

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
June 11, 2020**

CALL TO ORDER

Mayor Nelson called the meeting of June 11, 2020, to order at 7:05 p.m.

ROLL CALL

City Councilmembers participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021. Residents can view the meeting on our cable access channel and through the website portal just like other public meetings. 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 citizen comment portion of the meeting.

Present: Mayor Gregg Nelson. Councilmembers Rick Kingston, Marty Long, Kara Ries, and Katy Ross.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, City Planner Bob Kirmis, City Engineer Larina DeWalt, and Administrative Assistant Gretchen Needham.

Others Present: Videographer Maureen Anderson, Officer Mike Burrell, VLAWMO Water Resources Manager Brian Corcoran, Rumna Chowdhury

A quorum was declared present.

PLEDGE OF ALLEGIANCE

Mayor Nelson read the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Nelson noted there is a considerable agenda and suggested moving item D to item A under New Business to address that item as early as possible. Administrator Kress asked if he wanted to move both items C and D. Mayor Nelson said yes, they can move them both to items A and B. Administrator Kress stated as a reminder, under the Consent Agenda, items G and H were added and those are in the final packet.

MOTION by Kingston, seconded by Ries to approve the agenda as amended. Motion carried unanimously by roll call.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

Councilmember Kingston read the consent agenda. He stated these are items that are considered routine and can be acted upon with one vote.

a. Licenses and Checks for Approval

- Licenses for approval: Kidd Plumbing, Inc.; Patton Heating; McQuillan Brothers
- Checks for approval: #13569 - 13601.

b. May 14, 2020 Meeting Minutes

c. 2020 Resolution 1383 to Move Election Polling Place for Precinct #2 from Waverly Gardens

d. City Council Special Meeting Minutes of May 19, 2020

e. Resolution 1384 Approving 16 Sunset Lane Septic Variance

f. Mounds View School District - Class of 2020 Senior Day Proclamation

g. Approve Resolution 1385 CUP for 7 Eagle Ridge

h. Approve Resolution 1386 of the COVID-19 preparedness plan

MOTION by Long, seconded by Kingston to approve the Consent Agenda. Motion carried unanimously by roll call.

PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Mike Burrell Report

Deputy Burrell said this month has probably been the most hectic month of his law enforcement career. A week and a half ago he was ordered back along with all deputies and for two weeks they all worked 12-15 hours straight. The first five days he was stationed in St. Paul protecting the capitol. There was word that groups would storm the capitol and burn it to the ground. He and several other deputies, state patrol and national guard focused there for about five days. He did want to come back to North Oaks, although there was full staffing. He knows that many residents were concerned about the staffing levels as there were some threats against the city by groups that wanted to loot the suburbs. It was a situation the sheriff was fully aware of and they were on top of it. He did confirm there were patrols in North Oaks. Not only did he see them, but there was increased coverage and calls during the time. Thankfully North Oaks was spared for the most part. Due to the chaos, it did bring out some opportunists. The Village Center businesses that were hit included the Taste of Scandinavia, the dry cleaners and the ice cream store. Two people were identified, one is in Ramsey County jail, the other is not in custody as far as Deputy Burrell knows. Both people who burglarized have extensive criminal records; one had 23 felonies and the other had 20 felonies. They are no stranger to the criminal justice system.

Deputy Burrell said the other thing to talk about in North Oaks is that after the incident, there may be some changes coming down the pipe in the way they are policing. He stated there will most likely be future talks between Ramsey County and the city of North Oaks regarding the expectations of councilmembers and citizens on what the police are providing to the contract cities. Deputy Burrell said that personally, he has always been doing what has been demanded or

expected of him in North Oaks. That is something he's always reached out for the council's feedback on their expectations and what the goals of the city are and try to mesh that with the expectations of the residents. He stated he is open for future discussions regarding the future of policing in North Oaks.

Mayor Nelson said he is sure Deputy Burrell shares their concerns and on the agenda for the night is a discussion of the tragic death of George Floyd and what their community should do to respond. He said that the sad and pathetic act by a group of officers reflects badly on law enforcement generally and makes their difficult job even more difficult. Mayor Nelson said he is sorry about that. No one intervened to do their duty to protect and to serve just as Deputy Burrell noted is what he considered his duty. Mayor Nelson said he can't tell how disappointed he was watching that. He said they deserve better and hope that justice prevails and they would talk about the matter later. He also said they appreciate the Sheriff's department, they do a great job and the Council will engage with the department to talk about this more.

Councilmember Long said he spoke with Deputy Burrell and the burglaries were local offenders, one distracts and the other goes for the cash box. He said one was in custody and asked if the department was working on the other offender. Deputy Burrell said he wouldn't call them local, they were local as in St. Paul, and he believes they both had St. Paul residences. He said Councilmember Long was correct, one would distract while the other would go in and take the loot. This was a very extensive crime spree that encompassed numerous cities and numerous counties, but North Oaks and Shoreview were hit especially hard. He also said that of all the cities they hit, including other cities and counties, it was the Ramsey County Sheriff's department that stopped it. It did take some citizen and business assistance as well, and one day last week there was a lot of time spent by one of their investigators as well as a team of apprehension deputies that were able to put a stop to it and put the case together. Councilmember Long clarified his point that even though they had to give up some of the officers, the city is still covered by Ramsey County. Deputy Burrell replied yes and that during the entire time, there were three times the deputies or more working on a particular shift than what is standard. It was all hands on deck, North Oaks was covered and there were plenty of people there for calls. Typically they'd have some calls where one or two deputies would show up to a call, but during the peak time, there may have been four or five deputies responding. He said there were many calls on suspicious vehicles. The city of St. Paul put out an alert that some of the agitators were driving with no license plates or out of state plates. The number of calls for those situations skyrocketed. He was told that in North Oaks the calls about tripled. Thankfully, due to several things, North Oaks came out fairly unscathed.

