

**North Oaks City Council
Council Meeting Minutes
North Oaks City Council Chambers
March 12, 2020**

CALL TO ORDER

Mayor Nelson called the meeting of March 12, 2020, to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Everyone joined in the pledge of allegiance.

ROLL CALL

Present: Mayor Nelson. Members Ries, Kingston, Long, and Ross.

Staff Present: Administrator Kress, Recording Secretary Needham, Attorney Nason

Others Present: Videographer – Maureen Anderson.

A quorum was declared present.

APPROVAL OF AGENDA

Member Ries requested that the resolution be moved up in the agenda in order to hear citizen comments before the resolution is voted upon.

Motion by Member Ries, seconded by Member Ross, to amend the agenda to discuss the citizen petition (item 9a) before the vote on the resolution regarding housing count matters (item 8a). MOTION carried unanimously.

CITIZEN COMMENTS

Member Ries read a letter from Cheryl and Jeff DeBois, 20 Black Oak Road. They would like a trail connection to be reinstated.

CONSENT AGENDA

MOTION by Ries, seconded by Ross, to approve the following Consent Agenda items:

- a. Licenses for approval: Breeze Heating and Cooling; Carter Custom Construction; Chimney Doctors; Craig's Heating and Air; CSH Enterprises; Flare Heating & Air Conditioning; Glowing Hearth & Home; Marsh Heating & Air Conditioning; Metro Gas Installers; Metro Heating & Cooling; Stafford Home Service; Twin City Fireplace & Stone; Twin City Heating & Air

Checks for approval: #013469–013505

- b. Approval for Minutes of City Council, February 13, 2020

- c. Approval of Dark Fiber Service Agreement with Comcast

MOTION carried unanimously.

PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Mike Burrell Report

Deputy Burrell mentioned some car break-ins and shoplifting in the Village Center plaza.

Vehicles are being ticketed if they are overweight and in violation of road restrictions. Ramsey

County is monitoring the coronavirus outbreak; squads are being outfitted with masks and

dispatchers are asking questions related to coronavirus virus. Member Kingston expressed

concerns that the proper training is being given to deputies and other Ramsey Sherriff Department personnel.

UNFINISHED BUSINESS

a. Discussion on Citizen Petition Relating to East Oaks Housing Counts and Related Materials

- Franny Skamser-Lewis, 3 Red Maple Lane, presented a petition that the housing counts of Waverly Gardens in the 7th Amendment of the PDA are not accurate and therefore the unused density bonuses are forfeited by the North Oaks Company. 429 residents of North Oaks signed this petition.
- Former Mayor John Schaff, 10 Larch Lane, who was mayor when the 7th Amendment to the PDA was adopted, spoke about the research done that led to the amendment being drafted. He estimates that a year and a half was spent by Council working on the putting the amendment together with input from the Planning Commission, NOHOA, VLAWMO, the MN Corp of Engineers, and sister communities. In terms of Waverly Gardens, he is proud of the work done that brought the facility to North Oaks. He supports the Company's work on the current development because looking decades into the future, smaller homes to accommodate aging residents, as well modest and large homes for young families with growing children, will be needed in order for the City of North Oaks to financially maintain itself. He does not feel looking backward to attempt to retract numbers is good for the community.
- Member Kingston brought up the fact that Doug and Mari Harpur could have sold acreage for a much larger density but instead opted to develop at less density and created a large land trust in the Conservation Area.
- Mayor Nelson stated that beginning with the 4th Amendment, changes were made to the PDA to incorporate Waverly Gardens, a memory care center, the Mews, etc. as a compromise between the City and North Oaks Company to bring stability to current and future development.
- Member Ries acknowledged that Waverly Gardens is a wonderful asset to the community and that development should continue, but that the language of the 7th Amendment is confusing as to dwelling counts. She asked if Mr. Schaff could remember why a restriction of 15.27 acres of commercial land was outlined in the 7th Amendment.
- Mr. Schaff recognized that plans have to be flexible and able to change, using the athletic fields currently off of Centerville Road as an example; they were originally planned to be part of Rapp Farm. The vote to adopt the 7th Amendment was unanimous. The meetings leading up to the vote considered the environment, finances, and future generations.
- Member Kingston turned to the citizen petition to discuss it point by point. Administrator Kress explained that the number 15.27 for acreage is the buildable area of site E3, excluding easements, wetlands, setbacks, and similar. Member Ries argued that the calculation to achieve 15.27 is incorrect because by definition it should not exclude easements, wetlands, setbacks, etc.
- Attorney Nason determined that the 7th Amendment clearly intended for site E3 to be counted as commercial acreage not as dwelling units. She also agreed that 645 dwelling units have not been exceeded if site E3 is counted as commercial acreage. She does not feel the City has a tenable legal position from which to ask the Company to give up their density bonuses.

