



**CITY OF NORTH OAKS**

**Regular City Council Meeting  
Thursday, January 13, 2022  
7 PM, Community Meeting Room, 100 Village Center Drive  
MEETING AGENDA**

**Remote Access** - City Council members will participate by telephone or other electronic means pursuant to Minn. Stat. §13D.021. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID:

871 6729 9202 or by joining the meeting via the following link: <https://us02web.zoom.us/j/87167299202>. Individuals wishing to monitor the meeting remotely may do so in real time by watching the livestream of the meeting on North Oaks Channel 16 and on the City's website. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely.

**1. Call to Order**

**2. Roll Call**

**3. Pledge of Allegiance**

**4. Citizen Comments** - Members of the public are invited to make comments to the Council during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Council on items raised during the public comment period unless the item appears as an agenda item for action.

**5. Approval of Agenda**

**6. Consent Agenda** - These are items that are considered routine and can be acted upon with one vote.

6a. Approval of Licenses:

General Contractor/Mechanical: Aaron Boyd's Tree Service, LLC; Air Comfort Heating & A/C; Carter Custom Construction & Fireplace; CMS/NEXTEch, LLC; Erickson Plumbing Heating Air; Genz Ryan Plumbing and Heating; Hearth & Home Technologies dba Fireside Hearth & Home; Heating & Cooling Two, Inc.; Kraus-Anderson Construction Company; Krinkie Heating and Air Conditioning Co.; Owens Companies, Inc., Schulties Plumbing Inc.; Standard Heating and Air Conditioning

Arborists: Aaron Boyd's Tree Care; Alex's Lawn & Turf, LLC; Budget Tree Service; Clean Cut Outdoor Services; The Davey Tree Expert Company; The FA Bartlett Tree Experts; Hugo's Tree Care Inc.; Langer's Tree LLC; Lawrence Tree & Stump Services Inc.; Morgan's Tree Service; Northern Arborists; North Woods Industries, LLC; Pioneer Tree Service; Precision Landscape and Tree, Inc.; Red Leaf Tree Care LLC; Renstrom Tree Service; Savatree LLC; Vineland Tree Care; Woodchuck Tree Care LLC; Woodland Restorations, LLC

6b. City Financials for Approval:

Check #:

EFT #:

6c. Approval of December 9, 2021 Special City Council Truth in Taxation Meeting Minutes

[12.13.2021 City Council Truth in Taxation Minutes.pdf](#)

6d. Approval of Regular City Council Meeting Minutes of December 13, 2021

[12.13.2021 City Council Minutes.pdf](#)

6e. Approval of Special City Council Meeting Minutes of December 6th and 17th - City Administrator Performance Review

[12.6.2021 Special City Council Meeting - City Administrator Performance Review.pdf](#)

[12.13.2021 Special City Council Minutes City Admin Performance Review.pdf](#)

6f. Resolution Approving CUP for excess height at 3 Eastview Lane

[3 Eastview Applicant Letter.pdf](#)

[3 Eastview Lane CUP App.pdf](#)

[3 EASTVIEW LANE -Survey with setbacks noted.pdf](#)

[K-2121 Schmidt Residence CUP request rfs 12.1.21.pdf](#)

[Staff report 3 Eastview Lane heightkk.pdf](#)

[Resolution Approving 3 Eastview Lane home height CUP.pdf](#)

6g. Approval of 2022 City Hall Holiday Schedule

[2022 Holiday Schedulekk.pdf](#)

6h. Resolution approving 2040 Comprehensive Plan

[Final Adoption 2040 Comp Plan Jan 2022.pdf](#)

[North Oaks 2021 2040 CPU PCAL 21796-1.pdf](#)

6i. Approval of City Investment Policy

[NO Invesment Policy 1-13-22.pdf](#)

6j. Approval of Electronic Fund Transfer Policy

[Electronic Fund Transfer Policy 1-13-22.pdf](#)

- 6k. Approval of Agreement for Recycling Processing  
[North Oaks Processing Contract - Jan 2022 - Draft.pdf](#)

**7. Petitions, Requests & Communications -**

*Deputy Mike Burrell Report*

- 7a. 2021 City Forester Annual Update  
[North Oaks 2021 Annual Report.pdf](#)

**8. Unfinished Business**

**9. New Business**

- 9b. Discussion and possible action on filling Planning and Natural Resource Commission vacancies
- 9a. Consideration of Resolution approving 2022 City Council Responsibilities /Appointments
- 9c. Approval of 2022 City Meeting Schedule  
[2022\\_MEETING\\_SCHEDULE\\_for\\_approval db.pdf](#)
- 9d. Public Hearing 2022 Fee Schedule Ordinance. Discussion and possible action on 2022 Fee Schedule Ordinance  
[Ordinance 138 2022\\_Fee\\_Schedule DRAFT.xlsx](#)

**10. Council Member Reports**

**11. City Administrator Reports**

**12. City Attorney Reports**

**13. Miscellaneous**

- 13a. City Forester December 2021 Updates  
[December 2021 in Review.pdf](#)
- 13b. Annual Building Report

- 14. Adjournment - *The next meeting of the City Council is Thursday, February 10, 2022.***

**North Oaks City Council  
Truth-in-Taxation Special Meeting Minutes  
North Oaks City Council Chambers  
December 9, 2021**

**CALL TO ORDER**

Mayor Ries called the Truth-in-Taxation meeting to order on December 9, 2021 at 6:45 p.m.

**ROLL CALL**

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

**TRUTH-IN-TAXATION PUBLIC HEARING**

**a. Truth in Taxation Public Hearing of the 2022 Budget and Levy**

Mayor Ries opened the public hearing at 6:47 p.m. She asked if anyone wished to speak about the proposed 2022 Budget and/or Levy. There were no comments from the public in the chambers or online.

Administrator Kress reviewed the budget process and the line items with bigger impacts on the budget, including police and fire capital and engineering. He noted that the total budget is \$3,138,672.00 and the total levy is \$2,051,403.00. This is a 3.9% increase and a tax rate of 12%.

Mayor Ries closed the public hearing at 6:51 p.m.

**b. Discussion and possible action on adoption of the 2022 Budget and Levy**

Mayor Ries opened up discussion on whether to approve Resolution 1442, approving 2022 Tax Levy, collectible in 2022 and 2022 Final Budget; total Levy \$2,051,403.00.

**MOTION by Watson, seconded by Hara, to approve Resolution 1442. Motion carried unanimously by roll call.**

**ADJOURNMENT**

**MOTION by Dujmovic seconded by Shah to adjourn the Council meeting at 6:57 p.m. Motion carried unanimously by roll call.**

\_\_\_\_\_  
Kevin Kress, City Administrator

\_\_\_\_\_  
Kara Ries, Mayor

Date approved \_\_\_\_\_

**North Oaks City Council  
Meeting Minutes  
North Oaks City Council Chambers  
December 9, 2021**

**1. CALL TO ORDER**

Mayor Ries called the meeting to order on December 9, 2021 at 7:00 p.m.

**2. ROLL CALL**

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

**3. PLEDGE OF ALLEGIANCE**

Mayor Ries led the Council in the Pledge of Allegiance.

**4. CITIZEN COMMENTS**

None.

**5. APPROVAL OF AGENDA**

Administrator Kress suggested tabling item 8c: Discussion and possible action on important documents section of City website.

Member Watson accepted the suggestion as a friendly amendment.

**MOTION by Watson, seconded by Shah, to approve the Agenda as amended. Motion carried unanimously by roll call.**

**6. CONSENT AGENDA**

**a. Approval of November 10, 2021 Meeting Minutes**

**b. Approval of Licenses:**

**Mechanical: Patton Heating and Air; Precision Landscape and Tree Service  
Arborists: Acacia Construction**

**c. Approval of City Financials:**

**Check#014190 - 014227, EFT: 000492E - 000500E**

**d. Approval of Resolution 1443 - 2022 Liquor Licenses**

**e. Approval of amendment to TimeSaver recording secretary service agreement**

**f. Approve LMC liability waiver**

**MOTION by Watson, seconded by Hara, to approve the Consent Agenda. Motion carried unanimously by roll call.**

**7. PETITIONS, REQUESTS & COMMUNICATIONS**

**a. Deputy Mike Burrell Report**

Deputy Burrell was not present at the meeting.

**8. UNFINISHED BUSINESS**

**a. Discussion and possible action on speed/safety in Rapp Farm**

Engineer Korby shared that Engineer Morast did a lengthy and detailed study and worked with Attorney Thomson to make sure they met all state and federal regulations for the speed/safety study; the reason for the study is that if someone contested a ticket in Rapp Farms the City would have followed all procedures and can legally change the speed limit to 20mph.

Member Shah asked the role of North Oaks Home Owners' Association (NOHOA) in this issue.

Attorney Thomson clarified the City has the exclusive role in setting the speed limits based on a 1962 Supreme Court decision. He went into more detail regarding Statutes, noting he discussed the issue with NOHOA's attorney.

The City Council discussed speed signs, polices/procedures, and how to go forward with speed limits and adjustments within the City.

**MOTION by Dujmovic, seconded by Shah, to approve Resolution #1444, Resolution Establishing a Maximum Speed Limit of 20 Miles Per Hour on all Private Roads in the Rapp Farm Development. Motion carried unanimously by roll call.**

**b. Approval of NineNorth service contract**

Mayor Ries noted this item was previously tabled.

Administrator Kress said NineNorth made the changes suggested by Member Watson regarding inflation and the adjustment to a three-year contract rather than yearly.

The City Council discussed the contract, including rate increases due to inflation, noting there is a 90-day cancellation for either party.

**MOTION by Dujmovic, seconded by Hara, to approve the NineNorth service contract. Motion carried unanimously by roll call.**

**c. Discussion and possible action on important documents section of City website**

*This item was removed from the Agenda.*

**d. Update and discussion on wetland ordinance and water quality**

Administrator Kress stated he and Member Watson built a matrix of keywords, and they will work with Shannon Dunn and the Natural Resource Commission (NRC) to have a broader discussion on those keywords and the objective to collectively establish things in one spot.

The City Council discussed the memo and wetland ordinance, including how to understand the shortcomings, and allowing the NRC to review the issue.

#### **e. Update on NOHOA and North Oaks Company East Oaks PUD/PDA matters**

Administrator Kress updated the City Council, noting the City received a letter from NOHOA a few days ago and the North Oaks Company earlier in the day. It looks like they have had conversations and are fairly consistent, although they have not come to agreement on some of the items.

Member Watson noted NOHOA has a provision for consent-and-joinder in the PDA which should be taken seriously. He learned from watching the December NOHOA Board meeting that a number of sites (in Rapp Farms, Red Forest Way, and the Villas at Wilkinson) have not been accepted into the home owners' association. He is disappointed that more progress has not been made in 11 months and noted NOHOA called a special meeting that is coming up.

Mayor Ries would also like to see things get completed within the City as the engineers go out to sites regarding punch lists. At some point they must look at the things that were approved and whether they are done satisfactorily or not.

The City Council discussed the item, the historic timeline, and where the matter currently stands.

### **9. NEW BUSINESS**

#### **a. Discussion and possible action on Ramsey County Sheriff's Office (RCSO) contract and letter representing contract cities**

Administrator Kress noted the contract is essentially the same year-to-year. He explained the inclusion of a contract cities' letter drafted by the seven-party consortium. It is the understanding that the County Board has voted down the State Fair the following year and in the letter the cities are pointing out some pitfalls and concerns including the loss of revenue. They are asking the seven cities to contest the County Board and tell them they are making a mistake and that the cities do not feel they should pay the price for that.

The City Council discussed the issue, the politics between the County Board and the Sheriff's Office, what has been done historically with policing in the area, and potential options going forward.

Administrator Kress noted the seven contract cities are interested in having all of the City Councils meet with the County Board at some point.

**MOTION by Watson, seconded by Dujmovic, to approve the 2022 Ramsey County Sheriff's Office contract. Motion carried unanimously by roll call.**

**MOTION by Watson, seconded by Dujmovic, to authorize Mayor Ries to sign the letter on behalf of the City Council with the other mayors to be sent to the Ramsey County Board. Motion carried unanimously by roll call.**

**b. Discussion and possible action on Northeast Youth and Family Services (NYFS) contract**

Administrator Kress noted this is partnership the City has had for years; the service is for mental stability and he would encourage the City Council to continue the partnership.

**MOTION by Dujmovic, seconded by Shah, to approve the Northeast Youth and Family Services January-September 2021 contract. Motion carried unanimously by roll call.**

**c. Discussion and possible action on site visits East Oaks Development area**

Administrator Kress is trying to set up site visits on the East Oaks sites and encouraged attendance with Mr. Kress and/or Mr. Korby. If the City Council would like to go together they can post a notice and set a date.

The City Council discussed the item and decided to plan a site visit in January.

**10. COUNCIL MEMBER REPORTS**

Member Hara would like to give formal approval to the Natural Resource Commission (NRC) to contract a helicopter operator and have someone from Ramsey County Parks to do an aerial count of deer as soon as weather permits. He would also like to have a work session with NOHOA to meet new members and encourage cooperation together.

**MOTION by Hara, seconded by Watson, to direct the NRC to initiate the helicopter census. Motion carried unanimously by roll call.**

Member Watson noted Santa Claus is arriving in North Oaks on December 19 from 3-5:00 p.m. He noted Vadnais Lakes Area Water Management Organization (VLAWMO) discussed what role they should take in managing or dealing with aquatic invasive species and will be doing a strategic planning session in January.

Member Dujmovic stated Deputy Burrell did an awesome video on combating scams and privacy issues; he asked to post the video to the City website. He is in talks with Kelley and Lemmons to get closure on the parking ordinance; they are looking at alternatives, and hope to have some options by February. He is interested in what they can do about the siren in Rapp Farm, and would love to see work on the winter trail.

Member Shah noted VLAWMO Tech had great dialogue and she learned that a VLAWMO representative will come out and give a presentation on wetlands in Minnesota and how the local and State agencies work. She thinks it would be a great idea to have a workshop in the community and include the City Council and various Commissions.



Mayor Ries updated that Dana Healy announced her resignation from NineNorth and said Ms. Healy did an amazing job in turning the organization to a great direction. Mayor Ries is also ending her two-year role as Chair of the Cable Commission. She met with Pat Shay about St. Paul Water coming into North Oaks and they have another meeting the following day. She will continue discussions on how to improve water quality within the City. She thanked HR Green and the City Council Members for their great work.

**11. CITY ADMINISTRATOR REPORTS**

Administrator Kress is looking forward to getting a retreat put together for the City Council. Staff and consultants have a lot on their plate with Comprehensive Plan taking up the majority at this time, and various applications and data requests are coming in. He asked for patience as Staff maneuvers through these items.

**12. CITY ATTORNEY REPORTS**

None.

**13. MISCELLANEOUS**

**a. November 2021 Forester Report**

**14. ADJOURNMENT**

**MOTION by Watson, seconded by Dujmovic, to adjourn the meeting at 9:22 p.m. Motion carried unanimously by roll call.**

\_\_\_\_\_  
Kevin Kress, City Administrator

\_\_\_\_\_  
Kara Ries, Mayor

Date approved \_\_\_\_\_

**North Oaks City Council  
Special Meeting Minutes – City Administrator Performance Review  
North Oaks City Council Chambers  
December 6, 2021**

**CALL TO ORDER**

Mayor Ries called the Special meeting to order on December 6, 2021 at 6:00 p.m.

**ROLL CALL**

Present: Mayor Kara Ries. Councilmembers Rich Dujmovic, Jim Hara, Sara Shah, Tom Watson  
Staff Present: Administrator Kevin Kress  
A quorum was declared present.

**CITY ADMINISTRATOR KEVIN KRESS PERFORMANCE REVIEW**

Mayor Ries opened the special meeting at 6:00 p.m. for the purpose of conducting performance review of North Oaks City Manager Kevin Kress.

**MOTION by xxx, seconded by xxx, to xxxxxxxx**

MOTION by xxx, seconded by Dujmovic, to move to a closed session pursuant to Minnesota State Statute 13D.05 subd.3. Motion carried unanimously.

Mayor Ries closed the public hearing at 6:51 p.m.

**ADJOURNMENT**

**MOTION by Watson, seconded by Dujmovic, to adjourn the Council meeting at 7:29 p.m.  
Motion carried unanimously.**

\_\_\_\_\_  
Kevin Kress, City Administrator

\_\_\_\_\_  
Kara Ries, Mayor

Date approved \_\_\_\_\_

**North Oaks City Council  
Special Meeting Minutes – City Administrator Performance Review  
North Oaks City Council Chambers  
December 17, 2021**

**CALL TO ORDER**

Mayor Ries called the Special meeting to order on December 6, 2021 at 9:08 a.m.

**ROLL CALL**

Present: Mayor Kara Ries. Councilmembers Rich Dujmovic, Jim Hara, Sara Shah, Tom Watson  
Staff Present: Administrator Kevin Kress  
A quorum was declared present.

**CITY ADMINISTRATOR KEVIN KRESS PERFORMANCE REVIEW**

Mayor Ries opened the special meeting at 9:08 a.m.

MOTION by xxx, seconded by Dujmovic, to move to a closed session pursuant to Minnesota State Statute 13D.05 subd.3. Motion carried unanimously.

**ADJOURNMENT**

**MOTION by Watson, seconded by Dujmovic, to adjourn the Council meeting at 10:19 a.m.  
Motion carried unanimously.**

\_\_\_\_\_  
Kevin Kress, City Administrator

\_\_\_\_\_  
Kara Ries, Mayor

Date approved \_\_\_\_\_



City of North Oaks  
100 Village Center Drive, Suite 230  
North Oaks, MN 55127

December 14, 2021

Ben Schmidt and Gretchen Hall  
3 Eastview Lane  
North Oaks, MN 55127

**PLANNING COMMISSION PUBLIC HEARING INFORMATION**

**December 30, 2021 at 7 p.m.**

**Community Meeting Room, 100 Village Center Dr., Suite 130 North Oaks, MN 55127  
And via Virtual Means**

Dear Ben and Gretchen:

Your application for a Conditional Use Permit for a home with height in excess of 35 feet, has been received by the City of North Oaks; this is CUP #21-17. Your application is on the agenda to be discussed at a Planning Commission meeting on this topic, **Thursday, December 30, 2021 at 7:00 pm.** The City Council will then decide whether to approve or disapprove your application at their meeting on **Thursday, January 13, 2021.** If the application is approved, work could commence immediately after the Council meeting.

You and your designer and / or builder are encouraged to attend these meetings to be available to answer any questions which may arise. You may attend in person, or virtually via the following means:

**From the City website [www.northoaksmn.gov](http://www.northoaksmn.gov), click on the Calendar on the left side of the homepage. Select the December 30<sup>th</sup> planning commission meeting. You will see the link to join the zoom call and view the meeting Agenda packet. If there are any questions, please contact the city office at 651-792-7750. Final packet materials will be posted 72 hours prior to the meeting.**

Letters will be sent to abutting neighbors 10 business days before Planning Commission meeting. Please contact our office with any questions about your application process.

Sincerely,

Lauren Kavan  
Administrative Assistant  
City of North Oaks

**100 Village Center Drive, Suite 230 • North Oaks, Minnesota 55127**

**Office: 651-792-7750 • Fax: 651-792-7751 • [noaks@cityofnorthoaks.com](mailto:noaks@cityofnorthoaks.com) • [www.cityofnorthoaks.com](http://www.cityofnorthoaks.com)**

No. 21-17

**CITY OF NORTH OAKS, MINNESOTA  
APPLICATION FOR CUP, VARIANCE, APPEAL, AMENDMENT, PLAN REVIEW**

Location of Property: (address) 3 Eastview Lane, North Oaks, MN 55127

Legal Description of Property: Tract A RLS \_\_\_\_\_

Fee Owner: Gretchen Hull 3 Eastview Lane  
Name Address

North Oaks MN 55127 612-716-3047  
City State Zip Contact Number/s

Signature of Fee Owner: \_\_\_\_\_ Date 12-1-21

Applicant: Ben Schmidt & Gretchen Hull 3 Eastview Lane  
(if different from owner) Name Address

NO MN 55127 612-716-3047 ben@blanddev.com  
City State Zip Contact Numbers/s Email Address

Signature of Applicant: \_\_\_\_\_ Date 12-1-21

Type of Request: (Please circle correct request)

CONDITIONAL USE PERMIT (as provided for in Chapter 151.076 of Code of Ordinances)

VARIANCE

APPEAL

AMENDMENT

BUILDING / SITE PLAN REVIEW

OTHER

CUP request relative to new home construction and height in excess of 35 feet. Kootenia Homes will be submitting required materials, today, 12/1/21 via email.

