

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
April 14, 2020**

CALL TO ORDER

Chair Azman called the meeting of April 14, 2020, to order at 6:00 p.m.

In compliance with Governor Walz's Stay-at-Home Order and pursuant to Minnesota Statute 13D.021, the meeting was conducted via Zoom.

Chair Azman noted there have been a lot of emails, mostly from concerned citizens, about meeting virtually: it doesn't provide the public with the optimum ability to meaningfully participate; some citizens might not have sufficient technology; the meeting should be postponed; and there might be some problems with the meeting notice. He shared with everyone some reasons why the meeting is moving forward in this manner: Governor Walz's Declaration of Peacetime Emergency by Executive Order effective through May 13; his Stay-at-Home Order effective through May 4; and the North Oaks City Council Resolution consenting to the Mayor's Declaration of Emergency which extends through May 19 and authorizes the Planning Commission and other bodies to meet remotely pursuant to Minnesota Statute 13D.021 involving situations where there is a pandemic. He also noted there are 2 pending subdivision applications, and they need to be moved through due to the 120-day rule. They thought about waiting to see if there would be an opportunity to meet in-person, and it does not look like there will be a blanket statement of, "We're done; everybody go back to normal." The concern is that there will not be a real opportunity to meet in-person in the near future with respect to the 2 applications while complying with the social-distancing and masking recommendations. Another reason to move forward is to give the Planning Commission the ability to proceed and get their feet wet in a hearing process with a virtual format. He noted that at the end of the meeting, instead of asking for a vote, the public hearing may be continued to a date in May that will be re-noticed to allow further public comment. He will also ask the Commission to not vote regarding the application in order to try and accommodate the various concerns that have been expressed to the Commission and Staff about meeting virtually. He asked City Attorney Nason to offer an opinion on whether a public hearing as opposed to a public meeting is permitted by virtual means and how the impact of a 120-day rule would apply.

City Attorney Nason stated the meeting is being conducted by telephone/other electronic means because, pursuant to Minnesota Statute 13D.021, an emergency exists and has been declared under Chapter 12, and a health pandemic exists. Under state statute, any meeting governed by Section 13D.01 may be conducted by telephone/other electronic means where, due to the circumstances outlined, it is neither practical or prudent to meet in public/in a public setting. This includes all components of a public meeting, including public hearings. She said Minnesota Statute 462.358 requires that applications for preliminary plan/preliminary plat approval for a subdivision be acted upon within 120 days from the date a completed application is received by the City. The League of Minnesota Cities has been working to obtain some type of legislation that would extend the 60-day rule and 120-day subdivision application rule. To date there has

been no legislative action, which means the statutory provisions which require the City to take action or, by its inaction, to have an application be deemed approved by default, apply to this situation. The City has to move forward with the application at this time, absent confirmation by the applicant to delay the proceeding or a legislative change that would overrule the 120-day deadline. She said although it is more challenging to meet in the electronic space, that is the situation the City is in. Other cities are in the same situation, not only with respect to meeting by electronic means, but also having to conduct public hearings via electronic means. Many cities are also in the process of moving forward with approving special assessments for street or road projects, all of which require a public hearing, and are working to adapt and meet the public hearing requirements in the electronic space. It is contemplated that there may be a motion made to continue the public hearing and to continue the meeting to a date towards the end of May, outside of the current declared emergency and shelter-in-place order. No one knows whether that will result in an in-person meeting, but it is a possibility. It is a challenging environment to navigate, but all cities and governmental subdivisions in the State are dealing with it at this time.

Chair Azman asked City Attorney Nason to explain what the impact of the 120-day rule is on the Planning Commission's obligation to move forward.

City Attorney Nason said that from the date of complete application as received by the City, the City has to take action to either approve or deny an application for a subdivision. If the City fails to do so, the application is deemed automatically approved, unless there is consent by the applicant to extend the deadline or some type of legislative change which extends the deadline for some period of time as a result of this pandemic. At this time, the City has to act or the application will be deemed approved.

Commissioner Shah asked for clarification of dates to get the application to the Council in time, noting there will be a May 28 Planning Commission meeting and the following City Council meeting is June 4.

Administrator Kress stated the City Council has until June 23 to take action on the application.

Chair Azman noted that if the Planning Commission pushed until the end of May to accommodate the various emergency declarations, it should provide the Planning Commission the optimum amount of time/ability to meet again, hopefully have an in-person meeting, and still be able to conclude and provide a recommendation to the City Council.

Commissioner Hauge asked if there was a Planning Commission meeting on April 30.

Administrator Kress said there is a meeting planned for April 30, which will be a separate public hearing for a Conditional Use Permit. If the Planning Commission is interested in extending this meeting out, there will be some options at the end of the meeting which also give the City Council sufficient time to act on the application on or before June 23. He also indicated every motion would need to be done by roll call as part of the virtual meeting process.

Commissioner Sandell asked Chair Azman to walk through the logistics going to the next meeting, wondering whether the Planning Commission would go through the entire

agenda/conversations again, or if everything that was discussed and considered in this meeting would count and it would be a 5-minute meeting, or how the 2 meetings would work together.

Chair Azman stated there might be some overlap and duplication. His request of the Commission would be to not deny anyone who would like the opportunity to speak/present, whether tonight or at the next meeting, to optimize the Commission's ability to hear everyone. He expected that the Commission would not need a full-blown Staff report at the next meeting, but if there were persons that wanted to speak or speak again, the Commission would provide that opportunity. He felt that would fully accommodate the concerns expressed about meeting virtually, notices, and things of that nature. He said he would give additional instructions to members of the public on how to participate and reminded everyone to stay muted to help with background noise. He noted the Planning Commission received a lot of public comments from people separate from the meeting and that they would get that information in the record.

ROLL CALL

Present: Chair Mark Azman, Commissioners David Cremons, Jim Hara, Stig Hauge, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. City Council Liaison Rick Kingston.
Staff Present: Administrator Kevin Kress, City Planner Bob Kirmis, City Attorney Bridget Nason, Engineer Larina DeWalt, City Forester Mark Rehder.
Others Present: Videographer Maureen Anderson.
A quorum was declared present.

APPROVAL OF AGENDA

MOTION by Hauge, seconded by Yoshimura-Rank, to approve the agenda as submitted. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

Commissioner Hara stated he has relatives that are residents of North Oaks that have gone on record opposing the current Nord concept development plan. He views his role as a Planning Commission member to support the North Oaks community at-large and not any specific individual/group. He has been a resident for over 30 years, and his votes and comments are based on his passion for the community. He wanted to put on the record that he is not biased toward any person or group of people.

