

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
April 15, 2020**

CALL TO ORDER

Chair Azman called the meeting of April 15, 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.

ROLL CALL

Present: Chair Mark Azman, Commissioners Jim Hara, Stig Hauge, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. Commissioner David Cremons joined at 6:10 p.m., City Council Liaison Rick Kingston.

Staff Present: Administrator Kevin Kress, City Planner Bob Kirmis, City Attorney Bridget McCauley Nason, City Engineer Larina DeWalt, City Forester Mark Rehder.

Others Present: Videographer Maureen Anderson.

A quorum was declared present.

Chair Azman reviewed various rules regarding Zoom meetings. He stated some people have questioned whether meeting virtually provides a meaningful opportunity for the public to participate, whether some residents have the technological capabilities/savviness to participate, whether meetings should be postponed until they can be in-person, and whether or not recent meeting notices have been appropriate. However, in order to accommodate the applicant and keep the City government moving forward, it was decided to use a Zoom webinar platform. He described the factors that went into the decision: the declaration of peacetime emergency and stay-at-home directive by Governor Walz; the North Oaks City Council's resolution declaring an emergency and allowing public bodies to meet virtually under special statutes; the need for the City to take action and review the pending application for Site F; and the public's opportunity to speak, be seen, be heard, and make presentations. He said the Planning Commission considered postponing the meeting, but in light of Governor Walz's comments about the unlikelihood of an abrupt reopening, the ability to stop and suspend government work does not seem reasonably possible at this point. A Zoom webinar allows people to speak and hear public comments. Azman recommended the Planning Commission not take a vote but open the hearing, take public comment, and continue the hearing to May 28 in hopes that the meeting can be finished in-person, which would still allow the City Council to take action within the 120-day timeframe.

City Attorney Nason said the Planning Commission is meeting pursuant to the authority granted to them, as well as other cities and governmental entities, pursuant to Minnesota Statute 13D.021, which provides that when there is an emergency declared under Chapter 12 or a health pandemic and it is determined not practical or prudent to meet in-person, these types of meetings may be conducted in an electronic/other environment. There are certain notification requirements which go along with that, such as a need for a roll call vote on each action. Notice has been provided for specific Zoom links for both the audio and electronic version to the public and there

is an opportunity for the public to participate using one of those versions. The City is holding a meeting and public hearing on the subdivision applications that have been submitted pursuant to the Planning Commission's directive in February. She noted the application is subject to the 120-day deadline established by statute which requires, from the date of application received by the City, which was February 24, the City to make a final determination to approve or deny the application. There has been no specific legislative fix/change to the deadline under Minnesota Statute 15.99, although there is legislation being worked on to potentially push those dates out because of the challenge in meeting remotely versus in-person. Since there has been no change, the City is required to take action unless the developer agrees to grant an extension for the final action on the application within the 120 days, which is June 23, 2020, so the City will move forward with processing the application. If the City fails to take action on the application before the Planning Commission, the end result is that the application is deemed to be automatically approved pursuant to Minnesota Statute.

Chair Azman indicated City Attorney Nason's comments provided much-needed context for why the Planning Commission is proceeding in this manner and the importance of forging ahead towards a meaningful review of the application. He noted although the meeting was held by virtual means, the goal is that no one would be denied an opportunity to speak in any manner through the webinar. He said he would have additional instructions on how the Commission would logistically move through the hearing in order to allow members of the public to speak.

APPROVAL OF AGENDA

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

Chair Azman explained that Commissioners and Staff are called panelists and people at home are the attendees. If an attendee wants to speak, they should raise their hand by using the "raise hand" function in the Zoom menu. He will see the raised hands and call on people in the order in which their hands are raised. As far as phone calls, he will unmute the caller and ask if they want to participate because the raised hand function is not as effective. He said Staff would give a presentation regarding the application, the applicant will speak, and then it will move into the public hearing and members of the public can speak. He asked participants to limit comments to 3 minutes. If there is any "Zoom bombing" or disruption, he is able to either end the meeting or remove the disruption and keep the meeting moving forward. If anything occurs, he will do the least amount necessary to remove the disruption and keep the meeting going. He noted there was a producer from the cable TV franchise that could help as well.

