

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
August 12, 2021**

1. CALL TO ORDER

Mayor Ries called the special meeting to order on August 12, 2021 at 7:00 p.m. She noted masks are being worn in the Chambers this evening due to increased infections and the Council currently sits closer than 6 feet apart.

2. ROLL CALL

Present: Mayor Kara Ries. Councilmembers Rich Dujmovic, Jim Hara, Sara Shah, Tom Watson
Staff Present: Administrator Kevin Kress, Attorney Jim Thomson, Engineer Tim Korby
Others Present: Videographer Maureen Anderson, Deputy Mike Burrell,
A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Ries led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

None.

5. APPROVAL OF AGENDA

MOTION by Member Watson, seconded by Member Hara, to approve the Agenda. Motion carried unanimously.

6. CONSENT AGENDA

a. Approval of Licenses: Mechanical: Culpepper Heating & Cooling; MSP Plumbing Heating & Air; Sedgwick Heating; Arborist: Alliance Tree Care

b. Approval of One Day Liquor License for 2021 Farm Fest - Hill Farm Historical Society

c. Approval of July 8, 2021 City Council Meeting Minutes

**d. Approval of City Financials:
EFT: 000454E - 000463E,
Check #014056 – 014096**

e. Approval of License Application to Make Retail Sales of Cigarette and Other Tobacco Products - Founders Cigar Company

f. Approval of resolution of support LJFD, Shoreview, Arden Hills, North Oaks

Mayor Ries would like to remove Item E from the Consent Agenda.

MOTION by Member Watson, seconded by Member Dujmovic, to approve the Consent Agenda removing item 3. Motion carried unanimously.

e. Approval of License Application to Make Retail Sales of Cigarette and Other Tobacco Products - Founders Cigar Company

Brian Schmittiel, one of the owners of Founders Cigar Company joined the meeting via Zoom. He noted they are an e-commerce, veteran-owned business, and they do not sell cigarettes but retail premium cigars; the website is at www.founderscigar.com

Mayor Ries noted the Applicant filled out a license application for a retailer; she looked at the address which is a P.O. Box at the UPS Store. She contacted the MN Department of Revenue that does these applications and spoke with the person that regulates tobacco. She noted they cannot have a P.O. Box as the retail store location, and the license must be displayed in the window for inspection. She thinks Mr. Schmittiel needs to work with the MN Department of Revenue regarding this application as it is not something the City Council can approve this evening.

MOTION by Member Watson, seconded by Member Shah, to table item e, Approval of License Application for Founders Cigar Company. Motion carried unanimously.

7. PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Mike Burrell Report

Deputy Burrell updated the City Council and said general crime trends in North Oaks are fairly low; there have been a lot of frauds asking people to buy gift cards or purchase through Apple Pay, there were several instances of vandalism committed by juveniles such as trash can fires at West Rec, damaged stop signs, and traffic complaints. Solicitors have come into North Oaks recently, and some have high-pressure tactics including a group called Inner City Solutions that came into the North Oaks, Shoreview, St. Paul, and other areas. Deputy Burrell stated this is a complete scam, many of the people are criminals who go around and tell people to give them money in a very aggressive manner. Deputy Burrell caught one of them in Shoreview and the man he spoke with clearly had some substance abuse issues and could barely speak as he was so impaired. This is not a person the Deputy would recommend giving any money to, even if someone feels sorry for them. Deputy Burrell noted there seems to be some confusion as to the role of NOHOA, the City, and the Sheriff's Department; he clarified if something deals with ordinances or crimes it should go to the Sheriff's Office.

8. UNFINISHED BUSINESS

a. Authorization to initiate deer management program

Administrator Kress stated they are looking at doing a field survey flyover and getting proposals from companies regarding deer management.

Member Watson noted they terminated the contract for the season the previous year. The Natural Resources Commission (NRC) had talked about how this program had been handled in recent years. They usually do a flyover just before Christmas or around the first of the year which

would also give an opportunity to look at data and where animals are located, noting they have not had an aerial count since 2014.