Chair Azman noted the meeting is being conducted via Zoom, and there are panelists -- Planning Commissioners, Staff, Council member Kingston, and the applicant -- and also the attendees who he can see and call upon. Members of the public that wish to speak need to utilize the "raise your hand" function in Zoom, which signals to him that a member of the public would like to speak. As the hands go up, he will unmute the attendee; the attendee should accept the request to be unmuted and begin speaking. Comments should be limited to 3 minutes or less, if possible. If a member of the public would like to make a presentation or show content from their computer, he will elevate that member to "panelist" and they can share content. If a member does not use the "raise your hand" function, he does not know if they want to speak and cannot unmute anyone. If someone crashes or "Zoom bombs" the meeting, he as the host has the ability to remove them. If anything goes haywire, he can end the meeting. If there is a disruption similar to that, he will do the least amount he needs to do in order to remove the disruption. He noted that the meeting is

being broadcast over Channel 16 and also recorded so people that cannot make the meeting can watch it another evening.

Chair Azman called the public hearing to order at 6:30 p.m. for the purpose identified in the notice that was published: to consider an application for the subdivision of the Nord Parcel known as Site C in the planned development agreement between the applicant, North Oaks Company (NOC), and the City, which will allow the public an equitable opportunity to be heard.

BUSINESS ACTION ITEMS

a. Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision) Application: Nord Parcel

- City Planner Kirmis presented the Planning Report included in the packet and recommendation for approval of the proposed Nord preliminary plan/preliminary plat (subdivision) application subject to fulfillment of conditions 1-49.
- Commissioner Hara, referencing the May 2018 minutes, when the topic came before the Planning Commission, stated that at that time it was the Planning Commission's belief that V-284 and B-292 appeared to be trails in former maps. City Staff thought parcel V-284 was intended to be a trail, and City Planner Robinson said the circumstantial evidence and shape of the parcel suggested it was meant to be a trail leading into the recreation area. He said it seemed like it had been talked about a reasonable amount. Now there are different City Staff and Planning Commission members, but he is confused about the comment that these are mysteries, that nobody seemed to know what the 2 parcels were. When looking at the original platting of the 10 lots, his observation and thinking would be the same as what the 2018 Planning Commission and City Staff thought. He asked for illumination as far as how the 2 lots became mysteries in the past couple of years.
- City Planner Kirmis said Administrator Kress had a theory that potentially a roadway was envisioned at some point, particularly the east-west strip, V-284, but he did not know.
- Administrator Kress stated if one looks at the 2 different parcels, the width is about 60 feet; and he disagrees that it could be considered the size of a trail. If one were to look at the parcels with the southern development, it would have made more sense as a road. As they developed the southern parcel, they figured out it did not make any sense. As the City Council and Planning Commission went through the Comp Plan phases, those consistently changed. There have been a number of different zoning designations for both of the parcels.
- City Engineer DeWalt noted she had a number of high-level comments within the report related to service water management, grading, utilities, and streets. For the most part, they were cookie cutter/boilerplate/industry-standard comments that she would expect to be addressed with final design plans, and she did not think it would be a good use of time to go through them in great detail.
- Commissioner Hara referenced the orphan property that goes through a wetland and noted there was a question as to why someone would run a trail through a wetland. He understood Administrator Kress to say it was a road and asked if a road would be preferred over a trail,

and also if the trail would almost parallel the road that already exists there except it would be to the north by 25-50 yards.

- City Engineer DeWalt said she did not know how far back the V-284 RLS dates, but it could be prior to any wetland delineation and prior to a lot of planning and understanding of what existed on the property. She thought the Commission would get further into the trail discussion once the applicant presents, although there is also the incorporation of the existing trail easements. She was not sure why there would be an additional trail planned when there are already trail easements to the south.
- Commissioner Shah clarified that it was the Environmental Assessment Worksheet (EAW) that did not have V-284, so that was where the discrepancy was found in February and then brought to Staff's attention. She also noted that there is some land located east of Lot 12 and asked what the intention of that land is, noting that it is a long, skinny piece of land.
- Chair Azman asked if Commissioner Shah was talking about the wetland area.
- Commissioner Shah said that east of Lot 12 there is a basin, but there is a skinny piece of land north/northeast of that which does not seem to be part of the lot to the east.
- Chair Azman said it looked like it was part of Lot 12 and hoped Mr. Houge could help answer that question.
- City Engineer DeWalt asked if Commissioner Shah was referring to the part of the wetland that is on Lot 12.
- Commissioner Shah indicated the cul-de-sac is the start of a long "flag" lot and, referring to the upper north portion, she said she is curious about the future of the outlot.
- City Engineer DeWalt said the entire piece of land appears to be part of Lot 12.
- City Planner Kirmis stated City Engineer DeWalt was correct, that it is all part of Lot 12, noting there is a skinny component that runs along the north property line of the development that extends up to near the center point of the cul-de-sac turn-around.
- Commissioner Hauge asked City Engineer DeWalt and City Planner Kirmis if there were any further thoughts about making provisions for future City sewer and water to the area. He noted from a planning perspective it would make sense to do so.
- City Engineer DeWalt said it had been discussed in the past and the prior plan showed City water and sewer coming into the area. Staff has requested a discussion with the applicant again. She stated part of the challenge with bringing in City water is where it will come from and how the system will be adequately looped, because North Oaks is on the edge of 2 disparate systems. She indicated another challenge will be bringing in City sanitary sewer, noting there was a stub that was planned from the Rapp Farm Phase 6 and a forced main but that there were challenges with a forced main system as well. She has been told that White

Bear Township and North Oaks Home Owner's Association (NOHOA) have stated they would not like to take on that type of system. She said there are ways to move forward with planning in the future, but the City is not quite there yet with this particular application.

- Administrator Kress stated he sat in on a meeting with Mr. Houge and White Bear Township regarding the utilities section of the development. One of the main concerns was the water level lawsuit that White Bear Township is currently dealing with. There is a bit of uncertainty as far as providing water. He said there is also potential to get water services from the Shoreview side up Sherwood Road because their system is just down the street from that. They did request from the company, if possible, to place additional easements so that if or when utilities are requested or desired, the City has the option to do that. Beyond that, he would turn the discussion over to Mr. Houge for any commentary.
- Mark Houge from NOC echoed Administrator Kress' comments, stating if they can show a potential future path and accommodate that with some easements, they are open to that idea. He said at this point the discussion needs to go beyond what might happen in the Nord area and asked how they would connect to any utilities that would ultimately go in there beyond the boundaries of Nord.
- Commissioner Shah noted the Planning Commission talked in the past about having a fire hydrant in the area and asked where the Commission ended as far as whether it was viable.
- Administrator Kress said the City did address the issue with White Bear Township. If the line system were to be extended, it would still be a dead-end system. You would need some type of valve to clean at some point, or there would be a bunch of junk in the hydrant when you would want to use it. It is currently not advised unless the system can be looped.
- Chair Azman asked City Engineer DeWalt what her thoughts were on how the plan addresses wetland impacts, if there are any.
- City Engineer DeWalt stated, as the plan has been submitted, there are no wetland impacts identified.
- City Forester Rehder said he was asked to determine impacts to significant and heritage trees on-site as a result of the work -- the construction of the street, installation of storm ponds, and installation of trails -- and then provide the information to the City. He provided a report to the City, and it included his observations of the site and also recommendations if the process goes forward on things that can be done to preserve trees on-site.
- Commissioner Shah stated City Forester Rehder indicated there would be 216 possible trees removed from this parcel and asked what percentage of the parcel that was.
- City Forester Rehder said that as far as the entirety of the population on-site, he did not do any analysis or measurements of area. Just looking at the size of the lots and width/length of the street, he would think it would be less than 10% and probably in the 5% region.

