



CITY OF NORTH OAKS

**Regular City Council Meeting
Thursday, February 11, 2021
7 PM, Via Teleconference or Other Electronic Means Only
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: 840 5943 8058 or by joining the meeting via the following link: <https://us02web.zoom.us/j/84059438058>. 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. Licenses and Checks for Approval:

Mechanical: Binder Heating & Air; Markgraf Mechanical, Inc.; McQuillan Brothers; River City Sheet Metal; The Snelling Company; Twin City Fireplace & Stone; UHL Company; West Air
Arborist: Central Minnesota Tree Service; Mark Primeau Tree Service; Morgan's Tree Service; Shorewood Tree Service, LLC.

Checks/EFT's for Approval: #000391E - 000399E, #13849 - 13890

[Draft - Checks to be Issued Feb. 2021.pdf](#)

6b. Approval of Minutes of Special City Council meeting - January 4, 2021

[1.4.2021 Special City Council Minutes.docx](#)

6c. Approval of Minutes from January 14, 2021 Regular City Council Meeting

[City Council Minutes 01.14.2021.docx](#)

7. Petitions, Requests & Communications -

Deputy Mike Burrell Report

8. Unfinished Business

8a. Continued discussion and possible action on Nord parcel review

[210205 Nord Letter to City Council with attachments.pdf](#)

[210114 Nord Email to City of North Oaks with attachments.pdf](#)

[NOHOA Nord.pdf](#)

8b. Island Field Joint Power Agreement - White Bear Township

[North Oaks Company - Master Joint Powers Agreement - Addendum Terms for Island Field and Gate Hill Developments.pdf](#)

[Island Field Addendum.pdf](#)

8c. Gate Hill Joint Powers Agreement - White Bear Township

[North Oaks Company - Master Joint Powers Agreement - Addendum Terms for Island Field and Gate Hill Developments.pdf](#)

[Gate Hill Addendum.pdf](#)

9. New Business

9a. Discussion and possible action on Pesticide Education Plan as recommended by the North Oaks Natural Resources Commission

[Pesticide Education Plan - Phase 1 - Mosquito and Tick Control.pdf](#)

9b. Consideration and possible action on Electrical Inspector Contract

9c. Consideration and possible action on City Engineering contract

9d. Discussion and possible action on conducting Council orientation/training

9e. Consider resolution amending annual appointments/responsibilities

[Resolution 1418 Revising Council Liason 2021.pdf](#)

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

13. Miscellaneous

13a. January 2021 Forestry Report
[January 2021 in Review.pdf](#)

14. Adjournment - *The next meeting of the City Council is Thursday, March 11, 2021.*

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Payments

Current Period: February 2021

Payments Batch 02/11/21 CC				\$278,376.11
Refer	14092 <i>Peterson-Waddle Recycling</i>	-		
Cash Payment	E 101-43200-384 RECYCLING	Monthly services		\$22,790.94
Invoice	013121			
Cash Payment	E 101-43200-384 RECYCLING	Cart Delivery & Repair		\$350.00
Invoice	013121			
Cash Payment	E 101-43200-384 RECYCLING	Fuel Charge		\$700.00
Invoice	013121			
Cash Payment	E 101-43200-384 RECYCLING	Storage Rent		\$150.00
Invoice	013121			
Cash Payment	E 101-43200-384 RECYCLING	COVID 19 Volume Surcharge		\$1,800.00
Invoice	013121			
Transaction Date	2/1/2021	Checking	10100	Total \$25,790.94
Refer	14093 <i>Kelly & Lemmons, P.A.</i>	-		
Cash Payment	E 101-41600-315 LEGAL FEES - PROSEC	Prosecution Services - January		\$1,092.00
Invoice				
Transaction Date	2/1/2021	Checking	10100	Total \$1,092.00
Refer	14094 <i>Xcel Energy</i>	-		
Cash Payment	E 101-41300-381 ELECTRIC UTILITIES	City 303585928 & 302708070		\$102.61
Invoice	715968684			
Cash Payment	E 101-43100-381 ELECTRIC UTILITIES	Signals 303740120 & 303639695		\$98.85
Invoice	715968684			
Cash Payment	E 101-43100-381 ELECTRIC UTILITIES	Street Lighting		\$57.07
Invoice	715968684			
Cash Payment	E 406-43000-381 ELECTRIC UTILITIES	8 Poplar Ln Aeration		\$99.14
Invoice	715968684			
Cash Payment	E 406-43000-381 ELECTRIC UTILITIES	7 Willow Rd 51-0572815-6		\$35.73
Invoice	715968684			
Cash Payment	E 601-49400-381 ELECTRIC UTILITIES	24 Maycomb, 304471197		\$53.60
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #3, 302368925		\$49.83
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #1, 302660004		\$40.97
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #5, 302894636		\$59.89
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #2, 302953888		\$61.64
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #9, 304097091		\$57.50
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Liftstation #11, 304464164		\$38.22
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	Wilkinson Blvd, 304097283		\$66.13
Invoice	715968684			
Cash Payment	E 602-49450-381 ELECTRIC UTILITIES	28 Osprey Ct, 304097160		\$23.83
Invoice	715968684			
Transaction Date	2/1/2021	Checking	10100	Total \$845.01
Refer	14095 <i>Northstar Inspection Services</i>	-		
Cash Payment	E 101-42400-313 CONTRACT SERVICES	Bldg permit fees		\$6,626.94
Invoice				

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Cash Payment Invoice	E 101-42400-313 CONTRACT SERVICES	Plan review fees			\$3,695.82
Cash Payment Invoice	E 101-42400-313 CONTRACT SERVICES	Mechanical permit fees			\$1,436.25
Cash Payment Invoice	E 101-42400-313 CONTRACT SERVICES	Plumbing permit fees			\$376.20
Cash Payment Invoice	E 101-42400-313 CONTRACT SERVICES	Monthly retainer			\$500.00
Transaction Date	2/1/2021	Checking	10100	Total	\$12,635.21
Refer	14096	Ramsey County-Emergency Commu			
Cash Payment Invoice EMCOM-	E 101-42100-313 CONTRACT SERVICES	911 Dispatch			\$0.00
Cash Payment Invoice EMCOM-	E 101-42100-313 CONTRACT SERVICES	CAD Services			\$0.00
Cash Payment Invoice EMCOM-	E 101-42100-313 CONTRACT SERVICES	Fleet Support			\$0.00
Transaction Date	2/1/2021	Checking	10100	Total	\$0.00
Refer	14097	Marco, Inc.			
Cash Payment Invoice 28666869	E 101-41300-210 OPERATING SUPPLIES	Copier Rental			\$659.05
Transaction Date	2/1/2021	Checking	10100	Total	\$659.05
Refer	14098	Metro Council Envir Srvc-Sewer			
Cash Payment Invoice March 2021	E 602-49450-385 SEWER	Monthly Sewer			\$5,952.78
Transaction Date	2/1/2021	Checking	10100	Total	\$5,952.78
Refer	14099	City of Roseville			
Cash Payment Invoice 0229845	E 101-41300-309 COMPUTER/INTERNET/	February IT Services			\$1,678.24
Cash Payment Invoice 0229831	E 101-41300-430 MISCELLANEOUS EXP	Laserfishe License			\$975.70
Transaction Date	2/1/2021	Checking	10100	Total	\$2,653.94
Refer	14100	Connexus Energy			
Cash Payment Invoice	E 101-43100-381 ELECTRIC UTILITIES	5919 Centerville			\$7.72
Transaction Date	2/1/2021	Checking	10100	Total	\$7.72
Refer	14101	Gopher State One-Call, Inc.			
Cash Payment Invoice 1010638	E 101-42300-300 PROFESSIONAL SERVI	Monthly Services - January			\$4.05
Transaction Date	2/1/2021	Checking	10100	Total	\$4.05
Refer	14102	REHDER FORESTRY CONSULTING			
Cash Payment Invoice 151	E 101-46100-316 TREE PRESERVATION	January 2021 Forestry			\$2,630.28
Transaction Date	2/1/2021	Checking	10100	Total	\$2,630.28
Refer	14103	Tokle Inspections, Inc.			
Cash Payment Invoice 012021	E 101-42400-313 CONTRACT SERVICES	80% Electrical Inspections			\$0.00
Transaction Date	2/1/2021	Checking	10100	Total	\$0.00
Refer	14104	Sambatek, Inc.			

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Cash Payment	E 101-41900-303 ENGINEERING SERVIC	General Services - December			\$2,443.00
Invoice	18956				
Cash Payment	G 801-22018 EAST OAKS PUD ESCROW	East Oaks Development			\$4,321.03
Invoice	18961				
Transaction Date	2/1/2021	Checking	10100	Total	\$6,764.03
Refer	14105	LEVANDER, GILLEN & MILLER, P.A			
Cash Payment	E 101-41600-304 LEGAL FEES - GENERA	Mayor & Council Misc			\$2,260.00
Invoice					
Cash Payment	E 101-41600-304 LEGAL FEES - GENERA	Emergency Management			\$387.50
Invoice					
Cash Payment	E 101-41600-304 LEGAL FEES - GENERA	Planning Commission			\$62.00
Invoice					
Cash Payment	E 101-41600-304 LEGAL FEES - GENERA	3 Raccoon Variance			\$217.00
Invoice					
Cash Payment	G 801-22018 EAST OAKS PUD ESCROW	East Oaks Site C/Nord			\$102.50
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$3,029.00
Refer	14106	Madison National Life			
Cash Payment	E 101-41300-131 HEALTH, DENTAL, LIFE	LTD & STD			\$170.94
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$170.94
Refer	14107	Ramsey County Sheriff			
Cash Payment	E 101-42100-313 CONTRACT SERVICES	Police & CSO - January			\$72,729.63
Invoice	SHRFL-001947				
Cash Payment	E 101-42100-313 CONTRACT SERVICES	Police & CSO - February			\$72,729.63
Invoice	SHRFL-001954				
Transaction Date	2/1/2021	Checking	10100	Total	\$145,459.26
Refer	14108	EUREKA RECYCLING			
Cash Payment	E 101-43200-384 RECYCLING	Eureka - January			\$0.00
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$0.00
Refer	14109	North Oaks Village Center LLC			
Cash Payment	E 101-41300-410 RENTALS	Base Rent			\$4,734.67
Invoice					
Cash Payment	E 101-41300-410 RENTALS	Operating Expenses			\$3,962.82
Invoice					
Cash Payment	E 101-41300-410 RENTALS	Overpayment			-\$121.50
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$8,575.99
Refer	14110	STAPLES			
Cash Payment	E 101-41300-210 OPERATING SUPPLIES	Misc. Office Supplies			\$385.01
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$385.01
Refer	14111	TIMESAVER OFF SITE SECRETARI			
Cash Payment	E 101-41100-313 CONTRACT SERVICES	CC Meeting 12/17			\$561.38
Invoice	M26142				
Cash Payment	E 101-41100-313 CONTRACT SERVICES	PC Meeting 12/29			\$233.88
Invoice	M26168				
Transaction Date	2/1/2021	Checking	10100	Total	\$795.26

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Refer 14112 COMCAST					
Cash Payment	E 101-41300-309 COMPUTER/INTERNET/	Dark Fiber February			\$453.13
invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$453.13
Refer 14113 NORTHWEST ASSOCIATED CONS					
Cash Payment	E 101-41910-300 PROFESSIONAL SERVI	General Services			\$0.00
invoice 25099					
Cash Payment	E 101-41910-300 PROFESSIONAL SERVI	Meetings			\$0.00
invoice 25101					
Transaction Date	2/1/2021	Checking	10100	Total	\$0.00
Refer 14114 Press Publications					
Cash Payment	E 101-41100-350 PUBLISHING & ADVER	Summary Budget			\$65.94
invoice 690982					
Transaction Date	2/1/2021	Checking	10100	Total	\$65.94
Refer 14115 NORTH SUBURBAN ACCESS COR					
Cash Payment	E 101-41420-300 PROFESSIONAL SERVI	December Cablecasting			\$1,117.50
invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$1,117.50
Refer 14117 White Bear Township					
Cash Payment	E 601-49400-383 WATER - WBT	29 Phoebe Lane			\$4,450.00
invoice					
Cash Payment	E 601-49400-383 WATER - WBT	6 Kestrel Court			\$4,450.00
invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$8,900.00
Refer 14118 MN PEIP					
Cash Payment	E 101-41300-131 HEALTH, DENTAL, LIFE	Coverage 3/1/21 - 3/30/21			\$1,795.73
invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$1,795.73
Refer 14120 League of Minnesota Cities					
Cash Payment	E 101-41100-311 CONFERENCES AND S	2021 Elected Leaders - Rich Dujmovic			\$175.00
invoice Inv 334854					
Cash Payment	E 101-41100-311 CONFERENCES AND S	2021 Elected Leaders - Jim Hara			\$175.00
invoice Inv 334854					
Transaction Date	2/1/2021	Checking	10100	Total	\$350.00
Refer 14121 Lake Johanna Fire Department					
Cash Payment	E 401-42200-500 CAPITAL OUTLAY	2020 Capital Budget			\$217.88
invoice 795					
Cash Payment	E 401-42200-500 CAPITAL OUTLAY	2020 Capital Expense			\$3,076.59
invoice 800					
Cash Payment	E 401-42200-500 CAPITAL OUTLAY	2020 Capital Expense			\$1,128.00
invoice 801					
Cash Payment	E 401-42200-500 CAPITAL OUTLAY	2020 Capital Expense			\$691.20
invoice 805					
Transaction Date	2/1/2021	Checking	10100	Total	\$5,113.47
Refer 14123 Premium Waters, Inc.					
Cash Payment	E 101-41300-210 OPERATING SUPPLIES	Equipment & Water Service			\$55.90
invoice 501338-12-20					
Transaction Date	2/1/2021	Checking	10100	Total	\$55.90
Refer 14124 N.A.R.S					

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Cash Payment	E 101-46100-317 DEER MANAGEMENT	2 Deer/Trip Charge		\$830.00
Invoice 33323B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	2 Deer/Trip Charge		\$830.00
Invoice 33346B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	Trip Charge		\$435.00
Invoice 33365B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	1 Deer/Trip Charge		\$670.00
Invoice 33391B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	Trip Charge		\$435.00
Invoice 33394B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	Trip Charge		\$435.00
Invoice 33415B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	2 Deer/Trip Charge		\$830.00
Invoice 33429B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	1 Deer/Trip Charge		\$670.00
Invoice 33441B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	1 Deer/Trip Charge		\$670.00
Invoice 33457B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	4 Deer/Trip Charge		\$1,150.00
Invoice 33466B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	2 Deer/Trip Charge		\$830.00
Invoice 33471B				
Cash Payment	E 101-46100-317 DEER MANAGEMENT	3 Deer/Trip Charge		\$990.00
Invoice 33479B				
Transaction Date	2/1/2021	Checking	10100	Total \$8,775.00
Refer	14130 <i>Abdo Eick & Meyers LLP</i>	-		
Cash Payment	E 101-41500-301 AUDIT SERVICES	Audit Services		\$5,000.00
Invoice 438737				
Transaction Date	2/1/2021	Checking	10100	Total \$5,000.00
Refer	14132 <i>City of Shoreview-Electric, 49</i>	-		
Cash Payment	E 101-43100-381 ELECTRIC UTILITIES	Signal 4955 Hodgson Rd		\$224.83
Invoice 567				
Cash Payment	E 101-43100-381 ELECTRIC UTILITIES	Street Lights		\$306.96
Invoice 567				
Transaction Date	2/1/2021	Checking	10100	Total \$531.59
Refer	14133 <i>METRO AREA MANAGERS ASSOC</i>	-		
Cash Payment	E 101-41100-433 DUES AND SUBSCRIPT	2021 MAMA Membership Dues		\$45.00
Invoice				
Transaction Date	2/1/2021	Checking	10100	Total \$45.00
Refer	14134 <i>Northeast Youth & Family Servi</i>	-		
Cash Payment	E 101-41100-433 DUES AND SUBSCRIPT	2021 Particpation		\$10,608.00
Invoice				
Transaction Date	2/1/2021	Checking	10100	Total \$10,608.00
Refer	14135 <i>North Suburban Communications</i>	-		
Cash Payment	E 101-41420-300 PROFESSIONAL SERVI	4th Qtr City Contribution NSCC		\$5,690.26
Invoice 2020-534				
Transaction Date	2/1/2021	Checking	10100	Total \$5,690.26
Refer	14136 <i>PermitWorks</i>	-		
Cash Payment	E 101-41300-210 OPERATING SUPPLIES	2021 Permits & Inspection Software		\$1,495.00
Invoice 2021-0032				

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Transaction Date	2/1/2021	Checking	10100	Total	\$1,495.00
Refer	14137 <i>Pittney Bows</i>				
Cash Payment	E 101-41300-210 OPERATING SUPPLIES Lease				\$87.45
Invoice	3104499226				
Transaction Date	2/1/2021	Checking	10100	Total	\$87.45
Refer	14138 <i>Ramsey County Elections</i>				
Cash Payment	E 101-41400-300 PROFESSIONAL SERVI 2021 1st Qtr Election Services				\$4,430.00
Invoice	PRRRV-001539				
Transaction Date	2/1/2021	Checking	10100	Total	\$4,430.00
Refer	14139 <i>SPENCER CLOSE</i>				
Cash Payment	R 101-34103 VARIANCE, PUD, PLAT FEE Variance - Withdrawn				\$450.00
Invoice					
Transaction Date	2/1/2021	Checking	10100	Total	\$450.00
Refer	14140 <i>U. S. Bank</i>				
Cash Payment	E 308-47000-620 PAYING AGENT FEES Bond Agent Fees				\$500.00
Invoice	6008286				
Transaction Date	2/4/2021	Checking	10100	Total	\$500.00
Refer	14141 <i>Brian Humpal</i>				
Cash Payment	E 101-49450-313 CONTRACT SERVICES SSTS Monthly retainer - October				\$800.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES SSTS Monthly retainer - November 2020				\$800.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES SSTS Monthly retainer - December 2020				\$800.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES SSTS Monthly retainer - January 2021				\$800.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES SSTS Monthly retainer - February 2021				\$800.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES Plan Review - 4 W Pleasant Lk Rd				\$477.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES Plan Review - 11 West Shore Rd				\$270.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES Plan Review - 4 Cherrywood Circle				\$270.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES Plan Review - 8 Larkspur				\$150.00
Invoice	4772				
Cash Payment	E 101-49450-313 CONTRACT SERVICES Plan Review - 11 Spring Farm Ln				\$270.00
Invoice	4772				
Transaction Date	2/4/2021	Checking	10100	Total	\$5,437.00
Refer	14142 <i>U S Bank</i>				
Cash Payment	E 101-41300-210 OPERATING SUPPLIES 1099 Forms				\$24.69
Invoice					
Transaction Date	2/4/2021	Checking	10100	Total	\$24.69

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Fund Summary

	10100 Checking
101 GENERAL	\$252,899.87
308 LGWA DEBT	\$500.00
401 FIRE EQUIPMENT	\$5,113.47
406 LGWA	\$134.87
601 WATER	\$8,953.60
602 SEWER	\$6,350.77
801 ESCROWS	\$4,423.53
	<u>\$278,376.11</u>

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	<u>\$278,376.11</u>
Total	\$278,376.11

**North Oaks City Council
Special Meeting Minutes
North Oaks City Council Chambers
January 4, 2021**

CALL TO ORDER

Mayor Ries called the special meeting of the North Oaks City Council to order on January 4, 2021 at 12:01 p.m.

OATH OF OFFICE

Mayor Ries said due to COVID-19, the Oath of Office has already been done. Members came in earlier in the day to be sworn in so everyone could be properly socially distanced.

ROLL CALL

City Councilmembers participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021. Residents can view the meeting on our cable access channel and through the website portal just like other public meetings. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely as noted above. Please note that one (1) of the public spots will be reserved for individuals wanting to make a presentation during the citizen comment portion of the meeting.

Present: Mayor Kara Ries; Councilmembers Jim Hara, Sara Shah, Tom Watson

Staff Present: Administrator Kevin Kress

Others Present: Videographer Maureen Anderson

A quorum was declared present.

AGENDA

Mayor Ries asked for a motion to approve the Agenda.

MOTION by Watson, seconded by Hara, to approve the Agenda.

Councilmember Shah asked for an explanation on why they are having this special meeting on January 4, 2021, as from her perspective there are no impending items that need to be done before the traditional meeting on January 14, 2021. She is asking because of the amount of people that can't be available at noon on a Monday after a long holiday break. That concerns me for consideration for the community. We are in the middle of a day where lot of parents and grandparents are working or homeschooling their children. I am wondering why they are not having the traditional meeting on January 14, 2021, passing the torch and handling items on that day.

Mayor Ries is happy to answer since she and Councilmember Hara called the meeting. This will be one of several times where the Council actually plans agendas together as a full Council – this

cannot be done on the day as they need to work together to plan the agenda. There are some items the Council must publicly open up before the community before the special meeting when they take action, so it is the prudent thing to do and is what the majority of other cities are doing in having a public planning session. This will be the first of many where they have a planning session and action items needed in advance of the general meeting.

Councilmember Shah asked if in the future it would be possible to do it in the evenings so the Council can consider the community and those that are tied up at Noon.

Mayor Ries said sure, they can take that in to consideration and the reason this was done at Noon is because she did not want Staff to come in for extra hours for this meeting. It also gives the Council a chance on some of the agenda items they take action on, so the Staff has time in their work day and does not have to spend extra hours if necessary. She thanked Shah for her comments. She asked if Councilmember Hara had any follow-up.

Councilmember Hara did not.

Mayor Ries said it is a special meeting so they do not need the Pledge of Allegiance.

Administrator Kress said he needs to run the roll call.

Motion carried unanimously by roll-call.

BUSINESS ACTION ITEMS

a. Consideration of Resolution Declaring a vacancy on City Council and action regarding vacancy, establishing application process and deadline for applications, and discussion on applicant interviews timeline and Council action to fill vacancy

Mayor Ries said as customary, now that she is sworn in as Mayor, her City Council seat has become vacant. They have some options and could elect the next vote-receiver. Many people during the election mentioned transparency and involving the community more and she thought it would be prudent to open a discussion with the Council on how to fill the vacancy.

Councilmember Hara noted they had a fairly close election and it makes sense to him – based on what the citizens of North Oaks indicated through their votes – that the Council consider the next highest vote if that person wants to be a candidate or appointee; or they could consider others who did not run.

Councilmember Shah said Councilmember Hara has some points, and after they have a full application process they could do the interviews as they are quite helpful, and then as a Council they can deliberate and speak to those ran in the election. She would like to see the Council go through an application and interview process before deliberation.

Councilmember Watson noted it is not unprecedented in North Oaks where they have had a situation of a sitting Councilmember becoming the Mayor and consequently a vacated seat. In

1990, Councilmember Watson was one of those persons and he believes it is the third occasion where it has occurred and said it is not an automatic, and it is appropriate in answer to Councilmember Shah's question about why they are holding this meeting today. He suspects there are some people in the community that are very interested in what the Council is doing and noted the City has peaked a lot of interest over the last two years. His thought is by putting this out there and noting its vacancy, it is not a shock to anyone who has paid attention, and there were about 3,200 voters. Councilmember Watson noted this could be an agenda item for January 14, 2021 and suggested over the next 5 days those who are interested could submit a bio for the Council to look at and take action on January 14, 2021.

Councilmember Shah does not think there will be enough time to interview.

Mayor Ries said they have done it in less time than that; they have done it quite expeditiously in the past.

Administrator Kress asked Councilmember Watson if the intent is to hold an informal interview on January 14, 2021.

Councilmember Watson would first like to see the groundswell of applicants come through the door. He suggested taking the email blast that normally goes out on Friday afternoon and sending it out today letting residents who might be interested in that appointment know there is a vacant City Council seat. He noted they could ask those interested to submit it by Friday. At that point they can ascertain whether they have one interested party, zero, or ten; then they can determine the next steps.

Mayor Ries asked Councilmember Watson if he would be willing to extend that through Sunday to Monday to allow people the weekend.

Councilmember Watson replied in the affirmative.

Mayor Ries said perhaps they could do an additional blast on Monday.

Administrator Kress asked what time on Monday for a deadline.

Mayor Ries said 48 hours and explained if they have one applicant it will be done relatively quickly; if they have three applicants it could be done in one or two afternoons.

Councilmember Shah asked to clarify if the Council will do the interviews at the January 14, 2021 meeting or before that date.

Mayor Ries asked if interviews were done at meetings in the past.

Administrator Kress answered in the affirmative and noted if the Council did the interviews on January 14, 2021, that is fine and if they chose an applicant they could give them the oath of office on the spot and they would join the Council. He asked if Monday at 4:00 p.m. works to turn over the applications.

Mayor Ries answered yes, and she would like the Council to have time to review all applicants.

Councilmember Watson noted Administrator Kress spent a considerable amount of time in December until about midnight getting things ready for a special Council meeting. He asked if they get the materials by Noon or 4:00 p.m. on Monday is that enough time to get the materials to the Council.

Administrator Kress answered absolutely, as soon as he gets the materials he will turn them over to the City Council, noting he will probably turn them over as he receives them. He noted the interview will be similar to the past, although he may change the questions a bit; they will do an informal interview on January 14, 2021 and the Council can choose or not choose at their discretion.

Councilmember Watson asked if the City Attorney is comfortable with that agenda, whether they take action or not.

Administrator Kress noted they can put together an agenda that identifies they will be doing interviews and possible action to choose a new Councilmember. He and Attorney Nason can put something together.

Attorney Nason said that would be fine, Councils often conduct interviews and make a decision at the same meeting.

Administrator Kress said there is a possible motion to send an e-blast after this meeting indicating applications are to be received and returned by Monday at 4:00 p.m. for consideration at the January 14, 2021 City Council meeting.

Councilmember Shah asked if it is possible to add to social media.

Administrator Kress replied yes, they can push it out on Facebook and the website.

Councilmember Watson saw the application for Planning Commission and asked if they can make it simpler for people by just asking them to submit a bio.

Administrator Kress answered in the affirmative; if the Council just wants a CV or resume that is fine.

Councilmember Shah thinks there is some value in having candidates write a letter of interest.

The Council decided to ask for a resume and a letter of interest.

MOTION by Watson, seconded by Shah, to send an e-blast after this meeting indicating resumes and letters of interest are to be received and returned by Monday at 4:00 p.m. for consideration at the January 14, 2021 City Council meeting. Motion carried unanimously by roll call.

Attorney Nason noted there was not an action taken on the resolution declaring the vacancy.

MOTION by Watson, seconded by Shah, to approve Resolution 1413 declaring Kara Ries' Council seat vacant. Motion carried unanimously by roll call.

b. Discussion and possible action on requesting proposals for Engineering Services

Administrator Kress noted they were recently informed that the City Engineer from Sambatek will be resigning February 14, 2021. Since that time, Administrator Kress has solicited some interest from the usual engineering firms; he has not received any applications to date and if he does he will turn those over to the Council for consideration. Sambatek had suggested an alternate City Engineer from another engineering firm that North Oaks could consider.

Mayor Ries said it may be advantageous to select the firm themselves rather than someone else's recommendation.

Administrator Kress suggested looking at all of them if possible, perhaps a brief work session to get to know those firms. He noted many of them are similar and provide a lot of the same services; he suggests looking more at the person than the firm, but at the end of the day it will be up to the Council to decide who to work with.

Mayor Ries said in her past experience on Planning Commission and Council when they were represented by Sambatek, if the engineer got a new job or a different position within the company, the City would receive a different assigned person anyway. She would like to look at the engineering services over all of the engineering firm and perhaps a firm with some environmentally-minded engineers. She knows that is an extra level of engineering involved and they may want to look at what the firm has to offer.

Councilmember Watson appreciates Administrator Kress circulating the contracts. He asked if Samtabek was retained as the City Engineer or Engineer DeWalt. He asked if there was an alternate or back-up identified.

Administrator Kress' understanding is the Council will choose the firm but they are also assigned a specific person to serve the City. That person was Engineer DeWalt, and her secondary was Paul Pearson. If neither of them are available, they will typically pick a different alternate from

the same firm. This is generally what will happen with any firm. Administrator Kress suggested a work session later in the month via Zoom to ask whatever questions they desire.

Mayor Ries would like a more formal interview to find out about their specialties and perhaps find a company that offers more than Sambatek.

Councilmember Shah asked about the timeline.

Administrator Kress clarified the date is February 16, 2021 and the Council would want to wait until after that date to pick an engineering firm unless they were to discontinue services with Sambatek.

Mayor Ries asked if they sent out an official RFP.

Administrator Kress replied no, official RFP's require a motion and second from the Council and can be very lengthy and many times he gets the same information by soliciting the engineering firms. There are a handful around and he knows most of them; so far he has solicited about 4-5 firms. He can keep looking at 10-12 if the Council would like.

Mayor Ries suggested asking around to see if they receive recommendations.

Administrator Kress noted he would contact any firms the Council recommends to submit a proposal for consideration.

Councilmember Shah asked if they are striving to confirm a decision at the February meeting.

Mayor Ries said at the January meeting they will have a light discussion about it and Administrator Kress can put it on the agenda.

Administrator Kress stated it may just be an update and he will possibly request a work session depending on how many applicants they receive. It is possible the Council can take action some time in February.

Councilmember Watson believes February 11, 2021 is a significant date; in December the Council passed a number of land-use matters that have engineering review, comment, and approvals. Two of those were preliminary plans and one was a final plan. If possible, a work session in late January would make sense with the idea that the Council can target a candidate for an action on February 11, 2021. He noted they have a plateful of things for the engineers to do.

Mayor Ries is concerned that with Sambatek leaving and new people coming in, a training session may help to get anyone up to speed with significant plans ahead of the City; she asked if anyone has comments about the timing.

Councilmember Shah does have concerns as they have some massive engineering needs on February 11, 2021. The historical background is going to be quite pivotal for those topics and she strongly suggests they have a Sambatek engineer present for that meeting. If they have people in the wings that want to listen and get up to speed, that is fine, but as far as presenting that information the City should continue the knowledge that has been involved on those critical developments.

Mayor Ries asked about time deadlines for those plans or if they can pause things in the City office until they feel the engineer is replaced and up to speed.

Administrator Kress said new plans would have to be submitted for final approvals and they have not seen or heard of any final plan submissions incoming. He said they would be doing preliminary work such as grading and materials. Administrator Kress thinks they can find acceptable representation if the City finds it needs to do any sort of review, whether with Sambatek or another engineering firm. They may just need to work with the North Oaks Company (NOC) if there is an issue and review status.

Attorney Nason said as Administrator Kress indicated there are no plans pending that the City has received; if the City does receive a request for final plan approval that is a 60 day turnaround as opposed to the 120 days allowed for a preliminary plan. The developer can agree to extend that, so it may be imperative to connect with the developer if there is a gap and receive an extension. That ensures there is sufficient time for Staff to review, particularly in light of the change in engineering service providers. She clarified it is the same for variances, CUP's, and other land-use applications that may require engineering review.

Mayor Ries asked if the Council is not comfortable with the 60 days or if the NOC did not allow an extension, can they vote on a moratorium to pause accepting plans into the City until they have sufficient services hired and up to speed.

Attorney Nason said it is possible for the City to adopt an interim ordinance or moratorium related to land use matters. However, under State statute it has to do with the need to conduct certain studies, to revise the City code provisions related to a particular use or matter. It could not be adopted because the City is not in the position it needs to be to provide those professional services. Interim ordinances could be adopted with respect to certain types of development and they can have conversations about that.

Mayor Ries asked to add as an agenda item on January 14, 2021 regarding the services and if the Council needs to take any action on ordinances to protect the City in this interim period.

Councilmember Shah noted it seems premature until they know what is incoming and in addition they have Sambatek engineer services through February 11, 2021. It seems that this may be more relevant to a February meeting if at that time the Council feels they do not have the proper information and can take action at that time.

Mayor Ries spoke with Sambatek today and it appears that Engineer DeWalt who had the experience with North Oaks in the past is seeking a different role within the company. Therefore they would assign someone else to North Oaks; the historical coverage mentioned previously would not be possible as she is taking on a different role and Sambaek is trying to reduce the representation of the City. It may be more prudent at this time to seek services. She fears timing, especially as NOC was expediting plans through the City so quickly and they may do that again so she would like to be cognizant and put something on the agenda on January 14, 2021.

Councilmember Hara agrees with Mayor Ries; if Engineer DeWalt will not be involved in the process and as Paul Pearson who stepped in for her last time noted he is retired. Councilmember Hara stated Mr. Pearson did not seem very dialed in on what the present developments were. He asked if they are gaining anything by having Mr. Pearson or a different Sambatek representative versus someone new that may have time to dig in and understand what North Oaks is trying to get done.

Councilmember Watson thinks they should avoid trying to micromanage what will happen in the next 30-40 days; the City has not seen any applications and his sense is they have a responsibility to have an engineer on board. They should proceed on the basis that they will find someone whether it is Sambatek or another firm. Councilmember Watson believes both parties – the applicant and the City – have a major concern over having adequate and appropriate engineering or any other professionals around. He suggested not jumping to conclusions about whether they need a moratorium or anything else. Councilmember Watson has 25 years working with a company with previous presidents and they were able to do a lot of things in a cordial, appropriate manner to make decisions. The City may need to approach it on that basis as the firm has as much at risk having someone inexperienced in North Oaks engineering matters as the City would have. He believes they need to get this moving along.

Mayor Ries agreed with those comments. She asked the Council to submit any recommendations and noted she has some connections with other cities and that way Administrator Kress has more names to reach out to so they can get adequate services right away.

Councilmember Watson added many times in the past they would touch base with neighboring communities and in some cases consider their personnel and experience. He asked what is Vadnais Heights, Shoreview, White Bear Lake, or Arden Hills doing; North Oaks would not hire someone just because those cities did but it gives the City another group of people to look at.

Administrator Kress said yes, they absolutely do that any time they are looking for a consultant or outside feedback.

Councilmember Watson noted there are engineers that live in North Oaks.

Administrator Kress explained the North Oaks Home Owners' Association (NOHOA) engineer may be interested, as well. He will be speaking with Ms. Elfering later in the week.

c. Discussion and possible action on proposals for Building Official Position

Administrator Kress said the current building official is willing to stay on for a period of time until the City finds a new inspector. He solicited most of the neighboring cities to see if they had capacity to serve North Oaks in either an interim or long term fashion, and the responses he received were no. At that point he reached out to Rum River Consulting who serves a number of neighboring cities; he has generally had good experience with Rum River which is why he reached out for a proposal. If the Council would like more, he can do that. The benefit of Rum River is they have multiple consultants rather than just one point person. He did not have a lot of direction on what the Council wanted to see and asked to hear what they'd like to do so he can bring something to the table.

Councilmember Hara asked with Rum River Consultants, would North Oaks have a committed consultant for consistency as opposed to one building inspector start a project and someone else jump in. He said it might be nice to get one person as the primary to do most of the work.

Administrator Kress noted that is a good point; he wants to say they would assign a primary but sometimes may need to send a secondary depending on schedule. He believes that is something the City can work out with any consulting firm.

Councilmember Watson said Mr. White is a product of a very good decision as he was the alternate to the Building Official Greg Schmidt for a long time. If Councilmember Watson has his way, he'd like to sit down with Mr. White and see if they can find someone to trail him for 6 months, whether Rum River or someone else, but the transition in the past to Mr. White was as seamless as they could get.

Administrator Kress agrees; if Mr. White is willing to give some of his time throughout the year to work with Rum River or a different consultant.

Councilmember Shah assumes Administrator Kress spoke with Mr. White about any suggestions.

Administrator Kress replied so far Mr. White does not have many suggestions and they were hoping to get a neighboring city just to get the capacity there as that has been happening in the metro area. For example, some of the larger cities will service the neighboring cities with their building officials. Unfortunately at this point, they do not have the capacity although it may change in the next few months and it may be a good idea to re-approach those bigger cities in the next few months. Then Mr. White could shadow if he is willing.

Councilmember Watson suggested talking to Greg Schmidt and perhaps he would shadow Mr. White for a period of time.

Mayor Ries said they could speak with Mr. Schmidt as he has been very helpful in the past. When she spoke with Mr. White about this subject, he mentioned Rum River and also Boundary Waters or White Waters, as well. He suggested following up with some trade groups might be best rather than just posting with the League of Minnesota Cities.

Administrator Kress asked if the Council would like to find more applicants or to try and work with Mr. White until a city potentially opens up.

Mayor Ries thinks first they should speak to Mr. White as he will be retiring but is willing to help North Oaks out, as he understands that this is a unique community and may need some special training. She thinks the shadow program is a good idea for the next person coming in.

Councilmember Watson is willing to participate in a phone call with Administrator Kress and Mr. White to discuss some of these options. He likes the idea of transition on these things as it makes life much easier.

Mayor Ries agrees and likes the overlap, as well. She is fine with Councilmember Watson sitting in on a phone call because of his many years of experience in dealing with this issue.

Councilmember Shah noted it would be nice to have additional competition here so the Council can have some choices. She wants to respect Mr. White and if he does have a hard stop the City should ask that as he is being considerate in helping North Oaks out in the interim. However, if he wants to be done in four months, then they have a deadline and goal they need to hit.

Councilmember Watson said if he could dream a bit, the City would have Mr. White under contract until the end of next year, however, the last 6 months might be periodic as he is there to mentor and the City is paying an advisory fee.

Councilmember Shah supports that approach and having a transition like that is fantastic and would be very helpful to the new person. She said before they get there they must understand who the next relationship will be and she asked to drum up more business and see who they can compare Rum River to.

Mayor Ries noted that Mr. White explained to her that there are not many applicants out there right now and it is very difficult to get these building inspectors. Many surrounding cities have building inspectors on staff and there are not many people looking for that work right now because there was a pause in the trade. Many of the people who would be going to school to get the certification did not go for a long period of time. Therefore, the applicant pool is not out there right now. Mayor Ries stated that is why there will be some negotiation and is also why Mr. White suggested contacting these trade groups to see if there is anyone who might be able to

give them some bandwidth. Right now it is an extremely difficult position because there are no applicants out there. Mr. White has been asking around for many months for North Oaks and he noted it is an area of expertise and the City will want someone who is active in the trade already. She agrees that the City should set feelers out and find someone well-qualified sooner rather than later.

The Council agreed to add this as an update item for the next meeting.

Administrator Kress asked if the City would like him to contact the trade groups.

Mayor Ries is definitely interested as that was suggested by Mr. White.

Administrator Kress will meet with Mr. White and Councilmember Watson and report back.

Mayor Ries said it may be nice to run the numbers depending on how much building inspectors charge the City, if they can get an assessment or overview of those numbers. They also need help with code enforcement and the Council may want to discuss whether it makes sense to hire this person if the person may pay for themselves or even be less expensive for the City to bring in an employee, or whether it makes sense to continue hiring a firm.

Councilmember Watson noted Greg Schmidt did code enforcement in addition to inspections.

Mayor Ries said Mr. Schmidt did, however Mr. White did not do code enforcements.

d. Consider resolution approving 2021 City Council Responsibilities/Appointments Resolution Setting 2021 Appointments

Mayor Ries noted Administrator Kress drafted a resolution and sent out a list of responsibilities. She would like members to give her their top 3 responsibilities, noting in previous years she was “given” what her responsibility would be. If people suggested what they are interested in that may be a way to start. She knows everyone has different levels of interest and experience. She asked the Council to give those to her by Monday and she will get a suggested fill-in to be approved at the January 14, 2021 meeting. She stated the only one that must be appointed today is the Acting Mayor and she would like to appoint Councilmember Watson to that role because of his years of experience as there are new Councilmembers coming in. She clarified the difference between Acting Mayor and Deputy Mayor is that Acting Mayor simply runs the meetings if Mayor Ries cannot be in attendance.

There were no objections from the Council.

Administrator Kress would like to get as many appointments as possible, authorize the resolution, and then fill in the remaining on January 14, 2021.

Mayor Ries said Councilmember Watson agreed to do the Vadnais Lakes Area Water Management Organization (VLAWMO) meetings as a temporary assignment as a former member expressed concern that checks may need to be signed.

Councilmember Watson thinks it would be nice if Administrator Kress would circulate the 2020 appointments as the residents in many appointments do not appear on the document.

Administrator Kress agreed to do that.

Councilmember Shah is assuming someone went through the appointments to make sure there is not a meeting, for example, the Fire Department, before January 14, 2021 so there are liaisons assigned.

Mayor Ries noted the only one she is aware of is the VLAWMO meeting.

Administrator Kress said he thinks they are fine.

Councilmember Watson asked when the Sherriff contract group meets.

Administrator Kress said that is typically City Staff and Council is not represented at the meetings.

Councilmember Watson noted they used to have two entities with the Sherriff, one was the monthly meeting where administrators got together and talked shop and then once a quarter or every six months they would meet to discuss contract terms.

Administrator Kress is not aware of that and he will ask some neighboring cities as he does not believe that happened in 2020.

Councilmember Watson said one Councilmember in the past was always referred to as the Police Commissioner.

Attorney Nason understands Councilmember Watson's appointment as Acting Mayor is just a placeholder until the next meeting; she would recommend the Council take a vote on this as under State statute it is required that at the first meeting of the year the Council shall choose an Acting Mayor.

Administrator Kress asked the Council to approve the resolution with those implementations, for example, Councilmember Watson as Acting Mayor and VLAWMO representative as well as any others. Then on January 14, 2021 the Council can make changes and amend the original resolution.

Attorney Nason said that is fine as well as long as there is some formal action taken.

MOTION by Mayor Ries, seconded by Councilmember Hara, to approve resolution 1414 setting 2021 appointments with the amendment that Administrator Kress will fill in the resident appointments.

Administrator Kress asked if the Council wants him to leave the existing residents.

Mayor Ries replied yes. She noted they will set this as an agenda item for January 14, 2021 for further discussion, possible changes, and voting.

Motion carried unanimously by roll call.

e. Discussion and possible action on filling Planning Commission vacancies, training, and concerns

Mayor Ries said with Councilmember Hara's recent special election win, he was sworn in on Council which created a vacancy on the Planning Commission. She would like to notice the public to get that vacancy filled. There is also an issue with some terms expiring and she had in order to do a re-appointment or renewal of the term, the term must expire and then they can reappoint. She believes Commissioner Yoshimura-Rank and Chair Mark Azman are the two expiring terms and the Council must discuss and vote on whether they will renew those terms. She believes that Administrator Kress has already sent out a notice to seek applications and she would like this to be implemented and to notice the public that a seat is open. She has been watching the Planning Commission meetings and in her opinion, she does not believe they have any engineers or anyone with technical background and building experience. It might be nice to open up to the community and get some additional skills on the Planning Commission. For example, if they want to reappoint Commissioner Yoshimura-Rank and then if someone else resigns they will already have 3-4 applications they could reach out to in that case. She also suggested having someone with an environmental background, as former member Nancy Reed had a Master's degree in Urban Planning with a specific focus on environmental planning. Mayor Ries opened it up for discussion.

Councilmember Hara thinks it is a good idea and having just been on the Planning Commission for a year, training as to the specifics of what the position encompasses would be helpful to everyone already on the Commission and any new members. There were times during the meetings that in Councilmember Hara's opinion, they perhaps got a bit off-track as to what they were trying to vet. He thinks it is important that the Commissioners understand their role and their scope of determination and decision making should encompass.

Councilmember Shah noted they have a vacancy plus two Commissioner terms and she asked if they could talk about the training separately. She agrees with Councilmember Hara that training would be fantastic. Councilmember Shah would like some dialogue on the Chair situation as Mark Azman was the prior Chair and is one seat whose term is up; she asked if the Planning Commission has a temporary Chair at this time.

Mayor Ries said the Chair is reappointed every year by the City Council.

Councilmember Shah asked if they will discuss that today.

Administrator Kress noted it was part of the resolution just passed that will be back on the Council agenda on January 14, 2021.

Mayor Ries said there is not an issue right now as there is nothing before the Planning Commission and they do not meet until the end of the month. Minnesota statute for Commissions allows the Council time to keep current members on until a suitable replacement is found. The only issue the Council should take immediate action on is to fill the vacancy to prevent any tied votes. She asked to notice the position right away and receive applications and Administrator Kress has already put out a notice to the public.

Administrator Kress said he believes the notice has been out for 2-3 weeks and is open until filled. Either the Council reappoints and picks a third member, they pick three new members, or any way they would like. He has three applications he could put forth for next week.

Mayor Ries has someone to be considered as well.

Councilmember Watson saw a communication from the past year where individuals who had applied or expressed interest in serving on the Planning Commission were not selected and asked if they go back to those people to find out if they are still interested.

Administrator Kress noted they ask for resubmission to show that they are still interested. In the past they would receive applications, the Mayor, Administrator Kress and the Chair would interview them and then craft a resolution to the Council for consideration.

Councilmember Watson said they have had lots and lots of interest over the past couple of years and when life is peaceful in North Oaks they struggle to find an applicant for anything. If someone in the last year expressed interest, he thinks they ought to keep that list alive.

Councilmember Shah asked the deadline on refreshing the pool of candidates.

Administrator Kress said it is open until filled and he would prefer the Council do this in short order – January 14 would be ideal if possible. He noted Councilmember Watson can forward the communication to him and he will reach out to see if those applicants are still interested.

Councilmember Shah asked if they will name the Chair on January 14.

Mayor Ries replied yes; right now Mark Azman will temporarily stay on as Chair until he is reappointed or the Council takes different action. Then they will have the discussion at the

January 14 meeting. Mayor Ries believes Attorney Nason is setting up a training session for the Planning Commission and the City Council and that Ms. Nason is doing this at no additional cost to the City.

Attorney Nason replied that is correct, they typically offer a new Council training or orientation and can do that for the Planning Commission as well. She is happy to offer that to the City.

Mayor Ries asked if the training is what is offered to other cities or takes into consideration the uniqueness of North Oaks.

Attorney Nason said they will customize it to cover some of those situations at a high level, and they modify materials in advance so it is applicable to North Oaks.

Mayor Ries asked if they can circulate those materials beforehand.

Attorney Nason would be happy to do that and asked for direction on possible dates.

Councilmember Shah sat through the training in 2019 and the best part of the training was the dialogue in asking questions and calling out unique items in North Oaks. They were able to have a robust discussion and that was the most valuable piece as they could hone in on issues specific to North Oaks.

Councilmember Watson noted he and Attorney Nason exchanged emails regarding this training and there are some significant things on the list, for example Open Meeting Law violations. Last he checked, the Planning Commission is advisory to the Council and he thinks communication and dialogue about procedural matters are important. Councilmember Watson noted this is the only Council or Board he has been in front of over 40 years where they hand out 400-600 page agendas the night before a meeting. In previous years there was an agreement that no matter came before the Council before 7 days; the Council packet went out on Friday for a meeting the following Thursday. The only way a matter came on the agenda is if the Council on the day of the meeting agreed to amend the agenda. He would like to talk through some of these things as that is a major shift from what he has seen going on in North Oaks over the last two years. It would straighten out the life of the administrative staff so they are not sitting up until 10:00 p.m. putting a 400 page agenda together. He thinks they need to understand how it all works and this training is serious.

Attorney Nason said the training usually does take a couple of hours and she did one virtually a few weeks ago.

Councilmember Watson asked if they could break it down over a couple nights where one focus is State law and the other is more focused on procedural items.

Attorney Nason said yes, she can structure it in the manner the Council sees fit, or they could notice Planning Commission and City Council as a joint meeting. She said it may make sense to have it two separate nights as there can be some Zoom meeting fatigue.

Mayor Ries agrees not having too lengthy of meetings to respect everyone's personal time.

Councilmember Watson believes there are Planning Commissioners who have joined over the last two years.

Mayor Ries noted they will work on the training and that should happen after they fill the vacancies, terms, and appointments.

Attorney Nason will suggest some dates at the end of January and early February.

f. Discussion and possible action on other consultant contracts and planning for the next 90 days.

Councilmember Watson asked Administrator Kress previously to see copies of current contracts just to read them and he does not have an agenda with that. He discovered a couple of contracts where the term is expired, for example the Prosecutor contract expired in 2017 and he does not think there was an action to renew it or extend it. He suggested to Mayor Ries that the Council take the contracts and put them on to a 90 or 120 day schedule, and look at them. He does not want to take these relationships for granted and thinks it is important to sit down and have a review; it is also important for the person serving the community to have those conversations. Councilmember Watson clarified there is no intent to fire anyone or change anything, but it is just healthy to do a review once in a while on the agreements and make sure they are current.

Mayor Ries agrees and thinks it is always a good idea to audit the contracts. Since they are going through the process with the engineers and building inspector, this may be a good time to review these contracts. With the new Council coming in, it will also give them an understanding of the roles and the employment terms.

Councilmember Watson clarified it is not just looking at the City Attorney, but includes the Sheriff's office, the Fire Department relationship, etcetera. He noted most of the Council has not been in on any of these decisions. For example, Councilmember Watson ran into the Deputy patrol officer and asked who was handling speed control in North Oaks and was told that individual retired and the current Deputy spends a couple of hours in his squad car over by West Rec. In Councilmember Watson's view, that is not speed control and he believes there are things the Council needs to talk through and look at expectations and keep the contracts current.

Mayor Ries asked if they should invite people in to a special meeting to have these discussions, as there will be quite a few and the discussions may be lengthy.

Councilmember Watson said they will be dealing with engineering and the building official over the next 30-60 days so his idea is to take 6 months or so as some do not have any urgency such as Kelly and Lemmons. It could be just a simple phone call and resolution to extend a contract.

Mayor Ries said Kelly and Lemmons are usually invited in at the beginning of the year to discuss services and present to the City Council. They can stick with that tradition or call a meeting.

Councilmember Shah completely supports the idea of taking some of the contracts off the shelf and educating the Council on those; however, it may be more prudent collectively as a Council if after they review them, and then the Council comes together to identify if there are any gaps, questions, or concerns so everyone is on the same page before they go to any of these entities. She noted the Councilmembers will have different eyes and ears after they review these contracts and she would like to do that before they meet with these entities separately.

Councilmember Watson asked to clarify and used the example of engineering; they have already talked about a process to get through selecting a new entity as it does not make sense to interview and spend time with Sambatek, but they could sit down with Attorney Nason in April. His idea would be to schedule a special work session.

Councilmember Shah asked what they will be working through, when they ask a contractor to come in it is far more fruitful if the Council can provide feedback. If there is a gap to what the Council feels they should be delivering, it will be more productive and the contractor will be far more receptive.

Councilmember Watson said that is all entirely possible and he is not doing this because he thinks there is an agenda that means something must change. He thinks it is fruitful for the Council, since none of them were involved in the selection of, for example, Attorney Nason's firm; it is useful to sit down and have a conversation.

Councilmember Shah noted there is a different way to go about this and they do need to educate themselves but she does not know if there is a need to meet with these people. She is just voicing her opinion.

Councilmember Watson wants to make sure Attorney Nason is happy working for North Oaks and there aren't things that will pop up like Sambatek and give a 60 day notice.

Mayor Ries has concerns about some issues and thinks it is important to understand the service provided and if it is effective for the City. The easy one to pick on is Kelly and Lemmons with tickets and it is an audit system they go through and she agrees with Councilmember Shah they should talk about this openly. If there are constructive recommendations for Kelly and Lemmons and provide the opportunity to talk about whether they are willing to change the management of their services or if there is something the City needs to do to improve ordinances

and policies so they are able to fulfill their duty to the City. It is not just having a discussion but looking at where the responsibility is and what service is provided. Mayor Ries said it would be different than review of the Fire Department contract that is a shared service. She stated some contracts will be quite easy and will be able to be expedited, but others will be a bit more complicated or they will not have as much ability to change the responsibility and discussion of the contract.

Councilmember Shah noted for the complicated ones, that is where she has concerns. For example, they are meeting with Contractor X, what if Councilmember Watson has an item that another member does not agree with. She thinks collectively the Council should talk first before going out to the contractors; the Council of North Oaks should have a united front on what they need, want, support, or want to give great feedback on.

Mayor Ries thinks it would be 60-90 days and some of the contract review the Council could push off to 6 months if there is not an emergency. She noted they could do a work session for contracts or schedule a couple at a time and start the discussion and process of review. The Council may agree on things or they may not agree, but she would be open to having a discussion to start going through this and then go out to the public and start talking with these entities about the contracts.

Councilmember Shah thanked Mayor Ries and said most vendors are very receptive if there is an outline before they talk to them. She noted they can lay out positive reinforcement and have a much more positive session.

Mayor Ries said they will be very transparent and on the record discussing things, concerns, and improvements with contracts; she would like to look at the level and quality of work that is being done for the City and this is a great opportunity to do this right now.

Councilmember Watson is glad they are having this conversation and noted he has spent 43 years in a professional service environment with local governments all over the Midwest. He is quite used to this conversation and professional service contracts do not have to be publicly bid in Minnesota. In many cases, there are units of government in Minnesota that haven't a clue what is in their agreement with their professional service entity. The first time it pops up is when all of a sudden there is a legal dispute and they begin to look at the effective date of contract. He has done some work in Minnesota where there is a prescriptive about how to do work under contracts which uses the term "anything that is done contrary to this law is a void contract." For example with Kelly and Lemmons, he does not know what it means to say "here is a contract whose term says it ended in 2017." It makes more sense to him if it said it would expire in 2021. Councilmember Watson also noted he is not anticipating any changes to anything and he knows that many professional service contracts have fees and provisions for fee increases, extending terms of contracts, and they should not and typically are not automatic. He just wants the Council to get familiar, as they will be getting into engineering, planning official, and probably code enforcement quite actively over the next 60 days. He has no need to look at any of the

other contracts until April and if Kelly and Lemmons is one that they can simply deal with as a consent item on January 14, 2021; he suggested they go for it as a matter of extending the term. He thinks Attorney Nason's contract is a continuing contract where the term extends.

Attorney Nason answered that is correct.

Councilmember Watson does not have any problem with those things but he has seen them get into trouble where someone assumes they will be there forever and then a new team comes in and says they don't like those kinds of contracts. He said he does not have that concern and he is looking at this to be healthy and smart.

Mayor Ries stated they should compile a list of contracts so the Council can look at them and understand them.

Administrator Kress thinks he has sent the majority of the contracts and he would need to know which ones they intend to have a work session on and when. Kelly and Lemmons typically give a presentation at the January meeting, and also the City Forester, and perhaps the Septic Inspector, and a few others. It is not really a time to make any decisions but the Council can certainly listen to any feedback they have on working with North Oaks and go from there.

Mayor Ries noted then they can identify who automatically extends and who they may need to extend.

Administrator Kress said many times people are not paying attention to when their contracts expire and it is very common for a City to pull it out as Councilmember Watson mentioned and discover something is from 2017.

Councilmember Watson suggested everyone look at both the building inspector and engineering firm contracts and familiarize themselves with it as they may see something different from someone else that may step into those shoes.

Mayor Ries and Administrator Kress will work together on a list of contracts.

g. Discussion on process for rules of setting up meetings.

Mayor Ries noted Councilmember Watson provided her with a set of rules passed in 1992 for City Council meetings. Some of her concern being on the Council for two years is that there was not adequate time allotted for when packets were provided for review and vote. She stated they would get packets 300-480 pages regularly with multiple plans included and she knows it is partially because of the development, but it was an excessive amount of work. Mayor Ries is someone who likes to go through and read the pages and to understand the packet; there was discussion about this during the last regular City Council meeting and it was noted that Planning Commission had approved it so they were just getting the plans. However, it is still the Council

members' responsibility to review the packet and documents to see if there are any changes and note any concerns, particularly after reviewing the Planning Commission meetings. That way, with proper amount of time, they will have time to look at this. Mayor Ries would like to renew the adoption of the 1992 City Council rules where it talks about a minimum of 72 hours for information and that they are afforded the opportunity and time to properly review the information before the City Council meetings. She noted the worst situation is at 3:00 in the afternoon and there is a meeting at 7:00 p.m. and the Councilmembers are receiving memos and documents; she does not find this professional because she wants everyone with their busy lives, jobs, businesses, and families to have time to go through things.

Councilmember Shah stated the 1992 document is the first she has heard of it and she asked who drafted it, who adopted it, and is it still relevant. It is hard to speak about it on the fly without having that information in front of her and it is not in the packet. She asked if they can postpone the discussion until everyone on the Council can reference the document.

Mayor Ries noted the agenda item is only a discussion and the rules were pretty generally drafted; she asked Administrator Kress to circulate those rules to the Council for review. She stated they need to come up with their own rules for setting up meetings that everyone is comfortable with but this was a nice way considered in the past that structured their meetings. She thinks perhaps it was Mayor Ecklund that passed it in 1992 and it may be nice to look at the rules and adopt it with any changes the Council would like to make. This way, they would have guidelines going forward and people would have reassurances that they do not have to check email every fifteen minutes before a Council meeting.

Councilmember Shah knows the agenda item says discussion; however, she cannot prepare for a discussion without knowing what the set of rules looks like.