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

- City Planner Kirmis presented the Planning Report included in the packet and recommendation for approval of the proposed Anderson Woods preliminary plan/preliminary plat subject to the fulfillment of conditions 1-50.

- City Engineer DeWalt stated her review of the application resulted in a number of comments listed in the Staff report, a majority of which are fairly general in nature, and she would expect the applicant to resolve them in the final application. She said the development is planned to be served with sewer and water from Centerville Road with a dead-end water line. However, North Oaks Company (NOC) indicated they are working with the White Bear Township Engineer to design a loop system, which will differ from the plan in the packet. There are no wetland impacts for the Nord development, but in Anderson Woods there are wetland impacts of .19 acres for the access road which goes over Wet Basin 1. As part of final plan development, NOC has indicated they will do a global slope stability analysis, so the final proposed impacts for that crossing may increase or decrease slightly. She referenced Kirmis' comment about the access point differing from the conceptual plan in the 1999 PUD documents and stated that for the access point for Ramsey County on Centerville Road, she would have to defer to the County Engineer. In her engineering opinion, one access point would be preferred for the safety, minimization of impacts to the land, and privacy of North Oaks residents.
- Commissioner Hauge asked City Engineer DeWalt to explain how the road will be constructed across the wetland.
- City Engineer DeWalt said the current plans show the roadway would fill the area. Based on the geotechnical evaluation, fill would be brought in and placed. Dependent upon the slope stability analysis, that may change to include retaining walls, installing riprap or compacted fill, etc. She noted she would review the plans as they come in and the geotechnical engineer would make recommendations based on the slope stability analysis. At this point, what is shown is a fair estimate of what it would look like.
- Commissioner Shah asked Staff where the City is in totality in relation to the history of wetland impacts for East Oaks.
- City Engineer DeWalt said she does not have a great fact-filled answer and understands it has been discussed for over a year, before she came to the City. Based on the length of time that the East Oaks PUD projects have been implemented, even the LGU does not have proper records of what those impacts are. She spoke with the applicant and tried to get a better estimate of what has been implemented to this point, and referred the applicant to the question for more facts and information.
- Commissioner Cremons referenced the proposed trail on the south end, which appears to join the existing farm road, and asked if there would be any wetland impact associated with the connection from Lot 2 to where the farm road is or if there is an existing berm there.
- City Engineer DeWalt stated it is her understanding that is an existing location and there are no current wetland impacts planned for that connection. She referred the question to the applicant.
- Commissioner Shah referenced Exhibit C and asked Staff what they thought about the lot size variability, noting that other subdevelopments are generally consistent in lot size, which

gives a more cohesive feel in a neighborhood.