- Commissioner Yoshimura-Rank asked if a heritage tree would need to be defined for the City, or what trees would be considered valuable.
- City Forester Rehder noted the City does not currently have a tree preservation ordinance in place nor true definitions of what constitutes a “significant” or “heritage” tree. He mentioned in the report he had reviewed a number of other City Ordinances to see what a usable definition is, and he did incorporate that into the report. Usually it is used when the community has a replacement policy to help determine how many trees need to be replaced. For example, if you take a heritage tree, you may have to replace at a 3:1 ratio compared to a smaller tree or a significant tree, where you may have to replace at a 1:1 ratio. He did not know if the City needed to clarify the definitions for a “significant” or “heritage” tree.
- Commissioner Hauge asked City Forester Rehder if he ranked any type of tree higher or has a list of tree rankings. For example, his grandfather said aspen might not be ranked very high while oak might be ranked the highest, with pine somewhere in between.
- City Forester Rehder said the perspective that one is coming from is important. There are different ways to look at the value of trees. The way he generally looks at it is, what the benefits are to the environment; oak and cherry trees definitely feed a lot of insects which, in turn, feed birds, and so on. In his opinion, from a natural environment perspective, oaks and cherries have more value than aspen or ash, but all trees are good trees.
- Chair Azman asked Mr. Houge to comment about the application and summarize his April 14 Memo which was issued to the Planning Commission. He reminded attendees to click the “raise your hand” button if they wished to speak.
- Mark Houge said they started the process over a year ago with an entirely different plan, hoping to get approval in early 2019 and build lots last summer. One year later, and they have new residents at Rapp Farm and a lot of people still interested in moving in the area which could be satisfied by the Nord addition. In order for the process to be satisfied in a timely way, NOC needs approval for a preliminary plan; then they would request a permit to start doing grading in July, which times well with City Forester Rehder’s recommendation that they not disturb trees until after July 1, if possible. They would work closely with City Forester Rehder to make minor tweaks to the road, if possible, to preserve any really important trees. Then they would come back before the Council to get the final plat, which they would file with the County. It would take until the latter part of summer/early fall to complete the process. He said he is aware that there are a number of residents concerned about the Company’s approach to the project. He thinks there is a misconception that the Company is unwilling to make changes in response to input from its members, the Planning Commission, NOHOA, and the City Council. He stated the opposite is true. NOC started the process of entering the project from North Deep Lake Road. The idea was to preserve privacy and not to create another entrance. It would have also given NOC an opportunity to extend a pressure sewer system for sanitary sewer as well as water. NOC would have had some challenges working with White Bear Township: they had concerns about a dead-end water system as well as who would maintain the pressure system. NOC changed the design and now are accessing a majority of the lots from Sherwood Road. They have worked with

NOHOA to try to come up with the best trail solution. He said Exhibit B4, which is part of the PDA, does not require the Company to add any trails in Nord. They have decided, with the support of NOHOA, to extend the trail easements by adding an easement on Lots 1 and 2 on the easterly portion of the project, and NOHOA would restore the trail south of the wetland and continue over to the south tip of Rapp Farm and connect to the conservation area. With respect to Lots V-284 and B-292, they do not know what was in the mind of Louis Hill, Jr., at the time. He also asked everyone to keep in mind the lots were created in the 60s.

- Commissioner Hara referenced an exhibit and the area where the trail connects, which is south of Rapp Farm, and asked if the proposed dashed line is an existing trail or a new trail, noting it is a pretty heavily wooded area and it would not seem like the best idea to put the trail there and cut trees down. He also said if the existing trail were used, it would encroach into Lot 1 roughly 30 feet.
- Mark Houge said they would put the trail on Lots 2 and 1 as close to the wetland as possible. They would enter the Rapp Farm development on an existing outlot that was intended to be strictly for stormwater. It does not encroach on Lot 93.
- Commissioner Hara stated behind Lot 93 there is a thicket of woods, which is probably 20-30 feet wide, and on the other side of the thicket is the existing trail which is used for cross-country skiing and walking, etc. He asked if the intention is to use the existing pathway, or cut the trees down and move the pathway to the north by eliminating the trees.
- Mark Houge said their hope is to shift the trail a little to the south where it crosses the boundary going into Rapp if that is where there is a clear path. They have to be careful to not come too far south to encroach on where a home may be built.
- Commissioner Hara stated if the trail that is there now could be maintained, it would eliminate removing a stand of trees, which includes birch and other high-value trees.
- Mark Houge said he hoped they would be able to accommodate that and would probably have to go out there with City Forester Rehder and look at it to make sure they were both talking about the same thing. Their approach generally would be to put the trail in locations around large trees so they would not have to be cut down. The trail meanders through most parts of North Oaks, and they try to avoid taking down trees if possible.
- Chair Azman indicated he screen-shared the trail map that was submitted. He stated it was his understanding the trail map is representing the agreement between NOHOA and the Company on a trail through the Nord Parcel.
- Mark Houge stated he was correct. He said there is a letter from NOHOA acknowledging that a solution was worked out and that NOHOA is in support of the trail map on the screen.
- Commissioner Shah asked if Mr. Houge approached the Rapp Farm Subassociation in regard to the extension to the east which was being indicated on the displayed map.

- Mark Houge stated he has and also shared that he is on the Rapp Farm Sub association Board, along with Gary Eagles and Robyne Platzer and two residents. They have discussed the matter and, as a Board, they think this is a reasonable approach. They want to bring it to the members of the Sub association to confirm their agreement.
- Commissioner Cremons asked if there was any portion of the proposed trail path that requires the agreement of any homeowners to change the rights that are currently there. He asked if it was dependent on anything other than the Rapp Farm Sub association giving its final consent.
- Mark Houge indicated there is not. The easements all exist on the lots to the south and the Company owns the other property and they would grant easements, so there are no additional easements that would have to be granted by any of the homeowners.
- Commissioner Cremons clarified that there would also be no relocation of easements or any other changes which require consent.
- Mark Houge stated he was correct as far as accommodating the trail as shown.
- Commissioner Cremons noted NOC has a timing issue but he is concerned about a precedent that could be created by approving a Site C plan that includes property that isn't within Site C, clarifying that there are 2 lots that are not within the definition of Site C under the PDA. He asked for some kind of assurance from NOC that in future developments, where there is going to be any kind of change/request of change to the boundary beyond the site as it is currently defined, an amendment to the PDA be obtained first as opposed to having to deal with the issue later in the process.
- Mark Houge said he would like to see that in the future as well and is more than happy to accommodate that request.
- Commissioner Cremons requested that be put in writing in some form so there is no issue of a precedent being created that could cause a problem with Gate Hill, etc.
- Mark Houge stated he would be happy to do so. He said North Oaks is a place with a lot of challenges and there are other locations where lots were created that crossed zoning boundaries. It has happened before, and they should try to make sure it doesn't happen again.
- Commissioner Shah asked how many households/existing homes are impacted by the easements that would be implemented.
- Mark Houge referenced a map and said Lots F, D, C, and B are where the current easements exist.
- Commissioner Shah asked if NOC has approached the homeowners at this point.

