



**CITY OF NORTH OAKS**

**Regular City Council Meeting  
Thursday, March 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: 875 3615 3167 or by joining the meeting via the following link: <https://us02web.zoom.us/j/87536153167>. 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. Financials and Checks for Approvals

EBT: 000402E-0004028E, Check #013891-013918

[Check Summary Register March 2021.pdf](#)

[March 2021 Budget.pdf](#)

[2021 YTD Charts.pdf](#)

[2020 Charts.pdf](#)

6b. Licenses for Approval

Mechanical: Cities Companies Inc.; Condor Fireplace; Riccar Heating & Air; S & R Appliance Repair, Inc.; Swift Heating & Air  
Arborist: Aaron Boyd's Tree Service;

6c. City Council Minutes for approval of February 11, 2021

[2.11.2021 City Council Minutes.pdf](#)

6d. Approval of Administrative Assistant Appointment Job Share Part-Time Position

[Administrative Assistant recommendation 3-4-2021kk\\_Redacted.pdf](#)

6e. Approval of Resolution 1419 Revising Designated Polling Locations for 2021 Election

[1419. Revising Designated Polling Places for 2021 Elections.pdf](#)

6f. Approval of Electrical Inspector Contract

6g. Approval of Special City Council Meeting Minutes of February 24, 2021

[2.24.2021 Special City Council Minutes.pdf](#)

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

*Deputy Mike Burrell Report*

**8. Unfinished Business**

8a. Consideration and possible action on City Engineering contract

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

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

[Island Field Addendum.pdf](#)

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

[Gate Hill Addendum.pdf](#)

8e. Discussion and possible action on Timesavers Minute Taking Services

[SKM\\_C65920110310100.pdf](#)

**9. New Business**

9a. Consider resolution 1420 and possible action on septic variance for property located at 33 Eagle Ridge Road

[KSD Variance Justification for 33 Eagle Ridge Road, North Oaks Ver. 2.pdf](#)

[Final Resolution Approving 33 Eagle Ridge Road Septic Variance kk 3-4-2021.pdf](#)

[Final Resolution Approving 33 Eagle Ridge Road Septic Variance kk 3-4-2021.pdf](#)

**10. Council Member Reports**

**11. City Administrator Reports**

**12. City Attorney Reports**

**13. Miscellaneous**

February 2021 Forester Report

**14. Adjournment** - *The next meeting of the City Council is Thursday, April 8th, 2021.*

**\*Check Summary Register©**

Cks 2/12/2021 - 3/4/2021

Name	Check Date	Check Amt	
<b>10100 Checking</b>			
Paid Chk# 000402E PAYROLL	2/24/2021	\$9,125.96	Full time staff
Paid Chk# 000403E P E R A	2/24/2021	\$1,263.06	PP 02/18/21
Paid Chk# 000404E ADP	2/24/2021	\$108.17	PR 02/18/21
Paid Chk# 000405E PAYROLL	2/25/2021	(\$0.02)	Rounding Difference
Paid Chk# 000407E PAYROLL	3/1/2021	\$9,553.41	Full time staff
Paid Chk# 000408E P E R A	3/1/2021	\$1,322.22	PP 03/04/21
Paid Chk# 013891 Dell Marketing L.P.	2/24/2021	\$577.00	OptiPlex 7070 SFF BTX
Paid Chk# 013892 City of Roseville	3/4/2021	\$1,747.24	March IT Services
Paid Chk# 013893 City of Shoreview-Water	3/4/2021	\$11,945.56	Acct 295540
Paid Chk# 013894 COMCAST	3/4/2021	\$453.13	Dark Fiber March
Paid Chk# 013895 Connexus Energy	3/4/2021	\$7.72	5919 Centerville
Paid Chk# 013896 Gopher State One-Call, Inc.	3/4/2021	\$9.45	Monthly Services - February
Paid Chk# 013897 Kelly & Lemmons, P.A.	3/4/2021	\$1,010.00	Prosecution Services - Februar
Paid Chk# 013898 Leonard Carl Prof Services	3/4/2021	\$12,930.79	76.5 hours @ \$70/hour
Paid Chk# 013899 LeVander, Gillen & Miller, P.A	3/4/2021	\$2,758.50	Golf Course Sewer Connection
Paid Chk# 013900 Madison National Life	3/4/2021	\$170.94	LTD & STD
Paid Chk# 013901 Marco, Inc.	3/4/2021	\$659.05	Copier Rental
Paid Chk# 013902 Metro Council Envr Srvc-Sewer	3/4/2021	\$5,952.76	Monthly Sewer
Paid Chk# 013903 Minuteman Press	3/4/2021	\$128.85	Business Cards - New Councilme
Paid Chk# 013904 MN PEIP	3/4/2021	\$1,795.73	Coverage 4/1/21 - 4/30/21
Paid Chk# 013905 N.A.R.S	3/4/2021	\$2,880.00	Trip Charge
Paid Chk# 013906 North Oaks Village Center LLC	3/4/2021	\$8,697.49	Rent & Operating Expenses
Paid Chk# 013907 North Suburban Access Corp	3/4/2021	\$1,228.10	January Cablecasting
Paid Chk# 013908 Peterson-Waddle Recycling	3/4/2021	\$25,790.94	Cart Delivery & Repair
Paid Chk# 013909 Premium Waters, Inc.	3/4/2021	\$88.57	Equipment & Water Service
Paid Chk# 013910 Press Publications	3/4/2021	\$648.00	PT Admin Asst. Position (x2)
Paid Chk# 013911 Ramsey County Sheriff	3/4/2021	\$72,729.63	Police & CSO - March
Paid Chk# 013912 Ramsey County-Emergency Comm	3/4/2021	\$1,377.25	911 Dispatch - Feb
Paid Chk# 013913 REHDER FORESTRY CONSULTI	3/4/2021	\$2,233.33	February 2021 Forestry
Paid Chk# 013914 Sambatek, Inc.	3/4/2021	\$2,541.50	General Services - January
Paid Chk# 013915 Staples Business Credit	3/4/2021	\$102.80	Misc. Office Supplies
Paid Chk# 013916 Tokie Inspections, Inc.	3/4/2021	\$1,061.60	80% Electrical Inspections
Paid Chk# 013917 White Bear Township	3/4/2021	\$6,337.00	Labor & Equip - LS #8
Paid Chk# 013918 Xcel Energy	3/4/2021	\$780.05	24 Maycomb, 304471197
<b>Total Checks</b>		<b>\$188,015.78</b>	