Councilmember Hara noted that is exactly the point, he received the 479 page document the morning of the meeting and there was no way he could have gone through it. He noted he cleared his entire day to look at it and got through only half of it; those were three very important developments as well as an amendment to the PDA. To put that in front of the Council as representatives of the citizenship of North Oaks is very irresponsible to expect they can absorb the info and make good decisions with no time to read the document. The basis here is just allowing adequate time and notice for the Council and the citizens.

Administrator Kress asked if anyone has a copy of the 1992 rules.

Councilmember Watson does have it and noted the crafter of the document was Bill Ecklund when he took office; he noted in the 1980's they ran into a similar situation with things coming through the door the morning of a Council meeting. He will circulate the document and the idea was anyone bringing a matter before the Council on the second Thursday of the month had to have it to the City office by 2:00 p.m. the previous Thursday. This gave the Council time to put the packet together and distribute it on Friday. The other provision in the rules is to amend the

agenda, it required 4/5's of the Council to agree to amend the agenda the night of the meeting. The idea was they did not want a bunch of surprises coming in at the last minute; if the Council likes it, he suggests adopting it and making it effective for the February Council meeting so people know the new deadline. Councilmember Watson spoke with Administrator Kress briefly and believes Administrator Kress thought it would be a breath of fresh air compared to some of the deadlines he has faced in the last year.

Administrator Kress is familiar with those types of procedural items and it definitely would be helpful from the Staff standpoint to know the Council's expectations. They have been up many nights past 10:00 p.m. trying to compile information at the direction of the Council, which they cannot control. If the Council wants information one week or two weeks in advance that is fine as long as he has the information and time to put it together.

Mayor Ries recommended for the 1992 rules is to parse out special meetings versus regularly scheduled meetings because Minnesota Statute requires the 3-day notice period and in certain circumstances 24 hours.

Administrator Kress suggested as part of that the Council has a discussion about regularly hosting two meetings a month or more so they do not continuously have to schedule special work sessions or meetings.

Mayor Ries agreed to discuss that along with agenda setting in January.

Councilmember Shah asked if Councilmember Hara has seen the rules.

Mayor Ries noted they were not circulated yet because they have not been reviewed by Attorney Nason and vetted with current Minnesota standards.

Councilmember Hara has not seen the rules but he supports the fact that the Council should have enough time to understand what they are voting on.

Councilmember Watson noted this came about during a campaign in October and on numerous occasions he had indicated he was uncomfortable with the way the Council was doing business with material being circulated at the last minute. Because he opened his mouth, he was asked for a solution. His answer was through 2009 when he left office, they followed this particular procedure and all it does is require a week's notice to the City Staff to get things ready and gives the Council and Planning Commission members a weekend to study and read the materials. That is all that is in there.

Councilmember Shah looks forward to reading it and noted it was not clear to her. She needs to see the document before she fully weighs in.

Councilmember Watson suggested reading the document for the message and not the content and not to get hung up on 1992; they can bring it to the current date.

Mayor Ries said it is very relevant today, particularly with the past 6 months of meetings.

Councilmember Shah strongly suggests if there are side discussions, she would like to be included so she can prep appropriately.

Mayor Ries noted that is the discussion item right now and asked Administrator Kress to prep the entire Council on this by providing the document.

Councilmember Watson said he can circulate his copy to everyone.

Mayor Ries said not to circulate it to everyone, but give it to Administrator Kress.

Councilmember Shah said to be careful and she would highly suggest chain of command and that it go through Administrator Kress and then they can ensure they protect their meeting laws.

Councilmember Watson asked regarding chain of command, doesn't Administrator Kress work for the Council.

Mayor Ries clarified the Open Meeting law violation.

Councilmember Watson does not want to get into the chain of command argument, he has the document and is happy to get it to Administrator Kress and make sure everyone else gets it too.

Mayor Ries suggested sending it to Administrator Kress and then he can work with Attorney Nason. The Council can receive the original document with any notes that Attorney Nason has; then perhaps the Council can review the document at the next meeting or farther out.

Attorney Nason can review and provide comment before the next meeting.

h. Discussion on NORD approval and status; possible action items

Administrator Kress reported the previous Council approved the developer's agreement, various amendments, and other considerations. The Nord approval is essentially done and he does not believe the NOC intends to do much work currently.

Mayor Ries noted the Mylar's were filed with the County but not the plat and asked if that is correct.

Administrator Kress stated the RLS's were signed from the City's end and he has not received any updates from NOC on anything they have done with Ramsey County.

Mayor Ries spoke with Ramsey County this morning and only the Mylar's have been received and approved. The platting has not yet been approved so NOC still owns the land. She opened it up to discussion with the new Council about the NORD approval.

Councilmember Shah asked what the intent is, and said again, this is a very big item and there is no supporting documentation other than the NOC letter the Council received, which she thinks Administrator Kress or Attorney Nason should speak to. She noted there is no communication on what they are deliberating on.

Mayor Ries asked what letter Councilmember Shah is referring to from the NOC.

Councilmember Shah noted the Council all received a letter from Mark Houge dated December 31, 2020.

Councilmember Watson noted on December 31, 2020 he was not on the distribution list.

Councilmember Shah asked to share the letter on the screen as it is a pretty strong indication of NOC's stance.

Councilmember Watson would need to read it and study it and he was not in office on December 31, 2020.

Councilmember Shah stated she was not either, but there are items circulating and asked to make it relevant right now and expose everyone to it.

Staff showed the letter on screen.

Mayor Ries told Administrator Kress he may also want to forward Attorney Nason's memo to the Council that had Attorney and Client Privilege written at the top, as now the new Councilmembers can see that. The memo discussed action the Council can take on approvals or decisions. Mayor Ries' concerns with the Nord development are such: there was a situation where they had 53 – and with the shared driveway, she believes 54 – conditions added. These conditions were conditions for approval and were nearly identical to the conditions for the preliminary plan approval and were simply copied over on the conditions for the final plan approval. During the meeting it was suggested that they are going to continue to kick the can and have the builder handle these. Mayor Ries said after any recourse or legal opportunity for the City to call into question the actual approvals, title would transfer and legally this would be someone else's issue that the City would have to take up after the fact with the builder. Many of the conditions needed to be identified and worked on beforehand; there were issues with surface water drainage, some of the plans and clarification, and it seemed to Mayor Ries during the approval process that conditions were not being satisfied. A very clear indication that conditions are not being satisfied is to literally copy them over on a subsequent set of plans; that in and of

itself shows they have not met the conditions for approval. She is concerned with the approval process and in addition there was a very large packet with 20 hours for the Council to review, nearly an impossible feat considering she received it late at night the evening before the meeting. As a City, the night of the meeting there were 54 conditions for approval, and they approved the plans with the conditions. The next morning at 9:00 a.m. an engineer resigned and she is confused at how the 54 conditions were met and that this was done properly, appropriately, and thoroughly. Mayor Ries appreciates Mr. Houge's challenging this meeting and for reference, he was also challenging with the old Council the fact that they even called a special meeting today.

Councilmember Shah asked if they can read the letter to get it on record so everyone understands exactly what was sent.

Administrator Kress read the letter from North Oaks Company (NOC) dated December 31, 2020:

Honorable Mayor Gregg Nelson, Members of the City Council, City of North Oaks,

Re: Item 4h, Discussion on Nord special City Council meeting January 4, 2021

Dear Mayor and Councilmembers,

The City of North Oaks distributed an email December 30, 2020 and it referenced a special City Council meeting with a link to the meeting notice and a proposed agenda for the meeting. Item 4h of the agenda states: Discussion on Nord Approval and Status; possible action item. North Oaks Company, LLC, considers this to be inadequate notice since it provides no information whatsoever as to the substance of the actions to be considered at the meeting, and reserves its rights to challenge the validity of actions the Council may take at the meeting with respect to the Nord development. Based on the City's failure to provide proper and adequate notice of the action to be considered. The Company respectfully requests that the City provide the Company and the public with meaningful notice of the actions or actions the Council contemplates taking at the special meeting.

Sincerely,

North Oaks Company

Mark Houge, President

*CC: Kevin Administrator Kress, City Administrator; Bridget Nason, City Attorney;
Thomas Terp, Taft Stettinius and Hollister, LLP*

Councilmember Shah noted it is pretty evident that NOC took a stance with this letter and are questioning the validity of this whole agenda item pertaining to Nord and the notice. She stated they also copied their attorney on the letter which sends a very strong signal. This whole agenda item could be voided and she strongly encourages the Council at this time to highly consider –

although they may not agree with a prior Council's decision – they must respectfully disagree at this point because Nord is done. The preliminary and final plans are done and any action at this point the Council considers or discusses breaches the contract and Councilmember Shah has grave concerns in doing that. It puts the City at risk and is a potential lawsuit; she does not think the taxpayers want to roll the dice with this as they are in the middle of a pandemic right now. The residents do not want turbulence, they want stability and this could be very explosive and she is concerned that it is even on the agenda right now.

Mayor Ries echoes Councilmember Shah's concerns and those are the concerns she brought up at the last City Council meeting approving the plan. Her concerns were that the public did not have enough notice, that things were being pushed through, that they were exposing the City to higher liability and were not being careful in reviewing the conditions or thorough in investigating. Mayor Ries noted there was a foot of snow on the ground when this approval came through and it is very interesting to her that their engineer quit, they do not have proper representation and she understands Sambatek will provide someone to look at plans and sit in on meetings for a couple of weeks. She said there were serious conditions that were set; they also have NOHOA who is a very important authority in how their government is structured and an addendum that requires them to be part of this process. Mayor Ries echoes Councilmember Shah's concerns that things were not done adequately the past year.

Councilmember Shah noted that is not what she said.

Mayor Ries stated she has the floor and asked Councilmember Shah to wait until she is finished speaking. Mayor Ries has concerns that NOHOA was not brought in and that their repeated issuing of letters stating that they have not reviewed or approved this needed to be done, as well. NOHOA has a strong role in North Oaks' government and to reduce liability, there are ordinances, deeds, a PDA, and a setup that requires they work together and figure this stuff out. When one wants to increase liability and throw something outside of the normal balance in which it was created, one does so by shoving plans through without allowing the other entities to review those in time. Everything that Councilmember Shah said were statements Mayor Ries brought up at the City Council meeting. In addition to the City Council meeting, there was a Councilmember who has the right to put information on record - as an elected official - and he was not afforded the right to do so. In Mayor Ries' opinion, that is also a very questionable area process and how Council approves the plans. She is curious about Mr. Houge's challenge of the approval because when it was the other way and they were not noticing things adequately with essentially the same level of detail in previous notices (and she has a couple of screenshots), there was no challenge letter. Mayor Ries feels that this is more of a warning sign to the new Council than it is a reasonable inquiry put to this new Council. She also noted that Mr. Houge was challenging the new meeting on December 30, 2020 by stating he should have been afforded special privilege of information that they were calling a meeting. At some point it would be prudent for this Council to set up some guidelines to say the Company does not have any additional right above residents for information of when this Council decides to call meetings. Also, it was a special meeting and under rule 13 of the Minnesota Statute, they are required to

identify issues. She is curious as Mr. Houge has failed to state what the City Council violated and how they violated it in accordance with Minnesota Statute and ordinances because this is simply a special meeting and they are simply talking through discussion items. Mayor Ries has afforded the Council the opportunity to take action if they wish to do so based on the information, or if they wish to put it on the agenda at the January 14, 2021 meeting.

Councilmember Shah asked to finish her thought and make it perfectly clear. It is fine that Mayor Ries stated her opinion, but Councilmember Shah does not agree; her concerns are completely different. She is saying to the Council that Nord is done, the City Attorney has weighed in and sent information about it, that no reversal is possible at this time, the preliminary plan is done, the final plan is done. Any action at this point is extremely concerning and Councilmember Shah pointed out what puts the City at risk is that they are just rolling the dice. Any action will become unlawful and NOC is clearly stating by copying their lawyer a very strong stance. Councilmember Shah is not in favor at all for taxpayers to go down this road; it is very dicey and risky. As she said earlier in the midst of a pandemic people want stability. She begs to differ from Mayor Ries and has different concerns.

Mayor Ries noted the City Attorney has provided the Council with a memo about their ability for rescission and other action items. According to the memo, there are possible legal actions about contractual issues, but this Council does have the right and ability for rescission, to review and vote on it. She agrees that it is during a pandemic and they should allow the residents the chance to weigh in on something instead of forcing plans through, particularly when the residents may have liked to have participated in a public hearing or have come to chambers in person to present their concerns.

Councilmember Shah asked Attorney Nason to weigh in.

Mayor Ries said in terms of the taxpayers, this is precisely why the City has insurance and a deductible, which the City has used before. With regard to the Company signing their attorney's name on this, it is not the first time, there have been many instances where Mark Houge has cc'd his attorney on something, and would regularly come to meetings during plan approvals. In Mayor Ries' opinion this is not something where they need to instill fear in the community, but an opportunity for this new Council to possibly review the approvals and action now that there is only the Mylar's that have been filed; it has not been plated. Mayor Ries said Attorney Nason can weigh in but they do explore before they get too far down the road, to work with NOHOA because they are part of this equation, too. They can review their current status and what needs to be done going forward and if everything was done correctly regarding the approval of Nord.

Attorney Nason is not sure what the specific question is; with respect to reconsideration of any approvals, she did send an Attorney Client Privilege communication that provides information regarding how motions to reconsider may be made and how motions to rescind an action may be made. It also contains information related to the principles of contract law and other issues along those lines. If the Council wishes to revisit the Nord approvals, the question is on what grounds,

and if there are specific concerns regarding legality or other types of process-related grounds and the Council wishes to challenge that, then the Council may wish to engage outside counsel to engage in a review of that process. This would be the appropriate path to determine if there are legal grounds or legal issues or concerns that would provide a basis for taking such actions.

Councilmember Watson said having now seen this he is kind of disappointed they have spent 15 minutes on this conversation. Number one, the letter is addressed to Gregg Nelson and the last time Councilmember Watson checked, he is out of office. Number two, the letter and communication is addressed to the past Councilmembers; he was excluded from it and finds this very interesting. The reason it is a non-issue is what Mr. Houge is alleging, it is just a discussion on Nord approval. Councilmember Watson has basically asked some people – Mayor Ries, Councilmember Hara – what is the status of all of these different developments as he is not current on all of these things. As an elected official, Councilmember Shah is representing the community, he does and has the responsibility to know of any and all activity that has preceded him in office. There is nothing in here that talks about an action item to change anything, to retrieve it, to cancel it, to do anything. Now that he has read through the letter, he thinks this is a guy who is a little jumpy and concerned about something, and if they need to meet with Mr. Houge they can do that. If they read his special notice, there were two Councilmembers who called the meeting and the notice is not addressed to them. His take is to drop this conversation as it does not apply to this Council in 2021.

Councilmember Shah said it was definitely noted in the agenda, and was specifically changed and added to have possible action items. It is clear to her that there could be potential movement on that. The word action indicates potential movement.

Councilmember Watson thinks Councilmember Shah has gone too far afield on her speculation. When the letter is addressed to Gregg Nelson, the issue is regarding what Nelson and the past Council were going to do. He does not know.

Councilmember Shah believes they are talking about different things.

Councilmember Watson does not think they are. He said they may remember he was a four-term mayor in this community; if someone sends him a communication addressed to the Mayor of Shoreview, he is not going to head down Highway 96 trying to deal with Shoreview's issue. He noted this is an issue for the past Council as it is addressed to the past Council.

Councilmember Shah stated the letter he is referencing was sent, she believes, to incoming and existing Council. She noted there could have been an error because he was not sent the letter.

Councilmember Watson asked if his name was on there and stated that would be an intention.

Councilmember Shah is specifically speaking to, when the Council uses the word action, and the fact it could be completely voided right now, is that it was added to this agenda for this item.

Councilmember Watson said if he and Councilmember Shah want to disagree, he asked to point out to her that the Council can take any action they think is appropriate; however, she is presuming that there was an intention to act in some fashion.

Councilmember Shah said it is pretty hard, when she comes to the meeting and there is a vague item on a very important topic to her City, she believes all parties implicated would want to come prepared. She noted that would include the City Administrator, Consultants, as well as the Company. That is where she is going with it and assumes that is the reason the Company weighed in.

Mayor Ries asked to address the issue; Councilmember Shah is suggesting that this is a vague item on the agenda. It is not required that the Council even have an agenda for a special meeting and Mayor Ries wants to be perfectly clear. In statutes it says they simply, maybe have to talk about issues but they do not have to have an agenda item. It is not true that the Council has to have a pre-done packet with all supporting documents. Rather, they are having a session to identify items, possibly emergency items, that this Council needs to pick up for January 14, 2021 and in the first 90 days. Second, Mayor Ries did put together a fairly detailed agenda with the different items and all of the agenda items for the most part affect item 4h) discussion of the Nord approval. For example, there was not enough discussion in the last City Council meeting to approve this, 20 hours is not enough and they are talking about rules, as that was a major problem and a very big concern of hers. Mayor Ries noted they are talking about setting up and planning for the next certain amount of time to pick up these items that need to be addressed. She disagrees with Councilmember Shah that this is an item that is completely out of left field when most of these items have been touching on the Nord approval itself; they had an engineer that resigned the next morning, the Council had no proper time to review a very lengthy packet. Possible action items could be, for example, not to jump to any unfounded conclusions but simply put it as an agenda item on January 14 that the Council review the conditions for approval and look into the approval. That is absolutely within the right of this new Council; she agrees that Councilmember Watson noted on December 31, 2020 when there was already a special meeting called that the memo went out. Mr. Houge chose to address it to the old Council and to challenge it. Mayor Ries wants to look forward and not at what Mr. Houge has done in the past but to take the opportunity with this new Council and put together the next item on the agenda 4i) to put together a proper and full and fully discussed agenda for the January 14, 2021 meeting. That way if there are concerns; the reason this item was put on the agenda is because there was a final approval recently done and it was basically shoved through the Council without adequate time to the public with that massive packet. She is happy they are putting this as a discussion item on the agenda so they can continue to discuss problems about how meetings were handled in the past and the ways this new Council with new perspective can improve the process. Mayor Ries said if anyone has a suggested action item she would be happy to entertain moving on to item 4i; and maybe considering putting the Nord approval on there as well if the Council thinks it is prudent.

Councilmember Shah would like to respectfully add to everyone including the public, that Nord development area was likely one of the most vetted areas in North Oaks. It took almost two years to go through the review process. She asked Attorney Nason if she weighed in on the NOC's response and if they are basically questioning the validity of the whole topic.

Attorney Nason did see the letter from NOC and as mentioned, this is a special meeting with different rules than a regular meeting. The statutes require that there be notice of the topics for consideration at the meeting, this does appear to – while vague – meet the requirements of the statute for providing notice related to the purpose of the discussion. She stated it is not clear what that would be but it appears it would not violate the Open Meeting Law with respect to the description given in the agenda. Having said that, Attorney Nason noted there are a variety of ways to be more detailed in setting special meetings and it is her recommendation when setting special meetings to detail any specific action items for consideration, and to have those processed by way of resolution or other formal action of the Council. She reiterated based on the information presented in the agenda it appears to comply with the requirements of the Open Meeting Law for notification of a special meeting.

Mayor Ries asked Attorney Nason for clarification, the statute actually says “may identify issues” and it does not require that all issues be identified. She thinks when they set up meetings for planning going forward, when the Council does these regularly scheduled agenda planning sessions or work sessions, part of the reason is to determine what the Council needs to put at a future meeting. It is a discussion item because they do not yet know what action needs to be taken, it is just for the Council to decide. Mayor Ries wants to address a concerning comment that Councilmember Shah said – that Nord was vetted thoroughly for two years. During those two years, Mayor Ries was on the Planning Commission and there is a pretty lengthy history of differences in opinion during the two years, which could be attributed to the changed members of the Planning Commission. The opinion of the Planning Commission and the record changed substantially. Another point to note about the two years regarding Nord is that the plans for Nord continually changed. Mayor Ries noted the PDA says 10 lots, then at one point there was 14, then 13, then 12. Every time these plans come before the Planning Commission they must review and vet them; it is not that the same plans were consistently vetted with the same Planning Commissioners for a complete two years. This was an absolute moving target and many substantive material points of the plans had changed during that two year period. That is just a side note for the record.

Councilmember Watson asked Attorney Nason, regarding the question he posed when Councilmember Shah was rambling on; this particular letter is addressed to Gregg Nelson and the past Council that left office the day before. He asked to what extent is the incoming Council obligated to respond to this particular letter in any fashion given that they followed the two people and called a special meeting to which this letter was not addressed.

Attorney Nason replied that is up to the Council; she does not typically see the Council engaging in back-and-forth discussions with respect to correspondence received by the City. Council could

direct a response be prepared by Staff should they so choose, but ultimately it does not appear to be something that requires a response.

Councilmember Watson agrees with her last comment and his reason for asking the question is this letter does not say “addressed to the Mayor or Council of North Oaks,” it is addressed to specific individuals. If he were in office in 2021 as the mayor he would not have responded to this letter at all. Mr. Houge had a communication with the past mayor and that is the way it is, end of story, it does not deserve a response. He has tried to speak with Mr. Houge a couple of times and does not know if he expects special treatment – they are a property owner in North Oaks, but there are 1,800 property owners in North Oaks. The entire thing to him is a bit buffalooing as to why it comes out at the last minute addressed to the former mayor.

Councilmember Shah said to Councilmember Watson, she would refrain from these extra comments that are unprofessional and would prefer that he keep them to himself. Going forward, Councilmember Shah thinks it is fair to say they are at a very timely situation with the old Council and new Council. It is very obvious that they do not agree and people can respectfully disagree, however Nord is done. They have a signed contract between the City and the Company and they have to fulfill their terms or the contract will be breached. What concerns her greatly with that is the Mayor has already mentioned insurance and on behalf of the taxpayers, they are rolling into territory that is very risky and she wants it on the record that she is very concerned for the community. If she has to be the voice of reason, she will keep on echoing it. She is not rambling; she is definitely being the voice of reason.

Councilmember Watson presumes that means that people like him are old and senile and not voices of reason. His only point is that he thinks Councilmember Shah missed his entire point. The letter is not addressed to the current Mayor and Council but rather the past people. Why would they pick up someone else’s issue – this is not an issue about Nord, it could be about anything else. If they’d written about snow removal in North Oaks...his point is why would they pick up communication and take on a battle that is addressed to someone else.

Mayor Ries agrees with Councilmember Watson and thinks it was very curious indeed that the letter was written to the people it was and was sent out when the office was closed for a holiday, and they had already called a special meeting. Yet the new Council was not even afforded the respect that this letter would be written. Mayor Ries takes what Councilmember Shah is saying on record and she is listening to it; it is very curious that she says the “voice of reason,” echoing a recent letter in the paper, also. Mayor Ries thinks even if the Council disagrees on items, they can disagree and they are welcome to share their opinion as that is what these meetings are for. However, the Council has duties and if the Company simply cc’s their attorney on every letter the City receives, they have a duty to review these plans and making sure they are enforcing the zoning and land usage appropriately. This is also a duty to the taxpayers. There was also a petition sent out with 450 names or more on it that was essentially just cast aside. With that percentage of the North Oaks population speaking out about issues, they have a duty to look at that. It is not just creating a sense of fear that they will be forced to endure a lawsuit, it is

making sure this Council is fulfilling their duty that they were elected to do. Many people voted and Mayor Ries thinks the voting results were pretty clear that people supported many people because of their stance on development and what they said during the campaign; transparency, compliance, and things of that nature. She feels this Council is a voice of reason for them to review things and make sure things were done correctly, that they are enforcing zoning appropriately, and to make sure they are listening to the residents, particularly 450 voices that were essentially cast aside. That is the Council's duty to not only taxpayers but residents – they have a fiduciary duty to be representing appropriately. One way they can show that is to put together the agenda for the January 14, 2021 meeting.

i. Discussion of Agenda setting for January 14th meeting

Mayor Ries would like to put all items for discussion on here so Administrator Kress has time to put together a packet with supporting documents and Staff has enough time for a week from Thursday's meeting. Perhaps there are items the Council would like to put on there; she would like to make sure this is not a marathon session. She'd like enough items on the agenda but consider putting some items on the February agenda or plan another agenda-setting sessions in early February to address some of the items. She noted it will be a fairly lengthy meeting with appointments, etcetera.

Administrator Kress noted they will bring back the resolution they talked about tonight. He would not worry about those and he would look at new items.

Mayor Ries requested to revisit a resolution passed early in 2020 and essentially it was about setting guidelines and rules for the comments session of the public hearings. She would like to bring that to consideration and found that the particular resolution was not in the best interest of controlling the public's feeling like they can come and take the podium. She does not know that they need such a resolution as those people who came to the podium were expressing an opinion and were not disrespectful. She would like to bring that back to the new Council's discussion.

Administrator Kress noted he does not believe it was a resolution; he thinks it was a regular motion, procedure, and policy. He does know what Mayor Ries is talking about.

Mayor Ries noted she would also like to do the interviews during the meeting and have the Council appointment.

Councilmember Shah just noticed there was an excellent item that came in from David White and asked if they should add that for January or February.

Mayor Ries said David White had submitted comments via email and wants to set up a water quality analysis so they have some standards to reference when looking at water quality. It may be prudent to work with the Natural Resources Commission (NRC) and David White is on the NRC and they could work with them first and put that on the February agenda.

Administrator Kress anticipates discussing that item with the NRC in January and if there is sufficient information they could present to the Council in February.

Mayor Ries noted Mr. White could work with the NRC on a suggestion for the Council to consider; that way they can take something a little more structured and go forward with it.

Councilmember Watson noted the Pollution Control Agency is working on some amendments to an EAW that will require a provision for climate change impacts of a development. It is in development at the moment and if they are not familiar with it they should take a look at it. When looking at phase 2 of Red Forest Way South, for example, would a PCA requirement adopted as part of an EAW change or impact the second phase of a development when the first phase was under one set of rules and the second phase was under another. He also noted there are a number of items that must be done at the first of the year.

Administrator Kress said many of the items were taken care of in the resolution today including banks, depositories, paper, etcetera.

Mayor Ries noted they will talk about the Planning Commission vacancies and applicants. She asked if they want to put anything on the agenda regarding the 8th Amendment. In Attorney Nason's memo it expressed some concern about fulfillment of public hearing and possible challenges to the 8th amendment.

Councilmember Shah thinks the agenda is getting quite packed and asked Administrator Kress how many items they have.

Administrator Kress said 6-7 not including anything he adds for the January 14, 2021 meeting.

Councilmember Shah asked if it would be prudent to consider that in February so they don't have a 3-4 hour meeting.

Councilmember Watson's reaction is, not having seen the subject matter, is it a two minute item or a February item, or will someone start grading and doing things that cannot be reversed...what is the implication.

Councilmember Shah has not seen it but for the sake of not having a very long meeting, she does not know what the sense of urgency is.

Mayor Ries asked Administrator Kress if he can circulate the 8th Amendment that was approved. She said it basically addressed Island Field and the change in the height.

Councilmember Watson has read the 8th Amendment and is referring to the other matter.

Mayor Ries clarified in Attorney Nason's memo an issue was noted that there could be a possible challenge that there was not a public hearing held on the 8th Amendment.

Councilmember Watson asked if that suggests that at the January meeting they need to go into closed session for a few minutes with legal counsel.

Mayor Ries replied they could, or they could go into a working session with some of the issues.

Councilmember Watson assumes it would be a closed session.

Attorney Nason said there are very few times when the council may adjourn into a closed session; one of which is pending or threatened litigation but has been narrowly construed by the courts as well as the Department of Administration. At this point she is not aware of any legal grounds to move into a closed session to have this conversation.

Councilmember Hara is not sure of the legalities regarding the 8th Amendment but it was put through on a very hurried basis. The height difference is significant and he does not know if neighboring residents had any comments. He noted at the entire meeting there was not much discussion but was pretty much just passed. Councilmember Hara thinks it would be prudent to have a working session to address some of this and asked if they allow that building to exceed the maximum height, what about when people build houses and want to exceed the 35 foot height. How do they say it is okay for one development but not another. He noted this has been an issue in the past and asked if they are setting a precedent with the approval.

Mayor Ries agrees and there was some confusion at the Planning Commission about the height and the exception. She thinks it is a good idea to have a work session relatively soon before any plans come in to clarify some of these items that came down through the 8th Amendment. Mayor Ries suggested they schedule a work session at the beginning of February to address some of these special development issues. Mayor Ries asked if Gretchen Needham's position has been posted.

Administrator Kress replied no, not yet. He will talk to Staff about the position and they can give an update the following week.

ADJOURNMENT

The next City Council meeting will be on Thursday, January 14, 2021 at the regular time.

MOTION by Councilmember Hara, seconded by Councilmember Watson, to adjourn the Council meeting at 2:46 p.m. Motion carried unanimously by roll call.

Kevin Administrator Kress, City Administrator

Kara Ries, Mayor

Date approved _____

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
January 14, 2021**

CALL TO ORDER

Mayor Ries called the special meeting to order on January 14, 2021 at 7:00 p.m.

ROLL CALL

City Councilmembers participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021. Residents can view the meeting on our cable access channel and through the website portal just like other public meetings. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely as noted above. Please note that one (1) of the public spots will be reserved for individuals wanting to make a presentation during the citizen comment portion of the meeting.

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

Others Present: Videographer Maureen Anderson, Mark Houge, Rich Dujmovic, Mark Azman, Natalie Carlson, Nick Sandell, Marcela Kostihova, Joseph Cunningham, Mark Summers
A quorum was declared present.

PLEDGE OF ALLEGIANCE

Mayor Ries led the Council in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Ries noted she would like to make some changes to the Agenda and there are many members in the Community Room that would like to comment on the record. We are appointing the replacement for **Jim Hara's** seat on the City Council and she offered each applicant the opportunity to put a few comments on the record if they would like to take the podium. She would like to add that to the agenda before Citizen Comments.

Administrator Kress clarified they are looking to move item 9c to immediately after the Approval of the Agenda.

Mayor Ries said that is correct. That way the new City Councilmember, if appointed this evening, can participate in the full meeting. The second change is the resolution regarding Citizen Comments; she would like to put that just before Citizen Comments.

Administrator Kress clarified to move 9b to after the Approval of the Agenda following 9c.

Mayor Ries recommended in the Consent Agenda, they remove the 6b, 6c, 6d, 6e, 6f, 6g, 6h, and 6j and move those to New Business items so they can be discussed on the record. Her concern

with these items is they are in regards to joint agreements or the development. There is also a recent point brought to her attention that she would like to discuss on record.

Councilmember Watson clarified that 6a and 6i will remain on the Consent Agenda.

Mayor Ries said 6a can remain the same as they are the standard licenses that they renew; but when it comes to a development agreement, she would like to have a discussion with Council as those are not regular and routine items. 6i also remains: Approval of resolution naming authorized check signers.

Councilmember Watson asked if the Council will consider the letter they received from North Oaks Home Owners' Association (NOHOA).

Councilmember Shah noted it is relevant to 6c and is an item they do not have accurate representation tonight as there is no one here from NOHOA to speak to it. She recommended tabling the item for now.

Mayor Ries stated there was another letter from a resident and she thinks there is a request to read it in to record. She said at the January 4, 2021 meeting she briefly discussed the Nord approval and asked Administrator Kress to add an Old Business item for the Nord approval. Then they can enter into record the two items that City Council received earlier today.

Councilmember Shah asked if there are any concerns that they did not give notice on Nord; she asked if Consultants, Staff, and North Oaks Company (NOC) are ready to speak.

Mayor Ries said they can raise the concerns during the item.

Councilmember Shah's concern is for transparency in giving these parties a fair process to speak on these items, particularly Nord.

Mayor Ries again said they can raise the concerns when they discuss the item under Old Business.

Councilmember Watson said the issue in front of them is whether they will approve the Agenda as printed or as modified.

Councilmember Shah said she does not think they should add the NOHOA letter.

To Councilmember Watson, the NOHOA letter is perfectly germane to item 6c and if they are not, he would like to consider 6c separately. He clarified NOHOA's letter directly relates to the Minutes and statements made on December 17, 2020.

In Mayor Ries' mind they are separate items and she asked Councilmember Watson what he would like to do.

Councilmember Watson would like to remove item 6c from the Consent Agenda and deal with it separately.

Mayor Ries noted that is already on the table as she recommended.

Councilmember Watson asked to address Councilmember Shah's concern as he appreciates it and he agrees with her. He thinks the letter from NOHOA is specifically addressing item 6c in that they allege there is inaccuracy in the Minutes. His suggestion is, because he was not a City Councilmember on December 16, 2020 and the only two that were is Mayor Ries and Councilmember Hara, Councilmember Watson simply could not vote on these things after now receiving the NOHOA letter, as it is pretty indicting to indicate that NOHOA had made approvals and that is just the contrary.

Councilmember Shah's concern is not to add it to the agenda but to table it so they can get NOHOA Executive Director Griffin or the President of NOHOA to speak to the letter. It is more than just calling out that the Minutes from their perspective are inaccurate. There are also additional notes in the paragraph asserting their position.

Councilmember Watson wants to withhold any vote or action on item 6c until that can occur.

Mayor Ries suggested separating out the agenda items and Councilmember Shah and Councilmember Watson can bring their concerns on the item when it comes on the agenda. Her last recommendation will be to add a New Business item which is Staffing of the office; she briefly touched on this at the last meeting and would now like to add on to it.

Councilmember Watson asked if they are looking for a motion to approve the agenda with the addition of the items under the Consent Agenda to be addressed separately, items 9a and 9b, and a Nord development matter to be held separately.

Mayor Ries said the Nord matter to be held separately, they are allowing those who applied for Council to have statements at the beginning, and also adding a new item regarding Staffing of the office.

MOTION by Watson, seconded by Hara, to approve the agenda with the addition of the items under the Consent Agenda to be addressed separately, items 9a Discussion and possible action on rules of meetings; 9b Discussion and possible action on Citizen Comment policy/procedure/rules of procedure; a Nord development matter to be held separately; to allow those who applied for Council to have statements at the beginning; and to add a new item regarding Staffing of the office.

Councilmember Shah has some concerns about the length of the agenda and asked if there are any items they can table to the next meeting so they can have a meeting in a fashion where they are not there for 4 hours.

Mayor Ries would recommend tabling the septic variance for 3 Raccoon Road and also the Joint Power Agreements (JPA's), with the exception of the I-NET JPA.

Councilmember Watson said they do not require modification to the agenda, the Council can table those when they get to them.

Councilmember Shah said they are going through the Planning Commission vacancies but it is unclear if they are appointing a Chair this evening.

Mayor Ries noted it is part of the appointment section and Administrator Kress has a resolution in the item he drafted.

Administrator Kress said that is correct.

Motion approved unanimously by roll call vote.

CONSIDER APPLICATIONS AND CONDUCT INTERVIEWS FOR VACANT CITY COUNCIL SEAT. DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT TO FILL VACANCY ON CITY COUNCIL

Mayor Ries noted they will start with the comments from the applicants who applied for City Council. She clarified there was a vacancy when she was elected as Mayor and her seat on the Council has two years remaining; they had 6 people apply, all very well-qualified for the position. Every time they have a vacancy, she is amazed at the excellent people they have in the community. There are different reasons and backgrounds for people to apply and she opened the podium up for 3-4 minutes each.

Councilmember Shah believes they discussed at the January 4, 2021 Special Meeting that there would be preset questions ready for the candidates to keep it apples-to-apples across the board.

Mayor Ries asked Administrator Kress if he has questions prepared.

Administrator Kress said yes, he has 4 questions and the last one is for the candidate to ask the Council a question.

Mayor Ries asked Administrator Kress to ask the questions in advance so everyone has a moment to think about them.

Administrator Kress announced the questions:

1. What is your understanding of the role of the City Council collectively and as individual, single Councilmembers?
2. How do you plan to involve residents in the decision-making process in our City?
3. If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?
4. What makes you the most qualified candidate and why should we consider appointing you over the others that expressed interest in the vacancy?

5. Before we end the session, do you have any questions for us or is there anything else you would like to add?

Mayor Ries suggested setting the time at about 4 minutes to answer the 4 questions.

Councilmember Shah thinks that may be too short of a time, these people need to be heard and they would only have 30-40 seconds of response. She thinks they should hear the candidates in their entirety and that 10 minutes is more applicable.

Mayor Ries would then suggest dropping the last question regarding the most qualified and talk about how they understand the role, and how they plan to involve residents and the top 3 issues. That way they can speak more to the issues of Council and City matters.

Councilmember Watson does not want to spend 4 hours at the meeting either, and in reading the candidates' material - both the application and their bio – in many cases the application addresses several of these items. He suggested that the applicant provide responses to those particular questions Administrator Kress raised that are not already addressed in the material they provided the Council.

Mayor Ries asked to do the 3 questions as she does not want to be there all evening. She wants to listen and give the applicants more time to answer the questions, think about them, and then she wants them to have a chance to come to the podium and answer the questions. She stated the Council has had the chance to review their items, their background, their CV's, and Letters of Intent already. This is basically to give them one additional chance to come in live and talk about how they would address City matters. She welcomed a volunteer to take the podium.

Rich Dujmovic of 15 Black Lake Road approached the podium.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Mr. Dujmovic said the role of the City Council is clear, it is to represent the residents of the community that elected them into the position of responsibility and authority, and to act as a servant of the community. In that capacity, making decisions that are in the best interest of the community, both in terms of the residents and other stakeholders that play a role in the success and thriving of North Oaks. As an individual Councilmember, the most important thing to do is make yourself accessible to the community and ensure that people can feel comfortable reaching out to you. As servants of the community, they ought to make themselves as accessible as possible, to be as open and transparent as possible with citizens, and talk about things that are important to those citizens. Both the Council as a whole and individual members are here for their community, they ought to be representing their community, and making themselves available for the community.

Administrator Kress asked: How do you plan to involve residents in the decision-making process in our City?

Mr. Dujmovic said when Councilmember Shah was recently asked a question, she talked about how years ago, she created the e-blast and how the City has come to depend on that and have all, he thinks, benefited from that form of communication. Councilmember Shah also distinguished talking to residents from talking with residents; communication isn't just making people aware of what is going on, it is really creating a forum that is inviting, friendly, and open, such that people would feel comfortable coming to this podium and addressing their City Council. It could be an item that is on the agenda or not on the agenda but as long as it is relevant to the residents and community, it is important to speak with the residents and not to them, or lecture them. That is an important distinction and Mr. Dujmovic would take his responsibilities as a Councilmember very seriously and treat everyone who comes to the podium with respect. He would also make his home available, his cell phone, and email available to speak with anyone at any time about whatever is important to them. He may not be able to respond during work hours as immediately as some might like to, but outside of those work hours, this would be his second job if he is appointed. He would take that responsibility seriously and respond as fast as he could.

Administrator Kress asked: If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?

Mr. Dujmovic replied this is not a time to deviate from anything that he has spoken for over the last two years. He has been at this podium and said these things during the campaign as well. The first priority is to change the City's policy with respect to how it has restricted the kinds of things it wants to hear from the community. He would do that immediately and he believes that is on the agenda tonight. The second thing is fair treatment of anyone who comes in front of the City; most notably with respect to development and that the City Council would do their best to listen, to ask informed questions, to expect answers to those questions, and not move on until they have answers representing the needs of the community and the questions they have. Fair treatment is reflected in the documents they have talked about over the past several years, the PUD itself, the Environmental Assessment Worksheet (EAW), the Comprehensive Plan, and he noted so much work has gone into those documents. The last thing he has always had on his agenda is that North Oaks has quite a complex eco-system, they have the NOC, their brothers and sisters in NOHOA, and the City Government; establishing better working relationships between those three entities to get a better understanding of what they are trying to accomplish, to respect the differences in responsibilities, authority, and to work together towards things that are in common interest in the community.

Mayor Ries thanked Mr. Dujmovic and asked if he has any questions.

Mr. Dujmovic thanked the Council and said many of the people interviewing are wonderful people and the City would be in great hands if they select any of them. The Council knows him, he has spoken very clearly at NOHOA meetings, at the Council meetings, and the Planning

Commission meetings. He said if they think what he brings to the table are beneficial to the City, please put him on City Council; if that is not, he understands and thinks they would be in great hands with anyone here. He thanked them for their consideration.

Mark Azman, 1 Haycamp Road, approached the podium.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Mr. Azman thinks the City Council is charged with the responsibility to guide the community through a series of determinations whether it be development, security, zoning and land use, fire and protection, or a variety of topics that the Council deals with on a day-to-day basis. To work together, collaborate, work with surrounding communities and make decisions on what individual Councilmembers feel is in the best interest of the community as a whole, but also as they fit in to the community around them. Individually, Mr. Azman thinks it is important to cooperate and over the recent past he has seen things that could be improved on in interacting respectfully and cooperating. He thinks that is a key role in how the Council needs to work together: respectfully and understanding different points of view in a way that is decent, courteous, and respectful.

Administrator Kress asked: How do you plan to involve residents in the decision-making process in our City?

Mr. Azman thinks they have done a pretty good job, he has been involved in NOHOA for years, and the Planning Commission, and he observes things on social media where people will comment that they didn't hear about something or did not know about something. He looks back and they noticed those meetings, put out email blasts, put comments in the newspaper about what is happening. He thinks there is a very good base so far but perhaps, as one hears in the marketing world, they must tell people repeatedly what is going on and give them an opportunity to see it more than once. Different forums such as the Facebook page, the email blast, postings on the website, some listening sessions – he fully agrees with Mr. Dujmovic's comment and that was one of Mr. Azman's platforms – they simply have to change the citizen comment portion and make it more inviting, more respectable, and approachable. He thinks this Council is doing that already and that is a significant issue in his mind in order to make people feel welcome regardless of what they say. As public servants, they must take comments good or bad and those are key things in involving the community more.

Administrator Kress asked: If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?

Mr. Azman thinks they are on the cusp of finishing the development through the PDA with the community. This Council has some concerns about what is going on and he thinks those are very important items to address as they move into the final applications and development. It is a

particularly important issue for him, having served as a member of the Planning Commission for two years. The completion of the PDA would be very important to him as a goal. Second, he thinks there should be a better cooperation with NOHOA, although it is not bad, but he thinks it could be better. He would like to see more communication and maybe more communication publicly; perhaps a joint meeting with NOHOA. When he was on the NOHOA Board, they did that a couple of times and he thought it was very helpful. They don't have to make decisions so much as get together, meet each other, develop a relationship, and have a dialogue. He thinks that goes a long way. He noted they can explore behind the scenes with their Executive Director and the City's Administrator on ways to collaborate and coordinate to make it easier for residents to work through the process when they have to deal with the City or NOHOA. Third, he thinks security is important in this day and age, with current events, and in the last few years they see a lot of issues with trespass, concerns about crime, and how they can coordinate better efforts to improve security. Mr. Azman does not have all the answers to that tonight, but he thinks it is an opportunity for the City to coordinate with the Sheriff's office, NOHOA, and the neighboring communities on ways to address those security concerns.

Mayor Ries thanked Mr. Azman and asked if he has any questions.

Mr. Azman replied no, he has been involved for a while and certainly feels comfortable in understanding what the rule and initiatives of the Council are. He is ready, willing, and able to serve and thinks he can provide a constructive voice to the Council and a participation to try and make it better for everyone in the community, including helping the Council improve the way it gets along. He sees that happening already and it is great and he thinks he can be a part of that.

Natalie Carlson, 4 Thompson Lane, approached the podium.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Ms. Carlson said both collectively and individually, in being on the City Council, one is representing and being the face of the City, representing those who live there and making very pertinent, important decisions for people who live and work and thrive in the community. These decisions really impact not only the people currently living in North Oaks, but also future residents and businesses. As an individual member, they are the face of the City, the decisions they make and the cooperation with different governing bodies of North Oaks; they must make sure to have the responsibility to be honest, truthful, and forward-thinking so the future of North Oaks is in good hands.

Administrator Kress asked: How do you plan to involve residents in the decision-making process in our City?

Ms. Carlson thinks they are in great times and it is very easy to involve residents through many means of communication such as phone calls, Zoom calls, and socially distanced face-to-face

interactions. She thinks it is important to have one-on-one communications and hear the concerns of the residents, the concerns of the companies, and the concerns that impact people's lives on a daily basis; being reliable to take those concerns to the Council to make decisions.

Administrator Kress asked: If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?

Ms. Carlson's first pressing issue is communication, transparency, and the network and workings of North Oaks are very complicated. As a new resident, she sees how complicated that can be and being transparent and making sure the Council is responsible for their actions and the actions of the community is important. She also thinks the residents have high expectations of what happens here, and in watching her second election here in North Oaks, she noted it was very divisive. People are looking for transparency and want to participate in civic engagement. Second, Ms. Carlson noted environmental concerns with future development. This is something they must plan and with the ecosystem, wildlife, vegetation, invasive species and up to the dilapidated homes, North Oaks needs to be and has always had a legacy of being a top-tier suburb. To hone in on that legacy is a pressing issue and perhaps her number one issue next to transparency and communication. Third, Mr. Carlson said the private status of the City, the privacy, the security, the safety on the streets...that is the reason her family moved here, planted roots, and want to live here. She sees lots of kids in the neighborhood and thinks privacy and safety is really important.

Mayor Ries thanked Ms. Carlson and asked if she has any questions.

Ms. Carlson does not have any questions, and noted she is a social studies teacher and she teaches civic engagement, and she thought "why not practice what you preach." She thanked the Council.

Nick Sandell, 6 Monarch Court, approached the podium.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Mr. Sandell said that is a great question and the answers for a lot of the applicants will be fairly consistent. First, because they have a qualified group of individuals and second because they all have a strong sense of what they would like the City Government to be. Collectively, he agrees they are representatives of the community and they have a responsibility to work for the citizens and move the City forward. He thinks it is an interesting question in the sense of the difference between the Council collectively and individuals. As individuals, he sees the members having a real boots on the ground responsibility; to be engaged with the community, engaged with neighbors, to understand what they want the government to do for them. When he interviewed for the Planning Commission in Little Canada, the Mayor asked him an interesting question: "Why do you want this job? It is very challenging especially in a small community you will find

yourself in situations where you need to make decisions on behalf of the community that might not be favorable for your neighbors or friends next door.” Mr. Sandell thought that was a great question and one he had to give consideration to. As the conversation evolved, they realized that while they can still play that role of talking and representing those individual residents, collectively they needed to do what was best for the community at large. He thinks there is a two-pronged part to the position and he looks forward to playing both roles.

Administrator Kress asked: How do you plan to involve residents in the decision-making process in our City?

Mr. Sandell thinks they do a very nice job of finding ways to communicate with the community. There have been multiple initiatives to make information available and talking with residents, in many instances they feel very comfortable with how the City does that. That being said, he thinks the strategy is how they should target those individuals that don't necessarily feel that way, and they need to have a tailor-made approach to that process. Mr. Sandell thinks that starts with availability; as a City Councilmember one of the primary functions needs to be availability and once they have that with residents, to have a tailor-made approach to communication. Throughout the years in business and his work in civic responsibilities, Mr. Sandell has learned that is half the battle. It can sometimes be the same message that just needs to be delivered a bit differently. If they work on being available for those residents and understanding how they can best communicate with them he thinks they can be successful.

Administrator Kress asked: If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?

Mr. Sandell thinks some of these are very clear for him in going through the recent election process. With his time on the campaign and meeting many people in the community, there were a lot of things that people prioritized but it was very clear that safety and security was the number one issue most residents brought to the table when discussing what they want their government to do for them. He thinks that has to be the top priority, and he heard a wide spectrum of what individuals would like to see on that front. He does not think they are prepared to make any decisions right now but they can start foundationally in making sure they have conversations with the Ramsey County Sheriff's office partners, making sure they feel comfortable with that relationship and the strategy they have with them, and continue the conversations. His second would be to work with the North Oaks Company and he will give a little different twist on that; he thinks they need to make sure there is strong collaboration between the City and NOHOA, and he would really like to focus on where they have redundancy. He has seen a lot of opportunities both in observing the City and NOHOA, where there are redundant operations that serve the same body of individuals. Things that have come up in the City recently are some of the Consultants that both the City and NOHOA uses and there is some opportunity to look there at efficiencies to be gained. Mr. Sandell thinks analysis with some of the different initiatives they are working on, and there are efficiencies to be gained there as well. While he agrees with collaboration and supports that, he thinks there is an opportunity

for redundancy that they should focus on because essentially, he respects the two differences in the two groups but they are serving the same body and they should try to find a way to be as efficient as possible.

Mayor Ries thanked Mr. Sandell and asked if he has any questions.

Mr. Sandell does not have any questions and thanked the Council for the opportunity to interview. He shared that what he offers to the table is that he can represent a group of the City that has not previously been included in City leadership. A few years ago, prior to his joining the Planning Commission, he attended a City Council meeting where the topic of the meeting was discussion of whether there should be interior connecting roads from the new East Oaks developments into the interior of the City. Mr. Sandell thinks they all remember those meetings and the residents in attendance were strongly opposed to that recommendation. The feedback from that group was that all of the members of the different neighborhoods in the City felt connected because of the trail networks they had and other infrastructure. In reality, Mr. Sandell was at the meeting because he did not feel connected to the larger part of the City. A few weeks earlier he had taken his kids ice skating and had to exit the community, drive halfway around the circumference and enter back into the community 15 minutes later. When his kids have relationships with other kids in the interior of the City, they are not able to ride their bikes down the street and engage with them. He does not tell this story to be an advocate for connecting interior roads, he fully recognizes that decision has been made by the community and he respects it; he brings it up to say that the well-intentioned residents in that meeting did not fully understand the perspective of some of the individuals in those other developments. A vote for Mr. Sandell tonight is a direct message from this Council to the residents in all of the exterior communities that their voice is respected and the Council wants them to be heard in the decision-making for the City. He thanked the Council for the opportunity.

Joseph Cunningham, 18 Pheasant Lane, has lived there since 2004 and stated his wife was born in North Oaks and wants to spend her waning days in the community; Mr. Cunningham approached the podium.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Mr. Cunningham noted the role is outlined in the charter, and it is backed by precedent year after year. His concern with the role is the mission creep and he is worried there may be some overlaps and redundancies as they have outlined a bit this evening. He would like to put himself out as someone who goes by the letter and the spirit of the agreement, but is a guardrail of sorts; that the Council stays in their lane and does what is expected of them. He is not here to redefine the role but is here to make sure they do what is expected within the context of the requirements.

Administrator Kress asked: How do you plan to involve residents in the decision-making process in our City?

Mr. Cunningham noted that is a big, big issue for him; on the NOHOA dues 26% of the people voted and he had an outdoor, safe gathering at his house recently and noted that nobody wanted to come in to the Council and do this and nobody really knew what they did. He said the communication is poor on several levels – people can talk about Facebook and the website (which he is not a huge fan of) and some of the other issues and means of communicating, but there must be more of a boots on the ground, grassroots effort to get out and see people. Most North Oaks residents know about NOHOA, and very few know about the City Council because of the limited role. Still, when NOHOA jacks their dues by \$200 which Mr. Cunningham thought was long overdue and very appropriate, 26% of the people bothered to pass the vote. Typically, they will find themselves being ruled very much by a minority and that is kind of what they have here. Mr. Cunningham stated engagement is critical, and how the engagement is done would be a collaborative effort with the Board, but it has to happen.

Administrator Kress asked: If appointed, what would be your top 3 priorities for the City and how do you anticipate accomplishing them?

Mr. Cunningham stated they have spoken to security and there are solutions to that in technology, it is getting cheaper every day. His home security costs \$26 and is as comprehensive as any of the others. He noted they can do things to address security at the entrances, they can start to look at how the entrances interact with the County roads and said the car stickers are nice but there is a great deal of non-compliance. He noted Officer Burrell cannot really give out a trespassing ticket and asked Officer Burrell if that is true.

Officer Burrell said he can give out a trespassing ticket but he cannot stop a car for not being a resident.

Mr. Cunningham said those are issues that probably need to be addressed at some level and they could probably do better; security is one of those. The ecology around North Oaks is one of the reasons they live here; before he lived in North Oaks, he lived on the ocean in Cape Cod and they really embrace the surroundings here and believe more needs to be done to maintain what North Oaks has and possibly expand it. He knows with the new development some land is put aside and it would be interesting to see what path they travel with those. Mr. Cunningham considers himself very involved in the ecology and believes that is one of the charms of North Oaks. The third priority is to bridge the gap with NOHOA, and said at the working level is it pretty good but at the Board level is would be interesting to have a cohabitation of each other's Boards in some respect and he is not sure why there isn't. The delineation between the City and NOHOA seems stark but productively workable; there still needs to be a little better coordination on some of these issues. As an experienced corporate board guy, an economist, and investment banker, Mr. Cunningham often acts as that bridge when he is brought into companies and that is usually why he is brought in- to work with existing Boards to try to put together a comprehensive, actionable plan to try and bridge whatever issues they may have. It doesn't hurt that he was a bouncer in Boston during college, but he generally tries to do it with wit and wisdom.

Mayor Ries thanked Mr. Cunningham and asked if he has any questions.

Mr. Cunningham does not but just thinks the Council needs to think about its relationship with the Company; the Company seems to be in its waning days of existence or stewardship and the City is in the end-game. They need to change and, however subtle or dynamic that change may be, it is an issue. He said their priorities have already changed and they can see that in the development plans. There is a family – God bless them – looking to cash in on the big asset that they have to take them for the next few generations and they are doing it. North Oaks lets them do it and that is cool, it happened, and they will let it go. However, they must manage and put those guardrails around that process to make sure they lead up to a transition with the North Oaks Company and with the community. Mr. Cunningham’s main objective is to communicate with the community to let them know that the Council is here and this is what they do; he thinks that could improve tremendously.

Marcela Kostihova, 52 Nord Circle, joined via Zoom. She thanked the Council for their time and is very grateful for the opportunity to interview; she noted they have many applicants and she will understand if they choose someone other than her because she has been impressed by what she has heard. She believes the first question is about the role of the City Council.

Administrator Kress asked: What is your understanding of the role of the City Council collectively and as an individual, single Councilmember?

Ms. Kostihova does not want to repeat the things they have already heard and said the role of the Council is to serve its constituents and to interface with communities outside of North Oaks. She believes one of the best ways of doing that is through the processes of shared governance, where there is an intensive and detailed interchange with constituents to make sure they are represented and that the Council is making data-driven decisions based on the needs of the community to ensure that the community thrives. She would represent the constituents of North Oaks through availability, and these days whether or not they are in a pandemic, it is important to be available in a variety of ways. They have just heard recently that not everyone who resides in North Oaks is regularly participating or is even aware of the various initiatives. Ms. Kostihova is also aware that everyone feels comfortable participating at different levels; some feel more comfortable coming to meetings and speaking up while others might respond better to regular surveys. Especially when a community seems to be sometimes divided in its opinions on issues, that is a good indication that people feel very strongly and they care, but that they don’t have a lot of practice talking to each other and the community is not as strong as it could be. She believes the Council could do a little better at deploying rapid, very short surveys to make sure people understand what is going on and to receive their feedback, input, and get their ownership of some of the more complex, longstanding decisions that have to be made. Being available, being present, boots on the ground is important, but she also thinks there is an opportunity to use some technology to make sure people understand, can be involved, and therefore own some of the decisions and be represented more frequently. She stated in response to what would be her three

goals, she is a relatively recent transplant to North Oaks and has lived in the neighborhood for a little over a year. She is very interested in serving and being part of the community and doing what she can to bring a fresh, new perspective. She also does not bring any legacy issues. Her three goals are very general: first, to do whatever she can to make sure North Oaks remains a thriving, model community. Because it is a private, intentional community with very unique rules, Ms. Kostihova thinks it has an opportunity to become a shining example of sustainability and synergy with the environment in ways that many other communities cannot become. She thinks there are other things North Oaks could be doing and she is very excited to potentially be a part of that future. The second goal, Ms. Kostihova is very interested in community-building, in getting more community engaged in shared governance, and help the community practice being engaged in productive, collaborative, synergistic ways. The third goal is that North Oaks delivers on its promise of its original mission. In terms of any questions she has for the Council, at this juncture, the Council gets to appoint its vacant seat and this is not an election, so of course she is interested in what those who serve on the Council and the Mayor are looking for. What are their strengths, where does the Council see that they have gaps, and what kind of expertise do they think would round-out their decision making in the best ways so they would feel better equipped to face what is coming in the next two years.

Mayor Ries thinks Ms. Kostihova touched on a lot of it; what Mayor Ries sees is what the applicants bring to the table to help maintain the role in the community and maintain a thriving community; how the Council can support residents. Quite honestly, for all of the applicants, Mayor Ries asked “how thick is your skin,” because they will not always be their neighbors’ best friends and they will not always make easy decisions. She also looks at some of the viewpoints, how much experience they have, the amount of training the applicants would need, and whether they are involved in the community. These are some of the things she looks at to help support the issues they have in North Oaks, dealing with residents, handling their issues, and being supportive of community members and their concerns. She opened it up to the rest of the Council to give feedback.

