



CITY OF NORTH OAKS

**Special Planning Commission Meeting
Tuesday, June 09, 2020
7 PM, Via Teleconference or Other Electronic Means**

The meeting can be viewed live via the web broadcast on the City website. Those wishing to provide comment during the Public Hearing—click the link to join the webinar: <https://us02web.zoom.us/j/84904519088> Or Telephone: US: +1 312 626 6799 Webinar ID: 849 0451 9088.

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 as noted above. Please note that one (1) of the public spots will be reserved for individuals wanting to make a presentation during the public hearing portion of the meeting

MEETING AGENDA

1. **Call To Order**

2. **Roll Call**

3. **Pledge**

4. **Approval of Agenda**

5. **Citizen Comments** - *Individuals may address the Planning Commission about any item not included on the agenda. Speakers are requested to come to the podium, state name and address for the clerk's record, and limit their remarks to three minutes. During the pandemic, when meetings are held virtually, speakers will be able to call in to the meetings to make remarks, or request that submitted comments are read by a member of Commission or the City Staff. Generally, the Commission will not take official action on items discussed during the citizen comment period, but Commissioners may refer the matter to City Staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

6. **Business Action Items**

6a. Public Hearing to discuss CUP #20-05 for fill in excess of 100 Cubic yards: 7 Eagle Ridge Road

[7 Eagle Ridge Application 20-05.pdf](#)

[Applicant Letter to City - NOHOA 5.15.2020.pdf](#)

[Bosley public hearing comment 7 Eagle ridge.docx](#)

7. **Adjourn**

No. 20-05

**CITY OF NORTH OAKS, MINNESOTA
APPLICATION FOR CUP, VARIANCE, APPEAL, AMENDMENT, PLAN REVIEW**

Location of Property: (address) 7 Eagle Ridge Road, North Oaks, MN 55127

Legal Description of Property: Tract _____ RLS _____

Fee Owner: Bernard Bosley ~~2011 Austria St. NE, East Bethel~~
Name Address MN 55011

East Bethel MN 55011 763-413-1207
City State Zip Contact Number/s

Signature of Fee Owner: Bernard Bosley Date _____

Applicant: same
(if different from owner) Name Address

City State Zip Contact Numbers/s

Signature of Applicant: Bernard Bosley Date _____

Type of Request: (Please circle correct request)

CONDITIONAL USE PERMIT (as provided for in Chapter 151.076 of Code of Ordinances)

VARIANCE

APPEAL

AMENDMENT

BUILDING / SITE PLAN REVIEW plan sent by email to DBreen@cityofnorthoaks.com on 5/14/2020

OTHER Repairing erosion gully. No change in slope or grade. Returning property to original condition.

Please attach **fifteen (10)** copies of detailed written and graphic material fully explaining the proposed request and include the reason for the request, present zoning classification and existing use of the property.

(For office use)

Application received with \$450 fee on 5/14/20 Check# 1141 Amt# 450-00

Date for review of completeness fifteen (15) business days from initial receipt 6/3/20

* If application is deemed incomplete, written notice must be sent to the applicant by above date stating the items that need to be submitted for the application to be deemed complete.

Deadline for action sixty (60) days from initial receipt _____

Extended deadline

**** City may extend the review period by up to sixty days from the end of deadline for action only if applicant is notified in writing prior to the end of the initial sixty (60) day review period. The deadline may be extended beyond sixty days with applicant's approval.**

Conditional Use or Amendment request - Public Hearing date _____

Planning Commission action:

Approval or disapproval on _____ with conditions _____

City Council Action:

Approval or disapproval on _____ with conditions _____

Variance, Appeal, Building/Site Plan Review, Other

Action of Board of Adjustment and Appeals:

Approval or disapproval on _____

Bond Required _____

Bond Received on _____

CITY REIMBURSEMENT POLICY

In connection with your request and submittal of material to be reviewed by the City of North Oaks, please be informed that if the City incurs any additional expense in the course of this application review beyond the normal processing fee, the cost will be assessed to the applicant. As authorized in Chapter 151.083 of the Ordinance Code, an applicant will be responsible for full reimbursement of incurred costs to the City of North Oaks. (A copy of this section of the Ordinance is available upon request.)

Your initial application fee of \$450.00 covers the processing of a typical zoning action. A typical process for reviewing a zoning action may include some or all of the following: City employee help in explaining the application process, City employee receipt of completed application and proper scheduling on appropriate agenda, one legal notice for a public hearing (if applicable), written notice to abutting property owners (if applicable) generation of a staff report, presentation of the staff report to the Planning Commission and presentation of the staff report and Planning Commission recommendation to the City Council.

If the scope of your application goes beyond a typical review process, you will be asked for an additional escrow deposit. At that time, you will be advised of the additional review necessary to complete your zoning action request and the potential cost for completing said review. You will be provided written documentation for your acknowledgement that outlines the above two items.

An applicant will be allowed to remove their request at any time during said further review process. Any remaining escrow deposit that is not needed to pay incurred costs to the date of application removal will be refunded to the applicant within sixty days.

I acknowledge that I have read and fully understand the above statements.

Applicant's Signature

Date _____



Owning Challenges. Winning Trust.

MINNEAPOLIS, MN
763.315.4501
11541 95th Ave N
Minneapolis, MN 55369

Date: 13 May 2020

To: Bernard Bosley, Owner

cc: Brian Corcoran, VLAWMO

From: Beth Keister, P.E., Pinnacle Engineering

Re: 7 Eagle Ridge Road Erosion Repair

Pinnacle was asked by Mr. Bosley to prepare a plan to repair the gully at 7 Eagle Ridge Road, North Oaks, MN, to meet his obligations associated with a mediated agreement with the NOHOA. The mediated agreement remains confidential and Pinnacle is not privy to the contents of the agreement. We have prepared this document in accordance with Mr. Bosley's request to repair the erosion and return the area to the grades existing before the erosion occurred.

Erosion was initiated in late 2018 and continued through 2019. A large gully, approximately 200 feet in length and between 15 and 20 feet wide, formed running from east to west and generally parallel with and 50 feet north of the south property line. See plans attached.

