

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
May 11, 2023**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Krista Wolter. Council Members Mark Azman, John Shuman, Sara Shah

Absent: Tom Watson.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason.

Others Present: Videographer Kenny Ronnan; Bill Long, North Oaks Home Owners' Association (NOHOA) Secretary; Lauren Grouws, North Oaks Company; Alicia Oullette, Crime Prevention Deputy; Matt Lassegard, Ramsey County Sherriff
A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

North Oaks Home Owners' Association (NOHOA) Secretary Bill Long gave an update on what was going on with NOHOA. He noted they are in an analysis on a management company format for the organization and hope to have something solidified by June 1, 2023.

Member Shah asked when the Summer Fest was happening. Mr. Long replied it would be on June 3, 2023.

Member Azman noted the Council has been discussing the possibility of having joint meetings with NOHOA and the City and asked if Mr. Long could relay the information to the NOHOA Board. Mr. Long stated he would do that and NOHOA has a desire to engage more.

5. APPROVAL OF AGENDA

Administrator Kress noted he was hoping to move the 2022 audit presentation to the beginning of the meeting but the presenters were not yet present online so the Council did not have to move the item up since there was a video they could show in place of the presenters.

Member Shuman asked what Administrator Kress' guidance was. Administrator Kress stated either is fine and they can accept the audit as is since it has been the same each year but suggested to leave it under 9a of the agenda.

MOTION by Azman, seconded by Shah, to approve the Agenda. Motion carried unanimously.

6. CONSENT AGENDA

a. Approval of Licenses:

Arborists: Bratt Tree Company

Mechanical: Air America Htg. & Cooling, Inc.; Four Seasons Air Specialist, Inc; K & S Heating & Air Conditioning; Mitchell Heating, LLC; Patton Heating and Air; Plumbing Restoration and Services; Underdahl's Heating & Air

b. Approval of Temporary Liquor License - NOHOA Summerfest 6/3/23

c. Approval of City Financials for the month of April 2023

EFT's: 000694E – 000700E

Check #014884 - 014915

MOTION by Shuman, seconded by Shah, to approve the Consent Agenda as presented. Motion carried unanimously.

Member Shah noted there were no minutes to approve. Administrator Kress mentioned they forgot to include it but would add the minutes for next month's meeting.

7. PETITIONS, REQUESTS & COMMUNICATIONS

a. Ramsey County Sherriff: Officer Matt Lassegard Report

Officer Lassegard gave a summary of the written report and warned the public of a local scam that includes someone pretending their car is broken down and asking to use a phone to call a tow truck but instead uses the phone to transfer money on the Cash App. There have been a number of catalytic converters stolen at 5919 Centerville Road but Officer Lassegard has not seen anything when he drives by. There has been dumpster diving, rock collecting and eagle watching at the Spring Farm construction site and while there have not been many complaints, Officer Lassegard called the contractor to let them know not to give people permission to be on the site. He noted there is no solicitation and encouraged anyone who experiences any sort of solicitation to give the police a call. There has been more speeding, noting the speed limit is due to the winding roads, and expressed the importance of caring for the neighborhood. He noted it was Mental Health Month and explained there was an increase in mental health calls and encouraged anyone who may need help to reach out.

Member Shuman asked Officer Lassegard if he feels like he has enough resources and expertise from the County when answering a mental health related call. Officer Lassegard replied that the County Crisis Team comes out more often but they has not needed their services recently. He explained how they handle mental health related calls with juveniles and adults and noted Northwest Youth and Family Services has been a good resource they use.

Officer Lassegard explained he could not share too much information about the recent burglary on West Pleasant Lake Road since it is an ongoing investigation but stated meth was not being made there.

Member Shah noted she has spoken with Officer Lassegard before the meeting and asked him if it was an isolated event.

Crime Prevention Deputy Alicia Oullette gave an update on crime in North Oaks and noted the recent burglary was the only one in 2023 and there has been a drop in the recent years. With the growth of the City, burglaries can increase but she has not noticed a pattern of “snow birds” being targeted and instead sees crime throughout the entire year. She encouraged the public to use resources such as calling the County’s Community Affairs Officers who will do a home watch, get additional education from officers in the County, and communicating with neighbors to keep an eye out on the neighborhood.

Member Shah asked where accurate crime related data about the City could be found. Member Azman added the Council receives the Daily Notable Events from the County reported to them. Deputy Oullette stated she would need to check with the County but often times the data can change when they receive an accurate date to the crime.

Member Shah noted she heard about the burglary through Facebook and was frustrated that there was not a way for the Council to find out accurate data sooner. She added there could be changes in the future for better communication. Member Shuman agreed and stated the information to the community was slow, and inaccurate, and emphasized to not dismiss the crime and instead find solutions so it does not happen again.