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Mayor Kara Ries

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Jim Hara

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Sara Shah

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Thomas Watson

\_\_\_\_\_  
Rich Dujmovic

FILTER: None

NORTH OAKS

**\*Check Detail Register©**

Cks 2/12/2021 - 3/4/2021

			Check Amt	Invoice	Comment
<b>10100 Checking</b>					
<b>Paid Chk# 000402E 2/24/2021 PAYROLL</b>					
E 101-41300-101	WAGES - FULL TIME		\$7,321.18	021821	Full time staff
E 101-41300-103	WAGES - PART TIME/TEMP		\$1,701.01	021821	Part time Staff
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$676.64	021821	PERA (7.5%)
E 101-41300-122	FICA CONTRIBUTIONS		\$690.19	021821	FICA
G 101-21701	FEDERAL TAXES PAYABLE		\$968.99	021821	FWH
G 101-21701	FEDERAL TAXES PAYABLE		(\$968.99)	021821	FWH
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		(\$1,263.06)	021821	PERA
G 101-21702	STATE TAXES PAYABLE		\$398.39	021821	SWH
G 101-21702	STATE TAXES PAYABLE		(\$398.39)	021821	SWH
	<b>Total PAYROLL</b>		<b>\$9,126.96</b>		
<b>Paid Chk# 000403E 2/24/2021 P E R A</b>					
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$1,263.06	PP 02/18/21	PP 02/18/21
	<b>Total P E R A</b>		<b>\$1,263.06</b>		
<b>Paid Chk# 000404E 2/24/2021 ADP</b>					
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$108.17		PR 02/18/21
	<b>Total ADP</b>		<b>\$108.17</b>		
<b>Paid Chk# 000405E 2/25/2021 PAYROLL</b>					
E 101-41300-430	MISCELLANEOUS EXPENSE		(\$0.02)		Rounding Difference
	<b>Total PAYROLL</b>		<b>(\$0.02)</b>		
<b>Paid Chk# 000407E 3/1/2021 PAYROLL</b>					
E 101-41300-101	WAGES - FULL TIME		\$7,321.18	030421	Full time staff
E 101-41300-103	WAGES - PART TIME/TEMP		\$1,790.26	030421	Part time Staff
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$708.33	030421	PERA (7.5%)
E 101-41300-122	FICA CONTRIBUTIONS		\$722.53	030421	FICA
G 101-21701	FEDERAL TAXES PAYABLE		\$1,047.58	030421	FWH
G 101-21701	FEDERAL TAXES PAYABLE		(\$1,047.58)	030421	FWH
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		(\$1,322.22)	030421	PERA
G 101-21702	STATE TAXES PAYABLE		\$424.04	030421	SWH
G 101-21702	STATE TAXES PAYABLE		(\$424.04)	030421	SWH
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$333.33	030421	Car Allowance
	<b>Total PAYROLL</b>		<b>\$9,653.41</b>		
<b>Paid Chk# 000408E 3/1/2021 P E R A</b>					
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$1,322.22	PP 03/04/21	PP 03/04/21
	<b>Total P E R A</b>		<b>\$1,322.22</b>		
<b>Paid Chk# 013891 2/24/2021 Dell Marketing L.P.</b>					
E 101-41300-309	COMPUTER/INTERNET/GIS SU		\$577.00	10412468368	OptiPlex 7070 SFF BTX
	<b>Total Dell Marketing L.P.</b>		<b>\$577.00</b>		
<b>Paid Chk# 013892 3/4/2021 City of Roseville</b>					
E 101-41300-309	COMPUTER/INTERNET/GIS SU		\$69.00	0229897	RDP/DUO License - Leon Ohman
E 101-41300-309	COMPUTER/INTERNET/GIS SU		\$1,678.24	0229910	March IT Services
	<b>Total City of Roseville</b>		<b>\$1,747.24</b>		
<b>Paid Chk# 013893 3/4/2021 City of Shoreview-Water</b>					
E 601-49400-382	WATER - SHOREVIEW		\$4,664.37		Acct 295540

