inches of compost be tilled into the rain garden soil.**
 - 4. That MNDOT Class 1 rip-rap be placed at the trench drain pipe outlet at the discharge into the rain garden.**
 - 5. That the finished surface of the elevation of the trench drain must be lower than the floor elevation at the driveway entrance into the building.**
 - 6. That the garage shall be used for only private residential non-commercial use.**
- The motion carried unanimously.**

2. Approval of Revised Floor Area Ratio Ordinance

Administrator Robertson said that a committee consisting of Councilmembers Nelson and Ross, Building Official Greg Schmit and NOHOA Architectural Supervisory Committee Chair Paul Lesieur was formed to look at the Zoning Code for the Floor Area Ratio (FAR). This code is in place to prevent oversized homes on small lots.

The original code was very difficult to use. One of the main goals of the Commission was to simplify how the FAR is determined. The draft included the outer dimensions of the house with the basement excluded. This removed debate over what types of space should be excluded from the calculations. Because of this the worksheet to calculate the FAR was reduced from three pages to one page. Both the definition and the zoning districts would need to be changed once this ordinance is approved. The Planning Commission recommended approval of these changes. Councilmember Long stated that this was good work and yet it still protects the shoreland and housing setbacks. **Councilmember Ross made the motion to approve the proposed revisions to the Floor Area Ratio in the Zoning Code. Councilmember Kingston seconded the motion which carried unanimously.**

3. **Approval of Revised Off-Street Parking Ordinance**

Administrator Robertson explained that the Planning Commission had been working on updating the Off-Street Parking ordinance for several months. Two Public Hearings were held.

One of the main concerns was defining what constituted the 30 day allowed period. It was agreed that once a vehicle is displayed, the thirty days begin. This would be based on when the City receives a complaint. Definitions for boats and recreational vehicles were also revised. This Ordinance covers recreational vehicles only and does not apply to licensed and operational passenger cars.

Councilmember Long asked for clarification on the word screening. Robertson explained that it means that the vehicle must be fully screened so that it cannot be seen from the street or from adjoining properties.

Councilmember Kingston with a second from Councilmember Ross made the motion to approve the revised Off-Street Parking ordinance. The motion carried unanimously.

4. **Review of City Logo**

Councilmember Long moved to table the review of the City logo due to the absence of Mayor Egelston. The motion was seconded by Councilmember Ross and passed unanimously.

5. **Review of Gate House**

Many homeowners and the Council have been concerned about the vehicle parked at the front entrance to North Oaks. There appeared to be some confusion between the owner of that property, Ramsey County, and the owner of the vehicle. Ramsey County has stated it is ending the contract with the owner of the vehicle.

Thomas Hay, 6 Badger Lane, came to the podium. He stated that the situation is irritating and in violation of the ordinances. He would like the vehicle removed as soon as possible. City Attorney Magnuson stated that he would review the matter and suggest the strongest action the City might take.

Councilmember Reports

Councilmember Katy Ross

Councilmember Ross attended the Planning Commission meeting where items above were discussed and actions were taken. She also attended the first Housing Code Maintenance meeting. The committee plans to meet again in a few weeks.

Councilmember Ross reminded the public that weekly recycling will begin the week of October 5th. Until then recycling is every other week. Councilmember Ross is also looking into the possibility of purchasing recycling bins with wheels and lids that homeowners could buy.

Councilmember Marty Long

Councilmember Long attended the VLAWMO Board meeting in August. Mr. Long also attended the NRC meeting. One member of the Commission, Chris Mann, has resigned from the Commission because she moved out of town.

Councilmember Long also met with the Mayor, City Administrator, and the North Oaks Company to discuss the potential take-over of water and sewer utilities owned by the North Oaks Company. There will be additional meetings to negotiate the terms.

Councilmember Rick Kingston

Councilmember Kingston met with the Chairs of the NOHAP committee, Jim Nancekivell and Dale Heiden. Mark Stankey provided a list of homes designed by architects.

Mr. Kingston is looking at options for removal of buckthorn and also is interested in supporting a Housing Maintenance Code.

The Lyme Disease Committee will have its first meeting at 7:00 pm on Monday, September 14th at the Community Meeting Room. Dr. Brooke Moore has agreed to chair this committee. They plan to look at data and science to lower the rates of incidence and to also investigate the number of cases in North Oaks.

Councilmember Gregg Nelson

Councilmember Nelson attended the Finance Committee. The proposed tax levy was discussed.

Acting Mayor Nelson is also working on the Pleasant Lake weed removal issue. He stated that they applied for a DNR permit to allow weed removal months ago and were given a permit for limited removal this year. He would like to see a permit for a larger amount for next year.

Mayor Michael Egelston

No report due to his absence.

Administrative Report

Set Personnel Review Workshop

Administrator Robertson asked to set a workshop to set staff salaries for 2016. He requested a closed meeting so that performances could be discussed as well. The date established is October 15th at 5:30 pm.

Councilmember Ross made the motion to hold a Personnel Review Workshop on October 15th, 2015 at 5:30 pm. Councilmember Kingston seconded the motion which carried unanimously.

City Attorney Reports

No special report

Miscellaneous

Next Natural Resource Commission Meeting September 17, 2015 @ 7:00 pm in the Community Meeting Room

Next Regularly Scheduled Planning Commission Meeting September 24, 2015 @ 7:00 pm in the Community Meeting Room

Next Regularly Scheduled Council Meeting October 8, 2015 @ 7:00 pm in the Community Meeting Room

Adjournment

On motion duly made by Councilmember Ross, seconded by Councilmember Kingston and carried unanimously, the meeting was adjourned at 8:05 pm.

Attest:

Respectfully Submitted

Acting Mayor Gregg Nelson

Linda M. Hanson
Recording Secretary