- City Planner Kirmis said City Ordinances typically establish minimum lot area requirements. Most of the time developers will not exceed those, since the objective is typically to provide as many lots as allowed by ordinance. There is nothing that says someone can't significantly exceed any minimum requirement. He stated it is subjective and potentially relates to some of the environmental features that are included in a subdivision. He felt there was a bit of a trend to provide smaller lots along the perimeter of the City boundary, specifically the high-volume roadways.
- Commissioner Shah asked if there were any other neighborhoods in North Oaks that have this amount of variability.
- City Planner Kirmis stated he did not know.
- Commissioner Sandell said when he looks at the table, the variability seems pretty gray. However, when looking at the map, it looks like there is a lot of natural space, which might not make the 2 lots feel quite as big as they look.
- City Planner Kirmis noted he referenced gross area rather than net.
- City Engineer DeWalt said it would be helpful to look at the buildable, and when doing so, it is pretty equivalent across all lots and the home sizes would be similar. She said she did not think it would feel that divergent when someone is in the neighborhood.
- Mark Houge of NOC stated they are down to 1 single-family lot in Rapp Farm and a handful in Red Forest Way. It is important to both the Company and community to continue to supply lots for those who might want to move into the community. He said the lots would be close to the Villas of Wilkinson Lake but are intended to be single-family homes, and there will not be an association. Regarding the lot size variability, if you look at the buildable areas, it felt like they were sized appropriately from their perspective. Generally, lots in proximity to a road such as Centerville Road are less desirable for some, so they wanted to make sure they were sized in accordance with the lot value. In regard to the wetland issue and how wide the road crossing will be, that is dependent on working through some of the pros and cons with engineering staff from both North Oaks Home Owners' Association (NOHOA) and the City. Originally proposed was a 1:1 slope, similar to a railroad track crossing East Oaks Road. It could just as easily be 3:1 and will depend on the preferences of NOHOA or long-term maintenance by the City in terms of the design standards. The trail on the south side is basically high ground that was probably used for access for forest management, so no fill will be required at that location. He said he will ask Don Pereira, Director of Conservation Programs, to speak about how NOC decided to take this approach, along with Gary Eagles. He pointed out there are very few trees on the larger lots to the west and virtually no trees where the trail is going. The trees are mostly on the eastern portion. They are proposing to grade the road to minimize any tree removal and leave the trees on the lots as best they can, and then each homeowner will decide how they want to organize their home on the site. He trusts they will value the trees as much as everyone in the community

and make every effort to preserve as many trees as possible. It will be municipal sewer and water. White Bear Township has had a policy of letting water lines go to a dead end if the cul-de-sac is between 500-1,000 feet. The development is about 800 feet. The NOC recently did a project with them where a loop-back was done, and they will discuss with the Township what their preference is in this case. They worked on the trails with NOHOA and will go forward with a trail that runs along the west boundary as well as a connection on the south part of the site.

- Don Pereira of NOC stated they are quite confident that the total environmental impact from the proposed access to the development from Anderson Lane will be likely considerably less than the originally proposed farm road coming in from the south. Although the farm road is an existing road, if it was developed into something suitable for residential access, it would have to get built up, and there would be additional wetland impacts and likely more tree removal as well. In regard to the proposed crossing over the wetland, the elevation is very flat on both sides. Ideally there would be fill there so the utilities could be buried, but the water will end up in the same place: the water to the north will eventually get into the drainage moving up to Wilkinson; and the water to the south can move to the flowage between Black Lake, which also moves up north into Wilkinson. He said they would work with the Vadnais Lakes Area Water Management Organization (VLAWMO) to extend any efforts for proper water quality management for Wilkinson. There is an existing culvert in the proposed trail that NOC will improve, and there are a number of things the Company will do to make the existing water resources of the area function better than they are today. NOC wants to do what they can to help develop a better, more robust trail system. For example, there is a lot of water on the landscape. He has done a fair bit of climate resilience planning for recent projects. According to the climatologists, the world will be as wet in the future as it is now, or even wetter, which means there will be some retrofitting of some trails to better cope with a wetter future, including the trail that crosses a major wetland to the west of Anderson Woods.
- City Forester Rehder said he was asked to determine impacts to both significant and heritage trees on-site. Although the City does not have a definition regarding what that constitutes, he researched other City Ordinances and provided those to the Planning Commission. He stated if a heritage tree is taken out, it is a 3:1 replacement ratio. If a smaller significant tree is taken out, it might be a 1:1 ratio. There was an existing tree inventory in place for the wooded portion of the property of about 300 trees. There would be about 100 trees removed due to the placement of the road, trail, and sedimentation pond. He spoke with the developer regarding concerns about the topography and the impacts that could occur to save trees and provided a number of suggestions and recommendations which they could use to make it easier for the trees on-site. He feels confident that construction can take place with a minimal amount of tree loss, hopefully working around trees as necessary and doing everything possible to preserve trees. He said there was an old nursery across the wetland with a number of trees. They used to pull trees from there and transplant them in different places in the community, but the trees got old and large and no longer have the form and function as transplant trees and were removed.