Mayor Nelson asked if the city also had unmarked patrols during that period. Deputy Burrell responded yes, there are a lot of unmarked squad cars in the sheriff's office. Some are commanders or investigators so when they were called out, they would drive their unmarked vehicles. He stated that several of the calls for suspicious vehicles were in fact unmarked squad cars.

Administrator Kress then addressed Bernard Bosley who was still listed as an attendee, letting him know the council did pass the Conditional Use Permit (CUP) for land reclamation activities at 7 Eagle Ridge Road (Consent Agenda item 6g) and said he was more than welcome to sit in as the meeting continues but said if that's what he was waiting for, they'd already taken action.

NEW BUSINESS

Mayor Nelson noted they had changed the agenda order a bit and would be starting with the consideration of the application for preliminary plan/plat/subdivision Anderson Woods.

a. Consideration of application for preliminary plan/plat/subdivision Anderson Woods

Mayor Nelson asked Mr. Kress to introduce the matter. Mayor Nelson stated he appreciates the extensive memorandum they've received relative to today's meeting. He also wants to commend staff for their presentations all through the process, including and especially at the most recent City Planning Commission meeting. He noted the PowerPoint presentation and their ability to respond to the concerns the citizens raised during the creation of the record of the development consideration. He said he appreciates it and they really rose to the occasion and showed exactly how professional they are.

Administrator Kress noted they had spoken internally and he would pass it off to Attorney Nason to start the discussion. Attorney Nason deferred to City Planner Kirmis to give a brief overview. City Planner Kirmis stated that at meetings held on April 15, 2020 and May 20, 2020, the Planning Commission considered the preliminary plan or subdivision application of the North Oaks Company (NOC) for a nine-lot single family residential subdivision of the Anderson Woods parcel located South of the recently improved Wilkinson Villas site along Centerville Road. This property occupies site F as identified in East Oaks PDA including a centrally located wetland. The site overlays approximately thirty-six acres of land including the four lots which comprise the Wilkinson Villas 1A project within site F. A total of thirteen lots are proposed upon the site. The East Oaks PDA stipulates that a total of ten single family residential dwelling units are allowed upon the site with the potential of 30% density increase. In this regard, the thirteen lots proposed upon Site F are consistent with the dwelling unit requirements of the PDA. All lots are proposed to be served by municipal sewer and water. Background information related to this application is provided in the City Staff Planning Report dated April 15, 2020 and a Planning Report Addendum dated May 28, 2020. City Planner Kirmis reminded the Council that the City action deadline for the application is looming and the date is June 23, 2020. He stated the memo provided in the packet identifies a number of issues and questions which were raised by the Planning Commission as part of the public hearing and also by the Planning Commission. He stated he would not review those but the Council could review those. He said the staff has attempted to respond to the best of their ability to those questions and he hopes they have provided information which satisfies the Council. He stated the Planning Commission has recommended approval of the preliminary subdivision application consistent with the recommendation of city staff. He would like to note that the conditions identified in the staff memo include some hi-lighted items, which are recommended for consideration by the Council as additional statements or clarifications related to the conditions which were recommended by the Planning Commission. He then asked if Attorney Nason or City Engineer DeWalt had anything to add.

City Engineer DeWalt stated, as seen in the packet, they did extensive reviews of numerous items that were brought to their attention from both concerned residents, Planning Commission members and members of the public, and she thinks they've done a thorough analysis of all items presented. With that analysis, the Planning Commission has recommended approval of the development with the addition of some conditions, which she believes totals fifty-three conditions. At this point, instead of going through any other detail, she would like to offer it to the applicant to see if he wants to make any additional statements regarding the application. She then suggested opening up for any questions.

Mark Houge, NOC, thanked the Mayor and members of the Council, the Planning Commission and staff for their thorough review in working with them to come up with the best plan for development of the area specified. As referenced in the report, they adjusted the road configuration to minimize the environmental impact it would have on the site. They have proposed to leave the lots alongside Centerville Road as is, so house placement minimizes the removal of trees and creates a buffer along Centerville Road to maintain the trees that are there. Mr. Houge said they have worked very closely with the Vadnais Lakes Area Water Management Organization (VLAWMO) in the placement of the crossing that comes from the East so it is at the high point where the water flows in both directions when divided by that crossing. He stated that the VLAWMO are very comfortable with that proposal and ask that a culvert be placed under the trail crossing to the South. Mr. Houge stated they have those recommendations incorporated into the drawing. Mr. Houge asked if there are any questions.

Mayor Nelson asked for a motion to approve or deny the proposed development if there were no questions or comments.

MOTION by Long to approve the Anderson Woods development.

Attorney Nason stated the Council has the proposed resolutions in their packet. One is a Resolution of Approval with conditions listed in the Staff Report. The second is a Proposed Resolution of Denial. She wants to clarify that the motion as she understood it was to approve Resolution 1387.

Mayor Nelson asked Councilmember Long if that is his motion. Councilmember Long replied yes, his motion is Resolution 1387 for approval.

MOTION by Long, seconded by Kingston, to approve Resolution 1387 approving the Anderson Woods development with conditions listed in the Staff Report. Motion carried by roll call as Councilmembers Long, Kingston and Mayor Nelson voting for; and Councilmembers Ross and Ries voting against.

Councilmember Ross stated she voted against because she didn't get the packet until 5:00 p.m. and has been unable to go through the packet. Councilmember Ries stated she voted against because she didn't receive the entire packet until 5:00 and would like to table the discussion so she can properly go through the packet.