Councilmember Watson said having served 18 years on the Council in North Oaks, they might wonder if he needs his head examined in having come back through the re-election process. He had the good fortune to begin his service on the Council in 1991 and it allowed him to spend some time with Louis Hill, Jr., the grandson of James J. Hill and together with Mr. Gilfillan were the two inspirations behind this planned community. He learned a lot from them in terms of their view and he shared one that they have gotten away from. One day Mr. Hill said “I want you to think about residential development in North Oaks. Imagine yourself in a canoe out in the middle of Pleasant Lake and all you see is wildlife, trees, and flowers and you don’t see a roof.” Councilmember Watson said one of the issues in the community, the first thing they do is move into the community and try to figure out how many trees they can cut down so they can see the lake. This is a 180-degree opposite of Mr. Hill’s view of the community. Councilmember Watson noted when he was mayor one Saturday morning a car pulled into the driveway while he was doing yardwork. It was a couple who had moved into North Oaks in the past year, they said they love the community but the husband noted he loves the community more than his wife as

she can't understand why there are not streetlights and why one cannot see their neighbor like in a typical suburban community. At the conclusion of their conversation, the man said he can see the point that one has to learn to live in North Oaks because North Oaks is not going to change to accommodate them. Councilmember Watson said that sounds harsh and he does not think it was intended to be; however, there are some features in the community that are very interesting and they have had experiences working with the North Oaks Company (NOC), and regarding the street lights and other things, part of it was the vision of what the community is for the population that lives here and enjoys it.

Councilmember Hara thanked all of the applicants for coming and presenting their thoughts; he is extremely impressed with the job each of them did and noted they are all extremely qualified. Some things Councilmember Hara looks for are their engagement in the community, their knowledge of the issues and organization because it is a complex government format with North Oaks Home Owners' Association (NOHOA), the City government, the NOC as the developer and there are a lot of moving parts that are perhaps more complicated than other communities. To Councilmember Hara, this means that people who have served or are engaged and participate in some of the various meetings to understand what the issues are and the vision of Louis Hill and what most residents feel are important; security and the ecology of the City.

Councilmember Shah echoed her fellow Councilmembers' comments and said she has been taken aback by all of the applicants tonight and it makes her proud of their community for all the people who came forward and the different voices heard tonight. She thanked the applicants. Councilmember Shah is looking for examples of engagement in the community and noted those are different for everyone. It demonstrates that people are intrigued, involved, and want to get their hands dirty and help at all levels. She is also looking for someone who will listen as a lot of the job is not always being a person to speak on the other side, but engaging and as Mr. Councilmember Dujmovic said, communicating with people does need to get better. Finally, Councilmember Shah asks the question what and who is best for the community; they all bring diverse voices but as a government entity they are better for their people when they bring diversity, different backgrounds, viewpoints, neighborhoods, and philosophies. This community is better off when there is a diverse board representing the magnitude of the entire population of North Oaks.

Mayor Ries thanked all the applicants tonight and stated they did a great job. Their comments and resumes were very well done and she is happy to see that they are engaged and asked them to please stay engaged in the City no matter how the night turns out. It is very important that they maintain people like the applicants in the City and they continue to help guide the Council as they make decisions and support the residents. Mayor Ries noted the Council should now discuss the vacancy and some of the strengths that they see; she cautions talking about weakness but asked to focus on strengths and then someone can make a recommendation.

Councilmember Watson thinks attracting six people with these backgrounds, skill-sets, and genuine interest is important. He noted the past Council decided to make a change to the

ordinance with respect to a person serving on the Planning Commission and the City Council simultaneously. When looking at what is in North Oaks' best interest, he asked to share a story. Councilmember Watson spent some time with Mark Azman and he has a lot of respect for Mr. Azman, noting does a terrific job as the Chair of the Planning Commission and said they do not have anyone with the skill-set to step into that position with the current background and experience that Mr. Azman brings to the table. Mr. Azman cannot be on the City Council and the Planning Commission simultaneously; Councilmember Watson has already shared with Mr. Azman that he wants him to remain on the Planning Commission at least for a year. There his skill-sets are terrific and providing leadership over the next year when the City will be dealing with more parts to the PDA is extremely important. He raises that point only because he likes Mr. Azman and see the great value he could bring to the City Council – he sees more value in the Planning Commission over the next year. He stated this is a conflict that he has.

Mayor Ries echoed that comment with Nick Sandell who is doing a great job on the Planning Commission at this time and noted they did not receive many applicants for the Planning Commission vacancy. There is clearly a greater interest in City Council versus Planning Commission.

Councilmember Shah said since they are talking about the qualification of those involved on the current Commission, historically the Council has used the Planning Commission as a springboard into the Council seats. She thinks they should weigh that and it is important to show demonstrative results and Mr. Sandell has served on the Little Canada Planning Commission as well as North Oaks. Mr. Azman is the current Chair and has also been the NOHOA President; she thinks these things weigh heavily and is certainly an asset to bring forward to the community.

Mayor Ries stated they recently had an election and some of the applicants tonight ran in the recent election. This gave the residents a chance to vet these applicants for the City Council position and to some degree the residents did speak to this issue. She thinks those voices need to be heard and respected; Mr. Azman, Mr. Sandell, and Mr. Dujmovic all ran during the election. She noted running in an election is not easy, candidates are put through the ringer, there is a lot of time and energy involved, and they must deal face-to-face with residents, questions, and concerns. Candidates are asked why and what you are doing and sometimes you ask yourself that, as well. Mayor Ries is very impressed that people stay interested in Council even though they lost the election. The residents voted for them, there were different results indicating residential support for certain people and she thinks it was a very good test for the applicants that ran and the residents' voices should be heavily weighed in to this decision.

Councilmember Watson thinks there have been about 3-4 candidates who finished third in an election and when a vacancy such as this one occurred where a Councilmember won a mayoral race and the third-vote-getter was selected by the Council particularly where the vote was pretty significant. For the record, Councilmember Watson was one of those in 1991 – he finished third and had to run two years later when Bill Ecklund was elected mayor and had two years

remaining on his term. He knows what that experience is like and he believes they have had some others since that time.

Councilmember Hara said one thing that has impressed him: he has been on the Planning Commission and has a great deal of respect for Mr. Azman and the way he runs that Commission. That has been the vehicle where many things are vetted and it is a complicated and difficult Commission to Chair. Mr. Azman has done a great job and has experience with the Home Owners' Association which is also significant, and he is a pretty well-rounded guy. Councilmember Hara shared Mayor Ries' thought of who would step into that role on the Planning Commission who could do as good of a job. There are some new people on the Commission that are potentially "that person" in a year or two but he is not certain they are "that person" today. He thinks they would be sacrificing a bit if they remove Mr. Azman from that position as Chair of the Planning Commission. One thing Councilmember Hara has paid attention to over the years is that Mr. Dujmovic has been at the Home Owners' Meetings, the Planning Commission, and the City Council and has been very well researched in topics he has made comments on. Councilmember Hara thinks that shows a commitment to understanding some of the issues facing the City, and Mr. Dujmovic is very well spoken in looking at all side of the issues. Councilmember Hara has been impressed with his commitment as a citizen. The fact that Mr. Dujmovic is willing to spend that amount of personal time to research the issues and also attend these meetings, which can be a lengthy time commitment, and also received almost 1,500 votes in the last election. To Mayor Ries' point, many people in the community already support Mr. Dujmovic.

Councilmember Shah figured the voter turnout might come up tonight and suggested asking themselves what that means; they had three races in the past election, the mayoral, the four year, and the two-year special election. The raw voter turnout does not really tell the whole story. It appears to Councilmember Shah that the 4-year term candidate, in the case of Mr. Dujmovic might be getting preferential treatment considering that those candidates had two times the opportunity to get more absolute votes than the two-year candidates, simply because each voter got to vote for two people running in the four-year position. The numbers are misleading and instead they need to look at the percentages: Mr. Azman had 36.5%, Mr. Sandell had 33.7%, and Mr. Councilmember Dujmovic had 26.3%. She is just pointing out in looking at the election results, they do need to look at Mr. Azman and Mr. Sandell receiving a higher percentage than Mr. Dujmovic. Plus, if they are really talking about the two-year seat tonight, that seat was vacated by a sitting Councilmember and is identical to the two-year seat that Mr. Sandell ran for the 2020 position. She thinks it needs to be considered.

Councilmember Watson asked to respond and is glad the subject came up. He noticed the newspaper picked up the same story. He has done the math on how many people voted and about 3,200 people voted in the mayoral race, so if they make the assumption that two people voted in the four-year race, keep in mind the 26% is 26% of the overall vote total, so double that. In other words, those people got 50% of the vote. Councilmember Watson got over 50% of the

vote of the people who voted in total and they can use the total vote of the mayoral race as the denominator. He said they must work with the journalists...the message is wrong.

Councilmember Shah said they can debate numbers all they want tonight but she is going to take a step back. She personally did not make a decision until she came tonight to listen to all the candidates. She again asks the Council to step back and ask what is best for the community, a different view, different background, and different representation would certainly move the Council forward and that is the position she would like to take.

MOTION by Shah to appoint Nick Sandell to the vacant City Council position.

Mayor Ries called three times for a second.

Motion failed for lack of a second.

Councilmember Watson noted five people are not going to be selected but he wants to spend some time with those people on behalf of the City to see if the City can continue their skills in various capacities. This is not a community that is short of things to do.

MOTION by Watson, seconded by Hara, to appoint Rich Dujmovic to the vacant City Council position.

Councilmember Shah wants to make it clear that a motion is on the table right now for a candidate that got less of a percentage from the public and does not currently have any Commission experience in serving the City. Most concerning is when they add to the Council, they need to do what is best and add a different voice – that is what is critical here and Councilmember Shah has grave concerns that they are adding a person that may not be impartial and has already provided many opinions, particularly on the developments.

Mayor Ries has seen Mr. Dujmovic come to the Planning Commission when she was on the Commission and also since she has been on the City Council. She has seen him take the podium just as many, many other residents have done and that is the right of the citizens, it is a first amendment right and they should not use that against people who run for office. She thinks that would dissuade people from taking the podium and the Council should be encouraging people to become more involved and take the podium more often and to express concerns in the community. Mayor Ries asked how the Council is expected to understand issues or resident concerns if they use coming to the podium against people. Mr. Dujmovic has commented at NOHOA and the City Council and Mayor Ries respectfully disagrees that coming to the podium and issuing an opinion is a bad thing. She said the voters spoke, Mr. Dujmovic ran, and Councilmember Shah said the natural progression is to run for a Commission and then run for City Council. If she recalls, Councilmember Shah was appointed to the City Council before she was on the Planning Commission, and was then elected to Planning Commission. This is not the norm for the City Council, it is actually more common that people are appointed to City Council

than they are winning an election. They do not need to hold the fact that someone does not have the experience of a Commission against them; some of the qualifications and strengths that all of the candidates have, and all of the candidates do not have Commission experience. Mayor Ries does not solely look for Commission experience because she believes they can bring other strengths to the table. She believes it is their willingness to support and work for the good of the community which is a strength. She said sometimes when one is on a Commission it may work against someone in terms of being unpopular in the community or had to take part in a decision that was not popular. That role and hard decision can sometimes affect how someone is perceived in the community. Mayor Ries looks at what someone brings to the table in the entirety and not just if they have Commission experience.

Councilmember Hara said a differentiator that should be recognized is when someone is on the Planning Commission or the City Council, which they are volunteering to do, the task they are charged with is absorbing, comprehending, and vetting out the packets they receive. That is part of the job they signed up for. As a person that is not on one of those committees that does that on their own, and he believes Mr. Dujmovic is that person, he is impressed that someone would take time out of their busy life to get acquainted with all these issues, not just for the City Council, Planning Commission, NOHOA, and NOC's perspective, but to take time to learn all these things shows a real commitment to trying to be informed and make a contribution. Councilmember Hara does not think they can just dismiss the votes, if 28 votes would have gone Mr. Dujmovic's way instead of Councilmember Shah's way, she would be presenting tonight as to why they would select her. Councilmember Hara noted it was a pretty tight race and that speaks highly of the amount of people in the community that thought Mr. Dujmovic would do a good job on City Council.

Councilmember Shah wants to make it clear that she has nothing against the fact that Mr. Dujmovic came to the podium, she thinks that is fantastic and she was always impressed with that. She is more concerned when she mentions being impartial as there was a well-known petition in North Oaks and Mr. Dujmovic signed it. In considering candidates, that is a concern and she thinks it is legitimate to make the public aware. Councilmember Shah noted they have a small, tight City and she fully respects Mr. Dujmovic as a person, but they are looking to fill a seat for an entire community of 5,500 people and Councilmember Shah wants to bring the most diverse voice. She could hear right away that all of the members wanted to fast track to the election results and she certainly would be open to any of the other three because she wants that diverse voice and that is what she is looking for. She can tell she is the lone island here but she wants to make it clear it is nothing against Mr. Dujmovic, it is just what is best for the community.

Mayor Ries also wants to caution about the petition. Again, the petition was very well drafted and very broadly drafted, simply saying "compliance." To give background for those watching at home, it was a petition signed about a year ago about the PDA and it simply said "be compliant with the PDA." Mayor Ries said there were over 450 names on that and that is also an expression of first amendment right of speech. She again cautions strongly to hold that against

people. Yes, it shows that they want to be compliant with the PDA but many of those who ran during the election said compliance with the PDA. She noted candidates also ran during the election and publicly stated that on record; they did not hold it against the candidates and that was actually what the residents voted for. Again, Mr. Dujmovic signed that petition and Mayor Ries believes that is public information before the election and yet the residents still voted for him. When people express their opinion, take the podium, and feel they want to sign a petition, Mayor Ries cautioned the Council to support first amendment rights and are very cautious to take or limit those rights of people.

Councilmember Shah wants to make it perfectly clear that Mr. Dujmovic ran on a platform with the other three that she is talking to tonight and that is the ultimate concern here. Again, she asked what is best for the community.

Councilmember Watson knew this question would come up and it is unfortunate that they would lower themselves to do that, but he pointed out at the conclusion of this vote if it goes the way of the motion, the five people who got the highest vote total on November 3, 2020 will be seated on the City Council. Forget the percentages because Councilmember Shah is using the percentages the newspaper used which are inaccurate. Looking at the top five vote-getters, the residents spoke. In terms of diversity, he hopes Councilmember Shah understands Councilmember Watson is 75 years old and thinks he adds some diversity to the community. One of the benefits of a Rich Dujmovic is someone who has moved here just recently and has become acquainted with the community. He noted they have Councilmember Shah, who lives where she does, is a female, and a mother; they bring all different backgrounds to this community and Councilmember Watson has been here for 35+ years and he never recalls people voting based on gender, how long someone lived in a community, what church they attend, or where their kids go to school. They have not made those kinds of votes in the history of the community for the 36 years he has lived here and roughly 30 years he has been around the government. He thinks they are making a big choice and he would call the question.

Motion carried by roll call as Members Hara, Mayor Ries, and Watson voted for; Member Shah voted against.

Mayor Ries congratulated Mr. Dujmovic. To all of the other applicants, she genuinely means it when she says they are very well-qualified and she truly hopes they stay involved. Their values, commitment, and what they find important to the community; it is very important to find active people with their talents that are well-spoken like they all were tonight and that they all remain involved in the community because “we can only be better together.” Mayor Ries thanked them for their time and for applying and said they all did a very, very great job tonight.

Administrator Kress led Rich Dujmovic in the Oath of Office:

“I, Rich Dujmovic, do solemnly swear and affirm that I will support the constitution of the United States and the Constitution of the State of Minnesota, and that I will discharge

faithfully the duties of the office of City Council of North Oaks Councilmember in the County of Ramsey, the State of Minnesota, to the best of my judgment and ability.”

**DISCUSSION AND POSSIBLE ACTION ON CITIZEN COMMENT POLICY/
PROCEDURE/ RULES OF PROCEDURE**

Mayor Ries said this policy was created on May 14, 2020, just after there were some pretty contentious public hearings. Citizens had taken the podium and offered their opinions; those opinions may have differed from those on the Council and in response to that, this policy was created to address some of the alleged citizen inappropriate conduct. Mayor Ries was present at all those meetings and she did not see the residents that had improper conduct. She saw residents voicing their opinions well, eloquently, they had done their homework, had factual backup for many of the statements, and they knew the issues and were addressing them with proper representation and adequacy. Therefore, Mayor Ries would like to ask that this policy and procedure be rescinded by this Council because it was passed in anger against the opinions of the residents that took the podium. As a sign that this Council is in support of people that take the podium, she would like to rescind this policy and procedure in its entirety. She has not seen residents act out of turn and as Mayor, she feels confident that if someone does act out of turn, she can handle the situation as it occurs and ask that order be restored in the community room during the meeting.

MOTION by Watson, seconded by Dujmovic, to rescind the Citizen Comment Policy.

Councilmember Shah asked if they have alternative solution or set of policies and procedures for how they would like to handle citizen comments going forward.

Mayor Ries has not seen the need to have any; they have residents that come before the Council and they are very respectful and polite. Differing of opinion may get a little bit heated but they do not have fights breaking out like they see on YouTube. North Oaks just does not have that, they have very respectable community residents that come and share their opinions at the Council and she does not see at this point in time the need to have or a control on the public. If that ever changes, she is happy to entertain it, but at this point she does not see a need.

Councilmember Watson thinks the other answer to the question is a draft of rules from 1992 that many had followed through 2009. Looking at Section 2, item b addresses the opportunity and encourages the public to speak. Councilmember Watson's idea of rescinding the current citizen comment policy is to replace it with item 9b on the agenda.

Councilmember Shah asked Administrator Kress, it is her understanding that there was a policy and it was updated on May 19, 2020, so there must have been something in place. It sounds like the prior Council updated it. The reason she is addressing it is, she is not looking for control, but is more curious on some of these smaller details, for example 72 hours in advance. She knows that is important for written comments and how they want to address those. She asked for more history regarding the subject.

Administrator Kress said before Councilmember Watson presented the 1992 rules, he does not believe Administrator Kress or any other Staff knew it existed. The only guidelines Staff had prior to the one in front of the Council were three minutes per person in front of the Council. Other than that, there were no rules of conduct nor citizen comment policy or procedure in written form.

Mayor Ries believes they have a code of conduct for the City Councilmembers, but it did not address the public comment section.

Councilmember Shah is looking at page 188 of the packet and there are two sections: citizen comment policy/procedure and underneath that are rules of conduct for citizen comments. She can hear that it is very specific to the second part but she is asking if they will come up with an alternative for the citizen comment policy. There has historically always been the three-minute time at the podium and when people need to get written comments in and that is specifically what she is asking about.

Councilmember Watson called their attention to, if they agree to approve the 1992 rules as edited since they met on January 4, 202, item 2b on page 187 would mean people can come to the Council and speak. This idea of having to prepare in advance and mail in comments, have them be read by someone, etcetera, he can say that in all the years he has been around North Oaks government that has been completely unnecessary. It is not like they have had the overthrow of North Oaks city government by people anxious to get to the microphone. The welcoming of people who might show up at 7:00 p.m., listen to some of the conversation, and at some point, may want to speak and there are four other people in the room; Councilmember Watson thinks they can accommodate that. What he liked about the 1992 piece, which was crafted by Mayor Bill Ecklund, was also part 1 which simply put the packet material in the hands of decision makers (Natural Resources Commission, Planning Commission, City Council) one week before the meeting and it creates a deadline to get the information. They have had about 30-some years of experience with it and he has never seen anything as chaotic as he has in the last year and a half.

Mayor Ries noted Councilmember Shah brought up a good point that some regulation might be necessary. The only point she can see at this juncture for the efficiency of the meetings is to set a time limit at the podium. In her experience it is usually 3-4 minutes and people understand that when they take the podium and then meetings don't go on and on with someone talking for 20 minutes. Rules of engagement up front might be good for how long people can speak but as for regulating behavior, for example clapping, she does not believe that is really necessary. She believes the rules were edited and a time limit was set for the podium and they could address that with the amended rules of the meetings.

Councilmember Watson asked to modify his motion, as Councilmember Shah brings up a good point, he referred in his motion to citizen comment policy. He would like citizen comment

policy and the rules of conduct to both be rescinded and be replaced by what is item 9a on the agenda.

Mayor Ries said under *Roberts Rules of Order* since Councilmember Watson made the original motion, that motion is automatically amended.

AMENDED MOTION by Watson, seconded by Hara, to rescind the Citizen Comment Policy and the Rules of Conduct.

Councilmember Shah asked Attorney Nason what other communities do in this regard.

Attorney Nason said most communities have some type of regulation regarding citizen comments; much of it is just a time limit or temporal limitation such as 3-5 minutes. Some limit the content of the communication and some limit it to items not on the agenda, others will say anyone can address members of the Council on any matters of concern. Most communities do have some restriction if they are going to create a citizen portion on their agenda, which is not legally required. As for rules of Council procedure, many communities do adopt them and what they entail varies by community, sometimes it will include information about agenda items, how agendas are set, how members can add items to the agenda, and other similar items.

Councilmember Shah asked after hearing that does the Council have another solution to make it more robust.

Right now, Mayor Ries sees they have a temporal limitation and there was some discussion in the past on moving comments to the end and she is more comfortable keeping them at the beginning of the meeting as that helps to set the agenda. They had a rule or regulation that one could only address in public comment items that were not on the agenda as a separate item, the item would be brought up, discussed, and then people could take the podium at that point. The problem with that was even when the agenda item would come up, sometimes people were not able to take the podium and discuss items. She also saw that even though they had those rules, people still got up and addressed agenda items. Mayor Ries is comfortable leading this meeting and people that take the podium through that, if it becomes clear that there is some regulation needed the Council could do a simple explanation or put something together. At this point, she does not see problems with the community and adding regulation that they do not need right now.

Councilmember Dujmovic saw consistency in the election, Mark Azman ran on this being one of the central themes of his campaign, Mayor Ries did, Councilmember Watson did, Councilmember Shah did, Councilmember Hara did, and Mr. Sandell did. He thinks they were all unified which is great; then there were people who did not run in the campaign here this evening who also articulated that this is an important topic for them. If North Oaks really wants to be a welcoming community, changing this policy with respect to the podium is important. In the old policy, the one most familiar is what is actually on the agenda for the packet when people

come to this meeting. It said several things, such as “individuals may address the City Council about any item not included on the agenda.” That was always kind of bizarre because if someone is coming to a meeting because they saw something on the agenda and wanted to talk about it, where else can they talk about it if not in this forum. Why have a City Council meeting if not to hear from the very people they are representing. He thinks they are all unified on that and this addresses that particular element as it wipes out the “not included on the agenda.” Councilmember Dujmovic said there is something in the policy now that says to state the name and address of the person and he thinks that is a great practice. It is important for notes to know where people are coming from and who they are. Members of the community with the NOHOA look-up tool and can reach out with someone and engage with them outside this forum. Councilmember Dujmovic thinks that is a good practice, he does not know that they need to codify it in the rules but it would be good to keep. Limit the remarks to 3 minutes versus 4 minutes, he noted the community will self-police, and if there are 50 people present, the Mayor could ask to keep it to 2 minutes. It says “generally City Council will not take official action,” and that was always important as they wanted people to know just because they took the time to come and say something, the Council was not going to change or make a decision on it and that is retained in this policy, as well. Most of the issues people had with it have been addressed by this and there are a couple of best practices which he thinks the Mayor has the ability to articulate on a given night.

Councilmember Hara thinks they should keep comments at the beginning of the meeting because these meetings get to be awfully long and to make a resident wait 3-4 hours to make a comment is not fair to them. Many of the things the Council will be discussing will not be relevant to them and keeping it at the beginning is a good idea.

Mayor Ries thinks the ability to remain flexible is important as meetings are all different with different issues. People come with different ideas and sometimes they are controversial and sometimes they are not; sometimes they get one person in the chambers, 30 or 40, and have had over 100 in the past. Having a set of rules that may not be applicable to every meeting and the Council may want to retain flexibility so they truly can hear the residents and work with them as these meetings are for them. Mayor Ries is comfortable modifying the 1992 rules a bit, but in terms of running the meeting, she cautions having too strict of regulations for the meetings.

Councilmember Watson said the policy they had for many years, on page 187, is not specific to the citizen comment piece, other than the reference to time. They are not inconsistent and it would be applicable to item 2b again. Councilmember Watson asked not to lose sight of the significant piece that he has seen over the last couple of years: the scramble the day of the meeting to get materials in people’s hands. Section 1 of this agenda means to get this stuff out, it is available to the public on Friday, and then the Council has the weekend to look at it, the Monday through Thursday the week of the meeting to ask questions, contact Administrator Kress, etcetera. Councilmember Watson thinks page 187 encourages people to look at the agendas a week in advance because they will be available a week in advance. Then the Council will not find themselves with agenda items that appear at 6:00 p.m. on a Thursday night.

Councilmember Shah asked Councilmember Watson, isn't the item with the rules of the City Council a separate agenda topic.

Councilmember Watson is suggesting, the motion before the Council is to repeal what is item No. 9b on the agenda. He wants to make a motion subsequent to that to approve item No. 9a.

Councilmember Shah noted it has been modified so much she can't even look down.

Councilmember Watson said to look on page 187 and that is the item to be rescinded and he hopes they will act on page 187.

Councilmember Shah said historically coming to the meetings, even before she was on the Council, she thought the point of not allowing agenda items was because they wanted people to speak later when the agenda item came up. She asked if that is incorrect.

Councilmember Watson stated in history that has been true; if the time allowed, sure.

Mayor Ries noted it helps with the record, as well. Having the items addressed when that topic is on the table it helps to create the record, if someone needs to look back at the record, the information is together. The comment section helps the efficiency and streamlining of the meeting so they do not have extra or duplicative comments at the public comments section and then later when the agenda item is present.

Administrator Kress noted the original motion was made by Councilmember Watson and Councilmember Dujmovic, the second motion in place was Councilmember Watson and Councilmember Hara, so there needs to be some cleanup of those two motions.

Mayor Ries made the mistake of saying Councilmember Hara had seconded so she will correct the mistake. As member Councilmember Watson was the original motion maker, and he amended it, he still maintains the motion on the table. Councilmember Dujmovic had seconded that and she asked if he retains his second.

Councilmember Dujmovic replied he does.

Administrator Kress asked to restate the motion for the record.

AMENDED MOTION by Watson, seconded by Dujmovic, to rescind the Citizen Comment Policy and Rules of Conduct for Citizen Comments (page 188 in the Agenda).

Mayor Ries asked if there were any further comments or questions.

Motion carried unanimously by roll call vote.

CITIZEN COMMENTS

Mark Houge congratulated the new Councilmembers and Mayor Ries for her appointment as Mayor. He asked to object to discussing the January 14, 2021 letter that NOHOA submitted as being relevant to item No. 6c Approval of December 17, 2020 Special Council Meeting Minutes. The reason is the discussion of the meeting minutes is to determine if they accurately describe what was said at the meeting. It is not to decide if the statements made at a meeting are accurate. He also submitted an email which he trusts Administrator Kress has forwarded to the Council which described North Oaks Company's understanding of the trail location. He wants to be sure the Council has that and it points out the factual inaccuracy of the NOHOA letter. If the Council chooses to discuss the NOHOA letter, that needs to be part of the conversation as well. He thanked the Council.

Mayor Ries called for public comments three times.

There were no other public comments.

CONSENT AGENDA

Mayor Ries noted next on the agenda is approval of Mechanical Licenses. She said usually they have the acting Mayor read the Consent Agenda, but reiterated that these items are considered routine and can be acted on in one vote.

Councilmember Watson noted they would also keep item No. 6i in the Consent Agenda.

6a. Approval of Mechanical Licenses: Affordable Comfort Mechanical; Air Mechanical Inc.; Apollo Heating and Air; Aquarius Home Services; B & D Plumbing, Heating & A/C; Bill Rascher Mechanical; Centerpoint Energy; CMS/Nextech, LLC; Corval Constructors, Inc.; Dean's Professional; 4Front Energy Solutions dba Practical systems and Ductworks Heating & Cooling; Glowing Hearth & Home; Hearth & Home dba Fireside Hearth & Home; Heating & Cooling Two, Inc; Hoffman Corner Heating & A/C; Hoffman Refrigeration & Heating; Home Energy Center; Homeworks Services; Joel Smith Heating & Air Conditioning, Inc.; Kraus-Anderson Construction Company; Krinkie's Heating & A/C; Massmann Geothermal & Mechanical; Metro Heating & Cooling; Metropolitan Mechanical Contractors, Inc; Northern One Hour Heating & Air Conditioning; Sabre Plumbing; Schulties Plumbing, Inc; Schwantes Heating & Air Conditioning; Standard Heating & Air; Sunderland Plumbing, Inc.; WJW Company dba Twin City Heating & Air; Arborists Licenses: Alex's Lawn & Turf, LLC; Balsam Tree & Shrub Care; Branch and Bough; FA Bartlett Tree Experts; Budget Tree Service; Houle Contracting; Hugo Tree Care, Inc.; Langer Tree Service LLC; Moga Tree Service; Precision Landscape and Tree; Quality Turf Maintenance; Savatree, LLC; Vineland Tree Care; Woodchuck Tree Care; Woodland Restorations, LLC;

Check #'s: 013807-013848

EFT #s: 000379E-000381E, 000384-000390E

6b. Approval of Meeting minutes of December 10, 2020 Regular Council and Truth in Taxation Meetings

This item was removed from the Consent Agenda.

6c. Approval of December 17, 2020 Special Council Meeting Minutes

This item was removed from the Consent Agenda.

6d. Approval of SCORE agreement

This item was removed from the Consent Agenda.

6e. Approval of Island Field JPA

This item was removed from the Consent Agenda.

6f. Approval of Gate Hill JPA

This item was removed from the Consent Agenda.

6g. Approval of Metro I-Net JPA

This item was removed from the Consent Agenda.

6h. Resolution approving septic variance 3 Raccoon Road

This item was removed from the Consent Agenda.

6i. Approval of resolution naming authorized check signers

6j. Approval of 2021 City Meeting Schedule

This item was removed from the Consent Agenda.

MOTION by Watson, seconded by Dujmovic, to approve the Consent Agenda as amended with item 6a and 6i remaining.

Mayor Ries opened the floor to any comments or questions.

Motion carried unanimously by roll call.

Administrator Kress asked if the Council is going to address the items that were removed from the Consent Agenda at this point.

Mayor Ries noted they can do that before they move on.

b. Approval of Meeting minutes of December 10, 2020 Regular Council and Truth in Taxation Meetings.

She opened the floor to discussion about item 6b Approval of Meeting minutes of December 10, 2020 Regular Council and Truth in Taxation Meetings.

MOTION by Watson, seconded by Hara, to approve item 6b Approval of Meeting minutes of December 10, 2020 Regular Council and Truth in Taxation Meetings.

Mayor Ries opened the floor to approving the minutes or any recommended changes.

Motion carried as Councilmembers Hara, Mayor Ries, Shah, and Councilmember Watson voted for; Councilmember Dujmovic abstained.

c. Approval of December 17, 2020 Special Council Meeting Minutes.

Mayor Ries said next on the agenda is item 6c Approval of December 17, 2020 Special Council Meeting Minutes.

MOTION by Watson, seconded by Shah, to table item 6c Approval of December 17, 2020 Special Council Meeting Minutes.

Councilmember Watson said the reason for tabling is that he is unaware of the email Mr. Houge just referred to, but he is aware of a letter from NOHOA. Between the two there is not agreement and he cannot understand why they would approve the minutes until they get the facts straight.

Councilmember Shah suggested that when they table, they have the right actors present.

Mayor Ries said they will put it on the agenda and if the actors want to participate in the discussion it will be publicly noticed to all.

Councilmember Watson noted some of them were not on the Council on December 17, 2020, and asked Attorney Nason what happens if these minutes were never approved.

Attorney Nason said there is an interesting rule with minutes and that is the Council is allowed to vote on minutes for a meeting that they did not attend. Most of the time, people who do not attend a meeting ask to abstain from voting because they cannot attest to the accuracy of the minutes. However, in a situation where there is turnover in a body such that there would not be a quorum of the Council that could, if they take the position that one must be at the meeting to vote and approve the minutes, vote to approve the minutes. She reiterated number 1, Councilmembers can vote to approve minutes for a meeting they did not attend but common practice is to abstain. Number 2, the City is required to adopt minutes of meetings, the minutes are the official record of the meeting, so the Council is required to adopt minutes and keep minutes for the meetings that it holds.

Councilmember Shah told Councilmember Watson that was a good question.

Councilmember Watson has never in all his 31 years in government known minutes not to be approved but they are trusting that the other two parties to the North Oaks 'stool' can resolve whatever inaccuracy was exchanged. He does not know that the City Council sitting at the moment is in the position to be the judge and jury on that.

Attorney Nason said with respect to the minutes, they reflect what was stated at the meeting, so right or wrong, whether they were misstatements made, the minutes reflect what was stated on the record at the meeting. With respect to the dispute about whether what was stated was accurate or not, that is a bit of a separate question than whether or not the minutes reflect what was stated at the meeting. Those are two separate items.

Councilmember Watson asked Attorney Nason if her advice is to act on these minutes because they are a reflection of the meeting and were prepared by TimeSavers.

Attorney Nason said that is correct, and sometimes there is a transcription error. She noted unless there is something that needs to be corrected because what is reflected in the minutes is not actually what was stated; if the minutes reflect what was stated then presumably, they would be approved.

Mayor Ries said based on that, because there are two parties that are disputing the accuracy of some of the statements made, they have parties present so if the minutes are objected to or changes are made based on what was said, those people do have the ability to participate in the meeting. She noted they have a motion on the table for the minutes and asked for a roll call vote to table.

Administrator Kress clarified they will not be able to amend those minutes to reflect a change in the perspectives; that would be part of whatever the new minutes are. He assumes the Council will table this to the February meeting.

Councilmember Watson said based on the input from the City Attorney, he is inclined to encourage people to vote down his motion unless he can retrieve it.

Mayor Ries stated Councilmember Watson can amend his motion as part of *Robert's Rules of Order*.

Administrator Kress noted Councilmember Watson can amend or let it die and make a new motion.

Councilmember Watson said if the seconder is willing to accept his motion, he will make it. Based on this input, he would make a motion to approve the December 17, 2020 minutes.

AMENDED MOTION by Watson, seconded by Hara, to approve the December 17, 2020 special meeting minutes.

Councilmember Watson explained his thought-process; he had not thought about the fact that these minutes are prepared off a transcription by TimeSavers, and he has never worked with them but will presume with Administrator Kress that it is and someone has reviewed enough to know that it is an accurate transcription of the meeting itself. So, the minutes themselves are a reflection of the conversations, the questions, and the Q & A that went on, so therefore in his mind the minutes are accurate. The parties may have a disagreement about it subsequent to that, and as Administrator Kress indicated, they may be faced with this matter before them in February.

Mayor Ries asked Attorney Nason if the Council approves the minutes and it is later shown that the minutes were inaccurate, would the Council have the ability to go back and amend or take action for approval of the minutes to change the record.

Attorney Nason's understanding is that the Council would be able to amend them later, but she has to double check that because once the minutes are adopted, they are not typically supposed to be touched. Once it is approved it is what it is. Typically, there is always a motion to reconsider or motion to rescind and some of those might come in to play. The motion is really focused on whether or not the minutes reflect what was said at the meeting. One more point of clarification, with respect to the motion to amend that needs to be voted on; there is an original motion and a second and once that is done, then a motion to amend has to be voted on, not simply approved by the maker and the seconder. As she understands, Councilmember Watson made a motion to amend his original motion which was seconded. She understands the Council will vote on that and if they successfully pass that motion it would convert the original motion from one of tabling to one of approval. Then there would be a second vote on the amended motion.

Councilmember Watson added to his earlier comment – he does not see them amending the minutes, and he sees Administrator Kress nodding when he talks about TimeSavers, there is either a transcription error or the minutes are an actual reflection of the conversation that took place. Therefore, if the parties involved want to come to a Council meeting in February or some future date and remedy the record, it seems to Councilmember Watson that particular set of minutes would reflect that particular remedy...whatever it is.

Administrator Kress stated that is correct.

Councilmember Watson noted the minutes of December 17, 2020 will still stand as approved.

Administrator Kress again stated that is correct.

Councilmember Dujmovic said the general historical record in its entirety would be accurate.

Administrator Kress said yes, if someone made a misstatement at a meeting and they later found out they spoke out of turn, at the next meeting they could come and make a new statement explaining what they said at the prior meeting was inaccurate.

Councilmember Watson called the question based on the way Attorney Nason laid out the two questions.

Mayor Ries said yes, they will call a vote with the first motion, to table the minutes from December 17, 2020.

Administrator Kress said they will actually call a roll on the amended motion and then go back to the original motion.

Mayor Ries clarified they would vote on the motion to amend first.

Motion carried as Councilmembers Hara, Shah, Ries, and Watson voted for; Councilmember Dujmovic abstained.

Mayor Ries asked to call a vote for the motion to table.

Councilmember Watson said to be clear if one votes in favor they table, if they vote against they are getting rid of the table and the motion to approve the minutes stands.

Administrator Kress said that is correct.

Motion failed unanimously as Councilmembers Dujmovic, Hara, Ries, Shah and Watson voted Nay.

Mayor Ries clarified the minutes of the December 17, 2020 meeting are approved and are in the record now. She will invite the two parties to the meeting if they have discussion and they are welcome to come.

Administrator Kress said yes, if they choose to come.

Attorney Nason asked Administrator Kress if everyone voted Nay on the original motion which was amended to say “approve the minutes.”

Administrator Kress responded no, the first motion was to table.

Attorney Nason clarified there was a motion to table and then there was an amendment to change the original motion to approve the minutes. Everyone approved the amendment which then made the original motion on the table that to approve the minutes and everyone voted Nay on that.

Mayor Ries said no, they took them as separate votes.

Councilmember Watson clarified they called for a motion to table. If there had to be a motion to approve a second time, that motion was not called.

Attorney Nason is a little confused, she thought the order of the motions was going to be motion to vote on amending the original motion to table to one to approve, which passed. Which then meant the question on the table was does the Council wish to approve the meeting minutes and that motion just failed.

Councilmember Watson noted Mayor Ries called the motion as a motion to table.

Administrator Kress asked if Attorney Nason would like a new motion.

Attorney Nason said for the sake of the record, yes. If the intent of the Council was to approve those minutes based on what she heard, she is not sure that is what the Council did. She asked if they could humor her and make a motion and a second to approve the minutes.

MOTION by Ries, seconded by Watson, to approve the December 17, 2020 special meeting minutes. Motion carried unanimously by roll call.

d. Approval of SCORE agreement

Administrator Kress noted the SCORE agreement is the program North Oaks has with the County; they get reimbursed for having a recycling program. Administrator Kress noticed he has never seen this on a Council agenda but in his opinion, it should be there – it is pretty routine and he put it in the Consent Agenda because of that. It is signed by Administrator Kress and the City Attorney and turned over to Ramsey County. They typically take in about \$10,000 or so at the end of the year as part of the program.

Mayor Ries asked if Administrator Kress saw any concerns or issues for clarity in the agreement, or is he comfortable with the terms.

Administrator Kress said no, it has been the same agreement for a number of years and both he and Attorney Nason reviewed it with the County to confirm that is what they have been doing the past few years. There are no concerns from his end.

Councilmember Dujmovic reviewed this one as well and they checked the bulk waste collection and checked the shredding as being the two things that allow North Oaks to get additional incentive. He knows they do the shredding and asked about the bulk collection.

Administrator Kress said the bulk collection is the clean-up day. He stated he was not part of a lot of it, as much of it was done by former Councilmember Katy Ross.

Mayor Ries noted they have lost a lot of knowledge because Ms. Ross used to organize and manage a lot of these contracts for the City and spent a great deal of time. They lost that huge resource when Ms. Ross resigned, unfortunately. Mayor Ries asked if the bulk collection is the Green Lights Recycling Program/Clean-up Day they have.

Administrator Kress replied in the affirmative; that was one of the things he had to ask a question on because he was not part of it.

Mayor Ries asked Attorney Nason if she had any further concerns or further comments about the SCORE agreement.

Attorney Nason has no concerns. Her only comment in speaking with Administrator Kress is ensuring that the City is actually doing what they say they are doing and what they commit to do as the recipient of the grant.

Councilmember Dujmovic asked Administrator Kress if he could monitor their compliance with this and inform the Council if they are non-compliant.

Administrator Kress said he can but actually it is the responsibility of the Deputy Clerk along with a Councilmember in the past. He has no concerns overseeing that, but that is how the program was generally handled, with little oversight from Administrator Kress – only if needed.

Mayor Ries asked if they could do a six-month update to track the program and see their progress; she is sure they will hit their numbers again as they usually do. With grants, they are awarded the sum of money and then have to meet the criteria and if they fail to do so, they usually must pay the money back to the grantor.

Administrator Kress believes Mayor Ries was appointed as the recycling partner.

Mayor Ries was on the recycling committee when Ms. Ross ran it, so she allocated her name on there simply because they needed someone who was involved before to continue the program.

MOTION by Hara, seconded by Dujmovic, to approve the SCORE Agreement. Motion carried unanimously by roll call.

e. Approval of Island Field JPA / f. Approval of Gate Hill JPA

Mayor Ries opened it up to Council for comments and questions.

Councilmember Watson's only comment, he spoke with Administrator Kress about the original agreement with White Bear Township and Councilmember Watson was involved in that particular matter. He wanted to make sure that they are aware of any approvals, amendments, or changes that have been made in the last 20 years. Administrator Kress sent Councilmember Watson the 1999 agreement and he frankly ran out of time to look at it. He can't imagine these

are problems of any kind, he assumes it is fairly routine, and noted they need water and sewer as they do not have a lot of choices over there. Unless someone wants to carry these over to February unless there is a reason to do that and review the 1999 agreement again, they can go ahead and approve these and still look at the 1999 agreement. If something pops up, they can deal with it afterward.

Mayor Ries asked if there is any rush or deadline to approve these.

Administrator Kress said there is not necessarily a deadline, they are pretty routine and are part of the preliminary approvals. Any time they get water/sewer connections with White Bear Township, they do an addendum to the master agreement which is on the table for tonight. From his standpoint, there is really no reason to wait or to push it out, although the Council can make a decision tonight or push it out. If there are questions on something they need right now, he would direct that to Mr. Houge.

Councilmember Shah was surprised this item was pulled from the consent agenda, as she is not sure what there is to discuss here or what the intent is. She stated this agreement has been in place since 1999 and is procedural so she does not see any reason to delay it. It is a discussion with White Bear Township and the City needs water.

Mayor Ries said this item is for the Island Field area which has not had final approval yet. Because there is not a deadline and there were numbers about final numbers, etcetera, and they do not have final plan approval, she is cautious in what North Oaks is agreeing with other entities around and wants to make sure they are discussing all these items and agreeing to things as they come down the pipeline together. Mayor Ries gets uncomfortable when they agree to terms and maybe there are consequences later in talking about plans or the Met Council when perhaps they thought it would be a pretty routine thing. She pulled it from the consent agenda because when she is doing the meetings in other realms, for example the Cable Commission, the consent agenda are regular and routine items. For the North Oaks Council meeting this is not a regular and routine item, this is about the development. Mayor Ries wants to make sure – she knows that things were expedited exponentially before – and wants to make sure they are doing everything measured and correctly. Because there is no pressing deadline, it might be prudent to take it in turn when they discuss some of the other items and double check some of the other factors as issues come down the pipeline.

Administrator Kress noted Mr. Houge has his hand raised.

Mr. Houge clarified the reason they requested that the item be approved at this time is that given the number of design elements that the developer of the building is working on right now, they would like to have as many of these issues resolved as soon as possible. It is very helpful if the City Council can acknowledge that it is approving these at this time. To Administrator Kress' earlier point, it is not absolutely necessary but it is very helpful to keep the project moving in terms of that developer dealing with its lender as well as knowing how it should proceed with the

design of the building. He requested that based on the history of 20 years with other developments that it is fairly routine and asked that the Council approve it this evening.

Councilmember Watson asked to respond and said his understanding is that City of North Oaks has not completed its 2040 Comprehensive Plan with the Met Council. There are matters in these two approvals with the number of units that are critical to that particular document and he does not know how material they are. He thinks if they were to schedule this for February there is some due diligence that needs to be done. Last he checked in looking around the table there are now three people for whom this is basically new information. Councilmember Watson was there in 1999 when they did the first agreement and negotiating with Chair Bob Weisenberger and Administrator Bill Short but he does not know how this related to the 2040 Comp Plan and those are matters he thinks they need to look at.

Mayor Ries agrees and she would like to look into this and not just expedite the plans through to make sure they are checking all the boxes, being consistent, and not agreeing to terms that later on they want to reconsider and look at more. She agrees with Councilmember Watson it would be better to err on the side of taking more time and doing better due diligence than to rush through approvals.

Councilmember Watson asked aren't they saying with respect to Island Field, which is item 6e, they are talking now as a result of the preliminary plan approval with more units than were contemplated in the 2040 Comp Plan.

Mayor Ries would have to look at the latest and current version of the Comp Plan, but she believes so, the last Comp Plan she looked at, yes.

Councilmember Watson noted all of this change came along this past fall.

Mayor Ries said that is right and asked if someone would like to make a motion regarding tabling or approving.

MOTION by Watson, seconded by Hara, to table and carry over to February items 6e Approval of Island Field JPA and 6f Approval of Gate Hill JPA.

Councilmember Shah asked Mr. Houge what specifically will happen with the developer of Island Field if the Council pushes this down the road a month.

Mr. Houge replied they will proceed based on the preliminary plan approvals where the City stated it approves the design incorporating the municipal water and sanitary sewer provided by White Bear Township, especially in light of the fact that the town Board approved that. It is just a formality in some respects just to complete that process which would lend some comfort to the developer of the building. To answer specifically, the NOC and the developer will proceed as though that service will be provided and that the City agrees to honor its approval granted for

both Gate Hill and Island Field with municipal sewer and water coming from White Bear Township.

Councilmember Dujmovic asked Administrator Kress if they can make it a standard practice, when there is a water or sewer matter that comes forth, that there is a check by Staff with respect to the currently approved Comprehensive Plan or any drafts thereof. That would be part of the information that comes to the City Council, an assessment of what is being reviewed and approved or denied based on the current Comp Plan.

Administrator Kress said he does not see why not.

Councilmember Dujmovic thinks it would be helpful as the governing of water and sewer is that Comp Plan and they want to stay consistent with that and if the City is not, they want to have a discussion that is informed and not assume; he thinks that would be a good practice.

Mr. Houge added that the Comp Plan does include municipal sewer and water to both of these sites and it is clearly accounted for in the Comp Plan.

Councilmember Dujmovic said yes, it certainly does. The issue was simply that that particular site at the time of the Comp Plan formulation was a 35-unit site with the expectation that it might go up to 46 and now it is higher for reasons that the Council has been discussing. He does not know whether that level of detail is in the Comp Plan in terms of the amount of units requiring water and sewer. He noted that is the check that he is most interested in.

Councilmember Watson stated there is a table in the 2040 Comp Plan and he has not looked at anything in maybe six months, but the table talks about the units and the approved, and in North Oaks case there is a supplemental provision in there where they can add 30%, 50%, etcetera. He said they use that for sizing and he cannot imagine that this is going to be a big issue and presumably it is de minimis in terms of numbers. If for some reason the Met Council decided not to approve this, they would be talking about on-site septic.

Mayor Ries asked if there are any further comments before calling a vote.

Motion carried unanimously by roll call.

g. Approval of Metro I-Net JPA

Administrator Kress said the Metro I-Net is basically the IT network that is provided by the City of Roseville to many cities throughout Minnesota, generally in the metro area. He noted they have transferred that into a Joint Powers Agreement (JPA), which was reviewed mainly by Roseville, St. Anthony Village, Circle Pines, and went through every city's attorney. Both Administrator Kress and Attorney Nason have reviewed this and it sounds like just about everybody has approved this with the exception of North Oaks and maybe 5-6 other communities.

Mayor Ries said historically North Oaks hired consulting services in the past. Now the cities have joined together for a JPA for these services. They will be switching from a consultant role to more of a unified front with the other cities. She noted all the cities agreed to the terms and there weren't any changes made and asked if that is correct.

Administrator Kress said that is correct, this is the final document that every city has been approving.

MOTION by Watson, seconded by Hara, to approve the Metro I-Net JPA. Motion carried as Councilmembers Hara, Ries, Shah, and Watson voted for; Councilmember Dujmovic abstained.

6h. Resolution approving septic variance 3 Raccoon Road

Mayor Ries believes NOHOA wanted to review a survey.

Councilmember Shah believes this was pushed out to the February meeting.

Mayor Ries asked if this has already been tabled.

Councilmember Shah said they did not table it.

Administrator Kress said there was going to be a discussion to table it, but he would like to address the question.

Mayor Ries said it was not a question but a recommendation. She noted there was a question about a map and a survey and some issue with that, so Mayor Ries would like to take some time to clear up issues on record before the City Council takes a vote on it. It will be tabled to the February meeting.

Administrator Kress asked to comment and said he has Septic Inspector Humpal and the Applicant present tonight if there are questions. Administrator Kress' understanding from the NOHOA perspective is that they wanted the secondary site to be a smaller design, which he thinks the Applicant has the ability to do. They can have tighter standards than the City approves as far as a variance. From Staff's perspective, he does not see a reason not to approve it but he will open it to the Council for discussion.

Mayor Ries asked if they should wait until February to discuss it.

Administrator Kress suggested having a discussion with the Applicant as they are looking to get moving on this project and they meet with the Architectural Supervisory Committee (ASC) on Monday so if the Council waits until February, they are pushing them out quite a bit.

Councilmember Shah noted the Planning Commission deliberated on this quite a bit and it was extensively reviewed.

Mayor Ries gets very nervous when there is some issue about questions of authority. It creates unnecessary tension and this would be much easier if they waited a couple of weeks to provide some time in allowing discussions to be had and it could result in a clean vote for the City Council and not result in unnecessary tension. That is her only comment.

Councilmember Watson said to Administrator Kress, if he reads right, the Planning Commission approved a 3-foot setback from the 30-foot north property line, 23 feet from the 75-foot setback from the lake, and asked if that is correct.

Administrator Kress replied that is correct based off the Staff report and resolution.

Councilmember Watson said to be consistent for his 20 years, he voted against any time they did a variance to Pleasant Lake. There is a reason why they have a 75-foot setback and the idea is not because they want to build a “McMansion” in there and encroach in that particular area. Councilmember Watson would be interested in finding out if they have explored all the experimental plans and other things, they could look at in terms of the area capacity or area requirement to do that. In reading the material from the Planning Commission, it looks like they sort of threw their hands up and said “what are our choices?”

Mayor Ries agreed and said they need to protect Pleasant Lake, and all lakes for that matter. Taking a couple more weeks to explore the issue may be beneficial and set improve precedent and would be consistent with the precedent that Councilmember Watson set in the past.

Administrator Kress asked Councilmember Watson if his voting against was for primary or secondary sites, because this is specific to the secondary site, not the primary.

Councilmember Watson said that is what he is talking about and can show some properties he is very familiar with in North Oaks where when they adopted the two five-foot drain-field areas they had to look at some experimental designs, evaporating systems, and other things. He did not see anything in the information to indicate that the Applicant had explored some of those; from Councilmember Watson’s historical experience, some of those require less than 5,000 square feet.

Councilmember Shah said they are already going down the road here and if they have the resources, they have the Applicant and Inspector Humpal who probably sat through the last few hours being readily available for this. She asked if it would make sense to go through this right now as they should be considerate of their residents if they showed up tonight for this.

Administrator Kress noted it looks like Matt Summers who is from the Applicant’s team has his hand up.

Mayor Ries stated if Mr. Summers would like to make a comment on record that would be fine.

Matt Summers from Wenck Associates noted he is at the meeting on behalf of the Applicant. He helped write the report on the septic options and is here to answer any technical questions the Council may have. He does not want to state a comment unless he is responding.

Councilmember Dujmovic asked if the primary site is still viable and operational.

Mr. Summers answered yes, it is compliant and they did not notice any concerning issues.

Councilmember Watson said for the record, he has been around since 1991 in the North Oaks government so Mr. Summers is getting old history which is probably not good. His questions are whether they have looked at some of the alternative solutions that could use a lesser area than 5,000 square feet and either mitigate, reduce, or eliminate the 23-foot setback from Pleasant Lake.

Mr. Summers answered not specifically; the rule they responded to in the report is that the City rule requires a developer to outline a 5,000 square foot secondary treatment site. They do not propose any particular septic design; they were just trying to identify the most viable 5,000 square feet on the lot. The actual system design, if replacement is even needed, would be determined by the designer at that time and Mr. Summers believes there is language in the resolution requiring the designer at that time to use whatever options are available to minimize the size and move the system as far south as possible. It is certainly possible that a system could be designed and installed within that 5,000 square foot area that is less than 5,000 square feet and may in fact meet the setbacks when that time comes. He noted that time may not be for 10-20 years.

Councilmember Watson said the only reason he raises it, and said hello to Inspector Humpal, and he is not sure that he was doing these things when Schmidt was still around or not, but they looked at some metered systems and other things they could use to look at secondary sites that would require lesser amount of area. Hence, then the action would be a variance to the secondary 5,000 square foot area, not a variance to the setback from Pleasant Lake. In other words, they would still get a green light, it is just a different variance, and the question is, has that been explored and did they look at any of those.

Septic Inspector Brian Humpal said he has not been presented with a plan that would utilize some of these other technologies that are available. Within North Oaks' code, they are required to show this 5,000 square foot area and the only way to achieve that is with encroaching into the setback to Pleasant Lake. Certainly as Mr. Summers indicated there may very well be other options available which would prevent the need to encroach into the lake when that time comes.

Councilmember Dujmovic asked Councilmember Watson if he understands that a variance on the 5,000 square feet might be acceptable provided that the alternative system was not 75 feet or closer to Pleasant Lake.

Councilmember Watson said what they would do is either reduce or minimize the 23-foot variance to the 75-foot setback from Pleasant Lake because they would grant the variance on the 5,000 square foot secondary site.

Councilmember Dujmovic said it could be a condition that would be very clear to everybody now and in perpetuity and record that any approval of any site meet that primary requirement protecting Pleasant Lake and asked if that is correct.

Councilmember Watson said yes, and he will take advice from Attorney Nason as he may be in an area where she will have to step in and protect him, he would be inclined to approve this tonight, actually, minus the 23 -foot variance from the 75-foot setback to Pleasant Lake. This would then force the Applicant to bring in a design that people like Inspector Humpal could look at to verify. The resulting area may be 3,500 or 4,000 square feet instead of 5,000, but one of the alternative designs would fit that or they may look at a metered system. North Oaks has some metered systems where they had the meter flow because there was a lesser drain-field.

Mayor Ries is a little worried about setting precedent for even granting the variance as even if they put conditions on it, as they are still granting the variance. She still would like to explore, because it is on the lake, the design, the topography; she would like to see if NOHOA does reach a decision with the owners about a design or issues there. That may negate the need for the Council to even create the precedent, granting the variance, and they must be cautious with variance. It might be prudent to hold off on creating that precedent at this point.

Councilmember Watson agreed with Mayor Ries and thinks what Inspector Humpal has confirmed is that there are experimental systems that do require a lesser geographic area.

Inspector Humpal said the only thing he would caution is having the 5,000 square feet of area available allows them to pick the most suitable location for a system that is going to work satisfactorily. He would be concerned if they are forcing the Applicant to pick an area that is less than ideal for long-term wastewater treatment.

Mayor Ries said they would still have the issue in the February meeting and it is just allowing the Council to gather more information when this issue was explored.

Inspector Humpal is saying, if this were now approved, with the condition that the variance was withdrawn from the lake setback.

Councilmember Shah stated if they are going to add conditions, she would highly recommend this goes back to the Planning Commission, the governing body where the Council has them look

at this in great length. She said the Council is adding additional information that they did not have before.

Mayor Ries would be okay with sending it back to the Planning Commission as they will meet in two weeks and that would still give time to have at the February meeting.

Councilmember Dujmovic thinks that is a great idea and perhaps they can request that NOHOA have their information available in time for that Planning Commission meeting so whatever action may be taken on behalf of the request from NOHOA would be known by the Commission.

Councilmember Shah asked specifically what authority does NOHOA really have over this.

Attorney Nason said NOHOA has whatever authority it has under its regulations and under the various deed restrictions, but those are outside the purview of the City. The City's request is with respect to this variance application for deviation from the setbacks for this required secondary subsurface sewage treatment system (SSTS); it is not the primary but is the secondary site that all property owners are required to identify when trying to engage in the reconstruction process like this Applicant did. It sounds like the Council would like some additional information, and there is still time based on the application date as it looks like it was received by the City on December 1, 2020, so the first 60 days have not run on this. The Council has up to 120 days to take action on this and can send an extension letter and the Council could vote to send this back to the Planning Commission for further review and recommendation. Attorney Nason's only caution is, they do have to act on the variance application that was submitted to them, unless the Applicant withdraws a portion or the entirety of the variance request. That will eventually result in the Council having to give a vote up or a vote down to the request as presented by the Applicant.

Mayor Ries asked Attorney Nason if the Council could vote to table until the February meeting and that would allow the Planning Commission to take their time and give a supplemental recommendation.

Attorney Nason said yes, absolutely.