- Commissioner Yoshimura-Rank noted there would be about 200 trees lost in Nord and another 100 trees lost at Anderson, and asked if the City was in the process of creating a tree ordinance, defining a “heritage” tree, and also making some kind of policy to preserve/replace trees and asked who would undertake the project.
- City Forester Rehder indicated the issue has been brought up a number of times, most recently at the Natural Resources Commission (NRC). It has been tried before without much success but is something they are willing to try again from both a developer and builder standpoint. He thinks it is important and is glad it is being pursued and hopes it goes through this time so they can replant, which is the best thing to do to make sure there is a forest for everyone’s grandchildren. He noted there are many things people do not understand about forests such as impacts from invasives and structure as far as old versus young trees, etc. They are exploring many avenues and using different partners to get a clearer picture of what North Oaks’ forests will look like in the future and will do what they can to preserve it.
- Commissioner Yoshimura-Rank asked if there were people working on the issue currently.
- City Forester Rehder said both the NRC and the Homeowners' Association are looking at avenues, and the hope is to come up with something that works for all parties.
- Commissioner Sandell asked Mr. Houge where the house would go on Lot 9 and if the double orange lines on the map were for proposed driveways.
- Mr. Houge stated he envisioned it to be as close to the west property line as possible because he would want to preserve trees as a buffer between where the home would go and the street. He asked everyone to keep in mind that Lot 9 is a very large lot and it is sometimes hard to get a good sense of scale on small drawings. He reiterated it would be on the west and, depending on the homeowner’s desire, they may choose to be farther north to get better views of the wetlands or closer to the road to save costs on the driveway, as well as take tree locations into account.
- Commissioner Sandell referenced a little strip which goes south to the entrance on the map and asked what the strip would look like as far as landscape when the neighborhood is complete.
- Mr. Houge said the homeowner would own the area and could do what they wished to do. Their desire would be to leave the area natural. They are trying to minimize the construction area and save as many trees as possible between the proposed street and Centerville. He imagined that anyone who would want to live in this neighborhood would want to preserve as many trees as possible and keep it a natural setting.
- Commissioner Sandell clarified that the NOC team would not do anything to the strip and that no one knows what the homeowner would do, but it would be fairly cumbersome for them to do anything much.

- Mr. Houge stated Commissioner Sandell was correct. He said they gave a lot of thought regarding how best to grade the site, noting a lot of people like walk-out lots. In order to do that, they would have had to grade the land in a manner that would have removed most, if not all, the trees. They chose not to go that route. They think part of the benefit of being in the area is to take advantage of the trees.
- Commissioner Hara asked how many feet the skinny part is and asked if it was 100-200 feet from the new road to Centerville.
- Houge said a reference would be, if the street was 60 feet, it would be between 120-150 feet.
- Commissioner Cremons asked Houge if the infiltration basin shown on Lot 1 is within the boundaries or if it is in some kind of common area at the far south end of the property.
- Mr. Houge said it is being shown in a separate outlot.
- Commissioner Cremons clarified that it would not be owned by the property owner of Lot 1.
- Mr. Houge said it would be an outlot that the company would own and they would ultimately determine if NOHOA would want to take responsibility because there is no subassociation.
- City Engineer DeWalt stated the plans she reviewed shows the infiltration basin is currently part of that lot acreage with an easement over the top. She asked if that was correct or if that was going to change on future development plans.
- Mr. Houge stated, in looking at the drawings, that she was correct and he misspoke.

MOTION by Hara, seconded by Shah, to open the public hearing at 8:05 p.m. Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

Chair Azman opened the floor for public comment.