NORTH OAKS

**\*Check Detail Register©**

Cks 2/12/2021 - 3/4/2021

			Check Amt	Invoice	Comment
E 601-49400-382	WATER - SHOREVIEW		\$6,824.39		Acct 295535
E 601-49400-382	WATER - SHOREVIEW		\$456.80		Acct 295659
	<b>Total City of Shoreview-Water</b>		<b>\$11,945.56</b>		
<b>Paid Chk# 013894</b>	<b>3/4/2021</b>	<b>COMCAST</b>			
E 101-41300-309	COMPUTER/INTERNET/GIS SU		\$453.13		Dark Fiber March
	<b>Total COMCAST</b>		<b>\$453.13</b>		
<b>Paid Chk# 013895</b>	<b>3/4/2021</b>	<b>Connexus Energy</b>			
E 101-43100-381	ELECTRIC UTILITIES		\$7.72		5919 Centerville
	<b>Total Connexus Energy</b>		<b>\$7.72</b>		
<b>Paid Chk# 013896</b>	<b>3/4/2021</b>	<b>Gopher State One-Call, Inc.</b>			
E 101-42300-300	PROFESSIONAL SERVICES		\$9.45	1020638	Monthly Services - February
	<b>Total Gopher State One-Call, Inc.</b>		<b>\$9.45</b>		
<b>Paid Chk# 013897</b>	<b>3/4/2021</b>	<b>Kelly &amp; Lemmons, P.A.</b>			
E 101-41600-315	LEGAL FEES - PROSECUTION		\$1,010.00		Prosecution Services - February
	<b>Total Kelly &amp; Lemmons, P.A.</b>		<b>\$1,010.00</b>		
<b>Paid Chk# 013898</b>	<b>3/4/2021</b>	<b>LEONARD CARL PROF SERVICES</b>			
E 101-42400-313	CONTRACT SERVICES		\$7,575.79		February Permits & Plan Review
E 101-42400-313	CONTRACT SERVICES		\$5,355.00		76.5 hours @ \$70/hour
	<b>Total LEONARD CARL PROF SERVICES</b>		<b>\$12,930.79</b>		
<b>Paid Chk# 013899</b>	<b>3/4/2021</b>	<b>LEVANDER, GILLEN &amp; MILLER, P.A</b>			
E 101-41600-304	LEGAL FEES - GENERAL		\$1,717.50		Mayor & Council
G 801-22020	NORD ESCROW		\$123.00		East Oaks Site C/Nord
G 801-22018	EAST OAKS PUD ESCROW		\$143.50		East Oaks Site F/Anderson Woods
G 801-22019	WILKINSON VILLAS 1A		\$41.00		Wilkinson Villas 1A
E 101-41600-304	LEGAL FEES - GENERAL		\$20.50		Golf Course Sewer Connection
E 101-41600-304	LEGAL FEES - GENERAL		\$77.50		Review of CLA Water Connection
E 101-41600-304	LEGAL FEES - GENERAL		\$186.00		3 Raccoon Road - Variance
E 101-41600-304	LEGAL FEES - GENERAL		\$31.00		17 Evergreen CUP
E 101-41600-304	LEGAL FEES - GENERAL		\$263.50		Planning Commission
E 400-41910-300	PROFESSIONAL SERVICES		\$155.00		2040 Comp Plan
	<b>Total LEVANDER, GILLEN &amp; MILLER, P.A</b>		<b>\$2,758.50</b>		
<b>Paid Chk# 013900</b>	<b>3/4/2021</b>	<b>Madison National Life</b>			
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$170.94		LTD & STD
	<b>Total Madison National Life</b>		<b>\$170.94</b>		
<b>Paid Chk# 013901</b>	<b>3/4/2021</b>	<b>Marco, Inc.</b>			
E 101-41300-210	OPERATING SUPPLIES		\$659.05		Copler Rental
	<b>Total Marco, Inc.</b>		<b>\$659.05</b>		
<b>Paid Chk# 013902</b>	<b>3/4/2021</b>	<b>Metro Council Envir Srvs-Sewer</b>			
E 602-49450-385	SEWER		\$5,952.76	April 2021	Monthly Sewer
	<b>Total Metro Council Envir Srvs-Sewer</b>		<b>\$5,952.76</b>		
<b>Paid Chk# 013903</b>	<b>3/4/2021</b>	<b>Minuteman Press</b>			
E 101-41100-311	CONFERENCES AND SEMINAR		\$128.85	7704	Business Cards - New Councilmembers
	<b>Total Minuteman Press</b>		<b>\$128.85</b>		

NORTH OAKS

**\*Check Detail Register©**

Cks 2/12/2021 - 3/4/2021

			Check Amt	Invoice	Comment
<b>Paid Chk# 013904</b>	<b>3/4/2021</b>	<b>MN PEIP</b>			
E 101-41300-131	HEALTH, DENTAL, LIFE, LTD IN		\$1,795.73		Coverage 4/1/21 - 4/30/21
	<b>Total MN PEIP</b>		<b>\$1,795.73</b>		
<b>Paid Chk# 013905</b>	<b>3/4/2021</b>	<b>N.A.R.S</b>			
E 101-46100-317	DEER MANAGEMENT		\$670.00	33648B	1 Deer/Trip Charge
E 101-46100-317	DEER MANAGEMENT		\$435.00	33680B	Trip Charge
E 101-46100-317	DEER MANAGEMENT		\$670.00	33699B	1 Deer/Trip Charge
E 101-46100-317	DEER MANAGEMENT		\$435.00	33700B	Trip Charge
E 101-46100-317	DEER MANAGEMENT		\$670.00	33716B	1 Deer/Trip Charge
	<b>Total N.A.R.S</b>		<b>\$2,880.00</b>		
<b>Paid Chk# 013906</b>	<b>3/4/2021</b>	<b>North Oaks Village Center LLC</b>			
E 101-41300-410	RENTALS		\$8,697.49		Rent & Operating Expenses
	<b>Total North Oaks Village Center LLC</b>		<b>\$8,697.49</b>		
<b>Paid Chk# 013907</b>	<b>3/4/2021</b>	<b>NORTH SUBURBAN ACCESS CORP</b>			
E 101-41420-300	PROFESSIONAL SERVICES		\$1,228.10		January Cablecasting
	<b>Total NORTH SUBURBAN ACCESS CORP</b>		<b>\$1,228.10</b>		
<b>Paid Chk# 013908</b>	<b>3/4/2021</b>	<b>Peterson-Waddle Recycling</b>			
E 101-43200-384	RECYCLING		\$22,790.94	022821	Monthly services
E 101-43200-384	RECYCLING		\$350.00	022821	Cart Delivery & Repair
E 101-43200-384	RECYCLING		\$700.00	022821	Fuel Charge
E 101-43200-384	RECYCLING		\$150.00	022821	Storage Rent
E 101-43200-384	RECYCLING		\$1,800.00	022821	COVID 19 Volume Surcharge
	<b>Total Peterson-Waddle Recycling</b>		<b>\$25,790.94</b>		
<b>Paid Chk# 013909</b>	<b>3/4/2021</b>	<b>Premium Waters, Inc.</b>			
E 101-41300-210	OPERATING SUPPLIES		\$88.57	501338-01-21	Equipment & Water Service
	<b>Total Premium Waters, Inc.</b>		<b>\$88.57</b>		
<b>Paid Chk# 013910</b>	<b>3/4/2021</b>	<b>Press Publications</b>			
E 101-41100-350	PUBLISHING & ADVERTISING		\$648.00		PT Admin Asst. Position (x2)
	<b>Total Press Publications</b>		<b>\$648.00</b>		
<b>Paid Chk# 013911</b>	<b>3/4/2021</b>	<b>Ramsey County Sheriff</b>			
E 101-42100-313	CONTRACT SERVICES		\$72,729.63	SHRFL-00196	Police & CSO - March
	<b>Total Ramsey County Sheriff</b>		<b>\$72,729.63</b>		
<b>Paid Chk# 013912</b>	<b>3/4/2021</b>	<b>Ramsey County-Emergency Commun</b>			
E 101-42100-313	CONTRACT SERVICES		\$9.36	EMCOM-0090	Fleet Support - Feb
E 101-42100-313	CONTRACT SERVICES		\$164.80	EMCOM-0091	CAD Services - Feb
E 101-42100-313	CONTRACT SERVICES		\$1,203.09	EMCOM-0091	911 Dispatch - Feb
	<b>Total Ramsey County-Emergency Commun</b>		<b>\$1,377.25</b>		
<b>Paid Chk# 013913</b>	<b>3/4/2021</b>	<b>REHDER FORESTRY CONSULTING</b>			
E 101-46100-316	TREE PRESERVATION		\$2,233.33	157	February 2021 Forestry
	<b>Total REHDER FORESTRY CONSULTING</b>		<b>\$2,233.33</b>		
<b>Paid Chk# 013914</b>	<b>3/4/2021</b>	<b>Sambatek, Inc.</b>			
E 101-41900-303	ENGINEERING SERVICES		\$2,541.50	19108	General Services - January
	<b>Total Sambatek, Inc.</b>		<b>\$2,541.50</b>		