The Council discussed the deer management program, costs, and how to go forward. The City Council decided to pass this item to the Natural Resources Commission and the Tick Task Force.

b. Update on 319 Wilkinson project

Member Watson gave an update; the project has been approved by the Board and is waiting for funding decisions with the EPA. The budget has increased because a number of other projects that were candidates for this funding have bailed. The project is sitting at \$590,760 of which the EPA monies will be 60% of that. The remaining 40% is split by VLAWMO (20%) and the North Oaks Company (20%).

Mayor Ries asked Mr. Korby to discuss the newer boardwalk materials.

Engineer Korby stated it is becoming pretty common to put in elevated boardwalks and with newer materials they should last 40 years without much maintenance. He showed examples that his landscape architects put together and a slide show of photos of elevated boardwalks. He noted the up-front cost is a little more but the maintenance for the next 40 years is lower.

Member Shah is concerned that the Mayor gave the engineer direction without Council direction and stated it is NOHOA's responsibility for the trails, so this is out of their territory.

Mr. Korby replied it is part of the general services.

The City Council discussed the contract and what general services means, and whether this is a public, City item or a NOHOA item.

9. NEW BUSINESS

a. Discussion and possible action on septic variance application for property located at 12 Swallow Lane

Member Hara wonders why the City Council as lay people are spending time on this item as they have a team of experts who have given recommendations.

Administrator Kress said it is a resolution and he spoke with Member Watson and Mayor Ries; he and Member Watson agreed with Member Hara that it could be part of the Consent Agenda but the Mayor disagreed.

Member Shah could see these in the Consent Agenda as well, as they have a spectacular Planning Commission who are vetting these, as well as the City Attorney, Admin, Septic Inspector Humpal, and they are all thoroughly reviewing this.

Mayor Ries explained why this should not be on the Consent Agenda which is because it is not a CUP which could possibly be on the Consent Agenda, but it is a variance for a septic and needs

the Council record because it is the vote. The Planning Commission is reviewing and making a recommendation, but at the City Council it is where the record gets created.

Member Hara agrees if it is a governmental, procedural thing. However, he does not think the Council should be spending time challenging the experts as to how they did it.

MOTION by Member Watson, seconded by Member Hara, to approve Resolution #1428 septic variance for property located at 12 Swallow Lane.

Septic Inspector Humpal explained the property deals with extremely excessive slopes – in excess of 30% in most cases - and drainage-ways so the only area available is the flat area to the north of the property.

Motion carried unanimously.

9. Discussion and possible action on CUP for garage and land reclamation for property located at 12 Cherrywood Circle

Administrator Kress stated this resolution has been fully vetted by Planning Commission, City Engineer, Administrator Kress, site visits took place, and Staff and Planning Commission recommend approval.

MOTION by Member Watson, seconded by Member Shah, to approve Resolution #1429 CUP for garage and land reclamation for property located at 12 Cherrywood Circle.

Mayor Ries asked about the Floor Area Ratio (FAR).

Administrator Kress replied it is a foot-and-a-half, 6% or so, and depends on any modifications made prior to actual building permit issuance.

Member Hara recused himself from the vote as he knows the Applicant.

Motion carried unanimously, with the Councilmember Hara abstaining.

c. Discussion and possible action on CUP for land reclamation for property located at 2 Lost Rock Lane

Administrator Kress said this application was to fill in the backside of the house – he believes it was a teardown of a pool – and a rebuild some of the grade on the site.

MOTION by Member Watson, seconded by Member Dujmovic, to approve Resolution #1430 CUP for land reclamation for property located at 2 Lost Rock Lane. Motion carried unanimously.

d. Overview of 2022 Budget

Mayor Ries noted they do not have to set the levy until the end of September but she wanted the new Council to have time to look at this, although they are not voting on anything tonight. If

there is additional information the Council would like, she wanted to give Stephanie Marty time to prepare and get that information.

Administrator Kress noted they have already made modifications to what is in front of the Council tonight and they will continue to do that. He asked the Council to think bigger picture rather than line-by-line.

Member Watson suggested putting together a finance team of two Council Members to meet with Administrator Kress and Ms. Marty to review the details on the budget, vet it, consult, get more information, and noted they will be dealing with personnel compensation matters, as well.