Attorney Nason pointed out they did not cover the timing of the decision of the application. She said the 120-day deadline expires in 12 days on June 23, 2020. If there is a consideration or concern that the Council needs additional time to consider the materials, a motion could be made to continue the item to a special meeting on a different date. She advised the Council on the parameters of when a decision needs to be made and a reminder that there is the opportunity to continue an item to a later date if the Council didn't feel ready to make a decision on an item tonight.

Mayor Nelson thanked Attorney Nason. He said they've taken a vote and it's approved so they will move on.

b. Consideration of application for preliminary plan/plat/subdivision Nord

City Planner Kirmis said at a series of recent meetings the Planning Commission formally considered the preliminary plan application of North Oaks Company for a twelve-lot single family subdivision proposed upon the Nord parcel located Northwest of the lake. The subdivision overlay is approximately fifty-five acres of land, approximately four acres of which lie outside the boundaries of the East Oaks development area. The application was specifically considered at meetings on April 14, May 28 and June 9, 2020. The property overlay site C as identified in the East Oaks plan development agreement and includes two adjacent parcels which are not subject to the conditions of that agreement. The PDA stipulates that a total of ten single family lots are allowed on the property with a potential density bonus of 30%. The proposed twelve lots are consistent with the requirements imposed by the PDA. All lots within the subdivision are proposed to be served with individual septic systems and wells. Background information related to this item is specifically provided in the Staff Planning Report dated April 14, 2020, a Planning Report Addendum dated May 28, 2020, and a second Addendum dated June 9, 2020. As mentioned as part of the Anderson Woods application, an application action deadline of June 23, 2020 applies here as well. The City Council Memorandum attempts to identify various issues and questions raised by citizens at the public hearing as well as questions and comments provided by the Planning Commission. Consistent with the staff recommendation, the Planning Commission has recommended approval of the subdivision subject to various conditions. As in the case of the Anderson Woods application, the listed subdivisions include highlighted text which relates to proposed clarifications by City staff. The staff recommendation is the incorporation of all of the conditions including those highlighted in the memorandum.

Mr. Houge thanked the Mayor, the City Council, Planning Commission and staff for all of their efforts in reviewing the application. He said he knows this was a complicated project to sort out all the details. As a reminder, they changed the layout entirely to now access most of the lots from Sherwood Road versus North Deep Lake Road, which has two lots accessed from there. They worked through the issues with the trail and the North Oaks Home Owners' Association (NOHOA) board voted in favor of the design included in the packet.

MOTION by Kingston, seconded by Long, to approve Resolution 1388 approving the preliminary plan/plat/subdivision Nord with conditions listed in the Staff Report.

Mayor Nelson asked if there was any discussion. Councilmember Ries stated she thinks Administrator Kress sent around an email she had written to him. She went out to the site and saw a lot of standing water, and also after the last Planning Commission meeting on June 9, 2020, there were statements made about the designation of the wetland. She began to inquire into this and contacted the University of Minnesota and they were kind enough not only to take her call but to inspect the site. She contacted an expert in the area who specializes in this, whose name is Joe Magnar. Mr. Magnar visited the site with Councilmember Ries yesterday and her concern was that there was a lot of surface water and also about the water table because there has been virtually no discussion about this at the Planning Commission level. She inquired about this with Mr. Magnar and also inquired into the Delineation Report. She stated there was a Delineation Report done but it was five years ago and is about to expire in a couple of weeks. Councilmember Ries also discovered that in the past 2-3 years, there has been a substantial amount of rainfall that has occurred, particularly in their area, and it has really affected the ground table levels and is substantially affecting building sites, sewage treatment centers and all of these things. She inquired further and noticed there is no topographical map to study that was provided to the Planning Commission to study. She explained that the Delineation Report studies the vegetation, soil, the hydrology, it looks at everything and determines the buildability of the site, how much land there is, where the water table is. Because the North Oaks Company Delineation Report is due to expire in a few weeks, she thinks they need to study this and get the topographical map and they need to do their full due diligence. The Delineation Report is also used to get the wetland designation. She said they do not really have a wetland designation at this point, so in order to be fully compliant with the Wetland Act, they would need to do the study and get their designation. She was provided information from a Department of Natural Resources (DNR) hydrologist who told her there's not really a process but the delineation study would be very helpful in determining what the area is, because at this point they don't know. Councilmember Ries also received information she thought was very informative. She said walking through the area with an expert is so eye-opening because they've been talking about the area as a 2D level, but when you're developing sites you really need to look at 3D and look at the ground water, the surface water, the building, how the flow all around it is affected. She said this looks almost to be the title basin for North Deep Lake and all of the surrounding area. She stated if the trends continue with the heavy rainfall and the water table is rising at such a high rate like it has been over the last few years, they need to get updated information. This would be critical to determine how much fill is going to be needed for a foundation because they haven't been provided any of that information from the North Oaks Company. It would also help them to look at areas because there's a north pond that is visibly unnaturally high. Councilmember Ries said she provided Administrator Kress and the Council with pictures of oak trees where the base of the tree is underwater. She stated a water management plan would need to be developed for this area to know if culverts are needed to drain ponds, and to alleviate some of the area. She said it might also be helpful to drop some transducers down into the soil to see where they're at with the water because they just don't have the current information. She stated at this point, it's very difficult to look at the area, particularly the two new lots that have been added in the quite low wet area and know if they can even be built upon or not. Councilmember Ries would like to propose doing the study to figure out a water management plan and to get an accurate and current delineation because the old one is under old rainfall measures and is about to expire. She said it would be very advantageous going forward.

Mayor Nelson asked if there were any other comments. Councilmember Ross said she agrees with Councilmember Ries and she is concerned that people will be buying homes that potentially could wind up with a lot of water in their basements if the Council doesn't understand the situation and look at the water levels. She said she wants people to come to North Oaks and feel like they have a great place to live but she doesn't want to see them having problems and find that people are upset about because they wind up with water and they're not happy with the way their home has been built.