Please attach fifteen (15) copies of detailed written and graphic material fully explaining the proposed request and include the reason for the request, present zoning classification and existing use of the property.

(For office use)

Application received with \$450 application fee (or per fee schedule) on 12/1/21 Check # 1004 Amt \$ 450  
Escrow (per fee schedule) received on \_\_\_\_\_ Check # \_\_\_\_\_ Amt \$ \_\_\_\_\_

Date for review of completeness fifteen (15) business days from initial receipt 12/21/2021

\* If application is deemed incomplete, written notice must be sent to the applicant by above date stating the items that need to be submitted for the application to be deemed complete.

**Deadline for action sixty (60) days from initial receipt** \_\_\_\_\_

**Extended deadline** \_\_\_\_\_

**\*\* City may extend the review period by up to sixty days from the end of deadline for action only if applicant is notified in writing prior to the end of the initial sixty (60) day review period. The deadline may be extended beyond sixty days with applicant's approval.**

**Conditional Use or Amendment request - Public Hearing date** \_\_\_\_\_

**Planning Commission action:**

Approval or disapproval on \_\_\_\_\_ with conditions \_\_\_\_\_

**City Council Action:**

Approval or disapproval on \_\_\_\_\_ with conditions \_\_\_\_\_

**Variance, Appeal, Building/Site Plan Review, Other**

**Action of Board of Adjustment and Appeals:**

Approval or disapproval on \_\_\_\_\_

**Bond Required** \_\_\_\_\_

**Bond Received on** \_\_\_\_\_

**APPLICANT RESPONSIBILITY FOR PAYMENT**

As authorized in Chapter 151.083 of the Ordinance Code, an applicant will be responsible for full reimbursement of incurred costs to the City of North Oaks. (A copy of this section of the Ordinance is available upon request\*\*)

A typical process for reviewing a zoning action may include the following: City employee help in explaining the application process, City employee receipt of completed application and proper scheduling on appropriate agenda, one legal notice for a public hearing (if applicable), written notice to abutting property owners (if applicable), generation of a staff report, presentation of the staff report to the Planning Commission and presentation of the staff report and Planning Commission recommendation to the City Council.

**City reimbursement policy:** An applicant can withdraw their request at any time during the review process, however the application fee is non-refundable. Any remaining escrow deposit that is not needed to pay incurred costs to the date of application removal will be refunded to the applicant within sixty days.

**I acknowledge that I have read and fully understand the above statements.**

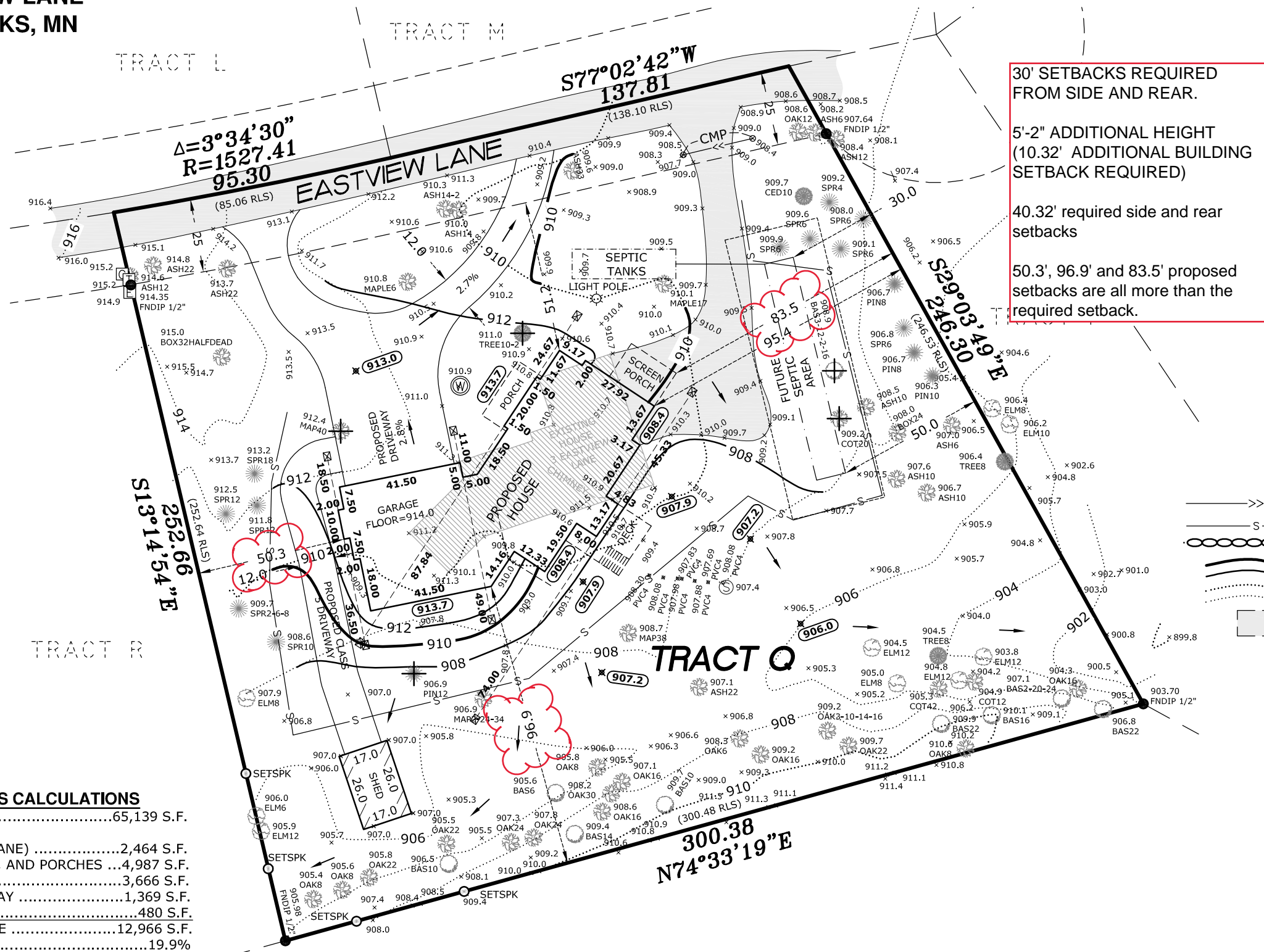
\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

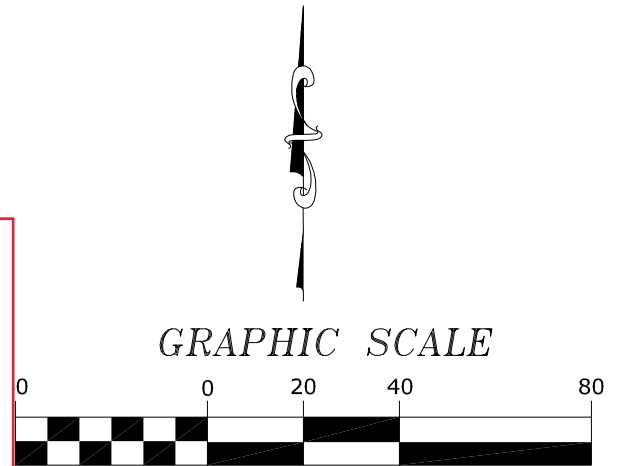
**\*\* § 151.083 FEES. (A) To defray the administrative costs of processing applications for conditional uses, amendments, variances, or appeals, a nonrefundable base fee, as established by the city from time-to time, per application shall be paid by all applicants when the application is filed. (B) (1) In order to defray any additional cost over and above the normal processing of an application for a conditional use, an amendment, a variance, an appeal, or in determining the adequacy of off-street parking, loading, unloading, and service entrances, or when an amended plan must be reviewed by the city, the applicant shall reimburse the city for the costs the city may incur in employing the services of engineers, attorneys, and/or other professional consultants in connection with the application. (2) An initial deposit, as established by the city from time to time, may be requested by the Zoning Administrator for these services. (3) If this amount does not cover all the costs, the applicant will be so advised and full reimbursement hereunder shall be made whether the application is approved or denied. (C) A nonrefundable fee, as established by the city from time to time, for each certificate of occupancy shall be paid when the application is filed. (Ord. 94, § 8.9, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)**

# CERTIFICATE OF SURVEY

~for~ KOOTENIA HOMES  
 ~of~ 3 EASTVIEW LANE  
 NORTH OAKS, MN



30' SETBACKS REQUIRED FROM SIDE AND REAR.  
 5'-2" ADDITIONAL HEIGHT (10.32' ADDITIONAL BUILDING SETBACK REQUIRED)  
 40.32' required side and rear setbacks  
 50.3', 96.9' and 83.5' proposed setbacks are all more than the required setback.



1 INCH = 40 FEET

### LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- x1011.2 DENOTES EXISTING ELEVATION
- ⊠ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET (UNLESS OTHERWISE NOTED)
- ⊗ DENOTES SEPTIC PVC
- ⊙ DENOTES LIGHT POLE
- Ⓢ DENOTES SANITARY SEWER MANHOLE
- Ⓜ DENOTES WELL
- >> DENOTES EXISTING STORM SEWER
- S— DENOTES SILT FENCE
- ⊖ DENOTES PROPOSED RETAINING WALL
- ⋯ DENOTES PROPOSED CONTOURS
- ⋯ DENOTES EXISTING CONTOURS
- ▨ DENOTES BITUMINOUS SURFACE

### TREE DETAIL

- 950.26 DENOTES ELEVATION
- OAK20-2 DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE
- DENOTES TREE TO BE REMOVED

**PROPOSED IMPERVIOUS CALCULATIONS**

TOTAL LOT AREA	65,139 S.F.
EXISTING BIT. (EASTVIEW LANE)	2,464 S.F.
PROPOSED HOUSE, GARAGE, AND PORCHES	4,987 S.F.
PROPOSED BIT. DRIVEWAY	3,666 S.F.
PROPOSED GRAVEL DRIVEWAY	1,369 S.F.
EXISTING SHED	480 S.F.
TOTAL IMPERVIOUS SURFACE	12,966 S.F.
PERCENT IMPERVIOUS	19.9%

HOUSE DIAG: 132.50 X 46.58 = 140.45  
 GARAGE DIAG: 65.00 X 43.50 = 78.21  
 (9 FOOT POURED WALL LOOKOUT BASEMENT)

**PROPOSED ELEVATIONS**

TOP OF WALL	= 914.4
GARAGE FLOOR	= 914.0
LOWEST OPENING	= 908.9
BASEMENT FLOOR	= 905.7
TOP OF FOOTING	= 905.4

**TRACT Q, REGISTERED LAND SURVEY NO. 224, Ramsey County, Minnesota.**

\* BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.  
 \* DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.  
 \* FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: *[Signature]*  
 Minnesota License No. 41578  
 Dated 14th day of September 2021.

BEARING DATUM: Ramsey		SCALE: 1" = 40'	
1	12-23-20	UPDATED HOUSE LOCATION	BCD
2	01-26-21	CLIENT COMMENTS	BCD
3	02-04-21	CLIENT COMMENTS	BCD
4	08-30-21	CLIENT COMMENTS	BCD
5	09-14-21	ADDED TREE REMOVAL PLAN	BCD
JOB NO. 18391BT		DATE: 10-29-20	
DRAWN BY: RAF		CREW: JH/CB	

**E. G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com



NEW SINGLE FAMILY RESIDENCE FOR:

# THE SCHMIDT FAMILY

3 EASTVIEW LANE  
NORTH OAKS, MN 55127

SQUARE FOOTAGE:	
MAIN LEVEL FINISHED:	2,152 s.f.
UPPER LEVEL FINISHED:	2,116 s.f.
TOTAL ABOVE GRADE:	4,268 s.f.
LOWER LEVEL:	2,298 s.f.
TOTAL FINISHED:	6,566 s.f.

## DRAWING SHEET INDEX:

At	COVER SHEET / DRAWING INDEX
A0.1	FOUNDATION PLAN
A0.2	BASEMENT FLOOR PLAN
A1	MAIN LEVEL FLOOR PLAN
A2	SECOND LEVEL FLOOR PLAN
A3	ROOF PLAN
A4	FRONT EXTERIOR ELEVATION
A5	EXTERIOR ELEVATIONS
A6	WALL SECTIONS
A7	BUILDING SECTIONS
A8	BUILDING SECTIONS



RE-ISSUE:  
12 - 01 - 21

ISSUE:  
11 - 09 - 21

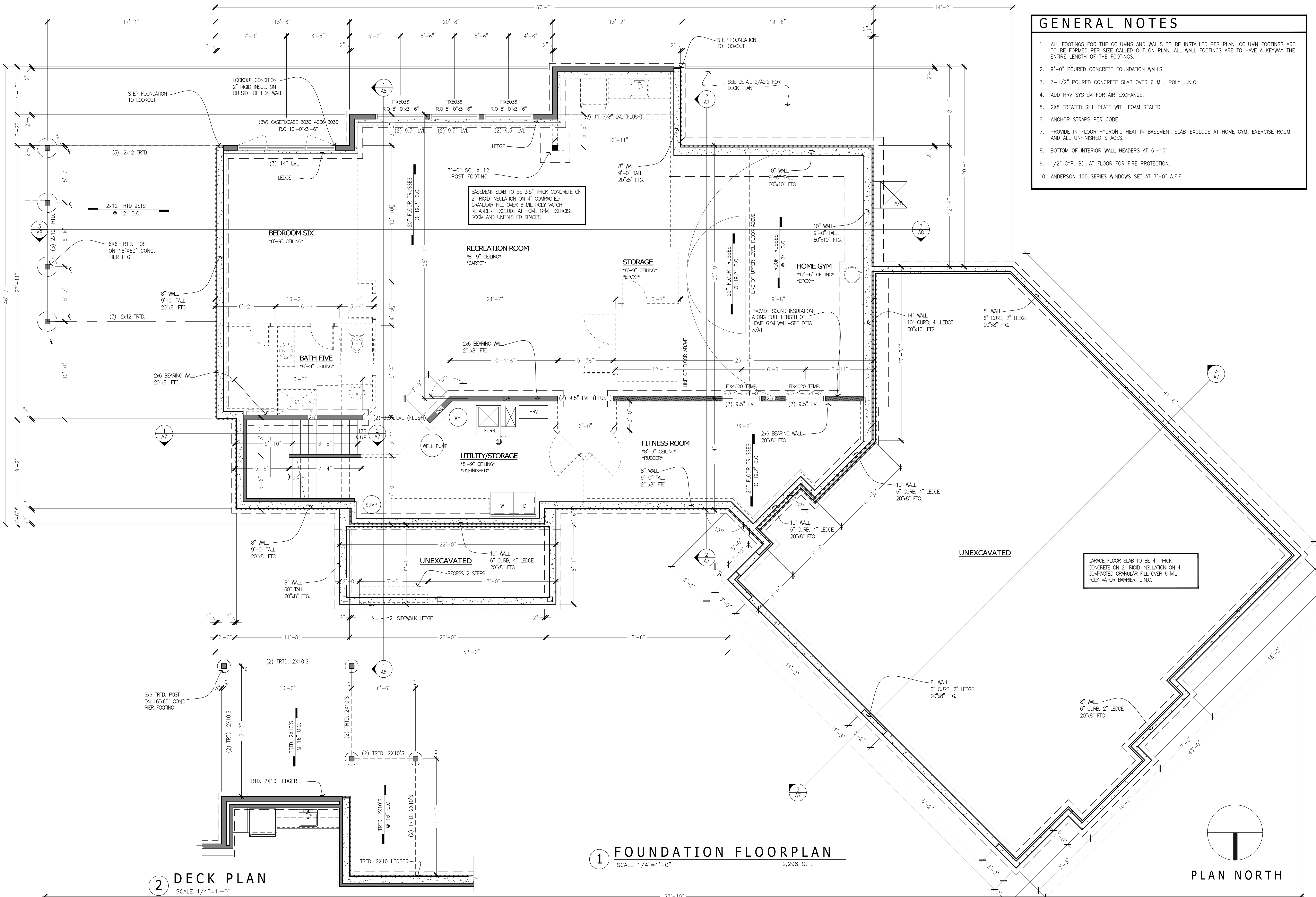
DRAWN BY:  
TJG

**SCHMIDT RESIDENCE**  
8 EASTVIEW LANE  
NORTH OAKS, MN 55127

**Kootenia**  
homes & remodeling

PROJECT NUMBER  
**K-2121**

SHEET NUMBER  
**At**  
TITLE SHEET



- ### GENERAL NOTES
1. ALL FOOTINGS FOR THE COLUMNS AND WALLS TO BE INSTALLED PER PLAN. COLUMN FOOTINGS ARE TO BE FORMED PER SIZE CALLED OUT ON PLAN. ALL WALL FOOTINGS ARE TO HAVE A KEYWAY THE ENTIRE LENGTH OF THE FOOTINGS.
  2. 9'-0" POURED CONCRETE FOUNDATION WALLS
  3. 3-1/2" POURED CONCRETE SLAB OVER 6 MIL. POLY U.N.O.
  4. ADD HRV SYSTEM FOR AIR EXCHANGE.
  5. 2X8 TREATED SILL PLATE WITH FOAM SEALER.
  6. ANCHOR STRAPS PER CODE
  7. PROVIDE IN-FLOOR HYDRONIC HEAT IN BASEMENT SLAB-EXCLUDE AT HOME GYM, EXERCISE ROOM AND ALL UNFINISHED SPACES.
  8. BOTTOM OF INTERIOR WALL HEADERS AT 6'-10"
  9. 1/2" GYP. BD. AT FLOOR FOR FIRE PROTECTION.
  10. ANDERSON 100 SERIES WINDOWS SET AT 7'-0" A.F.F.

**1 FOUNDATION FLOOR PLAN**  
 SCALE 1/4"=1'-0"  
 2,298 S.F.

**2 DECK PLAN**  
 SCALE 1/4"=1'-0"

GARAGE FLOOR SLAB TO BE 4" THICK CONCRETE ON 2" RIGID INSULATION ON 4" COMPACTED GRANULAR FILL OVER 6 MIL POLY VAPOR BARRIER. U.N.O.