Member Shah would be interested. Member Dujmovic is equally-willing.

Attorney Thomson said they are not violating anything and he said two people can volunteer to report back to the Council.

Member Watson would recommend Member Hara and Mayor Ries.

Attorney Thomson noted they do not necessarily need a motion if there is a consensus or agreement of the Councilmembers on who to appoint if they want Member Hara and Mayor Ries to meet with City Staff to prepare the preliminary and more-detailed draft of the budget to come back to the Council for consideration.

e. Overview of parking ordinance

Administrator Kress noted the City has its own parking ordinance and it was brought up in discussions with NOHOA who asked the City to look at the ordinance material to beef up some of the parking restrictions. NOHOA sent some examples from Minneapolis and St. Paul to look at and the City is waiting for some more feedback from NOHOA on the ordinance. Once they receive that feedback they may put together a formal request to the Council to make some modifications to the parking ordinance to strengthen both City and NOHOA enforcement if possible.

Member Dujmovic asked how do they better prosecute trespassing in North Oaks as it has been difficult and many judges may not treat it with priority. An alternative to trespassing is a parking violation which may be easier to enforce – not as painful – but perhaps just painful enough that someone would think about a second time trespassing as opposed to getting charged and nothing happening. Perhaps it will deter behavior.

Mayor Ries has questions about how the process would work, what allocation of police resources will be used, how is the ticketing going to be done; she noted the ordinance is one step and the enforcement of the ordinance is another step. She is not clear on how this would occur. They want to deter people but do not want to harass people who have guests at their house.

The Council discussed having conversations with NOHOA, the fact that every piece of property within the community is private, and the complexity of the situation.

f. Discussion on City newsletter and options available for marketing

Administrator Kress stated Staff is looking to the Council as to what they would like to see regarding marketing platforms; right now they have Facebook, e-blast, and some e-alerts, but there is not a formal newsletter.

Member Shah noted they have many vehicles already including Facebook, e-blast, website, NineNorth, Facebook and asked, do they want to keep those platforms, do they want to enhance them, and what is the gap? She would love to see a communication task force that looks at a global picture of everything rather than using taxpayer money to buy something without understanding what residents are looking for.

Member Hara and Member Dujmovic agreed.

Mayor Ries clarified this began because NOHOA reworked their email blast and made things more consistent in improving their communication platforms in a more professional way. In past Council meetings there was a suggestion to go out and get a quote to see how much it would cost to restructure one of the main pieces of information – the email – to make it more streamlined and more professional. The quote was \$20,000 for a formed email blast, a newsletter, and a logo. Mayor Ries noted that is a lot of money as North Oaks is a small city and do not have that kind of a budget. She said they have amazing, creative people here and wonders if there is something they can do and reach out to people within the community. Mayor Ries clarified this is not something they have to do, but it is an idea that may save Staff time and help people recognize the communications from the City which can help prevent fraud. She noted these types of branded and templated emails is an additional safety mechanism for people to recognize the true source. She clarified that is what initiated it but whether the City does anything with it, is up to the Council to decide.

The Council discussed the current format of the communication, what they may want for the future, and how to fit that into the budget. It was decided that Member Shah and Member Dujmovic will work with Administrator Kress to bring a recommendation back to the City Council.

g. Discussion and possible action on emergency order resolution

Attorney Thomson stated the State law that authorized North Oaks and all other cities to start holding meetings remotely by electronic means says a city can do that if 1) the mayor first declares that public meetings in person are not warranted or justified because of a statewide or local emergency or 2) because of a pandemic. That declaration was approved by the City Council and later extended by the City Council by a subsequent resolution. The Governor has terminated the statewide emergency and North Oaks' emergency technically still remains in effect; however, they still have the authority to conduct meetings remotely because of the pandemic. In Attorney Thomson's opinion there is adequate factual support for that so they could continue under current resolutions to meet remotely if that is their choice. It is the City Council's discretion or call whether to terminate that.

The City Council decided to retain the resolution.