NORTH OAKS

**\*Check Detail Register©**

Cks 2/12/2021 - 3/4/2021

			Check Amt	Invoice	Comment
<b>Paid Chk# 013915</b>	<b>3/4/2021</b>	<b>STAPLES</b>			
E 101-41300-210		OPERATING SUPPLIES	\$102.80		Misc. Office Supplies
		<b>Total STAPLES</b>	<b>\$102.80</b>		
<b>Paid Chk# 013916</b>	<b>3/4/2021</b>	<b>Tokle Inspections, Inc.</b>			
E 101-42400-313		CONTRACT SERVICES	\$1,061.80		80% Electrical Inspections
		<b>Total Tokle Inspections, Inc.</b>	<b>\$1,061.80</b>		
<b>Paid Chk# 013917</b>	<b>3/4/2021</b>	<b>White Bear Township</b>			
E 601-49400-383		WATER - WBT	\$4,450.00		95 Rapp Farm
E 602-49450-430		MISCELLANEOUS EXPENSE	\$1,887.00	202102032491	Labor & Equip - LS #8
		<b>Total White Bear Township</b>	<b>\$6,337.00</b>		
<b>Paid Chk# 013918</b>	<b>3/4/2021</b>	<b>Xcel Energy</b>			
E 101-41300-381		ELECTRIC UTILITIES	\$91.75	715968684	City 303585928 & 302708070
E 101-43100-381		ELECTRIC UTILITIES	\$89.25	715968684	Signals 303740120 & 303839695
E 101-43100-381		ELECTRIC UTILITIES	\$56.31	715968684	Street Lighting
E 406-43000-381		ELECTRIC UTILITIES	\$87.22	715968684	8 Poplar Ln Aeration
E 406-43000-381		ELECTRIC UTILITIES	\$35.68	715968684	7 Willow Rd 51-0572815-8
E 601-49400-381		ELECTRIC UTILITIES	\$51.92	715968684	24 Maycomb, 304471197
E 602-49450-381		ELECTRIC UTILITIES	\$43.72	715968684	Liftstation #3, 302368925
E 602-49450-381		ELECTRIC UTILITIES	\$37.45	715968684	Liftstation #1, 302660004
E 602-49450-381		ELECTRIC UTILITIES	\$52.38	715968684	Liftstation #5, 302894636
E 602-49450-381		ELECTRIC UTILITIES	\$52.38	715968684	Liftstation #2, 302953888
E 602-49450-381		ELECTRIC UTILITIES	\$57.47	715968684	Liftstation #9, 304097091
E 602-49450-381		ELECTRIC UTILITIES	\$38.29	715968684	Liftstation #11, 304464164
E 602-49450-381		ELECTRIC UTILITIES	\$64.61	715968684	Wilkinson Blvd, 304097283
E 602-49450-381		ELECTRIC UTILITIES	\$21.62	715968684	28 Osprey Ct, 304097160
		<b>Total Xcel Energy</b>	<b>\$780.05</b>		
		<b>10100 Checking</b>	<b>\$188,015.78</b>		



**\*Check Detail Register©**

Cks 2/12/2021 - 3/4/2021

Check Amt Invoice Comment

**Fund Summary**

**10100 Checking**

101 GENERAL	\$162,775.22		
400 SPECIAL PROJECTS	\$155.00		
406 LGWA	\$122.90		
601 WATER	\$16,447.48		
602 SEWER	\$8,207.68		
801 ESCROWS	\$307.50		
	<hr/>		
	\$188,015.78		