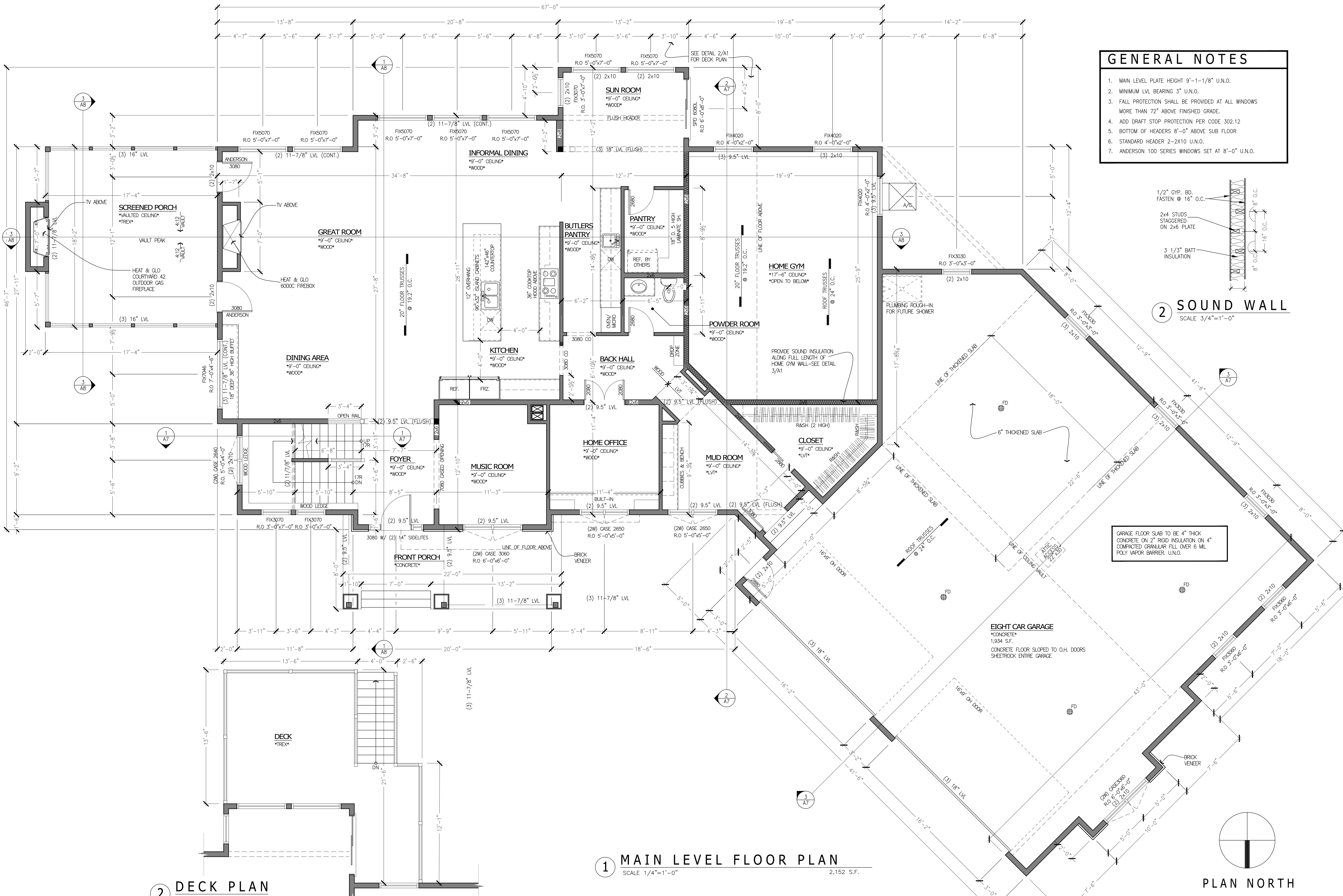
RE-ISSUE: 12-01-21  
 ISSUE: 11-09-21  
 DRAWN BY: TJG

**SCHMIDT RESIDENCE**  
 3 EASTVIEW LANE  
 NORTH OAKS, MN 55127

**Kootenia**  
 homes & remodeling

PROJECT NUMBER  
**K-2121**  
 SHEET NUMBER  
**A0.1**  
 FOUNDATION PLAN



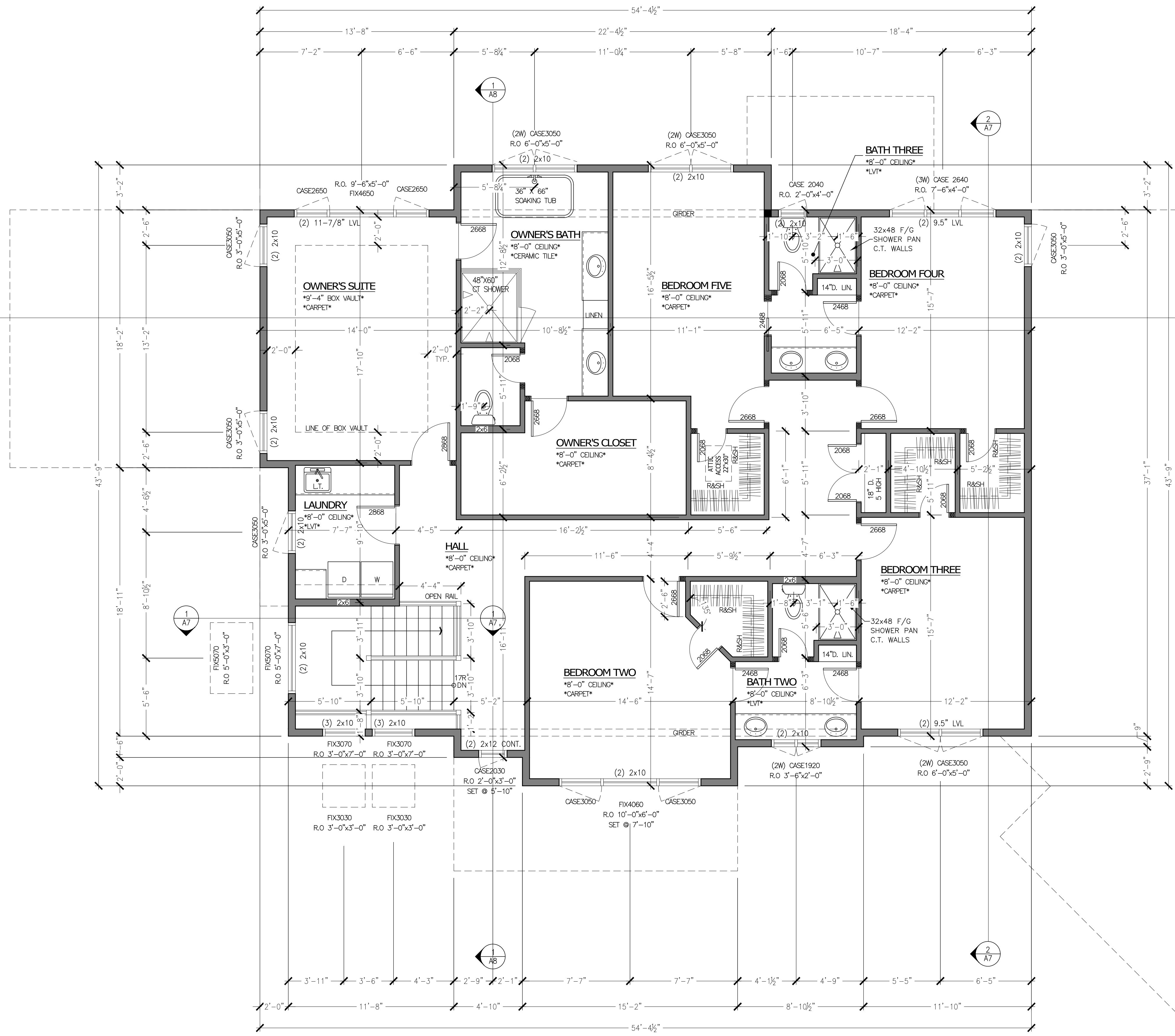


RE-ISSUE: 12-01-21  
ISSUE: 11-09-21  
DRAWN BY: TJG

**SCHMIDT RESIDENCE**  
8 EASTVIEW LANE  
NORTH OAKS, MN 55127

**Kootenia**  
homes & remodeling

PROJECT NUMBER  
**K-2121**  
SHEET NUMBER  
**A1**  
MAIN LEVEL FLOOR PLAN



- GENERAL NOTES**
- UPPER LEVEL PLATE HEIGHT 8'-1-1/8" U.N.O.
  - MINIMUM LVL BEARING 3" U.N.O.
  - FALL PROTECTION SHALL BE PROVIDED AT ALL WINDOWS MORE THAN 72" ABOVE FINISHED GRADE.
  - ADD DRAFT STOP PROTECTION PER CODE 302.12
  - BOTTOM OF HEADERS 6'-10" ABOVE SUB FLOOR
  - STANDARD HEADER 2-2X10 U.N.O.
  - ANDERSON 100 SERIES WINDOWS SET AT 6'-10" U.N.O.

**1 UPPER LEVEL FLOORPLAN**  
 SCALE 1/4"=1'-0" 2,116 S.F.



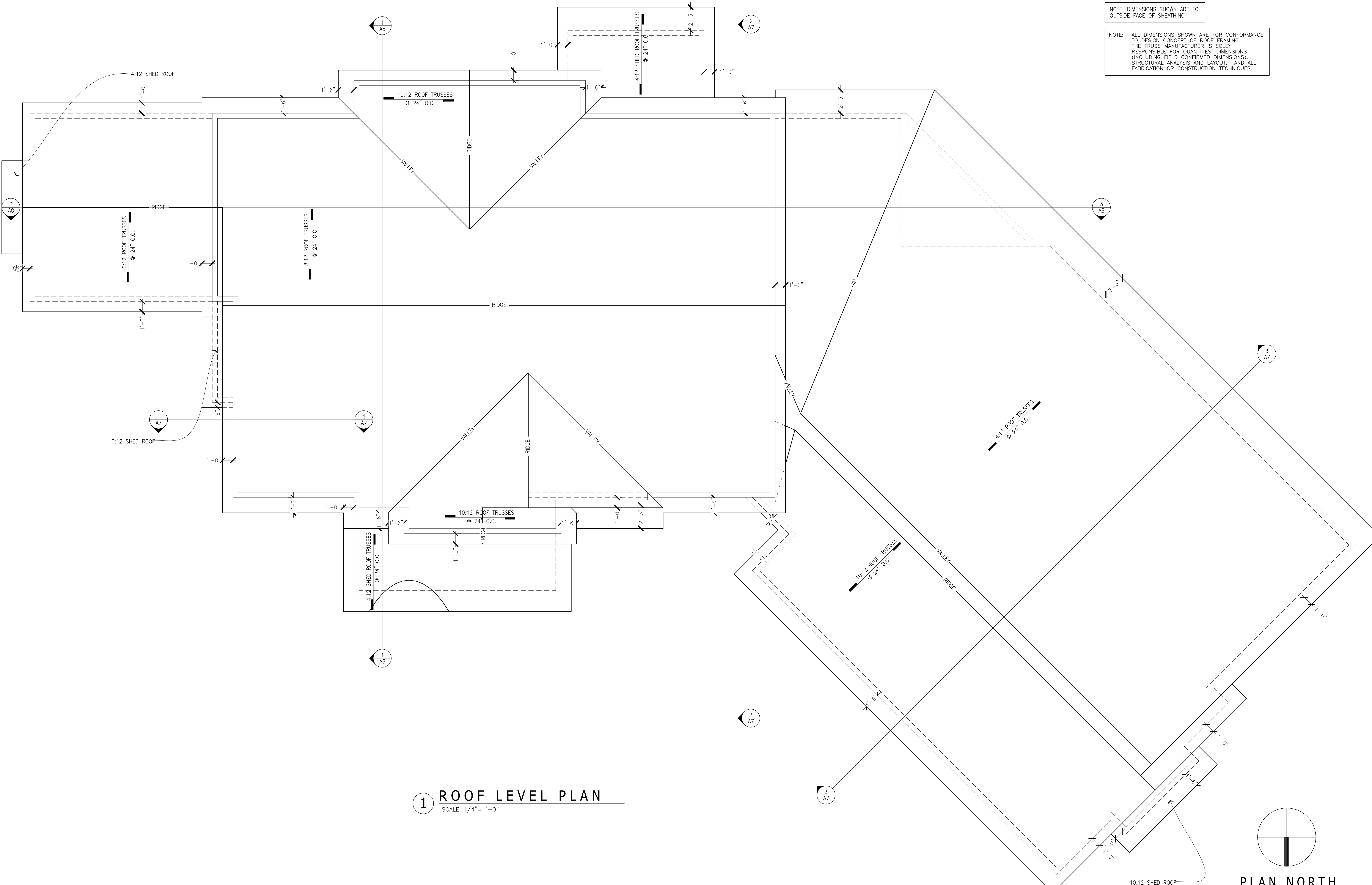
RE-ISSUE: 12-01-21  
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**SCHMIDT RESIDENCE**  
 8 EASTVIEW LANE  
 NORTH OAKS, MN 55127

**Kootenia**  
 homes & remodeling

PROJECT NUMBER  
**K-2121**

SHEET NUMBER  
**A2**  
 UPPER LEVEL FLOORPLAN



NOTE: DIMENSIONS SHOWN ARE TO OUTSIDE FACE OF SHEATHING

NOTE: ALL DIMENSIONS SHOWN ARE FOR CONFORMANCE TO DESIGN CONCEPT OF ROOF FRAMING. THE TRUSS MANUFACTURER IS SOLELY RESPONSIBLE FOR QUANTITIES, DIMENSIONS (INCLUDING FIELD CONFIRMED DIMENSIONS), AND ALL STRUCTURAL ANALYSIS AND LAYOUT, AND ALL FABRICATION OR CONSTRUCTION TECHNIQUES.

**1 ROOF LEVEL PLAN**  
SCALE 1/4"=1'-0"



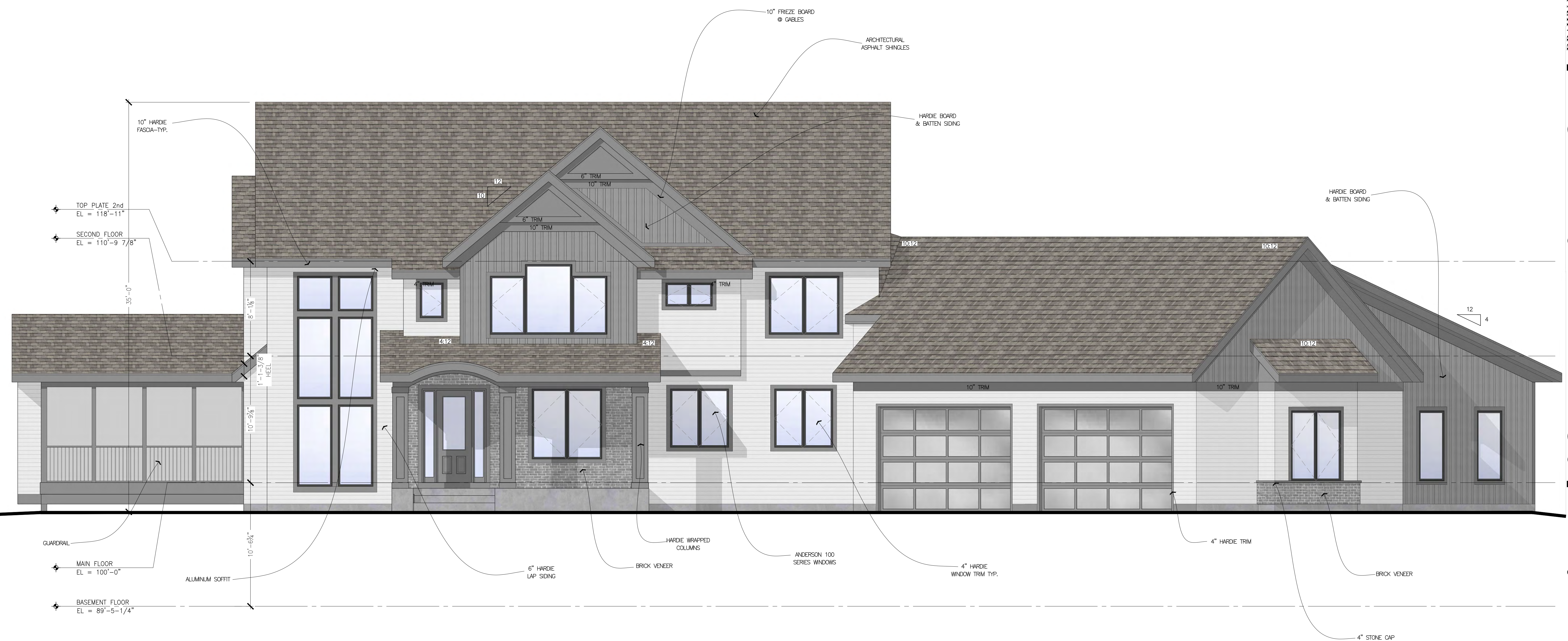
**SCHMIDT RESIDENCE**  
8 EASTVIEW LANE  
NORTH OAKS, MN 55127

**Kootenia**  
homes & remodeling

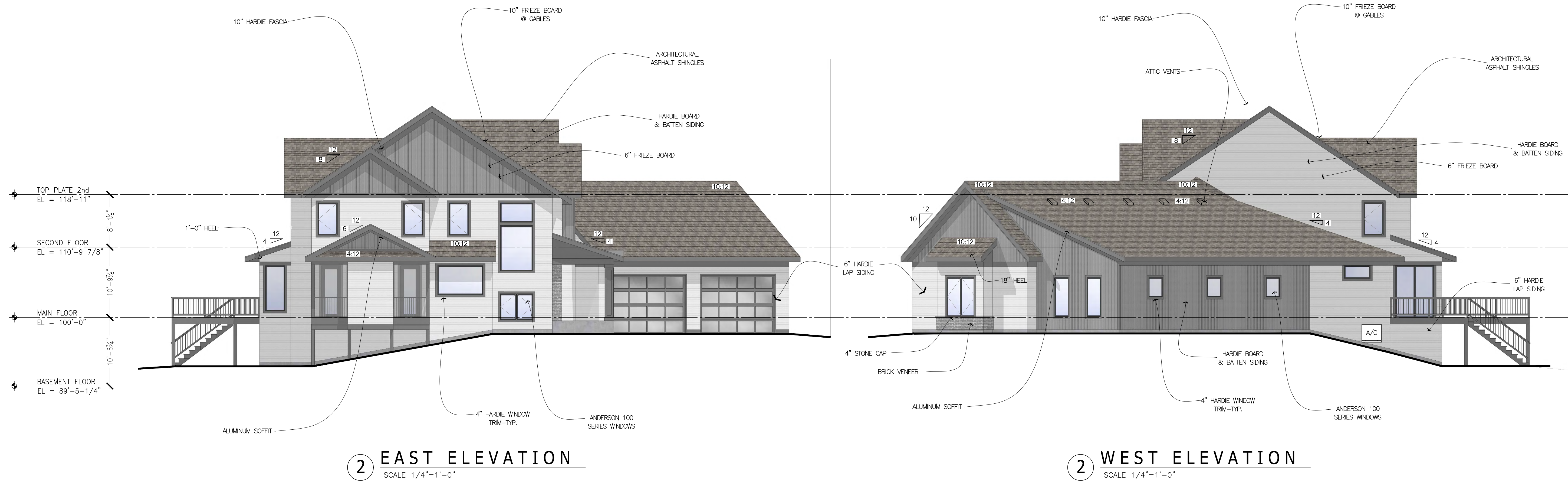
PROJECT NUMBER  
**K-2121**

SHEET NUMBER  
**A3**  
ROOF LEVEL PLAN

RE-ISSUE: 12 - 01 - 21  
ISSUE: 11 - 09 - 21  
DRAWN BY: TJG



**1 NORTH ELEVATION**  
SCALE 1/4"=1'-0"



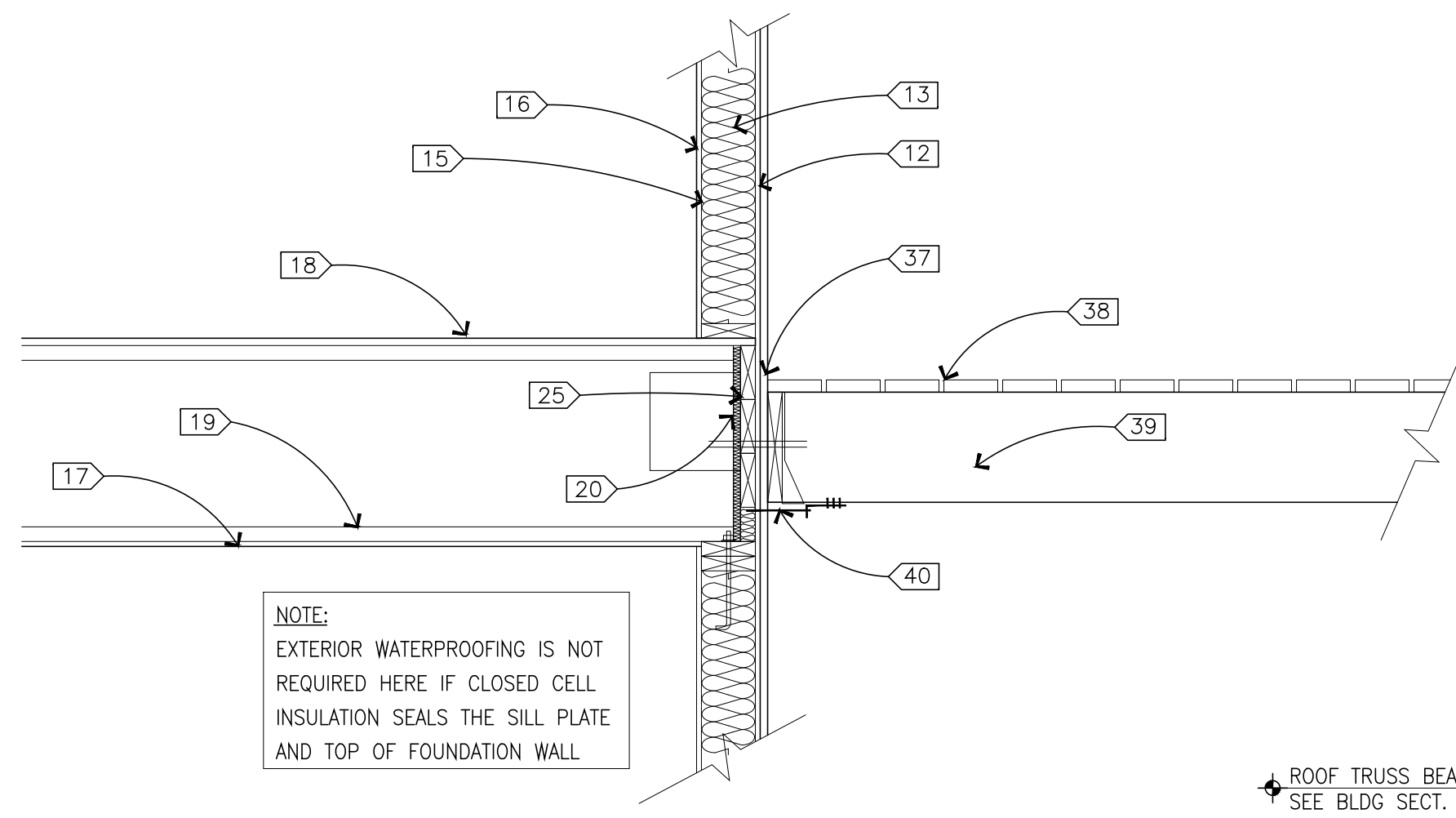
**2 EAST ELEVATION**  
SCALE 1/4"=1'-0"