Mayor Wolter asked if crimes were being reported in the *North Oaks News* and expressed her desire to know what is happening in the community in writing. Deputy Oullette noted other cities have done the same and added the option of putting it on the website to make it more accessible. Administrator Kress stated they have done tidbits in the past and suggested Officer Lassegard pull items for the *North Oaks News*.

The Council discussed where data was pulled from, how to get data to the *North Oaks News*, what information to include, block captains, and how to engage the community.

Member Shuman asked Deputy Oullette about creating a map that shows block or cul-de-sac watch captains. Deputy Oullette noted they are working on naming each neighborhood and creating maps. There are about three captains who have come forward and they can typically find more people during Night to Unite.

Officer Lassegard noted there are volunteer opportunities to help with the Community Affairs Department. Deputy Oullette noted there is a social worker included in the Ramsey County dispatchers.

Member Shah suggested having educational videos and resources available for residents.

8. UNFINISHED BUSINESS

a. Discussion and possible action on rescinding local emergency declaration

Attorney Nason gave a summary of the item stating there is a resolution to consider that would rescind the local emergency declaration due to the Covid-19 pandemic. Members are still allowed to attend meetings virtually but would follow a different set of guidelines.

Member Azman asked if the federal government declarations expired today. Attorney Nason agreed and stated one national emergency expired this week and the other expired today.

MOTION by Azman, seconded by Wolter, to approve Resolution #1481 the termination of the existing local emergency declaration related to the Covid-19 health pandemic. Motion carried unanimously.

9. NEW BUSINESS

a. 2022 audit presentation

Administrator Kress explained the presenters were not available virtually and if the Council was comfortable, they could make a motion to accept the audit and he could explain the letters of credit and the escrow money.

MOTION by Shuman, seconded by Shah, to accept the 2022 audit. Motion carried unanimously.

Lauren Grouws, North Oaks Company, explained she would like to hear how the Council would like to proceed with the cash escrows and letters of credit. The letters of credit renewal is in June 2023. Administrator Kress explained the cash escrows are in place to make sure the development projects are completed and since 1999 the City has never reused the money. But the auditor would prefer to cash out the money instead of transferring it each year. The two options are to either have one line of credit which would encompass the remaining development sites, or change the language in the developer's agreement that would not include a letter of credit or cash escrow with the requirement to perform satisfactory work.

Member Azman asked how much cash was in the account. Administrator Kress replied it was roughly \$500,000.

Attorney Nason reviewed the background of the model development contract and noted that Section 11 that requires a 125% surety bond, letter of credit, or cash escrow provided for a number of items the developer is responsible for installing. The Council can remove the requirement for the existing developments or for future developments. There are two letters with two separate requests. The first one is to eliminate the outstanding credit for Red Forest Way Phase 1 and the second one is on the Gate Hills Subdivision.

Member Azman stated it was too new for him to feel comfortable to take action. Administrator Kress noted they would need to take action before June 1, 2023.

Mayor Wolter asked if the letter of credit acted the same as the cash escrow. Administrator Kress agreed and added the preference is to roll the money into one letter of credit.

Mayor Wolter asked if there was greater risk in doing a letter of credit. Attorney Nason explained it would not have greater risk.

Member Azman asked what requirements there were to approve a bank. Attorney Nason stated it would need to be a major bank in the Twin Cities.

Member Azman asked Attorney Nason what other cities do. Attorney Nason replied her other cities have a line of credit.

Member Azman asked what the \$500,000 was being used for. Administrator Kress stated some is being used for the development projects and would need to move the cash into the letter of credit.

Attorney Nason explained what the process would look like as they work with the current developers.

The Council discussed the level of risk, the process on writing up the agreement, and the timing of the expired accounts and creating the new letter of credit to avoid a gap.

MOTION by Azman, seconded by Shuman, to allow the release of the existing letters of credit after a new letter of credit with a revised amount that covers all developer obligations for all of the outstanding East Oaks PDA related developments is provided to the City and to allow release of the cash escrow at the same event. Motion carried unanimously.

b. Discussion and possible action on Memorandum of Understanding with White Bear Township

Attorney Nason gave the background on the lawsuit between the White Bear Lake Restoration Association and Department of Natural Resources for allowing over pumping of aquifer into the water which caused a reduction in the lake level for White Bear Lake. An order was eventually filed that required the DNR to take steps including making amendments to the existing water appropriations for towns within a certain radius of White Bear Lake. She reviewed the other requirements that came from the lawsuit.

Attorney Nason explained that all the surrounding cities involved challenged the conditions that were required through a contested case proceeding. All the parties involved met last week for mediation for a resolution but it was unsuccessful. Administrator Kress has met with White Bear Township to discuss rescinding the original discontinuation of providing water to the City under the existing joint powers agreement.

Administrator Kress reviewed the Memorandum of Understanding included in the Agenda Packet. He asked the Council for feedback in the next few days.