As the gully formed, several large trees toppled into and around the gully. These trees will be removed and chipped or shredded adequately to be used to add organics to the sandy soils. Root balls can remain and be buried, especially if excess disturbance and use of large equipment and damage to the terrain is required to remove them. Excess chipped material will be spread on site in areas designated adjacent to the disturbed areas. Tree removal and chipping or shredding is considered part of clearing and grubbing. Mixing it into the soils will occur with earthwork and fill material line items. Spreading the excess woodchips will be completed after placement of the topsoil.

Previous calculations indicate approximately 500 cubic yards of material washed down the 4H:1V slope and deposited into and upstream of a PEM1C wetland at the base of the slope. This material is available to be excavated under a WCA No-Loss decision by the Vadnais Lake Area Water Management Organization (VLAWMO). Care will be taken when excavating to avoid removing any of the underlying wetland vegetation or soils. It is anticipated that less than 100 cubic yards is able to be safely removed. Several small trees at the edge of the wetland, now partially buried by sediment, are invasive species and can be removed with the excavation (See Photo1), but removal will be limited to maintain stabilization of the area.

MINNEAPOLIS, MN
763.315.4501

ROCHESTER, MN
507.280.5966

OMAHA, NE
402.932.2045

BISMARCK, ND
701.361.1574

BILLINGS, MT
406.570.5267

FOR MORE INFORMATION, VISIT WWW.PINENG.COM



24 HR. EMERGENCY RESPONSE: 866.658.8883



Photo

1 – Delta of material washed into the wetland (Pinnacle, 4-17-2020)

Currently the vegetation consists of mature oak, maple, ash and cherry trees; the understory consists of invasive buckthorn, honeysuckle, and prickly ash. The herbaceous layer consisted of mostly Kentucky Blue Grass on top of the hillside; ground ivy with little herbaceous vegetation predominates as the hillside slope nears the wetland area. From review of photos taken last year, in areas along side and within the gully, it appeared that wood nettle was the dominant herbaceous vegetation.

Another stockpile of soils remaining from a nearby construction excavation are available at no cost but includes a short haul. Location of this stockpile is shown in Exhibit 1 attached. To access this material, contact **Steve Finnegan at 612-868-9515** to coordinate on removal.

Other soils used for backfill will be sourced to meet the specifications attached (Exhibit 2), including a SP or SP-SM material and 4 inches of topsoil for backfilling the gully. Results of geotechnical testing of the site soils are included in Exhibit 3. The disturbed area will be covered with 4 inches of topsoil in accordance with specifications in Exhibit 2. Plantings, seeding, and erosion protection will be completed as soon as topsoil placement and fine grading is completed.

The specified seed mix is included in Exhibit 2. Shrubs (i.e. dogwoods, burning bush) will be placed in the gully area where the shrub understory is present in the adjacent hill side. The contractor will plant 10 one-gallon plants each of Red Osier (Cornus Sericea) near the wetland, Gray Dogwood (Cornus Racemosa) about mid-way up the hill and Staghorn Sumac (Rhus Typhina) near the top of the slope.

Excess wood chips will be thin spread over disturbed areas and adjacent to disturbed areas.

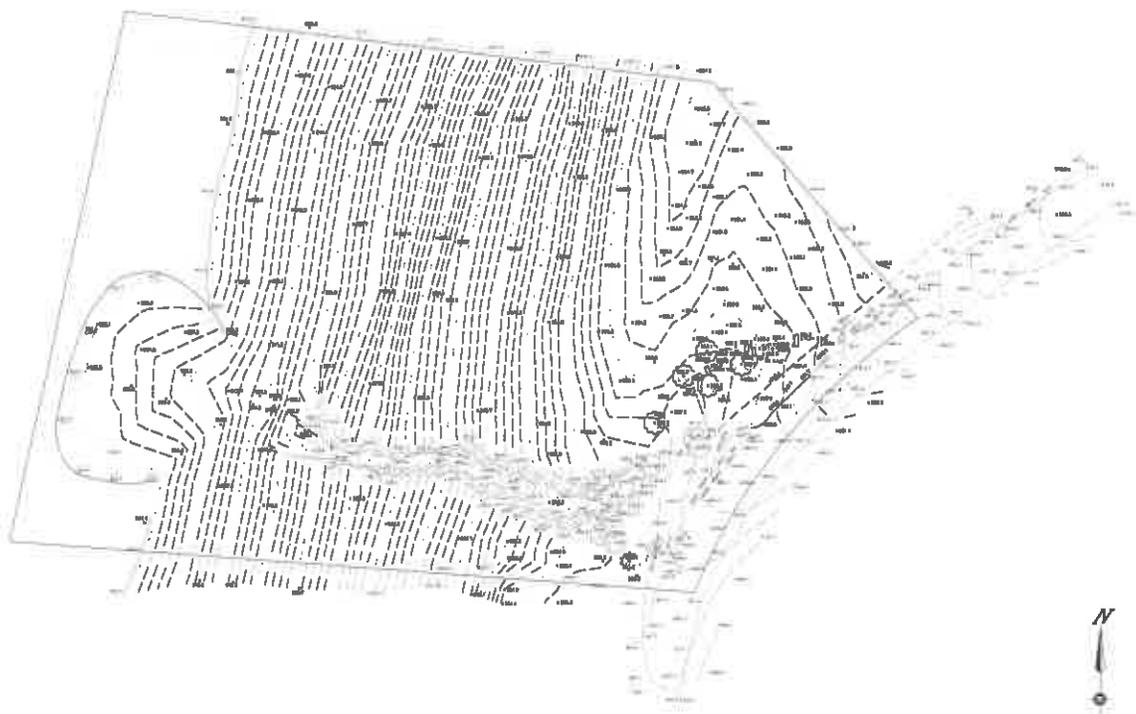
Erosion control blanket will be installed over the disturbed area after topsoil is placed and planting is complete. ECB 4N (straw/ coco), per MnDOT Table 3885-2 (see Exhibit 2) will be installed per manufacturer's instructions and per the attached details.

Project quantities are included in Exhibit 4.