**2 WEST ELEVATION**  
SCALE 1/4"=1'-0"

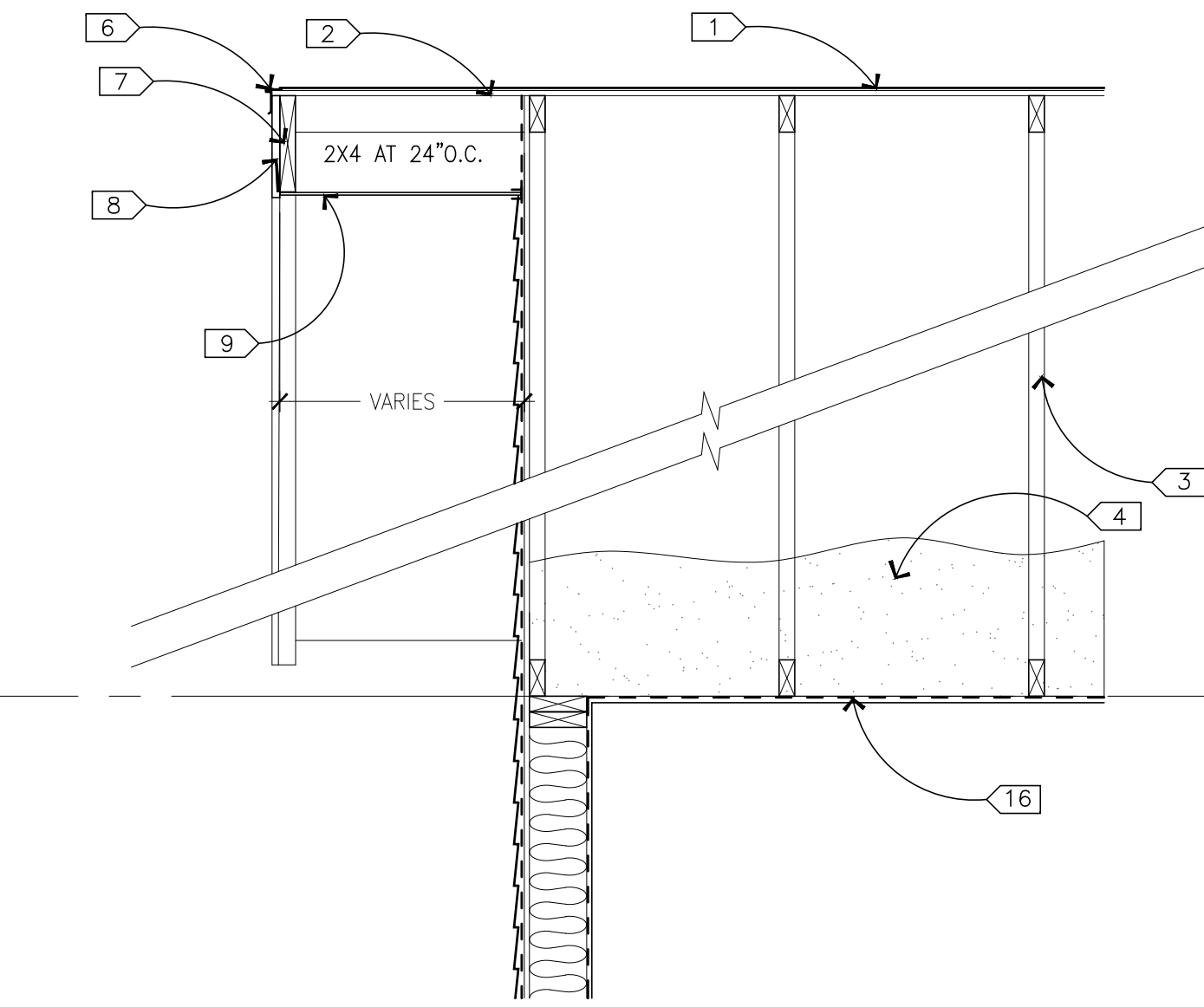


**1 SOUTH ELEVATION**  
SCALE 1/4"=1'-0"

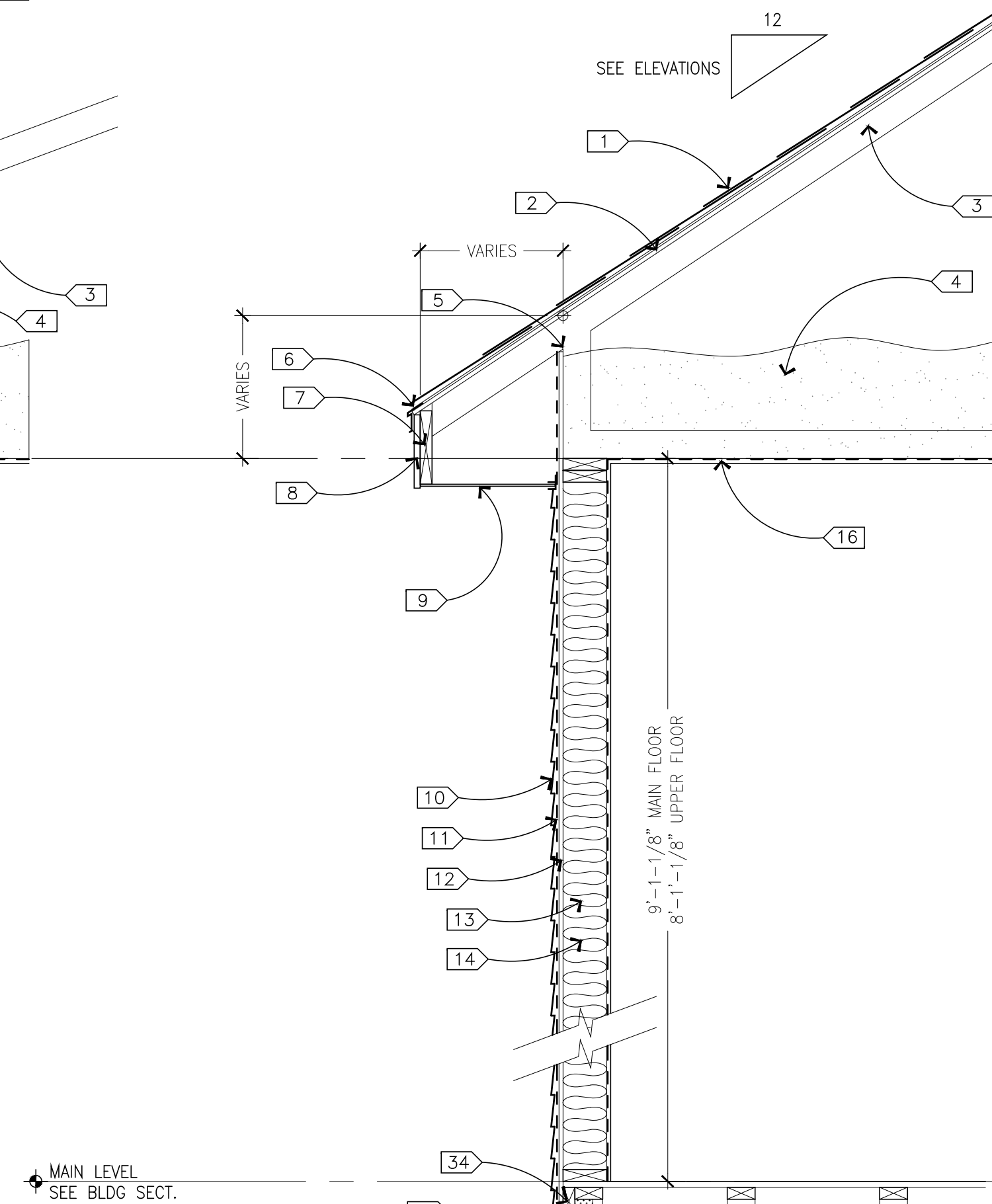




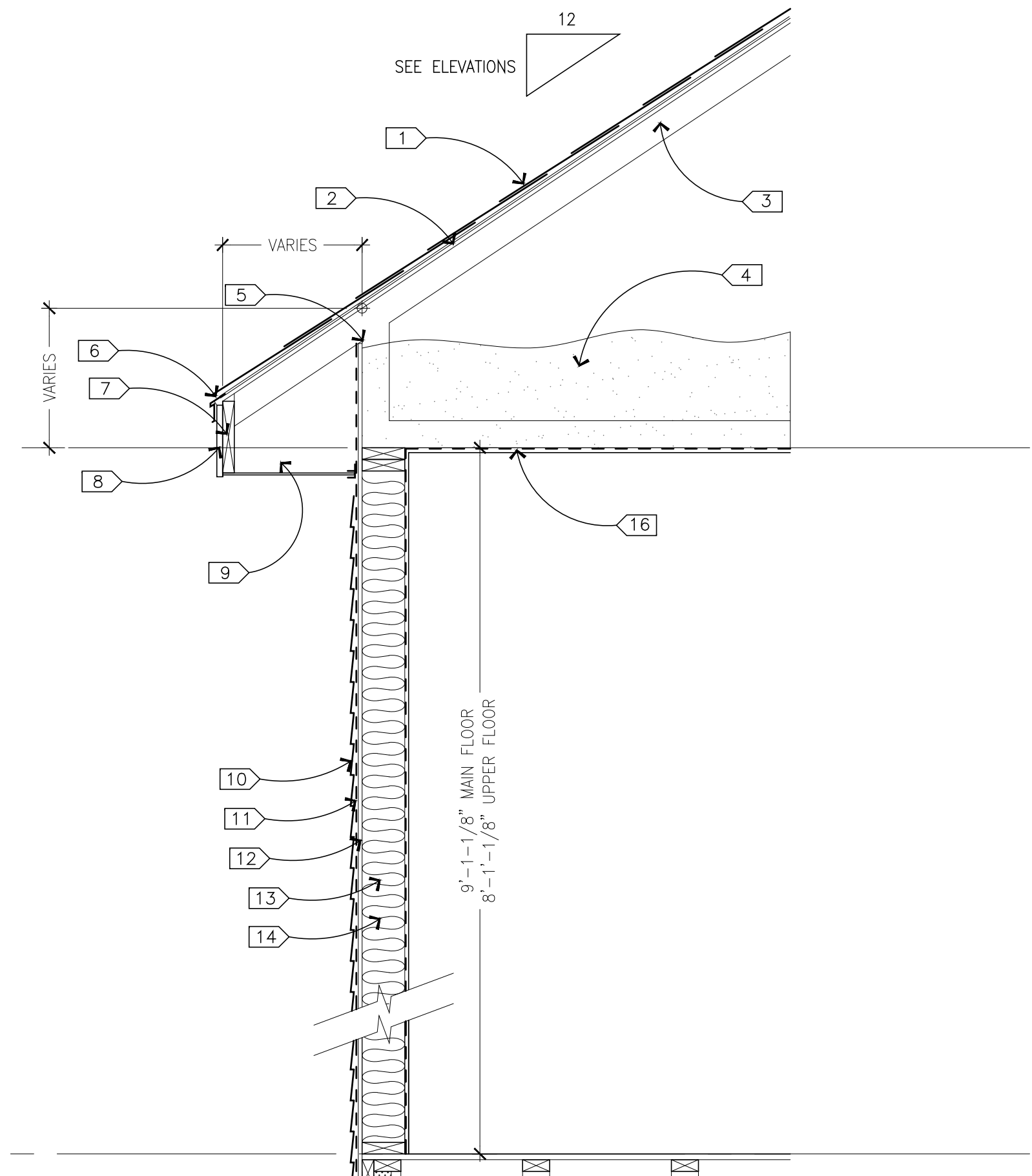
**4 TYPICAL DECK ATTACHMENT**  
SCALE: 3/4"=1'-0"



**3 TYPICAL WALL SECTION AT GABLE END**  
SCALE: 3/4"=1'-0"



**2 TYPICAL WALL SECTION AT FULL BASEMENT**  
SCALE: 3/4"=1'-0"



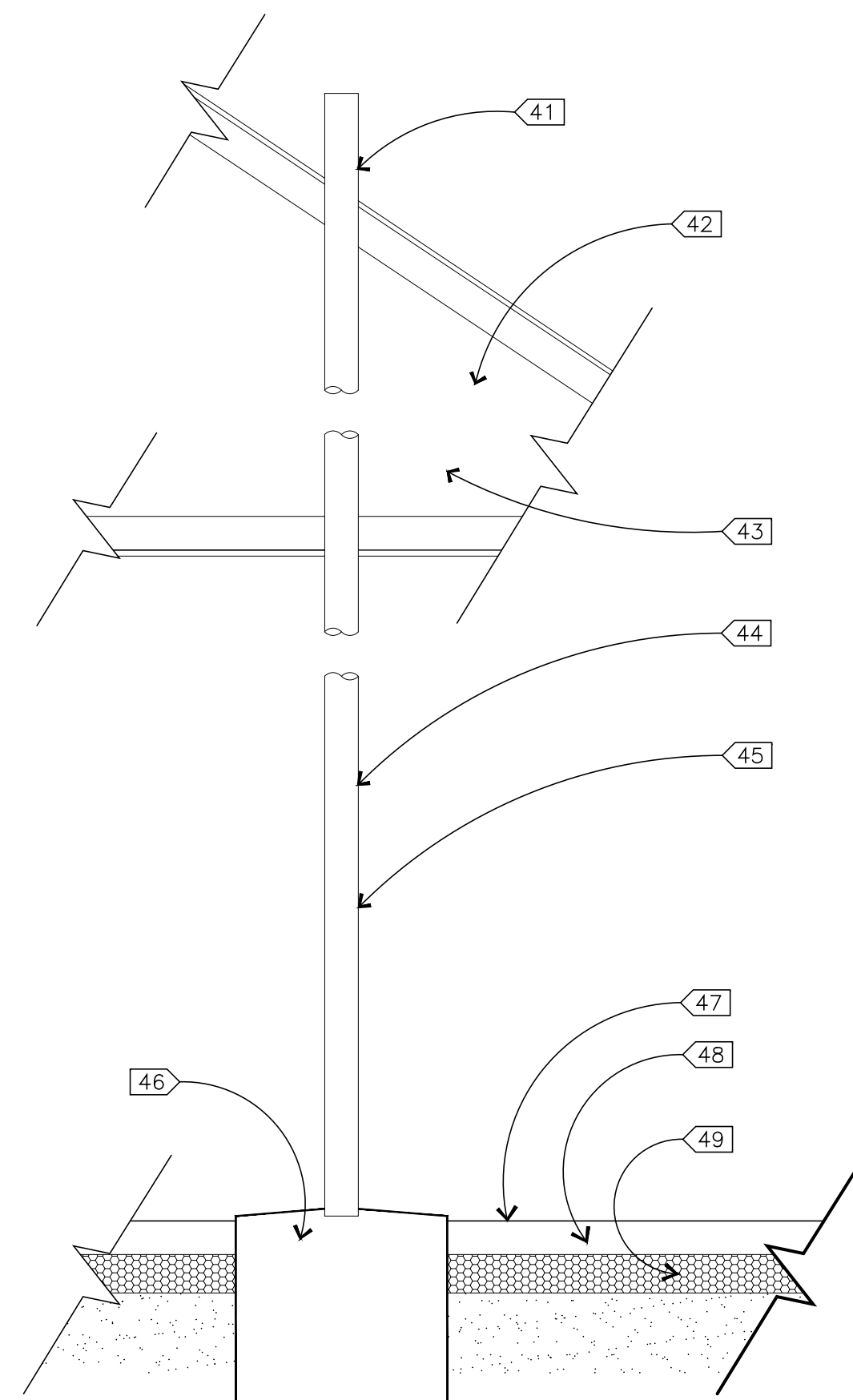
**1 TYPICAL WALL SECTION AT LOOKOUT**  
SCALE: 3/4"=1'-0"

**KEYED NOTES**

- 1 ASPHALT SHINGLES OVER 15# ROOFING FELT, ICE AND WATER SHIELD AT EAVES, VALLEYS & LOW SLOPES.
- 2 7/16" OSB W/ H-CLIPS
- 3 PRE-ENGINEERED WOOD ROOF TRUSSES AT 24" O.C. SEE PLANS, TRUSS MANUFACTURER TO VERIFY TRUSS DESIGN AND HEEL HEIGHTS
- 4 MINIMUM R-49 BLOWN FIBERGLASS INSULATION.
- 5 EXTEND WALL SHEATHING TO PROVIDE WIND WASH BARRIER.
- 6 PRE-FINISHED ROOF EDGE DRIP.
- 7 2X10 SUB FASCIA.
- 8 10" HARDIE FASCIA
- 9 PRE-FINISHED VENTED ALUMINUM SOFFIT.
- 10 SIDING - SEE ELEVATIONS
- 11 WEATHER RESISTIVE BARRIER - TYVEK. (SHOWN DASHED)
- 12 7/16" OSB SHEATHING.
- 13 2x6 STUDS AT 16" O.C. - DOUBLE STUD EACH SIDE OF OPENINGS, MINIMUM UNLESS NOTED OTHERWISE (U.N.O.).
- 14 R-21 FIBERGLASS BATT INSULATION.
- 15 4 MIL POLY VAPOR RETARDER. (SHOWN DASHED)
- 16 1/2" GYPSUM BOARD
- 17 1/2" GYPSUM BOARD (FIRE PROTECTION)
- 18 3/4" SUB FLOOR
- 19 FLOOR TRUSSES, SEE FRAMING DIRECTION AND DEPTH ON PLAN.
- 20 SPRAY FOAM TO MIN. R-20 VALUE.
- 21 TREATED 2X6 SILL PLATE OVER FOAM SILL SEALER.
- 21b TREATED 2X8 SILL PLATE OVER FOAM SILL SEALER.
- 22 1/2" X 10" ANCHOR BOLTS AT 6'-0" O.C.
- 23 PROVIDE ABOVE GRADE INSULATION PROTECTION EXTENDED MIN. 6" BELOW GRADE.
- 24 2x4 STUDS AT 16" O.C. SET 1/2" FROM FACE OF WALL.
- 25 (3) 2X6
- 26 BACKFILL WALL WITH DRAINAGE FILL BELOW 18" OF CLAY/TOPSOIL SLOPE AWAY FROM WALL.
- 27 2" R-10 RIGID INSULATION FROM TOP OF FOOTING TO BOTTOM OF SIDING. COVER EXPOSED WITH AT GRADE PROTECTION SHEET.
- 28 PERFORATED DUAL DRAIN TILE WITH FILTER FABRIC SET IN 8"x16" CRUSHED DRAINAGE ROCK. PITCH TO SUMP PIT.
- 29 8" POURED CONCRETE WALL 5000 PSI MINIMUM-UNLESS NOTED OTHERWISE
- 30 3.5" CONC. SLAB OVER 6" GRANULAR FILL OVER 6 MIL POLY VAPOR BARRIER.
- 31 2" RIGID INSULATION UNDER SLAB (EXCLUDE AT HOME GYM, FITNESS ROOM AND UNFINISHED SPACES).
- 32 20"x8" CONCRETE FOOTING
- 33 DOWEL VERTICAL WALL REINFORCING TO FOOTING OR USE KEYWAY.
- 34 PROVIDE BLOCKING AT RIM JOIST AS PER TRUSS MANUF.
- 35 2 X 4 KEYWAY
- 36 MEMBRANE WATER PROOFING (SHOWN DASHED) FROM TOP OF CONC. WALL TO BOTTOM OF FOOTING.
- 37 FLASHING AS REQ'D BY CODE
- 38 5/4" DECKING OVER TRTD. JSTS, PER PLAN
- 39 TRTD. DECK RIM W/ LEDGER LOCK W/ 3" MIN. BEARING
- 40 SIMPSON JOIST HANGER "DIT12" W/ 3/8" LAG SCREW W/ 3" MIN. THREAD PENETRATION