10. COUNCIL MEMBER REPORTS

Member Hara had a great time at Night to Unite and there were lots of children which was nice to see. Dave Cremons and Member Hara had a meeting with NOHOA Executive Director Mikeya Griffin regarding a pathway to Chippewa School that is no longer available to the children and the alternative route is not deemed to be safe; they will be looking at other options.

Member Dujmovic circulated a draft script of the welcome to North Oaks video and has incorporated the feedback and will get it in front of NOHOA for their edits. He met with Under Sheriff Jeff Ramacher and Commander Phil Bavenroth in preparation for budgeting discussions, policing, and costs as it is a significant portion of the budget and the services the City receives. Two crimes that have increased are mail theft and fraud; these scams are getting increasingly sophisticated as they find out personal information and use it to establish legitimacy. Member Dujmovic said not to trust that as there are people who, for example, are posing as drug enforcement agents and have said that drug traffickers have stolen your identification information and say in order to catch them one must send money to an account so they will be able to trace that account. He gave other examples regarding Snapchat, social media, and antivirus renewal scams.

Member Watson noted he apologized to Gretchen Needham of the *North Oaks News* after the previous month's meeting and spoke with her boss Carter Johnson in depth. He spoke about Mel's services and said they put up all the stop signs and traffic signs in the City and Member Watson does not have a problem with that; he would submit that the City ought to be responsible for where stop signs are, the speed limits, walking zones, etcetera. Member Watson would like to be careful that the City and NOHOA do not have conflicts. He would like to sit down with NOHOA and look at their policies relative to the City's ordinances and making the two compatible. He also thinks it is a matter of sorting out authority on some of these things as it manifests in duplications in budgets.

Mayor Ries suggested setting up a town hall meeting with NOHOA this fall to discuss some of the issues.

Member Shah noted VLAWMO Tech meetings have moved back in person. She has received numerous comments from residents concerning the Mayor's Column the last few months in the *North Oaks News*. Member Shah would like it on the record that what Mayor Ries wrote – particularly in the August issue – is inaccurate, she is misrepresenting the facts, twisting reality, not factual, and Member Shah disagrees. Member Shah commented on some of the specific things she disagreed with.

Mayor Ries reminded Member Shah this is the time for reports on what the Members have done as it related to assignments, liaison assignments, etcetera.

Mayor Ries reported Night to Unite was a very successful event and she appreciates Ramsey County's participation, and Mike Burrell did a wonderful job engaging with the children. She thanked Deb Breen, the Wilkinson folks, and said all the parties were well-organized and a great way to get outside and chat with neighbors. CTV is back in their studio, it is a great space and very professionally done. She attended the local Mayors' Zoom meeting and appreciates the

input that is provided. Mayor Ries said the Mayor's Column is an opportunity for the Mayor to express their personal opinion and is kind of an editorial; it is a special thing and Mayors in the recent past have gone above and beyond in expressing their own personal opinions. Mayor Ries has moderated her opinion in comparison to former Mayors. She was on the Council when many of the former resolutions passed and that was the opinion of the former Council; she stated this Council is a new Council and she refuses to live in the past and they do not need to legally; they think for themselves and they all have their own opinions which is what makes them great. If Mayor Ries disagrees with the former Council, that is her right. She has not said that anything was done illegally – she simply provided her own opinion about various matters.

11. CITY ADMINISTRATOR REPORTS

Administrator Kress wants to make sure the Council saw the HUD email he sent earlier in the day.

Engineer Korby gave a report including stop sign height, gave examples of the projects he and Administrator Kress have talked about recently including Anderson Woods, MS-4 permit, Nord Development, Red Forest Way, Island Field, the Country Club sanitary sewer, and other projects.

12. CITY ATTORNEY REPORTS - None.

13. MISCELLANEOUS

a. July 2021 Forester Report

14. ADJOURNMENT

Member Watson moved, Member Hara seconded to adjourn the meeting at 9:47 p.m.

Motion carried unanimously.

Kevin Kress

Kevin Kress, City Administrator

Kara Ries

Kara Ries, Mayor

Date approved 9/10/2021