Mayor Wolter asked Administrator Kress to review the areas of the City that would be affected. Administrator Kress stated it is unknown at the moment since they do not know the results of the litigation but anyone who gets a water bill from White Bear Township would be affected.

Member Azman asked if conditions could be included in the Memorandum of Understanding. Administrator Kress stated they could and, if necessary, they could have a meeting with the Board of White Bear Township and the City Council.

Member Shah asked if the data could be pulled to see how many gallons of water is being used and if 75 gallons is enough for each household. Attorney Nason stated White Bear Township has the data and could obtain the current data.

Member Shah asked how residents who have private wells and septic are affected. Administrator Kress noted it is in the conditions because it is a part of the same aquifer and does not know if it will be required to install meters for the DNR to monitor how much water is being used.

Member Shah asked what steps needed to be taken moving forward. Administrator Kress explained either way, it will come back to the Council and there will need to be an agreement.

Mayor Wolter asked what the timeline was. Administrator Kress stated it needs to be completed before the letter terminates on May 2, 2024 but no action would need to be taken immediately.

The Council discussed the desire for improved communication, what to communicate to the public, and who should communicate,

c. Discussion and possible action on City publication

Mayor Wolter explained the possibility of a mailing a six-page publication to all residents in North Oaks which includes updates from the City, list of who to call, update from NOHOA and upcoming events, other stakeholder information, and an ongoing calendar. It would be paid through a sponsor and be sent out on a quarterly basis.

Member Shuman stated he liked the idea and the format.

Member Azman asked Administrator Kress how other cities distribute a newsletter. Administrator Kress stated mail, electronic, and posting on the city website.

Attorney Nason explained State Statute requires all donations be approved by a resolution. The Council can direct the City to move forward without the donation resolution until there is a donation being offered.

MOTION by Shah, seconded by Azman, to authorize the Mayor and City Administrator to initiate the Community Newsletter. Motion carried unanimously.

10. COUNCIL MEMBER REPORTS

Member Shuman attended the VLAWMO meeting, and shared they are scheduling a tour on some of the projects. Both ENS and CCTV perimeter initiative potential vendors have provided presentations and he will give the proposals to Administrator Kress so Administrator Kress can socialize them with the Council and NOHOA.

Member Shah gave an update on the Fire Board meeting stating the big discussion is about the fire district. Information will be provided to the Council soon where the Council will need to have discussion on how it will impact the City.

Member Azman shared about the Cable Commission meeting noting one of the initiatives they are pursuing is to submit comments to the FCC to appeal rules to keep local decisions on the Equal Access Act. Information on how it will impact the City will come out next week. He attended the Planning Commission meeting and shared that the Planning Commission unanimously voted to approve the preliminary plan for Red Forest Way South Phase 2 with 17 lots. They are asking to do City sewer and water but that will be determined if the Met Council agrees to the change to the City's Comprehensive Plan. If it is not approved, the development will need to do septic and well and adjust the lot lines. He shared about the Fire Relief Association meeting and noted they discussed the investment strategy, and pay outs for firefighters who have retired or are eligible for benefits.

Mayor Wolter asked if the water would be connected from White Bear Township to the new development. Member Azman agreed and explained he had asked if they would be able to extend the connection for the future. Administrator Kress added that if the plan is not approved by Met Council, the Planning Commission asked for it to be sent back to them.

Mayor Wolter shared about a special Council meeting where they interviewed three potential engineering firms to look at and analyze the infrastructure which included water, sewer, utilities, road standards, etc. The proposals are being done to be proactive and to have a long term plan. There are two more interviews with engineering firms.

11. CITY ADMINISTRATOR REPORTS

Administrator Kress shared a reminder that brush pick up is on May 25, 2023 and encouraged residents to sign up.

Administrator Kress asked the Council would like to close the office for Juneteenth on June 19 in anticipation that the State will close offices on that day. He noted July 4, 2023 is on a Tuesday and asked the Council if they would like to close offices on Monday July 3, 2023.

The Council agreed to close the office on July 3, 2023.

Administrator Kress noted there was a water main break in the Rat Farm District so they are looking to work with the homeowner. He estimated it will cost a couple thousand dollars in order to replace the landscaping.

The Council agreed to work with the homeowner to fix the landscaping.

Administrator Kress noted he is working with the City Planner and Member Shah on creating a smart sheet to give the Council a snapshot on items the Council will need to take action on.

12. CITY ATTORNEY REPORTS

None.

13. MISCELLANEOUS

a. City Forester Reports

The report is included in the Agenda Packet.

14. ADJOURNMENT

MOTION by Shuman, seconded by Azman, to adjourn the meeting at 8:48 p.m. Motion carried unanimously by roll call.

Kevin Kress

Kevin Kress, City Administrator

Krista Wolter

Krista Wolter, Mayor

Date approved 7/13/2023