**KEYED NOTES CONTINUED**

- 41 TERMINATE VENT PIPE MIN. 12" ABOVE ROOF AND 10' FROM ANY OPENING
- 42 MIN. 24" WIDE X 36" HIGH CLEARANCE AROUND PIPE FOR FUTURE FAN
- 43 PROVIDE ELECTRICAL OUTLET IN ATTIC FOR FUTURE FAN
- 44 LABEL: \* RADON REDUCTION SYSTEM \* ON EACH LEVEL
- 45 3" PVC VENT PIPE
- 46 SUMP BASKET WITH SEALED LID
- 47 3 /12" CONC. SLAB
- 48 6 MIL POLY-OVERLAP SEAMS 12"
- 49 FIT TIGHTLY AROUND PENETRATIONS
- 50 4" MIN. LAYER OF CLEAN AGGREGATE



**5 PASSIVE RADON MITIGATION**  
SCALE: 3/4"=1'-0"



## PLANNING REPORT

TO: North Oaks Planning Commission  
FROM: Kevin Kress, City Administrator, Jim Thomson, City Attorney, Tim Korby,  
City Engineer, Bob Kirmis, City Planner  
DATE: December 21, 2021  
RE: 3 Eastview Lane - Conditional Use Permit  
Home in excess of 35 feet in height

Date Application Submitted	December 1, 2021
Date Application Determined Complete:	December 1, 2021
Planning Commission Meeting Date:	December 30, 2021
City Council Meeting Date:	January 13, 2022
60-day review Date:	January 30, 2022
120-day Review Date:	March 31, 2022

## BACKGROUND

The Schmidt family has requested the approval of a conditional use permit to allow the construction of a new home at 3 Eastview Lane which is in excess of 35 feet.

The subject 1.40-acre site is zoned RSL, Residential Single-Family Low Density. Within RSL Districts, homes in excess of 35 feet are subject to conditional use permit processing.

The applicant wishes to construct a home with side and rear elevations in excess of 35 feet at a total of 40 feet and 2 inches at the highest elevation.

Attached for reference:

Exhibit A: Site Location  
Exhibit B: Applicant Narrative  
Exhibit C: Grading, Drainage and Erosion Control Plan



Exhibit D: Site Plan

Exhibit E: Building Elevation

## ISSUES AND ANALYSIS

**Property Description.** As shown on the submitted survey, one individual parcel of land is illustrated which is presently unoccupied (going to be demolished) shown as Tract O RLS 224.

City Zoning Ordinance defines building height as “BUILDING HEIGHT. The vertical distance from grade as defined herein to the top ridge of the highest roof surface.” City Zoning Ordinance defines building elevation as “BUILDING ELEVATION. A side view of the building representing the structure as projected geometrically on a vertical plane parallel to its chief dimension.”

**Evaluation Criteria.** In consideration of conditional use permit applications to allow for a home greater than 35 feet in height, Section 151.050(D)(7) of the Zoning Ordinance states that certain criteria must be considered. Such criteria, as well as a Staff response, is provided below:

- a. The front elevation of the building does not exceed 35 feet in height at any point.***

Staff Comment. The proposed front elevation is 35 feet from grade. This condition has been satisfied.

- b. The building height at any other elevation does not exceed 45 feet.***

Staff Comment. The proposed side and rear elevation maximum is 40 feet 2 inches. This condition has been satisfied

- c. The environmental and topographical conditions of the lot prior to building development are naturally suited to the design of a building with an egress or walkout level***

Staff Comment. Based on our engineering review of the topography and site, the proposed home appears conducive to the site’s natural layout. The City will review all erosion control measures to ensure that the construction project does not adversely affect the surrounding environment. The City Engineer will make periodic site visits during construction to ensure all erosion control measures are fully complied with.

- d. Buildings shall be limited to a basement and 2 full stories. Finished areas within the roof structure will be considered a full story.***

Staff Comment. The proposed home is 2 full stories with a basement. This condition has been satisfied.

- e. Any time the side or rear elevations of a building exceed 35 feet in height within 50 feet of adjacent lot lines, the building shall be setback an additional 2 feet from the adjacent setback line for each foot in height above 35 feet.***

Staff Comment. The proposed side and rear elevation maximum is 40 feet 2 inches. The current home setbacks on the side are 40.32 feet which is well within the requirement. The current rear setback is 50.3, 96.9 and 83.5 feet. This condition has been satisfied

- f. Section 151.083 related to cost responsibility is complied with.***

Staff Comment. This condition has been satisfied.

## **STAFF RECOMMENDATION**

Based on the preceding review, Staff recommends approval of the requested conditional use permit to allow for a home located at 3 Eastview Lane in excess of 35 feet subject to the following conditions:

1. The home shall be constructed in accordance to plan sets received 12-1-21.
2. The proposed home shall meet all required setbacks and other zoning standards prior to the issuance of a building permit.
3. Plans shall be approved by the Building Official prior to the beginning of construction.
4. Any outstanding fees shall be paid prior to the issuance of a building permit.
5. Comments of other City Staff.

## **PLANNING COMMISSION OPTIONS**

In consideration of the conditional use permit application, the Planning Commission has the following options:

---



p 651-792-7750  
f 651-792-7751



northoaks@northoaksmn.gov  
www.northoaksmn.gov



100 Village Center Drive, Suite 230  
North Oaks, MN 55127

**A) Recommend approval**, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.

- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
- Approval at this time means that, upon City Council approval, the applicant can construct the home, as proposed, subject to the satisfaction of all imposed conditions.

**B) Recommend denial** based on the applicant's submission, the contents of City Staff report, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code that are not being met by the conditional use permit proposal.

**C) Table** the request for further study.

- This option should be utilized if the Planning Commission feels the proposal is appropriate and should move forward, but that certain design aspects need to be amended and brought back before a recommendation for approval can be given.

cc: Schmidt Family, Home Owner  
Gretchen Needham, NOHOA



p 651-792-7750  
f 651-792-7751



northoaks@northoaksmn.gov  
www.northoaksmn.gov



100 Village Center Drive, Suite 230  
North Oaks, MN 55127

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. XXXX**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO  
CONSTRUCT A HOME IN EXCESS OF 35 FEET IN HEIGHT FOR PROPERTY  
ADDRESS 3 EASTVIEW LANE**

---

**WHEREAS**, an application for a Conditional Use Permit has been submitted by the Schmidt Family, the owner of the real property described below, to allow for the construction of a home in excess of 35 feet in height on real property located at 3 Eastview Lane, North Oaks, Ramsey County, Minnesota, legal described on the attached **EXHIBIT A**; and

**WHEREAS**, a Conditional Use Permit is required for a home in excess of 35 feet in height; and

**WHEREAS**, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.050 and 151.076, regarding the criteria for issuance of a Conditional Use Permit, and meets the minimum standards, is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance, and does not have a negative impact on public health, safety, or welfare; and

**WHEREAS**, a public hearing concerning the Conditional Use Permit was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on December 30, 2021, at which hearing the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit application, subject to certain conditions.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS**, that a Conditional Use Permit to allow for a home in excess of 35 feet in height, is approved subject to the following conditions:

1. The home shall be constructed in accordance to plan sets received 12-1-21.
2. The proposed home shall meet all required setbacks and other zoning standards prior to the issuance of a building permit.
3. Plans shall be approved by the Building Official prior to the beginning of construction.
4. Any outstanding fees shall be paid prior to the issuance of a building permit.

**BE IT FURTHER RESOLVED** that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized and directed to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

Adopted by the City Council of the City of North Oaks this 13<sup>th</sup> day of January, 2022.

By: \_\_\_\_\_

Kara Ries

Its: Mayor

Attested:

By: \_\_\_\_\_

Kevin Kress

Its: City Administrator

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**

Real property located in Ramsey County, Minnesota legally described as follows:

Tract A, Registered Land Survey No. 152, Ramsey County, Minnesota.

PID: 183022220005

Torrens Property





## City of North Oaks

### 2022 Holiday Schedule

December 31, 2021	—	New Year's Day (recognized)
January 17	—	Martin Luther King Day
February 21	—	President's Day
May 30	—	Memorial Day
July 4	—	Independence Day Observed
September 5	—	Labor Day
October 10	—	Columbus Day
November 11	—	Veteran's Day
November 24, 25	—	Thanksgiving
December 23, 26	—	Christmas
December 31st	—	New Year's Eve (Saturday)



**RESOLUTION NUMBER XXXX  
ADOPTING THE 2040 COMPREHENSIVE PLAN**

**WHEREAS**, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

**WHEREAS**, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2018; and

**WHEREAS**, the proposed 2040 Comprehensive Plan is a planning tool intended to guide the future growth and development of North Oaks in a manner that conforms with metropolitan system plans of transportation, aviation, water resources management, and park; and complies with the Metropolitan Land Planning Act and other applicable planning statutes; and

**WHEREAS**, the proposed 2040 Comprehensive Plan reflects a community planning process involving elected officials, appointed officials, city staff, and the public at large; and

**WHEREAS**, pursuant to Minnesota Statutes section 473.858, the proposed 2040 Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on February 24, 2018 and the statutory six-month review and comment period has elapsed; and

**WHEREAS**, the Planning Commission conducted public hearings on the proposed 2040 Comprehensive Plan on October 26, 2017, November 30, 2017, September 27, 2018, November 7, 2018, and February 28, 2019; and

**WHEREAS**, the Planning Commission considered the proposed 2040 Comprehensive Plan and all public comments, and thereafter submitted a recommendation of approval to the Council; and

**WHEREAS**, the City Council of North Oaks approved Resolution 1422 authorizing the proposed 2040 Comprehensive Plan to be submitted to the Metropolitan Council for review; and



**WHEREAS**, at its regular meeting on December 22, 2021 the Metropolitan Council completed its review of the proposed 2040 Comprehensive Plan and found that the Plan meets the requirements of the Metropolitan Land Planning Act; conforms to the metropolitan system plans for transportation, aviation, water resources, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions and affected special districts and school districts; and

**WHEREAS**, the 2040 Comprehensive Plan includes all revisions made during the review process and responds to additional advisory comments that are part of the Metropolitan Council’s actions authorizing the City of North Oaks to place its proposed 2040 Comprehensive Plan into effect.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of North Oaks 2040 Comprehensive Plan is adopted and is effective as of the date of this resolution.

**BE IT FURTHER RESOLVED** that, pursuant to sections 473.864 and 473.865 of the Metropolitan Land Planning Act, the City of North Oaks will: (1) review its fiscal devices and official controls; (2) if necessary, amend its fiscal devices and official controls to ensure they do not conflict with the 2040 Comprehensive Plan or permit activity in conflict with metropolitan system plans; and (3) submit amendments to fiscal devices or official controls to the Metropolitan Council for “information purposes.”

PASSED BY THE COUNCIL of the City of North Oaks this 13<sup>th</sup> day of January, 2022.

APPROVED:

\_\_\_\_\_  
Kara Ries, Mayor

ATTEST:

\_\_\_\_\_  
Kevin Kress  
City Administrator

December 23, 2021

Kevin Kress, City Administrator  
City of North Oaks  
100 Village Center Drive  
North Oaks, MN 55127

RE: **City of North Oaks 2040 Comprehensive Plan - Notice of Council Action**  
Metropolitan Council Review File No. 21796-1  
Metropolitan Council District 10

Dear Kevin Kress:

The Metropolitan Council reviewed the City of North Oaks Comprehensive Plan (Plan) at its meeting on December 22, 2021. The Council based its review on the staff's report and analysis (attached).

The Council found that the City's 2040 Plan meets all Metropolitan Land Planning Act requirements; conforms to the regional system plans including transportation, aviation, water resources management, and parks; is consistent with *Thrive MSP 2040*; and is compatible with the plans of adjacent jurisdictions.

In addition to the Advisory Comments and Review Record, the Council adopted the following recommendations.

### **Recommendations of the Community Development Committee**

1. Authorize the City of North Oaks to place its 2040 Comprehensive Plan into effect.
2. Revise the Community Designation for the Suburban portion of the City to Emerging Suburban Edge.
3. Revise the City's forecasts upward as shown in Tables 1 and 2 of the attached Review Record.
4. Revise the City's affordable housing need allocation for 2021-2030 to 68 units.
5. Advise the City to:
  - a. Correct the affordable housing need allocation in final Plan that is adopted by the City.
  - b. Incorporate the revised Local Water Management Plan (LWMP) into the final Plan that is adopted by the City.
  - c. As part of final Plan submittal, provide the Council the date that the Vadnais Lake Area Watershed Management Organization approved the local water management plan, and the date the City adopted the final local water management plan.
6. Advise the City that:
  - a. The Plan is inconsistent with Council housing policy for land supply and, therefore, the City will be unable to enroll in Livable Communities Act programs.
  - b. Council staff are available to discuss potential changes to guiding land use and density changes needed to address Council housing policy inconsistencies.

### **Recommendation of the Environment Committee**

1. Approve the City of North Oaks' Comprehensive Sewer Plan.

2. Advise the City to:
  - a. Adopt local controls prohibiting the discharge of groundwater and stormwater into the sanitary sewer system and submit a copy of said ordinance to the Council as an amendment to its Comprehensive Sewer Plan.
  - b. Take any needed future steps to mitigate excess I/I following a Council-led planning effort in 2022 or 2023 to monitor City wastewater flow for excess I/I.

Please consult the attached staff report for important information about the City's next steps. Of particular importance are the Council's actions, listed on page 1, general Advisory Comments listed on page 3, and the specific comments for technical review areas, which are found in the body of the report. The final copy of the Plan needs to include all supplemental information/changes made during the review.

Congratulations on completing this important project. It was a pleasure to work with the City's staff and consultants throughout the review process.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

*Attachment*

cc: Tod Sherman, Development Reviews Coordinator, MnDOT Metro Division  
Peter Lindstrom, Metropolitan Council, District 10  
Eric Wojchik, AICP, Sector Representative  
Michael Larson, AICP, Principal Reviewer  
Reviews Coordinator

*N:\CommDev\LPA\Communities\North Oaks\Letters\North Oaks 2021 2040 CPU PCAL 21796-1.docx*

## INVESTMENT POLICY

### I. Purpose

The purpose of this policy is to establish the City's investment objectives and establish specific guidelines that the City of North Oaks will use in the investment of City funds. It will be the responsibility of the Administrator and the Deputy Clerk to invest City funds in order to maintain a market rate of return while preserving and protecting the capital of the overall portfolio. Investments will be made, based on statutory constraints, in safe, low risk instruments.

### II. Scope

This policy applies to the investment of all funds, excluding the investment of employees' retirement funds. Cash balances of the City's funds are combined (pooled) and invested to the extent available in various investments as authorized by Minnesota statutes. Each fund's portion of this pool is displayed on the financial statements as "cash and investments." Investment interest is periodically allocated to each fund based on the fund's cash and investment balance.

### III. Investment objectives

#### 1. Safety of principal

Safety of principal is the foremost objective of the investment policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate custodial credit risk, concentration of credit risk, and interest rate risk.

Custodial credit risk on deposits is the risk of loss in the event of a bank failure. The City will minimize custodial credit risk on deposits by obtaining pledged collateral for all deposits not insured by the FDIC and by obtaining necessary documentation to show compliance with state law and a perfected security interest under federal law.

Custodial credit risk on investments is the risk of loss associated with failure of a counterparty (broker). The City will eliminate custodial credit risk on investments by permitting brokers that obtain investments for the City to hold them only to the extent that there is SIPC and excess SIPC coverage available.

Concentration of credit risk occurs when the government fails to adequately diversify investments. An investment portfolio must be diversified by individual financial institution, government agency, and issuer. Issuer refers to the underlying investments themselves, not the investment company manager or pool sponsor in the case of mutual funds and pooling arrangements such as the 4M Funds. Concentration of credit risk does not apply to investments which are explicitly guaranteed by the U.S. government or to

nonnegotiable certificates of deposit (bank CDs). The **City** will minimize concentration of credit risk by diversifying investments.

a. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates. The City will minimize interest rate risk by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

Before any broker obtains investments on behalf of the Township, and annually thereafter, the City will provide to the broker a copy of the City's investment policy, and the broker will provide to the City a signed broker certification form. This certification is the broker's acknowledgment of receiving the City's investment policy, and agreement that the broker will handle the City's funds in accordance with the policy.

## 2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. The portfolio, as much as possible, will contain both short-term and long-term investments. The City will attempt to match its investments with anticipated cash flow requirements. Extended maturities may be utilized to take advantage of higher yields; however, no more than twenty percent of the total investments should extend beyond five years and in no circumstances should any extend beyond ten years.

## 3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return; however, rate of return is of secondary importance compared to the safety and liquidity objectives described above.

## 4. Local considerations

Where possible, funds will be invested for the betterment of the local economy or that of local entities.

# IV. Standards of Care

## 1. Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but

for investment, considering the probable safety of their capital as well as the probable income to be derived.”

## 2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the City.

## V. Authorized Investments

The City of North Oaks will invest only in the following vehicles allowed by Minnesota Statutes, Section 118A including:

1. Federal securities such as Treasury bills, notes and bonds, as well as bonds and notes issued by U.S. Government agencies such as the Small Business Administration or GNMA, or by U.S. Government instrumentalities such as FNMA, Federal Home Loan Bank, Federal Farm Credit Bank, or FHLMC (Freddie Mac).
2. Certificates of deposit which are insured by the Federal Deposit Insurance Corporation or otherwise adequately collateralized by the investment institution.
3. Money market funds and government investment pools (such as the 4M Funds) whose portfolios consist of investments allowed by Minnesota Statutes.
4. Interest bearing checking and savings accounts.

## VI. Internal Controls and Reporting

### 1. Internal Control

The Administrator and Deputy Clerk are responsible for establishing and maintaining a system of internal controls, which shall be documented in writing and reviewed periodically. The controls shall be designed to prevent the loss of City funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of North Oaks.

### 2. Reporting

The Deputy Clerk shall prepare an investment report for City Council on a quarterly basis. The report shall include the following:

- a. An itemized list of the current investments with cost, interest rate, and maturity date



- b. Market value, unrealized gain/loss, and accrued interest as of the end of the quarter
- c. Interest earned, realized gains or losses, and transactions for the quarter
- d. Other information as requested by the Administrator or City Council

Adopted by the City Council of the City of North Oaks this 13<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Kara Ries, Mayor

\_\_\_\_\_  
Kevin Kress, Administrator

## **ELECTRONIC FUNDS TRANSFER POLICY**

### **I. Purpose**

The purpose of this policy is to set forth the circumstances in which The City of North Oaks may make electronic funds transfers.