Attachments:

- Figure 1 – Sunde Survey from September 2019**
- Figure 2 – Proposed Grading and Restoration**
- Figure 3 – Details**
- Exhibit 1 – Stockpile location**
- Exhibit 2 – Specifications (gully fill material, topsoil, seed, ECB)**
- Exhibit 3 – Geotechnical testing results of existing soils**
- Exhibit 4 – Quantities**

Figure 1



PRELIMINARY
SUBJECT TO REVISION



LOCATION, TOPOGRAPHIC
and UTILITY SURVEY FOR
PINNACLE ENGINEERING, INC.
7 EAGLE RIDGE ROAD, NORTH ANDOVER, MA

SUNDE
LAND ENGINEERING

1 of 1

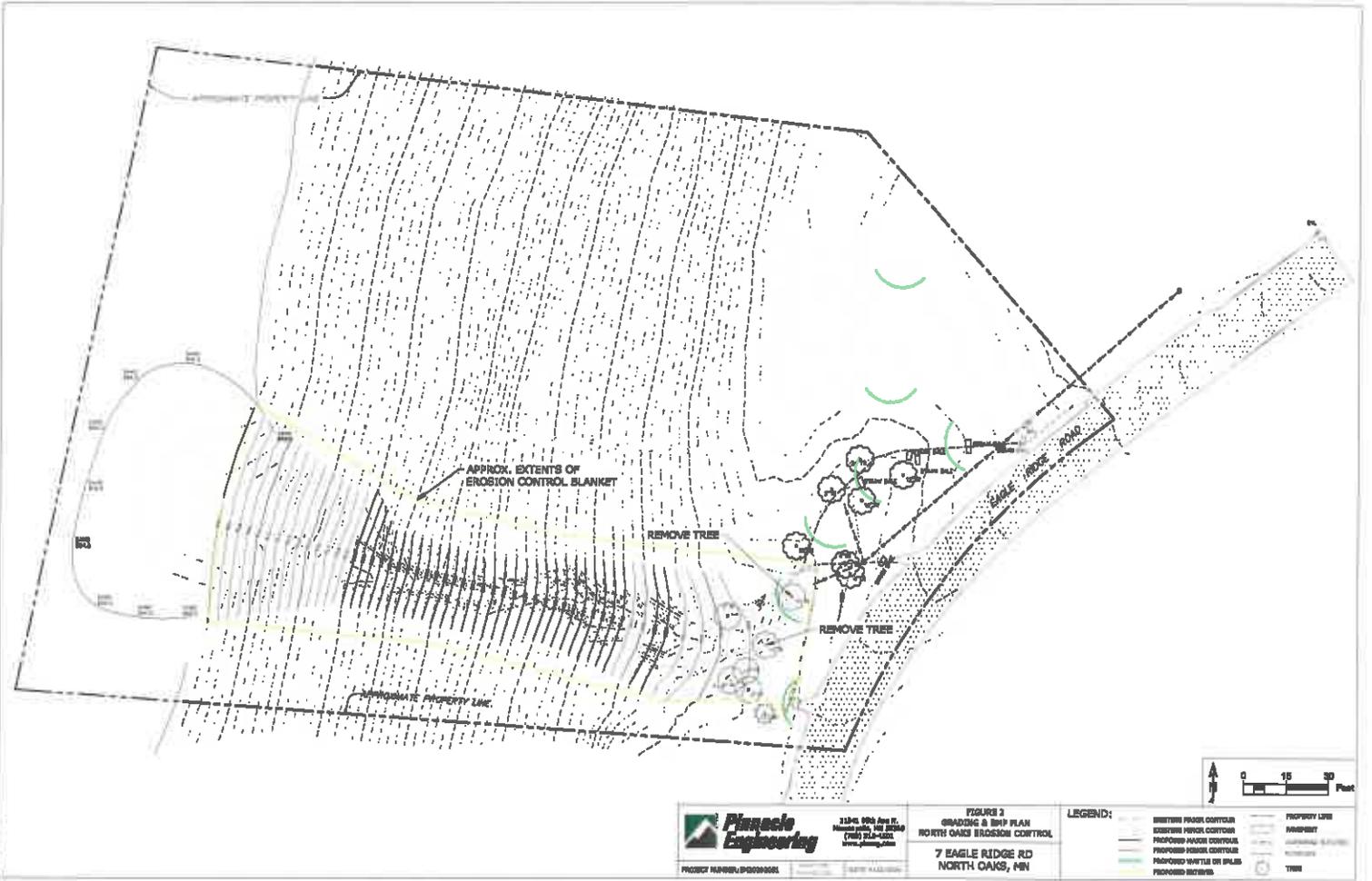


EXHIBIT 1 – STOCKPILE LOCATION



North is to the LEFT.
Stockpile is shown with red arrow.
7 Eagle Ridge Road is shown with yellow pin.

EXHIBIT 2 – SPECIFICATIONS

- **GULLY FILL MATERIAL**
- **TOPSOIL**
- **SEED**
- **EROSION CONTROL BLANKET**

GULLY FILL MATERIAL

The backfill for the erosion gully will be onsite material which has washed into the wetland (DELTA) or fill material from the neighboring property (STOCKPILE). If additional material is required, it will meet the following specifications.

Fill material will be sand (SP or SP-SM), with a C_u of 3 to 5.

TOPSOIL

Topsoil will be a black sandy loam, with organic content of 5% or greater. Fines and chips from the clearing and chipping operation may be added to the topsoil borrow to achieve a part of the organic content.