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Mayor Kara Ries

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Jim Hara

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Sara Shah

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Thomas Watson

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Rich Dujmovic

**CITY OF NORTH OAKS APPROVED 2021 BUDGET**

Updated 3/04/21

**APPROVED 2021 EXPENDITURES**

ActCode	DEPT Descr	OBJ Descr	2020 Budget	12/31/20	% of Budget	UnderLine	2021 Budget	3/4/2021	% of Budget
101-41100-103	LEGISLATIVE -	WAGES - PART TIME/TEMP	\$12,200	\$12,645.00	103.65%	CC/PC wages 675/mayor;	\$13,950.00	\$0.00	0.00%
101-41100-311	LEGISLATIVE -	CONFERENCES/SEMINARS	\$1,500	\$224.00	14.93%		\$1,500.00	\$573.85	38.26%
101-41100-313	LEGISLATIVE -	CONTRACT SERVICES	\$0.00	\$9,841.15		Timesavers	\$12,000.00	\$795.26	
101-41100-350	LEGISLATIVE -	PUBLISHING & ADVERTISING	\$3,500	\$2,018.72	57.68%	Legal/P.H	\$2,500.00	\$1,241.46	49.66%
101-41100-433	LEGISLATIVE -	DUES AND SUBSCRIPTIONS	\$17,200	\$16,681.60	96.99%	NWYFS/LMC/MCMA	\$15,000.00	\$10,653.00	71.02%
101-41300-101	CITY	WAGES - FULL TIME	\$181,113	\$173,037.70	95.54%		\$188,000.00	\$36,392.66	19.36%
101-41300-103	CITY	WAGES - PART TIME/TEMP	\$48,515	\$50,838.28	104.79%		\$48,500.00	\$8,391.53	17.30%
101-41300-122	CITY	FICA CONTRIBUTIONS	\$17,567	\$18,751.45	106.74%		\$18,666.00	\$3,502.48	18.76%
101-41300-127	CITY	DEFERRED COMP	\$0	\$0.00				\$0.00	
101-41300-131	CITY	HEALTH, DENTAL, LIFE, LTD INS	\$60,484	\$47,028.04	77.75%	Car/PERA/Health	\$82,519.00	\$10,929.50	13.24%
101-41300-210	CITY	OPERATING SUPPLIES	\$27,000	\$16,589.29	61.44%	Office/IT/Software	\$30,000.00	\$4,241.57	14.14%
101-41300-309	CITY	COMPUTER/INTERNET/GIS	\$18,348	\$56,009.87	305.26%	Granicus/Polco/Comcast	\$30,000.00	\$6,168.06	20.56%
101-41300-310	CITY	TRAINING	\$9,800	\$742.46	7.58%	League/MCMA/MAMA	\$9,800.00	\$0.00	0.00%
101-41300-321	CITY	TELEPHONE SERVICES	\$1,742	\$0.00	0.00%			\$0.00	
101-41300-322	CITY	MAILBOXES	\$0	\$11,312.00		passthrough	\$10,000.00	\$0.00	
101-41300-350	CITY	PUBLISHING & ADVERTISING	\$0.00	\$92.00		CUP Filings		\$0.00	
101-41300-360	CITY	INSURANCE	\$20,000	\$17,755.00	88.78%		\$20,000.00	\$1,829.00	9.15%
101-41300-381	CITY	ELECTRIC UTILITIES	\$1,000	\$1,075.85	107.59%		\$1,200.00	\$194.36	16.20%
101-41300-410	CITY	RENTALS	\$130,000	\$106,167.56	81.67%	Office Rent	\$110,000.00	\$25,970.97	23.61%
101-41300-430	CITY	MISCELLANEOUS EXPENSE	\$40,000	\$28,639.81	71.60%	Website/Domain/OPG	\$15,000.00	\$6,075.68	40.50%
101-41300-435	CITY	BANK SERVICE CHARGE	\$0	\$0.00			\$0	\$0.00	
101-41400-300	ELECTIONS	PROFESSIONAL SERVICES	\$18,000.00	\$15,276.07	84.87%	Election Contracts	\$18,000.00	\$4,430.00	24.61%
101-41420-300	CABLE TV	PROFESSIONAL SERVICES	\$41,000.00	\$30,913.61	75.40%		\$30,000.00	\$8,035.86	26.79%
101-41500-301	FINANCE	AUDIT SERVICES	\$16,000.00	\$16,000.00	100.00%	AEM - 3 year contract	\$16,400.00	\$5,000.00	30.49%
101-41600-304	LEGAL	LEGAL FEES - GENERAL	\$57,000.00	\$44,682.00	78.39%	Levander	\$60,000.00	\$5,222.50	8.70%
101-41600-315	LEGAL	LEGAL FEES - PROSECUTION	\$13,500	\$13,130.52	97.26%	Kelly & Lemmons	\$13,500.00	\$2,102.00	15.57%
101-41900-300	ENGINEERING	PROFESSIONAL SERVICES	\$2,500	\$0.00	0.00%	Wenck		\$0.00	
101-41900-303	ENGINEERING	ENGINEERING SERVICES	\$18,000	\$34,968.39	194.27%	Sambatek	\$18,000.00	\$4,984.50	27.69%
101-41910-300	PLANNING	PROFESSIONAL SERVICES	\$12,000	\$15,468.00	128.90%	Bob Kirmis	\$12,000.00	\$1,493.30	12.44%
101-42100-313	POLICE	CONTRACT SERVICES	\$798,201	\$814,517.00	102.04%	Police Contract	\$838,796.00	\$220,943.39	26.34%
101-42200-313	FIRE	CONTRACT SERVICES	\$353,061	\$353,060.84	100.00%	LFD	\$381,389.00	\$189,043.42	49.57%
101-42300-300	EMERGENCY	PROFESSIONAL SERVICES	\$1,000	\$973.05	97.31%	Gopher State	\$1,000.00	\$63.50	6.35%
101-42300-313	EMERGENCY	CONTRACT SERVICES		\$0.00				\$0	

**APPROVED 2021 EXPENDITURES (CONTINUED)**

101-42400-300	BUILDING	PROFESSIONAL SERVICES	\$1,000	\$171.00	17.10%	Other Inspections	\$1,000.00	\$0.00	0.00%
101-42400-313	BUILDING	CONTRACT SERVICES	\$120,000	\$256,379.73	213.65%		\$120,000.00	\$27,751.60	23.13%
101-42400-451	BUILDING	BUILDING PERMIT SURCHARGE	\$5,000	\$11,217.19	224.34%		\$5,000.00	\$0.00	0.00%
101-43100-381	STREETS	ELECTRIC UTILITIES	\$2,500	\$2,244.87	89.79%		\$2,500.00	\$848.51	33.94%
101-43100-408	STREETS	STREETS/SIDEWALK/CURB	\$2,500	\$20,198.99	807.96%	Mel's Service	\$15,000.00	\$0.00	0.00%
101-43200-384	RECYCLING	RECYCLING	\$275,000	\$301,854.22	109.77%		\$330,000.00	\$51,581.88	15.63%
101-43200-384	RECYCLING	RECYCLING (Clean Up Day)	\$12,000	\$11,440.60	95.34%	Clean Up/Recycle Day	\$12,000.00	\$0.00	0.00%
101-45100-470	RECREATION-	COMMUNITY FUNCTIONS	\$500	\$0.00	0.00%			\$0.00	
101-46100-316	NATURAL	TREE PRESERVATION	\$45,000	\$60,140.27	133.65%	City Forester	\$45,000.00	\$4,863.61	10.81%
101-46100-317	NATURAL	DEER MANAGEMENT	\$25,000	\$25,170.93	100.68%	Depends on # of deer	\$25,000.00	\$16,120.00	64.48%
101-46100-318	NATURAL	NATURAL RESOURCES	\$6,500	\$3,617.98	55.66%	NRC	\$6,500.00	\$0.00	0.00%
101-46100-319	NATURAL	WEED MANAGEMENT	\$0	\$0.00		Lake Weed Management		\$0.00	
101-49450-313	SEWER	CONTRACT SERVICES	\$13,000	\$11,757.00	90.44%	Septic Inspector	\$13,000.00	\$5,437.00	41.82%
101-49990-720	UNALLOCATED	TRANSFER OUT	\$0.00	\$148,050.00		Fire Capital	\$50,000.00		
101-49990-720	UNALLOCATED	TRANSFER OUT	\$0.00	\$0.00		Police Capital	\$50,000.00		
101-49990-720	UNALLOCATED	TRANSFER OUT	\$0.00	\$0.00		General Capital			
			\$2,428,231.00	\$2,760,682.04			\$2,672,720.00	\$664,880.45	