- Mark Hauge said NOHOA has talked with each of them, although there may have been 1 they were not able to reach. He noted Kathie Emmons may want to speak to that issue. They have had discussions with 2 of the owners, the Savereides and Coones, and although they may not view this as ideal, they did alter the original plan to make it more palatable.
- Commissioner Hauge asked if they could hear from NOHOA before the public hearing.
- Chair Azman stated he felt it may be more productive to have NOHOA speak after the public in the event there are any comments by the public that NOHOA could wrap into their comments. He asked for any additional comments.

MOTION by Yoshimura-Rank, seconded by Shah, to open the public hearing. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

- Citizen Comment: Don Nightingale, 11 Nord Circle, said originally, he hoped to have some exhibits he could put up but was not able to get it done. He understood and thought it was wise that Chair Azman would not be taking a vote but at least get things out in the open. He said he would argue strongly that the Planning Commission should reject this plan, which is not in agreement with the PUD, and it should be sent back to the Company to be corrected. He noted it relates primarily to 2 areas, and the first area is access. He referenced Article 7.1 of the PUD, which discusses location and creation of streets, and said that is married with the Nord Parcel, Exhibit B2 in the Conceptual Street & Access Plan, East Oaks Project of February 11, 1999. He said it clearly indicates that the Nord Parcel is to only be accessed off of Sherwood Road. The Company seems to be arguing that they had an existing driveway on the east and that, for Lots 1 and 2, they can be accessed by the shared driveway. He said the shared driveway was never a vehicle road that was used by North Oaks residents; it is an old farm road. He has lived in North Oaks since 1982, and it had a gate and lock and was the access to the Company up into what is now the Nord/Rapp Farm area where they had a burn site. He said to call it a driveway is a bit of semantic gymnastics. The Company is proposing a road into North Oaks to service the 2 lots and gives absolutely no justification for that. He stated most of the Commissioners understand/should understand the key basis of the 1999 PUD is that the Company struck a deal with North Oaks of, "Give us more density on the periphery areas," and then the community said they would all be accessed only by existing periphery roads and not come into old North Oaks roads and adding the traffic and density there. This proposal, as well as the proposals for the other periphery areas that the Company presented last spring, are in complete violation, including 3 new accesses into North Oaks on the east side. He said he has a download from the Ramsey County Plat book, which everyone could access via computer, that shows there are currently no platted lots in the Nord Parcel. He has been told by one of the Council members that the Company thinks that Lots 1 and 2 were previously platted, but the plat download shows it is not true. It also shows the immense difference in the amount of density in Rapp Farm versus North Oaks, which is not surprising because of the zoning difference. He believes it is accurate to say that in the Nord Parcel, under the zoning the rest of the residents live with, you could get 4-5 lots, depending on if there were 2 good septic sites for each of the parcels. The current proposal is coming in with 12 lots. Assuming the Company prices each lot at \$200,000, if they had the old zoning the

Company could have a revenue of approximately \$1 million as opposed to the \$2.4 million, a 140% increase. He thinks North Oaks did a good job of treating the Company well, but the Company is now trying to change the deal that was struck in 1999. He stated the current proposed trail plan by NOC is very unsatisfactory even though it goes into easements that no one remembered or knew about or were ever maintained or used south of the big wetland. The problem with it is, at the southwest end it dumps you onto an asphalt road. Therefore, in terms of use, particularly in the winter by cross-country skiers, it wouldn't be a continuous on-ski experience. He said he has an exhibit which shows a NOHOA trail that would have pretty well followed the EAW-documented trail, which would go on the north edge of the big wetland, which can be a no-brainer and win-win for everyone. For the homeowner at 5 North Deep Lake Road, the middle of the easement goes less than 1 foot from the deck of the house. It cannot be mediated by moving to the north because it is right next to the wetland already, or looping around the house the other way because then a driveway is crossed in a wetland. He thinks there is a very good alternative which could work for everyone.

- Citizen Comment: Cheryl DuBois, 20 Black Oak Road, said she and her husband Jeff have been residents for 25 years. They are avid cross-country skiers. They also run, bike, use the lakes for paddling, and love the trails. She noted Black Oak Road is on the west side near the Wildflower Way entrance. They love to ski into the Conservancy, although they have not been able to do so in a few years. They have a strong interest in a trail that will meaningfully allow them to traverse through. They noticed a road crossing at Red Maple. She asked if there was a road crossing on Deep Lake Road. She also asked what other obstructions there were, adding that she heard there was one point where you would be 10 inches from someone's foundation. She stated it is very disruptive and time-consuming as a skier to have to stop and take off your skis and put them back on. Also, there is a danger in walking on icy roads in ski boots. She requested that before any proposals are agreed to, stakeholder citizens and members view/walk the trail, as they need to be able to see what the ease of traverse is of the trail, because she has heard that it could be very difficult to get through unimpeded. She volunteered herself and offered Greg Mack, who is an expert on trails, among others who would be interested in walking/viewing the trail.
- Citizen Comment: Franny Skamser Lewis, 3 Red Maple Lane, referenced a Nord Parcel map and noted a lot of her points follow the general trajectory of Mr. Nightingale's comments, and she would limit her comments to those that build on his. She stated, as noted by all Commissioners, Staff, and other residents, what she lovingly refers to as the "VB parcels" are not included in the development site. She said the land is clearly valuable; otherwise, it would not be of interest to be included in the development site. It builds value for the potential owners of those sites and, therefore, NOC. Because the land also has a tangible value to the residents, she echoed Commissioner Cremons' position: this is something that should not be included or changed by way of an application. She believes the application is not compliant by virtue of the fact that those parcels are included; it is grounds for rejection of the application. She thinks ultimately there would be a path forward for all parties to find a way to include that, but because it involves rezoning and an amendment to the PUD, she believes it is most appropriate that it happens outside of the application process and appropriately noticed with any public hearings, meetings, and town hall sessions. She said there is value to cleaning this up, but it does not mean there is value in doing it the way it is