Councilmember Dujmovic said to Councilmember Shah's question, he thinks NOHOA is likely looking at this through the ASC. When there is going to be a new build here, he believes it is a situation where they are getting rid of the existing house and building a new one. The ASC looks at that in terms of where that house is situated on the lot and they also look at these types of issues.

Councilmember Shah thanked Councilmember Dujmovic for that clarification and noted she was not at the Planning Commission meeting but she suspects Inspector Humpal and Mr. Summers were. She asked if the Planning Commission talked about putting the restriction in to having it go as far south as possible to avoid the setback issue.

Administrator Kress and Inspector Humpal both replied yes, they did.

Inspector Humpal said that was the intent of the Planning Commission: to have it situated as far south as possible. He would like to add that regardless of the reconstruction of this property, they would have been looking at a variance had this property not been reconstructed; they would have looked at the same exact issue. He said the reconstruction of the house is triggering the requirement for the 5,000 square foot secondary area, but had this property needed a replacement system they would have been looking at the same issues. Inspector Humpal asked Mr. Summers if there is some additional design work that needs to be done to try to design a system that would meet the required setbacks to Pleasant Lake if there was sufficient time to do it; especially given the frozen conditions and the difficulty in doing site work at this time of the year.

Mayor Ries agrees with Inspector Humpal and said it is important that they have more information rather than less in making the decisions.

Mr. Summers said a septic system cannot be designed right now as City rules require percolation testing and the system that would be out here would be an above-grade mound type system, so they have to test the ground surface and right now it is frozen to a depth of about a foot or more. State rules say they cannot describe soils when they are frozen and cannot do percolation testing when they are frozen. Right now, for this item they are not requiring any kind of septic system design. He added that the constraints facing 3 Raccoon Road are certainly not unique to that address or lot. Any of these older lots – this lot dates to the early 1950's – all of the lots in this area were built before the concept of a septic system drain-field even existed. At that time, on-site wastewater was generally dealt with cesspools, which was just a hole in the ground. What is being faced by 3 Raccoon Road right now can likely be faced by many other properties in that area whenever they need to replace the septic system or if they plan to do any improvements to their homes. Mr. Summers added a lot of this area is fill-soil and is marshy, the soils are tight and it is a challenging area for 3 Raccoon Road and their neighbors.

Councilmember Watson thinks it is not so much that they will go out and do the testing, as he understands the current conditions, but would present to the Planning Commission what he thinks are some of the alternative designs and what spatial requirements are for those. It does not appear it was presented to the Planning Commission, and yes, it would probably require a variance to the secondary 5,000 square feet but would eliminate the variance from the lake.

Mayor Ries said yes, and the Council wants to be careful about that precedent they are setting. If the Council tables this, it allows the Planning Commission to consider those and look at all of the different types of systems. When it comes back to the Council in February, they will have a lot more information to consider and will give NOHOA the opportunity to look at it as well. She thinks it is kind of a win-win.

Councilmember Shah asked to be precise and ask the Planning Commission to provide the Council with the recommendation after additional review.

MOTION by Councilmember Shah, seconded by Watson, to have the Planning Commission reassess this variance for 3 Raccoon Road for additional information and a recommendation back to the City Council; in addition, the City Council will table this item until February.

Councilmember Watson asked Attorney Nason if they must notice the Applicant that they are extending this a second 60 days.

Attorney Nason said yes, the City will need to send a formal 60-day extension letter in order to comply with the 60-day rule explaining to the Applicant that the City needs additional time to make its decision and identifying when the deadline is for completion of its decision on this action.

Motion carried unanimously by roll call.

j. Approval of 2021 City Meeting Schedule

Mayor Ries wants to discuss this as she wants to suggest to the Council that they automatically schedule a meeting to set the agenda and address any items that may come up 2 weeks before the City Council meeting. The reason for this is that there may be issues they can handle in that meeting if necessary and everyone can participate together in setting an agenda and addressing issues. It helps to not have super highly-packed meetings and may help to resolve some issues. The meeting schedule (noted onscreen) has regularly scheduled meetings and Mayor Ries would like to add a planning session 2 weeks before and that way they would not have to call special meetings all the time. It would be something the Council knows is on the schedule and can plan for it in advance rather than having a special meeting creep up. The other advantage is that Staff does not have to go out and separately notice the meetings as it is already noticed as a regularly scheduled meeting is noticed.

Administrator Kress clarified some of those meetings two weeks prior would land on the same night that the Planning Commission meets. He said perhaps they want to schedule a Wednesday. He noted Planning Commission may also want to think about the same thing in having 2 meetings per month so they can tackle more variances, CUP's, and whatever comes across the table.

Mayor Ries asked the Council if they would like to schedule a planning meeting.

Councilmember Shah asked Attorney Nason what other cities do.

Attorney Nason said it depends; some cities meet twice per month; some meet twice a month plus a regular work session. It is important as they are defining what the meeting is, for example some cities have a structure where they have a work session but they indicate that they will just hear information and provide direction and not take official action. What Attorney Nason is

hearing is that the Council would like to have the flexibility to both take action on items as it may see fit as well as schedule and discuss agenda items for the upcoming Council meeting. If that is the case, typically meetings are held twice per month held two weeks apart. For example, the fourth Thursday does not work as it conflicts with Planning Commission, but the fourth Wednesday of every month would allow a solid gap of two weeks between the meetings to provide the time to plan for the regular meeting agenda and have those spread out so they can avoid calling special meetings when things cannot wait a month for action.

Mayor Ries asked if a Wednesday would collide with any other committees or meetings.

Administrator Kress thinks Vadnais Lakes Area Water Management Organization (VLAWMO) meets on Wednesday nights.

Mayor Ries asked about a Tuesday night.

Councilmember Hara asked if they are proposing to do this every month.

Administrator Kress said they would have it on the schedule every month but they would not necessarily use it every month.

Mayor Ries noted they could cancel if there were no items or if they wanted to wait and consolidate the meeting.

Councilmember Hara noted Planning Commission and Council are planning to do it and as he is the Planning Commission liaison, that is 4 nights a month and he does not know if he can commit to that.

Mayor Ries said Councilmember Hara could have his alternate sit in on some of the Planning Commission meetings.

Councilmember Watson said based on the proposal he will have 8 meetings a month.

Councilmember Hara said that is too much.

Administrator Kress noted they can certainly do special meetings; they just need the comfort level of the Council to do that. For example, if there was an item tonight they wanted to address the following week, they would need to know that tonight.

Councilmember Shah asked historically, how many special meetings the Council had in the last year.

Administrator Kress said last year was a little unconventional; normally they would not see that very often. Most of the cities Administrator Kress has worked with will have one meeting a

month, maybe a work session off and on even if it is a special work session. He said they have talked about doing joint sessions with the Planning Commission quarterly or once a year to get on the same page. There are lots of options and it doesn't really matter if it is a regular or special meeting, it is just that there is more that Staff needs to do when it is a special meeting.

Councilmember Watson is not accustomed to two meetings per month in North Oaks, he cannot imagine what they would have, but he said they will also be talking about item 9a which means that if they will hold a special meeting it will require them to serve notice with agendas and materials if they adopt that document one week in advance. That would mean if they were going to hold special meetings to give public notice, etcetera, they would presumably give people a 10-day notice. He thinks special meetings will be the course, but he cannot see having to schedule 24 meetings of the City Council today. He is unable to go into the calendar and say every Tuesday or Wednesday or Thursday is clean. He is on 6-7 different Boards of Directors and he just can't do it.

Mayor Ries agreed and said she also has a pretty packed schedule outside of City business. She was just trying to have some kind of notice so people could at least plan their schedule or figure out if they were available in advance. She said they can always call special meetings or work sessions when they need to; they can approve this schedule, she just wanted to throw the idea out because she knows that many cities do it and it is very effective in helping them make their meetings more consolidated and flow better. She noted they can always pick it up again later and readjust the schedule.

Councilmember Watson noted in working with some school clients, one of the last items on their agenda each month is an item called "topics for the next meeting." Perhaps the Council could consider the possibility at the end of a meeting, the last 5-10 minutes, see if there are topics that should be on the following month's agenda.

Mayor Ries likes that idea and said they could do that. She suggested they try that for now and approve the schedule as Administrator Kress created it and the Council can think about it and take additional action if needed later.

MOTION by Hara, seconded by Dujmovic, to approve the 2021 schedule of monthly City meetings as presented. Motion carried unanimously by roll call.

PETITIONS, REQUESTS, AND COMMUNICATIONS

a. Officer Mike Burrell report

Officer Burrell noted they have had an increase in fraud-related instances; many of them have to do with the unemployment fraud that has been going on for months now. He suggested residents monitor their credit and people can look up their credit reports and find any activity they do not approve of on there. He has talked about putting something in the paper about some of the other frauds such as sending money and said there have been a few instances of this. For example, one person sent money to someone they thought were from e-Bay and they were not. Obviously,

these people will not see this money again. With frauds he thinks they may want to put out through email blast, in the paper, or online, to get some of these common tips out to people.

Mayor Ries asked if Officer Burrell would mind if Gretchen Needham contacted him and perhaps wrote an article about it.

Officer Burrell thinks that would be great. A lot of this has been going on a long time, but the scammers change tactics as people hear about certain scams. He noted some of the stuff is new and the Sherriff's office has been finding new ways to scam people. It is not only a reminder to people but also good information about new things going on.

Mayor Ries thinks the email blast is also a good idea but the newspaper has further reach and they can elaborate more.

Councilmember Dujmovic asked if there is a credible source that residents can go to as these tactics evolve and change; perhaps an online link that tells the latest things the Sherriff's department is observing and the techniques being used.

Officer Burrell has seen things by the AARP because many - but not all - victims are elderly. Depending on what the tactics are, there are some people that are very, very "with it" and are still being duped by the scammers.

Councilmember Dujmovic thought they could put that link out there for people to periodically monitor.

Officer Burrell said he could find those links and give them to Ms. Needham.

Councilmember Watson asked Officer Burrell, noting he suspects it should probably be off-camera, there are some matters being reported about from the FBI affecting state capitols in 50 states. He noted they are not far from one in Minnesota. He asked what Officer Burrell can tell the Council on camera and what should they know off-camera.

Officer Burrell said their department is on full activation coming up this weekend. There will be plenty of help available; as the Council knows, he is on the Mobile Field Force Team and helps with civil unrest and that team will be out this week. Since the State Capitol is a state building, the state patrol is the lead agency, and the same is true for the Governor's mansion. For his team to go over there would have to be at the request of the state and they will be readily available to respond to the state's request for help.

Mayor Ries wished Officer Burrell luck this weekend.

Councilmember Shah noted to the Council that poor Officer Burrell has been here for three hours and asked if it would make sense when talking about agendas and how they run these meetings, they could have him go first so he can get back on the streets and patrol.

Councilmember Hara, Councilmember Watson, and Councilmember Dujmovic all agreed that is a great idea and a good thought.

Mayor Ries asked Officer Burrell if he would appreciate that.

Officer Burrell said it is up to the Council; part of North Oaks' contract with the Sherriff's office is they could have him there for the entire meeting if they so choose. If that is fine with the Council, he is fine going earlier.

Mayor Ries said on nights like this when it is a pretty calm crowd.

Officer Burrell noted this is obviously different as he is the only one in the gallery right now, but there have been meetings where there has not even been a seat available.

Mayor Ries said it depends on the meeting and if it is a pretty straightforward meeting where they don't see too many people attending or it is not too contentious; she told Officer Burrell to feel free to jump in during the public comments section if there is something he needs to run out to.

Administrator Kress clarified if Officer Burrell goes first at the next meeting, he would like to see that as part of the approval of the agenda. They will advance him to go immediately after the approval.

b. Presentation of 2020 Annual Forestry Report

Mark Rehder, the contracted City Forester with North Oaks, said it is always a pleasure to come before the Council and update them on the accomplishments of the forestry program. The biggest achievements this year were in regard to the shade tree disease programs, the hazard tree program, and invasive species control. He will provide an update on these projects and a summary of secondary projects. Mr. Rehder hopes the Council all had a chance to look at the reports in the packet; there is a lot of information and detail and he will not go into all of that this evening. They marked 147 diseased oaks for removal. To put this into perspective, when the shade tree disease program first started in the late 1970's and early 1980's, they were marking about 1,000 mature red oak trees as being diseased each year. Since that time this number has dropped fairly dramatically to where it is at a management level. They usually mark about 200 plus-or-minus 50 trees and he is not sure why that variance is there but seems to historically have been the case. Also 18 diseased elms, generally larger, more mature elms and noted it is a low number because they do not have a large population of elm in the community. He noted they do have many smaller 3- to 4-inch elms but they usually succumb to Dutch elm disease shortly after that. They are also starting the process of marking ash trees for removal and will mark this

winter for spring removal. As the emerald ash borer slowly starts to creep into the community. Ash trees are a different monster than oak wilt or Dutch elm disease (it is about a month from the time the tree gets infected until it is dead), while with the emerald ash borer it is about a five-year process. Mr. Rehder said as the bug infects the tree it just thins out year after year until it is really brittle and dry. It is tough to decide when to mark those trees for removal – they do not want to mark them too early as people could, in theory, still treat them. He noted they do give people a little bit of time but they are following the recommendations from the Department of Agriculture and Mr. Rehder has been in contact with other City Foresters who have programs in marking private ash trees for removal and that is usually the procedure they take. With that in mind, they sent out about 185 letters to residents early in the spring and were focused on areas where there is a larger population of ash trees in south central North Oaks, west and east of the golf course. This is generally a lower lying area and has more ash trees. He noted the educational efforts really paid off and they made a lot of site visits, educated a lot of people about what to expect, what to do, how to strategize, etcetera. The earlier people can make those decisions, the more options they have; later they do not really have any options but to remove the tree. They will be working very hard on the emerald ash borer in the upcoming years and it is certainly going to have an impact on the community. The program is still the best way to go and they still need to encourage more planting of trees to respond to that loss. Mr. Rehder stated hazard trees were also a big component this year and they have been fairly aggressive the last couple of years in marking these trees. He does not like the term “hazard trees” as that almost implies an imminent failure and they do not want those in the community; he prefers to call them “trees of concern.” They marked 93 trees of concern for removal and most of them are just standing dead trees that are along streets or are leaning into trails. He said they take this very seriously in marking these trees and they are all trained to identify risky trees through the International Society of Horticulture tree risk assessor program. Generally, it is not the trees that are the problem, but more the targets and the locations and the occupancy rates that dictate the risk associated with the tree. Mr. Rehder noted they want to keep the community as safe as possible as they have a lot of trees, a lot of people, a lot of streets, and a lot of trails. It does happen that a property or person can be injured by this, so they take it very seriously. Perhaps the Council recalls the large oak that fell near the intersection of West and East Pleasant Lake Road in the summer; that is a tree that was not on the radar. It was in full leaf, was a solid, big, mature red oak, but obviously had significant root rot that they could not see from the street even though it was only about 10 feet off and covered with brush. This is what they are up against sometimes but that is what they are looking for and will continue that program and try to keep the community as safe as possible. Invasive species were also a big accomplishment this year; they received some grant funds for oriental bittersweet eradication from the Department of Agriculture and worked with nearly a dozen landowners to tackle a very large oriental bittersweet site. The site was probably about 15 acres in total and oriental bittersweet is on the Department of Agriculture’s list of eradication and people are not supposed to have it on their property. If they know about it, it is essentially illegal and they can take some efforts, but first they like to work with people and try to educate them and let them know it is best to tackle it as soon as possible. It took a lot of effort and a lot of coordination but they got the site done and it has been restored. Mr. Rehder will be curious to watch and monitor how that continues into the

future, and they are looking for more funding so that will continue because they did see even away from this infection center, smaller plants here and there. They would like to keep on top of those before they really become an issue because they really can do some serious damage to the forest and that is what the City Forester is trying very hard to protect. They also have Japanese knotweed, buckthorn, and other invasives found throughout the community, so there is a lot of work ahead but they are looking forward to that challenge. That is about 90% of what they do right there and the other 10% is more miscellaneous: Operation Clear View in looking for site obstructions within the community, for example a tree that is covering a stop sign or a tree that leans out too far...they work with residents in trying to address those issues. The forestry applications, which is part of the City's shoreland ordinance, if residents want to work within that 20-foot to 100-foot part of the shoreline, they need to get permission based on the City ordinance. It forbids arbitrarily removing or altering vegetation with some exceptions (for instance, if the tree or branch is dead or is invasive species, etcetera...) but they do want to work with people in the spirit of the ordinance. Mr. Rehder thinks that has been a very successful program in keeping that shoreline intact and keeping the trail system in good order and still giving that north woods feel in the community; as Councilmember Watson mentioned that was one of Louis Hill's original objectives. The arborists workshop was held in North Oaks in December to inform tree care companies of the uniqueness of working within North Oaks; they do need to be licensed and they have a lot of shoreland property, as well as association property and people do not always realize where it is. There are a lot of little things and it is good for them to be aware of. Plus, they are always another set of eyes out there for the City and if they see emerald ash borer in a tree, they will let Mr. Rehder know and he will go ground truth it out. He said the annual tree seedling giveaway was unfortunately a no-go this year, but that is always a pleasure to work with the garden club and set up at the Hill farm and provide a selection of 6 seedlings or so that people can plant and promote on their property. The brush program has always been a big success in previous years and they usually get about 50-60 participants who are willing to drag their brush to the curb and have it picked up at a nominal fee by a local vendor. Gauging on the interest in spring, North Oaks may have another one in the fall but they will certainly continue that program as well as featured articles in the *North Oaks News* and other content on cable access. Mr. Rehder enjoys working with the Natural Resources Commission and other partners that they have fostered relationships over the years on environmental projects. Further down on the agenda, Mr. Rehder provides a month in review with a write-up of what they did that month so anyone interested knows what they are doing. He thanked the Council for their time.

Councilmember Shah asked Mr. Rehder if he posts some of these updates, such as the monthly review, to the City's website.

Mr. Rehder said he does occasionally get content on there and they submit articles to the *North Oaks News* and now with the newer website he does notice that it needs some work and that is certainly something that he is willing to help with to make it a good resource for people to access. He said it is a work in progress.

Councilmember Dujmovic echoed what Councilmember Shah said noting he read this report last night and it is awesome, really well-done and well-written. It is targeted to residents in the community and is written at a perfect level. He thought that maybe some links from Mr. Rehder as an expert on some of the images he has placed here could be helpful to residents if they were online to say, “This is what a tree looks like when it is headed in the wrong direction.” He said even the picture of oriental bittersweet – they have all heard the term – and Mr. Rehder has provided a wonderful image of exactly what it looks like. He noted blight, the emerald ash borer, the wilt, etcetera...some of those images could be placed where someone could look at it online and get a better sense of what they are looking at. If it came from Mr. Rehder, they would trust his expertise that they are looking at the right thing and not just going online but there is someone who knows the community and knows what they are looking for.

Mr. Rehder agreed and said that is a good idea; just having links available and making sure they are from professional sources and updating them as needed is certainly a good approach. He noted they had that started on the other website but some of that fell off. This is an excellent opportunity to re-do that and make it a better product.

Councilmember Dujmovic said they could probably do that through the NRC as they are very complimentary of Mr. Rehder’s work and his relationship. He asked Administrator Kress if they could talk about putting that on a section of the NRC’s website to help people identify things with sources that Mr. Rehder has approved.

Administrator Kress stated they do the same thing with coyote management and a few others.

Mayor Ries told Mr. Rehder that North Oaks has a new website which she is sure he has seen and right now they are reaching out to the historical society, NRC, Planning Commission, etcetera, and asking them to help improve the City’s content. Under the NRC that would be a good place to add the links and content that they just can’t put in the paper as there is limited space. She stated they could have a more robust description as Councilmember Dujmovic suggested as to what these different diseases look like and the resources for people.

Mr. Rehder thinks that is a wonderful idea and could not agree more. He will work with Staff on getting that accomplished.

Councilmember Shah asked, as with Officer Burrell, if it would make sense to put Mr. Rehder in the beginning of the meeting, as well.

Mayor Ries noted they do not really have a forestry report during the meetings, this was the Annual review; usually they just have the police report and the Councilmember reports.

Administrator Kress said occasionally they will have other communications but not often.

Mayor Ries noted when they do have a guest like Mr. Rehder, they can put them at the beginning of the meeting.

Administrator Kress said yes, for example next month they may have Northeast Youth and Family Services (NYFS) come.

Councilmember Watson noted Mr. Rehder provides a monthly update.

Mr. Rehder replied yes, he has historically provided that to give people an idea of what they are up to.

Councilmember Watson said it is all “jammie-time reading.”

c. Presentation by Kelly and Lemmons Prosecution overview 2020. Consideration and possible action on engagement proposal

Joe Kelly said he also has Rebecca Duren and Martin Norder, two of his partners who also do prosecution on behalf of North Oaks. He is happy to be here for the annual report and is one of the prosecutors with the firm Kelly and Lemmons. They have been doing prosecution work for North Oaks since 2011 and also represent 4 other cities in the Ramsey County suburbs, which is how they are able to keep their costs as they are. Mr. Kelly said this year-end report discusses all the cases that were disposed of in 2020; obviously 2020 was a challenging year for prosecution due to the pandemic and Ramsey County as large of a judicial system as it is had a lot of hurdles technology-wise to catch up. They took a fairly significant break from having any court appearances; in-person court appearances were temporarily suspended then reinstated and then when COVID started to increase again they were suspended a second time. However, Martin Norder from the office has specifically been the lead for all of Ramsey County’s suburban prosecutors for the planning portion of reinstating in-person and modified court appearances to make sure they continue moving along. Despite the fact that there was a significant break in any court appearances there was only a decrease in three resolved criminal mandatory cases. Mr. Kelly noted the difference between the criminal mandatory and criminal non-mandatory is: criminal mandatory cases are those that require a court appearance to resolve. A criminal non-mandatory is a case that is either a misdemeanor or a petty misdemeanor; a fine can be paid without having to go to court. There were only three cases that were less than 2019 for criminal mandatory that were resolved and there was a decrease of 29 for criminal non-mandatory for a number of reasons. He cannot speak specifically to those but he knows with a number of law enforcement agencies, it is not that they stopped doing enforcement, but there was initial COVID protocol statewide of only arresting people on a necessary basis and reducing face-to-face contact unless absolutely necessary. Mr. Kelly said getting into the bulk of the cases, as usual statewide that are resolved are criminal non-mandatory and those include speeding tickets, parking tickets, driving after suspensions, driving after cancellation or revocation, and the types of cases that people can pay a fine. For the cases that reached Kelly and Lemmons desk of those, there was a 100% conviction rate for those offenses. As far as resolved cases go, this year was unusual as there were no resolve cases that started as a qualified domestic violence-related

offense, which Mr. Kelly said is a good thing that there were no charges resolved because it means that there were less of those cases. The numbers worked out to be DWI-related offenses with convictions, 4 theft-related convictions, and as Deputy Burrell noted earlier, they include those like fraud, financial transacting card-fraud cases as it fits within the theft category. He noted “general” is kind of the catch-all of disorderly conducts, and there were two resolved, one with a conviction and one with a continuance for dismissal based upon the individuals prior record and community work service they had proven. Out of the eight code violations they had five convictions, two were dismissed and one was a continuance for dismissal. The two that were dismissed – those code violations were all trespassing cases – one was a case where they received a sworn affidavit from a resident that the defendant was actually invited into the City which would make it not a violation of the code. The other was a 2004 case which posed some evidentiary issues including being unable to retrieve the report or identify who the deputy was that was involved, so they could not prove the case. Mr. Kelly said the only other dismissal was one theft case and was not dismissed by Kelly and Lemmons, but it was dismissed pursuant to the rules of criminal procedure because the defendant was deemed incompetent by the judge after a mental health evaluation. Overall, it was not an extremely unusual year, it was slightly less than normal, but they saw on average the similar flow, outside of about a two-month period where there was a reduction in any contact between individuals in the community and law enforcement. Mr. Kelly said for the most part, similar influx and slightly less resolutions during the pandemic. He is happy to answer any questions.

Mayor Ries noted Mr. Kelly mentioned that the Ramsey County Sherriff has a certain protocol because of COVID; were they able to ticket people or did some of the protocol changes affect the ability of those tickets to progress down the system to Kelly and Lemmons in order to prosecute.

Mr. Kelly said generally there was just a reduction in contact so unless it was a true public safety issue, law enforcement statewide was essentially discouraged for a couple of months from any face-to-face contact. There was just a reduction in tickets statewide during the pandemic; that combined with the jail, as the jail was not receiving anybody except for violent offenders for a number of months and were releasing people that were serving time for jail sentences if they met certain benchmarks. Mr. Kelly does not know but thinks that just by the reduction in the number of moving violations, because there was a bigger drop in moving violations. For the City of North Oaks, those for the most part were the border roads/highways where they saw more of those moving violations.

Councilmember Watson would like to note for the record that he and Mr. Kelly spoke on the phone at one point and one of the reasons he asked Administrator Kress to get ahold of Mr. Kelly is that he noticed the contract had expired and he was fearful that they were not getting paid.

Mr. Kelly appreciated that and clarified that many contracts, especially prosecution-wide just continue based on what the previous terms were. He said they took that to the extreme as far as in the previous contract it called for an increase annually after the first 2-3 years; that original

contract, once they hit the five-year mark Kelly and Lemmons did not do any more increases and took the more conservative approach saying “we did not contract for more increases after the contract year ended.”

Councilmember Watson noted Administrator Kress did not tell him that and they could have left it alone.

Mr. Kelly said they do have a cap on their costs for prosecution services and it is low. They are able to make that low because they have four other cities so when they have a court appearance and there is a North Oaks case on there, they are not sitting for a calendar for 4-5 hours on the City’s dime; it is reduced percentage-wise based upon all the other cases they have. If there were 10 cases on and only one North Oaks case, it is 10% of the time Kelly and Lemmons is spending there versus the whole time.

Mayor Ries thanked Mr. Kelly for that report.

Administrator Kress noted they do have their contract engagement letter on for consideration.

MOTION by Watson, seconded by Hara, to approve the contract engagement letter for Kelly and Lemmons. Motion carried unanimously by roll call.

Mr. Kelly thanked the Council and said they are excited to continue the relationship and continue working with the City.

UNFINISHED BUSINESS

a. Discussion and possible action on 2021 Fee Schedule ordinance

Administrator Kress stated this will remain relatively the same with the exception of the areas that were highlighted within the ordinance, which was very few, he believes 2-3 edits. Some are related to tank replacements for septic and added a few things under the arborist section, and there was a change to the recycling fee of \$175 annually. Other than that, there are no substantial changes.

Mayor Ries asked if there are any questions or comments.

Administrator Kress noted he would make the minor edits of last year’s date and previous mayor and he will clean up ordinance 135. He also noted the changes from the Shoreview water rates were on a secondary document that he did not drop into the primary.

Councilmember Watson assumes page 164 needs to be re-edited as it refers to 2020 and has a mayor that is no longer current.

Administrator Kress replied yes, that is what he was referring to and he will make those minor edits but the actual context of the rates is accurate. He clarified they e-sign all of these, so they are edited in-house after the Council meeting and are updated within the City's files.

MOTION by Watson, seconded by Shah, to approve Ordinance 135 and give Administrator Kress permission to make minor edits. Motion carried unanimously by roll call.

b. Update and possible action on Building Inspection Services

Councilmember Watson noted everything they need to know is on the memo.

Administrator Kress said the only thing he has is any changes as determined by the City Attorney for the actual approval of the contract.

Councilmember Watson stated this is a motion to appoint Leon Carl who was with them earlier and they wore him out, to sign a contract with LC Professional Services effective February 1, 2021. The Council would be approving the contract which has been marked up this week about ten times.

Councilmember Hara thinks Councilmember Watson did a good job in finding a guy who is familiar with their City and the services. He read the memo/contract and thinks it looks good to him but he will defer to Attorney Nason as to whether they are legally good on it.

Mayor Ries was impressed with Mr. Carl, too and really appreciates the fact that he is able to help with code enforcement. She appreciates his knowledge of North Oaks and thinks it will be a lot easier hitting the ground running with him and his expertise.

Councilmember Watson wants Councilmember Shah to know Mr. Carl was the builder of the house at 5 Preserve and doing the building, his house was inspected by Greg Schmidt who subsequently hired and trained him to be a building official.

Councilmember Shah noted that is good history and she thinks this is a good outcome for the City and should be a seamless transition.

Councilmember Watson said they have a backup SSTS person in addition to code enforcement.

Mayor Ries thanked Councilmember Watson for his work and said Mr. Carl will be great for that overlap.

MOTION by Watson, seconded by Hara, to approve the contract with LC Professional Services effective February 1, 2021 subject to revisions as necessary by the City Attorney.

Attorney Nason clarified that is subject to revisions as necessary by the City Attorney.

Councilmember Watson answered sure.

Motion carried unanimously by roll call.

c. Update and possible action on City Engineering Services

Administrator Kress asked the Council to set aside some time the first week of February to do a work session or meet-and-greet with the various engineering firms he has been soliciting. He does not necessarily need it tonight as Mayor Ries will need to call a special meeting for it, but asked the Council to pick a time that week to get to know them and potentially make a decision the following week on February 11, 2021.

Mayor Ries asked if Administrator Kress would send out some possible dates and times.

d. Consider resolution approving 2021 City Council Responsibilities/Appointments

Mayor Ries noted the Councilmembers sent her their priorities and the most popular was VLAWMO, followed by the Fire Board. Mayor Ries went through and tried to evenly distribute so everyone has a board to be on based on experience; she noted in a year or so if people want to change the role or if the scheduled is determined to be too intense, they can swap. She heard tonight that schedules might be problematic. This is with the understanding that the Councilmembers would start filling in at these meetings and if there is an issue, they can bring this up again and talk about availability and time commitments.

Councilmember Shah noted with Councilmember Dujmovic now being on the Council, his name needs to be added to the document.

Mayor Ries believes she has the most appointments right now and she is happy to break some of those up and share with Councilmember Dujmovic.

Councilmember Shah noticed that Councilmember Hara only has one item with the Planning Commission liaison role and asked if it makes more sense to table this until they get a better view in February. She stated they could have temporary positions.

Mayor Ries stated perhaps they could approve something tonight as there are meetings coming up and she thinks it is important they are represented at the meetings. She can throw out a couple of options to amend it tonight if Councilmember Dujmovic has some interests in any of her assignments. She told Councilmember Hara if he is able to commit to more with his schedule to please chime in.

Councilmember Hara is a little uncomfortable having been on the Planning Commission last year as they had so many meetings and it is not a once-a-month deal; those meetings are just as long as the Council meetings. He would be happy to jump into something else but would also be

happy to give the Planning Commission up to someone else as it is time consuming, not to mention all the materials he must read before those meetings.

Mayor Ries said she did fill in for City Councilmembers for many meetings and if they look at who the alternate is, they may want to split up the meetings with that person. That way it is half the year and half the commitment. She noted it is just a suggestion because Councilmembers may not always be available and there will be scheduling conflicts. Many times, the primary and replacement could not be there and she was the third person called to be at the meeting.

Councilmember Watson noted he and Mayor Ries have talked through this for about 4 hours already and suggested the Council approve this in its current form. Regarding Councilmember Shah's question about Councilmember Dujmovic, he suggested approving this tonight and the Mayor has a provision in the ordinance to make appointments from time-to-time and they can ratify it again in February.

Councilmember Shah understands they must go to the meetings in the near future but thinks collectively as a board there will be some shuffling. She received this document two hours before the meeting tonight and has not looked up when some of these boards meet; she thinks they all need to go back to their personal calendars and it is not a lack of interest but to Councilmember Hara's point, they have to make a balanced match with their current situations and lives.

Councilmember Watson said that is why he is suggesting they use this to cover January and they can ratify it in February.

Councilmember Shah said before they approve it, she could not help but notice because one of the committees she particularly wanted to be on, number 25 the tick-borne disease task force, and there is a note that says it will be merged into the Natural Resources Commission (NRC). She did some homework on this and her sources indicate that the NRC only talked about possibly moving deer management under NRC and it was explicitly said they were going to take that on so the tick task force could focus on their higher priorities. Councilmember Shah is not sure why it is being moved but she has grave concerns because the tick task force adds a huge safety and health issues to the community and has annual reports coming out and she would like an explanation.

Mayor Ries explained the NRC has been expanding some of the topics they've been looking at and Kat Winsor has been a great advocate of the pollinator and pesticide control which falls under the tick task force. They also help with deer management issues, which is part of the tick task force role. David White who is on the NRC helps to coordinate the survey every year and is already on the NRC. The only other level of all those issues that comes out of that is the survey and the educational piece to display the data. One thing that Andrew Hawkins has been doing a great job with the NRC, he has been promoting these educational pieces and the NRC helps to further educate the public. This fits right in with that piece, his goals, and objective for the NRC

and the program as established is almost duplicative of what the NRC is doing. She noted they spoke a lot about duplicative tasks and responsibilities and this is one way they are already doing these issues as a commission so it makes more sense to keep this within the commission. Mayor Ries noted Brooke Moore already works with David White for the survey and educational piece and they can present and further the information at the NRC level. It made sense to consolidate this and not have it as duplicative task force. Mayor Ries noted task forces as set up in cities are meant to be a project and temporary; they are meant to go away and not be a long-standing task force. At some point they must be rolled into the City or into a commission and because the NRC is already implementing these programs with pesticide, deer management, etcetera, now is as good a time as any to help them take this on and consolidate the issues and data.

Councilmember Shah fundamentally disagrees with this; this is an item that is of great importance to the community. There are surveys done and she will tell the Council it is heavy lifting, very detailed, and also has a lot of the public engaged in it. She said they can call it something else – a commission if they want – but she thinks the Council should have made this decision collectively and should have discussed this before any decision was ever made to just dismantle the tick task force. The tick task force has received state recognition from their program and again, this is impacting the safety and health of residents and she would have liked to consult Brooke Moore and received confirmation and a full transition plan before just making a decision. Councilmember Shah noted this Council needs to weigh in on these community decisions before they update appointments and move these things around.

Mayor Ries does not see what the problem is because the heavy lifting is done by David White and Brooke Moore; they are still the same players and are not changing their positions on this list. The only change is that a Councilmember who ran and lost for the election no longer has the opportunity to continue working on this. With what Andrew Hawkins is trying to do and is doing very successfully with the NRC and supporting Kate Winsor and some of her objectives, Mayor Ries is happy to call a vote to roll this into the NRC if they would like. Streamlining this issue with the same actors who have already been involved in this makes perfect sense because it completely aligns with the NRC's objectives and it would be a great piece for Andrew Hawkins as he is doing such a great job with the educational piece, to keep working on this. With Mr. Hawkins' background and expertise as a scientist, he would be a great person to champion this.

Councilmember Shah would love to have Brooke Moore weigh in on this. Again, the amount of details put into this, she does not want to overlook it.

Councilmember Watson thinks they are missing a point; this is not dismantling any piece of the organization related to the tick task force. This is putting it in the context of a larger picture associated with natural resources in total. There is nobody being fired or eliminated and all of Councilmember Shah's concerns are not an issue; this is putting it in the context of a larger body and a larger mantle to do their activity. Councilmember Watson is the guy that wrote the ordinance or part of the Comp Plan 20-30 years ago that gave rise to even an effort on natural resources of any kind. The deer management program in North Oaks at the moment is out of

control and the tick task force is obviously conformed into that same body, forestry is in there, all the REAIS activities are in there. Councilmember Watson noted they need to pull all those together as this body was supposed to be a Natural Resources Planning Commission and they are not even given them an opportunity to look at new developments, tree inventories, and any of those kinds of things. Councilmember Watson has had some conversations with Mr. Hawkins and this is not going to lessen anything. This is only dealing with appointments – he said “you can handle ticks if you want to,” this is not changing that.

Councilmember Shah said it is not about her, it never is, it is about the community and she is disappointed.

Councilmember Watson said this is not changing the responsibility.

Councilmember Shah does not like doing things without transparency and this was done in a vacuum. She knows what was said at the last NRC meeting and she knows what was said at the last tick task force; she said they need to be more public with these items.

Councilmember Watson was not there and he does not know what they said but he can tell what their conversation was and it had nothing to do with dismantling anything.

Councilmember Shah is asking for this to be tabled.

Councilmember Watson told Councilmember Shah to rest easy, as nothing is being dismantled.

Mayor Ries said they must be respectful, Brooke Moore is remaining the Chair and remaining in her position and they must be respectful of the role she has received within the hospital and her management duties that she is taking on. This will allow a full commission instead of just a couple of people in the community. She will be able to delegate and work with people on the full NRC to assist her because she will be busy with her new role at Children’s Hospital and this is respectful of her concerns, because initially she had said she cannot commit to this. Mayor Ries thought this was a win-win because they can be respectful of all that Brooke Moore is accomplishing personally as well, and she can then work with the full commission.

Councilmember Shah said with all due respect, an alternative would be to put another community chair on it.

Councilmember Watson said in the interest of time, it is 11:00 p.m. and the Council has been there for 4 hours. He is going to push the motion to approve this and make these appointments for the month of January or until they meet in February. All of these discussions can happen over the next month and they can ratify a final set of appointments in February.

MOTION by Watson to approve Resolution 1416 Revising 2021 Appointments, with the provision that the conversation on assignments can continue to take place and ratified in February.

Mayor Ries noted that is what they did one year ago in 2020; they approved it at the first meeting and then revisited it a month or two later. That has been how the Council has done it in approving some assignments and then discussed later on.

Councilmember Watson encouraged Mayor Ries and Councilmember Shah to have a conversation about ticks and what they just talked about.

Councilmember Shah does not see the harm in taking off number 25 (the tick task force) and having that discussion.

Councilmember Watson noted he has called a motion.

Mayor Ries asked if there is a second to the motion.

MOTION seconded by Hara.

Councilmember Dujmovic noted he will serve where it makes sense.

Mayor Ries thanked him for his flexibility.

Motion carried as Councilmembers Dujmovic, Hara, Ries, and Watson voted for; Councilmember Shah voted against.

Mayor Ries noted they will revisit the item again and put it on the agenda for February or March.

e. Update and discussion and possible action/appointment on Planning Commission vacancies

Mayor Ries said with the Planning Commission there was a vacancy when Councilmember Hara was elected to City Council. They also have two terms expiring: Chair Azman and Joyce Yoshimura-Rank. There is one vacancy and two terms to reconsider and she believes there are two applicants for the vacancy and Chair Azman applied for his term and Joyce Yoshimura-Rank also applied for her term. There are four total applicants and four total positions to consider.

Councilmember Watson clarified it is three positions and one of those positions in the Chair.

Mayor Ries noted Councilmember Watson is right, there are three positions and the Council must also appoint the Chair, also, which is the fourth consideration.

Councilmember Watson said they sort of appointed the Chair when they approved the previous resolution.

Administrator Kress stated that is right.

Councilmember Shah noted they all sort of brought up their feedback during the Council Applicant review process.

Administrator Kress said for clarification the first term will be Councilmember Hara's previously-held post. The 2023 dates would have been Commissioner Yoshimura-Rank and Commissioner Azman's terms because they also expired on December 31, 2020.

Mayor Ries said for Councilmember Hara's position there were two applicants and asked if that is correct.

Administrator Kress said technically they had four applications for three spots.

Mayor Ries said they have the request for renewal for Chair Azman's term and Commissioner Yoshimura-Rank's term and they had a vacant seat and two other applicants that applied to possibly be appointed to that position.

Councilmember Watson asked to make a motion on the resolution.

MOTION by Watson to appoint Ann Conroy to the Planning Commission (item 1a) replacing Jim Hara.

Administrator Kress asked to stop Councilmember Watson and stated he could make a motion to approve the resolutions and then just input the names in a, b, and c.

Councilmember Watson noted that is kind of what he was doing but maybe going at it differently.

MOTION by Watson, seconded by Hara, to appoint to the Planning Commission: Ann Conroy for a term ending December 31, 2022 (replacing Jim Councilmember Hara); to reappoint Mark Azman, 2023; Joyce Yoshimura-Rank, 2023; and to appoint Mark Azman as the Chair of the Planning Commission for 2021.

Councilmember Shah asked to confirm she heard the dates on the first two and asked what Mark Azman's would be.

Administrator Kress noted it is 2023.

Mayor Ries clarified the Chairman is a one-year appointment. She noted they had two applicants and both had very, very good qualifications. Anne Conroy is a civil engineer by education and received her MBA, is professional and very involved with issues in the City and with NOHOA and is a very intelligent and capable person. Mayor Ries stated they also had a second application of an IT person with a very impressive background in IT and technology and that is very interesting and would be great to have. She thanked the applicants for their time in applying.

Councilmember Watson said in the month of December, he was not on the Council and had not taken an oath of office but he did spend quite a few hours with Mark Azman because he assumed Mr. Azman may be interested in being appointed to the Council. Having watched Mr. Azman's work over the last two months, Councilmember Watson said it has been very good and he already commented about that when appointing the Council candidates. He pointed out to Mr. Azman that one cannot be in both places given the past Council having changed the ordinance; he noted they may want to go back and revisit that as to whether a Councilmember should be on the Planning Commission with a vote.

Councilmember Shah asked to echo Councilmember Watson's comments about Mr. Azman and said he has demonstrated his leadership to this community. In Councilmember Shah's opinion he is a very stable and calm person, and perfect for the position of Chair. She wants to point out there was a fourth application and she wants to mention applicant Chad Tatur and wants to thank him for his application from Red Fox Road. She noted it was pretty clear to her when she saw he had indicated the NRC was also of interest; perhaps they as a City could encourage him to also be in the wings for the NRC.

Mayor Ries agreed and told Administrator Kress she thought it was a great idea when he sent out the priorities and what people are interested in. When people reach out to the Council and are interested, she thinks it is important to maintain contact with them and if there is a suitable position that opens up the City can contact them or get them involved if they are still interested. She appreciates that document that went out and in Chad's information he indicated he prefers the NRC and Planning Commission was a secondary; that was also helpful in assessing the applicants.

Councilmember Dujmovic did not see those, but the discussion was very helpful and he thinks he can vote in this based on the discussion.

Motion carried unanimously by roll call.

f. Discussion and possible action on TimeSavers minute taking services and rate addendum

Mayor Ries asked Administrator Kress if he had any feedback or comments about TimeSavers.

Administrator Kress thought it worked pretty well and there were very few times the City had to do any edits or changes, noting it was mainly names if they did not know how to pronounce.

Administrator Kress said, for himself, he has been satisfied with TimeSavers and thinks it has been a nice load off the Staff and keeps them out of the politics. He noted many times there can be issues if Staff is doing the minutes and Council wants changes...when it is verbatim, they do not have that issue.

Mayor Ries asked what they paid in service fees the previous year. She sees in the letter the unit rates reflect an increase of \$.50 per hour and \$.25 per page based on a rate increase of less than 2.5%.

Administrator Kress stated he would have to pull the previous budget and he does not have that in front of him; he noted it was probably upwards of \$10,000 between Planning Commission and City Council. He said the name kind of says it – he stated it was definitely a time saver to them as individual Staff.

Mayor Ries asked if they are under a deadline to approve or not approve this.

Administrator Kress said TimeSavers was willing to provide services for a while, mainly for January which was the extension he had asked for back in December. If the Council wanted to do less verbatim, they could do that; it would cut the cost a bit, probably, but they would lose some of the interactions between the Council and/or public.

Councilmember Watson suggested they extend this matter. He said if they need to take formal action and noted if Administrator Kress is right, TimeSavers will do it on a handshake here for a little bit. He would extend it for a couple of months based on the dust-up they have had on the December 17, 2020 minutes. In other words, they spent 20 minutes tonight hearing from the NOC about the accuracy of the minutes and they have two pieces of correspondence. He thinks they are fortunate to have TimeSavers documenting every breath of air that appeared on December 17, 2020.

Mayor Ries thinks that is a good way to approach this because she wants to review the need going forward for this expense and where they can maybe limit some of the unnecessary expenses and what they will consider as a priority expense. Keeping in mind that as they go forward there will be shorter, less contentious meetings, etcetera, so hopefully they get to that day and it may not be as necessary to have this. Mayor Ries agrees right now it is a safe thing to have to help the Staff because she can remember there were instances where Staff members were questioned about how they were phrasing things and how they were paraphrasing things and she thinks this is a nice thing to have at this point in time. Mayor Ries asked if they should make a motion to keep it for 90 days and then revisit and asked Administrator Kress if they could do that.

Councilmember Watson asked if this is a phone call Administrator Kress could make as opposed to a formal motion.

Administrator Kress said it is usually an email to get a little bit of extra flexibility from TimeSavers.

Councilmember Watson suggested putting this on the March agenda as it gives them the next couple of months and he suspects the City will revisit the subject of December 17, 2020 given they have two pieces of correspondence that oppose each other. It might be nice to have the month of February and March and then the City can figure out if they need it afterward.

MOTION by Ries, seconded by Watson, to put TimeSavers minute taking services and rate addendum on the March agenda. Motion carried unanimously by roll call.

NEW BUSINESS

a. Discussion and possible action on rules of meetings

Mayor Ries noted there is a document on the rules on meetings.

Councilmember Watson noted this is that 1992 piece that he believes Attorney Nason and Administrator Kress have put their good work into editing. He moved its adoption.

MOTION by Watson, seconded by Hara, to adopt the 1992 document on rules of meetings. Seconded by Commissioner Hara.

Councilmember Shah said it is getting late but she does have discussion points; she remembers Attorney Nason once said nothing good happens after 10:00 p.m., but since they are going forward, she will not withhold her feedback. She has questions about exactly how they want to handle supporting documentation for agendas. What Councilmember Shah means by this is she sees the outline and is in favor of this outline, however it does say in b) that all materials that pertain to the matter must be submitted with the agenda. She noted they are asking for agenda items to be submitted six days in advance; that all sounds great but even today they came in and she is greatly concerned with how information flows not just into the City but in the entire world. This is a fluid and often iterative process; they get new information often.

Councilmember Watson said to read the whole document and look at part 2a. In other words, the majority of the Council can say they want to accept some items that come in later. What Councilmember Watson is saying is from 1992 -2009 they followed these rules and for 17 years it worked just fine. People were given advance notice that they had to meet these particular requirements; otherwise, what they will have is an email at 10:00 p.m. or two hours before the meeting.

Councilmember Shah asked to walk them through a scenario so they might understand. She said it is 2:00 p.m. on a Friday and the agenda items are set; then there are new items supporting that item that come in on a Monday or Tuesday. She noted Councilmember Watson is saying they have to wait until the Council gets together on that Thursday night at 7:00 p.m. to get the 75% rule to then take in that new documentation. At that point on Thursday, Councilmember Shah as

a Councilmember has never even seen that supporting documentation and said they have to wait until Thursday to get the two-thirds vote to then include it. She asked Councilmember Watson to walk her through it.

Councilmember Watson stated the administrator he had for the entire time he was mayor followed this religiously. They communicated to the developer, namely the Company, they communicated to anyone, primarily developers and builders. Once they communicated that – and they weren't using emails but 3-ring binders that were going out and being delivered by the traffic cop to their homes at 5:00 p.m. on Friday. What the administrator would do is gather anything that came in after the binders went out the door (i.e., in this case, after Administrator Kress sends out the email at 4:00 p.m. on Friday he gathers all of this additional information and when they get to this Council meeting, they will have had the additional information). At the Council meeting they decide whether they want to amend the agenda to include it or not.

Councilmember Shah noted they are still of acceptance because it does not say that in the document and she wants to make that very clear.

Councilmember Watson said no, it does say that under 2a and believes Attorney Nason wrote it that way.

Councilmember Shah read, "Agendas for the City Council meeting will be emailed to the City Councilmembers one week prior to the meeting."

Councilmember Watson said to look at item 2a.

Councilmember Shah read, "Agenda items will be received by the clerk no later than 2:00 p.m." She does not see the supporting documentation and is asking about after that time what does that incremental window look like.

Councilmember Watson told Councilmember Shah to remember what is happening is a fluid period of time, in other words, on Monday morning someone walks in with some documents; Tuesday morning some documents; Wednesday morning some documents. He said if they receive them on Monday in many cases the Council has ample time to look at them and maybe adopt them. What they are trying to avoid is the applicant that walks in with a set of materials "this thick" at 4:00 p.m. on Thursday the day of the Council meeting. He does not know about Councilmember Shah but he does not have time.

Councilmember Shah is listening to Councilmember Watson and what she is hearing is that more documents are coming in Monday, Tuesday, Wednesday, and the City Administrator will then push them to the Council. Come Thursday, the Council, even though they have reviewed everything because they have to, not knowing if it is going to be added or not, then they would make a decision if it is going to be added.

Councilmember Watson said to remember he is trying to describe the difference between something she might see at Noon on Monday with a 3-day notice before the meeting as opposed to an item, she would receive three hours before the Council meeting.

Mayor Ries stated she understands what Councilmember Shah is saying because in December she was very recently in this exact situation and it is not fun. She can say it really depends on what document is coming in and when it is coming in. It is nice to have some flexibility with the Council where if there is a document that is just riveting and they have to consider it, the Council has the option of tabling the item. She thinks that is what they did many times this evening where there was information and they said they must consider this and take it at the next month's meeting. It allowed them to gain a whole month to further research and consider it; this just sets down some basic guidelines so the Council is not "snowed" at the last minute. They have time to consider the documents, talk about them at Council when they are doing the agenda approval and talk about if they want to keep it as an agenda item or table to a different meeting. In practice, when they are doing the meetings and approving the agenda, that comes in to the conversation and is handled then; however, it really depends on what the document is because they do not want to strict of rules because if it is a non-substantive or non-relevant document that comes in it does not slow the whole process down, they have the chance to talk about it and decide on it. At least this addresses some of the issue they have had in the recent past where a 400-page packet comes in with 20 hours to look at it...it is impossible with kids, jobs, etcetera. This at least will grant them time. Mayor Ries' concern with this is that it should be for regular Council meetings because if they do a special Council meeting, they will not get the week – there is a minimum Minnesota requirement of three days-notice. She said they will never be able to call a special meeting or if there is an emergency circumstance. Mayor Ries thinks this should apply to general meetings and for special meetings they really have to work hard to get the documentation in but the purpose for a special meeting is an emergency circumstance or somewhere they have to have it in short turn to decide an issue. Her only recommendation is to approve this for general meetings and for a special meeting they have to look at other circumstances.

Councilmember Hara thinks all the stakeholders would appreciate this, too, he is sure the Company has instances as well where they receive the NOHOA letter at the eleventh hour and do not have sufficient time to look at it and respond to it. He thinks all stakeholders would appreciate and should have enough time to adequately review the materials so they can intelligently discuss this stuff. He feels there should be some flexibility but fails to see a downfall to giving people the adequate time to understand and review documents and sometimes it requires some research beyond the documents to be sure the Councilmembers understand the stuff. He noted a deadline is a deadline and it is interesting to him in life it seems like no matter what the deadline is people usually seem to make it.

Councilmember Watson was just thinking about the dialogue and Mayor Ries and Councilmember Shah were having and he thinks frequently what he saw, for example, say the Company was bringing in a plat they were working on and are waiting on an engineer to bring a

map. In many cases there would be a reference in there that they will see a map or something that may be missing on Friday and they will see it on Tuesday. What it avoided was a massive development document coming in that is multiple pages at the last minute; it really changed that. It is not the case that the Council would not consider things they knew were coming, but it is the fact that the mass material gives them ample amount of time. He asked if everyone could agree in the header they could say “Regular City Council meetings” and in item number 1a) agendas for regular City Council meetings.

Councilmember Hara said it makes sense to him.

Councilmember Dujmovic asked Administrator Kress if this would be a positive for Staff, as well, in not having to cram anything in.

Administrator Kress said on the face of it, it looks like it. What he is hoping is that he does not get agenda items after the fact from individual Councilmembers; he could see that being a problem. If someone asked him after that Thursday deadline of sending it out that they want something on the agenda it takes a little bit away from the Council if they thought of something over the weekend that they would like on there. He noted they could add it on Thursday night but it would have to be done by a 2/3 vote.

Councilmember Shah noted the Councilmembers would not be prepared, of those that did not have visibility to it, because they would not find out until they showed up.

Administrator Kress’ understanding in reading this is they would send out packets on Thursday, “agenda items will be received by the clerk no later than 2:00 p.m. on Thursday,” that means by the Council or anybody else, public, developer, it does not matter.

Councilmember Watson said it is in the City Office by 2:00 p.m. so Staff has 24 hours to turn it around and put it in to a packet that they can circulate.

Administrator Kress asked if it is fair to say they can have the agenda item on there but they might not have all the supporting documents – what if it takes them until Monday or Tuesday. It would still be on the agenda and Council could consider or not consider it as part of the agenda.

Councilmember Watson thinks they will look at it as to the specific subject matter. Is it an urgent matter, is it a part of another packet of items that are already in the packet...they are waiting for a map or a drawing or something. As different from the builder that walks in with his plans at the last minute and says they need to start construction on Monday.

Mayor Ries said when Staff communicates with Council as they have been doing and say “I am expecting this document, it has not arrived yet,” and then they give a heads up on what the document is, and how important it is to the Councilmember in reviewing the issue. If it is just an extra copy of a document that she is not as concerned about that weighs in to it...but if

Administrator Kress informs the Council what the document is and that they are waiting for it so they know they should check their email and look for the document, that also helps the Council. Obviously, they cannot plan for every agenda item and cannot control when the documents are all coming in.

Administrator Kress noted that is part of his concern, if he thinks of something Monday or Tuesday that really should be on the agenda and he needs to put it on; then he will put it on and Council can decide whether or not to take it off. He just wants that to be clear that there will be times he has to put something on there, whether it is Consent Agenda, or New Business, or an emergency. He stated he will notify the Council in advance.

Councilmember Watson told Administrator Kress in most of his experience, this was really designed for the outsider, the builder, the developer that needs a permit or something-or-other in the City. It did not apply strictly to Councilmembers and the Administrator, etcetera. In other words, they must do the City's business; it did put a notice to someone coming in that needs something that they have to be there on that Thursday prior to the Council meeting.

Administrator Kress said that is fair and the only other thing he noticed was broadcasting it over the cable TV; he cannot say they have ever done that so that is probably irrelevant to send the agenda over the cable TV network. It is probably something that happened 15-20 years ago but he cannot say they have ever broadcast the agenda that way. He noted that is paragraph F.

Councilmember Watson asked if they ever put anything as a public service announcement on Channel 16 or show an agenda on there.

Administrator Kress stated he never has and he does not know if they have in the past.

Councilmember Watson thinks they did but he does not remember totally. He noticed that "F" should be an "E" incidentally.

Administrator Kress asked if it is okay to take that off. His feeling is that it is all over the website, in the e-blast, on the doors, and it is out there if someone wanted to find it, it is not hard to find.

Councilmember Watson said 20 years ago that is the way they communicated a lot of things, and if there is a better method, they should do it.

Councilmember Shah wants to circle back. She thinks somehow because she was asking a detailed question that it was inferred that she did not see the value in this. She clarified that she does, and thinks the biggest takeaway from this discussion and she received clarification, is that any items that come in after Friday at 2:00 p.m., supporting documentation precisely – that the Council will need to routinely at the general Council meetings - go through it and say "this came

in late, is everyone comfortable speaking towards this tonight.” She asked if that is what she is hearing with the 2/3 vote then they would give it a green light.

Councilmember Watson asked to answer the question because he was thinking about this today. Administrator Kress has sent out a draft agenda, Councilmember Watson believes, three times. There was the original and two updates and Councilmember Watson cannot remember the first day it came out.

Administrator Kress thinks it was Thursday.

Councilmember Watson noted there was no way for him to figure out, out of the first 187 pages, which were new items and which were not. He recognized the second document had 190 pages and the third had 200 pages and he has to now go through the whole document three different times to figure out what is new and what is not.

Mayor Ries asked to address Councilmember Shah’s concern/question. She noted they are talking about a general rule and Administrator Kress gave examples of when he has to put an agenda item on; the Council would still have to approve that agenda. She thinks Administrator Kress was saying that even he needs some flexibility with this, too.

Administrator Kress anticipates that the Council would approve the agenda regardless of whether they would want the certain item on there because they could always get to it; say they were going to table as they did not have enough time to review or the Council wants more information. He stated that is fine. He just needs to know that in advance so he is not putting something on that will heat up the Council.

Mayor Ries asked if there are any other comments or questions about the document.

Councilmember Watson asked if they want to edit the document more or want to approve it with the couple of changes they have already discussed such as adding the word “regular” to the header and to item A, and relabeling “F” as E.”

Councilmember Dujmovic noted there was the removal of the cable TV.

Councilmember Watson said it is removing “F” as it stands.

Administrator Kress said he thinks so, if there is an opportunity to do it, they can certainly look at it but he is not aware of any city around that does that. Otherwise, it is fine to Administrator Kress with those three changes. He would ask for a motion to approve.

Councilmember Watson said the last sentence is a redundancy he assumes, “full copy of the agenda and public documents will be in the meeting room.” He noted they do that.

Mayor Ries and Administrator Kress noted they do that.

Administrator Kress said that is fine as they have to do that anyways.

Councilmember Shah said they may want to add to “F” which should be “E” agenda packet, as it infers they are just doing the agenda but the public or any interested party probably wants the packet on the website or at the City office.