Bosley Custom Seed Mix

Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/ sq ft
big bluestem	<i>Andropogon gerardii</i>	1.40	1.25	9.08%	4.60
side-oats grama	<i>Bouteloua curtipendula</i>	1.12	1.00	10.89%	2.21
fringed brome	<i>Bromus ciliatus</i>	1.57	1.40	6.69%	5.67
nodding wild rye	<i>Elymus canadensis</i>	2.24	2.00	5.26%	3.82
red fescue	<i>Festuca rubra</i>	64.00	49.32	3.50%	667.00
Hard fescue	<i>Festuca trachyphylla</i>	30.00	33.63	3.60%	359.10
slender wheatgrass	<i>Elymus trachycaulus</i>	2.80	2.50	6.57%	6.33
Virginia wild rye	<i>Elymus virginicus</i>	2.24	2.00	5.26%	3.09
switchgrass	<i>Panicum virgatum</i>	0.84	0.75	2.25%	3.85
fowl bluegrass	<i>Poa palustris</i>	0.67	0.60	1.57%	28.50
Indian grass	<i>Sorghastrum nutans</i>	1.12	1.00	2.63%	4.40
	Total Grasses	108.00	95.45	57.30%	1088.67
Prairie Coreopsis	<i>Coreopsis palmata</i>	0.07	0.06	0.16%	0.21
Purple prairie clover	<i>Dalea purpurea</i>	0.21	0.19	0.25%	1.02
Canada tick trefoil	<i>Desmodium canadense</i>	0.08	0.07	0.20%	0.15
partridge pea	<i>Chamaecrista fasciculata</i>	0.30	0.27	0.72%	0.27
wild bergamot	<i>Monarda fistulosa</i>	0.02	0.02	0.04%	0.39
black-eyed susan	<i>Rudbeckia hirta</i>	0.10	0.09	0.23%	3.00
hoary vervain	<i>Verbena stricta</i>	0.06	0.05	0.13%	0.50
	Total Forbs	0.58	0.69	1.57%	4.31
Oats or winter wheat (see note at beginning of list for recommended dates)		28.02	25.00	41.13%	11.14
	Total Cover Crop	28.02	25.00	41.13%	11.14
	Totals:	136.58	121.14	100.00%	1104.02

Table 3885-2 Erosion Control Blanket Criteria					
Criteria		*Category 3P, Category 3N		*Category 4P, Category 4N	
		Straw 2S	Wood Fiber 2S	Straw-Coconut 2S	Wood Fiber 2S
mass per yd ² (min) ASTM D 6475		6.0 oz	6.0 oz	6.0 oz	8.0 oz
Permissible Shear stress, (min) (non-vegetated) ASTM D6460		1.75 lb/sq. ft	1.75 lb/sq. ft	2.00 lb/sq. ft	2.00lb/sq. ft
Tensile Strength ASTM D6818		MD		≥75 lbs/ft	
		TD		≥40 lbs/ft	
Fill	Fiber length, 80% greater than	3 in	6 in	3 in	6 in
	Material	100% Straw	100% Excelsior	70% Straw, 30% Coconut	100% Excelsior
	Target Service Life	12 months	12 months	24 months	24 months
Netting	Material	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural
	Netting Degradation ASTM D4329 Cycle A	6 months	6 months	9 months	9 months
Stitching	Material	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural	**Degradable Synthetic or Natural
	Stitching Degradation ASTM D4329 Cycle A	3 months	3 months	3 months	3 months

2S – Netting on two sides
* 3P & 4P = Synthetic netting, 3N & 4N = Natural netting and natural stitching
** combination of photo, heat, and moisture degradation

EXHIBIT 3 -GEOTECHNICAL TESTING RESULTS OF EXISTING SOILS

	G-TOP	G-BOTTOM	DELTA	STOCKPILE	TOPSOIL
	SP	SP-SM	SP	SP	SP-SM
D₆₀	0.54	0.43	0.47	0.68	0.42
D₃₀	0.33	0.28	0.30	0.32	0.27
D₁₀	0.188	0.133	0.173	0.181	0.135
C_c	1.10	1.20	1.10	0.80	1.30
C_u	2.90	3.20	2.70	3.70	3.10
% Cobbles	0.0	0.0	0.0	0.0	0.0
% Gravel	7.2	4.6	5.9	21.0	3.2
% Sand	88.9	88.2	91.2	76.0	91.0
% Fines	3.8	7.1	2.9	3.1	5.8
% Organics	-	-	-	-	4.9

PARTICLE SIZE DISTRIBUTION REPORT

Report Number: MP195134.0001
 Service Date: 04/26/20
 Report Date: 04/27/20
 Task:

Terracon
 13400 15th Ave N
 Plymouth, MN 55441-4532
 763-489-3100

Client

Pinnacle Engineering
 Attn: Beth Keister
 11541 95th Avenue North
 Minneapolis, MN 55369