being proposed currently. She commented that while it is possible at some point it was ideated as a road, it is indicated in the PUD on Exhibit B4 as an existing trail. She understands that it was known and has been known that there have been failures to properly transfer easements and trail dedications in the past. She does not think that diminishes the contractual standard that the trail was agreed to by all parties as existing, and it ought to be identified as a legitimate criteria of the proposal. She stated the trail is meaningful to the community because of its contiguous, uninterrupted access from east to west into the Conservancy; it is a major connection trail that is referred to as the “Golden Gate Trail.” The proposed trail does not meaningfully satisfy the criteria that this trail provides the community. The proposed trail might have been an acceptable replacement had the contractual standard not already been agreed to by both parties that this was an existing trail and, according to the agreement, can only be eliminated if it is replaced with a meaningful equivalent. She sympathizes with the Company because it may have been a mistake, but it does not change the fact that it was agreed to by all parties. If there is interest in changing the agreement, it requires an amendment, which can only be done by a super majority vote of the Council. She said she is hoping the Planner is also counseling the Commission on the value of “desire paths.” People walk and traverse in ways that make sense; people are animals in that respect. When you look at paths, it might not make sense until you realize that trails were created by the humans that were walking on them. People know what the topography was like in the Nord Parcel over time. Satellite images from the government going back to the 50s demonstrate where the wet spots are, although they have changed a little. The general path that people have been walking has not changed much. She referenced the original NOHOA-proposed trail which was outlined in yellow on a displayed map, and stated it is reflective of what the EAW anticipated, it is reflective of how the existing trail would be accommodated for the natural topography, and it is as close to possible, as the desire path indicates, while still accommodating development of all 12 of the lots for the Company. It is unclear how the City would move forward without accepting the trail. She noted the access is coming off of Sherwood. She referenced City Ordinance 151.005 which defines road or street as “a public or private thoroughfare or easement, constructed according to the specifications of the city, which affords the principle means of access for vehicular traffic to abutting land.” As she reads it, the driveway would be considered a road or street. According to the concept plan, which is the controlling document of the PDA currently, Exhibit B2, Conceptual Street & Access Plan, there is no access designed there. She thinks the Company would meet incredible support from the community on immediate acceptance of their application if, including that extra land and driveway, which are considered non-compliant currently, that trail was reflective of the community’s needs and the contractual standards which have been agreed to by all parties. She welcomed any of the Commissioners reaching out, discussing, debating, any sort of discourse, and is very interested in continuing the conversation in a more in-depth way.

- Citizen Comment: Cheryl Blackford, 7 North Deep Lake Road, said she is the middle of the 3 houses where the proposed trail will go through the properties. They have spoken with NOHOA about the easement at the bottom of the property. They have managed that as a trail, including her husband putting wood chips on the trail for many, many years, which has built up the level of the trail. It is right on the edge of the wetland. She noted someone had brought up winter sport activities and said if the trail is not elevated, it will flood in the spring. She

did not know if gravel would be brought in. She stated that their neighbor, Friedrichs, is the house that will be the most affected because the easement comes very close to that house, about 3 feet from his windows. She brought up that parking would not be allowed on the shared driveway and that if either of the other two homes have any kind of party or gathering, all the extra cars would be parked along North Deep Lake Road. On one side of the road is a pond and on the other side there is a wetland. She is not convinced there will be adequate parking for 2 extra houses. The shared driveway was not part of the PUD and it feels as though it is being imposed on the residents, and she would like the Planning Commission to think about it some more.

- Citizen Comment: Rachel Maher, 91 Rapp Farm Place, said she had a video she wanted to submit entitled “Subdivision & Site Planning, Nord Parcel.” The video gave the following information: in the 1990s NOC chose renowned landscape planner Randall Arendt to design the 12 development sites in the East Oak project, those sites to be centered around a conservation area. Arendt used what is called “conservation subdivision” to design those development sites. This approach reduces lot size and preserves the extra land surrounding those lots and protected open space. The open space is designed to conserve natural resources and create trails that can ultimately link with open spaces in other similar subdivisions, which creates an interconnection network of footpaths and conservation lands. Additionally, conservation subdivision principles were adopted within the planning documents, subdivision regulations, and zoning ordinances. Under the PDA, the Nord Parcel is zoned as RSM-PUD, Residential Detached Open Space Home Lots for a Planned Development Unit. Open space home lots are used in conservation subdivisions which arrange lots that are 2-3 acres in size and clusters them together in an area on-site so as to reserve a portion of the site for community open space/green space that is protected in perpetuity. In using the conservation subdivision technique, conservation is extremely important. Interconnectivity is a basic requirement if conservation lands are to work together as an ecological whole, since linking them together physically and functionally enables natural systems to filter stormwater, detail and absorb floodwaters, and cleanse the area reef, which are all key in preventing negative impacts on human and wildlife biodiversity. Lack of interconnectivity prevents wildlife populations from flourishing and the ecological process from functioning properly. That is why the subdivision technique is so important when it comes to conservation. She displayed the Nord Parcel as initially designed by Randall Arendt on the screen and stated it was very common for a conservation subdivision to include incentives. For the Nord Parcel, there is an allowable 30% increase so lots can be added without sacrificing a desirable open space concept. She said there were 10 original lots and then added 3 virtual lots for a total of 13 lots, with plenty of open space available. She stated there was a problem with the Nord Parcel. The conservation subdivision, as outlined by Randall Arendt, was used for previously completed development sites: Rapp Farm, Wilkinson, The Pines, Gate Hill, and The Summits. She displayed the original subdivision parcel for Nord, noting it did not use conservation subdivision; instead, it uses conventional subdivision. After extensive research, she discovered that the PDA, EAW, PUD ordinances, subdivision ordinances, Comp Plan, and previously developed parcels are all consistent with conservation subdivision as described and planned by Mr. Arendt. She said she reviewed previous years’ meeting minutes which also evidence the adoption of conservation subdivision and its principles by the Commission, Council, and Company. She noted one inconsistency in the PUD controls,

which has been the focus and reason for reverting back to conventional subdivision: PUD Article 1.6. Essentially, the recent interpretation is that the developer's obligation to include open space and trails in each subdivision is satisfied by the conservation area and trails within it, which does not make a lot of sense because that defeats the entire purpose of the interconnectivity plan of the East Oaks Development Project. She stated there are an overwhelming number of governing and non-governing documents that support open space home lots and conservation subdivisions and displayed information in support of her statement. She stated that Nord Parcel, using conservation subdivision, better serves the interests of the community, environment, and overall philosophy and vision of North Oaks. She asked the Commission to reject the preliminary plan for Nord Parcel, as it is inconsistent with the PDA as a whole. In addition, further clarity is requested per PUD Article 1.6. She reiterated that the information in her presentation would probably solve the vast majority of other concerns and issues.