### **II. Policy**

It is the policy of The City of North Oaks to abide by Minnesota Statute § 471.38 when making an electronic funds transfer.

### **III. Transfers Allowed for Certain Purposes**

The City of North Oaks may make an electronic funds transfer for the following:

1. For a claim for a payment from an imprest payroll bank account or investment of excess money;
2. For a payment of tax or aid anticipation certificates;
3. For a payment of contributions to pension or retirement funds; and
4. For vendor payments;
5. For payment of bond principal, bond interest, and a fiscal agent service charge from the debt redemption fund.

### **IV. Policy Controls**

The City of North Oaks will only make payments via electronic funds if the following policy controls are met:

1. The City Council must annually delegate the authority to make electronic fund transfers to a designated business administrator or the administrator's designee;
2. The disbursing bank must keep on file a certified copy of the delegation of authority;
3. The initiator of the electronic transfer must be identified;

4. The initiator must document the request and obtain an approval from the City Administrator or their designee before initiating the transfer;
5. A written confirmation of the transaction within one business day
6. A list of all transactions made by electronic funds transfer must be submitted to the City Council at the next regular meeting after the transaction.

**V. Delegation of Authority**

The Deputy Clerk of the City is designated as the business administrator of the City and is responsible for electronic funds transfers and activities under the direction of this policy. The Finance Manager may delegate certain duties to appropriate staff, but shall remain responsible for the operation of the transfer program.

**NORTH OAKS  
AGREEMENT FOR RECYCLING PROCESSING**

This Agreement is made and entered into by and between the City of North Oaks, Minnesota, "City" and Eureka Recycling, "Contractor", a Minnesota Corporation, with its principal place of business at 2828 Kennedy Street Northeast, Minneapolis, Minnesota 55413.

WHEREAS, the City supports curbside collection of recycling materials and desires that it be made available to its residents; and

WHEREAS, the City will contract separately with a Hauler to collect residential recycling and deliver the materials to Eureka Recycling according to the specifications listed below; and

WHEREAS, the Contractor has requested a proposal for processing and marketing of recycling materials to the City; and

WHEREAS, the City desires the Contractor to process and market Recyclable Material collected (by another Hauler) throughout the City's municipal limits and delivered to Eureka Recycling, in accordance with the terms of this Agreement;

NOW, THEREFORE, in consideration of the mutual promises set forth below, the parties agree as follows:

I. Definitions

1. Recyclable Material: means Newspaper, Junk Mail, Office Paper, Boxboard, Cardboard – Including Pizza Poxes (delivery style, not frozen food), Pop & Beer Boxes, Hardback and Paperback Books, Aluminum Cans, Aluminum Foil and Trays, Aerosol Cans, Steel cans, Cardboard Food Cans, Glass bottles, Plastic Bottles with a neck, marked with #1 (PET) or #2 (HDPE), Plastic food and beverage containers that are #1, #2, and #5, such as plastic tubs for yogurt and cottage cheese, and transparent deli to-go containers, including tubs and clamshells. Milk Cartons and Juice Boxes. The City encourages the Contractor to explore markets for additional types of recyclable material. Materials may be added to this list by mutual written agreement between the City and the Contractor.

2. Wet Strength Cardboard: coated boxboard typically used for beer, pop and water container boxes, also called carrier stock. No boxboard containers used for food product storage in refrigerators or freezers are included.
3. Commodity: An individual category of recyclable material as detailed in definition 1. Recyclable Material.
4. Hauler: The City shall designate the Hauler for collection of recyclable material.
5. Non-Recyclable Material: Certain solid waste materials that may be deposited by residents in the recycling carts but which are not listed and targeted by the City for collection. Examples of Non-Recyclable Materials include (but are not limited to): food - soiled paper, plate glass, ceramic glass, film plastic, plastic items made from resin types #3 and #6.

## II. Material Delivery Specifications

Material shall be clean and free of non-recyclable material including hazardous material, excluded material, and plastic bags. City vendor for collection of recycling shall deliver material and follow Contractors' Scale Policies (Attachment A)

Personnel Requirements: Contractor shall retain sufficient personnel and equipment to fulfill the requirements and specifications of this Agreement. Contractor's personnel will be trained both in program operations and in customer service and insure that all personnel maintain a positive attitude with the public and in the work place.

Weighing of Loads and Reporting Requirements: Contractor will track the total tons collected. Weight records shall be maintained on file by Contractor for at least three years in the event of an audit by the City or County.

## V. Materials Processing and Marketing

1. Processing Facility: Hauler shall deliver all Recyclable Material collected in City to the Eureka Recycling's Materials Processing Facility (MRF) at 2828 Kennedy Street NE, Minneapolis, Minnesota.

The Contractor shall ensure that adequate recyclable material processing capacity will be provided at the MRF for City material collected. The Contractor shall provide written notice to the City at least 30 days in advance of any substantial change in these or subsequent plans for receiving and processing Recyclable Material collected from the City.

2. Lack of Adequate Market Demand: If the Contractor determines that there is no market for a particular recyclable or that the market has become economically unfeasible, the Contractor shall immediately give written notice to the City. Said notice shall include information demonstrating the effort the Contractor has made to find market sources, and the financial information justifying the conclusion that the market is economically unfeasible. Upon receipt of said notice, the Contractor and the City shall have 30 days to attempt to find a feasible market. During this period the Contractor shall continue to accept the particular recyclable.

If the Contractor or the City is not able to find a market within 30 days, the City has the option to:

- a) Require the Contractor to continue to accept the particular recyclable. In such case, the City would pay the Contractor, as additional compensation, the per ton tipping fee and hauling fee for disposal. The Contractor is required to keep accurate records of said fees and provide the City receipts of payment.
  - b) Notify the Contractor to cease accepting the particular recyclable until a feasible market is located, either by the Contractor or by the City.
3. Performance Monitoring: The City shall have the right, during the term of this Contract, to monitor the performance of the Contractor against goals and performance standards in the contract.
  4. The City shall have the right, during the term of the Contract, to have a representative on Contractor's premises to monitor the operation of the Contract. Such representative shall provide reasonable notice to the Contractor, only be allowed on Contractor's premises during

normal business hours and follow all the Contractor's safety procedures.

5. Exclusive Recycling Contractor: The City agrees that all recyclable material collected from North Oaks Residents, Drop-off facilities or City buildings will be delivered exclusively to the Contractor throughout the duration of this contract. In addition, the Contractor shall have first rights of refusal to any additional recycling materials generated through future City sponsored recycling initiatives during the term of this contract.
6. Estimating materials composition: The Contractor shall conduct at least one materials composition analysis of the City's material each year to estimate the relative amount by weight of each recyclable commodity by grade. The results of this analysis shall include: (1) percent by weight of each recyclable commodity by grade as collected from the City; (2) relative change compared to the previous year's composition; and (3) a description of the methodology used to calculate the composition, including number of samples, and dates weighed. The Contractor shall provide the City with a copy of each such analysis upon request.
7. Estimating Process Residuals: The Contractor shall provide the City a written description of the means to estimate process residuals derived from the City's material. This written description shall be reviewed and approved in writing by the City. This written description shall be updated by the Contractor immediately after any significant changes to the processing facilities used by the Contractor.

## VI. Compensation

1. Revenue Sharing: Contractor shall, each quarter, pay the City 100% of the net revenue from the sale of Recyclable Material. Net revenue will be calculated by multiplying the tons of individual material collected by the agreed upon indices, minus the processing fee of \$90 per ton for all Recyclable Material processed.

Each month the Contractor shall calculate the revenue share for all commodities. Those calculations shall be included as part of the Contractor's report to the City. Contractor shall use the following indices in determining the revenue sharing formula:

Commodity Type	Index
Sorted Residential Paper and News	PPW/OBM - Sorted Residential #56 High side Chicago
Cardboard	PPW/OBM - OCC #11 High side Chicago
Mixed Paper	PPW/OBM -Mix Paper #54 High side Chicago
Aluminum Cans	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
Steel Cans	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
HDPE NAT	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
HDPE Col	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
PET	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
Tubs and Lids	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
Mix Glass	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month + Transportation
Milk Cartons/Juice Boxes	Recycling Markets.net - Chicago/Midwest Regional Low - Last Day of Month
Residual: Scrap Metal	\$150 per Ton
Residual: Other	HERC + Transportation

The processing fee all materials shall be \$90.00 per ton and shall increase each year by 3% or CPI, whichever is greater.

For commodities where revenue is based on Market pricing the Contractor shall provide copies of Load Verification Forms detailing the amount of material sold, the vendor, and the price paid. The Load Verification Forms shall be included with the Contractor's report to the City.

2. Processing Fees Exceeding Revenue Share: In the event that the processing fees in a given month exceed the revenue earned from the sale of material the city will pay the contractor for any processing fees not covered by the revenue share. This amount shall be documented in the monthly revenue share



documentation and reported to the city monthly. The city will pay the contractor monthly for any revenue share owed.

If the basket value based on North Oaks composition and index values outlined in the current contract falls below \$45.00 per ton for more than two months, the City will be charged a \$7 per ton Market Shift Surcharge

3. Method of Payment to City: Contractor shall submit a check for the City's portion of the revenue share on a quarterly basis. The Contractor shall provide, together with the rebate to the City, adequate documentation of the corresponding estimate of tons of all corresponding commodities collected from the City. Also, the Contractor shall provide copies of the referenced market indexes or Load Verification Forms with each statement.
4. Threshold for Unacceptable Materials and Non-Recyclable Materials. The City understands that some loads of Commingled Recyclable Materials delivered by the City or the City's Hauler to the MRF may contain Non-Recyclable Materials and Unacceptable Material. The City and Eureka Recycling agree that the acceptable Non-Recyclable Materials and Unacceptable Material level for Commingled Recyclable Materials delivered by the City to the Material Recovery Facility shall not exceed fifteen percent (10%).
5. Contaminated Loads: If at the time of delivery or prior to processing, debris other than Recyclable Materials suitable for processing are discovered, documented and photographed, or captured on video by Eureka Recycling in quantities greater than 13% of the delivered load, including excessive plastic bags and/or bagged recycling or any amount of Excluded Material, the City agrees to pay for the cost of disposal of the load and a handling fee of \$50 per ton. If the City requests its collection contractor to reload the contaminated load, Eureka will charge a handling fee of \$50 per ton. Excluded material means radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, biohazardous, regulated medical, or other hazardous waste as defined in Minnesota Statutes, Section 116.011, 42 U.S.C. Section 6901, et. seq., or as otherwise listed under the applicable federal and state laws and regulations.

North Oaks tends to have very high quality recycling however, in general there are three types of contaminated loads that tend to occur:

1. Trash or Non-recyclables
2. Excessive Plastic Bags
3. Hazardous Waste

6. Consumer Price Index (CPI): The rates outlined in this agreement would remain the same for the 1<sup>st</sup> year (2022). Starting January 2023, and the subsequent years that follow, there would be CPI based increase for each of based on the published CPI increase from the Minneapolis Federal Reserve Bank of Minneapolis at [www.minneapolisfed.org](http://www.minneapolisfed.org) or by 3%, whichever is larger.

## VII. Insurance

1. Insurance: Insurance secured by the Contractor shall be issued by insurance companies acceptable to the City and admitted in Minnesota. The insurance specified may be in a policy or policies of insurance, primary or excess. Such insurance shall be in force on the date of execution of the contract and shall remain continuously in force for the duration of the contract.

Contractor shall provide a Certificate of Insurance as proof of general liability coverage for bodily injury or death in the amount of \$1.5 million for bodily injury or death and \$200,000 for damages to property.

The Certificate of Insurance shall name the City as an additional insured, and state that the Contractor's coverage shall be the primary coverage in the event of a loss.

The Contractor shall also provide a Certificate of Vehicle Liability Insurance in the amount of at least \$1,000,000.

2. Workers' Compensation Insurance: Contractor shall provide evidence of Workers' Compensation Insurance covering all employees of Contractor engaged in the performance of this Contract in accordance with the Minnesota Workers' Compensation Law.
3. Indemnification: The Contractor agrees to defend, indemnify and hold harmless the City, its officers and employees, from any liabilities, claims, damages, costs, judgments, and expenses, including attorney's fees, resulting directly or indirectly from an act or omission of the Contractor, its employees, its agents, or employees of subcontractors, in the performance of the services provided by this contract or by reason of the failure of the Contractor to fully

perform, in any respect, any of its obligations under this contract. If a Contractor is a self-insured agency of the State of Minnesota, the terms and conditions of Minnesota Statute 3.732 et seq. shall apply with respect to liability bonding, insurance and liability limits. The provisions of Minnesota Statutes Chapter 466 shall apply to other political subdivisions of the State of Minnesota.

#### VIII. Other Requirements

1. Term: The term for providing processing and marketing shall be January 1, 2022 through December 31<sup>st</sup>, 2026 with one (5) year, or five (1) year options to renew.
2. Designated Contact Person: Contractor designates Miriam Holsinger, Vice President Operations as its primary contact person for questions and concerns relating to the provision of services detailed in the contract, proposal and request for proposals.
3. Promotional Activities: The Contractor and the City's designated Recycling Coordinator shall work together in the preparation and distribution of educational materials to insure accurate information and program directions. To ensure accurate information, all education materials distributed by the City must be reviewed by the Contractor prior to distribution to residents.

Upon request the Contractor will also provide program information for inclusion into the City's newsletter at least once per year.

In addition, the Contractor may conduct its own promotions and public education, as needed, to increase participation and improve compliance with City-specified resident preparation instructions.

#### 4. Monthly and annual reports

The Contractor will submit to the City monthly reports and annual reports. At a minimum, the Contractor shall include the following information:

- Gross amounts of materials collected, by recyclable material (in tons).
- Amounts of materials marketed, by recyclable material (in tons) based on City specific composition.

- Amounts of “process residuals” disposed (in tons).
- Revenue share credits back to the City (if any).

Monthly reports shall be due to the City by the 15<sup>th</sup> day of each month.

Upon request the Contractor will provide annual reports that will include written certification to the City that all recyclable commodities identified are indeed recycled and not disposed. Such written certification shall identify *all* end markets manufacturers or processors used for each of the recyclable commodities. The Contractor shall attach written certification from each end market and a list of products manufactured using the recyclable materials collected from the City. The Contractor shall specify the percentage of each material collected that goes to each end market. Contractor must request in writing if it wishes to have the certification be considered proprietary information. The Contractor will be encouraged to include in its annual report recommendations for continuous improvement in the City’s recycling program (e.g., public education, multi-family recycling, etc.).

5. Ownership of Work Product

Ownership of all drawings, designs, proprietary materials, and other work products prepared, produced or developed in performance of this Contract, including those in electronic forms, shall be retained by the Contractor. Contractor agrees that all right, title, and interest in all copyrightable material which Contractor shall conceive or originate, either individually or jointly with others, and which arises out of the performance of this Contract, shall be usable by, and on behalf of the city by The Contractor, for the duration of the contract period and any subsequent extensions.

Ownership of all reports, and physical copies of work products prepared or produced in performance of this Contract, excluding those in electronic form, shall be retained by The City upon completion or termination of the project and final payment to the Contractor

6. Equal Opportunity: During the performance of the executed contract, the Contractor, in compliance with Executive Order 11246, as amended by Executive Order 11375 and Department of Labor Regulations 41CFR, Part 60, shall not discriminate against any

employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to insure that applicants for employment are qualified, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

Such prohibition against discrimination shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

In the event of noncompliance with the non-discrimination clauses of this contract, this contract may be canceled, terminated, or suspended, in whole or part, in addition to other remedies as provided by law.

7. Compliance with Laws and Regulations: In providing services hereunder, Contractor shall abide by all statutes, ordinances, rules, and regulations pertaining to the provision of the services to be provided. Any violation shall constitute a material breach of the Contract.
8. Governing Law: The laws of the State of Minnesota shall govern all interpretations of this contract, and the appropriate venue and jurisdiction for any litigation which may arise hereunder will be in those courts located within the County of Washington, State of Minnesota, regardless of the place of business, residence or incorporation of the Contractor.
9. Subcontractor: Contractor shall not enter into subcontracts for any of the services provided for in this Contract without the express written consent of the City.
10. Independent Contractor: Nothing contained in this agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Contractor shall at all times remain an independent Contractor with respect to the services to be performed under this Contract. Any and all employees of Contractor or other persons engaged in the performance of any work or services required by Contractor under this Contract shall be considered employees or sub-

contractors of the Contractor only and not of the City; and any and all claims that might arise, including Worker's Compensation claims under the Worker's Compensation Act of the State of Minnesota or any other state, on behalf of said employees or other persons while so engaged in any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of Contractor.

11. Transfer of Interest: The Contractor shall not assign any interest in the contract, and shall not transfer any interest in the contract, either by assignment or novation, without the prior written approval of the City. The Contractor shall not subcontract any services under this contract without prior written approval of the City. Failure to obtain such written approval by the City prior to any such assignment or subcontract shall be grounds for immediate contract termination.
  
12. Inspection of Records and Disclosure: All Contractor records with respect to any matters covered by this agreement shall be made available to the City or its duly authorized agents at any time during normal business hours, as often as the City deems necessary to audit, examine and make excerpts or transcripts of all relevant data.  
  
Any reports, information, data, etc. given to, prepared, or assembled by the Contractor under a future contract shall not be made available by the Contractor to any other person or party without the City's prior written approval. All finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and report prepared by the Contractor shall become the property of the City upon termination of the City's contract with the Contractor.
  
13. Conflict of Interest: Contractor agrees that no member, officer, or employee of the City shall have any interest, direct or indirect, in this Contract or the proceeds thereof. Violation of this provision shall cause this Contract to be null and void and the Contractor will forfeit any payments to be made under the Contract.
  
14. Waiver: Any waiver by either party of a breach of any provisions of the executed contract shall not affect, in any respect, the validity of the remainder of the executed Contract.
  
15. Termination: The City may cancel the Contract if the Contractor fails to fulfill its obligations under the Contract in a proper and timely manner, or otherwise violates the terms of the Contract if the default

has not been cured after 90 days written notice has been provided. The City shall pay Contractor all compensation earned prior to the date of termination minus any damages and costs incurred by the City as a result of the breach. If the contract is canceled or terminated, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Contractor under this agreement shall, at the option of the City, become the property of the City, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

16. Severability: The provisions of this Contract are severable. If any portion of the contract is, for any reason, held by a court of competent jurisdiction to be contrary to law, such decision shall not affect the remaining provisions of this Contract.
17. Accounting Standards: The Contractor agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by generally accepted accounting practices to properly account for expenses incurred under this contract.
18. Retention of Records: The Contractor shall retain all records pertinent to expenditures incurred under this contract for a period of three years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this contract shall be retained for three years after final disposition of such property.
19. Data Practices: The Contractor agrees to comply with the Minnesota Government Data Practices Act and all other applicable state and federal laws relating to data privacy or confidentiality. The Contractor must immediately report to the City any requests from third parties for information relating to this Agreement. The City agrees to promptly respond to inquiries from the Contractor concerning data requests. The Contractor agrees to hold the City, its officers, and employees harmless from any claims resulting from the Contractor's unlawful disclosure or use of data protected under state and federal laws. All Proposals shall be treated as non-public information until the proposals are opened for review by the City. At that time the Proposals and their contents become public data under the provisions of the Minnesota Government Data Practices Act, Minn. Stat. C. 13.

20. Non-Assignability and Bankruptcy: The parties hereby agree that Contractor shall have no right to assign or transfer its rights and obligations under said agreement without written approval from the City. In the event Contractor, its successors or assigns files for Bankruptcy as provided by federal law, this agreement shall be immediately deemed null and void relieving all parties of their contract rights and obligations.
  