Project

Eagle Ridge Gully Repair
 7 Eagle Ridge Road
 North Oaks, MN

Project Number: MP195134

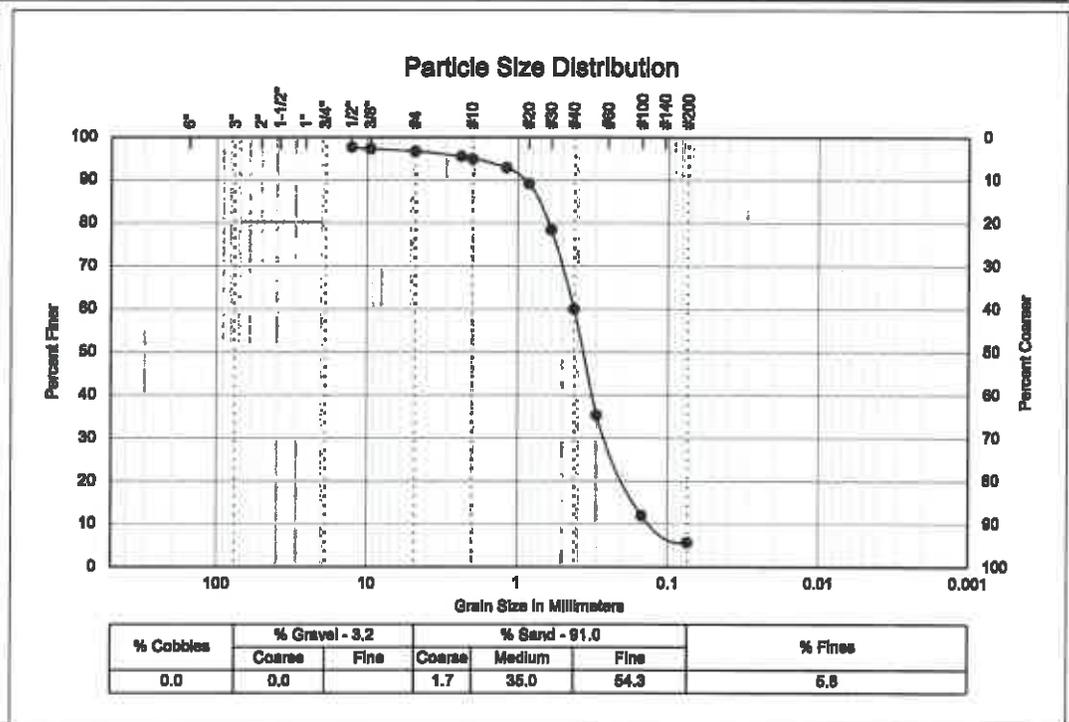
Sample Information

Sample Type: Bulk
 Sample Location: TOPSOIL
 Sample Description: Poorly-Graded Sand with Silt (SP-SM), Brown

Laboratory Test Data

Test Method: ASTM D422
 Method: A
 Atterberg Limits:
 Sample Preparation: Oven Dried
 Sieving Method: Single Sieve-Set Sieving

Sieve Size	Percent Finer	Spec.*	Pass (X=Fail)
1/2"	98		
3/8"	97		
#4	97		
#8	96		
#10	95		
#16	93		
#20	89		
#30	78		
#40	60		
#60	36		
#100	12		
#200	6		



$D_{60} = 0.42$	$D_{30} = 0.27$	$D_{10} = 0.135$	$C_c = 1.3$	$C_u = 3.1$	FM =
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Comments: Organic Content by Loss on Ignition = 4.9%

Services:

Reported To:
 Contractor:
 Report Distribution:
 (1) Pinnacle Engineering, Beth Keister

Reviewed By: *Joshua P. Schilling*
 Joshua Schilling
 Project Manager

Test Methods:

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

PARTICLE SIZE DISTRIBUTION REPORT

Report Number: MP195134.0002
 Service Date: 04/26/20
 Report Date: 04/27/20
 Task:



13400 15th Ave N
 Plymouth, MN 55441-4532
 763-489-3100

Client

Pinnacle Engineering
 Attn: Beth Keister
 11541 95th Avenue North
 Minneapolis, MN 55369

Project

Eagle Ridge Gully Repair
 7 Eagle Ridge Road
 North Oaks, MN

Project Number: MP195134

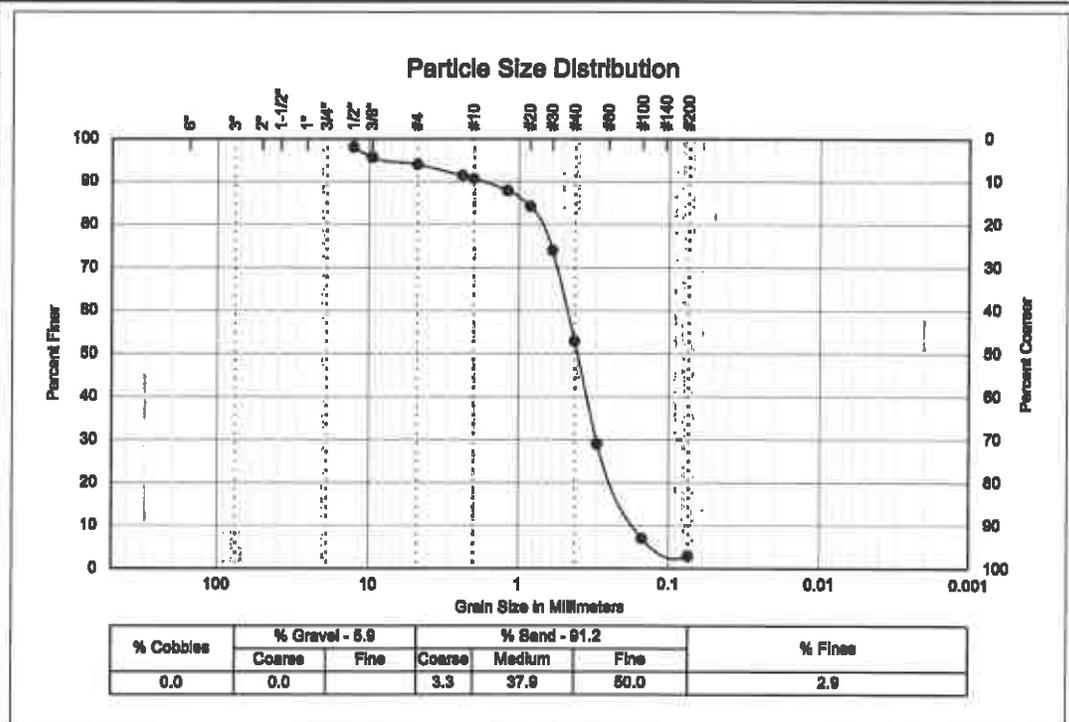
Sample Information

Sample Type: Bulk
 Sample Location: DELTA
 Sample Description: Poorly-Graded Sand (SP), Brown

Laboratory Test Data

Test Method: ASTM D422
 Method: A
 Atterberg Limits:
 Sample Preparation: Oven Dried
 Sieving Method: Single Sieve-Set Sieving

Sieve Size	Percent Finer	Spec.*	Pass (X=Fail)
1/2"	98		
3/8"	96		
#4	94		
#8	91		
#10	91		
#16	88		
#20	84		
#30	74		
#40	53		
#50	29		
#100	7		
#200	3		



$D_{60} = 0.47$	$D_{30} = 0.30$	$D_{10} = 0.173$	$C_c = 1.1$	$C_u = 2.7$	FM =
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Comments:

Services:

Reported To:

Contractor:

Report Distribution:

(1) Pinnacle Engineering, Beth Keister

Reviewed By:

Joshua P. Schilling
 Joshua Schilling
 Project Manager

Test Methods:

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PARTICLE SIZE DISTRIBUTION REPORT

Report Number: MP195134.0003
 Service Date: 04/26/20
 Report Date: 04/27/20
 Task:



13400 15th Ave N
 Plymouth, MN 55441-4532
 763-489-3100

Client

Pinnacle Engineering
 Attn: Beth Keister
 11541 95th Avenue North
 Minneapolis, MN 55369

Project

Eagle Ridge Gully Repair
 7 Eagle Ridge Road
 North Oaks, MN

Project Number: MP195134

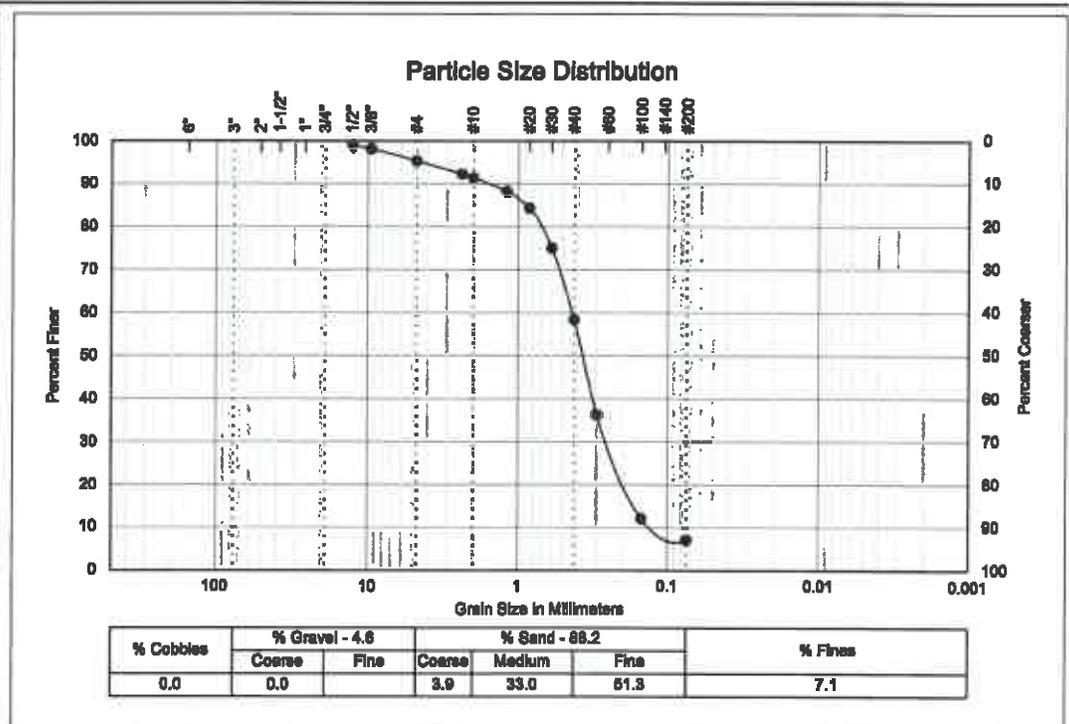
Sample Information

Sample Type: Bulk
 Sample Location: G-BOTTOM
 Sample Description: Poorly-Graded Sand with Silt (SP-SM), Brown

Laboratory Test Data

Test Method: ASTM C136
 Method: A
 Atterberg Limits:
 Sample Preparation: Oven Dried
 Sieving Method: Single Sieve-Set Sieving

Sieve Size	Percent Finer	Spec.*	Pass (X=Fail)
1/2"	99		
3/8"	98		
#4	95		
#8	92		
#10	91		
#16	88		
#20	84		
#30	75		
#40	58		
#50	36		
#100	12		
#200	7		



$D_{60} = 0.43$	$D_{30} = 0.26$	$D_{10} = 0.133$	$C_c = 1.2$	$C_u = 3.2$	FM =
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Comments:

Services:

Reported To:

Contractor:

Report Distribution:

(1) Pinnacle Engineering, Beth Keister

Reviewed By:

Joshua P. Schilling
 Joshua Schilling
 Project Manager

Test Methods:

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PARTICLE SIZE DISTRIBUTION REPORT

Report Number: MP195134.0004
 Service Date: 04/26/20
 Report Date: 04/27/20
 Task:



13400 15th Ave N
 Plymouth, MN 55441-4532
 763-489-3100

Client

Pinnacle Engineering
 Attn: Beth Keister
 11541 95th Avenue North
 Minneapolis, MN 55369