ActCode	DEPT Descr	OBJ Descr	2020 Budget	12/31/20	% of Budget	UnderLine	2021 Budget	3/4/2021	% of Budget
306-47000-601	DEBT SERVICE	BOND PRINCIPAL	\$55,000.00	\$55,000.00		LGWA Bond		\$55,000.00	
306-47000-611	DEBT SERVICE	BOND INTEREST	\$2,974.00	\$2,973.75				\$1,315.00	
306-47000-620	DEBT SERVICE	PAYING AGENT FEES	\$500.00	\$500.00				\$500.00	
400-41910-300	PLANNING	PROFESSIONAL SERVICES	\$10,000.00	\$154.30		Comp Plan		\$155.00	
400-41910-303	PLANNING	ENGINEERING SERVICES	\$100.00	\$3,812.63		Comp Plan			
400-43100-408	STREETS	STREETS/SIDEWALK/CURB	\$0.00	\$0.00					
400-46100-318	NATURAL	NATURAL RESOURCES	\$0.00	\$0.00					
401-42200-500	FIRE	CAPITAL OUTLAY	\$38,366.00	\$184,177.97		Fire Expenses		\$5,113.47	
402-49450-430	SEWER	MISCELLANEOUS EXPENSE	\$0.00	\$0.00					
403-47000-720	DEBT SERVICE	TRANSFER OUT	\$0.00	\$0.00					
403-49450-430	SEWER	MISCELLANEOUS EXPENSE	\$0.00	\$0.00					
404-42100-500	POLICE	CAPITAL OUTLAY				Police Expenses	NEW FUND	NEW FUND	
406-43000-381	PUBLIC WORKS	ELECTRIC UTILITIES	\$1,000.00	\$665.17				\$257.77	
<b>WATER &amp; SEWER</b>									
601-41000-420	DEPRECIATION	DEPRECIATION	\$0.00	\$0.00					
601-49400-255	WATER	WATER METERS	\$0.00	\$0.00					
601-49400-313	WATER	CONTRACT		\$6,250.00					
601-49400-330	WATER	SEWER & WATER MISC	\$0.00	\$10,272.09					
601-49400-381	WATER	ELECTRIC UTILITIES	\$0.00	\$445.30				\$105.52	
601-49400-382	WATER	WATER - SHOREVIEW	\$0.00	\$134,623.82				\$11,945.56	
601-49400-383	WATER	WATER - WBT	\$0.00	\$40,049.00				\$13,350.00	
602-41000-420	DEPRECIATION	DEPRECIATION	\$0.00	\$0.00					
602-49450-313	SEWER	CONTRACT		\$6,250.00					
602-49450-381	SEWER	ELECTRIC UTILITIES	\$0.00	\$2,876.48				\$765.93	
602-49450-385	SEWER	SEWER	\$0.00	\$74,664.26			\$71,433.00	\$17,858.28	
602-49450-400	SEWER	REPAIRS AND MAINTENANCE	\$0.00	\$29,977.80					
602-49450-430	SEWER	MISCELLANEOUS EXPENSE	\$0.00	\$16,209.95				\$1,887.00	
602-49450-455	SEWER	SAC FEES	\$0.00	\$19,681.20					
			<b>\$2,536,171</b>	<b>\$3,349,266</b>			<b>\$2,672,720.00</b>	<b>\$664,880.45</b>	