Administrator Kress said that is a good point and he will add that as well.

MOTION by Watson, seconded by Dujmovic, to adopt the rules of meetings with the suggested amendments and updates; adding the word “regular” to the header, and to item 1A right before the word “City”; Administrator Kress will mark up item E; and correct the numbering/lettering. Motion carried unanimously by roll call.

b. Discussion and possible action on Citizen Comment policy/procedure/rules of procedure. Mayor Ries noted the Council has already handled this item with the appointments of the vacancies and public comment.

c. Consider applications and conduct interviews for vacant City Council seat. Discussion and possible action on appointment to fill vacancy on City Council.

Mayor Ries noted the Council has already handled this item with the appointments of the vacancies and public comment.

UNFINISHED BUSINESS

Mayor Ries noted she asked to add under Old Business Continuing the Nord Approval.

a. Staff updates and managing Staff

She stated the next item is Staff updates and managing of Staff. She noted right now the office is closed and she asked the Council if they want to reopen the City office to the public, perhaps in February to help Staff plan to become available again to the public.

Councilmember Watson would like to hear Administrator Kress’ thoughts.

Administrator Kress has not had a lot of discussion with Staff about fully opening the offices; there are still a number of cities that remain closed. He is not prepared to answer that tonight.

Mayor Ries noted this is more of a discussion anyway, talking about staffing right now as they brought it up in the January 4, 2021 meeting. She noted the next item regarding the Staff office issues is that Gretchen Needham’s job is still open. She knows Administrator Kress wants to talk about the roles and what is happening in the City office but she thinks they still have that need available and Deb Breen has been working so hard. Mayor Ries is becoming fearful that at some point they will have to start paying her benefits because she has been working so much;

she would like to start thinking about putting a posting out for the job. Mayor Ries thinks they should have a conversation at some point soon about staffing and responsibilities and it might be helpful for Administrator Kress to do a summary of staff roles, positions, and job descriptions. That way the Council can start thinking about where the needs are and what they need to do – whether budgeting more money or not, etcetera. This would help the Council understand as they have new people who have not had the opportunity to work with Staff. At that point they can start noticing support and help for the front desk for Ms. Breen.

Administrator Kress said yes, some of the ideas they had were to do the job-share again but have an additional person up and above that because they have noticed at times, they are a little short-handed, especially when doing different projects such as laser-fiche, the website, and a number of other things they had to tackle. One of the concerns Administrator Kress has is the general pay scale for Ms. Breen and Ms. Needham in general. He had wanted to raise the pay scale for that position before posting it and if the Council is willing, he thinks they need to have a discussion with Ms. Breen and/or take a recommendation to Administrator Kress to consider a higher rate. He said it is going to be challenging to do the same job-share position and get a qualified person in to do that. Right now, they typically start that position off at \$19/hour and \$23-25/hour is probably more realistic. He cannot tell the Council the last time it was looked at and said it is probably comparable to some cities but there are a lot of things North Oaks does that other cities do not so that is hard to factor in when doing comparisons. Those are some things he would bring back.

Mayor Ries said it sounds like they need information and research to do this and suggested putting it on the agenda for February to revisit Staffing.

Administrator Kress thinks that is okay and he can shift around Ms. Breen's hours enough that they do not overload her. He noted they understand that Ms. Breen is under a lot of pressure just like they all are and they want to make sure when they do the job-share position they are competitive enough that they can get the right person in the City office moving forward.

Mayor Ries said perhaps they can talk to Stephanie Marty and Ms. Breen and put together a summary of the job description versus the actual job to help educate the Council.

Administrator Kress stated in all honesty the job descriptions are terrible and he does not think they have been touched for quite some time.

Mayor Ries asked Administrator Kress to put together some information for that and put it on the February meeting for staffing; then he can talk to Ms. Breen and Ms. Marty about the need in the office and start educating the Council. Mayor Ries does not want this to go too far down the road and then they do not have anybody.

Administrator Kress said part of the reason they waited is that they knew they would have a new Council with a different mindset and did not want to push anything through that the new Council would object to.

Councilmember Dujmovic asked if there is a precedent in any city for certain clerical or administrative tasks to be handled by an intern; that intern may be a high school student interested in governmental affairs or public relations.

Administrator Kress is not opposed to that as he actually started that way himself.

Councilmember Dujmovic thinks that could be a wonderful thing for some young person in the community to get some exposure and something for their resume.

Administrator Kress said that would be great for the laser-fiche project when they have to go through and scan and build a database.

Councilmember Dujmovic noted it would remove the burden on Staff and also benefit some of the people in the community.

Administrator Kress stated there are a lot of minor things, for example a bunch of computers that need to be set up and figuring out who will set them up so they can deliver them to the Council and Planning Commission and NRC. He said there are a few projects but they must also be careful that whoever is managing them does not take too much time away from their responsibilities in training that person. If they had a little more flexibility and more Staff, Administrator Kress thinks they could get more done. He noted they have been running pretty lean for quite a while and have made their way through it. There have definitely been times when all of the Staff have been way overloaded.

Mayor Ries said they will put it as an agenda item for February and continue the conversation.

Administrator Kress will work with Staff.

Councilmember Watson would be interested to know what the workload demand has been in the last year with all of the mayhem and activity with the PDA, etcetera. He would like to think they will go to a period of normalcy and wonders how much of the workload experienced was a function of the PDA. He noted Administrator Kress has not been there more than the year but Councilmember Watson can say for a long, long time they were a two-person office and ten a three-person office. He keeps thinking last year was crazy.

Administrator Kress noted it was definitely over the top and that is something they want to balance and make sure they are giving good quality services to the residents and are responsive to the Council. He said they would just like to have a conversation about it and are not saying

they must go one way or another. He noted they could try breaking it out into a work session but they do not have any regularly scheduled work sessions.

Mayor Ries wants to get feedback from Staff beforehand.

b. Nord Approval

Mayor Ries noted she added an agenda item of the Nord Approval; the reason she wanted to add this is because they received a letter from NOHOA and she would like it entered into the record. The City also received some comments from citizens about the expeditious approach to approving the Nord parcel and DNR communication about some of the other approvals they have done. Mayor Ries stated the DNR also sent a communication that the City needs to update their wetlands. She asked to open the discussion about any resident comments people have heard and also any next steps about the Nord approval.

Councilmember Watson said Bill Ecklund asked that he read his letter into the record.

Councilmember Shah noted they already had some comments and he rescinded the entire outline of having comments read; it is not part of their policy.

Councilmember Watson asked where that is.

Councilmember Shah said they rescinded it.

Councilmember Watson does not know what they are talking about and said he could read it as part of his member report coming up.

Councilmember Shah does not think they have that policy.

Mayor Ries thinks it was about adding items to the packets and items from developers coming in late.

Councilmember Shah said she thinks they should follow their own rules here and they rescinded a policy that specifically called out that a resident could provide written comments and they could be read at the meeting; she noted they rescinded that policy.

It has been said to Councilmember Watson and he is doing it as his responsibility.

Councilmember Shah would like to follow their own rules that they set and asked Administrator Kress or Attorney Nason.

Attorney Nason noted they did rescind the existing policy which means there is not one that exists right now with respect to how citizen comments and letters are received. In other communities, the Council will vote on accepting and incorporating into the record citizen

comments that are received by letter. She does not think there is anything that precludes reading of citizen comments into the record and there is also the option to receive it, accept it, and make it part of the record. In any event if the Council wants to incorporate accepted letters into the record, they can do so in whatever manner they see fit.

Mayor Ries thanked her for that clarification and noted they have no regulation that controls this and they rescinded the old regulation but it does not preclude the council from reading the letter into the record.

MOTION by Ries, seconded by Dujmovic, to read Bill Ecklund’s letter into the record.

Councilmember Shah asked why they are having a Councilmember read the citizen letter versus the Staff, it is almost like Mr. Ecklund is advocating this position on to a Councilmember and it adds a level of authority that should not be there. It makes more sense for the Staff to read it and she is concerned this will start a precedent for the community and more people will request certain Councilmembers to read aloud their comments. Councilmember Shah thinks that is inappropriate and asked if they want to start that precedent tonight.

Mayor Ries knows last year there were a number of times where Councilmembers read comments into the record in meetings she attended. She asked Attorney Nason if there is any legal bias or precedent that would preclude them from reading it into the record.

Attorney Nason is not aware of anything that would legally preclude the Council from reading a citizen letter into the record. She is more familiar with the process that it is voted on, accepted, and incorporated into the record without the reading of it. She is not familiar with the process where letters are read out loud by the Council.

For clarity, Councilmember Watson noted Administrator Kress received a copy of an email that had the document with it and requested either that Councilmember Hara or Councilmember Watson read it into the record.

Administrator Kress answered yes.

Councilmember Dujmovic pointed out that everyone interested in the City Council position and the vast majority of people who ran for these positions said they were here for the residents and want to hear from them at any time on any topic. He said “let’s live true to what we said.”

Motion carried as Councilmembers Dujmovic, Hara, Ries, and Watson voted for; Councilmember Shah voted nay.

Councilmember Shah said this should have been done under Citizen Comments.

Councilmember Watson read the letter titled “Comments by a citizen for the January 14, 2021 North Oaks City Council Meeting.”

“I watched the Council meetings of December 17 and January 4 and observed the dramatically different approaches to the Nord, Island Field, and Red Forest Way developments depending on who was speaking. He is submitting comments in response to Councilmember Shah’s repeated comments at the January 4 Council meeting that the Nord development is over and done with and the Council needs to move on to other matters. At the December 17, 2020 North Oaks City Council meeting, three Councilmembers hurriedly voted to approve the final plan, plat, subdivision for Nord and the preliminary plan, plat and subdivision for Island Field and Red Forest Way. The day before the meeting the City received a letter from the DNR in response to questions from the City regarding its shoreland management ordinance. Although the letter addressed the Black Lake shoreland area its application was broader than just Black Lake and is instructive to one or more of the three developments on the agenda for approval. The DNR letter made the following points relevant to the matters before the Council at that meeting:

- 1. The City was relying on an outdated definition of wetlands that had been expanded by statute in 2000.*
- 2. As a result of the statutory change in the definition of public waters, that term now includes wetlands less than 80 acres in size and therefore classifications in the City’s shoreland ordinance are not in compliance with the statute.*
- 3. The DNR would like to work with the City to develop the proper classifications in the ordinance. Although not detailed in the letter, the data relied upon the wetlands evaluation in these three parcels is more than five years old and needs to be updated. The prudent response to this letter was for the council to defer the approval of all three developments until the DNR could be consulted and the wetland issue resolved; or at a minimum to condition any final approval for Nord on a resolution of the DNR issue. There are statutory fines (up to \$20,000) that can be levied for non-compliance with the law not to mention the cost of revising developments to meet State statute and City ordinance requirements if the development is not in compliance with the statute. If it is later determined that there is one or more violations of statute and a fine were imposed, who would it be levied against? The Company? The City? NOHOA, if involved the trails, the developer, the ultimate land owner? In light of the December 16, 2020 letter from the DNR if this issue remains unresolved, must it be disclosed to a prospective purchaser or transferee? The DNR letter was not the not the only reason and in fact not the only major reason in my opinion for the deferral of the approval of these three plans. There were a large number of conditions required by the Planning Commission that were not yet met, including NOHOA’s approval to accept Nord as a development within the boundaries of NOHOA. Mayor Nelson’s sole response regarding the suggestion to delay the approval of Nord was that this “review and approval of Nord has been going on for years and needs to be resolved immediately.” This ignores the simple truth that the*

length of time to review a development application is not entirely within the City's control. In fact the Applicant should not be requesting final approval until it has satisfied or has established that it will satisfy all of the conditions required by the Planning Commission. In the case of Nord, some very important conditions have not been met due to the Applicants action or inaction. The DNR issue is serious but equally or even more serious is the unaddressed NOHOA approval issue. City ordinance 152.054 requires any development that a homeowners' association must exist and sets forth certain specific terms that have to be contained in the declaration of covenants, conditions, and restrictions. In the past this has been NOHOA. The City may have assumed that it was a given that NOHOA would accept the role as the HOA required by the ordinance in the development of Nord. However, the City ignored that NOHOA has in written and public statements been clear that the Nord development as it is now configured is not acceptable to NOHOA. If NOHOA does not agree to be the HOA required by ordinance 152.054, there are serious repercussions. The owners of homes in the Nord development will not have access to or use NOHOA's trails and recreation facilities. Resolution of potential wetlands issues may not permit or may significantly and negatively affect location and extent of trails. In addition, access to two of the Nord lots in the final version is presumed to be one shared driveway from one of NOHOA's interior private roads which is contrary to the PUD and which the owners of these two lots would not be entitled to use. Furthermore, I understand that NOHOA does not approve shared driveways. These are all significant unresolved issues ignored by the City. The company has known since before the Planning Commission first addressed Nord that NOHOA's position is that the PDA requires that all its PUD developments must be accessed only from North Oaks perimeter roads and not through NOHOA's interior roads. So far all have. Pursuant to the PDA, the Company appoints a director to NOHOA. NOHOA's role in Nord has been the discussion at Planning Commission meetings and NOHOA meetings, both of which the Company through its designated NOHOA director has attended. Letters have been written explaining NOHOA's position; the issue of NOHOA's acceptance of Nord has been unresolved for months. Why? It is up to the Company to resolve the issue with NOHOA and until they have they never should have asked for final approval. At the December 17, 2020 special Council meeting, the Company represented NOHOA that NOHOA was in fact accepted the trails as delineated by the Company. If the three members of the Council are relying on this representation, or at least two of them said they were at the meeting, this reliance appears to be misplaced. There are three letters written by NOHOA that are contrary to this representation: The May 9, 2019 letter to the Mayor and City Council, the January 24, 2020 letter to the City Administrator, and the April 7, 2020 letter to the Mayor and the City Council expressing NOHOA's requests and concerns about accepting the Nord development. The April 7, 2020 letter was resent to the City Administrator on December 17, the day of the meeting implying that NOHOA is still concerned and NOHOA's acceptance of Nord is still an issue. There is nothing from NOHOA in writing to establish the fact that NOHOA has in fact approved what the Company represented at the December 17 meeting was approved. The Company should produce the letter from NOHOA approving and accepting the Nord development as part

of NOHOA. If Mayor Nelson is of the opinion that this matter has dragged on too long, he needs to point the finger at the Company for ignoring NOHOA and not resolving the issue. There has been little or no attempt to address the significant concerns raised by NOHOA in these very detailed letters to the Council. The three members of the outgoing Council using what they referred to as “the threat of litigation” called special meetings and pushed this approval through. The meeting agenda and the backup materials were sent less than 24 hours before the start of the special meeting; the packet was over 480 pages and not enough time to do a conscientious job of preparing. At the meeting Mayor Nelson arbitrarily cut off discussion, consciously ignored the DNR as not being applicable, refused to address or even acknowledge the serious concerns and conditions that will now have to be addressed by the new Council. Contrary to what Councilmember Shah said at the January 4, 2021 special meeting at a minimum, the issue raised by the DNR and the issue of NOHOA’s acceptance of the Nord development means that the Nord development is not over and not done with.

Signed,

Bill Ecklund, North Oaks resident since 1981

Councilmember Shah said since Bill Ecklund specifically mentioned her, she would like to respond. She wants to thank Mr. Ecklund for his comments and she actually does appreciate it, just like Councilmember Dujmovic noted, Councilmember Shah thinks it is very important that residents come forward and provide the Council feedback. She wants to start off by saying that all citizens are entitled to have their opinions but this piece that Mr. Ecklund wrote is an opinion piece, in her opinion, and not based on facts and reality. Councilmember Shah disagrees with Mr. Ecklund on his incomplete and incorrect facts and therefore she strongly disagrees with his conclusions. More importantly, she wants the community and everyone that is listening to know that not only does Councilmember Shah disagree with this opinion but so does the Planning Commission, as they unanimously approved the Nord development. In addition, NOHOA’s entire staff reviewed the Nord development including their Attorney, their consultants, and voted on April 2, 2020 and approved Nord with a 6-2 vote. Finally, of course the City Council disagrees with this opinion of Mr. Ecklund, and they approved Nord. The governmental bodies in North Oaks took two years carefully vetting the Nord development proposal with professional staff in state and local agencies. These governing boards were objective and based their approval decisions on facts and evidence. The Nord development as approved is consistent with the PDA in every respect. Mr. Ecklund repeatedly suggests that the Council hurried through the process; rather than hurry the process the public needs to know that the Planning Commission and Council took more time than any other development in North Oaks history to evaluate the Nord proposal. As Councilmember Shah concludes, she directs all interested parties to watch the June 9, 2020 Planning Commission meeting where the wetland matters and issues were all addressed by the Staff and it followed unanimous approval of the Nord development by the Planning Commission. In regards to the DNR concern, Mr. Ecklund’s letter attempts to conflate a letter from the DNR that is completely unrelated to the Nord development. The DNR matters are specific to Black Lake which impacts the Red Forest Way development. Bottom line,

Councilmember Shah is personally getting deeply concerned about how many misguided and unfounded statements are being circulated around the community about the developments, particularly Nord. She asked the residents, please, to acquire all the facts and not just selected items. In closing, Councilmember Shah said it is incredibly difficult for her to respond to all the specific inaccuracies contained in Mr. Ecklund's letter; it was very, very lengthy and there is simply not enough time tonight. She finds it interesting and there are a lot of instances that Mr. Ecklund points out to the North Oaks Company and she believes there are some allegations against the Company and they might have a right to speak to them tonight. Councilmember Shah knows Mr. Houge is available and she thinks it would be pertinent if Administrator Kress could promote Mr. Houge to speak to Mr. Ecklund's concerns as that is how they handle citizen comments.

Mayor Ries said actually, she would like to address Councilmember Shah's comments first before the Council turns it over to Mr. Houge. First, Councilmember Shah made similar comments in the January 4, 2021 meeting about the last two years that the planning Commission had reviewed this and during that time over the past couple of years there were votes about no access to that North Deep Lake Road and those were also unanimous votes where the Planning Commission told the Company they did not want access there. As Mayor Ries has stated many times on record, there were also many variations of the plans that were considered, reconsidered, and changed yet again. It is not like the City was dragging its feet on single plans; the plans were constantly changing. Mayor Ries thanked Mr. Ecklund for his time and reviewing this matter and being an advocate of the issue and she knows that many residents have tried to speak out on this issue for the past two years. Sometimes it was difficult for residents to speak out in public due to some rules and regulations during the meetings. Mayor Ries is looking forward to hearing from residents going forward. Regarding the NOHOA approval, they wrote a letter that came to the City that stated specifically they have not approved Nord. There have been two letters before that specifically stating NOHOA did not approve Nord; they have looked at issues but there has not been a full consideration and board vote. NOHOA is even challenging comments that were put into the record from the December 17, 2020 meeting about the accuracy of the comment. Mayor Ries noted the DNR also sent a letter telling the City they need to update the wetlands and information because there are new guidelines, standards, and climatology and rainfall issues as well that need to be considered. The DNR letter pointed out a very important issue; they mentioned Black Lake but the effect of the letter was to put the City on notice. They cannot go around and receive documentation and communication from the DNR and say "oh look, great, we don't have to comply with this." Mayor Ries said they have a responsibility when they are on notice that plans, incorrect maps for use, and that wetlands may have been compromised; she said again they are on notice that potentially incorrect maps were used. Regarding the DNR review of the Nord site, Mayor Ries saw the Planning Commission June 9, 2020 meeting that was referred to and she did an open record request regarding all communication from the DNR. The only report provided to her was from 1995 and written to Seth Colton (a former mayor of North Oaks) and it is before the 1999 agreement. She noted that was the only documented report that was in the open records request. The other information was basically a presentation called *Wetland Matters* from the DNR that simply discussed background

and educational materials. Mayor Ries did not find any reports from the DNR and she stated they also have recently received a request from the DNR about updating the wetlands in the area. This is also something that would be very relevant to Nord that they did not have in the file and was not reviewed by the Planning Commission and the DNR is requesting that North Oaks get up to date as they are overdue, and why wasn't this done. Mayor Ries understands that there is an addendum to the 1999 PDA that specifically says that NOHOA is supposed to be part of the conversation. There is a signed document that has legal ramifications and they need to respect NOHOA, respect the deeds, and bring them into the conversation. Mayor Ries noted NOHOA has a new board and with the DNR and all of these important issues that Mr. Ecklund looked into and Councilmember Shah is calling out whether they are true or not; Mayor Ries thinks it is worth looking into and checking. She thinks it would be a great time to work with the DNR regarding the wetland data and also look at the shoreland acts that may apply. Maybe because it was so rushed at the end – it was not two years of looking at the same plans, it was two years of “Oh, I didn't like that Planning Commission decision so I'm going to wait a little bit and then I'm going to come back and reapply.” She noted then there were different plans presented to the Planning Commission and different plans again presented. It was an evolving process of trying to push through that Nord parcel and it appears, based on resident input, based on the DNR's multiple communications to the City, and based on NOHOA's concern about factual information on the record; Councilmember Shah had echoed what Mayor Nelson had said before regarding the threat of litigation against the City, the Company is not the only threat. Mayor Ries said they also have a duty to future residents that will be building on the site, they have a duty to follow the shoreland and wetland acts. She is not one to rush into bad decisions, rather she likes to do proper due diligence and check the facts to be sure that they are doing the best they can do, reducing liability to future residents, working with current residents, working with NOHOA and doing a good job with the plans. Because there are some pretty substantive issues brought to the City Council's attention from NOHOA, from residents, and from the DNR, Mayor Ries thinks it is upon the Council to ask if they want to start fact checking and look at this issue or are they all okay with simply accepting the Company's assurance that everything was A-Okay or do they think it might be prudent to take the opportunity and fact check some of this stuff.

Councilmember Shah wants to specifically say Mayor Ries is right, it was a very iterative process and there were a lot of changes with Nord. However, that is how development processes are handled; they go out with a preliminary plan, seek feedback from the community which happened extensively in the Planning Commission, they come back, make changes, answer open questions, more items are pushed out to the public. Ultimately the reason there are so many conditions on Nord should be proof of how vetted this particular development is; it is so thorough because of all the items tacked on from the Planning Commission and the Council. Councilmember Shah is gravely concerned again, because this item was added tonight and how can the Council even ask consultants or the attorney to speak to some of these items from a professional standpoint. From a transparency perspective, they are really not giving them a fair notice when the Council does this at the last minute for such a significant issue.

Mayor Ries thinks Attorney Nason already addressed the issue in a memo that Administrator Kress circulated to the new Council so the consultants have weighed in. At this point, if anyone else wants to talk to the issue; with 52 conditions one might take that as a sign of being thorough, one might also pose that as a sign that there are some issues with the application and the plans and that is also a concern. She would like to see if Mr. Houge is willing – if everyone is so sure that everything was done accurately, everything is right, there is no question, and they are confident in all of the data represented – she does not see what the harm is in allowing this new Council to address some of the outside concerns of these groups and review the process of the approval. If one is so sure that in two years everything was done correctly, the plans are accurately done, and the Company worked with all the agencies and everything is A-Okay, then there should not be too much concern and perhaps Mr. Houge would allow the Council to do that review.

Councilmember Watson thinks with the amount of information that has been kicking around with Nord, and he is probably the one guy here who has spent the least amount of time on the subject of Nord, and has been paying more attention to it in the past year. With the communications over the last day and an email from Mr. Houge that has already appeared tonight, Councilmember Watson thinks this is the subject of meeting with the Company and following up with NOHOA. If he reads it right, in the 1999 PDA itself, he read the whole section on consent and joinder that NOHOA signed and specifically looked at the areas that were subject to that particular provision. It includes things like trails, and a number of provisions and Councilmember Watson thinks they just need to go back, tee it up, and go through it a little bit. If someone asked him to vote on it or do something at the moment, he is not capable of doing it. As his mother used to say “if there is smoke, there is fire” and he sees a heck of a lot of smoke.

Councilmember Hara was on the Planning Commission during some of these discussions and his observation was, as these issues came up in the development of Nord, it seemed like the end-game was always to come up with a solution to what was a problem. For example, the PDA shows a trail through those two orphan parcels; the orphan parcels on a previous City Staff were thought to be used for a future trail. Then the orphan parcels were deemed to be a mistake or misunderstood and the discussion became how do they make that part of the development so this goes away. There was also an issue with the accuracy of the wetland map where people had actually measured distances that were in conflict with the data and maps being used to plat the area. Councilmember Hara said the big one was the shared driveway which was the big wrench and then it was said that it is a driveway that has been there forever, and has been used heavily although people that lived in the area said no, that hadn't been used heavily. He noted it is kind of a game of whack-a-mole where everything that came up was not “this is legitimate, how do we solve it,” rather it was an issue of “how do we make this go away.” Councilmember Hara is not sure that is the intent of what the community wants and they heard that from residents who spoke about the development and he is not sure the developer is looking for that, they are not looking for a long-term problem here. He gets the fact that they are talking monetary issues and they would like to make it work as well as possible, but Councilmember Hara also wants to make sure they are doing it right. At the meeting where he had sent Administrator Kress a video that

very clearly showed the new location of the trail was through a water-holding wetland that was probably 2-3 feet deep; he thinks the previous Mayor said “we do not count puddles” and Councilmember Hara was not allowed to share the video. Councilmember Hara noted in some of the visuals provided about Nord which was largely ignored is pretty compelling when they look at and he thinks most residents if they saw these things would also understand that there is a legitimate concern that the City do it right. He is hoping the City has crossed all the t’s and dotted all the i’s and it is accurate but Councilmember Hara thinks representing the community interests it is the Council’s duty to make sure that it is accurate and correct. He thinks they would bear a responsibility if they put a trail that NOHOA – which is the citizen’s – are responsible for through a wetland. The DNR letter that Councilmember Shah said just addressed Black Lake does not just address Black Lake. It says on page 2 the third paragraph that the DNR wants to work with the City to classify all the wetlands within North Oaks with the understanding that some of these have already been developed and they can only do what they can do. However, this property has not already been developed and Councilmember Hara is pretty sure wetlands 1 and 5 are going to be considered in the shoreland ordinance which does impact the potential development.

Councilmember Shah asked what the Council’s intent is, she said it seems like they are all starting to challenge the process of approval and challenging if it was followed correctly.

Councilmember Hara thinks that it was not done correctly; the fact that they received the packet the day of the meeting and the fact that at the beginning of the meeting and the Mayor said “this isn’t going to take long.” Councilmember Hara noted they were going to talk about three approvals of three pretty significant developments as well as an amendment to the PDA. He said here they are today, they have been doing this meeting for five hours; he was thinking that meeting was not going to be a short meeting. Therefore, in his mind it was already rubber stamped and leads to the questions he has is if it was a pre-conceived thing that this was going to be taken care of and there would be no discussion about it. He said it raises a lot of questions and to echo what Councilmember Watson said “where there is smoke, there is fire” and it seems inappropriate at times that they rush through some of this. Granted it may have taken two years but there was changing dialogue and issues that came up and they were trying to figure out ways to get around it.

Councilmember Shah noted what she is hearing from the last 5-10 minutes is that the other Councilmembers want to challenge the process, but that also slows and potentially stops development which blocks the Company from development. That is going to result in a breach of contract that subjects the City to legal exposure and expensive litigation. She said it is not a game, it is serious, and they have to be very careful as this is risky business. Councilmember Shah noted they do need to let the Company speak here because the Council keeps calling out allegations.

Mayor Ries said Councilmember Hara raised a good point and that this conversation is not about the whole development of this area. It is about an approval where some of the facts are called

into question, they have the DNR (a state organization) that is asking for updated information that is clearly not there, and is questioning some of the decision making. There seems to be some concern from the community that some of the facts being presented are not accurate. With NOHOA there is also a concern that “we’re not holding up our side and making sure that they are part of the discussion” because they are part of that legal document. Mayor Ries noted Councilmember Shah keeps mentioning the Company and the Company’s rights and concern for the Company; Mayor Ries looks at the concern for North Oaks residents and the City Council’s fiduciary duty. Yes, they have a contract with the Company, but as a contract lawyer, they must go back and revisit contracts all the time, that is why they have a contract, it is a structure and they operate in the structure and often have to go back and review the contract. To Mayor Ries, she is not going to be terrified by somebody running around the community saying “we’re going to be sued, we’re going to be sued,” and she does not think that is what this conversation is about at all. This conversation is about whether this review was done correctly, if the facts presented were correct, if the due diligence was complete, and was the process accurate. This is only the first piece of many other pieces that this Council will have to review and they need to clarify some of the facts now and work with the DNR to improve that relationship and that may help out on some of the other approvals, too. Again, she reiterates that the City has not issued building permits yet so this City has the right to go in and call into question some of the concerns; they actually have a duty because residents are reaching out with these major concerns. They also have a contract party that is raising concerns. She stated they have many duties and responsibilities to the different groups and not just the Company under that contract and they need to make sure they are doing everything correctly to reduce their liability going forward; not just with the Company but with other groups. Mayor Ries is also concerned about future residents of North Oaks, if someone builds a house and their basement is under water – there have been issues where this has happened because the wetland impact concerns were not addressed at that time – so homes were affected and that is a liability for the City. She said they are at a great point right now where the City has not issued building permits and they can look at these issues and they do have some rights remaining. She still wants to put on the table, if the Company is so sure that everything was done correctly and all the information was there, there shouldn’t be a concern from the Company either, because the City is fact checking. The City is making sure that the wetlands, the shoreland, and everything is intact, that the DNR is happy with the work the City has done and they have been involved appropriately, that the City is updating information as should have been done already, and that they are doing their due diligence. Mayor Ries looks at the whole picture, particularly with respect to the residents and NOHOA and she says “I want to do a good job; I want this to be the best development we can do, and I want the liability to be reduced for the future homeowners in North Oaks, as well.”

Councilmember Shah asked if Attorney Nason could weigh in as she sent a detailed Attorney/Client communication to the Council and it laid out the *Robert’s Rules of Order* and the process for rescinding. She stated the attorney then goes into contract law and notes that it is different. She asked Attorney Nason to speak to that and the concept that Mayor Ries is implying in going to look at the approval process.

Attorney Nason said it sounds like there are some questions and some facts that the Council would like more information on. She started by turning a little sideways and said if there is additional information that the Council would request be provided from Staff with respect to specific questions about specific facts, it might be helpful if the Council were to send those to Administrator Kress and Staff can respond to see if there is anything they can clear up. With respect to the email which was sent Attorney/Client privileged, she did indicate that if there is a request to review the entire process to see if there were issues that occurred, her legal advice, her ethical recommendation is that the Council could certainly hire outside counsel to review the process to determine if there were any mistakes or missteps made, any grounds for taking an action to consider undoing (for lack of a better word, it is 12:18 a.m. and she is not articulate this late at night) the approvals that were already granted. Attorney Nason's email cautioned the risk to the City about seeking to overturn approvals that were already granted, particularly in light of the reliance by the approval holder on those approvals. Having said that there is case law out there where if approvals are granted erroneously there is ability for courts to undo those. She cannot speak any more specifically than that but she would encourage the Council if there are questions to please ask Staff and they can try to respond. Attorney Nason wants to clarify one thing on the DNR piece and that is there aren't any reports about Nord on the DNR because none of the wetlands within the Nord development site are subject to the DNR's jurisdiction and she thinks perhaps their letter created some confusion. Administrator Kress and Attorney Nason spoke with the DNR today and they provided an updated email that essentially says with respect to that letter, nothing in the letter sent from the DNR back in December 2020 implicates in any way the Nord site or any of the wetlands on the Nord site.

Councilmember Hara asked why those are different and noted he is reading the letter and it says that the DNR would like to work with the City because there are other wetlands. Now the criteria is less than 80 acres and he thinks in an incorporated City the criteria is if they're 2.5 acres or greater that those wetlands need to be classified by the DNR. He asked why Nord is not part of that.

Attorney Nason said it is because the wetlands are not public water wetlands. What the DNR explained is that it wants to assign an appropriate shoreline classification to those public waters that currently lack a shoreline classification and add those public waters through an ordinance amendment to a list of public waters. They state that since none of the wetlands located within the Nord development site are public waters, DNR would not consider assigning a shoreline classification to those wetlands. Attorney Nason pulled up the email and noted it was sent at 6:12 p.m. so it has not had time to be distributed yet. That may be part of the fact gathering process that the Council would like.

Mayor Ries said addressing that, in the wetland matters slide show that the DNR created, it specifically says in there that they have to go to the DNR and ask them for that designation and there are two parts to the definition. Mayor Ries thinks Engineer DeWalt talked about the first part of the definition where they have to be a type 3, 4, or 5 and the definition continues about acreage and other factors. In that slide show, the DNR made clear there is no official legal

process but that the City must come to the DNR with facts and issues and Mayor Ries did not see any request by North Oaks to the DNR. The only thing she saw was in that last letter from the DNR they said that North Oaks is out of date with the analysis of wetlands so that could be one of the facts and the Council could have the opportunity to talk to the DNR and about putting in a request to the DNR for more information about the parcel. They can look at what the process is and if North Oaks complied with that process. Mayor Ries appreciates the offering that consultants be brought in to this review but there were also points during some of the Council meetings where resident comments and resident information were not allowed to be publicly presented. She asked at this point in the process, would the Council like to take the opportunity to put together a list of issues and investigate this to see if the concerns are such and perhaps even invite the public to the meeting and have some of these issues vetted and have all the information. Perhaps they could invite NOHOA to the meeting, as well. That way they are being fully transparent and investigating the facts and if there was a material issue of fact that was not done, they could invite a DNR person to discuss with the Council and go through this issue. These are just some solutions she has to opening up this issue instead of just a closed session, the consultants will work on it and it comes back to Council...what about the Council looking at these issues and maybe assigning the consultants some of the questions they may need more facts about.

Councilmember Dujmovic said those are good points and he had not seen any of these letters from NOHOA or the residents prior to this and this is what he wrote down while he has been listening for the last 15-20 minutes. He thinks it is really important that they be fair to all parties here, and they want to make it really clear that this Council not anti-development, but they are pro-compliant development. He heard there were 52 conditions from the Planning Commission and it was unclear whether all 52 of those needed to be addressed or if there needed to be plans to address those before a final approval. That is an interesting thing to discuss. There is this issue of the Nord shared driveway and a discussion with NOHOA with respect to how they view that. There is debate as to whether or not NOHOA approved of the Nord development being incorporated into NOHOA or not and it seems that some parties believe that was done and other parties not so much. This DNR letter certainly did apply to Red Forest Way and Island Field and there was the question of if those principles apply to other areas – the size of the wetlands – he certainly recalls the June 9, 2020 meeting and the different categories of wetlands. As Attorney Nason articulated, he remembers the discussion on public water wetlands versus other wetlands and thought to himself that is very interesting, but they are all wet. It is confusing to Councilmember Dujmovic at this point whether or not those public wetlands apply and they were sharing a screen and it was very small regarding the email from 6:18 p.m. today that Attorney Nason referenced and that would be good to see. It seems like it would be good to hear from the NOC, from NOHOA, from DNR, and from City Council having a discussion together on these issues versus one or two parties participating...why not have them all participate at once to put this to bed. There was mentioned duty to government agencies, duty to future residents, and liability on both sides. That is what he heard and it certainly does not seem cut-and-dried to him.

Councilmember Shah noted they had previously said the Company was going to respond and she asked if Mr. Houge has his hand up.

Administrator Kress said for the sake of time would Mayor Ries mind tabling this and moving to other items as he does not think they will get much further with this item tonight.

Mayor Ries said she could make a motion to set up a work session to discuss these issues as it seems like there are some pretty substantive issues on the table that not only the public has raised but NOHOA is concerned about and Mayor Ries wants to hear from the DNR. She did not see in the open records request a convincing record.

MOTION by Ries to set up a work session, notice a special meeting, and work through some of these issues.

Councilmember Dujmovic said he would second if they add that the other parties – being defined as NOHOA, members of the Planning Commission if they want to attend, the DNR, and the North Oaks Company - participate in that special meeting.

Mayor Ries is comfortable with the DNR, the Company, and NOHOA, but would like to keep it at a Council conversation.

AMENDED MOTION by Ries, seconded by Dujmovic, to set up a work session, notice a special meeting, and invite the DNR, the North Oaks Company, and the North Oaks Home Owners' Association, to work through some of the issues presented tonight.

Councilmember Shah asked if they could put an objective or a high-level intent on that so everyone knows exactly what the purpose is.

Mayor Ries said it would be a working session to review the Nord approval facts, address concerns from NOHOA, from residents, from the DNR, and to review the process and the decision for approval.

Councilmember Watson piggy-backed on something Attorney Nason said a few minutes ago and suggested it would be useful to take some of these facts and try to create an outline so there is some structure to what is being done here. Then the Council is clear as to what the end-game is that they are trying to do. As he has watched some of this over the last year, the topic gets pretty volatile and pretty soon they are off track and off in the woods and have gone on to something different. He thinks there is also the opportunity for a lot of inter-personal feelings to surface and if they can structure some of it with the idea of what the major topics that need to be addressed it would give people the chance to prepare a little better, as well.

Mayor Ries asked if they could do that through an agenda for the work session and then the intent of the work session is to come to a conclusion for Council whether everything checks out or whether an amendment or full rescission, or whatever the end result is.

Councilmember Watson is not sure he knows how to do that other than the others are more familiar with the issues that have been discussed and continue to be discussed. He can take a look at minutes and other matters but the way he would do it is to create a talking document with an outline that would bring focus to what those major topics are, whether wetlands, the trail, etcetera. Frankly the one piece he is still befuddled by, and he went back and watched a video of a Council meeting where City Planner Bob Kirmis is trying to explain these orphan lots and he still does not understand why they have tied up Lots 1 and 2 in the whole discussion on Nord because 1 and 2 have nothing to do with the East Oaks PDA.

Mayor Ries suggested circulating an outline of issues based on the public comments, some concerns from NOHOA, the DNR's letter, and she can put that together; the Council is welcome to edit the document so they can go through the issues during the working session.

Councilmember Watson said Attorney Nason has a pretty good handle on some of these items having been around some of the battles and skirmishes. He asked if she has a punch list on Nord that she can contribute.

Attorney Nason said she does not and it sounds like the Mayor has some issues and she has heard other Councilmembers articulate some issues. She always wants to remind people of open meeting law issues. Perhaps the Council could send those to Administrator Kress and he could prepare a draft detailed agenda for the meeting, circulate it to the group and then the group can provide feedback to Administrator Kress. That may be a good way to structure it. She is hearing things about wetlands, DNR, etcetera, but if there are specific questions it would potentially be helpful to frame that up so Staff can provide information at or before the meeting and it may help answer some of the questions to get some of them off the table.

Councilmember Shah strongly suggests that they make this a public special meeting so they have minutes and it is televised so the public can watch this on camera.

Councilmember Dujmovic said that is a great idea.

Mayor Ries asked Administrator Kress to organize that.

Administrator Kress said that is not a problem.

Motion carried unanimously by roll call.

COUNCIL MEMBER REPORTS

Councilmember Hara had nothing to report.

Councilmember Watson had nothing to report.

Councilmember Shah wants to tell everyone that she was on the Relief Board before and the 2021 Annual Relief Associate meeting will happen the following Tuesday so there will be two trustee positions up for election and those positions are currently held by the Secretary and the Vice President. They have both indicated they will run for another three-year term; that will happen virtually next week and it looks like Councilmember Shah is appointed to that again and she will report back. Councilmember Shah will hit the ground running on her new appointments.

Councilmember Dujmovic thanked them for their consideration and he is anxious to plug in wherever he is needed.

Mayor Ries had a Mayor's meeting with local mayors and they talked about issues, mostly building. One city noted that the League of Cities is doing a Zoom training for new Councilmembers and Mayor Ries believes it is in their budget the ability for new or experienced Councilmembers to get training. She believes they can sign up with the League of Cities.

Administrator Kress would not mind seeing Councilmember Dujmovic do that if he is interested.

Councilmember Dujmovic is very interested.

Mayor Ries found it very helpful as they go through the motion practice, issues, and get to meet people from other cities and it is kind of fun. For the Cable Commission, they are rebranding to NineNorth so if the Council sees any of their information, they will see that. Mayor Ries had the pleasure of talking with Mr. Leon Ohman on the phone, he is a great guy and she looks forward to meeting with him in the future.

CITY ADMINISTRATOR REPORTS

Administrator Kress noted they are working through the laser fiche and looking to get that uploaded by the end of January. There were a couple lift station pump failures so there will be some bills coming through that are quite substantial. He stated there is really no choice, they have to replace the pump and that is a direct relation to his e-blast report: do not flush anything that is not toilet paper down toilets. It is very important and is doing quite the amount of damage on the City's lift station.

CITY ATTORNEY REPORTS

Attorney Nason had no updates for the Council.

Mayor Ries thanked Dan Mariska from CTV doing the video tonight.

MISCELLANEOUS

a. December 2020 Forestry Report

b. Annual Building Report

ADJOURNMENT

MOTION by Councilmember Hara, seconded by Councilmember Watson, to adjourn the Council meeting at 12:36 a.m. Motion carried unanimously by roll call.

Kevin Administrator Kress, City Administrator

Gregg Nelson, Mayor

Date approved _____



February 5, 2021

Honorable Mayor, Kara Ries
Members of the City Council
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Re: February 2, 2021 Letter
Nord Parcel

Dear Mayor and Council Members,

I am in receipt of a letter from Mayor Ries dated February 2, 2021 requesting clarification regarding the approval of the Final Plans for the subdivision of Nord – Site C. The letter states the City Council received a letter from North Oaks Home Owners' Association (NOHOA) dated January 14, 2021 indicating it has not approved the trail nor the shared driveway to be constructed in the Nord subdivision. North Oaks Company LLC (Company) provided an email response on January 14, 2021 along with correspondence from NOHOA with comments about the Preliminary Plans for the subdivision of Nord- Site C, including its preference on the location of the proposed trails. Several statements in the Mayor's February 2, 2021 letter require clarification.

The City, the Company, and NOHOA recognized the importance of having all three parties agree upon the role NOHOA would play in the City's development approval process. The agreement reached by the parties is documented in an Agreement between the Company and NOHOA dated January 28, 1999 and in the Consent and Joinder to the Planned Unit Development Agreement for the East Oaks Project (PDA) executed by NOHOA (copies of both Documents are attached). The Agreement provides that: 1) NOHOA would execute a Consent and Joinder to the PDA; 2) grant certain open space easements to NOHOA by the Company; 3) identify Company's rights to vote on matters of NOHOA and dues; 4) acknowledge payment by Company to NOHOA in the amount of \$25,000 as consideration; 5) record a Declaration subjecting all of the lots within each subdivision to membership in NOHOA; 6a) to allow NOHOA the right to review and comment on the design of roads and trails, for a period that shall expire at the same time as the comment period for the City's review of same; 6b) require the Company construct all roads and trails as required by the PDA and NOHOA will maintain all roads and trails; and eleven (11) additional terms and conditions relative to development of sites by the Company in the Subject Area of the PDA.

In early 1999 the Company and the City of North Oaks concluded extended negotiations on the PDA for the remaining lands the Company owned within the City of North Oaks. The provisions of the PDA which NOHOA has consented to and agreed to be bound by include Section 2.4 which provides Residential lot owners within the Development Sites shall become either members of NOHOA or members of an association which is a sub-association of NOHOA.

NOHOA staff completed a review of the Nord Concept Plans (same as approved Final Plan) in January 2020 and provided comments in two letters, dated January 24, 2020 and February 7, 2020. In the January 24th letter it suggested lengthening the street to the east to provide access to Lot 2 from Sherwood Road and the City Planner and Engineer did not recommend City approve. The February 7th letter states NOHOA prefers the trails be developed interior to the parcels and not adjacent to the roadway (North Deep Lake Road). Consultants to NOHOA completed another thorough review of the Preliminary Plans as outlined in the memo prepared by Kristie Elfering and Rita Trapp, dated March 27, 2020 (copy attached), and presented their findings to the NOHOA Board on April 2, 2020. The Memo states the Preliminary Plan complies with the PDA and acknowledges the location of the proposed trail traversing Lots 1 & 2 is preferred to the trail illustrated in Exhibit B4 of the PDA along North Deep Lake Road. It also acknowledges the PDA and the agreement noted above do not refer to any authority NOHOA has regarding approval of driveways.

During the April 2, 2020 NOHOA Board meeting the Board approved the comments in the Memo prepared by Kristi Elfering and Rita Trapp and authorized NOHOA to send a letter incorporating these comments to the Planning Commission and City Council. The City received the letter with these comments dated April 7, 2020 (copy attached) from NOHOA stating it prefers the location of the trails as compared to that agreed to in the PDA. The letter states it has a policy that does not allow for shared driveways and the NOHOA Board must approve at the time of construction. To the Company's knowledge NOHOA has not previously published or otherwise promulgated this policy. Whether NOHOA does or does not have this authority is an open question, but if it does, NOHOA's authority would be pursuant to provisions in the recorded Declaration for the neighborhood which grant NOHOA authority to review building plans. That process is not relevant to the City's approval process under the PDA. The NOHOA letter states the design of a shared driveway will be reviewed when home construction drawings are submitted to the ASC, at a later date. The PDA provides that it is the City and not NOHOA that is responsible for approving the location of roads, trails, building site restrictions, including location of driveways, which the City approved for the Nord development. Many shared driveways exist in North Oaks, which are designed to eliminate the need to construct streets, reducing the impact on wetlands and forest, and the amount of roads NOHOA must maintain.

Katherine Emmons, President of NOHOA, spoke at the April 14, 2020 Planning Commission Meeting (copy of minutes attached) describing the work of NOHOA's consultants reviewing the design of the proposed trail, looking at all the alternatives, visiting the site, and that the NOHOA Board voted to approve the location of trail during its meeting April 2, 2020.

A letter from NOHOA dated May 26, 2020 states that during the development process NOHOA will review and provide comments on each proposed development (subdivision) and has provided review and comment regarding Nord. Under the terms of the PDA, the Consent and Joinder Agreement and the Agreement between the Company and NOHOA, NOHOA has the ability to request the City and Company to consider NOHOA's concerns on various development matters for the Nord development site during the City's review period, but the City has the ultimate approval authority for the approval of the preliminary and final development plans for the Nord development site.

With respect to the approval of the Nord Preliminary and Final Plan, NOHOA completed its review and submitted its comments during the time the Planning Commission and City Council was completing its review and approving the Nord development plan, and that time has expired. The Planning Commission submitted its recommendation to the City Council to approve the Nord development plan with a normal listing of conditions and the City Council considered the Planning Commission recommendation and

conditions and took the final approval action to approve the final Nord development plan subject to its list of conditions.

The Company has submitted a draft of the Declaration for Nord to the City and NOHOA that is consistent with previous declarations acknowledging the development sites are to be within NOHOA and subject to its bylaws, as required. NOHOA does not have the unilateral right to approve the declaration, but the Company and NOHOA may mutually consent to changes to the form of the declaration previously used.

The Company respectfully requests that it be allowed to provide further information that the City Council finds necessary to reach a decision that the terms of the PDA, Consent and Joinder Agreement and the Agreement between the Company and NOHOA grant NOHOA only the right to review and comment regarding the proposed roads and trails within a development site and that the City has the authority to grant final approvals for the development sites.

Sincerely,
North Oaks Company LLC.

A handwritten signature in black ink, appearing to read 'Mark Houge', written in a cursive style.

Mark Houge
President

CC: Kevin Kress, City Administrator
Bridget Nason, City Attorney
Mikeya Griffin, NOHOA Executive Director
Tom Bray, Taft Stettinius & Hollister, LLP

AGREEMENT

THIS AGREEMENT is made by and between North Oaks Company, LLC (the "Company"), and North Oaks Home Owners' Association ("NOHOA").

The Company and the City of North Oaks (the "City") have entered into a Planned Unit Development Agreement for East Oaks Project dated Feb 11, 2000 (the "PDA"). The PDA governs the development of Company land located in the City over the 30 years following execution of the PDA.

The Company and the City have agreed to zoning designations, master development plans, amendments to the City's Comprehensive Plan, and open space easements in favor of NOHOA and the City.

NOHOA has agreed to execute a Consent and Joinder to the PDA agreeing to subject itself to the obligations of the PDA and allowing it to enjoy the benefits of the PDA.

The Company and NOHOA desire to enter into this Agreement implementing the PDA and governing the relationship between the Company and NOHOA in relation to the PDA.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Company and NOHOA agree as follows.

1. CONSENT AND JOINDER. NOHOA agrees to execute the Consent and Joinder to the PDA thereby agreeing to abide by its terms and allowing NOHOA to be benefitted by its provisions.

2. OPEN SPACE EASEMENTS. NOHOA agrees to execute the five easements contemplated by the PDA which are the Open Space Easement-Conservancy Land, Open Space Easement-Agricultural Land, Open Space Easement-Agricultural Land Allowable Building Area, Restricted Trail Easement, and Primary Trail Easement(s).

3. VOTING AND DUES. In consideration of the following, the Company hereby waives and foregoes its right to one (1) vote for every acre owned within the NOHOA boundaries pursuant to Article IV of the Certification of Incorporation of North Oaks Home Owners' Association, Inc. dated October 20, 1950 and waives and foregoes votes entitled to it under Section 5, paragraph E of the By-laws of the North Oaks Home Owners' Association, Inc. dated November 7, 1996. NOHOA agrees that the Company shall pay the equivalent of dues for

ten (10) lots per year for a period of 30 years, regardless of the amount of property owned by the Company, unless the Company and its successors and assigns own less than ten (10) residential lots, in which case the Company shall pay dues for the number of residential lots which it owns. The Company shall have a voting seat on the NOHOA board for a period of 30 years from the date of execution of the PDA. This seat cannot be assigned without the prior written consent of NOHOA.

4. ADDITIONAL CONSIDERATION. As and for consideration for execution of the easement agreements and the Consent and Joinder to the PDA, the Company will pay to NOHOA the one-time amount of twenty five thousand dollars (\$25,000) within thirty (30) days of the execution by all parties of the PDA, including the Consent and Joinder thereto, and this Agreement.

5. DECLARATIONS. As each new residential subdivision is developed and before any lot is sold to a residential purchaser, the Company will develop and record a Declaration subjecting all of the lots within the new subdivision to membership in NOHOA and requiring payment of annual association dues. The annual dues will become payable with respect to each lot after it is sold to a residential purchaser.

6. ROADS AND TRAILS.

- a) At the time that plans for any new subdivision are filed for review and approval with the City, a copy will be provided to NOHOA, which shall have a right of review and comment regarding the roads and trails. The comment period shall expire at the same time as the comment period for the City.
- b) As provided in the PDA, all roads and trails will be constructed by the Company pursuant to the requirements of the PDA. NOHOA will maintain all of the roads and trails for which it has been granted easements under the PDA.

7. MULTI-FAMILY DWELLING OR TOWNHOUSE DEVELOPMENTS.

- a) In each multi-family dwelling or townhouse development, NOHOA shall maintain only the roads and trails for which it has accepted easements under the PDA and those common areas designated in the City's Zoning Map as "a park" or "recreation area". NOHOA shall not be responsible for maintenance of driveways, walkways, trails, or

roads in a multi-family dwelling or townhouse development for which easements have not been accepted by NOHOA.

- b) NOHOA shall not be responsible for any maintenance of roads or trails within any multi-family dwelling or townhouse development until at least 70% of the units have been sold to residential purchasers.

8. DEER HILLS TRAIL. Any trail constructed between Deer Hills and the Primary Trails (as defined in the PDA) shall be constructed by the Company at its expense. Notwithstanding the provisions of the PDA, any trail constructed between Deer Hills and the Primary Trails shall be a walking trail only, to allow pedestrian access between Deer Hills and the Primary Trails and shall be at a level of construction determined solely by the Company acting reasonably.

9. PLEASANT LAKE TRAIL. Within three hundred sixty-five (365) days after execution of this Agreement, the Company shall convey to NOHOA Tract "X", Registered Land Survey No. 224, subject to the restriction that it shall be used for recreational purposes. The parties agree that this conveyance shall be irrevocable.

10. PDA CONTROLS. The parties do not intend to include in this Agreement all of the items covered in the PDA. To the extent that this Agreement is inconsistent with the PDA, the PDA shall control, except in Section 8 above.

11. MINNESOTA LAW. This Agreement shall be governed by Minnesota law.

12. HEADINGS. The headings in this Agreement are for ease of reference only and are not to be used or relied upon in interpretation of the provisions of this Agreement.

13. SURVIVAL. In the event that the PDA is not fully executed by March 31, 1999, then this Agreement shall be invalid and of no force or effect, except for paragraph nine which shall survive. Once the PDA is fully executed and regardless of its subsequent status, Sections 3, 4, 7(a & b) and 9 of this Agreement shall survive.

14. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the successors and assigns of the Company and NOHOA.

15. MODIFICATION. This Agreement may be modified only by written agreement executed by the Company and NOHOA.

16. AUTHORITY. Each corporation signing this Agreement represents and warrants that the execution, delivery, and performance of this Agreement by such corporation have been duly authorized by all necessary corporate action.

17. SEVERABLE PROVISIONS. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, or word of this Agreement shall be held or deemed to be inoperative or unenforceable, as applied in any particular case in any jurisdiction or jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not render the provision, section, sentence, clause, phrase, or word in question inoperative or unenforceable in any other case or circumstance, or render any other provision, section, sentence, clause, phrase, or word of this Agreement inoperative or unenforceable to any extent whatsoever. Each and every provision, section, sentence, clause, phrase, and word of this Agreement shall be deemed operative and enforceable in all jurisdictions to the fullest extent possible. The inoperability or unenforceability of any one or more provisions, sections, sentences, clauses, phrases, or words of this Agreement shall not affect the remaining portions of this Agreement or any part thereof.

IN WITNESS WHEREOF, this Agreement is executed as of January 28, 1999, ~~1998~~.

NORTH OAKS COMPANY, LLC

By [Signature]
Its President

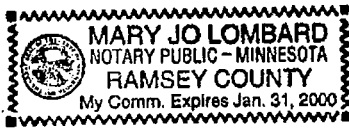
NORTH OAKS HOME OWNERS' ASSOCIATION

By [Signature]
Its President

Page Five

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

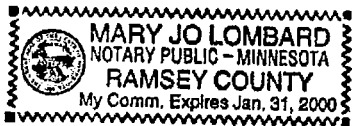
The foregoing instrument was acknowledged before me on January 28, 1999, 1998, by Richard E. Leonard, the President of North Oaks Company, LLC, a Minnesota limited liability company, on behalf of the company.



Mary Jo Lombard
Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me on January 28, 1999, 1998 by Thomas J. Welna, the President of North Oaks Home Owners' Association, a Minnesota non profit corporation, on behalf of the corporation.



Mary Jo Lombard
Notary Public

**CONSENT AND JOINDER
BY
NORTH OAKS HOME OWNERS' ASSOCIATION**

The North Oaks Home Owners' Association (NOHOA), a party to the Proposal for Dedication of Land to Become the Basis for the Recreation Portion of a North Oaks Comprehensive Master Plan between North Oaks Company and the City of North Oaks dated December 14, 1972, (the "1972 Recreation Proposal") hereby consents to and joins in this Planned Development Agreement for the following and only the following purposes: (1) terminating the 1972 Recreation Proposal; (2) if any part of the East Oaks PUD Project is or becomes subject to NOHOA controls, consenting to the use of any such portion of the East Oaks PUD Project for open houses or events for the purposes of displaying residential units or subdivisions and their amenities; and (3) consent to and accept the provisions of Article 12, Article 13, and Sections 2.4, 7.9, 19.1 and 19.4 of this Planned Development Agreement.

The officer signing below does so pursuant to authorization from the NOHOA Board of Directors.

By: Thomas Welna
Thomas Welna
Its: President



MEMORANDUM

TO: NOHOA Board of Directors and Mikeya Griffin, Executive Director
 FROM: Rita Trapp, NOHOA Planner, HKGi
 Kristie Elfering, NOHOA Engineer, Elfering & Associates
 DATE: March 27, 2020
 SUBJECT: Technical, Compliance Review of Nord Preliminary Plans
 MEETING DATE: April 2, 2020

On February 2, 2020, the City of North Oaks received an application from the North Oaks Company for preliminary plan review of the Nord site of the East Oaks PUD/PDA. The City of North Oaks Planning Commission deemed the application complete for review on February 27th and set a public hearing and consideration of the application for April 14th (Nord).

As was discussed in March, Staff has undertaken a technical review of the preliminary plans to provide the NOHOA Board its assessment of the level of compliance. This technical review is intended to serve as a foundation for the NOHOA Board in its determination of policy relative to the preliminary plans.

Staff's technical review has been summarized by site in the following tables. For each site and compliance topic, Staff has provided a summary of what is required by the PUD/PDA and what is being proposed, as well as Staff's compliance evaluation and recommendation.

Site C - Nord

Density	
Required	Proposed
Table 1 states that the maximum number of units is 10 with an allowable density increase of 30% for a total number of allowable units of 13.	The Preliminary Plan proposes 12 units.
Compliance Evaluation	Staff Recommendation
The proposed Preliminary Plan is compliant for density.	Acknowledge compliance.