Project

Eagle Ridge Gully Repair
 7 Eagle Ridge Road
 North Oaks, MN

Project Number: MP195134

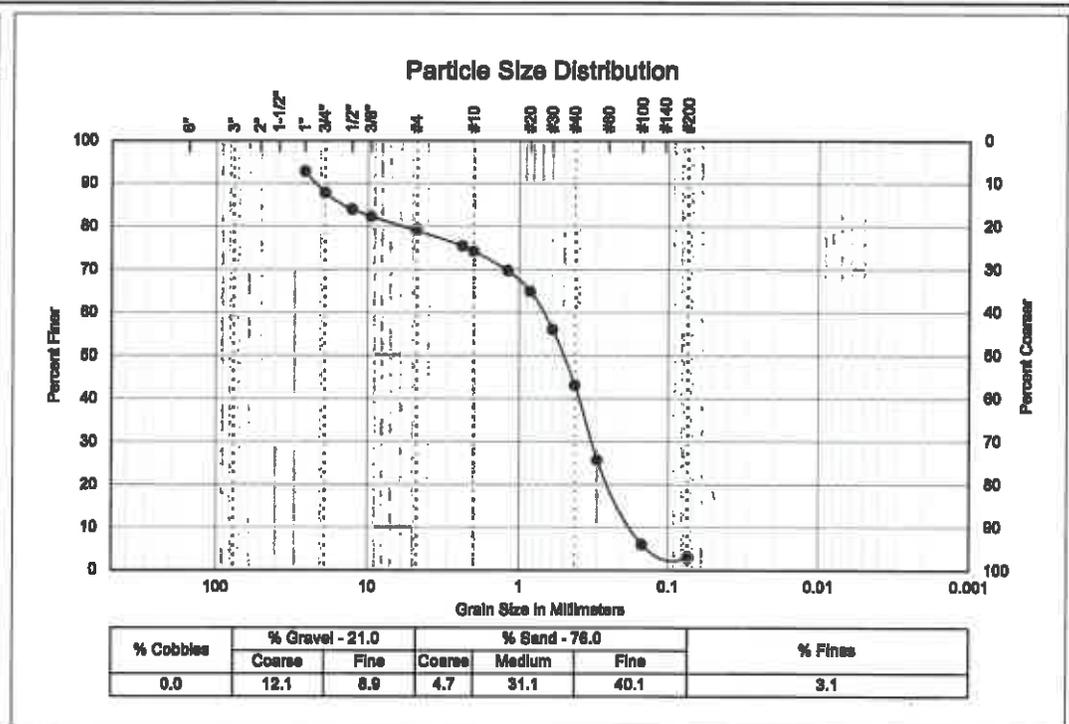
Sample Information

Sample Type: Bulk
 Sample Location: STOCKPILE
 Sample Description: Poorly-Graded Sand (SP), Brown

Laboratory Test Data

Test Method: ASTM C136
 Method: A
 Atterberg Limits:
 Sample Preparation: Oven Dried
 Sieving Method: Single Sieve-Set Sieving

Sieve Size	Percent Finer	Spec.*	Pass (X=Fail)
1"	93		
3/4"	88		
1/2"	84		
3/8"	82		
#4	79		
#8	76		
#10	74		
#16	70		
#20	65		
#30	56		
#40	43		
#50	28		
#100	6		
#200	3		



D ₆₀ = 0.68	D ₃₀ = 0.32	D ₁₀ = 0.181	C _c = 0.8	C _u = 3.7	FM =
------------------------	------------------------	-------------------------	----------------------	----------------------	------

Comments:

Services:

Reported To:
 Contractor:
 Report Distribution:
 (1) Pinnacle Engineering, Beth Keister

Reviewed By:

Joshua P. Schilling
 Joshua Schilling
 Project Manager

Test Methods:

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PARTICLE SIZE DISTRIBUTION REPORT

Report Number: MP195134.0005
 Service Date: 04/26/20
 Report Date: 04/27/20
 Task:



13400 15th Ave N
 Plymouth, MN 55441-4532
 763-489-3100

Client

Pinnacle Engineering
 Attn: Beth Keister
 11541 95th Avenue North
 Minneapolis, MN 55369

Project

Eagle Ridge Gully Repair
 7 Eagle Ridge Road
 North Oaks, MN

Project Number: MP195134

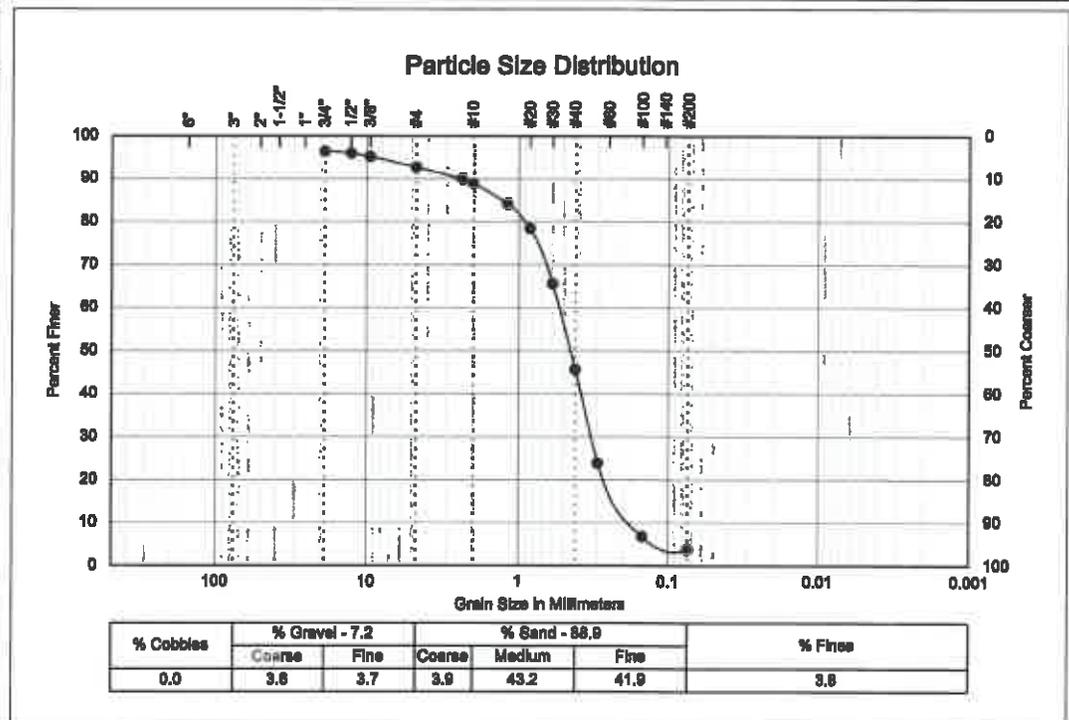
Sample Information

Sample Type: Bulk
 Sample Location: G-TOP
 Sample Description: Poorly-Graded Sand (SP), Brown

Laboratory Test Data

Test Method: ASTM D422
 Method: A
 Atterberg Limits:
 Sample Preparation: Oven Dried
 Sieving Method: Single Sieve-Set Sieving

Sieve Size	Percent Finer	Spec.*	Pass (X=Fail)
3/4"	96		
1/2"	96		
3/8"	95		
#4	93		
#8	90		
#10	89		
#16	84		
#20	78		
#30	66		
#40	46		
#50	24		
#100	7		
#200	4		



$D_{60} = 0.54$	$D_{30} = 0.33$	$D_{10} = 0.188$	$C_c = 1.1$	$C_u = 2.9$	FM =
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Comments:

Services:

Reported To:
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 (1) Pinnacle Engineering, Beth Keister

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 Joshua Schilling
 Project Manager

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EXHIBIT 4 – QUANTITIES (estimated)