21. Title to Recyclable Material shall transfer to the Contractor upon delivery and unloading at the MRF and acceptance by the Contractor. Title and liability for the disposal of Non-Recyclable Material shall be transferred to the Contractor at the time of delivery, unloading at the MRF and acceptance by the Contractor, unless the Contractor rejects the load, in which the case title to and liability for the Non-Recyclable Material remains with the Hauler.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates set forth below:

NORTH OAKS

EUREKA RECYCLING

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
Its Mayor

By \_\_\_\_\_  
Its Co-President

Dated \_\_\_\_\_

Dated \_\_\_\_\_

And



\_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
Its City Manager

Dated \_\_\_\_\_



CITY OF  
**NorthOaks**  
*Building on a tradition of innovation*

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## *2021 Forestry Report*

*Prepared by*



Rehder Forestry Consulting

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## Open Letter to the City of North Oaks

Dear Mayor, Council Members, Residents, & Staff

Fatal shade tree diseases and insect infestations such as the Emerald Ash Borer (EAB), Oak Wilt, and Dutch elm Disease can be effectively managed. Active management, while not eradicating the pest, results in more trees being preserved. Tree preservation, with its trickle-down economies, benefits the rest of the environment more than we can possibly imagine.

Through the efforts of the City and its residents the shade tree disease program remains highly effective. The loss of oaks to oak wilt has remained consistent and manageable for 50 years, underlining the benefits of the program. However, challenges lie ahead with regards to these and other fatal shade tree insect pests such as the Gypsy Moth, the Asian long-horned beetle (ALB), and other yet unknown tree killers. Bur oak blight (BOB) and other less fatal tree diseases are also having serious impacts in North Oaks. Include in that impacts from weather related events and one can see that times can be challenging for trees as well.

To comply with the DNR Shoreland Management Act, the city requires that residents seeking to work within 100 feet of the shoreline apply for a Shoreland Forestry Permit. Oftentimes residents are not aware of the requirements of working along the shoreline and the Forestry staff will help them make sure they are following State, City, and Association regulations, ordinances, and policies.

Still other residents like the fact that they can call the City Forester and request a general health visit or diagnosis of their trees. They appreciate working with our knowledgeable staff and receiving the unbiased advice that is provided. It is in fact one of the best parts of our jobs.

Hazard trees and trees that lean excessively into the street are also an ongoing concern by maintenance staff and residents alike. Operation Clearview, based on our field observations, was designed to address these issues. City staff sent out numerous letters requiring residents to remove or cut back vegetation that was within five (5ft) of the street and within thirteen (13) feet of height. As a result of this program, Mel's crew reports that they remove fewer dead or leaning trees from the streets keeping walkers, bikers, and joggers safer from vehicle traffic.

All of our tree inspectors are certified through the State by the Certified Tree Inspector (CTI) Program. Continuing education is an important component for any Tree Inspector as well as attendance at the annual Minnesota Shade Tree Short Course put on by the University of Minnesota.

One hundred eighty (180) trees were marked for Oak wilt within the city of North Oaks in 2021. Removal of these trees is critical as it is the first part of the treatment protocol. If diseased oak trees are left standing, they can contribute to the over land spread of the disease.

The overland spread creates new infection centers on neighboring properties to the detriment of all homeowners within the community. Residents are also informed, educated, and encouraged to seek further treatment options to include root pruning and or fungicide treatment injections. These treatments have the potential to save countless trees not only as it relates to oak wilt but Dutch elm disease and Emerald Ash Borer as well. Two (2) additional trees were marked for Dutch Elm disease in 2021. Both the number of Oak wilt and DED are within the usual thresholds for this disease annually.

Emerald Ash borer is now becoming more prevalent throughout the community. Twenty-five (25) ash trees were marked for removal in 2021 and this number is sure to rise. Countless numbers of diseased ash trees will be marked for removal to help slow the spread and keep the community safe and looking its best. Encouraging residents to re-plant and maintain the forest understory and canopy will be keys in keeping the community a highly functioning natural environment.

It is critical that the City continues to work with multiple partners to the benefit of its natural resource. To date the City has worked with and has fostered positive relationships with the Minnesota Department of Agriculture and the Department of Natural Resources. Collaborative projects have also been undertaken with the University of Minnesota, St. Paul Regional Water Utilities, Vadnais Lakes Area Watershed Management Organization (VLAMO), and Ramsey County. Locally, the Natural Resource Commission (NRC) and the City has excellent stewardship partners in the North Oaks Homeowners Association (NOHOA), North Oaks Company, and the Golf Course, all of which understand the benefits of a healthy environ. Partnering together is the most effective tool in preserving and protecting our natural environment.

We appreciate the opportunity to work with the you and feel your passion for the beauty of North Oaks forested resource. We are living in uncertain times, times when we value, even more, the tranquility and enduring beauty of our community and home sites.

Respectfully,

Mark Rehder  
Contracted City Forester

## Forward

A forestry program is something that every community desires, especially with the unique makeup of North Oaks and its forested environment. Rehder Forestry Consulting is proud to offer a comprehensive program and variety of services to meet North Oaks' urban forestry needs. This report describes those services, details findings and results, and provides recommendations to aid the City in maintaining and improving the quality of its urban forest.

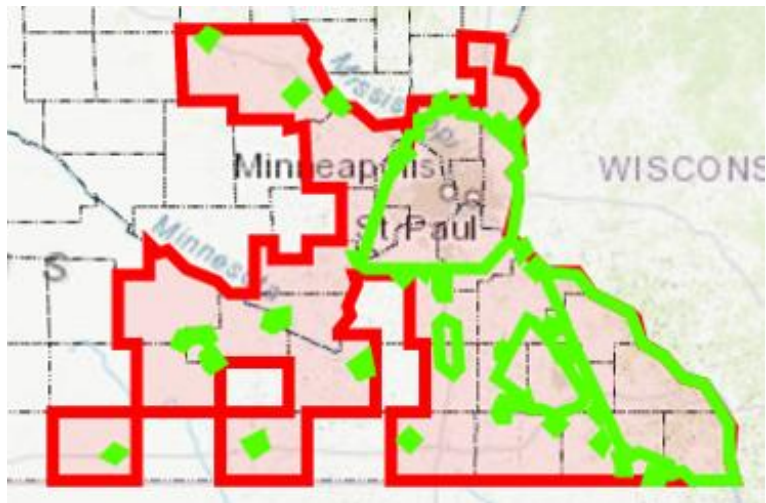
## Emerald Ash Borer

In March of 2019, a Minnesota Department of Agriculture (MDA) scientist confirmed the Emerald Ash Borer beetle (EAB) to be in North Oaks. The site was near the pumphouse on the south side of Pleasant Lake. EAB is a tiny beetle that is devastating forests and neighborhoods in Canada and the United States. To date, EAB has killed tens of millions of ash trees and infested over 50,000 square miles in Michigan, Ohio, Illinois, Indiana, Iowa, Missouri, Tennessee, Virginia, Pennsylvania, New York, Kentucky, Wisconsin, Minnesota, and Canada.



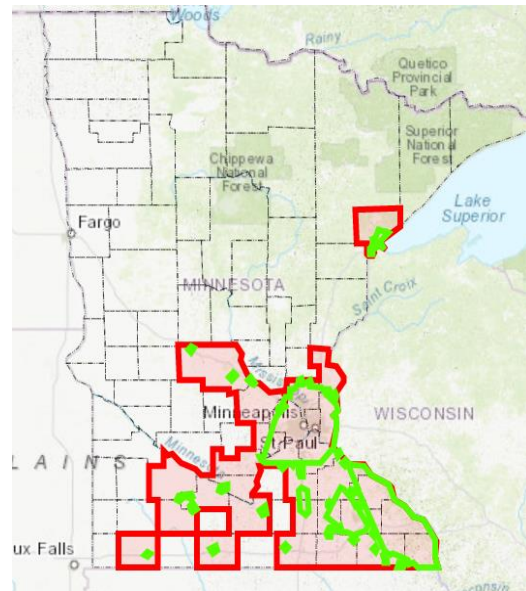
Ash was used extensively as street trees to replace elms lost to Dutch elm disease in the 1970s and 1980s. The state has the third largest volume of ash timber in the nation.

In 2009, Emerald Ash borer was discovered in St Paul, a mere 8 miles away from the borders of North Oaks. Since then, the City has been under an ash quarantine, meaning that no ash trees, limbs, or debris can be removed from the county. In 2011 EAB was discovered in Shoreview just over two miles from the North Oaks border. The key to combating the insect is early detection.



*Extent of EAB in Southern MN*

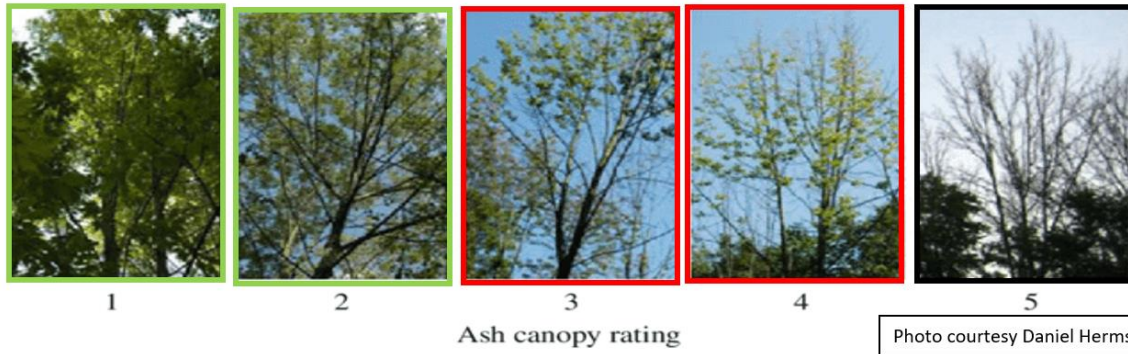
One of the major concerns about the rapid rate of mortality from EAB is public safety. The city conducted an inventory around Pleasant Lake and the main streets and found the potential for a high percentage of potentially hazardous tree situations as a result of expected tree mortality. Ash trees, which are common in lowland areas (near water bodies and trails), tend to shed bark and large limbs shortly after they die due to their brittleness. It is anticipated that many of the trees will die quickly within the next 10 years, meaning the removal of thousands of trees in a brief period, and straining budgets. It is estimated that as many as 75 semi-loads of ash debris could be created from the trees around Pleasant Lake alone. While the environmental impacts may be great, the financial burden may be even greater. The city will need to be vigilant that these problems are addressed as they arise. The map shows the current location of EAB in Minnesota. The insect seems to get further and further into greater Minnesota every year.



*Extent of EAB in MN*

One key to early detection will be to offer assistance to residents to identify, locate, and devise a strategy for managing EAB on their property. If desired, a member of the Forestry Department would meet with them on their property and educate them on what to expect in the future. By locating the insect in a particular area, we can quickly take measures to remove the diseased trees and hopefully many of the immature larva still in the trees. In this way we can limit the spread to new areas and within the existing area. The goal is not necessarily to remove the insect completely but to slow the spread thereby giving us more time to take the appropriate steps. While North Oaks does not have the typical “boulevard” trees its ash resource is none the less extensive. It has been suggested by the MN DNR that North Oaks has an ash population of around 7%, which equates to roughly 35,000-50,000 trees, a staggering number.

Another challenge is when to mark an ash tree for removal. Unlike oak wilt or Dutch elm disease, it takes multiple years for an ash tree to die. The Forestry Department is following the recommendations made by the Minnesota Department of Agriculture in their guidelines on slowing the spread. During the first two years of infection there are few outward signs the tree is diseased and in fact it can look perfectly healthy. While a trained eye can see the initial signs, for example, wood-pecker activity, blanding of the bark, etc., there are not many ash borers leaving the tree. In fact, the tree can still be effectively treated. However, in later years, years three through five, more signs will become apparent, and the tree will start to rapidly decline. At this point the tree could no longer be treated and will soon be a standing dead, diseased tree, and will be marked for removal.



A green square means the tree could still be treated and the number of EAB leaving the tree is minimal

A red square means it is too late to treat the tree and it should be sanitized as an exponentially high number of EAB is leaving the tree

A black square means the tree is dead, brittle, and depending on its size and location, a potential public safety issue.

Another concern about waiting too long before removing diseased ash trees is for the safety of the tree care company arborists who must remove these trees. While we do not want to remove ash trees without any signs of EAB, if other trees in the near vicinity (for example on the same lot) are already showing initial signs, it may make sense to consider removing these trees while it can still be safely done. Dead/dying ash trees that stand too long become extremely brittle and the safe removal of the tree can be in put in doubt. Many trees are removed with a tree climber physically climbing the tree and lowering small sections one at a time. If the tree is too brittle the climber cannot safely climb the tree. Large machinery with additional costs may need to be brought in to safely remove the tree. Or the tree may remain standing if access is not feasible- an option we hope to avoid. It will be a fine line between early removal and waiting for as long as possible but by meeting with residents we hope to get an understanding of the strategy they wish to take in managing this fatal tree disease on their property.



*Telltale woodpecker damage from EAB, it's time to remove*



*How not to manage EAB*



Previous maps showed the extent of EAB in Minnesota. The green line on the map represents what are considered to be “generally infested” areas by the MDA. While the pest does continue to spread in Minnesota it may not be moving as quickly as originally forecasted. There are many reasons for this. First would be the colder winter temperatures. When winter lows get below 30° Fahrenheit large numbers of larvae will perish. It is estimated that up to 75% of the population may have perished in the Twin Cities area as a result of frigid February temperatures in 2019.

Secondly, preemptive and diseased ash tree reduction programs have been implemented by most communities over the last 10 years reducing the population by a significant amount and, at least temporarily, preserving many trees in the process. Trees have also been preserved with treatments that are stated to be 99% effective. Some communities have decided to treat all their boulevard ash trees, while other communities have decided to treat none of their ash trees. Most other communities have used a blend of the two treatment strategy options. The treatments need to be repeated every 2-3 years in order to be effective.

Lastly is the introduction of three different types of parasitoid insects. These insects lay eggs on the EAB larvae under the bark. When the eggs hatch they feed on the EAB larvae. This program, started in 2019, is being used by the Minneapolis Park & Recreation Board as a strategy within its woodlands. This may be the best option for preserving trees in woodland settings such as we have in North Oaks. The parasitoid insects have undergone extensive testing from the USDA but their effectiveness remains to be seen since they have only recently been released. Success will be determined by how many parasitoid insects can be observed in the following years (survivability) and how effective they are at reducing the EAB population.

It is obvious that great cooperation will be needed amongst the homeowner’s association (NOHOA), the residents, North Oaks Co., the Golf Course, and the City. To that end, the Natural Resource Commission established an EAB Preparedness Plan, which has been adopted as part of the Cities ordinances. The Plan calls upon the City to treat EAB infested trees as it does Dutch elm disease and Oak wilt. All diseased ash trees will need to be removed and their removal will be enforced. The Plan also set parameters for treatment protocols that follow best management practices as well as numerous other practical steps that can be taken to limit the impact from the devastation caused by the EAB.

A key component of any successful program will be education. Since residents will be the ones most affected by EAB it will be critical to keep them informed and hopefully easing the burden of the introduction of EAB into our community. To that end the Forestry Department is available to meet with residents and assess their ash population. The landowner will then know how many, where, and how valuable the ash trees are on their property. They will then be able to make informed decisions with that information.

## Oak Wilt

Oak wilt is found in the upper Midwest and as far south as Texas. The fungus probably established itself in this area long ago but was not identified until 1948. The American Phytopathological Society has determined that oak wilt is an invasive species and probably originated somewhere in Central America. Oak mortality had been observed in Minnesota for many years, but until that time it was not known what caused the trees to die. It is interesting to note that in the 1970's, when Dutch elm disease was decimating so much of the State's elm population, more oaks were dying from oak wilt. Urbanization of metro area suburbs has increased the number of people affected by oak wilt by wounding valuable oaks during road building, home construction and other development. Damage that occurs during these activities has accelerated the spread of this disease. There is now a high incidence of the disease throughout the seven-county metropolitan area. Today, new infections are often correlated to large storm events and new construction in wooded areas. The symptoms of decline and death due to construction damage can mimic oak wilt, complicating diagnosis, and inflating numbers of marked trees in some cases. Currently, oak wilt is the most serious shade tree disease in Minnesota (photo below). Thousands of trees die every year in areas without control programs, but both prevention and control are possible. New techniques also add to the tools available for saving this valuable community resource.



*Oak Tree with Oak Wilt*

Cities that have any sizable American elm population also have an unavoidable problem with Dutch elm disease. But a continuing elm sanitation program can reduce the incidence of Dutch elm disease. The best way to control this disease is prompt and proper disposal of the diseased wood. The best and only way to assure this is with an inspection and sanitation program.

We continue to find the citizens of North Oaks greatly interested in their City's urban forest. They continue to be concerned enough to ask questions and happy to learn about their important tree resource. Compliance within the shade tree disease program remains at an all-time high.

## Oak Wilt Program Summary

The following is a brief summary of the inspection and control procedures for the City of North Oak's Oak Wilt Program. The City's Oak Wilt program provides a comprehensive approach to protecting and maintaining its valuable forest resource. The program provides homeowners with detection and treatment of the disease, along with follow-up assistance for proper reforestation.

Oak Wilt is detected through a series of ground inspections, aerial photography, and responses to homeowner calls. Our inspectors locate and map the infected trees and evaluate the site for potential spread. In neighborhoods with either active infection centers or recent (past two to four years) infections, our inspectors will perform a walking survey of the area to assure all infections are located. In areas of town without a recent history of disease or many oaks, we perform windshield surveys where we can cover a wide area in a relatively short time.

Our tree inspectors are all tested and certified through the Minnesota Dept. of Natural Resources Tree Inspector Certification Program. We have our inspectors wear company work shirts and vests, along with signs on their vehicles for a professional look. Prior to entering a property, our inspectors will first knock on the homeowner's door to introduce themselves, explain the purpose of their visit, and answer any questions the people may have. Over the years we have found the citizens of North Oaks to be very receptive and supportive of the Oak Wilt program and the efforts to maintain a healthy natural environment in the City's parks and neighborhoods.

We also respond to private homeowner calls over concerns about their oaks. If we can't answer their questions over the phone, or if we have not previously identified Oak Wilt on their property, we will make a personal call to the property.

The treatment facet of the program involves controlling the spread of Oak Wilt via the grafts that readily form between the root systems of adjacent oak trees. For years the only effective method of control involved severing the root grafts with a five-foot long blade pulled by a large tractor. While this is a very effective method, recent University of Minnesota studies show 87% effectiveness at stopping the spread of the disease, it is not always feasible, due to obstacles such as landscaping, underground utilities, fencing, wetlands, or steep topography. Many years ago a chemical fungicide with the active ingredient propiconazole was licensed for use on Oak Wilt in Minnesota.

Research is also ongoing on the potential use of herbicides to kill a number of oaks within root graft distance. The intent is to kill the fungus in the root system so that it can not spread. However, initial reports are not too encouraging, but the research is ongoing. It also sacrifices a large number of oak trees that could be preserved with traditional treatment methods.

Not every Oak wilt infection center requires treatment, only those sites with oaks close enough to form root grafts. Sites where there are enough trees of other species to form a natural barrier, or where other barriers such as roads or houses exist, do not require treatment. North Oaks is blessed with a diverse forest, which help limit the spread and impact of Oak wilt.

Diseased oak trees create spore mats (photo sequence below) which are responsible for the overland spread of the disease. We are limiting the number of new infections that can start by removing diseased trees. Diseased trees often times carry the fungal pads that contribute to the overland spread of the disease.



*Crack in Bark from Pressure Pad*



*Exposed Oak Wilt Spore Mat*



*Spore Mat resembles a Mushroom, note the gills*

After the dead trees have been removed and properly disposed of, we encourage and assist people to reforest the area with suitable species. Without taking positive action to replace the missing trees, the area tends to be overtaken by ‘weed’ species like buckthorn, honeysuckle or Garlic mustard. Reforesting an area can be as simple as protecting and encouraging existing seedlings, to moving small seedlings from other areas of the yard, or to planting nursery stock of all sizes. Regardless of the method, we want to make sure we provide the homeowners with the information needed to choose trees that will be suitable and proper for their yard and meet the homeowner’s desires.

Not every tree will be suitable for every site. Our knowledge of the soils and environmental conditions in North Oaks allows us to recommend to people trees and shrubs that will be healthy and thrive on their lot.

We have also expanded the information provided to the citizens by developing and maintaining a natural resource tab on the City’s new web page. There residents can find useful

information to help them make informed decisions about what species to plant and where to plant them. We will continue to develop this resource as seems fit.