- Citizen Comment: Greg Mack, 2 High Circle Way, said he was involved with Ramsey County Parks for a number of years and is very familiar with different types of trails and alignments. He has lived in North Oaks for about 30 years and, particularly with the advent of COVID-19, he sees the value of trails and open space. What is out there is significant and being used by the residents. He supports the trail connections and thinks they are critical to the well-being of the North Oaks community. He asked Chair Azman to display the trail map in order to point out the road access for Lots 1 and 2. While Chair Azman looked for the document, Mr. Mack stated he believed the driveway crosses the parcels that have been added to the subdivision, although he does not know the exact location. If they do, they are necessary for that access, so it is an important addition in order to make the plan work and also a good leverage point moving forward. After Chair Azman displayed a map showing the shared driveway, Mr. Mack asked if the trail illustration is going north of the building site on Lots 1 and 2. He does not want to see a trail with 2 trail crossings, 1 at Maple Lane and a second crossing on the driveway. He asked if the building site on Lot 2 is south of the trail.
- Mark Houge of NOC said the trail which was being displayed would be north of the building sites, which is one of the things NOC worked out with NOHOA, to minimize any driveway crossings by moving it to the northern location. There should be no driveway crossings. The only area that would have to be crossed is Red Maple Lane.
- Citizen Comment: Greg Mack stated he agreed with Ms. DuBois' suggestion to walk the site at some point and would be happy to do that. He said he knows there are challenges in the Red Maple Lane area that would be satisfied with the yellow alignment that was proposed by NOHOA; but as he has watched this unfold, he thinks the Company and NOHOA have come to a much better agreement except in the area where the old easements existed. When he entered the discussion, his objective was to try to get a continuous trail, understanding there may be one driveway crossing, and one driveway crossing has been illustrated so that objective has been met. He said he appreciates the work people have put into the project. If there were options, the trail Franny Skamser Lewis presented is a more continuous trail.
- Citizen Comment: Cindy Nielsen is allowing husband to use her speaker. He asked Chair Azman to show the trail map that was displayed to orient himself as to where he used to go

on skis to what is being proposed now. He echoed the desire to either walk or get a feel for the area. He said it will never be perfect for everyone, but if he is seeing things the way he thinks he is, it is a positive step forward in cooperation. He understands it has not been easy for a lot of people and thinks all parties involved have tried to have a respectful dialogue. If the area could not be indicated on the trail map, he said he could wait to hear if there would be any markings or a “tour.” After Chair Azman enlarged the aerial map in response to his request, He stated that, when looking at Lots 1 and 2, the tree line looks very close to where the red dotted line is and looks very close to where the trail was. He asked if that was accurate or not.

- Mark Houge said that he was accurate. He noted a shadow line under the “1” and stated that it is the remnants of the farm road, which is a little farther south than where the red dots are. He indicated the faint purple line above the dots is the edge of the wetland. The trail would be somewhere between the purple line and word “Lot 1.” The farm road went south and west, following a similar path to where the proposed new trail easement would go, then circled back up and basically dissected the center of Lots 2, 3, 4, 5, and 6, and then returned down to the connection on Parcel G-284. He stated that dissection in the middle is one of the reasons it is so difficult to make something work, not to mention the requirement for 2 areas for septic that are each 5,000 square feet.
- Citizen Comment: Mr. Nielsen asked if it would be safe to assume the other option would be 2 driveways rather than the shared driveway. He said he would like to learn more about the thought process behind the shared driveway.
- Mark Houge stated he believes the shared driveway has the least amount of impact because you end up with a single private driveway which is significantly narrower than a street, which would have been the other option. Each lot will be served by the shared driveway and eliminates 1 driveway in its entirety.
- Chair Azman noted a drawback with Zoom is people that call in cannot raise their hand. He said he was checking to see if one person who called in would like to make a comment, noting the phone number ended in “2790.”
- Citizen Comment: Don Nightingale indicated at least 2 people who spoke have said they would like to walk the area. Having walked the Company’s proposed trail twice in the last week with a group of people, he said he would be happy to lead people when and if they wished to go.
- Chair Azman said he appreciated Mr. Nightingale’s comment and encouraged people to contact the Company and/or Mr. Nightingale to make arrangements.
- Mark Houge recommended the Planning Commission direct people to NOHOA to conduct the walking tour, given that it is NOHOA’s responsibility to help work through the trail solution. He said it is on easements that were granted to NOHOA that currently exist and he feels that would be the most appropriate approach. He added that he is happy to participate.

- Kathie Emmons of NOHOA thanked everyone for their comments, noting they have heard a lot of them before but there are some new angles on things and it is helpful. She said, as the entity ultimately responsible for setting the trails, they have worked hard with the Company to come up with different solutions and test them out in the field. They have walked the sites and would be happy to arrange tours of the segment that is across the existing easements, but would have to get permission from the homeowners beforehand. There are currently stakes out there with little neon orange flags so they can see where the center of the trail goes through those properties. They have worked with their Consulting Engineer, Kristie Elfering; the Community Planner, Rita Trapp; and their Attorney, Tim Hassett, to give them a good foundation of facts and information as they go through the process. They have to look at what both the PUD says and how they are interpreting that, they have to look for overall connectivity, and they have to look at how it is impacting the environment -- both the wetlands and the trees. They tried to take all of the comments they heard over the last year into consideration when they tackled the project. She stated not only is Nord the toughest parcel they will address, but it also has the component of everyone figuring out how to work together. She said she has to give NOHOA credit for figuring out a way to work with the Planning Commission, Council, and Company. Regarding the Nord trail, she said they initially wanted the trail to go north of the wetland until they dug down into the facts. They are interpreting what is in the PUD as there is no call for new trails. The old easements were established in 1972, but that does not mean they do not matter anymore or don't exist. In speaking with the homeowners on 2 of the parcels, they have the trails there. They maintain them with chips, and they are still viable in that way. She commented that no negotiation is going to get everyone the ideal trail configuration, and opined that everyone present has their own idea of what a really great trail would be. She said when they looked at the northernmost loop above the wetlands, to cut out a 30-foot minimum swath along the edge of the wetland would not only cut into the lots that are there, it would make a significant impact to the environment, not to mention removing all of the root systems from along the shoreline of the wetland, and then Vadnais Lake Area Water Management Organization (VLAWMO) would need to be involved. She said drawing it on the map is not the same as imagining it in the actual environment. As they were looking at what the PUD calls for, NOHOA has the existing easements. They are not ideal; they are close to 1 house and they have to figure that out. But in meetings with other homeowners, they were actually very okay with it, even pointing out spots they would like preserved or addressed. She stated NOHOA is trying to establish connectivity throughout the whole community. They are not just looking at Nord; they are looking at everything. Some of the things that they have commitments for down the line, which will enhance the connectivity and the trail-walking and trail-skiing experience throughout the community for new and existing residents, are the trails that will be built in the next phases, and things that the Company has given NOHOA above and beyond what they originally requested. Like the east end of Nord trail that goes across through the top of Lots 1 and 2, these other trails are their ideal. In the negotiations they tried hard to give and take, and the trail map depicted is the result of that negotiation. It creates a minimal impact on wetlands and existing trees. It preserves and provides access to a significant natural vista both from the south and for new homeowners to the north. It is not located along the roadway as it was originally proposed. It provides access points for neighbors in Rapp Farm for new homeowners and everyone on the west side to get across. It also provides the critical east-west connection. NOHOA recognizes that it is not ideal for skiers who are going west to east.