Item No.	Description	Quantity	Unit
01	Tree removal (all), pay over 8" circumference	1	LS
02	Chipping and grinding	1	LS
03	Site grading, Including use of fill from delta	100	CY
04	Off site fill from neighbor, transport & placement	100	CY
05	Off site fill - other, transport & placement	300	CY
06	Topsoil material and placement	150	CY
07	Seeding	1,340	SY
08	Spreading excess wood chips	1	LS
09	ECB and installation (4N, Straw Coco)	1,340	SY
10	Straw bales and installation	50	EA
11	Red Osier, 1-gal. and planting	10	EA
12	Gray Dogwood, 1-gal., and planting	10	EA
13	Staghorn Sumac, 1-gal., and planting	10	EA
	Total		

Bernie Bosley
20111 Austin St. NE
EAST BETHEL MN, 55011-4710
H 763-413-1207

May 15, 2020

Katherine Emmons
President
North Oaks Home Owners' Association
100 Village Center Drive - Suite 240
North Oaks, Minnesota 55127

Kevin White
North Oaks Building Inspector
100 Village Center Drive - Suite 230
North Oaks, Minnesota 55127

CC:
Brian Corcoran
VLAWMO
800 East County Rd E.
Vadnais Heights, MN 55127

Reference: Status of gully repair a 7 Eagle Ridge Rd., North Oaks, MN 55127

Dear Katherine Emmons and Kevin White,

The purpose of this letter is to inform the North Oaks Homeowners Association (NOHOA) and the City of North Oaks of the status and schedule of the gully repair work at 7 Eagle Ridge Road.

The plan to repair the erosion of the gully as required by a mediation agreement between the NOHOA and myself was emailed NOHOA on 5/15/2020. It has also been mailed by certified post on 5/14/2020.

Per phone conversation with the City of North Oaks on 5/14/2020, we learned a conditional use permit (CUP) may be required to bring in the dirt. The CUP was filed with the City and the fee was paid at the city office on May 14, 2020. As we understand the City Code, we are only required to obtain a CUP if we are bringing in more than 100 cubic yards of material which will change grades at the site. Due to the fact that we are not altering pre-existing natural grades at the site, we have asked whether we are required to obtain a permit. We will bring in more than 100 CY of fill material, but only to match pre-existing site grades and perform the erosion repair already mandated by the mediation agreement with the NOHOA. As of yet, the City has not confirmed whether the CUP is required.

The gully repair is expected to take approximately 3 to 5 weeks once started.

Tree removal is starting Monday, May 18, 2020.

The work to fill in the gully must proceed apace once it is initiated, without a break, as the removal of the trees will leave the erosion gully more fully open and unprotected during additional weather events.

It is essential the work proceed as fast as possible to remove a potentially unsafe situation and due to the increased potential while the site remains in disrepair for damage to the wetland or the #7 property or the Xcel Energy power lines.

We respectfully request that you expedite the decision on the need for a CUP and, if necessary, the permit itself since the gully repair removes a potential hazard within the community, does not involve buildings and is bringing the property back to pre-existing conditions in compliance with our mediation agreement with the NOHOA.

Sincerely,

A handwritten signature in cursive script that reads "Bernie Bosley". The signature is written in black ink and is positioned above the printed name.

Bernie Bosley

Public comment to Mr. Kress and the Commission, concerning Bosley erosion gully fill permit request:

My name is Gary Schulte and I live at 5 Eagle Ridge Road, immediately to the south of the Bernard Bosley property erosion gully. My property is most immediately threatened by the gully, which is over eight feet deep, is only a few feet from my property line, and runs all the way 200 feet or so down to a precious and irreplaceable valley wetland below which has become choked with its sediment. The sediment in the wetland also encroaches on my part of the pond. As the soil is only sand, it is deepening in the gully and depositing in the wetland with every significant rain storm. I would urge that you grant the permit for the filling in and stabilization of this cataclysmic erosion gully, and restoration of the wetland, without delay. Not to do so would be a tragic abdication of responsibility and would further compromise our property values in this neighborhood.

Your notice says that the erosion silt COULD impact adjacent wetlands. In truth, it ALREADY HAS IMPACTED those valuable wetlands. The time for action and restoration is NOW.

The property owner, Mr. Bosley, has caused a delay of nearly two years in the repair of this erosion gully by trying to fix the blame on NOHOA, alleging road runoff as the cause, rather than taking responsibility himself. That delay has caused significant widening and deepening of the gully this past summer. Now that Mr. Bosley is taking responsibility, I would ask that the permit process be done with all due speed and not become a further part of the problem.

I have lived with my family at 5 Eagle Ridge Road for over 60 years and have deeply valued this beautiful wild place ever since childhood. To see the wild woods slashed by this frightening depth of erosion and destruction, causing the falling of century-old trees, is gut wrenching. You have to see it in person to understand. Down below, the valley wetland has been a special haven for wildlife of all kinds, particularly in spring when filled with water and water birds. To see it choked with ONE QUARTER OF AN ACRE OF SEDIMENT, three feet deep, as estimated by VLAWMO, is a tragedy and source of anguish to me I cannot describe to you.

Mr. Bosley now has a good and sensitive plan to restore the land to its original condition. I have met the engineer in charge and am highly impressed with her and her eco minded team. They intend to fill in the entire gully and restore the area with native plants, and I hope they will remove most of the sand from the wetland as well. VLAWMO and the DNR would like them to do that. I believe approval would lead to a worthwhile restoration project that would return the natural land to its state before the erosion, or better.

Beyond the granting of the permit, I would like to ask that our city government and planning commission look in a broader way at this issue and try to come up with ways to act when situations like

this arise in future. It has been hugely frustrating to me to have no help from NOHOA or the city to motivate the owner and mandate a fix in this matter, and to have to sit by while inaction causes damage and threatens my property. I would urge that some sort of ordinance be created to govern such occurrences. Rare as these events seem today, storms are becoming more severe in this period and there are going to be more of these erosion events. We have no storm sewers and rely on natural drainage, and as such we all have to take responsibility for this natural solution rather than destroying the land with artificial infrastructure.

Thank you for your consideration. My best to you all. Stay safe.