Roads	
Required	Proposed
Article 7 references Exhibit B2 for the Conceptual Street and Access Plan. Exhibit B2 shows a cul-de-sac extending from Sherwood Road to serve this area.	The Preliminary Plan proposes a cul-de-sac extending from Sherwood Road. Two lots access North Deep Lake Road from a shared driveway.
Compliance Evaluation	Staff Recommendation
The Preliminary Plan is compliant relative to roads as it shows a cul-de-sac extending from Sherwood Road as shown in Exhibit B2. Driveway locations are not indicated on Exhibit B2 and driveway access is not mentioned in the body of the PDA.	Acknowledge compliance.
Open Space	
Required	Proposed
Article 12 references Exhibit B3 for the Park & Open Space Plan. Exhibit B3 shows a passive private open space in the southwest corner of the Nord area.	The Preliminary Plan proposes a passive private open space in the southwest corner of the development.
Compliance Evaluation	Staff Recommendation
The proposed Preliminary Plan is compliant for open space as it provides for a passive private open space in the same location as Exhibit B3.	Acknowledge compliance.
Trails	
Required	Proposed
Article 13 references Exhibit B4 for the Trail Map. Exhibit B4 shows an existing NOHOA trail along the south side of the development, including along North Deep Lake Road.	The applicant is proposing a trail through the existing NOHOA easement on the south side of the wetland. A new trail is proposed through the proposed lots 1 and 2 connecting up to Rapp Farm. A small, new connection through the NOHOA open space along Red Maple Lane is also proposed.

Compliance Evaluation	Staff Recommendation
<p>As the PDA does not contemplate additional trails through Nord, the proposed trails are not compliant.</p>	<p>Acknowledge that what is being proposed is not compliant but it is preferred because it maintains trail connectivity. Confirm that NOHOA prefers a trail be constructed through the two east lots, avoiding any wetlands if possible. Also convey that if a trail on the north side of the wetland is not possible, NOHOA prefers that NOC work with the property owners south of the wetland to construct a trail as far from their homes as possible and reestablish the easement in the vicinity of that new trail. It is also recommended that NOHOA note that any trail through low areas should be constructed as a boardwalk.</p>

Also, in reviewing the preliminary plans, Staff identified the following concerns about the plans submitted. Staff would suggest that these concerns be sent to the City with a request that they be incorporated into any conditions that may be identified as part of the review process:

- A center island is indicated on the plans at the entrance. No landscape maintenance will be completed by NOHOA within the development.
- Trail locations noted in the plans appear to cross wetlands and are located in close proximity to wetland boundaries for long stretches. Wetland boundaries should be flagged in the field and the proposed trail easement staked to verify that trails will be installed on high ground. Trail construction details should be provided as to verify the elevation and installation method. Any necessary boardwalk and culvert installation locations should be noted on the plans. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
- Future road maintenance will be the responsibility of NOHOA. As such it is incumbent that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design, so that NOHOA can be assured that the roadway is being constructed to required standards. Plan and profile information should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
- The grading for the road ditches appears to be in close proximity to wetland boundaries. In the preliminary comments from VLAWMO their staff has noted that stormwater plans and a Minnesota Routine Assessment Method (MnRAM) report is needed as part of a formal application. NOHOA should request copies of this information and approval from VLAWMO

prior to final plan acceptance. Assurance should be provided that the ditches that serve the roadway will not negatively impact the site wetlands.

- A filtration basin is proposed as part of the improvements. Construction details should be provided and a soil boring with groundwater elevations and infiltration rates should be provided to ensure that the basin is constructed correctly. A 10-foot bench should be graded around the basin for maintenance access.
- The road access is onto Sherwood Road, which is a County road. Documentation should be provided as to approval by the County of the access.

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
NORTH OAKS HOME OWNERS' ASSOCIATION**

April 2, 2020

The regular meeting of the Board of Directors of the North Oaks Home Owners' Association was convened at 7:00 P.M. in a virtual meeting via the web-based video conferencing tool Zoom.

Directors present: Marc Asch, Kareen Ecklund, Katherine Emmons, JoAnn Hanson, Mark Houge, Patricia Orud, Jason Kraus, Kareen Ecklund, Mike Graf, Jim MacGillis

Directors Absent: None

Also present: Francis S. Lewis, Maureen Anderson, Videographer; Mikeya Griffin, Executive Director; and Sami Ephraim, NOHOA Executive Assistant

The meeting was called to order by Board President Katherine Emmons.

Visitor Comments:

Anne Conroy submitted comments about volunteering within the community of North Oaks and the meaningful activities that contribute to the well-being of the community.

APPROVAL OF THE AGENDA

Director Graf made a motion to approve the agenda

Motion seconded by Director Kraus

Motion carried

CONSENT AGENDA

- a. Approval of February 6th Board of Directors' Meeting Minutes
- b. Approval of February 19th Board of Directors' Meeting Minutes
- c. Approval of March 5th Board of Directors' Meeting Minutes
- d. Acceptance of February 2020 Month-End Financial Reports

Director Orud made a motion to approve the Consent Agenda

Motion Seconded by Director MacGillis

Motion carried

President's Remarks:

President Emmons explained that this is our first opportunity to communicate with NOHOA members online. President Emmons asked for feedback on how it is working in everyone's homes. She went on to explain that NOHOA wants to make this form of virtual communication as efficient as possible.

President Emmons thanked the NOHOA staff for implementing the technology. She also went on to thank all community members who are pulling together. Thank you to MELS, Deputy Burrell and other members of the community.

Treasurer's Report

Director Graf reviewed the budget.

Dues collected - \$2,143,159.12 (Total budgeted dues for 2020 are \$2,201,625)

Dues outstanding - 39 Member dues remain unpaid. Members are being assessed late fees of \$50 per month and interest of 6% on unpaid amount. Dues from the sales of 12 lots are anticipated.

Budget -Two budget line items pacing above spend:

- Legal of \$75,000 - We have spent approximately 53% of the budget in the amount of \$35,985. These expenses are largely due to PDA/PUD issues. We should see these amounts level off some.
- Consultant fees – of \$24,000 budgeted, \$10,000 has been spent. This should level off as the PUD/PDA and East Oaks trails review is primarily complete.

Executive Director's Report

Executive Director Griffin discussed NOHOA's COVID response. She explained NOHOA's closures include all recreational fields, programs, grounds, parks, tennis courts, and playgrounds. Public meetings and ASC meetings are still being held. We are now conducting review of ASC applications during online

meetings. MELS continues to provide care around North Oaks. Thank you to Sami and Michelle (NOHOA Staff) during this time.

Executive Director Griffin explained we are evaluating assets, getting bids for roads and natural environment at this time. Street sweeping will begin April 6th and continue for 7-10 days. We will be looking at the possibility of holding the 2020 Summerfest. A decision must be made whether it can still be held or if it will be rescheduled. Thank you to staff that keeps NOHOA up and running.

Director Asch stated that nothing in North Oaks has changed that would impact safety. He explained that Officer Burrell is citing trespassers. The Safe Roads Committee is working closely with the city on the issue of OPEN HOUSES. There might be a need to reschedule the currently planned June 2 vehicle inspection program.

Unfinished Business

a. Electronic Communication Considerations

Director Hanson discussed a proposed letter concerning public in-person hearings conducted by the City. The letter would be directed to the mayor and city council members and requested that the city council ask North Oaks Company to agree to extend the period for approval or disapproval of its preliminary plan by 60 days. The inability to communicate in person negatively impacts community participation and disadvantages participants. Director Hanson requested that the letter be sent from the Board.

- Director Asch likes the idea of bringing the letter up to the City of North Oaks.
- Director MacGillis wondered when the 120-day mark is? Does pushing 60 days off affect construction?
- Director Houge explained if they followed the 120 days it would be the end of June. If they delay it could affect construction.
- Director Ecklund wondered if there are buyers for these lots?
- Director Houge explained the lots have not gone up for sale.
- Director Asch stated that NOHOA is asking for the Company's cooperation with this letter. The target is to ask the city to help with this delay.
- Director Emmons questioned if the City can unilaterally delay the process.
- Director Hanson stated that this development affects the entire community's future.
- Director Houge stated that if there are concerns NOC would like to address them.
- Director Asch noted that the letter does not delay anything.

- Director MacGillis does not agree with this letter. We have discussed this for a long while and it is clear from Mark Houge that the applicant is not going to agree to this. This is a fruitless effort.
 - Director Graf we do not represent the entire community.
 - Director Orud believes the community does not feel it is being heard. That is the reason for the letter. The letter reflects what she has heard in the community.
 - Director Wiles Hinrichs believes it is important to be a voice for the public. We need to continue to do the business of this city. Our task is to figure out ways to open the conversations so that voices can be heard. How are other communities conducting public meetings?
 - President Emmons stated we will be able to see where the Company has changed things directly from community input and NOHOA input.
- b. East Oaks Trails

Some NOHOA Directors took a walk to determine the location of the Nord and East side trails. Engineer Elfering also went with to investigate wet spots and dry areas.

Presentation:

- Trail between lots 6 and 7
- Trail through NOHOA open space
- Trail side of wetland using old easement
- Trail across lots 1 and 2 avoiding wetland

East Side Existing Trails:

- Keeping off wetland and on high and dry wetlands
- Funding to help fix usable trails to the west
- Recreation field in Island Field and Gate Hill

c. Nord and Anderson Woods Preliminary Plans

Nord Preliminary plans

- East Oaks PDA Technical Review Focus
- Streets/Roads, Open Space, Trails, Units/Density

1) Site C Nord

- Compliant with density
- Open space area- there are no issues
- Trails- Southside of development, along north deep lake road
 - Not compliant with PDA- but it is preferred by NOHOA
 - Preferred on North Side of land.

Technical Comments from Staff

- Center Island
- Ensuring trails do not impact wetlands and future maintenance needs are appropriately accounted for construction.
- Information to ensure appropriate construction of roads

Director MacGillis asked about drainage ponds.

- Director Asch talked about the long-term costs for drainage.
- E.D. Griffin stated we discussed all drainage and technical staff will need to investigate drainage.
- Director Orud questioned who owns the land?
- Director Houge stated the Out lot would be owned by the company.
- Director Asch questioned if changing the road lessens the need for the basin?
- Director Ecklund commented most small out lots wouldn't be allowed to be created by most cities.
- Franny Lewis pointed out the track of land is not included in the PDA.
- Rita Trapp explained tech consultant does not need to focus on this land.
- President Emmons explained that the "orphaned lots" are not something we need to focus on
- Director Asch explained about properties already part of NOHOA- those properties would need to go through the ASC requirements for building.

Anderson Woods Preliminary Plans

- **Site F Anderson Woods**
 - Total of 13 units the plan is compliant with the PDA
 - Open Space- same as previous- no open space
 - No issues with plans proposed
 - Trails no issues
 - Roads: a looped road and cul-de-sac
 - Less impervious surface if we have shorter cul-de-sac
 - Not compliant with PDA, but it seems preferred by staff
- Director MacGillis questioned about Centerville Road
- Consultant Engineer Elfering stated she would want snow storage and if that existed she wouldn't have an issue with the cul-de-sac
- Director Orud questioned where we didn't build to increase building elsewhere
- Director Houge stated there was an increase in lots of 2 in Nord, and 3 in Anderson, 46 fewer in Rapp Farm
- Director Orud questioned whether when you add significant fill to build a road does this create long-term problems.
- Director MacGillis stated he has no problems with this plan. Other than staff issues he is satisfied with this.

- President Emmons asked if there was going to be a bridge.
- Director Houge stated there would be no bridge.
- President Emmons asked if there be a culvert.
- Director Houge stated VLAMO stated it would like to have a culvert under the trail.
- Director Orud questioned when filling in space to make a road is it stable
- Director Houge explained it will be built as a permanent road and there shouldn't be concern of movement.

Marc Asch made the motion to approve the comments and the letters and to forward them on to the planning commission and city council. Approve technical letters as written.

Jim MacGillis seconded the motion.

Marc Houge and Kareen Ecklund abstained

Marc Asch, JoAnn Hanson opposed.

Motion passes with 6 in favor.

Director Asch wants to discuss the letter he wrote summarizing member comments

President Emmons suggests reading the comments and voting by email

Director Asch explained that the letter summarizes presentations Members comments, and Members concerns that were sent to the Board and NOHOA Staff.

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President Emmons suggests reading the comments and voting by email

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North Oaks News – Deadline April 17, 2020

- Summary article on tech issues
- JoAnn's letter regarding a 60-day extension request
- Be careful when they walk and bike- social distancing
- Trail Etiquette
- Communication rules, guidelines

7

A motion was made to adjourn by Director Asch

Motion seconded by Director Kraus

Motioned passed.

Adjournment: 9:15pm

Respectfully submitted,



NORTH OAKS
HOME OWNERS' ASSOCIATION

April 7, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Nord Preliminary Plans

Dear Mayor Nelson,

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans submitted by the North Oaks Company for the Nord development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and suggested plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. The applicant should be advised that NOHOA policy does not allow for shared driveways except through board approval. At the time of construction, Lots 1 and 2 will need to receive board approval if a shared driveway is going to be used.
2. The following are NOHOA's recommendations relative to the North Oaks Company updated trail route provided on the exhibit dated March 26, 2020:
 - a. NOHOA prefers that the new route through Lots 1 and 2 be constructed as indicated on the attached exhibit, avoiding any wetland impacts.
 - b. NOHOA prefers the alignment through the west side of NOHOA open space to connect to the existing trail easement.

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- c. As offered, NOHOA expects the North Oak Company to work with NOHOA and the property owners to construct a trail through the existing easement located across the existing properties along North Deep Lake Road. Assistance shall also be provided by the North Oaks Company to establish new easements closer to the wetland when possible.
3. NOHOA's willingness to accept the revised trail plan as proposed by the North Oaks Company does not waive NOHOA's right to require compliance with the terms of the 1999 PDA as to all future developments.
4. A center island is indicated on the plans at the entrance. No landscape maintenance will be completed by NOHOA within the development. NOHOA would prefer no center island.
5. Trail maintenance and construction fall under the purview of NOHOA. As such the following is requested:
 - a. Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of impacts. This should occur for the trail along the lot line between Lot 7 and 6 and across Lots 1 and 2.
 - b. Trail construction details should be provided to NOHOA for review and comment.
 - c. Any necessary boardwalk and culvert installation locations should be noted on the plans.
 - d. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
6. To allow for appropriate future road maintenance, NOHOA requests that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design.
7. Plan and profile information for the road should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
8. Copies of the stormwater plans, drainage calculations and Minnesota Routine Assessment Method (MnRAM) report are requested. Approval from VLAWMO will be required for the improvements prior to acceptance. NOHOA reserves the right to comment on plans as they are revised to avoid wetland impacts.
9. The preliminary plans note that the road will discharge to a filtration basin. As the Construction details should be provided and a soil boring with groundwater elevations and infiltration rates should be provided. A 10-foot bench should be graded around the basin for maintenance access.

Mr. Greg Nelson, Mayor
April 7, 2020

10. Documentation should be provided as to approval by Ramsey County of the road access.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on February 27th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Nord site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Nord development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA prior to being recorded.

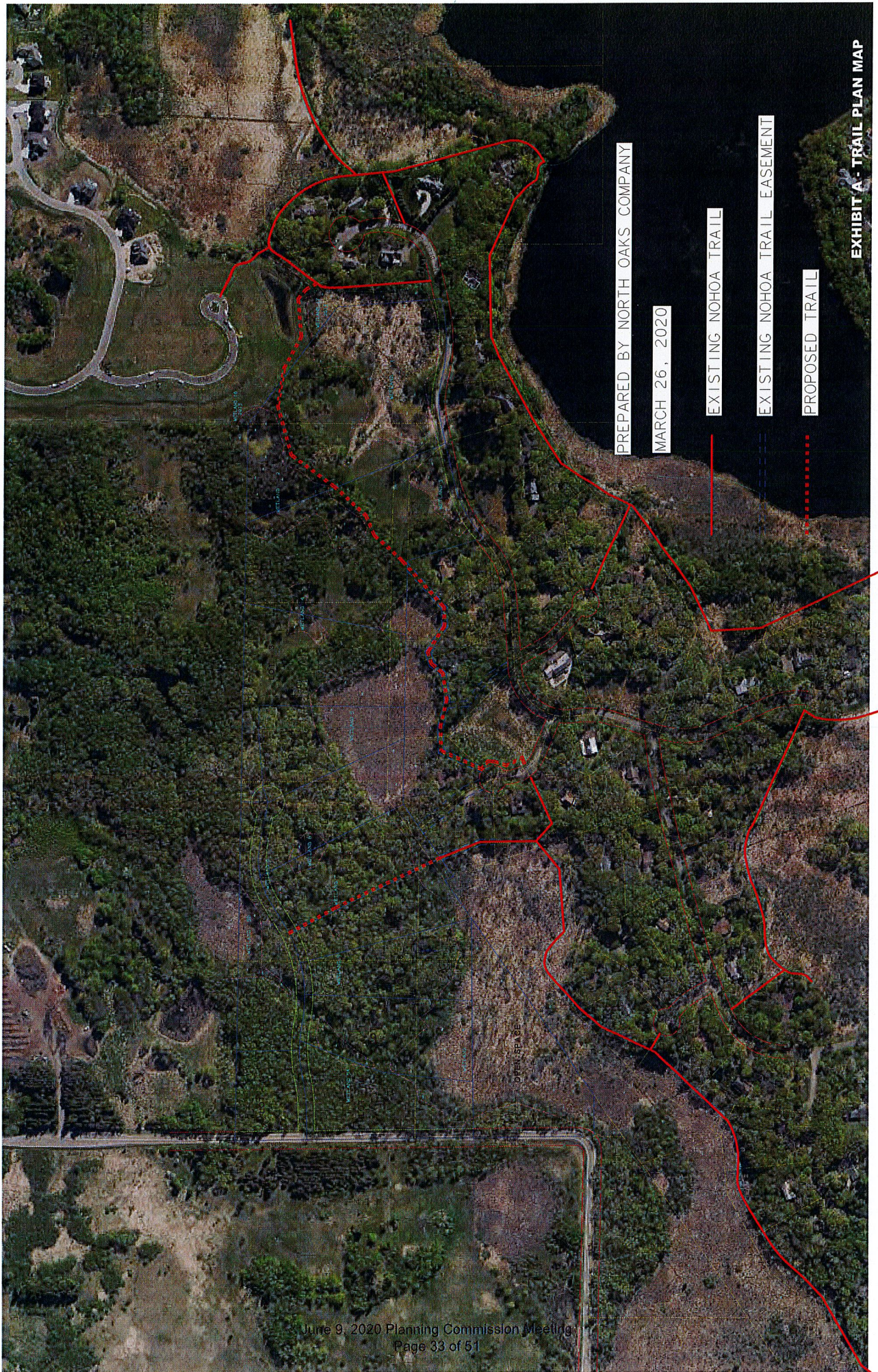
If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Thank you,

(Signed copy on file)

Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



PREPARED BY NORTH OAKS COMPANY

MARCH 26, 2020

EXISTING NOHOA TRAIL

EXISTING NOHOA TRAIL EASEMENT

PROPOSED TRAIL

EXHIBIT A - TRAIL PLAN MAP

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

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

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

Mark Houge

From: Mark Houge
Sent: Thursday, January 14, 2021 6:26 PM
To: 'Kevin Kress'
Cc: 'Bray, Thomas'
Subject: FW: Correspondence from NOHOA approving Nord trail alignment
Attachments: NORD-2020-trails8 date 11-18-2020.pdf; Nord DA signed.pdf; Exhibit C - draft trail mitigation agreement.pdf

Kevin,

Several meetings occurred with representatives of NOHOA at the site, such as May 14, 2020 and August 25, 2020 when Gary Eagles discussed the proposed location of the trail and we worked with its Executive Director, consulting engineer, President of NOHOA and the City Engineer to refine the location, and made the changes as per NOHOA's direction. NOHOA requested the Company clear the buckthorn in the location it desired for the proposed trail on lot 2, which we did prior to the site visit August 25, 2020.


Below you will find an email from NOHOA acknowledging the drawing the City reviewed and approved, and is referenced as Exhibit A - Final Plans to the Development Agreement (attached) between the City and the Company is consistent with their review and comments.

November 11, 2020 I received an email with a draft of the Trail Mitigation Agreement with the same layout (Exhibit C, attached) presented by NOHOA asking the Company to review and discuss approving it. Exhibit C shows the same trail layout presented on the aforementioned drawing approved by NOHOA and the City.

Based on the short-notice required to respond to a letter from NOHOA's President today, this is a partial listing of meetings and correspondence regarding NOHOA approving the Nord Trail. We will provide additional materials as promptly as we can.

Best regards,
Mark

Mark Houge
President
T: 651-484-3361, Ext #405
C: 651-231-6226
mark@northoaks.com


NORTH OAKS
C O M P A N Y I N C
5959 Centerville Road
North Oaks, MN 55127
www.northoaks.com

From: Mikeya Griffin <Mikeya@nohoa.org>
Sent: Monday, December 14, 2020 5:48 PM
To: Gary Eagles <gary@northoaks.com>
Cc: kelfering <kelfering@elferingeng.com>; Larina Vosika DeWalt, PE, PMP (MN, WI) <LDeWalt@sambatek.com>; Mark Houge <mark@northoaks.com>
Subject: RE: FW: Send data from MFP12055866 12/09/2020 12:52

Hi Gary,

This is consistent with our review and comments. Thank you.

Mikeya C. Griffin



NORTH OAKS
HOME OWNERS' ASSOCIATION

Mikeya C. Griffin
Executive Director
North Oaks Home Owners' Association
100 Village Center Drive- Suite 240
North Oaks, Minnesota 55127
651-792-7765 office
651-792-7764 direct
651-484-0835 fax

From: Gary Eagles <gary@northoaks.com>
Sent: Monday, December 14, 2020 2:36 PM
To: Mikeya Griffin <Mikeya@nohoa.org>
Cc: kelfering <kelfering@elferingeng.com>; Larina Vosika DeWalt, PE, PMP (MN, WI) <LDeWalt@sambatek.com>; Mark Houge <mark@northoaks.com>
Subject: FW: FW: Send data from MFP12055866 12/09/2020 12:52

Mikeya,
Attached is a revised trail plan for the Nord trail construction.
This should reflect the areas we had reviewed along with the existing trail easement connection points.

From: Gary Eagles
Sent: Wednesday, December 9, 2020 1:30 PM
To: 'Larina Vosika DeWalt, PE, PMP (MN, WI)' <LDeWalt@sambatek.com>
Cc: Mark Houge <mark@northoaks.com>
Subject: FW: FW: Send data from MFP12055866 12/09/2020 12:52

Larina,
Attached is the revised trail plan that reflects the field staking that was done.

From: Randy Kurth <randy@kurthsurveyinginc.com>
Sent: Wednesday, December 9, 2020 1:21 PM

To: Gary Eagles <gary@northoaks.com>

Subject: Re: FW: Send data from MFP12055866 12/09/2020 12:52

Here's the latest. All trails should match everything we've been working on for Nord, Rapp 6 and connections.

Randy Kurth

Kurth Surveying, Inc.

4002 Jefferson St. NE

Columbia Heights, MN 55421

randy@kurthsurveyinginc.com

P (763)788-9769

F (763)788-7602

DEVELOPMENT AGREEMENT

CITY OF NORTH OAKS SUBDIVISION 2020 - NORD

THIS AGREEMENT is made this 23rd day of December, 2020, between the CITY OF NORTH OAKS, MINNESOTA, a Minnesota municipal corporation (the "City"), and the NORTH OAKS COMPANY, LLC, a Minnesota limited liability company (the "Developer").

WHEREAS, the Developer has proposed the development of approximately 55 acres of real property located within the City, which development shall contain streets, street improvements, trails, easements, and other miscellaneous work; and,

WHEREAS, the Developer is requesting that the City approve this development by approving a final plan for a Registered Land Survey consisting of 55 acres zoned RSL-PUD and RSM (the "Subdivision" or "Development") which includes real property identified in the Planned Development Agreement as Site C, commonly referred to as the "Nord Parcel," as well as two adjacent RLS tracts not included within the real property located within the real property located within the East Oaks Development Area; and,

WHEREAS, the City has approved the preliminary plan of the Subdivision conditioned upon the Developer agreeing to comply with applicable ordinances of the City and other terms and conditions as may be required by the City which are consistent with the Planned Unit Development Agreement for East Oaks Project, Dated February 11, 1999, as amended (the "Planned Development Agreement"), including the terms and conditions of this Agreement; and,

WHEREAS, the Developer intends to proceed to final development and sale of lots in the Subdivision pursuant to a Registered Land Survey in lieu of final plat, but shall comply with all requirements for final plat provided in Ordinance No. 93 (City of North Oaks codified ordinances § 152 *et. seq.*).

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

ARTICLE I Definitions

The following terms shall have the meaning as set forth herein:

- 1.1 "Agreement" or "Contract" shall mean this Development Agreement including the foregoing recitals which are agreed to be a part hereof.
- 1.2 "City Engineer" shall mean that individual or individuals identified by the City as the City Engineer. Currently, Sambatek, Inc. is the City Engineering Firm of record.

- 1.3 **"Developer"** shall mean North Oaks Company, LLC, its successors and/or assigns.
- 1.4 **"Development"** or **"Subdivision"** shall mean that real property legally described on the attached Exhibit B, and following subdivision to be legally described on the attached Exhibit C, all in Ramsey County, Minnesota; and referred to herein as Subdivision 2020 - NORD.
- 1.5 **"Final Development Plan"** shall mean the final plans identified on the attached Exhibit "A", and shall include any and all exhibits, drawings, schedules, legal descriptions and other material and documents that are part of the Final Development Plan and any approved revisions thereto.
- 1.6 **"Plans and Specifications"** means the plans, profiles, cross-sections, drawings, exhibits, schedules and legal descriptions, documents and other requirements, individually and collectively, listed on Exhibit "A", attached hereto and incorporated herein by reference.
- 1.7 **"Preliminary Plan"** shall mean the preliminary plan of the Subdivision prepared by Sathre-Bergquist January 23, 2020, as approved by the City Council on June 11, 2020, in accordance with its ordinances, and shall include any and all exhibits, drawings, schedules, legal descriptions, and other material and documents that are part of the preliminary plan, as approved by the City.
- 1.8 **"Subdivision"** or **"Subdivision 2020 - NORD "** shall mean the approximately 55 acres of real property located within the City and legally described on Exhibit "B" attached hereto and incorporated herein by reference, to be developed in the manner described on Exhibit "A" by means of a Registered Land Survey (the "Registered Land Survey") with the resultant legal descriptions found in Exhibit C.

ARTICLE II

Developer's Responsibilities and City Approval

- 2.1 The City finds that the Subdivision is a staged and planned development as described more fully in the Planned Development Agreement.
- 2.2 The Developer and the City agree that any dedication and/or set aside requirements are described in the Planned Development Agreement and as further required herein.

ARTICLE III

Developer's Responsibilities - Overall

- 3.1 All documents included in the Plans and Specifications set forth in Exhibit "A" shall be prepared by Registered Professionals acceptable to the City. All of those items on attached Exhibit "A" shall have been finally reviewed and approved in writing in advance of construction and implementation by appropriate City Staff and each of said items shall be

implemented by the Developer in a timely manner. Once such items have been finally approved by appropriate City Staff, there shall be no deviations from such items without the written approval of such City Staff. . The Developer agrees to comply with such additional recommendations which the City Staff may reasonably make for completion of the Subdivision.

- 3.2** All necessary reviews and approvals shall be obtained from all appropriate regulatory agencies prior to commencement of construction of the roads or other items shown on the Final Development Plan.
- 3.3** The Developer shall furnish the City with a list of contractors and professionals with whom the Developer has signed a contract for work on Subdivision 2020 - NORD. The information to be provided shall include the names, addresses, telephone numbers, and principal contact(s) for each contractor and professional employed by the Developer.
- 3.4** The Developer agrees to perform all staking and surveying necessary to allow the City to ensure that the completed improvements described in Section 9.2 of this Agreement conform to the approved Plans and Specifications. The City may inspect, from time to time, the Subdivision and improvements made thereto.
- 3.5** In the event the Developer has failed to comply with the Plans and Specifications, or has supplied material which, in the professional judgment of appropriate City Staff, is defective or unsuitable by reason of not being in compliance with applicable codes or law, then such material and work shall be repaired, corrected, or replaced by the Developer at the sole cost and expense of the Developer.
- 3.6** The Developer shall supply to the City Engineer the dates, names, addresses and telephone numbers of the parties, description of the work, and the terms of all construction contracts for roads and utilities which the Developer enters into with respect to Subdivision 2020 – NORD prior to approval of the final Plans and Specifications.
- 3.7** The Developer shall place iron monuments at all lot block corners and in all other angle points on boundary lines within the Subdivision. Iron monuments shall be placed during the course of surveying for the final Registered Land Survey.
- 3.8** Each deed conveying title to a residential lot which is part of this Subdivision shall be subject to the Declaration of Covenants, Conditions, and Restrictions described at Section 8.1 below.

- 3.9** The Developer shall provide to each purchaser of a residential lot with the Subdivision, written information regarding City and North Oaks Home Owners' Association ("NOHOA") requirements, individual sewage treatment system requirements, information regarding the Floor Area Ratio requirements of the City ordinances and the maximum size dwelling that can be built for the lot and such other information that the City deems appropriate, including information regarding tree preservation and that construction of the residence on the property will be subject to certain review and approval processes by NOHOA. Developer shall also provide information to each purchaser prior to closing of the requirement that each lot meet VLAWMO stormwater standards, and that VLAWMO has requested to review the proposed construction plans for each lot to ensure that VLAWMO's standards have been met, and that a stormwater plan/hydro report will be required at that time. The City will supply the Developer with any additional information it requires to be conveyed to each purchaser. The Developer will be responsible for reproducing the information in sufficient quantities to be distributed.
- 3.10** The Developer shall record the Registered Land Survey with Ramsey County within sixty (60) days from final Subdivision approval by the City, unless a time extension has been granted by the City Clerk. Failure to record the Registered Land Survey within the sixty (60) day period shall render the final approval thereof by the City null and void until a new application has been processed and approved by the City.
- 3.11** The Developer shall take such additional action as the City may reasonably require to accomplish all dedications including conveyance of the land to be dedicated outright or by deed of easement (which form of conveyance shall be determined by the City) and shall otherwise convey all easements necessary to complete the Development in accordance with the final Plans and Specifications set forth in Exhibit "A".
- 3.12** Prior to conveyance of any of the lots created as a result of this subdivision, Developer shall record easements for the roadway; storm pond/drainage; utility; and trail easements shown on the Final Development Plan.
- 3.13** Rain gardens or other stormwater controls sufficient to mitigate the impacts of additional impervious area on Lots 1 and 2 (Tracts A and B) shall be installed on Lots 1 and 2 (Tracts A and B) at time of development of the same.

ARTICLE IV

Developer's Responsibilities - Streets

- 4.1** The Developer shall construct all streets and provide all initial street signage in accordance with the final Plans and Specifications set forth in Exhibit A.
- 4.2** The Developer shall be responsible for all street maintenance, cleaning, and snow plowing until such time as the construction of the streets has been finally completed, and the

Developer's Engineer has supplied the City Engineer with a written statement that the streets have been installed in accordance with the final Plans and Specifications set forth in Exhibit "A" and the Developer has received written acknowledgment of the acceptance of such statement by the City Clerk. Upon completion of the streets by the Developer, the Developer shall be relieved of responsibility for maintenance and repair of such streets but only upon transfer of such responsibility to NOHOA and forwarding of written evidence of such transfer and acceptance of such responsibility by NOHOA to the City Clerk. Until such time as the City receives written evidence in a form acceptable to the City of the transfer and acceptance of such responsibility by NOHOA, Developer shall remain responsible for the same.

- 4.3 Notwithstanding Section 4.2 above, the Developer shall remain liable for any defects in the streets that occur or become known within the greater of the time period set forth in the Planned Development Agreement or one (1) year after the transfer and acceptance referred to in Section 4.2.
- 4.4 All easements required to construct, maintain, and operate the streets and utilities together with all trails required by this Agreement shall be in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE V

Developer's Responsibility - Utilities

- 5.1 The Developer shall provide the owners of property within the Subdivision access to storm water facilities, electricity, gas and telephone, in accordance with the final Plans and Specifications. All such utilities shall be installed underground.
- 5.2 Where applicable, such utilities shall be installed in accordance with the final Plans and Specifications set forth in Exhibit "A".

ARTICLE VI

Developer's Responsibility - Erosion Control

- 6.1 All site grading, including grading of building sites, common drainage-ways, open space areas, ponds, surface drainage-ways, and all streets shall be constructed in accordance with the final Plans and Specifications set forth in Exhibit "A", and shall be in compliance with Ordinance No. 75 (City of North Oaks codified ordinances § 154 *et. seq.*) and all other applicable City Code requirements as well as the requirements of other regulatory agencies, as applicable. The Developer shall provide for permanent drainage easements to maintain the drainage facilities in the final Plans and Specifications set forth in Exhibit A and shall enter into a stormwater facilities maintenance agreement in a form acceptable to the City Attorney.

- 6.2** Until such time as Developer has transferred street maintenance and repair obligations to NOHOA pursuant to Section 4.2, the Developer shall be responsible for maintaining the erosion and sediment control plan and shall provide for the cleaning of drainage-ways, ditches, ponds, etc., which cleaning is necessitated by erosion that may have occurred as a result of the development of Subdivision 2020 - NORD. If the Developer is notified in writing by the City of the necessity of cleaning any drainage-way, ditch, or pond, the Developer has five (5) working days from receipt of such notice to perform the required cleaning.
- 6.3** Until such time as Developer has transferred the stormwater facilities maintenance responsibilities to a third party, Developer shall be responsible for maintaining the stormwater facilities at Developer's sole cost in accordance with the terms of the required stormwater facilities maintenance agreement per Section 6.1.

ARTICLE VII
Developer's Responsibility - Sanitary Sewer

- 7.1** Each lot shall be designed to provide suitable sites for on-site sewage treatment systems that will be in conformance with City Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), and other applicable City Code provisions including the requirements of City Code Chapter 51 as may be amended from time to time.
- 7.2** The Developer agrees that the City may have an independent soil engineer (PE) examine the soils and conditions of any lot in the Development in order to determine that the lot is adequate to contain an on-site septic system. The Minnesota Pollution Control Agency standards ("PCA Standards") for on-site septic systems, or the standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*) or any other ordinance or provisions of the North Oaks City Code including Chapter 51, whichever is more restrictive, will be standards to be applied for the on-site septic systems for this Development. The above described examination shall occur when a lot owner provides a preliminary septic system evaluation that is not acceptable to the City's Sanitary Inspector. The City Sanitary Inspector shall base his/her opinion on the PCA standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*) and Chapter 51 of the City code, whichever is the most restrictive. The costs for these inspections will be paid by the Developer. The Developer agrees that any lot within this Development that does not meet the PCA standards, or the standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more restrictive, will not be sold, or if sold, will be repurchased by the Developer at a cost not less than was received by the Developer for the lot provided the failure of the lot to meet the PCA standards or the standards contained in Ordinance No. 96 (City of North Oaks codified ordinances § 50 *et. seq.*), whichever is more restrictive.

ARTICLE VIII

North Oaks Home Owners' Association; Conveyance of Passive Private Open Space and Trails

- 8.1** The Developer is required to file with the City a Declaration of Covenants, Conditions, and Restrictions which has been approved by the City. This Development shall be incorporated into the boundaries of NOHOA.
- 8.2** The Developer shall clear and grade if necessary, as determined by the City, the trails in accordance with the Finals Plan.
- 8.3** Within sixty (60) days from the date of recording of the RLS with Ramsey County, Developer shall convey fee title to that portion of the real property shown on the Final Plans as Tract M to the North Oaks Home Owners' Association, per the requirements for conveyance of the passive private open space found in the Planned Development Agreement.
- 8.4** Prior to conveyance of any of the Tracts listed in Exhibit C to a third party, Developer shall convey and record all easements required by this Agreement, including all trail easements to be conveyed to the North Oaks Home Owner's Association.

ARTICLE IX

Developer's Financial Security

- 9.1** In order to assure full compliance with all of the responsibilities of the Developer pursuant to this Agreement, the Developer shall file with the City within ten (10) days after approval of the final Subdivision a cash escrow in the amounts identified herein.
- 9.2** The amount of the cash escrow shall be one hundred twenty-five percent (125%) of the following estimated remaining costs:

<i>Description</i>	<i>Total Budget</i>	<i>Percentage Complete</i>	<i>Remaining Cost</i>
Site Grading	\$62,000.00	95	\$3,100.00
Erosion Control	\$10,000.00	95	\$500.00
Sewer, Water & Storm	\$115,000.00	0	\$115,000.00
Streets	\$165,000.00	0	\$165,000.00
Engineering & Surveys	\$55,000.00	90	\$5,500.00
TOTALS	\$407,000.00		\$288,100.00

One hundred twenty-five percent (125%) of the foregoing estimated remaining costs totals \$360,125.00.

9.3 As various improvements are completed, approved and accepted by the City Engineer, the amount of the cash escrow may be reduced accordingly (but not below 125% of the remaining unfinished improvements, together with any costs that have not been paid, pursuant to Article XIII). Any such reductions must have the prior written approval of the City Engineer.

9.4 In the event the Developer fails to comply with any of the covenants and agreements contained in this Agreement and so remains not in compliance for a period of thirty (30) days after receipt of written notice thereof from the City (or such shorter period of notice as the City may reasonably deem necessary in case of an emergency), the City may, at its option, use the proceeds of the cash escrow to cure such non-compliance and complete the development or such part as may not have been completed, all in accordance with the Plans and Specifications as described herein.

ARTICLE X Completion Date

10.1 Final approval and acceptance of Subdivision 2020 – NORD shall be in the form of a resolution duly passed by the Council.

10.2 The Developer shall provide to the City a written schedule indicating the order of completion of the work covered by this Agreement. Included within such schedule there shall be schedules for the completion of grading of on-site roads, utilities and landscaping, berms, drainage facilities, ponds and trails. All work shall be completed within three (3) years after filing of the Registered Land Survey.

10.3 The Council may, but is not obligated to, extend the date for completion of the work, as provided herein, based upon written notice from the Developer that due to circumstances reasonably beyond the Developer's control, completion of the work will be delayed.

ARTICLE XI Developer's Warranties

11.1 For a period of one (1) year after completion of the work, the Developer warrants that all site work was performed in a professional manner and will be free of defects and in strict conformance with the final Plans and Specifications.

11.2 The City, the Council and its agents or employees shall not be personally liable or responsible in any manner to the Developer, the Developer's contractors or subcontractors, material providers, laborers, or to any other person or persons or entities whatsoever, for any claim, claim demand, damages, actions, or causes of action of any kind arising out of or by reason of the performance of work pursuant to this Agreement, or the performance and completion of the work and the improvements provided herein, except for the grossly negligent acts or omissions of the City or its agents. The Developer will save, indemnify,

and hold the City and its officials, employees, agents, and contractors harmless from all such claims, claim demands, damages, actions, or causes of action or the costs, disbursements, and expenses of defending the same, specifically including, without intending to limit the categories of said costs, the costs and expenses for City administrative time and labor, costs of consulting engineering services, and costs of legal services rendered in connection with defending such claims that may be brought against the City.

ARTICLE XII

Assignment

- 12.1** The terms and conditions of this Agreement are binding upon the heirs, successors and assigns of the parties hereto and shall run with the land. The Developer may not assign this Agreement, or its obligations hereunder in whole or in part without the written consent of the City, which consent is in the sole discretion of the City to grant or not to grant.

ARTICLE XIII

Payments By Developer

- 13.1** The Developer shall pay to the City all amounts actually expended by the City to cover any costs and expenses incurred by the City in the administration of this Agreement, including attorneys' fees for the preparation hereof. The Developer has the right to request an estimate of the costs to be incurred by the City for various consultants used by the City in the performance of this Agreement. The City is not bound by such estimates.
- 13.2** The City shall bill the Developer for such costs, supported by detailed invoices from any consultants, and the Developer agrees to pay such costs within thirty (30) days after receipt of each bill by the City.

ARTICLE XIV

Miscellaneous

- 14.1** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.
- 14.2** This Agreement is in recordable form, and shall be recorded (registered with the Registrar of Titles for Ramsey County) against the real property located within the Subdivision prior to recording of the RLS for the same.
- 14.3** The City's approval of the final Registered Land Survey for filing is conditioned upon the execution and delivery of this Developer's Agreement, compliance with all City imposed requirements for final plan approval, and provision of the required security for improvements as set forth in Article IX.

14.4 If there is any conflict between this Agreement and the Planned Development Agreement, then the most restrictive requirements shall control.

14.5 No building permit shall be issued for any property within the Subdivision prior to execution and recording of this Agreement, as well as providing the required cash escrow to the City.

WHEREFORE, the parties hereunto have signed this Agreement effective the day and year first above written.

CITY OF NORTH OAKS

By: 
Gregg Nelson, Mayor

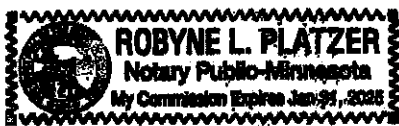
ATTEST:


Kevin Kress, City Administrator/City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

On this 23rd day of December, 2020, before me a Notary Public within and for said County, personally appeared Gregg Nelson and Kevin Kress, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Administrator/City Clerk of the City of North Oaks, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.



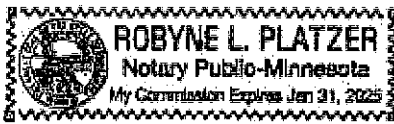

Notary Public

**DEVELOPER:
NORTH OAKS COMPANY, LLC**

By: *Mark Houge*
Mark Houge
Its: President and Chief Manager

STATE OF MINNESOTA)
COUNTY OF Hamsa) ss.

On this 23rd day of December, 2020, before me a Notary Public within and for said County, personally appeared Mark Houge, to me personally known, who being by me duly sworn, did say that he is the President and Chief Manager of North Oaks Company, LLC, a Minnesota limited liability company, and that the foregoing instrument was executed by Mark Houge by authority of the Board of Governors of North Oaks Company, LLC.



R. Platzer
Notary Public

This Instrument Drafted By:
North Oaks Company, LLC
Suite 200
5959 Centerville Road
North Oaks, MN 55127
(651)484-3361

**AFTER RECORDING, PLEASE
RETURN THIS INSTRUMENT TO:**
Bridget Nason
North Oaks City Attorney
LeVander, Gillen & Miller, PA
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT "A"

PLANS AND SPECIFICATIONS

Item:

- A. Final Plan Existing Conditions (Sheet 1A) - September 23, 2020 (*Rev. November 17, 2020*)
- B. Final Plat Plans (Sheets 2, 2A, 2B) - September 23, 2020 (*Rev. November 18, 2020*)
- C. Final Plat / Easement Plan (Sheet 3) -- September 23, 2020 (*Rev. November 16, 2020*)
- D. Final Grading Plan (Sheets 4, 4A, 4B) - September 23, 2020 (*Rev. November 18, 2020*)
- E. Final Erosion Control Plan (Sheet 4C) - September 23, 2020 (*Rev. November 18, 2020*)
- F. Final Utility Plan (Sheet 5) - September 23, 2020 (*Rev. November 18, 2020*)
- G. Final Street Plan (Sheet 5A, 5B) - September 23, 2020 (*Rev. November 18, 2020*)
- H. Final Landscape / Sign Plan (Sheet 6) - September 23, 2020
- I. Nord Trail Plan - originally dated March 26, 2020 (*Rev. November 18, 2020*)

EXHIBIT B
EXISTING LEGAL DESCRIPTION OF REAL PROPERTY

That real property located in the County of Ramsey, State of Minnesota, and legally described as follows:

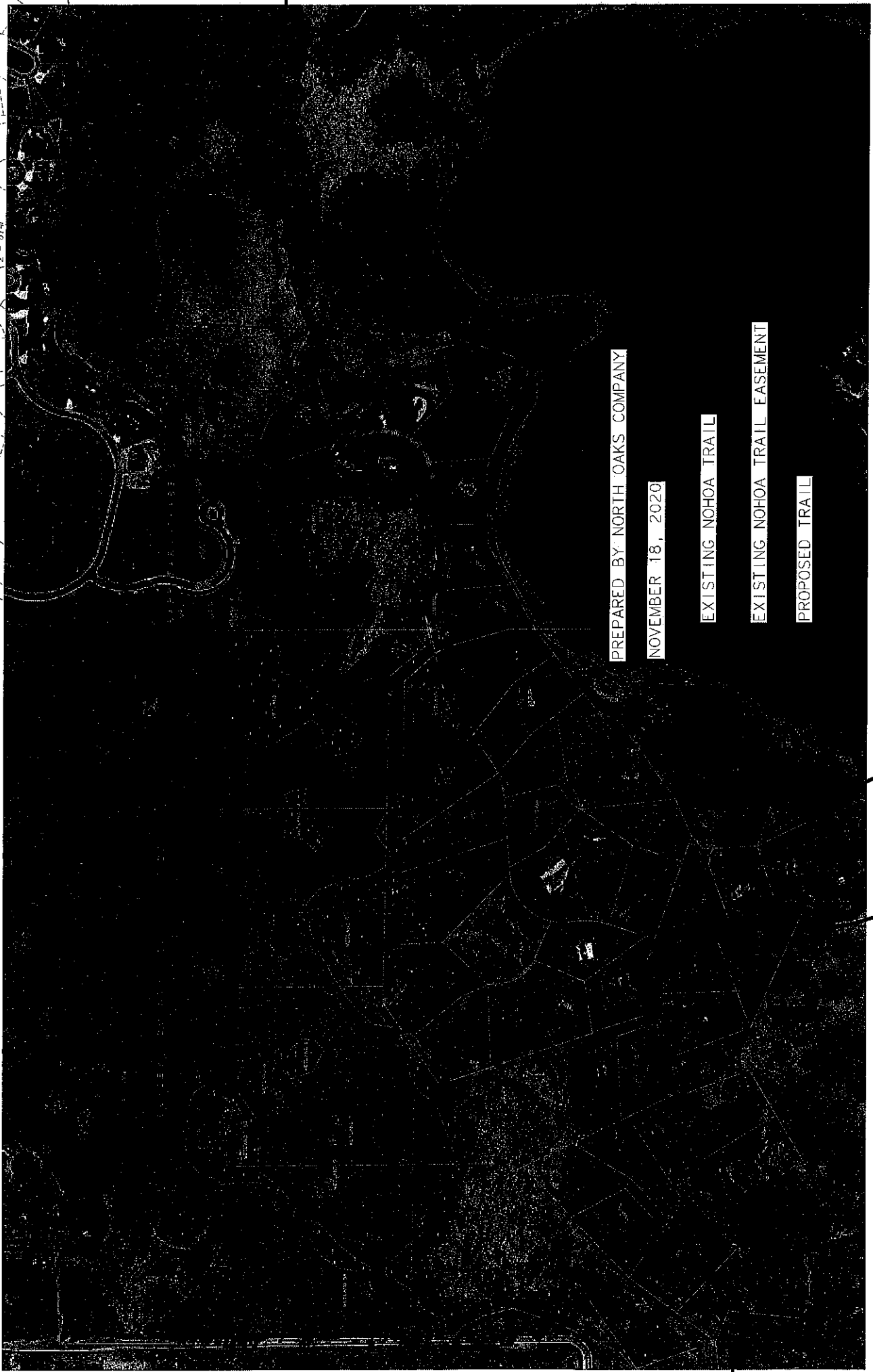
Tracts A, F, G, I, L, and M, REGISTERED LAND SURVEY NO. 268;
Tract V, REGISTERED LAND SURVEY NO. 284;
Tract B, REGISTERED LAND SURVEY NO. 292; and
Tract KK, REGISTERED LAND SURVEY NO. 589.

EXHIBIT C
LEGAL DESCRIPTION OF REAL PROPERTY FOLLOWING SUBDIVISION -
REGISTERED LAND SURVEY

That real property located in the County of Ramsey, State of Minnesota, and legally described as follows:

- Tract A, REGISTERED LAND SURVEY NO. ____
- Tract B, REGISTERED LAND SURVEY NO. ____
- Tract C, REGISTERED LAND SURVEY NO. ____
- Tract D, REGISTERED LAND SURVEY NO. ____
- Tract E, REGISTERED LAND SURVEY NO. ____
- Tract F, REGISTERED LAND SURVEY NO. ____
- Tract G, REGISTERED LAND SURVEY NO. ____
- Tract H, REGISTERED LAND SURVEY NO. ____
- Tract I, REGISTERED LAND SURVEY NO. ____
- Tract J, REGISTERED LAND SURVEY NO. ____
- Tract K, REGISTERED LAND SURVEY NO. ____
- Tract L, REGISTERED LAND SURVEY NO. ____
- Tract M, REGISTERED LAND SURVEY NO. ____

YZ-6141



PREPARED BY: NORTH OAKS COMPANY

NOVEMBER 18, 2020

EXISTING NOHOA TRAIL

EXISTING NOHOA TRAIL EASEMENT

PROPOSED TRAIL



NORTH OAKS
HOME OWNERS' ASSOCIATION

February 5, 2021

The Honorable Kara Ries, Mayor
City Council Members Dujmovic, Hara, Watson and Shah
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Re: Nord Proposal Documentation Request

Mayor Ries and Council Members Dujmovic, Hara, Watson and Shah:

This responds to your request for written documentation regarding the position the North Oaks Home Owners' Association (NOHOA) has taken on the proposed Nord Development. In a January 14, 2021 letter to Mayor Ries and Council Members Hara, Watson and Shah, President Hanson on behalf of the NOHOA Board stated it had not approved the North Oaks Company's Nord Development trail.

The Board has been consistent in its position on the Nord development. It has stated its position in, at a minimum, documents dated May 9, 2019, January 24, 2020, April 7, 2020, May 26, 2020, NOHOA Board Meeting Minutes dated April 2, 2020 and May 7, 2020.

NOHOA's May 9, 2019 letter to the City Council addresses North Oaks Company's request for preliminary approval of the Nord and Anderson Woods Development. The conclusion of this letter, excerpted below, summarizes NOHOA's position on the Nord and Anderson Woods preliminary plans.

"In a community where all of the roads, trails, open space and recreational areas are private, the City's role is unlike that of any other city in Minnesota. North Oaks was established as a private community with limited governmental involvement. It is NOHOA and its members that bear the financial responsibility for maintaining and managing the use of the roads, trails, open space and recreational areas.

So, in exercising its authority tonight, the City must consider that, if it acts in a manner that is inconsistent with the 1999 East Oaks PDA and approves a connecting road in the Nord development, the homeowners who live there will not become

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members of NOHOA, will not be entitled to travel the private roads within North Oaks, or have the right to use the trails, recreational facilities and other amenities that come with being a member of NOHOA.

The NOHOA Board of Directors respectfully requests that the North Oaks City Council makes its decision in a manner that is consistent with the 1999 East Oaks Planned Unit Development Agreement.” (May 9, 2019 letter at pg. 2)

The January 24, 2020 letter from NOHOA Executive Director Mikeya Griffin to Mr. Kress regarding the Nord Development Concept Plan identifies comments and concerns to be discussed further with the City and with North Oaks Company. Ms. Griffin also clarifies that the comments and concerns have not been discussed with the Board prior to this submission to the Planning Commission.

During the April 2, 2020 NOHOA Board meeting, the Board passed a motion to approve the comments and letters prepared by NOHOA technical staff regarding the Nord and Anderson Wood developments, and to forward them to the Planning Commission and to the City Council. There was no Board approval of any trail locations at this meeting.

In its April 7, 2020 letter to the City Council regarding the Nord Preliminary Plans, NOHOA identifies further concerns regarding shared driveways and trail locations. It identifies a revised trail plan proposed by NOC and expresses concern for wetland impacts. Board approval for a proposed trail location is not expressed in this letter.

During the May 7, 2020 NOHOA Board meeting, a discussion of the Nord Trail was included as an agenda item. NOHOA Members were concerned that the Board had accepted the Nord parcel. In response to that concern, President Emmons stated, “. . . the letters sent by NOHOA are neither approving nor accepting this proposed development or the trails.” (May 7, 2020 Meeting Minutes at pg. 6)

In a letter from NOHOA to the City Council and the Planning Commission dated May 26, 2020, NOHOA reiterates its position on the Nord development proposal.

“In conclusion, the NOHOA Board, within its purview under the 1999 PUD/PDA has provided review and comment, but has not agreed to, the Nord and Anderson Woods development proposals. The NOHOA Board takes its role and responsibility to its Membership and the community in matters associated with the East Oaks development and PUD/PDA very seriously. We will continue to diligently attend to the issues and considerations presented throughout the development process.” (May 26, 2020 letter at pg. 2)

The Honorable Kara Ries, Mayor
City Council Members Dujmovic, Hara, Watson and Shah
February 5, 2020
Page 3

In addition to official communication between the NOHOA Board, its staff and the North Oaks Company which has been discussed here, emails between NOHOA staff and the Company have been occasionally exchanged. While reflecting informal communication between parties, they do not represent the Board's agreement on the Nord development proposal.

At the December 17, 2020 Special City Council Meeting, the City Council approved the final plans for the Nord Development. The meeting was called quickly and the information packet, some 480 pages, for the meeting was not provided until the evening before the meeting. This left no time for the NOHOA staff to analyze the final proposal or for the Board to review the Company's final plan for the Nord development. Consequently, NOHOA has neither reviewed nor prepared comments on the final plan for inclusion into the City's official record of this matter.

Notwithstanding the time limitations imposed by the Special City Council meeting, a copy of NOHOA's April 7, 2020, October 8, 2020, October 26, 2020, and November 23, 2020 letters summarizing many of its concerns with the Nord and Island Field Preliminary plans, and Red Forest Way were delivered to each City Council member on the afternoon of December 17, 2020. A request to include these documents in the formal record of the proceeding was also made.

Thank you for this opportunity to provide additional documentation regarding NOHOA's position on development of the Nord parcel.

Sincerely,



JoAnn Hanson
President

Enclosures

CC: Kara Ries, Mayor
Kevin Kress
Mark Houge



NORTH OAKS
HOME OWNERS' ASSOCIATION

May 9, 2019

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Re: East Oaks PDA
Nord and Anderson Woods Proposed Developments

Dear Mr. Mayor and City Council Persons:

This evening the City Council will consider whether to give preliminary approval to the Nord and Anderson Woods Developments, as proposed by the North Oaks Company, LLC.

The City's Planning Commission reviewed both proposed developments last week and voted against approval of both the Nord Development and the Anderson Woods Development.

1. Introduction. Both the Nord and Anderson Woods Developments are governed by the 1999 East Oaks Planned Unit Development Agreement (the "East Oaks PDA"). The City and North Oaks Company requested that NOHOA consent to and join in the East Oaks PDA with respect to roads, trails, open space and recreational areas governed by the East Oaks PDA. NOHOA agreed to do so and signed the Consent and Joinder.

Subsequently, there were seven amendments to the East Oaks PDA approved by the City and North Oaks Company. NOHOA was not asked to approve, did not consent, and is not bound by any of the seven amendments.

NOHOA has been consistent in its position and has told the North Oaks Company, Planning Commission and City Council that, so long as the proposed developments in the East Oaks area are consistent with the 1999 East Oaks PDA, NOHOA will agree to expand NOHOA's boundaries to include the new developments and accept the maintenance and management responsibility for the roads, trails, open space and recreational areas.

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2. **The City Council's Role.** Tonight, the City Council will vote on whether to approve the Nord and Anderson Woods Developments. In so doing, it will exercise its authority over the subdivision and development of land within the City.

However, unlike a traditional City, the City Council will make decisions with respect to roads, trails, open space and recreational areas, all of which will be private, not public, and for which NOHOA, and not the City, bears the entire management and financial responsibility.

The City's website recognizes that North Oaks is a unique community in which the City owns no property, all the roads are private and NOHOA owns the parks, trails and other recreational amenities.

Yet, too often, decisions that affect NOHOA and its members are made without consulting with NOHOA, as evidenced by the seven amendments to the East Oaks PDA.

3. **NOHOA's Position on Preliminary Plans.**

A. **The Nord Development.** NOHOA made it clear to the North Oaks Company and the City that the proposed Nord Development does not comply with the East Oaks PDA.

The East Oaks PDA establishes a consistent road plan in which all roads in the residential areas are non-connecting roads. None of roads, including the road serving the Nord development, connect to other roads within North Oaks.

The East Oaks PDA reflects a consensus by the City, North Oaks Company and NOHOA that East Oaks area is to be developed in a way that avoids adding additional traffic to the narrow, winding private roads within the interior of North Oaks, many of which were established decades ago.

If the City Council approves and the North Oaks Company moves forward with a connecting road in the Nord area, NOHOA will not expand its boundaries to include the Nord area and will not accept any of the roads, trails or recreational areas within the Nord Development.

The homeowners within the Nord Development will not become NOHOA members, will not be entitled to enjoy the recreational facilities and other amenities that come with being a member of NOHOA, and will not be entitled to travel the private roads within North Oaks.