Updated 3/04/21

## APPROVED 2021 REVENUES

ActCode	DEPT Descr	OBJ Descr	2020 Budget	12/31/20	% of Budget	UnderLine	2021 Budget	3/4/2021	% of Budget
101-31010	COUNCIL	GENERAL PROPERTY TAXES	\$1,860,700	\$1,812,535.15	97.41%		\$1,974,877.00	\$56,348.62	2.85%
101-31810	COUNCIL	CABLE T.V. FEES	\$65,000	\$67,102.92	103.24%		\$65,000.00	\$23,068.47	35.49%
101-32110	COUNCIL	ALCOHOLIC BEV LICENSE	\$5,650	\$12,950.00	229.20%		\$5,650.00	\$0.00	0.00%
101-32111	COUNCIL	TOBACCO LICENSE	\$600	\$1,000.00	166.67%		\$600.00	\$0.00	0.00%
101-32112	COUNCIL	MESSAGE THERAPY LICENSE	\$50	\$50.00	100.00%		\$50.00	\$0.00	0.00%
101-32160	COUNCIL	CONTRACTOR LICENSES	\$8,000	\$14,063.00	175.79%		\$8,052.00	\$1,740.00	21.61%
101-32210	COUNCIL	BUILDING PERMIT	\$145,000	\$336,279.27	231.92%		\$145,000.00	\$63,263.81	43.63%
101-32230	COUNCIL	HEAT/PLUMB PERMIT	\$22,000	\$50,725.30	230.57%		\$22,000.00	\$3,974.00	18.06%
101-32240	COUNCIL	ANIMAL LICENSE	\$1,500	\$1,185.00	79.00%		\$1,500.00	\$135.00	9.00%
101-32260	COUNCIL	STATE SURCHARGE	\$7,000	\$11,715.56	167.37%		\$7,000.00	\$2,579.07	36.84%
101-32261	COUNCIL	ISTS PERMIT	\$4,000	\$10,695.00	267.38%		\$4,000.00	\$0.00	0.00%
101-32262	COUNCIL	RENTAL LICENSE FEE	\$1,000	\$900.00	90.00%		\$1,000.00	\$0.00	0.00%
101-32263	COUNCIL	SHORELAND/FORESTRY PERMIT	\$500	\$650.00	130.00%		\$500.00	\$0.00	0.00%
101-32264	COUNCIL	ISTS PUMPING RECORDS	\$5,000	\$12,488.00	249.76%		\$5,000.00	\$457.00	9.14%
101-33429	COUNCIL	PERA RATE INCREASE AID	\$308	\$0.00	0.00%		\$308.00	\$0.00	0.00%
101-33440	COUNCIL	SCORE GRANT	\$12,000	\$15,224.00	126.87%		\$12,000.00	\$0.00	0.00%
101-33600	COUNCIL	OTHER GOVT GRANTS/AID	\$0.00	\$399,605.00		CARES FUNDING		\$9,487.38	
101-34103	COUNCIL	VARIANCE, PUD, PLAT FEES, CUP	\$2,400	\$9,047.50	376.98%		\$2,400.00	\$1,350.00	56.25%
101-34110	COUNCIL	ELECTION FILING FEE	\$0.00	\$4.00				\$0.00	
101-34120	COUNCIL	CERTIFICATE OF OCCUPANCY FEE	\$500	\$350.00	70.00%		\$500.00	\$100.00	20.00%
101-34403	COUNCIL	RECYCLING FEES	\$0	\$0.00			\$416.00	\$0.00	
101-35100	COUNCIL	FINES AND FORFEITS	\$2,500	\$1,781.25	71.25%		\$2,500.00	\$300.00	12.00%
101-35104	COUNCIL	LATE FEES/NSF FEES	\$500	\$1,670.00	334.00%		\$500.00	\$150.00	30.00%
101-36100	COUNCIL	SPECIAL ASSESSMENTS	\$275,000	\$266,411.10	96.88%	Recycling Assessment	\$330,000	\$7,169.53	2.17%
101-36101	COUNCIL	SPECIAL ASSESSMENTS - PMC	\$2,067	\$2,067.36	100.00%	Peace Methodist Church	\$2,067	\$344.56	16.67%
101-36200	COUNCIL	MISCELLANEOUS REVENUES	\$2,000	\$10,304.29	515.21%	Conduit Bond & Misc	\$2,000.00	\$360.00	18.00%
101-36210	COUNCIL	INTEREST EARNINGS	\$20,000	\$8,324.57	41.62%		\$12,000	\$70.53	0.59%
101-36220	COUNCIL	RENTS	\$60,000	\$47,868.72	79.78%	NOHOA Rent	\$61,800.00	\$0.00	0.00%
101-36222	COUNCIL	COMMUNITY FUNCTIONS	\$1,000	\$545.00	54.50%	Community Mtg Room	\$1,000.00	\$0.00	0.00%
101-36240	COUNCIL	REFUNDS AND REIMBURSEMENT	\$5,000	\$12,610.97	252.22%	LMC & Other Rebates	\$5,000.00	\$857.93	17.16%
			\$2,509,275	\$3,108,153			\$2,672,720.36	\$171,755.90	



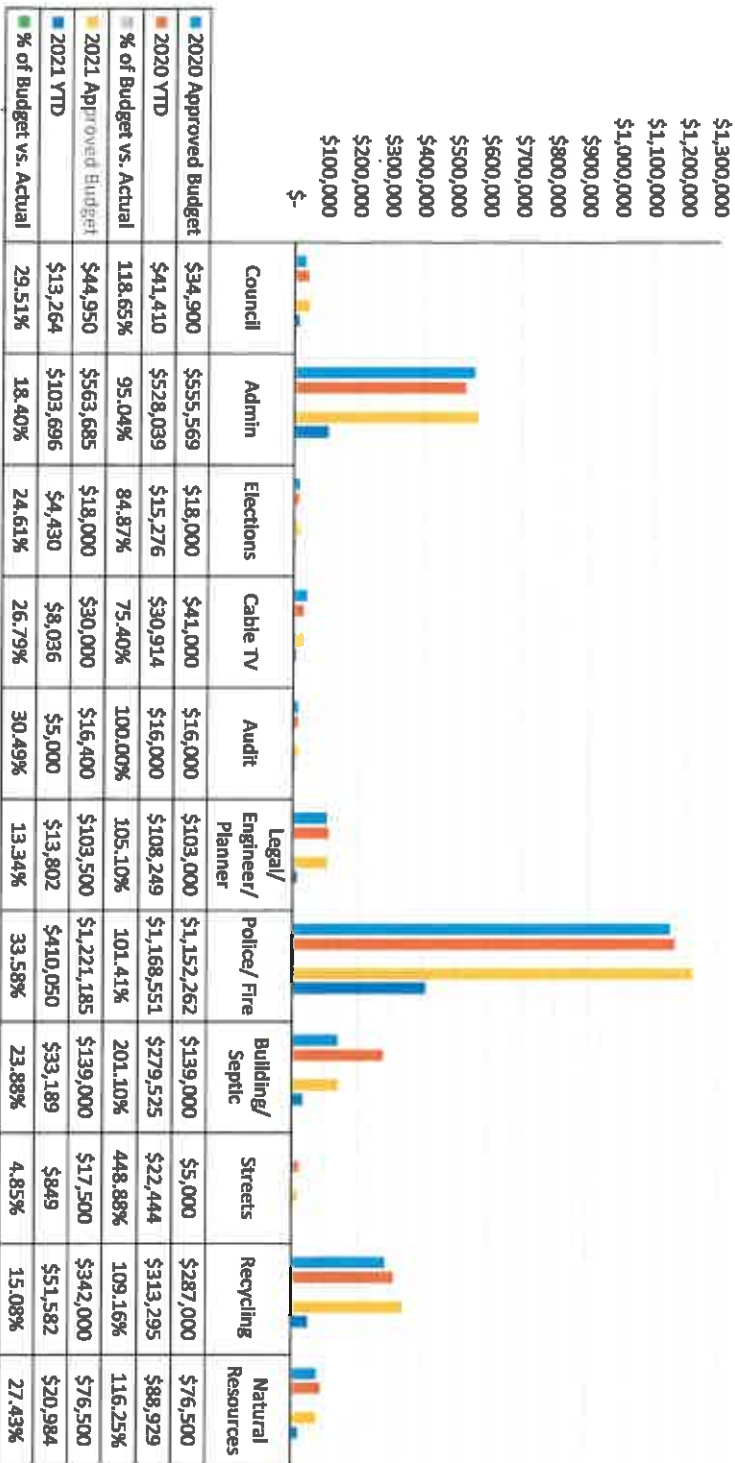
ActCode	DEPT Descr	OBJ Descr	2020 Budget	12/31/20	% of Budget	UnderLine	2021 Budget	3/4/2021	% of Budget
306-36100	COUNCIL	SPECIAL ASSESSMENTS	\$28,500	\$32,261.64	113.20%	LGWA Bond Assessments		\$1,402.68	
306-36210	COUNCIL	INTEREST EARNINGS		\$0.00					
400-33418	COUNCIL	MNDOT STATE AID STREETS	\$0	\$0.00					
400-36210	COUNCIL	INTEREST EARNINGS		\$0.00		Special Project Interest			
400-36240	COUNCIL	REFUNDS AND REIMBURSEMENTS		\$0.00					
400-39200	COUNCIL	TRANSFER IN		\$0.00					
401-36210	COUNCIL	INTEREST EARNINGS		\$51.06					
401-36240	COUNCIL	REFUNDS AND REIMBURSEMENT	\$0.00	\$1,390.00					
401-39200	COUNCIL	TRANSFER IN		\$148,050.00					
402-36210	COUNCIL	INTEREST EARNINGS		\$0.00					
R 403-36210	403-36210	INTEREST EARNINGS	\$0.00	\$0.00					
R 403-37180	403-37180	MAINTENANCE/ESCROW FEE	\$0.00	\$0.00					
R 403-39200	403-39200	TRANSFER IN	\$0.00	\$0.00					
R 404-39200	R 404-39200	TRANSFER IN				Police	NEW FUND	NEW FUND	
406-36100	COUNCIL	SPECIAL ASSESSMENTS		\$466.81				\$1,060.85	
406-36200	COUNCIL	MISCELLANEOUS REVENUES	\$1,500			LGWA Maint Assessments			
406-36210	COUNCIL	INTEREST EARNINGS		\$0.00					