### RECAP OF 2021 DISEASED TREES

	Dutch Elm Disease Trees	Oak Wilt Trees	EAB
Private	2	158	25
NOHOA	0	8	0
NO Company	0	14	0
TOTAL	2	180	25

### Propiconazole Fungicide Injections

We keep abreast of recent developments in disease control techniques. One such option that is showing great promise is the injection of the fungicide propiconazole for control of Oak wilt.

Although there has been good success with vibratory plowing for the severing of root grafts, occasionally there are cases where it is not applicable or feasible. Situations where access for the plow is limited due to terrain or other obstacles sometimes preclude its use. Other times only a single high-value tree may be at risk, in these cases a fungicide injection can be a relatively low-impact, effective option.



The most common utilization of Propiconazole is on Red oaks that share root systems with infected trees but cannot be protected by mechanical root graft barrier. There are many valuable trees that are in inaccessible areas (near homes, terraces, underground utilities or septic systems) that are at high risk, which now can be protected by Propiconazole injections. White and Bur Oaks are less susceptible to the Oak Wilt fungus but can still become infected.

If caught early enough, Propiconazole treatments can be used to treat the infected trees, both suppressing the fungus and allowing the trees to recover.

Results from injecting oaks with propiconazole in the metro area over the last 10 years are encouraging. The process consists of minor excavation to expose the tree's root flare below grade, drilling a series of shallow holes in the tree in this area, and placing a system of plastic tees and tubes connected to a container that supplies the chemical. Time for uptake of the chemical varies with the weather conditions but usually ranges from 1 to 3 hours.

Research has shown that the chemical does not move much beyond the root area where the injections take place. Injections do not keep the fungus out of the tree but keep it from expressing oak wilt symptoms. Only high value oaks should be considered for treatment or bur and/or white oaks which are showing signs.

We recommend the use of propiconazole injections for the control of Oak wilt with the following conditions:

- Use is limited to situations such as mentioned above where the presence of Oak wilt has been confirmed, but mechanical severing of root systems with the vibratory plow is not practical.
- *Preventative use* in Red oaks is used only if a healthy tree at risk shows no symptoms.
- *Therapeutic use* (for curing a tree that is infected but not too advanced) is used on Bur and White oaks only. In Red oaks, the fungus is already systemic by the time any symptoms appear, and the chemical use is ineffective.
- Not all trees are good candidates for injection. The presence of cracks, rot, decay, other structural defects that cause a hazard, or too advanced an infection, are things that can preclude injection.

We will continue to assess the use of fungicides as part of North Oaks' shade tree disease program.

## Severing Grafted Roots

The oak wilt fungus can remain active in roots of diseased oaks for 2 to 3 years after the tree has died or been cut at ground level. The fungus can travel through the root system into healthy oaks quickly or remain in the root system before infecting the next tree. The purpose of root graft disruption is to separate the common root systems between oaks, so that the disease becomes isolated and cannot continue to spread.



The above picture shows a root graft. Roots can graft when as small as pencil-thickness, when their diameter becomes large enough to cause enough soil pressure to stimulate a graft to form. Soil type will also affect root structure, and therefore grafting distance between trees.



The vibratory plow is a large and heavy machine in order to be able to cut to an effective depth. The only part that enters the ground is the blade at the right of the photo. It is a powerful machine that is pulled by large tracks and usually involves minimal ground disturbance.

The best mechanical method of separating roots involves the use of a large articulated tractor with a specially designed 5' plow blade. The vibrating blade is pulled through the ground, physically cutting and separating the roots. Numerous contractors are available to provide this service to residents. Studies by the University of Minnesota analyzed the success of root graft disruption with a vibratory plow. The data show an 87% success rate on plow lines placed as primary barriers. This low rate of failure can nevertheless involve very significant and valuable trees. These losses can be devastating to a homeowner expecting control measures to save all of their trees. By reviewing the barriers placed and participating in current research, we are learning more about the biology of the fungus and its spread vectors. This information will help us to increase the success rate of our control programs even more.

## Bur Oak Blight

Impacts from Bur oak blight (BOB) continue to be felt. The symptoms can be very dramatic as large bur oak trees can be severely effected. The cause is a leaf fungus which will attack the leaves of the tree causing early browning. The symptoms can be very similar to oak wilt and it is easy to mis-diagnose. I have seen many cases where 4 or 5 large bur oak trees have become severely infected leaving the homeowner in a state of panic. Fortunately, it is believed that a dry spring may break the cycle of this disease. The leaf fungus stays on the leaf petiole of the tree over the winter and when the spring rains come it moves to the newly emerged leaves and infects them. This cycle can continue for many

years and can cause significant stress to the tree.

**It's important to remember that bur oaks can lose up to 50 percent of their canopies every year but still remain relatively healthy.**

However, when a bur oak loses more than half its leaves for several consecutive years, it may become stressed and susceptible to other problems, such as two-lined chestnut borer and Armillaria root disease. The same bur oak in Zimmerman, Minnesota, photographed in September 2017, 2016, and 2015, from top to bottom.



Still, even when a bur oak has had severe BOB, it may be relatively healthy. The best time to evaluate bur oak health is in June: if the tree does not have branch dieback or epicormic shoots (small, young branches growing out of the trunk and big limbs), it is probably not stressed. We need to educate residents to give these trees the benefit of the doubt and to not remove healthy trees. Articles in the North Oaks News will be forthcoming on this tree disease.



## Yard Trees

Yard trees are high value and additional measures are often possible with them. Two-lined chestnut borers (TLCB) populations can be reduced by cutting and removing infested trees before the start of the next growing season. Infested oaks are those trees which died or showed heavy dieback this year.

**Remove oaks that are completely dead.** TLCB populations can be reduced by cutting and removing infested trees before the start of the next growing season. Since TLCB larvae can survive in cut and split wood to emerge next spring, the complete removal of infested logs and branches should be done by May 1<sup>st</sup> of next year.

**The preferred methods of wood and slash disposal** are removal to an approved landfill or sale of tree for lumber. If any woody materials larger than 1 inch in diameter remain, pile and burn them before May 1<sup>st</sup> in an approved fire pit. If you want to keep the wood for firewood, cover the wood pile with a heavy plastic tarp and bury the edges of the tarp in the soil for an airtight covering. Keep the firewood covered until at least July 30<sup>th</sup> next year. Then the wood can be moved or burned as you like.

**If droughty, water healthy and declining oaks** on a regular basis during the growing season. Trees with less than 50% dieback may be saved by heavy watering during droughty weather. If rainfall is inadequate, make sure trees get at least 2 inches of water per week in May and June and 1 inch per week in July and August. Water so that the entire root system receives this amount of moisture all at once. Remember the absorbing roots are at the dripline and beyond.

**Strictly avoid using fertilizers and/or herbicides** on lawns and gardens within 50 feet of an oak tree. Fertilizers will only hurt an ailing tree and herbicides kill tree roots too, leading to more root system loss.

**Avoid practices which destroy or smother roots.** Root loss will drastically affect tree vigor. Practices which damage roots include trenching or burying utility lines which sever the roots; compacting the soil around the roots by driving and parking of vehicles on roots systems; smothering roots by paving or temporarily storing excavated soil over the root system; or, by changing soil grade, either adding or removing soil.

**Control other insects that cause defoliation** before 60% of the foliage is lost. Once defoliation reaches this level, the trees may re-foliate and this decreases tree vigor. Develop and implement spray plans if heavy defoliation is predicted to occur for the second or third consecutive year.

**Avoid bringing fresh firewood into your yard.** Bringing more infested wood into an area can compound the problem of Oak wilt and EAB.

**Chemical insecticides are not useful against TLCB** because of difficulties with timing and obtaining thorough coverage on large trees. However, certified arborists or commercial pesticide applicators may be able to treat high value shade trees.

## Invasive Species

Invasive species continue to negatively impact the natural resources of North Oaks. Recently a large infestation of Oriental Bittersweet, an aggressive vine that will completely overtake a forested area, was found within North Oaks. The plant is on the States Noxious Weed List as one that needs to be eradicated and that it is unlawful to knowingly possess this plant. Oriental bittersweet is an invasive vine that has showy fruit that is often used in landscapes and holiday decorations and displays. It out-competes our native American bittersweet (and most all other woodland plants) by having a longer growing season and by the extreme area and size the vines can reach. Vines can be many inches in diameter and can completely smother mature trees, limiting their ability to photosynthesize. Oriental bittersweet has been observed covering half-acre wood lots in just seven to 10 years reminiscent of the Jack-in-the-bean-stalk fairy tale. If they have nothing to latch onto the vines will simply cover the forest floor choking out native plants. Finding and controlling Oriental bittersweet when it is not widespread is the key to managing this extremely aggressive vine.



*Oriental Bittersweet fruit*

Funding was appropriated through a grant from the MN Department of Agriculture to help eradicate the infestation. Diligently working with over a dozen landowners, the City received permission to have a vendor cut the plants, apply a light herbicide after they re-sprouted, and re-planted the site with native forest plants. The 15-acre site has been treated and will continue to be monitored for future spread with the cooperation of the landowners.



*Oriental Bittersweet Vine Overtaking a Mature Tree*

Based on this find, and working closely with the County Weed Management Program, a volunteer from the County walked and drove down many streets and trails looking for this and other invasive species such as Japanese Knotweed. Fortunately, the area previously mentioned was perhaps the worst that was observed by the inspector. Landowners were informed and educated about the damage caused by this plant to native plant communities.

Education will be the key to managing invasive species throughout North Oaks. Even something as simple as trying to identify Oriental Bittersweet versus the native America Bittersweet can be a challenge. If the experts have a hard time identifying it, how can it be expected that a resident would be able to tell the good from the bad, understand the best treatment options, and know how to re-plant the site. Continued workshops, both indoors and out, articles in the North Oaks News, and literature available at City Hall are constantly being provided and updated.

Rehder Forestry Consulting looks forward to working closely with all North Oaks' partners in 2022. Addressing problems such as shade tree diseases, invasive species, and public safety will be at the forefront of our objectives. By proactively addressing these issues we can make a real difference for the future. A forest canopy provides myriad benefits to a community (clean air, clean water, wildlife habitat, privacy, aesthetics, erosion control, etc.), and it is all our responsibility to educate and inform residents of these benefits. By being proactive we can make a considerable difference in the health of our community forest - now, and in the future.

## 2022 MEETING SCHEDULE

	<u>CC</u>	<u>NRC</u>	<u>PC</u>
JAN	13	20	27
FEB	10	17	24
MAR	10	17	31
APR	14	21	28
MAY	12	19	26
JUN	9	16	30
JULY	14	21	28
AUG	11	18	25
SEPT	8	15	29
OCT	13	20	27
NOV	10	17	Tbd
DEC	8	15	Tbd



CITY OF NORTH OAKS  
 RAMSEY COUNTY, MINNESOTA  
 ORDINANCE NO. 138

AN ORDINANCE AMENDING CITY CODE TITLE IX, GENERAL REGULATIONS REGARDING THE 2021 FEE  
 SCHEDULE FOR THE CITY OF NORTH OAKS

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

**Section One.** Title IX, General Regulations of the North Oaks City Code is hereby amended as follows.

City of North Oaks  
 Ordinance 138 2022 Fee Schedule

<b>I. Administrative</b>		
Dogs/Cats Licenses	For length of rabies certificate	\$15.00
Copying General City Material		\$0.25 per 8 ½ x 11 page; \$0.50 large. Add postage if mailing.
Color Maps (8.5 x 11)		\$2.00
Color Maps (11 x 17)		\$4.00
Street Maps		\$2.00
As-Builts (11 x 17)		Based on number of copies and staff time

Room Rental City Hall, Community Room	North Oaks community groups may use the room free of charge.	\$75 half day, \$100 full day
Room Rental City Hall, Small Conference Room		\$75 half day, \$100 full day
Damage/Lost Key Fee	Users are responsible for returning the room to the condition they found it in or there will be fee of \$100 charged. If a key is lost or not returned to City Hall within 2 days of the rental date of the room, a fee of \$100 will be charged.	\$100
Duplicate Meeting DVDs	A copy of videotaped City Council or Planning Commission meetings	\$35
Notary Fee		No charge
<b>II. Building Construction</b>		
Building Permits		Fees based on valuation of project.
License Verification	Per permit	\$5.00
State Surcharge Based on Valuation		Fee based on 2018 State Statute 326B.148
State Surcharge Fixed Fees		Fee based on State Statute 326B.148
Contractor License: General	License good through December 31 of current calendar year.	\$40

Contractor License: Mechanical	License good through December 31 of current calendar year.	\$40
Contractor License: Outside Sewer/Water	License good through December 31 of current calendar year.	\$100
Plumbing Permits		Refer to permit
Electrical Permits		Refer to permit
Mechanical Permits		Refer to permit
Fire Protection Permits		Fees shall be based according to State Statute 326B.153 and are determined by the City s Building Official
<b>III. Liquor and Tobacco Licensing</b>		
On-Sale Liquor License	License good for one year	\$1,250.00
On-Sale Club Liquor License	License good for one year	\$650.00
On-Sale Wine Only License	License good for one year	\$250.00
Off-Sale Liquor License	License good for one year	\$100.00
Minor Consumption Violation with Server Training	First Violation	\$105.00
	Second Violation	\$525.00
	Third Violation	\$1,050.00
	Fourth Violation	\$1,575.00
Minor Consumption Violation without Server Training	First Violation	\$525.00
	Second Violation	\$1,050.00
	Third Violation	\$1,575.00
	Fourth Violation	\$2,100.00 and may be subject to license revocation
Tobacco License	License good for one year	\$200

**IV. Planning and Zoning** (Each separate land use request shall be charged a separate administrative fee and escrow even if submitted on the same application. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow include planning and engineering staff time, City attorney and consulting fees, and mailing costs. If, at any time, a required cash escrow is depleted to less than 20% of its original amount, the applicant shall deposit additional funds in the cash escrow account as determined by the City. The escrow may be reduced or increased by the City Planner on a project by project basis.)

<b>Description:</b>	<b>Escrow Fees:</b>	<b>Initial Application Fees:</b>
Preliminary Plat	Administrative Fee	\$450
	Escrow	\$1,000
Final Plat	Administrative Fee	\$450 + \$25 per each new lot created
	Escrow	\$1,000
Lot Split/Minor Subdivision	Administrative Fee	\$450
	Escrow	\$1,000
Rezoning or Comprehensive Plan Amendment	Administrative Fee	\$350
	Escrow	\$1,000
Variance Adjustment	Administrative Fee	\$450
	Escrow	\$1,000
Conditional Use Permit	Administrative Fee	\$450
	Escrow	\$1,000
Planned Unit Development Master Plan or Special Development Plan Master Plan	Administrative Fee	\$450
	Escrow	\$1,000
Final Planned Unit Development or Final Special Development Plan	Administrative Fee	\$450
	Escrow	\$1,000
Planned Unit Development Amendment or Special Development Plan Amendment	Administrative Fee	\$450
	Escrow	\$1,000
Concept Review	Administrative Fee	\$150
	Escrow	\$1,000
Site Plan Review	Administrative Fee	\$450



	Escrow	\$1,000
City Code Amendment	Administrative Fee	\$450
	Escrow	\$1,000
Zoning Code Amendment	Administrative Fee	\$450
	Escrow	\$1,000
Land Use Requests Not Already Specified	Administrative Fee	\$150
	Escrow	\$1,000
Appeal of Administrative Zoning, Sign, or Subdivision Decisions	Administrative Fee	\$150
	Escrow	\$1,000
<b>V. Water, Sewer, and Septic Charges</b>		
<b>Water: Residential (White Bear Township)</b>		
Water Permits Hook-Up Fees		\$4,450.00 per household
Water Meter/Spacer Charges		Based on meter size: Contact City Staff for quote
<b>Water: Residential (Shoreview)</b>		
Water Permits Hook-Up Fees		\$3,790.00 per household
Water Availability Charge		\$40.00 per unit
Escrow/Maintenance Fee		\$45.00 per household
Water Usage Charge:	Tier 1 - 5,000 gallons of water per unit	\$2.35 per 1,000 gallons
	Tier 2 - 5,000 gallons of water per unit	\$3.77 per 1,000 gallons
	Tier 3 - 20,000 gallons of water per unit	\$5.21 per 1,000 gallons

	Tier 4 - All remaining water	\$8.59 per 1,000 gallons
Water Meter/Spacer Charges		Based on meter size: Contact City Staff for quote
<b>Water: Commercial (Shoreview)</b>		
Water Availability Charge		\$40.00 per unit
Escrow/Maintenance Fee		\$25.00 per unit
Water Usage Charge:	Tier 1 - first 50,000 gallons of water	\$3.77 per 1,000 gallons
	Tier 2 - Next 1,150,000 gallons of water	\$5.21 per 1,000 gallons
	Tier 3 - All remaining water	\$8.59 per 1,000 gallons
<b>Sewer</b>		
Sewer Access Charge	Set by Met Council Annually	\$2,485.00
Flat Rate Sewer User Fee	Residential Flat Rate	\$75.00
Escrow/Maintenance Fee		\$25.00 per household
<b>Septic</b>		
ISTS Pumping Report	Submitted by Septic Pumper	\$20
ISTS Install Application		\$450
Tank Replacement		\$200
ISTS Performance System (Type IV)		\$795
<b>VI. Miscellaneous/Retail Activities</b>		
Charitable Gambling Permit Per Minnesota State Statute, Chapter 349		No charge + letter
Massage Therapy License	License good for one year	\$50

<b>VII. Rental Licenses</b>		
Rental License	License good for one year	\$100
<b>VIII. Arborist/Forestry and Shoreland Permits and Licenses</b>		
Arborist License	License good for one year	\$100
Emerald Ash Borer Inspection		\$75 per lot
Forestry Permit Shoreland		\$100
Forestry Residential Lot Evaluation		\$75 per lot
Shoreland Permit		\$350
<b>IX. Signs</b>		
Initial Fee	Per Sign	\$50.00
<b>X. Miscellaneous Fees/Permits</b>		
Staff Research		\$53.00 per half hour
Tobacco Sales, Illegal	First Offense	\$150.00
Tobacco Sales, Illegal	Second Offense within 24 months	\$600.00
Tobacco Sales, Illegal	Third Offense within 24 months	\$1,050.00 and 7 business day suspension or 30 day suspension of license + admin fine of \$250
Tobacco Sales, Illegal	Fourth Offense within 24 months	Revocation of the license for a one year period
Candidate Filing Fee		\$2.00
Insufficient Funds/Returned Check Fee		\$35.00
Penalties for Late Payment	Failure to pay any penalty imposed shall be grounds for the suspension or termination of	10% of license fee or \$32.00, whichever is greater
<b>XI. False Alarm Fees</b>		
False Alarm	First three alarms	No charge + letter
False Alarm	Fourth alarm	\$150.00 per alarm

False Alarm	Fifth and each thereafter	\$175.00 per alarm
<b>XII. Recycling Fee</b>		
Per Residential Parcel	Annual	\$175.00

**Section Two. Effective Date.** This Ordinance shall be in full force and effect upon its adoption and publication as provide by law.

Passed in regular session of the City Council on the 13th day of January, 2022.

**CITY OF NORTH OAKS**

By: \_\_\_\_\_  
 Kara Ries  
 Its: Mayor

Attested:

By: \_\_\_\_\_  
 Kevin Kress  
 Its: City Administrator

(Published in the \_\_\_\_\_ on \_\_\_\_\_, 2021)



# December Month in Review



Rehder Forestry Consulting

*December 2021*

- Presented Arborist workshop on Dec. 15<sup>th</sup>, with a follow up on December 23<sup>rd</sup>.
- Homeowner calls at @ 13 Red Fox Rd
- Ordered 500 seedlings for distribution to North Oaks residents for Arbor Day, the Garden Club, and other suitable events for as long as seedlings last.
- We have provided copies to City Hall and NOHOA of the spreadsheets we use to document diseased trees so that they are available to staff as needed.
- Ash tree inspections are in full effect, and we are working with residents to educate and inform on their options as Emerald Ash Borer continues to impact the community.
- Compliance checks for timely removal of diseased oaks continues. Deadline for removal is February 1<sup>st</sup>, 2022.