She said they are excited to take anyone through the trail configuration and suggested setting something up with Mikeya. She encouraged anyone to contact the office with any questions. She reiterated that after working hard, this is the best outcome for the Nord Parcel and is a win for the community and whole trail system.

- Commissioner Shah asked Ms. Emmons to explain the vote that took place at the last meeting and the outcome of the vote.
- Kathie Emmons said the Board voted to accept the trails in Nord as they are shown on the maps which were viewed tonight and some of the other technical comments related to how the surface of the trails should be constructed, how the roads should be constructed, etc., and were recommending to send their comments to the Planning Commission. Although she did not recall the exact results of the vote, she thought there were a couple of “no” votes and it passed with the rest of the votes being in favor. She volunteered to share the information with the community at the next opportunity.
- Citizen Comment: Leanne Savereide, 4 Red Maple Lane, stated she has way too many things to say about it and does not know where to start. The trail going through their easement does not satisfy the B4 trail map which shows it existing in the Nord development. She clarified that it is something outside of Nord. The trail map shows a little trail going along the edge of the end of Red Maple Lane; that is not possible because it is all cottonwood trees and they would all have to be cut down. It would be on the road longer than just crossing the road; it would cross the road from where it comes out on Red Maple to where it goes in by their house. She expressed strong support for Franny Skamser Lewis’ presentation and Rachel Maher’s presentation, indicating she loves the idea that they are trying to do something that is conservation-minded. She thinks the ecosystem is a beautiful, fragile wetland area and having that many houses in it is going to disrupt wildlife, etc. She reiterated the trail on the south edge is not ideal and does not think that it should be considered as appropriate according to the PUD.
- Citizen Comment: Cheryl Blackford stated she thought Ms. Emmons said if they had put the trail on the north side of the wetland, they would have had to carve out a 30-foot-wide strip. She asked if Ms. Emmons was saying she would need a 30-foot-wide strip on the south side of the wetland.
- Kathie Emmons stated the easement is that wide but the trail itself is not that wide and they would not be changing the width of the trail.
- Citizen Comment: Cheryl Blackford asked if Ms. Emmons said the flags that are down right now are in the center of where the trail would be.
- Kathie Emmons said she believes that is where Kristie posted them. That is the center of the easement. They are willing to work with the homeowners to get it in the spot where it already is or shift it 2 feet to the left or the right.

- Citizen Comment: Cheryl Blackford commented that they have some big oak trees in the area and do not want to lose them.
- Kathie Emmons agreed that they do not want to disturb those.
- Citizen Comment: Don Nightingale asked if Ms. Emmons said the PUD does not allow or require the Company to make any existing trail changes. He said if that is Ms. Emmons' understanding and the Chair thought it was appropriate, he would read a 9-sentence paragraph that the author on the City side created which indicates the Company is responsible to change unworkable trails.
- Kathie Emmons stated NOHOA was basing that on Exhibit 4B of the PDA. In NOHOA's review of the documents, their technical experts did not see where there was an indication for additional trails through Nord.
- Citizen Comment: Don Nightingale offered to quote parts of the PUD which require the developer to correct trail problems.
- Kathie Emmons indicated he could do so.
- Citizen Comment: Don Nightingale stated he was looking at a 1-page exhibit which talks about the areas of trails, which are Articles 12 and 13 in the PUD. He stated the following: Article 13.1 defines 3 types of trails: existing NOHOA trails, primary trails, and restricted trails. Article 13.3 places the responsibility on the developer to construct and grade all trails on the plan. It does not reserve this obligation to new trails; it refers to all trails. He said this is quoting the person on the City side who did the PUD. This is because at the time of the PUD, there were ongoing issues with the existing NOHOA trail that the developer was supposed to have previously conveyed but because of various failures had not properly located, constructed, conveyed, or provided. It put the obligation on the developer to fix these historic problems so that Louis Hill's vision and the vision of the Harpers when they entered into the PUD would be accomplished and corrected.
- Chair Azman referenced a discussion wherein the Planning Commission agreed to read the list of emails received from residents and asked Administrator Kress to do so.
- Administrator Kress offered to do a screenshare, noting a number of people that had emailed him previously also presented at the meeting, so some of them might be repeats.
- Chair Azman asked Administrator Kress to put the information on the screen and it could be scrolled through and see those that did not speak at the hearing.
- Administrator Kress pulled up the email from Leanne and John Savereide, and indicated Leanne had spoken.
- Chair Azman clarified that the summary or reproduction gets put into the record.

- Administrator Kress stated they could be put in the minutes and he could read each comment into the record, but they have a physical copy they could include as part of the packet.
- Chair Azman asked to make sure all the Commission members get a copy, noting he could not remember how it was distributed. He said he saw some of them since some were directed to him but wanted to make sure everyone on the Commission received them.
- Commissioner Hauge asked Administrator Kress to send copies to the Commissioners in the morning.
- Administrator Kress agreed and said if the Commission is planning to continue the public hearing, they should each be read into the record so they are more of an official record. He offered to go through some of them but indicated, for the sake of time, they could perhaps make a recording of them to get them all in one place.
- Commissioner Hauge noted the hearing would be continued to the next meeting and asked Administrator Kress to send the information to each Commissioner rather than walking through them now. He noted each Commissioner could read through the comments and it could be discussed at the continued hearing.
- Administrator Kress stated that sounded fair.
- Chair Azman asked if any Commissioners had any problems or concerns with that idea. After there was no comment from Commissioners, Chair Azman asked Administrator Kress if he got any phone calls/voicemails.
- Administrator Kress said that for anyone who called and left him a voicemail, he tried to call back. He asked anyone he missed to please call him again and he would make sure he put the name down as wanting to speak at the public hearing.
- Chair Azman asked whether the persons he called back followed up with an email, or how their comments would be available at the meeting tonight.
- Administrator Kress stated most of them presented as part of tonight's meeting or wrote a written summary.

b. Discussion/Preliminary Plan/Preliminary Plat (Subdivision) Application: Nord Parcel

- There being no additional comment, Chair Azman discussed continuing the public hearing in May.
- Administrator Kress shared with the Commissioners the required language and optional dates available for the continued public hearing, and asked what date the Commissioners would want to host the continued hearing. He stated if the Planning Commission wants to continue the public hearing to May 28, it is a regularly scheduled meeting, then the publication occurs

on May 12 and the notice is due on May 6.