Mayor Nelson asked Administrator Kress if these concerns were brought to the attention of staff prior to today. Administrator Kress replied the concerns were brought this morning. Mayor Nelson then asked if they were brought to the attention of the Planning Commission during their multi-month deliberations. Administrator Kress said not to his knowledge.

Councilmember Ries said all of these comments were a direct result of new information brought up during the Planning Commission meeting on June 9, 2020. The meeting ended at 10:00 p.m. She stated that the fact the University of Minnesota was able to assist them and look at the land is amazing and she appreciates their due diligence in this.

Councilmember Long stated that he sits on the water board for the University of Minnesota research and development, and he is one of fifteen members. He said he is also vice-chair and they have a GIS on all of this information, they have water plans and yes, it has been a wet season so there is going to be more water and a higher table. He stated he doesn't know who the person was that came out and trespassed on the property without being invited and this is the first he's heard of this. He said it's a little too late and homeowners will have to decide if these are lots that are too wet but this is not a stop-type program.

Councilmember Ries replied that part of the problem is they're not bringing in the PhD's and the hydrologists to analyze the area. Councilmember Long said he doesn't know who the guy is. Councilmember Ries stated she is trying to talk. She said at this point they need to bring the PhD's and the specialists; they need to get people that are qualified to look at the area because it's their responsibility as a City, as City Council members to look out for the health, safety and general welfare. If they're allowing houses to be built that are going to have sump pumps running 24/7, foundations that will be underwater, and constant mold issues, they can look at this now and determine if it's a good idea. She said they need to get the data and they haven't provided the Planning Commission with the data. They did not see the information on the report that was filed before. They didn't get a topographical map. She said you can't study the area unless you're talking to these experts who know how to look at this in a 3D way and collect the data. Councilmember Ries said what they're doing is inappropriate and negligent.

City Engineer DeWalt asked to speak. Mayor Nelson granted permission. City Engineer DeWalt wanted to clarify that the preliminary application does meet the submittal requirements which includes full topographical map Existing Conditions Survey with water elevations. She said the professional engineers who were hired to prepare these plans, which were preliminarily reviewed by herself, a professional engineer, contains all the required information which they have on their checklist for preliminary plan approval. The wetland delineation was done by a certified wetland delineator. The applicant has procured geotechnical exploration, which is

required to do the design, to understand the ground water levels on the site. VLAWMO has done a preliminary review of the wetlands, understanding that there are no proposed wetland impacts. City Engineer DeWalt said she feels they do have a large number of experienced professionals in their respective fields who have done a thorough analysis and presented all of the analysis and information continuously over many months to the Planning Commission. She said with all due respect, she doesn't feel that there was any information that was withheld or misrepresented regarding information presented at the Planning Commission regarding wetlands and public waters wetlands. She stated there was mention of speaking with the DNR and also the application did provide the Minnesota Routine Assessment Method (MnRAM) Report and that gives them the information they need to understand what type of wetlands those are. This is how the DNR originally created their public wetlands list, which these wetlands are not a part of. City Engineer DeWalt said she respectfully disagreed with statements being made that this information has not been presented or analyzed by professionals in the respective fields. She would like the applicant to also speak to the work that's been done to present the information.

Mayor Nelson asked City Engineer DeWalt if the investigation and testing she described, the topographical maps and the experts that evaluated this property was all done before it was submitted. City Engineer DeWalt replied that was correct. Mayor Nelson stated that this issue was addressed a year and a half ago plus, and has been in front of the Planning Commission and the City Council that entire time. City Engineer DeWalt replied she believes it's been exhaustively studied over the past two years in many different ways and she agreed there are important improvements in process and studies that could be made citywide regarding surface water management and dealing with climate change and water tables. She stated she doesn't necessarily believe that it is relevant to this particular application tonight. She said she thinks that work is important and can be done outside of this application and she believes that what is necessary to approve this application has been done.

Councilmember Ries said she thought City Engineer DeWalt misunderstood what she said. She said there was a Delineation Report done, but it was done five years ago and there is substantial information, particularly in their area that shows the rainfall is much higher than it used to be. She said there needs to be a current analysis of the ground table and the wetlands that are around there because of this extraordinary situation over the last three years. She clarified that she didn't say it was not done and she's not trying to say that they haven't done a good job. She is saying they have a Delineation Report that is about to expire and it's based on conditions that have changed substantially over the past few years. This is being talked about at the State House level and this is data collected by the University of Minnesota. She said they have done an engineering study, but under the current trends and the current rainfall, they need to understand what the current wetland situation is. Councilmember Ries said she is proposing doing a new study. The old one is based on rainfall levels that have not been consistent for the past three years, they are considerably higher, and it's also about to expire. She said it would be very prudent of the City to get a new delineation study done because of the change in the rainfall levels and the groundwater tables have changed so substantially. She said it would also be very prudent to do it because of the obvious recent signs of the ground table levels. She said what she mentioned was not to say that the staff has not done a thorough job at the engineering level, but they need to get the study done from certified professionals in this area to study the vegetation, the soil, they need to get the hydrologists involved. She said with the current status of what's

happening in the area with ground table water, they could then get a current designation of their wetland. With that information, although she knows it was done five years ago, but what is being determined is that five years ago is way too long, even though the delineation study still has just a few weeks left on it and it's expired, the trends show that's not good enough. She said the information would be based on old trends and would not be representative of the current water table levels. She said it would be prudent at this time to get the delineation study done to understand it and to understand how much fill they're talking about and building challenges on the site. Councilmember Ries said she doesn't see how they could approve the plans without properly studying this information. The delineation study that was done five years ago had the water table data and showed these things, but this information was not brought to the Planning Commission and she said she thinks it's very important that they do study this.