- Citizen Comment: Franny Skamser Lewis, 3 Red Maple Lane, stated she would like to emphasize that in the PDA a great deal of consideration was given to all of the factors discussed during the meeting. She thinks that is obvious based on the amount of detail that was provided to the environmental analysis group that performed the EAW, as well as all of the exhibits in the agreement itself, where it very clearly depicts road access not crossing the wetland. At the time, all parties involved evaluated the most advantageous configuration for lots and access for that property/parcel. The decision was to have access off of Centerville Road for the lots east of the wetland and access from the south for the lots west of the wetland. Ultimately, the one that was settled on was the one that was codified in the concept plan, which is the current controlling document. If there was interest in changing that access, she would encourage the Planning Commission to view that the same way it did the additional land being subsumed into the Nord parcel: through an amendment to the PDA that can be as equally and thoroughly evaluated by all parties, including the community, and that

can be managed before an application is brought to the Planning Commission and City. She stated the community has been very clear in its interest for strict adherence to the PDA and its controlling documents. While the EAW is not a controlling document, it is included by reference and virtue of that negative declaration. She recalled that, in totality, for all development parcels associated with the PUD, there was an anticipated .35 acres of wetland impact. The crossing at Anderson alone is estimated at .19 acres, which is over half of the total wetland impact for all of the development sites that have been worked on and developed since 1999. Because no party is able to provide an accurate accounting of the wetland mitigation to date in those development sites, it is unclear how the City could ever make an adequate determination that the total impact of wetlands has not exceeded a meaningful or significant amount of what was originally estimated. Even using the suggested criteria by the Environmental Quality Board, there is no conceivable way in her mind that the government can, in good faith and conscience, approve additional wetland mitigation without understanding the entire picture. She said it is also worth noting that she spoke to the Ramsey County Lead Transportation Planner, Joe Lux, and discussed with him the relative safety benefits of the original access plan versus what has been proposed, and he acknowledged the County generally guides new developments towards single-access points that are directly across from an existing access point to a main road. He said that when he looked at the plans and imagery of that specific parcel, it was clear to him why the original access plan had been chosen, and that from a safety standpoint he recognized the County does not have any specific regulation that would prevent the City from approving the original access plan. He also mentioned that, statistically speaking, the Centerville Road portion is incredibly safe and he would not have any concerns approving the original access plan. If the City decides it is more optimal or they are more comfortable with a single-access point, that is understandable. It does not give credence to any party to extend the access across the wetland, given the other covenants of the agreement that were agreed to by all parties. She said just because there is interest in changing one element for one reason does not mean any party has the right to sacrifice the other elements. She encouraged the Commission to recommend the plan for rejection until either a compliant plan is brought forward or the parties have agreed, by proper amendment, to change the access plan that was codified in the agreement.

- Leanne Savereide, 4 Red Maple Lane, said removing 100 out of 293 trees, and with construction it may be more than that, leaving $\frac{1}{3}$ of the trees, seems a bit drastic to her. She noted the tree report talks about oak wilt, which happens when you disturb trees during the summer. Even though July is the beginning of the medium amount of risk, they had a tree limb break off a red oak tree near their house in July, which died by August and spread oak wilt to other trees. It seems a very dangerous thing if they really are trying to save trees.
- City Forester Rehder stated oak wilt is a concern and there are recommendations in the report about things that can be done to limit it. He relies on University of Minnesota scientist Jenny Juzwik, who has a long history with oak wilt. She indicated there are 3 components to spreading oak wilt: the wound, inoculum, and correct weather situation. He stated that oak wilt usually occurs when the bugs are out and trees are still producing spore mats. It is generally a low risk time frame, but he would like to adhere to the determination by Jenny Juzwik. There are generally updates every 2 weeks: July 1, July 15. If it is still a high risk by July 1, he would like to see the recommendations in the forestry report implemented and wait

until the new determination on July 15, which is generally what good practitioners/tree care companies/utility contractors will do when they prune trees. Then it becomes a low-risk situation. He would then leave it in the developer's hands as to whether they wanted to continue to use the strategies which have been put forth.