- Chair Azman felt the hearing from the meeting on April 15 would have to be done separate.
- Administrator Kress agreed with Chair Azman.
- Chair Azman said due to the Governor's Order, if a later day in May gets picked, such as the regular Commission meeting date which everyone knows about, that might give the Commission the most time they could possibly ask for. He asked for comments from Commissioners.
- Commissioner Sandell asked if there was an opportunity to consolidate the 2 matters into 1 meeting, since there will have been a full session on each matter.
- Chair Azman stated there is a significant amount of time between now and then and there may be some repetition. He suggested starting at 5:00 p.m. rather than 6:00 p.m. and combining the matters.
- Commissioner Cremons suggested May 28, since part of the goal is to have a face-to-face meeting with the public. He said the Planning Commission had a 50/50 chance that they will be able to have a public hearing. If the Planning Commission would meet earlier, the chances go down to almost 0 and the purpose of the continued meeting seems to be without any merit.
- Chair Azman, Commissioners Sandell, Hara, Shah, and Yoshimura-Rank agreed with Commissioner Cremons.
- Commissioner Hauge agreed but noted it should be a motion.
- Chair Azman stated they are trying to get the date set and then the motion will be done.
- Members of the Planning Commission discussed a start time and date for the continued meeting. It was suggested to have the meeting on May 28 starting at 5:30 p.m.
- After receiving no further comments regarding the 5:30 p.m. start time on May 28, Chair Azman asked someone to make a motion to continue the meeting using the correct language.
- Administrator Kress asked City Attorney Nason if the language regarding location should be taken out of the motion.
- City Attorney Nason said the language as worded says the meeting will be in the Community Room. She noted there is an option to potentially have notice for the Community Room and provide the Zoom login information, and stated it is important that people know where the meeting location is. She said the Planning Commission will have to work within the confines and constraints of the existing situation as they get closer to the publication deadline.

- Chair Azman quoted language in the motion, “unless due to a health pandemic or an emergency declared under chapter 12 it is not practical,” and asked if neither of those are the case but social distancing is in place, which would make it almost impossible to meet in the Meeting Room, if it would be an option for the Planning Commission to have an electronic meeting.
- City Attorney Nason said the language as quoted is taken directly from Minnesota Statute 13D.021, which authorizes all public meetings and their components, and the language needs to be used to have a meeting by electronic means.
- Chair Azman asked if there was an option to do a meeting remotely under 13D.02.
- City Attorney Nason said the problem with doing a meeting under 13D.02 is that if you are meeting under the interactive TV situation, you have to have the location where each member of the Planning Commission is open to the public to attend at that location, along with other restrictions.
- Chair Azman asked City Attorney Nason if her recommendation is that the Planning Commission leave the language as-is at this point and move forward.
- City Attorney Nason stated that was her recommendation.

MOTION by Hauge, seconded by Cremons, to continue the public hearing on the application for preliminary plan/preliminary plat (subdivision) approval for the Nord Parcel and to continue and adjourn this meeting to May 28, 2020, at 5:30 p.m. in the Community Room, 100 Village Center Drive, North Oaks, Minnesota, unless due to a health pandemic or an emergency declared under Chapter 12 it is not practical or prudent for an in-person meeting to occur, in which case the continued meeting and public hearing shall occur by telephone or other electronic means. If the continued meeting and public hearing must occur by telephone or other electronic means, then notice of how to monitor the meeting and present at the public hearing will be published in the City’s official newspaper at least 10 days in advance of the continued meeting and public hearing date. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

- Commissioner Yoshimura-Rank asked, if the language says 10 days in advance of the continued meeting and it has to be put in the paper, what date does the Planning Commission have to decide.
- Chair Azman noted the meeting date is May 28.
- Commissioner Hara noted Commissioner Yoshimura-Rank was referring to the date to put it in the paper before the meeting to give people an opportunity to respond.

- Commissioner Yoshimura-Rank asked whether it has to be in the paper if the Planning Commission changes anything.
- Administrator Kress stated the Planning Commission's notice will be structured very similar to the language just read, where it talks about if the Planning Commission is able to meet in person they will do so; if there is still a shelter-in-place order, the Planning Commission will meet remotely. Verbiage will be used so it makes sense. The Planning Commission will not have to meet again to re-issue notice whether it will be in-person or not. Worst-case scenario if that happened, a special meeting would be called to change the date, but he would have to meet the notice requirement of the May 12 publication, which is May 6. He said he would have to send the notice on May 6 to the paper so they can publish it 10 days in advance.
- Chair Azman clarified that Administrator Kress has to get it to the paper by May 6 in order for them to get it in the May 12 edition.
- Administrator Kress indicated Chair Azman was correct.
- Commissioner Yoshimura-Rank stated that if a decision has to be made by May 6, there is a good chance it will be an electronic meeting.
- Commissioner Hauge agreed and said it will probably be electronic.
- Administrator Kress stated that he did not think the order will be lifted for quite some time and that it is very unrealistic that it would be in any sort of public fashion where the Planning Commission could meet at the Community Room. It makes sense, though, to post it, regardless of the situation.
- Commissioner Hauge said if there is not a vaccine, the reins will be loosened very gradually.
- City Attorney Nason agreed that there is a strong likelihood the Planning Commission will not be able to meet in person on May 28. However, it is being structured so that if the shelter-in-place order is lifted, the Planning Commission has a window of opportunity should it be practical and prudent for in-person meetings to occur at that time. If not, it will have to be an electronic meeting again.
- Chair Azman asked if there would have to be notice 10 days beforehand if it was an electronic meeting.
- City Attorney Nason said he was correct and the recommendation is to publish notice of the continued meeting. Under the statute, when you continue a meeting, you do not have to re-publish the notice of the meeting if the motion is made to continue and the date and time of meeting are set at the meeting itself. However, to ensure the community is fully informed of how they may participate and make a presentation at the public hearing, it is recommended that the Planning Commission publish notice in accordance with the general publication requirements for that public hearing for a subdivision application.

- Chair Azman asked what the requirements would be to get notice out about the Zoom login credentials.
- City Attorney Nason said she anticipated having at the time the Zoom meeting information that would work for the meeting. With respect to the continuation of the hearing and continuation of the meeting, it would be anticipated that the notice of the meeting and public hearing would include all of the Zoom login information, which would be published in the paper as well as publicized to the residents of the City via Facebook, email message, sent out to NOHOA, etc.
- Chair Azman noted the proceedings tonight have concluded and asked how the Planning Commission appropriately signs off without inadvertently closing the hearing, whether he should declare the meeting continued and the Videographer instructed to go off the air.
- City Attorney Nason said he was correct and reiterated that the motion made was to continue and adjourn the meeting to May 28 at 5:30 p.m., and that vote was taken. She advised Chair Azman to declare the meeting adjourned and continued to the specified date and time and end the meeting in that fashion.
- Commissioner Shah thanked Staff and CTV for organizing the virtual meeting because the Planning Commission had to pivot to a different place and take a totally different approach and there have been logistics and technical challenges.
- Commissioner Yoshimura-Rank thanked Administrative Assistant Deb Breen for printing out all of the material.
- Chair Azman said he would follow City Attorney Nason's advice regarding how to continue the meeting. He asked Videographer Anderson to end the broadcast.

The Planning Commission meeting adjourned at 9:06 p.m.



Kevin Kress, City Administrator



Mark Azman, Chair

Date approved: 5/28/2020