If, however, the North Oaks Company resubmits its preliminary plan with a non-connecting road, consistent with the East Oaks PDA, NOHOA will reconsider its position and, as long as the other details are consistent with the

East Oaks PDA with respect to trails, open space and recreational areas, NOHOA will agree to expand its boundaries and accept this Development within NOHOA.

B. The Anderson Woods Development. NOHOA has been asked to review the preliminary plan for the Anderson Woods Development. NOHOA has confirmed that the trail locations in the development are consistent with the 1999 East Oaks PDA. NOHOA retained its engineer to review the plan with respect to the "hammerhead" road configuration. NOHOA's engineer concluded that the proposed hammerhead is not the preferred turnaround for this dead-end road location and recommends that a standard cul-de-sac be constructed.

CONCLUSION

In a community where all of the roads, trails, open space and recreational areas are private, the City's role is unlike that of any other city in Minnesota. North Oaks was established as a private community with limited governmental involvement. It is NOHOA and its members that bear the financial responsibility for maintaining and managing the use of the roads, trails, open space and recreational areas.

So, in exercising its authority tonight, the City must consider that, if it acts in a manner that is inconsistent with the 1999 East Oaks PDA and approves a connecting road in the Nord development, the homeowners who live there will not become members of NOHOA, will not be entitled to travel the private roads within North Oaks, or have the right to use the trails, recreational facilities and other amenities that come with being a member of NOHOA.

The NOHOA Board of Directors respectfully requests that the North Oaks City Council makes its decision in a manner that is consistent with the 1999 East Oaks Planned Unit Development Agreement.

Thank you,



Katherine Emmons
President

CC: Mike Robertson, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



January 24, 2020

Mr. Kevin Kress
City Administrator
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, MN 55127

RE: Site C – Nord Development Concept Plan – Staff Comments

Dear Kevin,

The North Oaks Home Owners' Association (NOHOA) staff has reviewed the concept plans dated January 21, 2020, for the Nord Development from the North Oaks Company. This site is indicated as "Site C" on Exhibit B1 of the 1999 Planned Unit Development Agreement. The following summarizes our understanding to this point of the concept as proposed:

- Exhibit B1 of the 1999 PUD denotes a total of 10 planned households on Site C in an area designated as single family detached (zoned as RSM-PUD). Appendix 1 to the PUD contains the Findings and Development Guidelines. Table 1 Development Sites of Appendix 1 indicates that Site C may have a density increase of 30%, which would bring the total number of dwelling units allowed to 13. The proposed concept plan provides for a total of 12 single family residential sites, which is within the limit established in the approved PUD.
- Exhibit B-1 of the 1999 PUD identifies a small part between Sites B and C as passive private open space. The Site C Concept Plan shows that Passive Private Open Space in the southwest corner of the development.
- The single-family homes will be served by individual wells and septic systems.
- The Concept Plan proposes that 10 of the home sites will be served by a new, 28-foot wide cul-de-sac accessed off of Sherwood Road. The Concept Plan further shows that two of the home sites will be served by a shared private driveway off of North Deep Lake Road.
- The Concept Plan shows one trail between lots 6 and 7 extending from the proposed cul-de-sac to an existing trail located to the south and a trail located on lots 1 and 2 to the east connecting to the existing NOHOA trail system in that vicinity.

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Mr. Kevin Kress
January 24, 2020
Page 2

- There would not be a sub-association for the 12 residential lots and, upon completion, NOHOA would be responsible for the maintenance of the roadway and trails created as part of the development.

If any of these points seem inaccurate with your understanding, please let me know so NOHOA can reevaluate the concept plan with the additional information. Based on NOHOA staff's current understanding of the concept plan as described above and in the interest of protecting the interests of future NOHOA members, the following are comments and concerns that NOHOA would like to further discuss with the City of North Oaks and the North Oaks Company:

- NOHOA has concerns about the proposed shared driveway to serve lots 1 and 2 off of North Deep Lake Road given the potential for future issues regarding shared use, maintenance, and replacement. NOHOA preference would be to lengthen the proposed cul-de-sac so one more lot could be served and leave just one lot accessing on North Deep Lake Road. This longer cul-de-sac also more closely matches Exhibit B2 from the 1999 PUD.
- There is extensive tree cover on this site that should be preserved as much as possible with the siting of homes and driveways.
- The applicant will need to demonstrate the feasibility of individual septic systems as a part of future development applications.
- NOHOA seeks further discussion regarding the proposed trail system as the location proposed is not preferred given the wetlands in that area. It is the preference of NOHOA that trails be developed interior to the parcels and not directly adjacent to the roadway. We would also prefer that a trail easement be maintained over the existing V-284 parcel. The use of this trail would be seasonal as it is located across a wetland. In addition, we would request a trail easement along the south side of Lot 6 to provide a connection to a trail along Parcel F-284.
- NOHOA would prefer not to have a center island off of Sherwood Road.

As noted, these comments have not been discussed at the NOHOA Board level, but due to timing of the Planning Commission meeting and our Board Meeting, we are supplying our initial feedback to you at this time. NOHOA may revise and/or add to these comments prior to presentation at the City Council meeting in February. If you have any questions or would like to discuss any of these comments further, please feel free to contact me at 651-792-7765.

Sincerely,



Mikeya Griffin
Executive Director

cc: Mark Houge, North Oaks Company



NORTH OAKS
HOME OWNERS' ASSOCIATION

April 7, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Nord Preliminary Plans

Dear Mayor Nelson,

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans submitted by the North Oaks Company for the Nord development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and suggested plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

- 1. The applicant should be advised that NOHOA policy does not allow for shared driveways except through board approval. At the time of construction, Lots 1 and 2 will need to receive board approval if a shared driveway is going to be used.**
- 2. The following are NOHOA's recommendations relative to the North Oaks Company updated trail route provided on the exhibit dated March 26, 2020:**
 - a. NOHOA prefers that the new route through Lots 1 and 2 be constructed as indicated on the attached exhibit, avoiding any wetland impacts.**
 - b. NOHOA prefers the alignment through the west side of NOHOA open space to connect to the existing trail easement.**

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Mr. Greg Nelson, Mayor

April 7, 2020

- c. As offered, NOHOA expects the North Oak Company to work with NOHOA and the property owners to construct a trail through the existing easement located across the existing properties along North Deep Lake Road. Assistance shall also be provided by the North Oaks Company to establish new easements closer to the wetland when possible.
3. NOHOA's willingness to accept the revised trail plan as proposed by the North Oaks Company does not waive NOHOA's right to require compliance with the terms of the 1999 PDA as to all future developments.
4. A center island is indicated on the plans at the entrance. No landscape maintenance will be completed by NOHOA within the development. NOHOA would prefer no center island.
5. Trail maintenance and construction fall under the purview of NOHOA. As such the following is requested:
 - a. Wetland boundaries should be flagged in the field and the proposed trail alignment staked to allow for field verification of impacts. This should occur for the trail along the lot line between Lot 7 and 6 and across Lots 1 and 2.
 - b. Trail construction details should be provided to NOHOA for review and comment.
 - c. Any necessary boardwalk and culvert installation locations should be noted on the plans.
 - d. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
6. To allow for appropriate future road maintenance, NOHOA requests that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design.
7. Plan and profile information for the road should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
8. Copies of the stormwater plans, drainage calculations and Minnesota Routine Assessment Method (MnRAM) report are requested. Approval from VLAWMO will be required for the improvements prior to acceptance. NOHOA reserves the right to comment on plans as they are revised to avoid wetland impacts.
9. The preliminary plans note that the road will discharge to a filtration basin. As the Construction details should be provided and a soil boring with groundwater elevations and infiltration rates should be provided. A 10-foot bench should be graded around the basin for maintenance access.

Mr. Greg Nelson, Mayor
April 7, 2020

10. Documentation should be provided as to approval by Ramsey County of the road access.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on February 27th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Nord site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Nord development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA prior to being recorded.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Thank you,



Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



NORTH OAKS
HOME OWNERS' ASSOCIATION

May 26, 2020

Mr. Gregg Nelson, Mayor and Mr. Mark Azman, Planning Commission Chair
Council Persons: Rick Kingston, Marty Long, Kara Ries and Katy Ross
Planning Commission Members: Jim Hara, Stig Hauge, Nick Sandell, Dave Cremmons, Sara Shah and Joyce Yoshimura-Rank
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: NOHOA Position Statement/Reiteration

Dear Mayor Nelson and Planning Chair Azman,

This letter states the position of the Board of Directors of the North Oaks Home Owners' Association, Inc., ("NOHOA") on matters related to the North Oaks Company's East Oaks development proposals.

The NOHOA Board's position regarding the 1999 East Oaks Planned Unit Development Agreements ("1999 PDA") is:

NOHOA signed a Consent and Joinder to the 1999 PDA and, by so doing, consented to and joined in specific provisions of the agreement. NOHOA will accept trails, parks, open space, and roads, and expand NOHOA boundaries to accept new development, but only if the trails, parks, open space and roads comply with the 1999 PDA and other applicable law.

During the development process NOHOA will: (1) review North Oaks Company's development proposals; and (2) provide comments on each proposed development to the City's Planning Commission, the City Council and the North Oaks Company. NOHOA will also review each proposed Declaration for each development and agree to be bound by each Declaration it approves.

As each of the North Oaks Company's developments are completed, and assuming that each development is completed consistent with the 1999 PDA and other applicable law, NOHOA will expand its boundaries to accept the new development within NOHOA through a Boundary Expansion Agreement that will, among other things, confirm NOHOA's architectural review process, its initiation fees and annual dues, the timing of NOHOA's acceptance of road and trail easements, and its acceptance of title to parks and open space.

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In conclusion, the NOHOA Board, within its purview under the 1999 PUD/PDA, has provided review and comment, but has not agreed to, the Nord and Anderson Woods development proposals. The NOHOA Board takes its role and responsibility to its Membership and the community in matters associated with the East Oaks development and PUD/PDA very seriously. We will continue to diligently attend to the issues and considerations presented throughout the development process.

Sincerely,

NOHOA Board of Directors

**CC: NOHOA Board of Directors
Mark Houge, President, North Oaks Company
Kevin Kress, City Administrator, City of North Oaks**

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
NORTH OAKS HOME OWNERS' ASSOCIATION**

April 2, 2020

The regular meeting of the Board of Directors of the North Oaks Home Owners' Association was convened at 7:00 P.M. in a virtual meeting via the web-based video conferencing tool Zoom.

Directors present:

Marc Asch, Kareen Ecklund, Katherine Emmons, JoAnn Hanson, Mark Houge, Patricia Orud, Jason Kraus, Mike Graf, Jim MacGillis, Susan Wiles Hinrichs

Directors Absent: None

Also present: Francis S. Lewis, Maureen Anderson, Videographer; Mikeya Griffin, Executive Director; and Sami Ephraim, NOHOA Executive Assistant

The meeting was called to order by Board President Katherine Emmons.

Visitor Comments:

Anne Conroy submitted comments about volunteering within the community of North Oaks and the meaningful activities that contribute to the well-being of the community.

APPROVAL OF THE AGENDA

Director Graf made a motion to approve the agenda

Motion seconded by Director Kraus

Motion carried

CONSENT AGENDA

- a. Approval of February 6th Board of Directors' Meeting Minutes
- b. Approval of February 19th Board of Directors' Meeting Minutes
- c. Approval of March 5th Board of Directors' Meeting Minutes
- d. Acceptance of February 2020 Month-End Financial Reports

Director Orud made a motion to approve the Consent Agenda

Motion Seconded by Director MacGillis

Motion carried

President's Remarks:

President Emmons explained that this is our first opportunity to communicate with NOHOA members online. President Emmons asked for feedback on how it is working in everyone's homes. She went on to explain that NOHOA wants to make this form of virtual communication as efficient as possible.

President Emmons thanked the NOHOA staff for implementing the technology. She also went on to thank all community members who are pulling together. Thank you to MELS, Deputy Burrell and other members of the community.

Treasurer's Report

Director Graf reviewed the budget.

Dues collected - \$2,143,159.12 (Total budgeted dues for 2020 are \$2,201,625)

Dues outstanding - 39 Member dues remain unpaid. Members are being assessed late fees of \$50 per month and interest of 6% on unpaid amount. Dues from the sales of 12 lots are anticipated.

Budget -Two budget line items pacing above spend:

- **Legal of \$75,000 - We have spent approximately 53% of the budget in the amount of \$35,985. These expenses are largely due to PDA/PUD issues. We should see these amounts level off some.**
- **Consultant fees – of \$24,000 budgeted, \$10,000 has been spent. This should level off as the PUD/PDA and East Oaks trails review is primarily complete.**

Executive Director's Report

Executive Director Griffin discussed NOHOA's COVID response. She explained NOHOA's closures include all recreational fields, programs, grounds, parks, tennis courts, and playgrounds. Public meetings and ASC meetings are still being held. We are now conducting review of ASC applications during online

meetings. MELS continues to provide care around North Oaks. Thank you to Sami and Michelle (NOHOA Staff) during this time.

Executive Director Griffin explained we are evaluating assets, getting bids for roads and natural environment at this time. Street sweeping will begin April 6th and continue for 7-10 days. We will be looking at the possibility of holding the 2020 Summerfest. A decision must be made whether it can still be held or if it will be rescheduled. Thank you to staff that keeps NOHOA up and running.

Director Asch stated that nothing in North Oaks has changed that would impact safety. He explained that Officer Burrell is citing trespassers. The Safe Roads Committee is working closely with the city on the issue of OPEN HOUSES. There might be a need to reschedule the currently planned June 2 vehicle inspection program.

Unfinished Business

a. Electronic Communication Considerations

Director Hanson discussed a proposed letter concerning public in-person hearings conducted by the City. The letter would be directed to the mayor and city council members and requested that the city council ask North Oaks Company to agree to extend the period for approval or disapproval of its preliminary plan by 60 days. The inability to communicate in person negatively impacts community participation and disadvantages participants. Director Hanson requested that the letter be sent from the Board.

- Director Asch likes the idea of bringing the letter up to the City of North Oaks.
- Director MacGillis wondered when the 120-day mark is? Does pushing 60 days off affect construction?
- Director Houge explained if they followed the 120 days it would be the end of June. If they delay it could affect construction.
- Director Ecklund wondered if there are buyers for these lots?
- Director Houge explained the lots have not gone up for sale.
- Director Asch stated that NOHOA is asking for the Company's cooperation with this letter. The target is to ask the city to help with this delay.
- Director Emmons questioned if the City can unilaterally delay the process.
- Director Hanson stated that this development affects the entire community's future.
- Director Houge stated that if there are concerns NOC would like to address them.
- Director Asch noted that the letter does not delay anything.

- Director MacGillis does not agree with this letter. We have discussed this for a long while and it is clear from Mark Houge that the applicant is not going to agree to this. This is a fruitless effort.
 - Director Graf we do not represent the entire community.
 - Director Orud believes the community does not feel it is being heard. That is the reason for the letter. The letter reflects what she has heard in the community.
 - Director Wiles Hinrichs believes it is important to be a voice for the public. We need to continue to do the business of this city. Our task is to figure out ways to open the conversations so that voices can be heard. How are other communities conducting public meetings?
 - President Emmons stated we will be able to see where the Company has changed things directly from community input and NOHOA input.
- b. East Oaks Trails

Some NOHOA Directors took a walk to determine the location of the Nord and East side trails. Engineer Elfering also went with to investigate wet spots and dry areas.

Presentation:

- Trail between lots 6 and 7
- Trail through NOHOA open space
- Trail side of wetland using old easement
- Trail across lots 1 and 2 avoiding wetland

East Side Existing Trails:

- Keeping off wetland and on high and dry wetlands
- Funding to help fix usable trails to the west
- Recreation field in Island Field and Gate Hill

c. Nord and Anderson Woods Preliminary Plans

Nord Preliminary plans

- East Oaks PDA Technical Review Focus
- Streets/Roads, Open Space, Trails, Units/Density

1) Site C Nord

- Compliant with density
- Open space area- there are no issues
- Trails- Southside of development, along north deep lake road
 - Not compliant with PDA- but it is preferred by NOHOA
 - Preferred on North Side of land.

Technical Comments from Staff

- Center Island
- Ensuring trails do not impact wetlands and future maintenance needs are appropriately accounted for construction.
- Information to ensure appropriate construction of roads

Director MacGillis asked about drainage ponds.

- Director Asch talked about the long-term costs for drainage.
- E.D. Griffin stated we discussed all drainage and technical staff will need to investigate drainage.
- Director Orud questioned who owns the land?
- Director Houge stated the Out lot would be owned by the company.
- Director Asch questioned if changing the road lessens the need for the basin?
- Director Ecklund commented most small out lots wouldn't be allowed to be created by most cities.
- Franny Lewis pointed out the track of land is not included in the PDA.
- Rita Trapp explained tech consultant does not need to focus on this land.
- President Emmons explained that the "orphaned lots" are not something we need to focus on as NOHOA does not currently own or have control over them.
- Director Asch explained about properties already part of NOHOA- those properties would need to go through the ASC requirements for building.

Anderson Woods Preliminary Plans

- **Site F Anderson Woods**
 - Total of 13 units the plan is compliant with the PDA
 - Open Space- same as previous- no open space
 - No issues with plans proposed
 - Trails no issues
 - Roads: a looped road and cul-de-sac
 - Less impervious surface if we have shorter cul-de-sac
 - Not compliant with PDA, but it seems preferred by staff
- Director MacGillis questioned about Centerville Road
- Consultant Engineer Elfering stated she would want snow storage and if that existed she wouldn't have an issue with the cul-de-sac
- Director Orud questioned where we didn't build to increase building elsewhere
- Director Houge stated there was an increase in lots of 2 in Nord, and 3 in Anderson, 46 fewer in Rapp Farm
- Director Orud questioned whether when you add significant fill to build a road does this create long-term problems.

- Director MacGillis stated he has no problems with this plan. Other than staff issues he is satisfied with this.
- President Emmons asked if there was going to be a bridge.
- Director Houge stated there would be no bridge.
- President Emmons asked if there be a culvert.
- Director Houge stated VLAMO stated it would like to have a culvert under the trail.
- Director Orud questioned when filling in space to make a road is it stable
- Director Houge explained it will be built as a permanent road and there shouldn't be concern of movement.

Marc Asch made the motion to approve the comments and the letters and to forward them on to the planning commission and city council. Approve technical letters as written.

Jim MacGillis seconded the motion.

Marc Houge and Kareen Ecklund abstained

Marc Asch, JoAnn Hanson opposed.

Motion passes with 6 in favor.

Director Asch wants to discuss the letter he wrote summarizing member comments

President Emmons suggests reading the comments and voting by email

Director Asch explained that the letter summarizes presentations Members comments, and Members concerns that were sent to the Board and NOHOA Staff.

North Oaks News – Deadline April 17, 2020

- Summary article on tech issues
- JoAnn's letter regarding a 60-day extension request
- Be careful when they walk and bike- social distancing
- Trail Etiquette
- Communication rules, guidelines

A motion was made to adjourn by Director Asch

7

Motion seconded by Director Kraus

Motioned passed.

Adjournment: 9:15pm

Respectfully submitted,

X 

JoAnn Hanson
Secretary

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
NORTH OAKS HOME OWNERS' ASSOCIATION**

May 7th, 2020

The regular meeting of the Board of Directors of the North Oaks Home Owners' Association was convened at 7:00 P.M. in a virtual meeting via the web-based video conferencing tool Zoom.

Directors present: Marc Asch, Katherine Emmons, JoAnn Hanson, Mark Houge, Patricia Orud, Jason Kraus, Mike Graf, Jim MacGillis, Susan Wiles Hinrichs

Directors Absent: None

Also present: Maureen Anderson, Videographer; Mikeya Griffin, Executive Director; and Sami Ephraim, NOHOA Executive Assistant, Bob Larson, Damien Lepoutre, Jonathan Reedy, Rachel Maher, Lisa Dujmovic, Rich Dujmovic, Franny Lewis

The meeting was called to order by Board President Katherine Emmons.

Visitor Comments:

Rachel Maher shared her screen and presented a video presentation evaluating North Oaks Company's (NOC) proposed Nord Parcel development. She commented in the video that Article 1.6 of the PUD/PDA has been misinterpreted.

Lisa and Rich Dujmovic spoke of COVID-19 and thanked the Community for all that is being done. She went on to explain her frustration regarding the City Council's elimination of public comments.

Executive Director Mikeya Griffin read Joan Brainard's emailed comment in which she questioned whether the Board had approved the trails in the NOC-proposed developments.

APPROVAL OF THE AGENDA

Director MacGillis made a motion seconded by Director Asch to amend the Agenda to add discussion about the proposed Nord Trail and discuss previous letter on boundary expansion.

President Emmons expressed concern over the last-minute addition of the motion and stated the Board is unprepared for this item.

Voting Yes: Patricia Orud, JoAnn Hanson, Marc Asch, Jim MacGillis

Voting No: Susan Wiles Hinrichs, Jason Kraus, Kathie Emmons

Abstained: Mark Houge, Mike Graf

Motion Passes

Discussion regarding proposed Nord Trail was added to agenda as Unfinished Business.

Director Asch made a motion to approve the agenda as amended

Voting Yes: Susan Wiles Hinrichs, Jason Kraus, Jim MacGillis, Kathie Emmons, Marc Asch, Patricia Orud, Mark Houge, JoAnn Hanson

Voting No: None

Abstained: Mike Graf

Motion carried

CONSENT AGENDA

a. Approval of April 2nd Board of Directors' Meeting Minutes

Corrections to be made:

Duplicate sentence deleted

Additional clause added to President's statement about orphaned lots

b. Acceptance of March 2020 Month-End Financial Reports

Director MacGillis made a motion to approve the Consent Agenda

All in favor

Motion Seconded by Director Susan Wiles Hinrichs

Motion carried

President's Remarks:

President Emmons thanks the Members who have joined the meeting and made comments. President Emmons is looking ahead at things we need to do for the community. She explained there are 3 main things to discuss in tonight's meeting - the road study, forestry report and accounting report.

Treasurer's Report:

Director Graf reviewed the budget.

YTD NOHOA has received roughly 91% of its income overall in the amount of \$2,259,141.83. Twenty-two member dues remain unpaid (\$28,455 including late fees and interest). These members are being assessed late fees of \$50 per month and interest of 6% (this does not include the 12 dues anticipated from new lot sales) (8 making payments in the total of (\$3,081.66)

Budget -Two budget line items pacing above spend:

YTD Expenses are \$1,232,084.2 Roughly 49% of budget

Consulting and office equipment are tracking to be over budget by \$28,000. (We need to verify this amount) The operating reserve will be reduced by the amount over budget.

Executive Director's Report

Executive Director Griffin discussed NOHOA's COVID response. She explained NOHOA's closures. Public meetings and ASC meetings are still being conducted via Zoom. The ASC has received 14 submissions. Six were approved, six approved with conditions and two were denied.

Director Ecklund has moved outside of NOHOA boundaries and has resigned from the NOHOA Board. Kareen brought invaluable knowledge and experience to the Board. Our thanks to Director Ecklund for her service to the community. Notification of this Board vacancy will be posted in the North Oaks News.

Executive Director Griffin explained North Oaks Preschool updates. 2019 delayed crack sealing project and 2020 street sweeping is complete. Tree policy preservation was discussed. NOHOA Committee updates were provided.

President Emmons explained that Director Ecklund relocated and no longer lives in the residential part of the community that is eligible to serve on the Board.

Director Asch suggested reappointing Kareen Ecklund to the Governance Committee.

Unfinished Business

a. Updated Road Study Report

Consulting Engineer Elfering went through a slide show explaining the Evaluation of Roads and their ratings. Each road segment is rated on a scale of from 0-100. The road analysis study was explained.

Directors questioned double line striping on main roads and why other specific roads will not be done.

Consulting Engineer Elfering explained the approximate annual roads budget.

Director MacGillis questioned the roads that are not highlighted on the map) do they get attention?

Consulting Engineer Elfering explained the highlighted roads on the map are the roads being addressed in the next 8 years. She explained locations for maintenance and crack sealing

Director Hanson asked about collector roads and the 6 to 8-year time frame?

Ms. Elfering explained that the increase from 6 to 8 years is due to budget constraints.

Director Hanson questioned if NOHOA would be increasing the overall amount spent on the roads by extending the timeline?

Director Graf questioned using a 30-year road cycle. If that is used, what are the implications for future NOHOA members?

Ms. Elfering described how NOHOA roads were evaluated vs other outside roads. The collector road definition is based on amount of traffic.

Director Orud questioned if new development is considered when evaluating roads?

Ms. Elfering pointed to the new development traffic studies

Director Asch suggested looking at the traffic entering North Oaks Road from East Oaks Road. Director Asch questioned if a motion was needed.

President Emmons explained we should move towards a motion to provide Ms. Elfering with direction. President Emmons questioned what the Board is willing to spend on roads.

Consulting Engineer Elfering explained next steps

Director Kraus explained that road maintenance was the highest rated category from the survey.

Director Asch stated he is willing to make a motion to authorize soil borings and refer to the finance committee.

Director Houge questioned deferring maintenance on roads.

Director Graf explained the Board is not equipped to say if we should go with 6 or 8 years. He wants to verify that the consultant is suggesting the 8-year choice. Ms. Elfering will come back to the Board with a budget, time-frame and suggested next steps. Geo tech will be doing soil borings.

Consulting Engineer Elfering explained she suggested the 8-year plan and that there would be more information on a long-term number as they go.

b. Forestry Report/Memo to Board

Director Orud explained the forestry report of Nord and Anderson Woods Parcels provided to the planning commission by Mark Rehder. Director Orud expressed concern that Anderson Woods may lose 2/3 of its trees and an entire eco system. N.E.S.T member, Jon Cotner, is drafting a plan at this time in concert with the NRC and she is asking for the endorsement of the Board to look at a tree preservation policy for the entirety of North Oaks.

Director Asch made a motion to authorize the cooperative activity between the NRC and Nest.

Director Kraus seconded the motion

Directors expressed excitement and understanding for the forestry report.

Director Houge stated that the company is working with Mark Rehder. He suggested talking with some builders.

Director Graf questioned if this motion authorized NOHOA to spend money?

Director Asch replied that there is no cost beyond what NEST has budgeted.

Vote on Motion:

Voting yes: Susan Wiles Hinrichs, Mike Graf, Jim MacGillis, JoAnn Hanson, Marc Asch, Mark Houge, Jason Kraus, Kathie Emmons,

Patricia Orud: Abstained

Director Orud stated that the forestry report and any additional information should be considered in any deliberation on the Nord and Anderson parcels.

c. Discussion for the Nord Trail and the original letter of NOHOA's boundaries

Director Asch and Director MacGillis walked the proposed trails south of the Nord parcel. Director MacGillis explained they walked the existing easement and it goes through a Wetland. Moving away from the houses pushes it further toward the wetland. As a result a boardwalk and culvert installation may be necessary. Director Asch went on to explain the confusion from the May 9th letter that was sent to the City. Members are concerned that NOHOA has accepted the Nord parcel. President Emmons stated that the letters sent by NOHOA are neither approving nor accepting this proposed development or the trails.

d. Member Concerns Letter

Director Asch discussed the Member concerns letter. The purpose of the letter is to summarize what NOHOA has heard from its Members and provide the city with that input.

Director Graf does not understand why we are getting involved in expressing opinions

Director Orud explained that in the Articles of Incorporation and in the Bylaws NOHOA is supposed to be the voice for its Members.

Director MacGillis explained this letter is a good depiction of the Members.

Director Kraus is not sure that the letter is an all-encompassing voice for the Members

Director Asch stated that the letter is from the purview of the NOHOA Board and urges Directors to support this letter.

Director Wiles Hinrichs stated she did not support statements in the letter and that they do not accurately represent Member comments.

Director Kraus questioned if the letter was inclusive.

Director Hanson explained that the purpose of the listening sessions was to capture what Members said and felt. She agreed that this letter is a good representation of the Members.

Director Graf does not believe that the letter is a good representation of the community. Members should be encouraged to go directly to the city.

Director Asch made a motion to send the letter to the City.
Seconded by Director MacGillis

Voting Yes: Patricia Orud, Marc Asch, Jim MacGillis, JoAnn Hanson

Voting No: Mike Graf, Kathie Emmons, Jason Kraus, Susan Wiles Hinrichs

Abstained: Mark Houge

Motion did not pass

New Business

a. Accounting Services

Director Graf explained that he has been working on oversight of the accounting and finance function since taking over as Association Treasurer.

Director Graf made a motion that the Board proceed with review and vetting of accounting services for the purpose of outsourcing accounting and financial functions. This will result in more robust oversight and operational procedures.

Motion Seconded by Director Asch

Director MacGillis asked if bookkeeping would be taken over by accounting?

Director Graf explained that is correct

Director Orud is this authorizing solicitation of bids?

Director Graf responded that was correct

Director Hanson wanted explanation on some of the documents sent out

Director Orud stated updates to the policy will need to occur first

Director Asch explained that this idea is what NOHOA needs after reading concerns expressed in the auditor's letter.

Voting yes: Susan Wiles Hinrichs, Mike Graf, Jim MacGillis, JoAnn Hanson, Marc Asch, Mark Houge, Jason Kraus, Kathie Emmons, Patricia Orud

Voting No: None

Motion carried

b. 2020 Road Work (Asset Reserve Projects)

Consulting Engineer Elfering reviewed 2020 improvements the cost, lowest bidder, and locations for the road work to be completed this year.

Director Orud questioned the cost of the storm drain on Skillman.

Director Asch questioned the quality of the work of the lowest bidder

Consulting Engineer Elfering explained that the vendor is reputable and has been used in the past.

Consulting Engineer Elfering explained that boring helps us to know what was done before and provides better historical data now and allows us to add needed specifications.

Director MacGillis questioned if Deer Hills is being looked at this year

Ms. Elfering stated Deer Hills work will not be happening this year

Director Orud questioned how any overspending is covered.

Director Graf replied that it is covered by the 2% operating reserve.

Director MacGillis made a motion to approve road work and spending as described in consulting engineer Elfering's memo for 2020.

Motion Seconded by Director Susan Wiles Hinrichs

Voting yes: Susan Wiles Hinrichs, Mike Graf, Jim MacGillis, JoAnn Hanson, Marc Asch, Mark Houge, Jason Kraus, Kathie Emmons, Patricia Orud

Voting No: None

Motion carried

c. Signs for 2020 Graduates

Director Asch requested the Board pass a motion to exempt signs posted to recognize 2020 Graduates during this pandemic

Director Hanson questioned the time frame for any exemption.

Director Asch explained it will self-regulate itself

A motion was made for an exception to the sign policy for 2020 Graduation signs.

Motion seconded by Director Orud

Voting Yes: Susan Wiles Hinrichs, Mike Graf, Jim MacGillis, JoAnn Hanson, Marc Asch, Mark Houge, Jason Kraus, Kathie Emmons, Patricia Orud

Voting No: None

Motion passed

North Oaks News – Deadline May 15, 2020

- **Vacancy for Board position**
- **Yield signs for trails?**
- **Volunteer opportunities**
- **Recreation Offerings?**
- **2020 Roadwork**

A motion was made to adjourn by Director MacGillis

Motion seconded by Director Graf

Voting Yes: Susan Wiles Hinrichs, Mike Graf, Jim MacGillis, JoAnn Hanson, Marc Asch, Mark Houge, Jason Kraus, Kathie Emmons, Patricia Orud

Voting No: None

Motioned passed

Meeting adjourned at 10:008 PM.

Respectfully submitted,

X 

JoAnn Hanson
Secretary



NORTH OAKS
HOME OWNERS' ASSOCIATION

October 8, 2020

Mr. Gregg Nelson, Mayor
Councilpersons: Rick Kingston, Martin Long, Kara Ries, and Sara Shah
City of North Oaks
100 Village Center Drive, Suite 250
North Oaks, Minnesota 55127

Mr. Mark Houge
President
North Oaks Company LLC
5959 Centerville Road
North Oaks, Minnesota 55127

Re: East Oaks PDA Island Field - Site H

Dear Mayor, City Councilpersons and Mr. Houge:

The North Oaks Company LLC ("NOC") is requesting that the City Council adopt a resolution at its October 8, 2020 meeting to clarify that there are 74 units permitted in the Island Field Development (Site H of the 1999 East Oaks PDA).

On behalf of North Oaks Home Owners' Association, Inc. ("NOHOA"), I write to convey to the City Council and the NOC NOHOA's position with respect to the number of units permitted in the Island Field Development Site. NOHOA does not support the current interpretation proposed by the NOC.

NOHOA has been consistent in its position that, *NOHOA signed a Consent and Joinder to the 1999 East Oaks Planned Unit Development Agreement and, by so doing, consented to and joined in specific provisions of the agreement. NOHOA will accept trails, open space and roads, and expand NOHOA boundaries to accept new development, but only if the trails, open space and roads are consistent with the 1999 agreement.*

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Mr. Gregg Nelson, Mayor
Councilpersons: Rick Kingston, Martin Long, Kara Ries, and Sara Shah
Mr. Mark Houge
October 8, 2020
Page 2

Since the East Oaks PDA was signed in 1999, there have been seven Amendments signed by the City and NOC. NOHOA is not a party to any of the seven Amendments, did not consent to the Amendments, and is not bound by the Amendments.

So, while NOC and the City Council are free to change their positions with respect to the number of units permitted in Island Field, NOHOA is not bound by those determinations.

The NOHOA Board of Directors, based upon its review of the 1999 East Oaks PDA, has reached these conclusions:

1. Unit Count and Density Increases. Table 1 of the 1999 East Oaks PDA allocates 35 units to the Island Field Development Site (Site H). It also allows a density increase of 30%. Applying the 30% density, which is the equivalent of 10 units, permits 45 units on Site H. We note the NOC calculates the bonus density at 11 by "rounding up" 10.5 to 11. However, there is nothing in the East Oaks PDA that permits this rounding up.
2. Commercial Conversion. A separate section of Table 1 allows NOC to convert some or all of its 21 commercial acres into dwelling units at the conversion rate of 5 dwelling units for each full acre of commercial land. NOC has 5.73 acres of remaining commercial land and if it converts these 5.73 acres into dwelling units, it is entitled to an additional 25 dwelling units.

Therefore, the 1999 East Oaks PDA allows 45 units on the Island Field Site and also allows NOC to convert its 5.73 commercial acres in to an additional 25 units for a total of 70 units, subject to any density limits on the site.

NOHOA acknowledges that the City is considering various approaches to increase the density of the Site, including a "two-tract" approach and an 8th Amendment to the 1999 East Oaks PDA. NOHOA is not bound by any of these alternative approaches and is not bound to accept the Island Field development within NOHOA's boundaries with densities above what is permitted under the 1999 PDA. The overall density on this site directly affects NOHOA. It is NOHOA that bears the ultimate responsibility for maintaining the trails, open space and recreational areas, not the City.

The NOHOA Board of Directors is willing to consider supporting greater density in the Island Field development if NOHOA can better serve its Members by improving the recreational facilities available to its Members in the East Oaks area.

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In addition, with Island Field becoming what appears to be the last NOC development within North Oaks, NOHOA is willing to consider greater densities in return for confirmation that, by so doing: 1) there will be no further commercial development; 2) no reallocation of densities to other residential developments within the East Oaks area; and, 3) concrete commitment for additional recreational facilities.

NOHOA may be willing to consider agreeing to a total of 74 units, as proposed by NOC, assuming that an agreement is reached with NOC with respect to active recreational facilities in this area, and the elimination of both further commercial development and reallocation of density to other residential developments.

NOHOA reserves the right to review and comment as the Island Field development is subsequently revised and additional information received. NOHOA wants development that maintains consistency with the underlying character of North Oaks. Decisions on boundary expansions shall be made when development is complete.

Thank you



Katherine Emmons
President

Cc: Kevin Kress, City Administrator
NOHOA Board of Directors



NORTH OAKS
HOME OWNERS' ASSOCIATION

October 26, 2020

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries, and Sara Shah
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Red Forest Way South Preliminary Plans

Dear Mayor Nelson and Councilpersons Kingston, Long, Ries and Shah:

The North Oaks Home Owners' Association, Inc. (NOHOA) has reviewed the preliminary plans dated September 1, 2020 and submitted by the North Oaks Company for the Red Forest Way South development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and required plan modifications for the Red Forest Way South Preliminary Plans. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. NOHOA recognizes that strict compliance to the PDA is not feasible for the street layout due to previous phases of development. This alignment does provide for some vehicular circulation.
2. While additional passive open space is not required, the applicant should dedicate the previously identified passive open space shown to the southeast of Red Forest Way South to NOHOA.
3. NOC has worked with NOHOA to develop the attached trail alignment for the remaining development areas on the east side that allows for strong north/south trail connection and east/west connections through Red Forest Way and the Conservation Area. This agreed upon trail alignment should be formalized in a written document.

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4. The following are comments regarding the easement plan:
 - a. The storm sewer easement should be extended to the street along the lot line between Lots 13 and 14 in Phase 2 so that the storm sewer and trail can be accessed for maintenance.
 - b. It is unclear how the out lot will be used and who the Owner will be. There is a pond proposed on the out lot and depending on Ownership of the out lot a wider access easement may be necessary for maintenance of the pond. Grading should account for an access to this pond.
 - c. There is a storm sewer line indicated from the storm pond within the out lot that extends off of the property. This off-site storm sewer should be contained in an easement.
 - d. There is a wetland shown in the rear of Lots 5, 7, 8, and 9 in Phase One. A drainage and utility easement should be maintained for the overflow to the street.
 - e. All overflows from proposed storm sewer detention improvements and wetlands should be covered by an easement.

5. Trail easements within the development are indicated.
 - a. Plan and profile information should be provided for the trails.
 - b. Trails should be graded so that storm water runoff is carried in a ditch/swale section and not directed over the trail surface.
 - c. Trail widths should be cleared and graded appropriately to a width of 12-feet to allow for future maintenance activities.
 - d. Trail restoration details should also be provided.
 - e. The trail through the NOHOA open space to the south of the development should be constructed by NOC at the time of development to provide for the connection to the trail system around Black Lake.

6. Future road maintenance will be the responsibility of NOHOA. As such it is incumbent that the Company provides soil boring information and a geotechnical report that details the required pavement section for a 7-ton pavement design, so that NOHOA can be assured that the roadway is being constructed to required standards.
 - a. Plan and profile information should be provided to NOHOA for review and comment as to any maintenance concerns as part of the final plan approval process.
 - b. The road cross slope should be revised from 3% to 2%.
 - c. There is a segment of concrete curb and gutter within the development that is not consistent with the rural nature of the development. NOHOA would prefer that the entire roadway remain rural for consistency with the interior roads. A rural section would also allow for the elimination of the majority of the storm sewer.

7. NOHOA reserves the right to comment on stormwater improvements as additional information is received and final plans are submitted. Relative to ownership and maintenance of stormwater facilities, NOHOA is reviewing the concept of stormwater infrastructure and the impacts of ownership and maintenance responsibilities and is not at a point where comments can be provided.
 - a. Copies of the stormwater plans, drainage calculations and Minnesota Routine Assessment Method (MnRAM) report are requested. Approval from VLAWMO will be required for the improvements prior to acceptance.
 - b. There is a storm basin adjacent to Station 1+00 that has an overflow to an existing wetland to the north. The wetland does not appear to have an outlet. Drainage calculations should be provided that detail the 100-year ponding elevations. Emergency overflow routes should be noted for all basins and wetlands. Documentation on any land locked basins should be provided as to the need to provide an outlet or what the back to back 100-year ponding elevation would be.
 - c. Sediment removal practices should be installed in the structures in the street prior to discharge to the ponds. Outlet structure details from the ponds should also be provided and skimmer structures should be incorporated.
 - d. Storm basins/ponds are indicated on the plans, but no areas of infiltration to meet storm water requirements. Storm water calculations should be provided that detail the need for any infiltration. Construction details should be provided and a soil boring with groundwater elevations and infiltration rates in the area of any proposed infiltration practices should be provided to ensure that improvements are constructed correctly.
8. There are several lots where it appears there will be issues with driveway access. Lots from street station 11+00 to 25+00 have 3:1 slopes across the entire front portion of several lots and the lots are in excess of 10 feet higher than the road elevation. Details should be provided for how a driveway would be constructed to the house pad with a maximum grade of 10%. Lot 14 in Phase 2 has an existing wetland and ponding area that covers most of the front of the property. Current requirements state that driveways need to be 30-feet from the lot line. It does not appear that a driveway that meets these requirements is possible.
9. A rock construction entrance should be added off of the end of Black Lake Road. Double rows of silt fence should be installed in locations adjacent to wetlands.
10. Grading is indicated within the 30-foot wetland setback. Construction details should be provided on how soils within that area will be decompacted and restored.

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11. Heritage and trees of significance need to be preserved to the extent possible, even if it means altering the development plans.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on September 24, 2020. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, it is expected that development of the Red Forest Way South site will comply with all conditions set forth in the East Oaks PDA and by local, state, and federal agencies. Prior to acceptance into NOHOA, the Red Forest Way South development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Sincerely,



Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



November 23, 2020

Mr. Gregg Nelson, Mayor

Council Persons: Rick Kingston, Martin Long, Kara Ries, and Sara Shaw
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

RE: East Oaks PDA – Island Field Preliminary Plans

Dear Mayor Nelson:

The North Oaks Home Owners' Association (NOHOA) has reviewed the preliminary plans dated October 15, 2020 and submitted by the North Oaks Company for the Island Field development site. NOHOA has particularly placed a technical focus on those components for which NOHOA will ultimately be responsible for maintaining, such as roads and trails. The following summarizes NOHOA's recommendations, additional requested information, and required plan modifications for the development to be accepted into the Association. NOHOA respectfully requests that the City incorporate these into any recommendations or approvals.

1. While the plans as submitted are not consistent with the original PDA, NOHOA prefers the road alignment as shown in the preliminary plan as it will create less impervious surface and be less maintenance.
2. NOHOA is working with NOC on identifying the location, extent and amenities for an active recreational area on the site that will be available to all NOHOA members. The final details have not been determined and NOHOA reserves the right to comment on other aspects of the plan that might impact that space.
3. The main north/south trail is not shown as part of the preliminary plan submittal. NOC should provide detail on the location of this trail and timeframe for construction. The trails as proposed are a desirable amenity for the project's residents. A connection between the active recreation area and the trail extension to the overall NOHOA trail system is requested. The final details and timing will need to be coordinated with NOC.

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4. NOHOA requests a photometric plan be provided for NOHOA's review that includes street, parking lot, and building lighting details.
5. NOHOA would ask that the following documents be requested by the City and provided to NOHOA: any wetland delineation reports, MnRAM report, stormwater management report and drainage calculations, and a forestry assessment.
6. It should be noted that the development will be subject to review by NOHOA's ASC and Board relative to architectural and site design. Any exterior improvement will be subject to the ASC and Board review and approval.
7. NOHOA has previously stated that ownership and maintenance responsibilities of the stormwater infrastructure are being reviewed by the Board. At this time NOHOA is actively working with the North Oaks Company to review this issue and NOHOA has authorized a study by technical staff. The North Oaks Company has agreed to continue to manage and maintain the infrastructure until the study has been completed.

The following are NOHOA's comments regarding the preliminary plans:

1. Preliminary Plat:
 - a. The access road is shown as a separate tract, which is also covered by a roadway easement. We question the need for the roadway to be a separate tract, but regardless the roadway/vehicle access easement is shown as only covering curb to curb on the street. The roadway easement should be expanded to 60 feet wide centered over the road or a minimum width of 10 feet behind the curb (whichever is greater) to allow for future road maintenance activities and snow plowing.
 - b. An access easement must be provided to the small storm pond easement just south of the road for future maintenance access.
 - c. If active, private park space will be provided to NOHOA an easement granting rights to NOHOA should be provided over the area or that area of the property separated into a separate parcel that would be owned by NOHOA.
2. Site Plan:
 - a. The loop trail connection that is shown as "Future Trail" should be constructed as part of the first phase of the development to connect this area to the larger NOHOA trail system.
 - b. As drawn the loop trail is the only on-site trail covered by an easement. The easement and loop trail locations should be verified to match. The loop trail alignment should be the primary route north and south through the property with the additional site trails

connecting to it. Trail maintenance responsibilities should be discussed and agreed to prior to final plan approval.

- c. The loop trail and lift station access/trail should be separated (no connection). The lift station will require frequent vehicle access for monitoring and this would be problematic for trail use and maintenance, especially in the winter.
- d. Street lighting is shown, which is not typical for NOHOA roadways. Ownership and maintenance responsibilities should be defined for these improvements if they will be within the street easement and/or road parcel to be provided to NOHOA.
- e. Additional details must be provided for the proposed "Surface Bridge" feature. The final design must be approved by NOHOA if future maintenance will be the responsibility of NOHOA.
- f. The road parcel ends prior to the entrance circle. A discussion on plowing responsibilities and how turning around will be accomplished should be held with NOC.
- g. Given the area north of the entrance road is grass and is the potential location of the park space we would recommend the utilities utilize this area to limit impacts to the street when utility maintenance is needed in the future since there is only one road in and out of the development.

3. Grading and Erosion Control Plan:

- a. A geotechnical report and borings must be provided outlining the finding of the soils investigation including but not limited to soil infiltration rates, groundwater level, and 7-ton street section design.
- b. All ponding areas are shown on the south end of the Phase I improvement area. Information on how Phase 2 storm water will be directed to these features must be provided.
- c. A drainage swale should be added along the top of all retaining walls to prevent water from draining over the walls.
- d. Trails should be graded to meet ADA slope guidelines.
- e. The area within the storm sewer easement to the large storm water pond should be graded to allow vehicle access to the pond for maintenance activities.
- f. There appears to be a low point in the road within the area noted as "Surface Bridge". Details must be provided on how the collection and treatment of the storm water that drains to the area is accomplished.

4. Landscape Plan:

- a. The Company has provided preliminary entrance designs indicating that the look and feel of the design and materials will be consistent with that established at the Pleasant Lake Road entrance. It is our preference that the entrance to Island Field be consistent in the design and materials of the Pleasant Lake Road entrance.
- b. As part of the plan approval NOHOA maintenance responsibilities should be discussed and agreed to.

**Mr. Gregg Nelson, Mayor
Councilpersons: Rick Kingston, Martin Long, Kara Ries, and Sara Shah
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The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on October 29th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

The development is subject to NOHOA's governing documents, policies, procedures, and rules, as well as the East Oaks PDA. The total number of units proposed for Island Field exceeds the density permitted for this site under the East Oaks PDA. NOHOA has expressed its willingness to consider greater density for this site, if the North Oaks Company agrees that there is no further commercial conversion and no shifting of density between sites. However, as of this time, no agreement has been reached with the North Oaks Company and NOHOA will not accept greater density until such time as an agreement is reached. In addition, it is expected that development of the Island Field site will comply with all conditions set forth by local, state, and federal agencies. Prior to acceptance into NOHOA, the Island Field development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Sincerely,



**Katherine Emmons
President**

**cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors**



NORTH OAKS
HOME OWNERS' ASSOCIATION

November 23, 2020

Mr. Gregg Nelson, Mayor

Council Persons: Rick Kingston, Martin Long, Kara Ries, and Sara Shaw

City of North Oaks

100 Village Center Drive, Suite 230

North Oaks, MN 55127

RE: East Oaks PDA – Red Forest Way South

Dear Mayor Nelson:

The North Oaks Home Owners' Association (NOHOA) is aware that the Planning Commission held a Public Hearing on November 10, 2020 regarding the Red Forest Way South development and the preliminary plans dated September 1, 2020 submitted by the North Oaks Company. NOHOA submitted a letter to the Council dated October 26, 2020 that contained comments and at this time NOHOA would like to amend and add to those comments based on the discussion held at the Public Hearing.

- 1. NOHOA noted in the October 26, 2020 letter that it was recognized that strict compliance to the PDA is not feasible for the street layout due to previous phases of development. Upon consideration from the resident comments at the Planning Commission meeting NOHOA would support the use of a cul-de-sac layout.**
- 2. NOHOA has previously stated that ownership and maintenance responsibilities of the stormwater infrastructure are being reviewed by the Board. At this time NOHOA is actively working with the North Oaks Company to review this issue and NOHOA has authorized a study by technical staff. The North Oaks Company has agreed to continue to manage and maintain the infrastructure until the study has been completed.**
- 3. NOHOA has requested that heritage and significant trees be preserved to the extent possible. At this time we are further requesting that a forestry assessment be completed. Oak wilt issues have been identified in this development by the Forester and the forestry assessment should also outline conditions and requirements for construction to proactively manage the oak wilt.**

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4. Discussion was held at the Planning Commission regarding extension of public sewer and water into Red Forest Way South. It was NOHOA's understanding from the 1999 PDA that this area would be developed with on-site sewage systems and wells.

The recommendations and comments set forth above are specific to the set of plans deemed complete by the City on September 24th. NOHOA reserves the right to review and make additional recommendations and comments as plans are subsequently revised and additional information received.

In addition, It is expected that development of the Red Forest Way South site will comply with all conditions set forth by local, state, and federal agencies, including the East Oaks PDA. Prior to acceptance into NOHOA, the Red Forest Way South development will be reviewed for compliance with all such requirements and the developer will be required to address any issues identified.

Furthermore, NOHOA requests that no development declarations be recorded or given to purchasers until NOHOA has approved them. NOHOA will not be bound by any declarations that were not reviewed and approved by NOHOA.

If you have any questions or would like to discuss any of these comments further, please feel free to contact NOHOA.

Sincerely,



Katherine Emmons
President

Cc: Kevin Kress, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors

ISLAND FIELD AND GATE HILL DEVELOPMENTS

I. ISLAND FIELD DEVELOPMENT

- The Island Field development site is approximately 22 acres.
- Planned 74 unit, three-story condominium building.
- Anticipated market for the residential project is persons 55 years or older that will likely have a second Winter residence and only remain in North Oaks for a portion of the year.
- The condominium building will be surrounded largely by natural lands subject to a conservations easement with an area surrounding the building to be landscaped and irrigated.

II. GATE HILL DEVELOPMENT

- The Gate Hill development site is approximately 32 acres.
- Planned 73 townhomes (33 detached and 40 attached twin homes).
- Anticipated market for the residential project is persons of all ages.

III. 1990 AGREEMENT

- On July 9, 1990, the Town of White Bear (Town) and North Oaks Company (NOC) entered into an agreement to provide sanitary sewer service to an approximately 143 acre development area on the east side of the City of North Oaks.
- In consideration, NOC agreed to contribute funds to improve the Town's sanitary sewer infrastructure along Centerville Road.
- As contemplated by the 1990 Agreement, the Town has provided sanitary sewer service, as well as water service, to several developments within the 143 acre development area.

IV. EAST OAKS PLANNED UNIT DEVELOPMENT AGREEMENT (PDA)

- In 1999, NOC and the City of North Oaks entered into the East Oaks Planned Unit Development Agreement (PDA) that provides for the development of no greater than 645 dwelling units and 21 acres of commercial development, on approximately 1650 acres within the City.
- NOC's Red Forest Way, Island Field, and Gate Hill developments are the last of the areas to be developed pursuant to the PDA.
- Red Forest Way will be served by private wells and septic facilities.
- NOC is requesting that both Island Field and Gate Hill be served by the Town's sanitary sewer and water systems.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

V. MASTER JOINT POWERS AGREEMENTS

- On November 1, 1999, the Town and North Oaks entered into a Master Joint Powers Agreement governing the terms under which the Town will extend sanitary sewer and water service to new developments within North Oaks.
- As detailed in Section VI below, the Master Joint Powers Agreement anticipates and comprehensively addresses such issues as (1) construction obligations and specifications, (2) ownership, (3) utility easements and access agreements, (4) inspection, maintenance and costs, (5) retention for capital repairs, (6) permit and connection fees, and (7) utility fees, billing and collection.
- The Master Joint Powers Agreement further provides for the extension of sanitary sewer and water service to additional developments over time, which are to be joined in the agreement by execution of a new “Addendum -1” setting forth the specifics of the new development.
- Since 1999, sanitary sewer and/or water service has been extended to several different developments in North Oaks pursuant to the terms of the Master Joint Powers Agreement.
- In addition, the Town has extended sanitary sewer and water service to the Rapp Farm development area under the terms of a separate, but substantially similar, Master Joint Powers Agreement by and between the Town, North Oaks, and the City of Lino Lakes -- which agreement was necessitated because certain infrastructure in that instance crossed through the boundaries of Lino Lakes.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

VI. ADDENDUM – 1 FOR ISLAND FIELD AND GATE HILL DEVELOPMENTS

- Below is a summary of the Master Joint Powers Agreement terms and North Oaks Company’s (the “Developer”) consent to such terms for the extension of sanitary sewer and water service to the Island Field and Gate Hill Developments.
- The Developer requests that the Town extend sanitary sewer and water service to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined, respectively, by the preparation and execution of a new Addendum – 1 for each project.