Mayor Nelson asked if Councilmember Kingston or Councilmember Ross had any comments.

Councilmember Kingston asked Councilmember Ries if she is saying that their staff and consultants are not qualified to make the decisions on the recommendations here.

Councilmember Ries replied what she is saying is that their staff is qualified at the level they're employed and they've done a good job at that level, but when you're talking about doing these types of studies, they are done by hydrologists and specialists in the wetland area. She said you really need to hire the wetland specialists because of the topographical 3D issue. She stated an engineer can talk about roads and surface water, etcetera but they also need to understand what's happening underground in the entire area. She said you hire the hydrologist and the specialist because they have an understanding of the current data of how much rainfall is happening, where the water is flowing, what the re-absorption rates are and they would also understand if you put a building there, how it would impact surface water and sub-surface water.

City Engineer DeWalt asked to add something quickly. She wanted to clarify that she doesn't know if she misunderstood Councilmember Ries and she apologized if she did, but she heard her say that a topographical map was not completed. City Engineer DeWalt clarified that a topographical map is the Existing Conditions Survey which is then provided, and is what the design is then based on. Secondly, she wanted to clarify that a final plan submittal requirement is to submit a full hydrological storm water management plan for the site. So the applicant will need to hire their engineer who is experienced and professionally trained in hydrology reports and they need to submit that to the City. She said it needs to follow the policies of the City's storm water management. She wanted to clarify that some of the work Councilmember Ries was talking about is part of the conditions of approval that need to be done before final plan approval.

Mayor Nelson asked if there was any further discussion. Councilmember Kingston said Councilmember Ries kept saying that the University of Minnesota came out. He stated he is on the faculty at the University of Minnesota and that's not what happened. He said Councilmember Ries talked to someone at the University and they came out and gave their personal opinion, which is fine. He said he knows the Board of Regents didn't weigh in on this and issue a proclamation to take that particular stand. Councilmember Kingston asked if the individual who came out was a paid consultant. Councilmember Ries replied that it was pro

bono. Councilmember Kingston asked if the person was related to the Magnar that signed Franny's petition that happens to live in North Oaks.

Councilmember Ries said she didn't have any idea. She wanted to clarify that the report that was given is not a full report, and that it wasn't a report given, but a letter. She said the letter simply said that the scientific trends that have been happening the past few years have determined that there is such a substantial change in the ground, particularly in their area. She said it confirmed to her, because there are a lot of visual determinants in this area of water that is substantially higher than a natural level, and is far higher than the water table would normally be, the letter was not a report offering an opinion, it just went to the fact that generally in the last few years, the trends show there would need to be more information gathered for this particular site. She said they stood on the road and just looking from there down into the swamp area you can see how low setting it is and is substantially lower than the surrounding area. She said the topographical maps didn't go into the exact levels within the wetlands and other areas you'd need to analyze. She said the reason it would be good to get a current delineation study done is so they can actually ask the DNR what their wetland status is. Councilmember Ries said to her knowledge, they have not done that and they would need to do that because these things change based on water levels, rain levels, etcetera. She said the designation can actually change, vegetation can change and soil can change. So it would be a really good idea to understand what the designation is to make sure they're complying with everything. She said she understood that an engineer is part of the condition that they're going to be doing a study, but five years ago what happened was when they had someone walk around and check the area, they found a lot of things were missing. There was an additional wetland that was added, etcetera. She stated that even if it's a condition, they need to double check it. She said there is missing information and they should ask the DNR with the current study, with current conditions, and what their wetland status is. She said she hasn't seen or heard that that has been done yet.

Attorney Nason wanted to point out a procedural piece. She said there is a motion and a second on the table. There can be a motion made at this time to require, for example, an updated wetland delineation be provided prior to final plat approval, or any other modification to the motion which is to move the resolution with the conditions articulated. She wanted to clarify that debate can continue, but she wanted to make sure the Council understood there is an opportunity for a motion to amend the motion that's already been made.

Administrator Kress asked how long a new delineation lasts and if it something that needs to be done each year. He also asked if they going to run into this with every application.

Mr. Corcoran replied that per state statute, delineations are good for five years, so from the decision that delineation or boundary and type for this particular spot and every other spot that has a boundary and type is five years from the date of the decision. That decision was on September 9, 2015; therefore, this delineation expires on September 9, 2020. Administrator Kress asked how long delineation takes. Mr. Corcoran answered if you're doing one wetland, obviously it will go quicker than the eight or nine that are on the fifty-four acre parcel. He said it all depends on the consultant hired to do it; there's a process to it. The consultant can probably do it in a day or two, then there's the review process with the DNR, the Conservation District and VLA WMO. He said it would probably be a month, depending on work load and when it's asked to be done.

Mayor Nelson said he thinks they understand Councilmember Ries's concern. He said if there are no other comments, he suggests they have a roll call vote.

Motion carried by roll call as Councilmembers Kingston, Long and Mayor Nelson voted to approve; Councilmembers Ries and Ross voted against.

c. Joint Powers Agreement with White Bear Township

Administrator Kress stated he probably could have put this in the Consent Agenda as the Council has seen a number of these come through in the past years. He asked if anyone wanted any discussion or background or if they were comfortable accepting those addendums. Mayor Nelson stated he had no concerns.