Attorney Nason stated that the Company is not in violation with the contract that is the 7th Amendment, as far as she can tell.

- Rich Dujmovic, 15 Black Lake Road, does not appreciate certain language that was used by Member Kingston, which he feels is misleading. He read the definition of dwelling unit from the City's ordinances. He talked about the Site E3 definition within the 7th Amendment.
- Franny Skamser-Lewis, 3 Red Maple Lane, pointed to a table put forth by North Oaks Company that counts dwelling units in Waverly Gardens as an example as to the confusion created by the 7th Amendment. She takes umbrage to statements made that her petition has false information. She asked to have someone explain the portion of the 7th Amendment.
- Mr. Schaff stated that reducing the number of homes North Oaks Company can build does not help the environment or the financial standing of the City. Positive contributions have been made to the City from the developments.

NEW BUSINESS

a. Consider Resolution 1378 Confirming Existing Dwelling Unit Numbers for Development Sites Located within the East Oaks Development Area

Administrator Kress and Attorney Nason reviewed a table provided in the packet regarding housing units. The total of available potential housing units remaining is 174.

Motion by Member Kingston, seconded by Member Long, to approve Resolution 1378 Confirming Existing Dwelling Unit Numbers for Development Sites Located within the East Oaks Development Area.

MOTION carried 3-2. (Mayor Nelson, Member Kingston, and Member Long voted for; Member Ries and Member Ross voted against.)

b. Discussion on Invoices Sent to North Oak's Company and Payment Request

Administrator Kress discussed some issues with invoices not being paid by the Company. Member Kingston suggested further research before deciding.

Motion by Member Ries, seconded by Member Ross, to appoint Member Kingston, Mark Hogue, and Administrator Kress to work out the invoices and report back to Council.
MOTION carried unanimously.

COUNCIL MEMBER REPORTS

Councilmember Kingston

The Tick Task Force survey continues to be available on Polco; Member Kingston will work with City Staff to streamline the process. He sat in on the Minnesota Department of Health meeting and their latest information on the coronavirus; he is particularly concerned about residents housed at Waverly Gardens. He will work with City Staff on contingency and emergency management plans.

Councilmember Long

Nothing to report

Councilmember Ries

The VLAWMO meeting she attended included a sediment study, which would include Pleasant Lake, and Administrator Kress on behalf of the City agreed to pay \$2000 to be part of the study, which is within the budget and may eventually be reimbursed by St. Paul Water. Member Ries was elected to be Chair of the Cable Commission; video or teleconferencing may be needed for future public meetings given the coronavirus crisis.

Councilmember Ross

Placed an order for 46 locking mailboxes. She attended the NOHOA Safety and Security meeting. She mentioned the NRC movie night on Mar. 4. Details are being worked out for a clean-up day for June 27.

Mayor Nelson

Mayor Nelson thanked Mr. Schaff for all his input and help at tonight's meeting and all his previous service. He has been in contact with Waverly Gardens about their coronavirus preparations.

CITY ADMINISTRATOR REPORT

a. City Administrator Staff Report

Administrator Kress and City Staff have been reviewing a proposed tree preservation ordinance. City Staff reviewed the NRC resolution of incorporation. The state will host an open house about the 96 Superfund site; they want to update members of the community. The Lake Johanna Fire Department continues to pursue the purchase of a site for a new firehouse; the City's share of the purchase is estimated to be between \$150,000–\$200,000. Roseville is suggesting a joint powers agreement for IT services. Code compliance and citation processes are being reviewed; City Staff suggests creating a policy that defines the process. Member Long asked that Administrator Kress reach out to other City Managers about how they define their code and compliance issues. City Staff had a discussion internally and with NOHOA about how to convey information to residents concerning coronavirus. Remote access permission and forwarding of phones has been requested. City Staff suggests closing City Hall to the public for the time being; business can still be conducted as much as possible through remote measures. Attorney Nason outlined the state rules allowing City Council and Planning Commission to meet via teleconference rather than in public.

Motion made by Member Ries, seconded by Member Ross, to close City Hall to the public until further notice.

MOTION carried unanimously.

b. Planning Commission Meeting Minutes from January 30, 2020 and February 4, 2020

c. Natural Resources Commission Meeting Minutes from January 16, 2020

CITY ATTORNEY REPORT

MISCELLANEOUS

Next regularly scheduled Council Meeting is Thursday, April 9, 2020 at 7:00 p.m.

ADJOURN:

MOTION by Ries, seconded by Ross, to adjourn the Council meeting at 9:51 p.m.

Motion carried unanimously.

Kevin Kress

Kevin Kress, City Administrator

Gregg Nelson

Gregg Nelson, Mayor

Date approved May 14, 2020