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
SECTION 1— WATER SERVICES	
A. CITY TO HAVE CONSTRUCTED. The CITY agrees to have <u>property owners and developers construct and install, with no cost to the TOWN or CITY, adequate and suitable watermains and appurtenances for property within the CITY in accordance with specifications and standards that are established by both the TOWN and the CITY.</u> The CITY agrees to have such property owners and developers provide the TOWN with as-built plans of all utility lines in such systems. All watermains, appurtenances, services and connections shall be of the <u>same kind of materials and constructed in the same manner and under the same standards, rules and regulations as are now in effect or as may hereafter be prescribed by the TOWN</u> for similar installations in the TOWN or under standards otherwise acceptable to the TOWN.	The Developer agrees it will construct the required watermains and associated improvements in accordance with the Town’s standards and specifications.
B. OWNERS OF WATER SYSTEM. The <u>systems shall initially be owned by the property owners or developers, but, the CITY shall have the right to acquire said systems</u> for a nominal consideration as will be more fully described in development agreements between the CITY and such owners and developers.	The Developer agrees it will own such improvements until such time as they are conveyed to North Oaks.
C. HOOK-UP FEE. The <u>CITY will collect from such property owners and developers a hook-up fee per unit as shall be set forth in an addendum to this Agreement in the form attached</u>	The Developer agrees to pay North Oaks the required hook-up fees to be remitted to the Town.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>as ADDENDUM - 2, at the time the water system is connected to each unit to be served. <u>The foregoing fees will be turned over to the TOWN.</u> The hook-up fees may be adjusted annually by Town Board resolution, and such fees shall be based upon the same rate charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	
<p>D. INSPECTION/PERMIT FEE. <u>The CITY will collect from such property owners and developers, a permit fee per unit as shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM - 2, half of which shall be remitted to the TOWN for connection of the water line to each unit from the street.</u> It is agreed that all service connections from the mains shall be installed by a licensed and bonded water contractor under rules identical to those in effect in the TOWN or as may hereafter be modified by the TOWN. Such connections shall also be inspected by or under the supervision of the TOWN prior to back-filling. Such permit fees may be adjusted annually by Town Board resolution, and such fees shall be the same fees charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	<p>The Developer agrees to pay North Oaks the required permit/connection fees, half of which are to be remitted to the Town.</p>
<p>E. WATER METERS. <u>Water meters with an outside remote reader shall be furnished by the TOWN at a cost provided for in an addendum to this Agreement in the form attached as ADDENDUM - 2, which the CITY shall collect from the property owners and developers for remittance to the TOWN.</u> Such meter and outside remote reader shall also be inspected by, or under the supervision of the TOWN. Such meters and permit fees may be adjusted annually by Town Board resolution. Any replacement of meters shall be at the expense of the property owners and developers for remittance to the TOWN.</p>	<p>The Developer agrees to pay North Oaks the cost of the required water meters to be remitted to the Town.</p>
<p>F. EXTENSION OF SYSTEM. <u>The amount of units requested by the CITY to be connected to the TOWN water</u></p>	<p>The Developer requests that the Town extend water service to the Island Field and Gate Hill Developments pursuant to the terms of</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>system shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM — 1, specific to each project. All further needs of the CITY must be reviewed and approved by the Town Board after review of the TOWN'S water system capabilities.</u></p>	<p>the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>G. <u>WATER TURN-ONS. Water turn-ons must be made by the TOWN'S Public Works Department. The CITY or its agent shall advise or cause the TOWN to be advised twenty-four (24) hours in advance of water turn-ons to insure that the TOWN'S Public Works Department will be available to comply.</u></p>	<p>The Developer agrees to the Town’s water turn-on procedure.</p>
<p>H. <u>WATER QUANTITY AND QUALITY. The TOWN will supply to the CITY the same water quantity and quality that the TOWN provides to its own residents in the same service area.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units will receive water service consistent with the quantity and quality available to residents of the Town of White Bear and that the unit owners will be similarly subject to all policies and restrictions on use that may be adopted by, or imposed upon, the Town. The Developer further agrees that the City may enforce any such policies and restrictions on behalf of the Town pursuant to the exercise of joint powers under the Master Joint Powers Agreement.</p>
<p>I. <u>FUTURE TOWNSHIP IMPROVEMENTS. The CITY agrees that in the event there are future improvements or modifications by the TOWN to the TOWN water system benefiting property within the CITY, then the costs thereof shall be added on as part of the water system charged to the customers of said services in an amount sufficient to pay off their share of the future improvements at rates consistent with benefited TOWN properties.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of the cost of the Town’s future water system improvements.</p>
<p>J. <u>FUTURE OPERATING CHARACTERISTICS. The TOWN may desire to change the operating characteristics of its water system from time to time and may request different or additional connections to the system. In that event, the CITY agrees that such property owners and developers shall pay all</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of cost of the Town’s future additional water system facilities.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>costs associated with providing the required additional facilities to the CITY.</u> The CITY shall collect from the property owners and developers all costs associated with providing the required additional facilities to the CITY and transfer said monies within sixty (60) days to the TOWN. Additional connections to the TOWN system shall be subject to TOWN approval.</p>	
<p>K. <u>PIPING, FIXTURE, ETC.</u> The CITY shall require that all <u>interior piping, fixtures, accessories or on-premises piping in any manner connected to the water system, be of the same materials, installed in the same manner, and meet the same standards</u> as required for same or similar work in the TOWN.</p>	<p>The Developer agrees that interior piping, fixtures, accessories, etc. will comply with the Town’s standards and specifications.</p>
<p>L. <u>RIGHT TO INSPECT.</u> The <u>TOWN, through its officers, agents and employees, shall have the right, at all times, to examine, inspect and test any materials or work used or to be used in connection with the water system</u> connecting to the TOWN for the purposes of determining whether or not they comply with the foregoing provisions, and shall have the right to examine and inspect the materials and work and method of installation of each unit's plumbing connection with said water system for the same purpose.</p>	<p>The Developer agrees and acknowledges the Town’s right to inspect work to be connected to the Town’s water system.</p>
<p>M. <u>PROTECTION SERVICE AND HYDRANT USE.</u> <u>Hydrant use for purposes other than firefighting by the CITY shall be subject to the same rules and regulations applied by the TOWN.</u></p>	<p>The Developer agrees that hydrant use shall be subject to the same rules and regulations as apply in the Town.</p>
<p>N. <u>INTERRUPTIONS TO WATER SUPPLY.</u> The <u>TOWN shall not be liable for any lack of water supply to its customers, in the event of repair of watermains or connection of new watermains or in the event of fire prevention, or any other cause, and such water supply may be interrupted for as long as is necessary to complete the necessary work</u></p>	<p>The Developer agrees to the Town’s limitation of liability for service interruptions.</p>
<p>SECTION 2 — SANITARY SEWER SERVICE</p>	

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>A. CITY TO HAVE CONSTRUCTED. The CITY agrees to have the <u>property owners and developers of property within the CITY, construct and install, at their own expense, with no cost to the TOWN or CITY, adequate and suitable sanitary sewer lines and appurtenances, in accordance with specifications and standards that are established by both the TOWN and the CITY.</u> The CITY agrees to have such property owners and developers provide the TOWN with as-built plans of all such sanitary sewer systems. All sanitary sewers, appurtenances, services and connections shall be of the <u>same kind of materials and constructed in the same manner and under the same standards, rules and regulations as are now in effect or as may hereafter be prescribed by the TOWN</u> for similar installations in the TOWN or under standards otherwise acceptable to the TOWN.</p>	<p>The Developer agrees it will construct the required sanitary sewer lines and associated improvements in accordance with the Town's standards and specifications.</p>
<p>B. OWNERS OF SANITARY SEWER SYSTEM. <u>The sanitary sewer systems shall initially be owned by the property owners or developers, but, the CITY shall have the right to acquire said systems</u> for a nominal consideration as will be more fully described in development agreements between the CITY and such property owners and developers.</p>	<p>The Developer agrees it will own such improvements until such time as they are conveyed to North Oaks.</p>
<p>C. HOOK-UP FEE The <u>CITY will collect from such property owners and developers a hook-up fee per unit</u> as shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM - 2, at the time the sanitary sewer system is connected to each unit to be served. <u>The foregoing fees will be turned over to the TOWN.</u> The hook-up fees may be adjusted annually by Town Board resolution, and such fees shall be based upon the same rate charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	<p>The Developer agrees to pay North Oaks the required hook-up fees to be remitted to the Town.</p>
<p>D. EXTENSION OF SYSTEM. <u>The amount of units requested by the CITY to be connected to the TOWN sanitary sewer system shall be set forth in an addendum on the form</u></p>	<p>The Developer requests that the Town extend sanitary sewer service to the Island Field and Gate Hill Developments pursuant</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>attached as ADDENDUM — 1, specific to each project. All further needs of the CITY must be reviewed and approved by the Town Board after review of the TOWN'S sanitary sewer system capabilities.</u></p>	<p>to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>E. <u>FUTURE TOWNSHIP IMPROVEMENTS. The CITY agrees that in the event there are future improvements or modifications by the TOWN to the TOWN sanitary sewer system benefiting the property, then the costs thereof shall be added on as part of the sewer system charged to the customers of said services in an amount sufficient to pay off their share of the future improvements at rates consistent with benefited TOWN properties.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of the cost of the Town’s future sanitary sewer improvements.</p>
<p>F. <u>PIPING, FIXTURE, ETC. The CITY shall require that all interior piping, fixtures, accessories or on-premises piping in any manner connected to the sanitary sewer system, be of the same materials, installed in the same manner, and meet the same standards as required for same or similar work in the TOWN.</u></p>	<p>The Developer agrees that interior piping, fixtures, accessories, etc. will comply with the Town’s standards and specifications.</p>
<p>G. <u>RIGHT TO INSPECT. The TOWN, through its officers, agents and employees, shall have the right, at all times, to examine, inspect and test any materials or work used or to be used in connection with the sanitary sewer system connecting to the TOWN for the purposes of determining whether or not they comply with the foregoing provisions, and shall have the right to examine and inspect the materials and work and method of installation of each unit's plumbing connection with said sanitary sewer system for the same purpose.</u></p>	<p>The Developer agrees and acknowledges the Town’s right to inspect work to be connected to the Town’s sanitary sewer system.</p>
<p>H. <u>MANHOLES AND LIFT STATIONS. Manhole and lift station use by the CITY shall be subject to the same rules and regulations applied by the TOWN.</u></p>	<p>The Developer agrees that manhole and lift station use shall be subject to the same rules and regulations as apply in the Town.</p>
<p>I. <u>INTERRUPTIONS TO SANITARY SEWER SERVICE. The TOWN shall not be liable for interruption of sanitary sewer service to its customers, in the event of repair of the sanitary sewer</u></p>	<p>The Developer agrees to the Town’s limitation of liability for service interruptions.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>service or connection of new sanitary sewer service, or in the event of any other cause, such sanitary sewer service may be interrupted for as long as necessary to complete the necessary work.</u></p>	
SECTION 3 – BILLING	
WATER & SANITARY SEWER	
<p>A. BILLING SERVICE. <u>The water and sanitary sewer charges for services in connection with this Agreement, will be billed by the TOWN directly to the customers of said services.</u></p>	<p>The Developer agrees recurring service charges are to be billed directly to end users.</p>
<p>B. PROPERTY IDENTIFICATION NUMBERS. <u>The CITY shall provide to the TOWN, at the time the water service is turned-on, and the sanitary sewer system is connected to Town sanitary sewer, property identification numbers for all units, to allow the TOWN to enter the units into its utility billing system.</u></p>	<p>The Developer agrees end users are to be entered in the Town’s billing system.</p>
<p>C. SURCHARGE. <u>The TOWN will add a sufficient surcharge to the utility rate(s) for purposes of building a separate fund to finance repairs to the Sewer and/or Water System. This surcharge shall be transferred to the CITY annually and used for costs associated with special maintenance and repairs.</u></p>	<p>The Developer agrees Town may bill end users a surcharge to create reserves for City maintenance and repair costs.</p>
<p>D. DELINQUENCIES. All sewer and water system bills which are delinquent on September 1st of each year, and have been properly billed, shall be certified by the Town Clerk to the CITY, together with the prevailing administrative fee charged by the TOWN for processing the delinquency and the CITY hereby appoints the TOWN as its agent to certify to the Auditor of Ramsey County in accordance with State Law, and the TOWN, as the CITY agent, in so certifying such charges to the County Auditor, shall specify the amount thereof, the description of the premises serviced, and the name of the owner thereof. <u>The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes. Upon</u></p>	<p>The Developer agrees delinquent bills may be specially assessed to end user properties.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>receipt of payment from Ramsey County, the CITY will pay over to the TOWN, the delinquent charges and administrative fees so collected.</u></p>	
<p>MAINTENANCE</p>	
<p>A. BILLING SERVICE. <u>The TOWN shall forward all billing statements for costs and charges relating to maintenance directly to the property owners and developers, at such address as will be provided by them.</u></p>	<p>The Developer agrees that maintenance costs that may be agreed to in development agreements may be directed to developers.</p>
<p>B. BILL PAYMENT. <u>If the property owners and developers do not pay any bill to the TOWN within ninety (90) days after receipt, the TOWN may bill the CITY for the amount billed. The CITY agrees to pay the TOWN in full for the amount due, within forty-five (45) days of receipt of the bill. However, such payment by the CITY shall not relieve the property owners and developers of the obligation to reimburse the CITY for payment of any such bill.</u></p>	<p>The Developer agrees that such maintenance costs agreed to be paid by developers may be billed to the City if unpaid and the City may seek recovery of such costs paid by the City from the applicable developers.</p>
<p>SECTION 4 — RIGHTS OF WAY</p>	
<p>A. RIGHT-OF-WAY CHANGES. <u>Any and all expenses and costs accruing to the sanitary sewer and water system in the CITY in connection with the maintenance, reconstruction, overlaying or paving of streets, alleys, or rights-of-way due to the change of grade on such streets, alleys, rights-of-way or any other changes resulting from action of the CITY, County of Ramsey or State of Minnesota, as such changes affect mains, services and appurtenances within the CITY and affecting this system, shall be the responsibility of the CITY, who may pass the costs and expenses thereof onto the property owners and developers.</u></p>	<p>The Developer agrees that cost impacts to the sanitary sewer or water facilities located in public right of way and incurred as a result of City, County or State road work may be paid by City and the City may pass proportional costs on the property owners or developers.</p>
<p>B. ACCESS. <u>The CITY agrees that the TOWN, the CITY'S contracting fire department, and such other persons or entities as designated by the TOWN, shall have complete access to all roads, streets, easements, fire hydrants, manholes, lift stations, wells,</u></p>	<p>The Developer agrees the Town and other appropriate parties should be granted access to roads, easement areas, and facilities to operate and maintain the sanitary sewer and water systems.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>and other sewer and water utility equipment as may be necessary for the use, maintenance, repair or replacement of the sewer and water system.</u> For the purpose of providing such complete access, the CITY shall cause the <u>relevant property owners and developers to consent to this Agreement</u> using a Consent in the form attached as Exhibit A. The TOWN agrees to restore to prior condition, any damaged roads or shoulders.</p>	
<p>C. EASEMENT ACQUISITION. The <u>property owners and developers shall provide the TOWN and CITY all easements for access to the sanitary sewer and water systems within the CITY for purposes of repairs, maintenance or replacement</u> or other work deemed necessary by the CITY or TOWN.</p>	<p>The Developer agrees reasonable utility easements should be granted to Town and City to operate and maintain the sanitary sewer and water systems.</p>
SECTION 5 — WATER SYSTEM MAINTENANCE	
<p>A. MAINTENANCE. The <u>CITY and such property owners and developers request that the TOWN provide all necessary maintenance and repair to the water system for the development to be named in an addendum to this Agreement in the form attached as ADDENDUM - 1,</u> and the TOWN has agreed to do so.</p>	<p>The Developer requests that the Town extend, maintain and repair the water system to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>B. EMERGENCY ON-CALL SERVICE. The <u>TOWN shall provide twenty-four (24) hour, seven (7) day a week emergency service to service and maintain the water system.</u> Such service shall include the watermains and related appurtenances only and shall not include that part of the system lying between the utility main and the units, which serves as the unit's private service connection.</p>	<p>The Developer agree that the Town provide emergency on-call service for the water system.</p>
<p>C. PROTECTION OF WATER LINES. The <u>CITY also agrees that it will assist the TOWN in the protection of the water system and will cooperate with the TOWN in protecting barricades, stored materials, traffic routings, etc., as may be</u></p>	<p>The Developer agrees the City should assist Town in the protection of the water system infrastructure and facilitating repair of the system.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>necessary for the maintenance or repair work performed by the TOWN to the water system.</p>	
<p>D. FIRE HYDRANTS. The TOWN shall flush each development's fire hydrants twice each year for the charge as stated in the attached Rate Schedule which Rate Schedule may be changed annually by resolution of the TOWN.</p>	<p>The Developer agrees the Town should flush the fire hydrants twice per year and recover the cost pursuant to the approved rate schedule.</p>
<p>E. CHARGES FOR MAINTENANCE. The charges for maintenance and repairs performed pursuant to this Agreement shall be at the rates established in the attached Addendum 2 which may be changed annually by resolution of the TOWN. All services requiring outside contractors shall be as invoiced by the contractor upon invoice verification and approval by the TOWN.</p>	<p>The Developer agrees that charges for Town maintenance services may be recovered pursuant to the approved rate schedule.</p>
<p>F. OTHER AGREEMENTS. Nothing herein shall prevent the CITY from entering into contractual agreements with the individual users or any other association comprised at least in part of individual users, provided said contractual arrangements do not interfere with or affect the CITY's undertaking herein with respect to the TOWN.</p>	<p>The Developer agrees the City may enter into other agreements that do not interfere with the City's contractual obligations under the Master Joint Powers Agreement.</p>
<p>SECTION 6 — SANITARY SEWER SYSTEM MAINTENANCE</p>	
<p>A. MAINTENANCE. The CITY and such property owners and developers request that the TOWN provide all necessary maintenance and repair to the sanitary sewer system for the development to be named in an addendum to this Agreement in the form attached as ADDENDUM - 1, and the TOWN has agreed to do so.</p>	<p>The Developer requests that the Town extend, maintain and repair the sanitary sewer system to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>B. EMERGENCY ON-CALL SERVICE. The TOWN shall provide twenty-four (24) hour, seven (7) day a week emergency service to service and maintain the sanitary sewer system. Such service shall include the sanitary sewer mains and related appurtenances only and shall not include that part of the system</p>	<p>The Developer agree that the Town provide emergency on-call service for the sanitary sewer system.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>lying between the utility main and the unit, which serves as a private service connection for the unit.</p>	
<p>C. <u>PROTECTION OF SEWER LINES.</u> The CITY also agrees that it will assist the TOWN in the protection of the sanitary sewer system and will cooperate with the TOWN in 'protecting barricades; stored materials, traffic routings, etc., as may be necessary for the maintenance or repair work performed by the TOWN to the sanitary sewer system.</p>	<p>The Developer agrees the City should assist Town in the protection of the sanitary sewer system infrastructure and facilitating repair of the system.</p>
<p>D. <u>LIFT STATION MAINTENANCE.</u> The TOWN shall provide maintenance to each lift station. Lift stations shall be checked once per week during normal work hours and routine repair parts shall be purchased by the TOWN, and the CITY agrees that the TOWN shall be reimbursed for the costs thereof.</p>	<p>The Developer agrees the Town inspect lift stations once per week and recover the cost of repair and associated parts.</p>
<p>F. <u>FLUSHING OF SANITARY SEWER SYSTEMS.</u> The TOWN shall dean and flush the sanitary sewer system once each year for the charges as stated in the attached Rate Schedule which may be adjusted annually by resolution of the TOWN. The CITY agrees that such property owners and developers shall provide the TOWN, at no charge to the TOWN, all water to be used for accomplishment of services provided for in this Agreement.</p>	<p>The Developer agrees the Town should flush the sanitary sewer system once per year and recover the cost pursuant to the approved rate schedule and further agrees that property owners and developers shall provide the necessary water to the Town at no charge.</p>
<p>G. <u>CHARGES FOR MAINTENANCE.</u> The charges for maintenance and repairs performed pursuant to this Agreement shall be at the rates established in attached Addendum 2 which may be adjusted annually by resolution of the TOWN. All services requiring outside contractors shall be as invoiced by the contractor upon invoice verification and approval by the TOWN.</p>	<p>The Developer agrees that charges for Town maintenance services may be recovered pursuant to the approved rate schedule.</p>
<p>H. <u>OTHER AGREEMENTS.</u> Nothing herein shall prevent the C.11Y from entering into contractual agreements with the individual users or any other association comprised at least in part of individual users, provided said contractual arrangements do not interfere with or alter the CITY's undertaking herein with respect to the TOWN.</p>	<p>The Developer agrees the City may enter into other agreements that do not interfere with the City's contractual obligations under the Master Joint Powers Agreement.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
SECTION 7 - INDEMNIFICATION	
<p>A. SOD, LANDSCAPING, DRIVEWAYS, SIDEWALKS AND STREETS. <u>Neither the CITY nor the TOWN or their agents and employees shall be responsible for damages to landscaping or sod due to maintenance and repairs covered by this Agreement, which damages shall be the ultimate responsibility of such property owners and developers.</u></p>	<p>The Developer agrees that neither the City nor Town shall be responsible for damages to landscaping or sod due to maintenance or repair of the sanitary sewer or water systems.</p>
<p>B. INDEMNIFICATION. <u>The CITY covenants and agrees to indemnify, save harmless, and defend the TOWN, and any and all of its agents, employees and servants, from any and all claims arising from the activities conducted under this Agreement, except claims of reckless disregard or willful misconduct. By consenting to this Agreement, such property owners and developers shall likewise indemnify and save the CITY harmless from all claims arising from the activities conducted under this Agreement by the CITY or the TOWN, except for claims of reckless disregard or willful misconduct</u></p>	<p>The Developer agrees to City's indemnification of the Town and to the property owners' and developers' indemnification of the City.</p>
CONSENT BY OWNER	
<p>The undersigned, property owner and/or developer of the property to be described in the foregoing ADDENDUM — 1 to the Master Joint Powers Agreement, dated November 1, 1999, and additional Addendum — 1's to be prepared for each new development, which may provide for construction, hook-up of sanitary sewer and water services, and/or maintenance between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, with respect to the development identified therein, state and represent that the undersigned have read, understood, <u>consent to, and agree to be bound by all of the conditions and obligations of the Master Joint Powers Agreement as they relate to the undersigned, including payment of all costs referred to therein, and acknowledge that the</u></p>	<p>The Developer reconfirms its consent to the Master Joint Powers Agreement and consent to the extension of sanitary sewer and water service to the Island Field and Gate Hill Developments consistent with the terms of such agreement.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<u>same were entered into for the benefit of the undersigned and their successors and assigns.</u>	

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**ADDENDUM -1N
ISLAND FIELD DEVELOPMENT**

LOCATION: Island Field Development

SERVICES PROVIDED: Sanitary sewer and water services with maintenance of such systems and billing services.

MAXIMUM # OF HOOK-UPS: Up to 74 residential units.

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

- Section 1 — Water Services: A-N;
- Section 2 — Sanitary Sewer Service: A-I;
- Section 3 — Billing: A-D; Maintenance: A & B;
- Section 4 — Rights-of-Way: A-C;
- Section 5 — Water System Maintenance: A-F;
- Section 6 — Sanitary Sewer System Maintenance: A-H;
- Section 7 — Indemnification: A & B; and
- Section 8 — Term: A.

Service Charges. The water and sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customer of said services.

Landscape Irrigation. The Owner/Developer shall agree on an equitable approach to the use of the Town water supply for landscape irrigation of the homeowner association's common areas, and shall reduce use of the Town's water supply for landscape irrigation of their individual yards, if required by the DNR's permitting authority.

Point(s) of interconnection. Owner/Developer and Town will confirm utility layouts and service connection points to Town infrastructure.

Enforcement. Unit owners within the Island Field Development will be subject to all policies and restrictions on water use that may be adopted by the Town and imposed on Town residents. The City will enforce any such policies and restrictions on water use in a manner substantially similar to those imposed on Town residents.

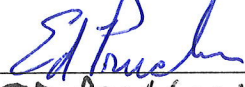
Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-N.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their property officers, Council and Board.


Dated: 12-21, 2020

TOWN OF WHITE BEAR

By: 
ED PROULX, Chairman

Dated: 12-26, 2020

ATTEST:

By: 
PAT CHRISTENSEN, Clerk-Treasurer

Dated: _____, 2020

CITY OF NORTH OAKS

By: _____
_____, Mayor

Dated: _____, 2020

By: _____
_____, CLERK

**EXHIBIT 1N
CONSENT BY OWNER**

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as ISLAND FIELD, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: _____
_____, President

ISLAND FIELD AND GATE HILL DEVELOPMENTS

I. ISLAND FIELD DEVELOPMENT

- The Island Field development site is approximately 22 acres.
- Planned 74 unit, three-story condominium building.
- Anticipated market for the residential project is persons 55 years or older that will likely have a second Winter residence and only remain in North Oaks for a portion of the year.
- The condominium building will be surrounded largely by natural lands subject to a conservations easement with an area surrounding the building to be landscaped and irrigated.

II. GATE HILL DEVELOPMENT

- The Gate Hill development site is approximately 32 acres.
- Planned 73 townhomes (33 detached and 40 attached twin homes).
- Anticipated market for the residential project is persons of all ages.

III. 1990 AGREEMENT

- On July 9, 1990, the Town of White Bear (Town) and North Oaks Company (NOC) entered into an agreement to provide sanitary sewer service to an approximately 143 acre development area on the east side of the City of North Oaks.
- In consideration, NOC agreed to contribute funds to improve the Town's sanitary sewer infrastructure along Centerville Road.
- As contemplated by the 1990 Agreement, the Town has provided sanitary sewer service, as well as water service, to several developments within the 143 acre development area.

IV. EAST OAKS PLANNED UNIT DEVELOPMENT AGREEMENT (PDA)

- In 1999, NOC and the City of North Oaks entered into the East Oaks Planned Unit Development Agreement (PDA) that provides for the development of no greater than 645 dwelling units and 21 acres of commercial development, on approximately 1650 acres within the City.
- NOC's Red Forest Way, Island Field, and Gate Hill developments are the last of the areas to be developed pursuant to the PDA.
- Red Forest Way will be served by private wells and septic facilities.
- NOC is requesting that both Island Field and Gate Hill be served by the Town's sanitary sewer and water systems.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

V. MASTER JOINT POWERS AGREEMENTS

- On November 1, 1999, the Town and North Oaks entered into a Master Joint Powers Agreement governing the terms under which the Town will extend sanitary sewer and water service to new developments within North Oaks.
- As detailed in Section VI below, the Master Joint Powers Agreement anticipates and comprehensively addresses such issues as (1) construction obligations and specifications, (2) ownership, (3) utility easements and access agreements, (4) inspection, maintenance and costs, (5) retention for capital repairs, (6) permit and connection fees, and (7) utility fees, billing and collection.
- The Master Joint Powers Agreement further provides for the extension of sanitary sewer and water service to additional developments over time, which are to be joined in the agreement by execution of a new “Addendum -1” setting forth the specifics of the new development.
- Since 1999, sanitary sewer and/or water service has been extended to several different developments in North Oaks pursuant to the terms of the Master Joint Powers Agreement.
- In addition, the Town has extended sanitary sewer and water service to the Rapp Farm development area under the terms of a separate, but substantially similar, Master Joint Powers Agreement by and between the Town, North Oaks, and the City of Lino Lakes -- which agreement was necessitated because certain infrastructure in that instance crossed through the boundaries of Lino Lakes.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

VI. ADDENDUM – 1 FOR ISLAND FIELD AND GATE HILL DEVELOPMENTS

- Below is a summary of the Master Joint Powers Agreement terms and North Oaks Company’s (the “Developer”) consent to such terms for the extension of sanitary sewer and water service to the Island Field and Gate Hill Developments.
- The Developer requests that the Town extend sanitary sewer and water service to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined, respectively, by the preparation and execution of a new Addendum – 1 for each project.

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
SECTION 1— WATER SERVICES	
A. CITY TO HAVE CONSTRUCTED. The CITY agrees to have <u>property owners and developers construct and install, with no cost to the TOWN or CITY, adequate and suitable watermains and appurtenances for property within the CITY in accordance with specifications and standards that are established by both the TOWN and the CITY.</u> The CITY agrees to have such property owners and developers provide the TOWN with as-built plans of all utility lines in such systems. All watermains, appurtenances, services and connections shall be of the <u>same kind of materials and constructed in the same manner and under the same standards, rules and regulations as are now in effect or as may hereafter be prescribed by the TOWN</u> for similar installations in the TOWN or under standards otherwise acceptable to the TOWN.	The Developer agrees it will construct the required watermains and associated improvements in accordance with the Town’s standards and specifications.
B. OWNERS OF WATER SYSTEM. The <u>systems shall initially be owned by the property owners or developers, but, the CITY shall have the right to acquire said systems</u> for a nominal consideration as will be more fully described in development agreements between the CITY and such owners and developers.	The Developer agrees it will own such improvements until such time as they are conveyed to North Oaks.
C. HOOK-UP FEE. The <u>CITY will collect from such property owners and developers a hook-up fee per unit as shall be set forth in an addendum to this Agreement in the form attached</u>	The Developer agrees to pay North Oaks the required hook-up fees to be remitted to the Town.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>as ADDENDUM - 2, at the time the water system is connected to each unit to be served. <u>The foregoing fees will be turned over to the TOWN.</u> The hook-up fees may be adjusted annually by Town Board resolution, and such fees shall be based upon the same rate charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	
<p>D. INSPECTION/PERMIT FEE. <u>The CITY will collect from such property owners and developers, a permit fee per unit as shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM - 2, half of which shall be remitted to the TOWN for connection of the water line to each unit from the street.</u> It is agreed that all service connections from the mains shall be installed by a licensed and bonded water contractor under rules identical to those in effect in the TOWN or as may hereafter be modified by the TOWN. Such connections shall also be inspected by or under the supervision of the TOWN prior to back-filling. Such permit fees may be adjusted annually by Town Board resolution, and such fees shall be the same fees charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	<p>The Developer agrees to pay North Oaks the required permit/connection fees, half of which are to be remitted to the Town.</p>
<p>E. WATER METERS. <u>Water meters with an outside remote reader shall be furnished by the TOWN at a cost provided for in an addendum to this Agreement in the form attached as ADDENDUM - 2, which the CITY shall collect from the property owners and developers for remittance to the TOWN.</u> Such meter and outside remote reader shall also be inspected by, or under the supervision of the TOWN. Such meters and permit fees may be adjusted annually by Town Board resolution. Any replacement of meters shall be at the expense of the property owners and developers for remittance to the TOWN.</p>	<p>The Developer agrees to pay North Oaks the cost of the required water meters to be remitted to the Town.</p>
<p>F. EXTENSION OF SYSTEM. <u>The amount of units requested by the CITY to be connected to the TOWN water</u></p>	<p>The Developer requests that the Town extend water service to the Island Field and Gate Hill Developments pursuant to the terms of</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>system shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM — 1, specific to each project. All further needs of the CITY must be reviewed and approved by the Town Board after review of the TOWN'S water system capabilities.</u></p>	<p>the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>G. <u>WATER TURN-ONS. Water turn-ons must be made by the TOWN'S Public Works Department. The CITY or its agent shall advise or cause the TOWN to be advised twenty-four (24) hours in advance of water turn-ons to insure that the TOWN'S Public Works Department will be available to comply.</u></p>	<p>The Developer agrees to the Town’s water turn-on procedure.</p>
<p>H. <u>WATER QUANTITY AND QUALITY. The TOWN will supply to the CITY the same water quantity and quality that the TOWN provides to its own residents in the same service area.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units will receive water service consistent with the quantity and quality available to residents of the Town of White Bear and that the unit owners will be similarly subject to all policies and restrictions on use that may be adopted by, or imposed upon, the Town. The Developer further agrees that the City may enforce any such policies and restrictions on behalf of the Town pursuant to the exercise of joint powers under the Master Joint Powers Agreement.</p>
<p>I. <u>FUTURE TOWNSHIP IMPROVEMENTS. The CITY agrees that in the event there are future improvements or modifications by the TOWN to the TOWN water system benefiting property within the CITY, then the costs thereof shall be added on as part of the water system charged to the customers of said services in an amount sufficient to pay off their share of the future improvements at rates consistent with benefited TOWN properties.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of the cost of the Town’s future water system improvements.</p>
<p>J. <u>FUTURE OPERATING CHARACTERISTICS. The TOWN may desire to change the operating characteristics of its water system from time to time and may request different or additional connections to the system. In that event, the CITY agrees that such property owners and developers shall pay all</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of cost of the Town’s future additional water system facilities.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>costs associated with providing the required additional facilities to the CITY.</u> The CITY shall collect from the property owners and developers all costs associated with providing the required additional facilities to the CITY and transfer said monies within sixty (60) days to the TOWN. Additional connections to the TOWN system shall be subject to TOWN approval.</p>	
<p>K. <u>PIPING, FIXTURE, ETC.</u> The CITY shall require that all <u>interior piping, fixtures, accessories or on-premises piping in any manner connected to the water system, be of the same materials, installed in the same manner, and meet the same standards</u> as required for same or similar work in the TOWN.</p>	<p>The Developer agrees that interior piping, fixtures, accessories, etc. will comply with the Town’s standards and specifications.</p>
<p>L. <u>RIGHT TO INSPECT.</u> The <u>TOWN, through its officers, agents and employees, shall have the right, at all times, to examine, inspect and test any materials or work used or to be used in connection with the water system</u> connecting to the TOWN for the purposes of determining whether or not they comply with the foregoing provisions, and shall have the right to examine and inspect the materials and work and method of installation of each unit's plumbing connection with said water system for the same purpose.</p>	<p>The Developer agrees and acknowledges the Town’s right to inspect work to be connected to the Town’s water system.</p>
<p>M. <u>PROTECTION SERVICE AND HYDRANT USE.</u> <u>Hydrant use for purposes other than firefighting by the CITY shall be subject to the same rules and regulations applied by the TOWN.</u></p>	<p>The Developer agrees that hydrant use shall be subject to the same rules and regulations as apply in the Town.</p>
<p>N. <u>INTERRUPTIONS TO WATER SUPPLY.</u> The <u>TOWN shall not be liable for any lack of water supply to its customers, in the event of repair of watermains or connection of new watermains or in the event of fire prevention, or any other cause,</u> and such water supply may be interrupted for as long as is necessary to complete the necessary work</p>	<p>The Developer agrees to the Town’s limitation of liability for service interruptions.</p>
<p>SECTION 2 — SANITARY SEWER SERVICE</p>	

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>A. CITY TO HAVE CONSTRUCTED. The CITY agrees to have the <u>property owners and developers of property within the CITY, construct and install, at their own expense, with no cost to the TOWN or CITY, adequate and suitable sanitary sewer lines and appurtenances, in accordance with specifications and standards that are established by both the TOWN and the CITY.</u> The CITY agrees to have such property owners and developers provide the TOWN with as-built plans of all such sanitary sewer systems. All sanitary sewers, appurtenances, services and connections shall be of the <u>same kind of materials and constructed in the same manner and under the same standards, rules and regulations as are now in effect or as may hereafter be prescribed by the TOWN</u> for similar installations in the TOWN or under standards otherwise acceptable to the TOWN.</p>	<p>The Developer agrees it will construct the required sanitary sewer lines and associated improvements in accordance with the Town’s standards and specifications.</p>
<p>B. OWNERS OF SANITARY SEWER SYSTEM. <u>The sanitary sewer systems shall initially be owned by the property owners or developers, but, the CITY shall have the right to acquire said systems</u> for a nominal consideration as will be more fully described in development agreements between the CITY and such property owners and developers.</p>	<p>The Developer agrees it will own such improvements until such time as they are conveyed to North Oaks.</p>
<p>C. HOOK-UP FEE The <u>CITY will collect from such property owners and developers a hook-up fee per unit</u> as shall be set forth in an addendum to this Agreement in the form attached as ADDENDUM - 2, at the time the sanitary sewer system is connected to each unit to be served. <u>The foregoing fees will be turned over to the TOWN.</u> The hook-up fees may be adjusted annually by Town Board resolution, and such fees shall be based upon the same rate charged for similar services furnished by the TOWN for property lying within the TOWN.</p>	<p>The Developer agrees to pay North Oaks the required hook-up fees to be remitted to the Town.</p>
<p>D. EXTENSION OF SYSTEM. <u>The amount of units requested by the CITY to be connected to the TOWN sanitary sewer system shall be set forth in an addendum on the form</u></p>	<p>The Developer requests that the Town extend sanitary sewer service to the Island Field and Gate Hill Developments pursuant</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>attached as ADDENDUM — 1, specific to each project. All further needs of the CITY must be reviewed and approved by the Town Board after review of the TOWN'S sanitary sewer system capabilities.</u></p>	<p>to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>E. <u>FUTURE TOWNSHIP IMPROVEMENTS. The CITY agrees that in the event there are future improvements or modifications by the TOWN to the TOWN sanitary sewer system benefiting the property, then the costs thereof shall be added on as part of the sewer system charged to the customers of said services in an amount sufficient to pay off their share of the future improvements at rates consistent with benefited TOWN properties.</u></p>	<p>The Developer agrees that the Island Field and Gate Hill Development units may be charged a proportional share of the cost of the Town’s future sanitary sewer improvements.</p>
<p>F. <u>PIPING, FIXTURE, ETC. The CITY shall require that all interior piping, fixtures, accessories or on-premises piping in any manner connected to the sanitary sewer system, be of the same materials, installed in the same manner, and meet the same standards as required for same or similar work in the TOWN.</u></p>	<p>The Developer agrees that interior piping, fixtures, accessories, etc. will comply with the Town’s standards and specifications.</p>
<p>G. <u>RIGHT TO INSPECT. The TOWN, through its officers, agents and employees, shall have the right, at all times, to examine, inspect and test any materials or work used or to be used in connection with the sanitary sewer system connecting to the TOWN for the purposes of determining whether or not they comply with the foregoing provisions, and shall have the right to examine and inspect the materials and work and method of installation of each unit's plumbing connection with said sanitary sewer system for the same purpose.</u></p>	<p>The Developer agrees and acknowledges the Town’s right to inspect work to be connected to the Town’s sanitary sewer system.</p>
<p>H. <u>MANHOLES AND LIFT STATIONS. Manhole and lift station use by the CITY shall be subject to the same rules and regulations applied by the TOWN.</u></p>	<p>The Developer agrees that manhole and lift station use shall be subject to the same rules and regulations as apply in the Town.</p>
<p>I. <u>INTERRUPTIONS TO SANITARY SEWER SERVICE. The TOWN shall not be liable for interruption of sanitary sewer service to its customers, in the event of repair of the sanitary sewer</u></p>	<p>The Developer agrees to the Town’s limitation of liability for service interruptions.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>service or connection of new sanitary sewer service, or in the event of any other cause, such sanitary sewer service may be interrupted for as long as necessary to complete the necessary work.</u></p>	
<p>SECTION 3 – BILLING</p>	
<p>WATER & SANITARY SEWER</p>	
<p>A. BILLING SERVICE. <u>The water and sanitary sewer charges for services in connection with this Agreement, will be billed by the TOWN directly to the customers of said services.</u></p>	<p>The Developer agrees recurring service charges are to be billed directly to end users.</p>
<p>B. PROPERTY IDENTIFICATION NUMBERS. <u>The CITY shall provide to the TOWN, at the time the water service is turned-on, and the sanitary sewer system is connected to Town sanitary sewer, property identification numbers for all units, to allow the TOWN to enter the units into its utility billing system.</u></p>	<p>The Developer agrees end users are to be entered in the Town’s billing system.</p>
<p>C. SURCHARGE. <u>The TOWN will add a sufficient surcharge to the utility rate(s) for purposes of building a separate fund to finance repairs to the Sewer and/or Water System. This surcharge shall be transferred to the CITY annually and used for costs associated with special maintenance and repairs.</u></p>	<p>The Developer agrees Town may bill end users a surcharge to create reserves for City maintenance and repair costs.</p>
<p>D. DELINQUENCIES. All sewer and water system bills which are delinquent on September 1st of each year, and have been properly billed, shall be certified by the Town Clerk to the CITY, together with the prevailing administrative fee charged by the TOWN for processing the delinquency and the CITY hereby appoints the TOWN as its agent to certify to the Auditor of Ramsey County in accordance with State Law, and the TOWN, as the CITY agent, in so certifying such charges to the County Auditor, shall specify the amount thereof, the description of the premises serviced, and the name of the owner thereof. <u>The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes. Upon</u></p>	<p>The Developer agrees delinquent bills may be specially assessed to end user properties.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>receipt of payment from Ramsey County, the CITY will pay over to the TOWN, the delinquent charges and administrative fees so collected.</u></p>	
<p>MAINTENANCE</p>	
<p>A. BILLING SERVICE. <u>The TOWN shall forward all billing statements for costs and charges relating to maintenance directly to the property owners and developers, at such address as will be provided by them.</u></p>	<p>The Developer agrees that maintenance costs that may be agreed to in development agreements may be directed to developers.</p>
<p>B. BILL PAYMENT. <u>If the property owners and developers do not pay any bill to the TOWN within ninety (90) days after receipt, the TOWN may bill the CITY for the amount billed. The CITY agrees to pay the TOWN in full for the amount due, within forty-five (45) days of receipt of the bill. However, such payment by the CITY shall not relieve the property owners and developers of the obligation to reimburse the CITY for payment of any such bill.</u></p>	<p>The Developer agrees that such maintenance costs agreed to be paid by developers may be billed to the City if unpaid and the City may seek recovery of such costs paid by the City from the applicable developers.</p>
<p>SECTION 4 — RIGHTS OF WAY</p>	
<p>A. RIGHT-OF-WAY CHANGES. <u>Any and all expenses and costs accruing to the sanitary sewer and water system in the CITY in connection with the maintenance, reconstruction, overlaying or paving of streets, alleys, or rights-of-way due to the change of grade on such streets, alleys, rights-of-way or any other changes resulting from action of the CITY, County of Ramsey or State of Minnesota, as such changes affect mains, services and appurtenances within the CITY and affecting this system, shall be the responsibility of the CITY, who may pass the costs and expenses thereof onto the property owners and developers.</u></p>	<p>The Developer agrees that cost impacts to the sanitary sewer or water facilities located in public right of way and incurred as a result of City, County or State road work may be paid by City and the City may pass proportional costs on the property owners or developers.</p>
<p>B. ACCESS. <u>The CITY agrees that the TOWN, the CITY'S contracting fire department, and such other persons or entities as designated by the TOWN, shall have complete access to all roads, streets, easements, fire hydrants, manholes, lift stations, wells,</u></p>	<p>The Developer agrees the Town and other appropriate parties should be granted access to roads, easement areas, and facilities to operate and maintain the sanitary sewer and water systems.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p><u>and other sewer and water utility equipment as may be necessary for the use, maintenance, repair or replacement of the sewer and water system.</u> For the purpose of providing such complete access, the CITY shall cause the <u>relevant property owners and developers to consent to this Agreement</u> using a Consent in the form attached as Exhibit A. The TOWN agrees to restore to prior condition, any damaged roads or shoulders.</p>	
<p>C. EASEMENT ACQUISITION. The <u>property owners and developers shall provide the TOWN and CITY all easements for access to the sanitary sewer and water systems within the CITY for purposes of repairs, maintenance or replacement</u> or other work deemed necessary by the CITY or TOWN.</p>	<p>The Developer agrees reasonable utility easements should be granted to Town and City to operate and maintain the sanitary sewer and water systems.</p>
<p>SECTION 5 — WATER SYSTEM MAINTENANCE</p>	
<p>A. MAINTENANCE. The <u>CITY and such property owners and developers request that the TOWN provide all necessary maintenance and repair to the water system for the development to be named in an addendum to this Agreement in the form attached as ADDENDUM - 1, and the TOWN has agreed to do so.</u></p>	<p>The Developer requests that the Town extend, maintain and repair the water system to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.</p>
<p>B. EMERGENCY ON-CALL SERVICE. The <u>TOWN shall provide twenty-four (24) hour, seven (7) day a week emergency service to service and maintain the water system.</u> Such service shall include the watermains and related appurtenances only and shall not include that part of the system lying between the utility main and the units, which serves as the unit's private service connection.</p>	<p>The Developer agree that the Town provide emergency on-call service for the water system.</p>
<p>C. PROTECTION OF WATER LINES. The <u>CITY also agrees that it will assist the TOWN in the protection of the water system and will cooperate with the TOWN in protecting barricades, stored materials, traffic routings, etc., as may be</u></p>	<p>The Developer agrees the City should assist Town in the protection of the water system infrastructure and facilitating repair of the system.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<u>necessary for the maintenance or repair work performed by the TOWN to the water system.</u>	
D. <u>FIRE HYDRANTS. The TOWN shall flush each development's fire hydrants twice each year for the charge as stated in the attached Rate Schedule which Rate Schedule may be changed annually by resolution of the TOWN.</u>	The Developer agrees the Town should flush the fire hydrants twice per year and recover the cost pursuant to the approved rate schedule.
E. <u>CHARGES FOR MAINTENANCE. The charges for maintenance and repairs performed pursuant to this Agreement shall be at the rates established in the attached Addendum 2 which may be changed annually by resolution of the TOWN. All services requiring outside contractors shall be as invoiced by the contractor upon invoice verification and approval by the TOWN.</u>	The Developer agrees that charges for Town maintenance services may be recovered pursuant to the approved rate schedule.
F. <u>OTHER AGREEMENTS. Nothing herein shall prevent the CITY from entering into contractual agreements with the individual users or any other association comprised at least in part of individual users, provided said contractual arrangements do not interfere with or affect the CITY's undertaking herein with respect to the TOWN.</u>	The Developer agrees the City may enter into other agreements that do not interfere with the City's contractual obligations under the Master Joint Powers Agreement.
SECTION 6 — SANITARY SEWER SYSTEM MAINTENANCE	
A. <u>MAINTENANCE. The CITY and such property owners and developers request that the TOWN provide all necessary maintenance and repair to the sanitary sewer system for the development to be named in an addendum to this Agreement in the form attached as ADDENDUM - 1, and the TOWN has agreed to do so.</u>	The Developer requests that the Town extend, maintain and repair the sanitary sewer system to the Island Field and Gate Hill Developments pursuant to the terms of the Master Joint Powers Agreement to be joined by execution of a new Addendum – 1[X] to the agreement.
B. <u>EMERGENCY ON-CALL SERVICE. The TOWN shall provide twenty-four (24) hour, seven (7) day a week emergency service to service and maintain the sanitary sewer system. Such service shall include the sanitary sewer mains and related appurtenances only and shall not include that part of the system</u>	The Developer agree that the Town provide emergency on-call service for the sanitary sewer system.

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<p>lying between the utility main and the unit, which serves as a private service connection for the unit.</p>	
<p>C. <u>PROTECTION OF SEWER LINES.</u> The CITY also agrees that it will assist the TOWN in the protection of the sanitary sewer system and will cooperate with the TOWN in 'protecting barricades; stored materials, traffic routings, etc., as may be necessary for the maintenance or repair work performed by the TOWN to the sanitary sewer system.</p>	<p>The Developer agrees the City should assist Town in the protection of the sanitary sewer system infrastructure and facilitating repair of the system.</p>
<p>D. <u>LIFT STATION MAINTENANCE.</u> The TOWN shall provide maintenance to each lift station. Lift stations shall be checked once per week during normal work hours and routine repair parts shall be purchased by the TOWN, and the CITY agrees that the TOWN shall be reimbursed for the costs thereof.</p>	<p>The Developer agrees the Town inspect lift stations once per week and recover the cost of repair and associated parts.</p>
<p>F. <u>FLUSHING OF SANITARY SEWER SYSTEMS.</u> The TOWN shall dean and flush the sanitary sewer system once each year for the charges as stated in the attached Rate Schedule which may be adjusted annually by resolution of the TOWN. The CITY agrees that such property owners and developers shall provide the TOWN, at no charge to the TOWN, all water to be used for accomplishment of services provided for in this Agreement.</p>	<p>The Developer agrees the Town should flush the sanitary sewer system once per year and recover the cost pursuant to the approved rate schedule and further agrees that property owners and developers shall provide the necessary water to the Town at no charge.</p>
<p>G. <u>CHARGES FOR MAINTENANCE.</u> The charges for maintenance and repairs performed pursuant to this Agreement shall be at the rates established in attached Addendum 2 which may be adjusted annually by resolution of the TOWN. All services requiring outside contractors shall be as invoiced by the contractor upon invoice verification and approval by the TOWN.</p>	<p>The Developer agrees that charges for Town maintenance services may be recovered pursuant to the approved rate schedule.</p>
<p>H. <u>OTHER AGREEMENTS.</u> Nothing herein shall prevent the C.11Y from entering into contractual agreements with the individual users or any other association comprised at least in part of individual users, provided said contractual arrangements do not interfere with or alter the CITY's undertaking herein with respect to the TOWN.</p>	<p>The Developer agrees the City may enter into other agreements that do not interfere with the City's contractual obligations under the Master Joint Powers Agreement.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
SECTION 7 - INDEMNIFICATION	
<p>A. SOD, LANDSCAPING, DRIVEWAYS, SIDEWALKS AND STREETS. <u>Neither the CITY nor the TOWN or their agents and employees shall be responsible for damages to landscaping or sod due to maintenance and repairs covered by this Agreement, which damages shall be the ultimate responsibility of such property owners and developers.</u></p>	<p>The Developer agrees that neither the City nor Town shall be responsible for damages to landscaping or sod due to maintenance or repair of the sanitary sewer or water systems.</p>
<p>B. INDEMNIFICATION. <u>The CITY covenants and agrees to indemnify, save harmless, and defend the TOWN, and any and all of its agents, employees and servants, from any and all claims arising from the activities conducted under this Agreement, except claims of reckless disregard or willful misconduct. By consenting to this Agreement, such property owners and developers shall likewise indemnify and save the CITY harmless from all claims arising from the activities conducted under this Agreement by the CITY or the TOWN, except for claims of reckless disregard or willful misconduct</u></p>	<p>The Developer agrees to City's indemnification of the Town and to the property owners' and developers' indemnification of the City.</p>
CONSENT BY OWNER	
<p>The undersigned, property owner and/or developer of the property to be described in the foregoing ADDENDUM — 1 to the Master Joint Powers Agreement, dated November 1, 1999, and additional Addendum — 1's to be prepared for each new development, which may provide for construction, hook-up of sanitary sewer and water services, and/or maintenance between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, with respect to the development identified therein, state and represent that the undersigned have read, understood, <u>consent to, and agree to be bound by all of the conditions and obligations of the Master Joint Powers Agreement as they relate to the undersigned, including payment of all costs referred to therein, and acknowledge that the</u></p>	<p>The Developer reconfirms its consent to the Master Joint Powers Agreement and consent to the extension of sanitary sewer and water service to the Island Field and Gate Hill Developments consistent with the terms of such agreement.</p>

ISLAND FIELD AND GATE HILL DEVELOPMENTS

MASTER JOINT POWERS AGREEMENT TERMS	ISLAND FIELD AND GATE HILL DEVELOPMENTS
<u>same were entered into for the benefit of the undersigned and their successors and assigns.</u>	

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**ADDENDUM -10
GATE HILL DEVELOPMENT**

LOCATION: **Gate Hill Development**

SERVICES PROVIDED: **Sanitary sewer and water services with maintenance of such systems and billing services.**

MAXIMUM # OF HOOK-UPS: **Up to 73 residential townhomes.**

The Sections of that certain Master Joint Powers Agreement dated November 1, 1999, by and between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS, that pertain to this Addendum are as follows:

- Section 1 — Water Services: A-N;
- Section 2 — Sanitary Sewer Service: A-I;
- Section 3 — Billing: A-D; Maintenance: A & B;
- Section 4 — Rights-of-Way: A-C;
- Section 5 — Water System Maintenance: A-F;
- Section 6 — Sanitary Sewer System Maintenance: A-H;
- Section 7 — Indemnification: A & B; and
- Section 8 — Term: A.

Service Charges. The water and sanitary sewer charges for services in connection with this Agreement will be billed by the Town directly to the customer of said services.

Landscape Irrigation. The Owner/Developer shall agree on an equitable approach to use of the Town water supply for landscape irrigation of the homeowner association's common areas, and townhome unit owners shall reduce use of the Town's water supply for landscape irrigation, if required by the DNR's permitting authority.

Point(s) of interconnection. Owner/Developer and Town will confirm utility layouts and service connection points to Town infrastructure.

Enforcement. Townhome unit owners within the Gate Hill Development will be subject to all policies and restrictions on water use that may be adopted by the Town and imposed on Town residents. The City will enforce any such policies and restrictions on water use in a manner substantially similar to those imposed on Town residents.

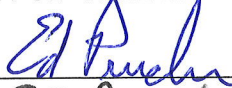
Consent by Owner. A consent shall be signed by the Owner/Developer as to the contents of this Addendum 1-O

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Town of White Bear and the City of North Oaks have caused this Agreement to be executed on their behalf by their property officers, Council and Board.


Dated: 12-21, 2020

TOWN OF WHITE BEAR

By: 
ED PRUD'HOMME, Chairman

Dated: 12-21, 2020

ATTEST:

By: 
PATRICIA, Clerk-Treasurer

Dated: _____, 2020

CITY OF NORTH OAKS

By: _____
_____, Mayor

Dated: _____, 2020

By: _____
_____, CLERK

**EXHIBIT 10
CONSENT BY OWNER**

The undersigned, Owner/Developer of the property described in the foregoing Joint Powers Agreement between the TOWN OF WHITE BEAR and the CITY OF NORTH OAKS with respect to the development known as GATE HILL, state and represent that the undersigned has read, understood, consented to, and agreed to be bound by all conditions and obligations of the attached Joint Powers Agreement as it relates to the undersigned including payment of all costs referred to therein, and acknowledges that the Agreement was entered into for the benefit of the undersigned and its successors and assigns.

NORTH OAKS COMPANY LLC

By: _____
_____, President

FINAL DRAFT

Pesticide Education Plan for North Oaks Residents Working to Change the Way People View the Use of Pesticides

Phase 1 - Mosquito and Tick Control

Goal

To protect the quality of air, water, and land in North Oaks for the health of its current and future residents and preserve the well-being of its abundant wildlife by: 1) educating residents about the risks of conventional mosquito and tick management practices; and 2) promoting proven biological controls and least toxic management alternatives for mosquito and tick control.

Objectives

1. Increase awareness about the environmental impacts of conventional mosquito and tick control
2. Increase awareness about the human health impacts of conventional mosquito and tick control
3. Teach residents about least toxic management alternatives for mosquito and tick control
4. Reduce residential use of mosquito and tick control aerosols
5. Provide residents with access to research-based data, content, and resources

Meeting the Goal and Objectives

The implementation of the Pesticide Education Plan is primarily the responsibility of the City of North Oaks Natural Resources Commission. However, this plan's success is dependent on strong partnerships with the North Oaks Homeowners' Association, North Oaks Company, and North Oaks Golf Club.

Key Messages

- Spraying for adult mosquitoes is the least effective method of mosquito control
- There are safe alternatives that can be used to control mosquitoes and ticks
- Many mosquito and tick control products contain ingredients that are harmful to pets and wildlife, and especially to pollinators and beneficial insects
- Many mosquito and tick control products contain ingredients that are harmful to human health
- Conventional interventions, under certain circumstances, may be needed to control mosquitoes and ticks

Tasks and Timeline

Task	Responsibility of	Timing
Submit educational articles to the North Oaks News	NRC, NOHOA	Quarterly; starting January 2021
Submit an article to the North Oaks Living Magazine	NRC, NOHOA	Annually
Submit an article to the North Oaks Golf Club newsletter/magazine	NRC, Golf Club	Annually
Write and send email blasts	NRC, NOHOA	Quarterly; starting ASAP
Create posters/flyers containing information and statistics	NRC, NOHOA	By March 2021
Create a fact sheet to be included in NOHOA new member packet	NRC, NOHOA	By March 2021
Provide information on City and NOHOA websites	NRC, NOHOA	By March 2021; then ongoing
Post information on City and NOHOA Facebook pages	NRC, NOHOA	By March 2021; then ongoing
Display information at community events	NRC	Ongoing
Host events with speakers or films	NRC, NOHOA	Annually
Create public service announcements for airing on CTV	NRC, NOHOA	Summer 2021
Give presentations at City Council and NOHOA meetings	NRC, NOHOA	Annually

Evaluation

The success of this plan will be measured by the number of timeline tasks that were successfully completed.

A resident survey could be conducted in early 2021 (as a baseline) and again at the one year mark to help determine if residents were aware of this education effort, if the effort changed their opinion about mosquito and tick control, if they changed their behavior, etc.



Resolution 1418 Revising the Year 2021 Appointments/ City Responsibilities

A RESOLUTION SETTING THE 2021 ANNUAL APPOINTMENTS

WHEREAS, the State of Minnesota requires that municipalities annually declare certain designations and appointments at its first meeting of the year;

and

THEREFORE BE IT RESOLVED, that the Council of the City of North Oaks does hereby declare the following appointments and designations for the calendar year 2021:

Description	2021 Appointments	2021 Alternates
Office of the Mayor (Kara Ries)	N/A	N/A
1. Acting Mayor	Tom Watson	N/A
Planning and Zoning Services		
3. Planning Commission Chair	Mark Azman	
4. Planning Commission Members	Mark Azman, Nick Sandell, Joyce Yoshimura Rank, Grover Sayre, Stig Hauge, Dave Cremons, Anne	N/A
5. Planning Commission member liaison from Council	Jim Hara	Tom Watson
6. Zoning Administrator	Kevin Kress	Leon Ohman
7. Building Code Enforcement Officer	Leon Ohman	Kevin White
8. I-35E Corridor Management	Kevin Kress	
9. Responsible Govt. Unit (Wetland Conservation Act)	VLAWMO	N/A
10. VLAWMO Board Representative	Tom Watson	Kara Ries Rich Dujmovic
Tech Committee	Sara Shah	Kara Ries
Police Services		

11. Police Liaison to Ramsey C. Sheriff's Dept.	Kevin Kress	
12. Representatives, Sheriff's Contract Communities Committee	Kara Ries Rich Dujmovic	Tom Watson
Fire Protection Services		
13. LJVFS Relief Association Representative	Sara Shah	Tom Watson
14. Member, Lake Johanna Fire Dept. Board of Directors	Tom Watson	Sara Shah
Communication and Public Information		
15. North Suburban Cable Commission Representative	Kara Ries	Sara Shah
Associations and Relationships		
17. Liaison/Home Owners' Associations (NOHOA)	N/A	
18. Ramsey Co. League of Local Governments Board of Directors	Sara Shah	Jim Hara
19. Ramsey Co. League of Local Governments	All City Council members	N/A
20. Responsible Authority (Data Practices)	Kevin Kress	S. Marty
Commissions/Task Forces		
21. Natural Resources Commission Chair	Andrew Hawkins	Kate Winsor
22. Natural Resources Commission Members	Andrew Hawkins, Kate Winsor, Damien LePoutre, David White, Bob Larson, Penny Kianian, Shannon Dunn	N/A
23. NRC City Council Representative	Tom Watson	Jim Hara
24. Wildlife Manager	Kara Ries	Kevin Kress
25. Tick Borne Disease Task Force	Merge into NRC (Andrew Hawkins)	
26. Tick Borne Disease Chair	Brooke Moore	
27. Recycling Task Force	Kara Ries	Stephanie Marty

28. NOHAAP	Sara Shah	
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Citations	2021
Authorized to issue citations and cease and desist orders:	L. Ohman (Building Official) K. Kress (City Administrator) Animal Control Officers B. Nason (City Attorney) Deputy Mike Burrell, RCS
Contract Services	2021
1. City Civil Attorney	Bridget Nason, Levander, Gillen & Miller
2. City Prosecuting Attorney	Kelly and Lemmons
3. City Building Official	Leon Ohman
4. City Sanitary Inspector	Brian Humpal
5. City Cable TV Operator	Maureen Anderson
6. City Engineer	
7. City Forester	Mark Rehder
8. City Planner	Bob Kermis
9. City Weed Inspector	K. Ries, K. Kress (assistant)
10. City Police	Ramsey County Sheriff's Department
11. City Fire Protection	Lake Johanna Fire Department
12. Legal Newspaper	Shoreview Press
13. City Auditor	Abdo, Eick & Meyers, LLP
14. City Emergency Management Director	Matt Sather, Lake Johanna Fire, K. Kress-alternate
15. City Official Depositories	4M Fund, US Bank Shoreview

Adopted by the City Council of the City of North Oaks this 11th day of February, 2021.

By: _____

Kara Ries

Its: Mayor

Attested:

By: _____

Kevin Kress

Its:

City Administrator

January Month in Review

January 2021



Rehder Forestry Consulting

- Wrote and presented Annual Report to City Council
- Working with Minnesota Department of Agriculture to finalizing Oriental Bittersweet grant as well as answer questions in response to 2021 request for additional funding
- Re-inspected for hazard tree compliance, deadline March 15th.
- Re-inspected for shade tree disease program compliance, deadline February 1st.
- Approved and signed tree care worker licenses for 2021
- Spoke with tree care company hauling debris from 10 Cherrywood Cir, told them they need a license.
- Meet with NRC