- Kathie Emmons stated NOHOA has very little objection to the proposed preliminary plan for Anderson Woods. The trail configuration is very straightforward, meets all of their criteria, connects into the greater trail system, has minimal impact in and of itself to wetlands and trees and is not located on or close to a roadway. The surfaces are required to be high and dry throughout most of the seasons, and she felt it would be in good shape. They would do what they can to avoid trees or to keep the trail in the kind of shape they would want to see it. Regarding the trees and tree preservation activity, NOHOA was part of the discussion and continues to be very interested in tree preservation and replacement. NOHOA would like to explore being able to take a more aggressive stance on it through the purview of the ASC. As there are conversations with the partners, NOHOA wants to make sure they are hitting it from all sides to preserve as many trees as possible.
- Commissioner Cremons asked Ms. Emmons if the infiltration basins on Lots 1 and 5, which NOC would like to be a NOHOA responsibility, is something that is typically handled by the Association and if the Association is accepting of the assignment.
- Ms. Emmons said they are not currently actively interested in accepting stormwater ponds. They have some already, but they also have subassociations that handle their own stormwater and drainage ponds. The Board will discuss the issue in the coming months. They know the Company will have responsibility for the ponds until such time as they transfer them over to NOHOA, and they will be able to decide at that time where they would like to assign them. If they do not want to take care of them, there are a number of different options. For the short-term, the Company will take care of them. She looks forward to the Board reaching some clarity on what they would like to do so everyone is clear.
- Mr. Houge stated he agreed with Ms. Emmons' comments. They have an obligation when they develop sites to take care of the stormwater ponds. They are connected to the road system so it occurred to the Company that NOHOA may be interested in participating in the future maintenance versus somebody like the City. Dialogue has started, no decisions have been made, but it is important to look at this and come up with a long-term solution.
- Ms. Emmons agreed with Mr. Houge's comments.
- There being no additional comment, Chair Azman recommended to continue the public hearing to May 28 at 5:30 p.m. He indicated the hearing would be newly published and noticed as well. He stated Administrator Kress advised him that once the motion passes, the proceedings must end; there is nothing more to do at that point.

**b. Discussion/Action: Public Hearing: Preliminary Plan/Preliminary Plat (Subdivision)
Application: Anderson Woods Parcel**

MOTION by Shah, seconded by Yoshimura-Rank, to continue the public hearing on the application for preliminary plan/preliminary plat (subdivision) approval for the Anderson Woods 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.

- Commissioner Hauge asked what the Planning Commission would be doing on April 30.
- Administrator Kress said there is a separate public hearing on April 30 to consider a CUP.
- Chair Azman stated the idea is to push the matter out as far as they can, consistent with the 120-day rule, in order to optimize the opportunity to have an in-person hearing, which is preferred, and that is why May 28 was selected.
- Commissioner Hauge asked Administrator Kress to clarify the process of what will happen if something changes by May 6, noting further meetings may happen via Zoom.
- Administrator Kress said Commissioner Hauge was correct, noting the end goal is not to get to June 23 and risk the 120-day rule or there would be an automatic approval. The idea of extending the meeting is to meet in-house/in-person if possible. If not, the Planning Commission will meet again via Zoom.
- Commissioner Shah asked if there would be anything done in the background while the Planning Commission waits until the May 28 meeting, such as some of the items which were brought up at the meeting.
- Administrator Kress stated City Staff and some of the consultants will review the public commentary and get in contact with NOC to see if any of them are relevant to address.
- Commissioner Shah indicated that was fair and stated Staff could look at the record to see what the open items and unanswered questions were.
- Chair Azman stated NOHOA had some of the issues in their letter. For example, they requested something different regarding the slopes on the wetland crossing. He said some of the issues can be worked through in the next 6 weeks so everyone can get on the same page.
- Commissioner Hara said he thought the adherence to the PDA seemed to be the most significant item.