MOTION by Long, seconded by Kingston to approve the Joint Powers Agreement with White Bear Township. Motion carried unanimously by roll call.

d. City Response to Death of George Floyd

Administrator Kress stated they had invited Ms. Rumna Chowdhury to provide a statement. Ms. Chowdhury said she and her husband have lived in the community for eight years and like many in the community, she was upset by the delay by the City and NOHOA in making any statement or acknowledgement regarding the death of George Floyd and the unrest in their community. There was a request for community input so she wrote a letter and knowing that many in their community may either not have the time or capacity to write their own letter, Ms. Chowdhury decided to share that letter publicly and told residents if anyone wanted to sign on if they agreed with what she'd written, to please let her know. She sent the letter to Mayor Nelson and the four Councilmembers by email yesterday and seventy-two people signed on to the letter within a day-and-a-half of Ms. Chowdhury posting it on Facebook. She stated that she knows not everyone looks at Facebook and she did not reach out to anyone individually, but to her, this strong response within such a short time indicates that most likely, others would also share this as their community values of standing against racism and standing against police brutality. She said the delay by the Council or the Mayor to make any statement, she will assume was just a misstep and not malice on anyone's part and that the Council and Mayor are ready to move forward to meet the community's needs in this respect. Ms. Chowdhury said she really appreciates Mayor Nelson's earlier comments during the meeting. The first request in the letter was for a formal statement or resolution condemning the actions of the Minneapolis officer who violently murdered George Floyd. Ms. Chowdhury also made the same request of NOHOA in a separate but similar letter and they did make a statement via social media that afternoon. Looking into the roles of NOHOA versus the City, Ms. Chowdhury stated she is learning a lot right now as she hadn't looked very closely into that before. She wanted to make sure she made her request of the right group, so regarding the City, she said her understanding is the City of North Oaks is responsible for contracting their police presence with the Ramsey County Sheriff's office. She stated she thinks it makes sense for the City to look into the Ramsey County Sheriff's office to be sure that their policies and procedures are up-to-date, that their handling of officer misconduct is in line with their community values of standing against police brutality. She said this is not

based on any specific instance or incident that she's heard of regarding the Ramsey County Sheriff's office, and certainly not an indication that Deputy Burrell, who is frequently in North Oaks, has done anything wrong. She feels that they need to make a knowing decision in their law enforcement contract, and as Deputy Burrell referred to earlier, there needs to be a mutual understanding of expectations both within North Oaks and to ensure that they are associating themselves with an agency that behaves consistently with the values not just within North Oaks but within any other communities. Ms. Chowdhury respectfully requested that the Council make that assessment and make a report to the citizens of North Oaks on an annual basis so the citizens know who is policing their streets and they know that their values are consistent with their own.

Mayor Nelson thanked Ms. Chowdhury and said he appreciates her participation in the meeting and that he is glad to hear from her. He stated the Council is interested in community input and noted the City Council meets once per month and in general operates by consensus or by vote. He said they are certainly considering, and this is the first opportunity to have met legally and review this very sad and pathetic event and talk about what they might want to do, because they are not allowed to meet in groups without notice at this time. He noted that he looked on a few different websites to see what recommendations are being made by those individuals with more expertise than their little city and he would say there is a consensus of a few things. One, to conduct a review with their law enforcement partners on how law enforcement is practiced in the City. Mayor Nelson said he thinks it's important to engage the members of the community and residents to get their input and their experiences to ensure that the Council knows what's going on and are fully apprised if there are problems or if there are good things to learn. He stated he thinks it's important to eventually provide a report when this is accomplished, if the Council members agree to provide a report and continue to monitor their Sheriff and reform any policies that need to be reformed. Mayor Nelson then asked if there were any other comments.

Councilmember Ross stated she and Deputy Burrell have talked on more than one occasion since all of this has happened. She said it was a really crazy time during the riots and everything that was going on as a result of George Floyd's death. She said Deputy Burrell has been very good about explaining things and answering questions. She said she thinks it's a good idea to have some sort of a report and she is happy to work with Deputy Burrell and Bob Fletcher. She said she worked with the watch commander a lot during that time and didn't see anything untoward, and they were all really big on working to protect North Oaks and the community. At times, there were four unmarked cars coming through on one particular afternoon and everyone was very respectful and she is very pleased with that. Councilmember Ross stated she thinks it's important for the Council to do something on a regular, annual basis and she is happy to work with Deputy Burrell and Bob Fletcher to do that, if that's what the Council decides to do.

Mayor Nelson said he thinks it's important to separate the riot and violence that occurred from the protests and civil unrest that also occurred. He said what the Council is trying to address is to make sure they have good policing and good law enforcement that is community-sensitive and community-appropriate and he thinks that's great and appreciates that Councilmember Ross was in touch with the Sheriff's department. While he didn't speak with Councilmember Ross at that time, the City did issue an emergency declaration and a number of other actions through his authority as Mayor on a very temporary basis to protect the city. He stated that is a very different issue than making sure they're doing the right thing for their residents and for everyone

to make sure they have good, high-quality policing and law enforcement and he thinks that's where they need to go. He agreed with Councilmember Ross that they should conduct a review. Mayor Nelson asked if there were any other comments.

Councilmember Kingston thanked Ms. Chowdhury for sending the letter over and getting her fellow residents to sign on to it. He stated that one of the things that has troubled him over the years is that we see these different types of tragedies come about and then there is a statement from politicians and they talk about how bad it is and then nothing happens. He thinks they need to go beyond this. He said it's obviously important what Councilmember Ross mentioned, working with the Sheriff's department, but he thinks they also need to have a plan for how they communicate inclusivity in their community and how they are welcoming of people of all colors. He said that is something they'd really need to put a strategy in place and he thinks they need to work with NOHOA in terms of how they'd like to approach it. He said since the City is set up with the homeowners association and the City government, there's no reason why they shouldn't be coming together and working together to address this on an ongoing basis. He said they need to have a plan, as they can't hope that this happens...hope is not a strategy. Not only do they have to talk about what they're doing with the Sheriff's department and make sure they have the resources to ensure they're hiring right and they're doing the right kind of training of their staff to make sure that these things don't happen. They also need to keep in mind that NOHOA is most likely going to be hiring some security support. They're finding out that the City probably has some limits in terms of what they can do with various types of enforcement on private property, and on NOHOA property. He said they should have a harmonized approach with what NOHOA is doing with their security people as he doesn't want to have two different processes. He thinks they should come together and bring residents like Ms. Chowdhury and others who are interested in this discussion to make sure they come up with a cogent plan. He said they didn't get to this point as a society in twelve days and they're not going to get out of it in twelve days. This is going to take a concentrated effort, all of us need to be part of the solution, and we all need to come together.