- Chair Azman asked Commissioner Hara if he had that opinion from the comment on the roadway and access.
- Commissioner Hara stated that was correct. He asked, if that had to be vetted out, what the result of the vetting would be.
- Chair Azman said when the Planning Commission reconvenes and after the public hearing is closed the issue can be talked about and deliberated on, and then a vote taken regarding a recommendation to the City Council.
- Commissioner Sandell asked how the Planning Commission would memorialize the agreements between NOHOA and the Company on the trail route. He felt it was important to hear that NOHOA and the Company had agreed on a trail route and thought if they would have voted yesterday and voted today, that would have memorialized it. He asked if that could stay as an open item that could change until the next time the Planning Commission meets, or if the documents are frozen in time until the Planning Commission gets together.
- Administrator Kress said the Planning Commission would memorialize it in a resolution recommending approval or denial to the City Council.
- Commissioner Shah asked if it was safe to say NOHOA memorialized their position by taking a vote, which she indicated was 6-2.
- Administrator Kress said the Planning Commission would want to also memorialize it, so in the recommendations of approval or denial it should be specifically stated.
- Chair Azman agreed, noting it would be a condition.
- Ms. Emmons said they already made their review and comment in an April 7 letter and they do not plan to revisit any of those terms.
- Chair Azman stated that another option, now that the parties have presented, would be if it's approved, there can be a condition to follow that agreement.
- Administrator Kress agreed and stated the Council could weigh in on what their perspective is at the final approval stage.
- City Planner Kirmis said the trail plan map, which was agreed upon between the applicant and NOHOA, could be incorporated into the approval and cross-referenced as a condition of approval.
- Commissioners Hauge and Sandell agreed with City Planner Kirmis' suggestion.
- Chair Azman asked if there were any concerns on the logistics of the motion, saying Administrator Kress and Staff will take care of the republication, and on May 28 it will begin

with the public hearing.

- Commissioner Hauge asked what the City's official newspaper is, the *North Oaks News* or *Shoreview Press*.
- Administrator Kress stated it is the *Shoreview Press*.
- Chair Azman asked if the *North Oaks News* is a backup paper.
- Administrator Kress stated the City can only have one official newspaper, which is the *Shoreview Press*.
- Commissioner Cremons asked if it made sense to put a small article in the *North Oaks News* to let people know since the issue has been heated, assuming a lot more people read that than the *Shoreview Press*.
- Administrator Kress said he could make the suggestion.
- Ms. Emmons said NOHOA would be willing to put the information in their email blast.
- Commissioner Sandell asked if the *Shoreview Press* is a free publication.
- Chair Azman said as far as he knew it is, because he gets it and does not pay a subscription.
- Commissioner Hauge stated he also gets the paper free.
- Commissioner Yoshimura-Rank noted they send out an envelope once or twice a year and people can write a check then.
- Chair Azman said he knew *North Oaks News* did that but was not aware that *Shoreview Press* also did so.
- Administrator Kress noted *North Oaks News* is published monthly and the *Shoreview Press* is published twice per month.
- Ms. Emmons noted the deadline for *North Oaks News* is on Friday.
- There being no additional comment, Chair Azman asked for a roll call vote.
- Administrator Kress asked Chair Azman to shut video feed down immediately if the motion passed as that concludes meeting.

Roll call vote: Ayes 7 (Hauge, Sandell, Shah, Yoshimura-Rank, Cremons, Hara, Azman), Nays 0. Motion carried unanimously.

ADJOURN

The Planning Commission meeting adjourned at 7:38 p.m.

Kevin Kress

Kevin Kress, City Administrator

Mark Azman

Mark Azman, Chair

Date approved: 5/28/2020