Ms. Chowdhury thanked Councilmember Kingston and said she did direct different action toward NOHOA in the letter with her very basic understanding of the rules of NOHOA versus the City. She said she would absolutely love to see some sort of coordination with them on what they can do to make it very clear that they value diversity and inclusion in the community and to make it more appealing for communities of color to want to move there. She stated that the issues of racial disparity and housing is a very complex issue but there are some basic things that they can do and starting out with a statement is one of them. Ms. Chowdhury said she likes the ideas of making forward progress and she knows that NOHOA asked for community involvement and she is planning to join whatever task force they will have. She would appreciate the opportunity to do the same with the city leadership, as well, if there is something separate going on.

Councilmember Kingston asked to follow up and said they've gotten other responses from people asking different things they want to have done and the City also needs to let people know there are certain restrictions they have in what they can and cannot do as a City. They need to be able to communicate that with people, as he doesn't want people to think they don't want to do something in any circumstances; in some cases, they don't have the authority to do it. He stated

that where they do have the authority, where they can come together as a community, they absolutely need to do this and it needs to be an ongoing process. It's not something they're going to deal with just for the short run, but they must look at this long term.

Councilmember Ries said she agrees with that statement and to piggyback on that, she is glad they will be talking with the Ramsey County police department and other cities to look at their policies and procedures and start affecting change, instead of just having conversations. She said at some point they can plan to revisit this issue again so it doesn't become a conversation that gets lost, but that they put something on the calendar and schedule the discussions with other cities that are part of the contract working with Ramsey County and Bob Fletcher. She suggested they share the work they're doing with the police department and NOHOA with the community and make it more of an ongoing discussion instead of just talking about it tonight for the sake of an agenda item and then ending it, but that they do continue the conversation.

Mayor Nelson asked for a sense of the Council to perhaps delegate to Mr. Kingston and Mr. Kress or himself to put together a statement that could be published. Since they are meeting, he thought it was something they could accomplish tonight or also consider setting up a committee and Mr. Kress and the mayor could work on that. Councilmember Long said he thinks there should be a draft worked up that needs to come back to the Council. Mayor Nelson said there are some people who want them to issue a statement soon and that is the problem for the Council. Councilmember Long stated he wanted to do it right and not be rushed into it so he'd like some thought between the Council.

Mayor Nelson asked Administrator Kress if he had any suggestions on how to do this within a month. Administrator Kress said if the entire Council wanted to see it again, they'd need to call a special meeting to review the draft. Otherwise they could assign it to two members of the Council and as long as there isn't a quorum they'd be alright. Mayor Nelson stated he thought the same. Councilmember Long said he'd go along with that.

Councilmember Kingston said he'd be happy to participate. Mayor Nelson said if another person wants to participate, he'd appoint someone to work with Mr. Kingston.

Councilmember Ross asked if they were saying they'd have a couple people put together the statement and then it would go out, or would the entire Council get to see it before it went out. Administrator Kress said they could potentially see it but would not be allowed to change anything. They'd have to come back as a Council as a whole to make any changes. He said they'd be assigning two members of the council and himself to create the statement.

Councilmember Long said he thinks they all need to weigh in on it if they're signing as a Council. Councilmember Kingston asked to suggest an option: perhaps he and Councilmember Ries could start the process and bring it to the next Council meeting, and then if Mayor Nelson wanted to say something he could, noting he had already said something at the beginning of the meeting. Councilmember Kingston said they're trying to find a path forward with a statement that indicates they're committed to doing that, what they're going to do and how they're going to do it. Then, whether they set up a task force or a commission, he thinks what they need to do is

have the full Council weigh in on whatever they come up with. He doesn't like the idea of just a few coming up with the idea and not having it run by the entire Council.

Mayor Nelson said they'd get something put together for the next Council meeting. He asked Administrator Kress to work with Councilmember Kingston and Councilmember Ries on that. Councilmember Ries thanked Ms. Chowdhury for coming to the meeting. Ms. Chowdhury replied and thanked the Council for hearing her.

COUNCIL MEMBER REPORTS

Councilmember Ries is setting up a donation drive in response to the George Floyd tragedy and all of the great need in downtown Minneapolis. She was inspired to do this because last week a good friend in Minneapolis reached out to the Facebook community and said there's a huge need for donations at the Blaisdell YMCA. Councilmember Ries posted that she donated there and many neighbors reached out and said they'd like to set something up to help the community of Minneapolis. They've designated homes for people who want to donate things and will be collecting donations through this weekend. She said if anyone wants to donate they can reach out to her for contributions.

Councilmember Long stated that VLAWMO had an interesting meeting last month. For the first time over the twelve years he's been there, a grant was denied from the Minnesota Board of Water & Soil Resources (BWSR) because they felt it was too restrictive and exposed them to too many unknown costs. He said it's something they've been working on for a while, they have a new administrator and it took a lot of effort on behalf of their sister cities to come to this decision. He doesn't think it will hurt them in the future with grant money, it just shows that they're not interested unless it's going to do the right thing and have the right beneficial effect. He was proud to be part of that decision with VLAWMO.

Councilmember Ross said mailboxes are being delivered middle of next week for those residents who have ordered them and she will be calling next week. She stated that people should remember there's a recycling and clean-up day on June 27, 2020 that will be in the soccer fields off Highway 96 and there is a lot of information out about that. She thinks it's a good event and hopes to bust their record from last year. She also added something that Deputy Burrell was going to bring up earlier but must have forgot. Jeff Hunt, a North Oaks resident, contacted Deputy Burrell about putting together a group of people who are interested in training and creating a kind of watch guard in North Oaks. Information was sent to Administrator Kress and she had a conversation with Mr. Hunt yesterday. He's been thinking about the situation they were in a few weeks ago and would like to put together this group who would be a first watch for lots of different things going on. A lot of it is written up and she told Mr. Hunt they might discuss it tonight to see what the Council thinks and whether or not they need something like this. Deputy Burrell said some of the things are already being done by the Ramsey County Sheriff's office or the Fire Department. For example, Mr. Hunt wants to have fire extinguishers in cars in case of a fire so they can get there before the Fire Department; however, there is a Fire Department in North Oaks, and there is access to the Lake Johanna Fire Department, also. She said they already have some of those things on the scene. She asked what the Council thinks about this and stated the group is just starting to think about it and want to participate. She thinks given what's happened in the last few weeks, she is not sure what the odds are of it

happening again in the near future, and if they have a group training in first aid and other things, she's not sure if they are really needed. She said she wanted to bring it to the Council and they could either put it on another agenda to talk at more length, or they could give her some upfront ideas or thoughts on whether this is something they should look into. She stated it might make sense to do more of a neighborhood watch group, of which there are already a few in North Oaks, and that could be used through the Ramsey County Sheriff's office as there's already a format for that.

Mayor Nelson said perhaps Mr. Hunt would like to present at the next City Council meeting as a way to engage about the matter. Councilmember Ross said she'd see if they could get him on the agenda for the next month. Councilmember Ries responded that maybe they should look at the entire emergency response plan. She said one specific item from when they were going through all the stuff in downtown Minneapolis and St. Paul, there is a response plan but perhaps they should review it to see if it's adequate. She is working on the website and there is a new alert notification as part of the new website they're developing. It was used for the first time and maybe they should talk about a process on when and what they send out as notifications, and give guidelines. She said another thing that came to mind is when things happen, when do you start Operation A, or when do you call the neighborhood watch group and have them come out? She said maybe this could be part of a bigger conversation about a response plan during emergencies.

Councilmember Kingston said since the last meeting he's been trying to keep up to speed on what's going on with the City and be in a position to cover for the Mayor when he's had some planned time outside of the City. He has also reached out to NOHOA on a couple occasions to get a sense of what they're doing so they could coordinate. Most recently, regarding the situation with George Floyd, he reached out to find out what NOHOA was planning and to find potential opportunities for collaboration. Lastly, he said he doesn't want to beat a dead horse on the Planning Commission and serving as the liaison, as he's said in all the public meetings he was very pleased with the professionalism that Chairman Azman had shown in leading the group and all the hard work that all the Commissioners dedicated to the process and he's very proud of what he saw.

Mayor Nelson echoed that statement and said he found the process very well done and staff did their job beautifully and clearly showed their professionalism and expertise and the Planning Commission did an excellent job in reviewing these developments. He also said this is a very sad time for us all, we're dealing with two situations and he doesn't know in the past when the mayor of North Oaks has had to issue a declaration of emergency and they've issued two in the last few months. Both situations are overlapping and terrible in every respect. He said he hopes they can remember to stay together, keep thinking of each other as a community, continue working together on both issues, and they will get through them. He thanked the group for their considerations and said he's glad they were able to discuss both the recent tragedy as well as deal with the COVID pandemic, and they would keep working on it.

CITY ADMINISTRATOR REPORTS

a. City Administrator Staff Report

Administrator Kress said he wants to thank the staff and the consultants for all the support over the last couple months. It has been really challenging and he appreciates all the extra effort and hours put into applications and general City work. He talked to NOHOA and they were interested in the City creating a parking ordinance which would require the City to issue municipal citations. He stated that right off the bat, he's not too crazy about that stance. His preference would be for NOHOA to either tow the vehicles or issue their own citation. As the Council knows, they don't have any authority to issue a state parking ticket for anything in NOHOA property. He asked if there was any feedback or interest in the Council drafting some kind of ordinance. Mayor Nelson said he thinks it would be very difficult to draft an ordinance to ticket people for parking on private land, but they might ask their municipal attorney who would know more about that. Attorney Nason said there isn't really any statutory authority for the City to issue citations for parking on private property. She said the private property owner could certainly manage their property in whatever manner they see fit. For example, if it's a parking lot area, they could have someone who sits there and boots cars if the person is not permitted to park there. However, a criminal citation is a petty misdemeanor. A parking violation has to be for a violation of City ordinance and City ordinances must be related to the public parking areas, not private property.

Administrator Kress then reminded the Council that Metro IT in Roseville is moving forward with the Joint Powers Agreement. He said the City is stuck in the middle as they're not big enough to have their own IT department, so there is really no choice but to go with Metro IT. He said he's very satisfied with all the work they've had with them, so there are no concerns on his end. Mayor Nelson said he thinks they're widely known as a pretty good IT department.

CITY ATTORNEY REPORTS

Attorney Nason said there is no City Attorney Report at this time. Mayor Nelson thanked Attorney Nason very much for helping with the PowerPoint presentation for the Planning Commission. He said he thought that made things very clear and was terrific.

MISCELLANEOUS

Administrator Kress said the items under Miscellaneous are just Minutes and odds and ends for the Council to have.

ADJOURNMENT

**MOTION by Long, seconded by Kingston, to adjourn the Council meeting at 8:33 p.m.
Motion carried unanimously by roll call.**

Kevin Kress

Kevin Kress, City Administrator

Gregg Nelson

Gregg Nelson, Mayor

Date approved 7/9/2020