601-36200	COUNCIL	MISCELLANEOUS REVENUES		\$4,460.84					
601-37100	WATER	WATER USAGE		\$97,092.62				\$43,317.79	
601-37150	WATER	WATER HOOK-UP - WBT		\$44,498.00				\$8,900.00	
601-37151	WATER	WATER HOOK-UP - CLP		\$0.00					
601-37155	WATER	WATER METER		\$650.00					
601-37180	WATER	MAINTENANCE/ESCROW FEE		\$14,136.52				\$5,622.19	
601-37500	WATER	CAPITAL CONTRIBUTION		\$0.00					
601-39200	WATER	TRANSFER IN		\$0.00					
602-36200	WATER	MISCELLANEOUS REVENUES		\$0.00					
602-37170	WATER	WBT WATER SYSTEM MAINTENANCE		\$0.00					
602-37180	WATER	MAINTENANCE/ESCROW FEE		\$9,540.45				\$3,054.21	
602-37200	SEWER	SEWER USAGE		\$65,029.25				\$20,361.79	
602-37250	SEWER	SEWER HOOK-UP		\$29,820.00				\$4,970.00	
602-37500	SEWER	CAPITAL CONTRIBUTION		\$0.00					
			\$2,539,275	\$3,555,600			\$2,672,720	\$260,445	

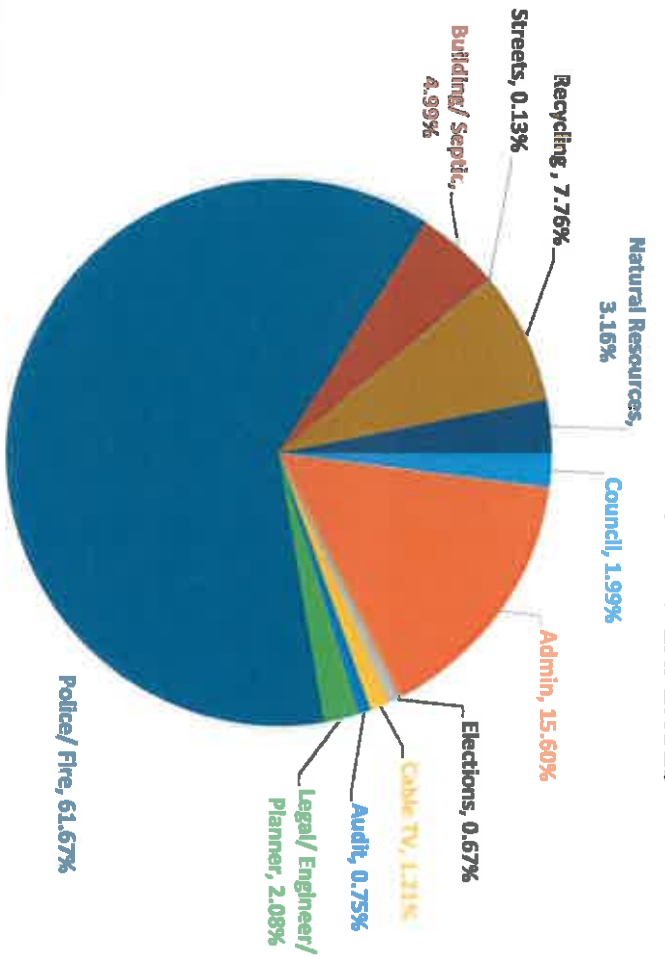
2021 Approved Budget with 2021 YTD/ % Of Budget vs. Actual/ Actual Expenses with % of Budget

	2021 Approved Budget	2021 YTD	% of Budget vs. Actual	664,890.45
Council	\$ 44,950	\$ 13,264	29.51%	1.99%
Admin	\$ 563,685	\$ 103,696	18.40%	15.60%
Elections	\$ 18,000	\$ 4,430	24.61%	0.87%
Cable TV	\$ 30,000	\$ 8,036	26.79%	1.21%
Audit	\$ 16,400	\$ 5,000	30.49%	0.75%
Legal/ Engineer/ Planner	\$ 103,500	\$ 13,802	13.34%	2.08%
Police/ Fire	\$ 1,221,185	\$ 410,050	33.58%	61.67%
Building/ Septic	\$ 139,000	\$ 33,189	23.89%	4.99%
Streets	\$ 17,500	\$ 849	4.85%	0.13%
Recycling	\$ 342,000	\$ 51,582	15.08%	7.76%
Natural Resources	\$ 76,500	\$ 20,984	27.43%	3.16%
Transfers	\$ -	\$ -	-	0.00%

2020 & 2021 Actual Budget with Percentages



### 2021 - PERCENT OF YTD EXPENSES

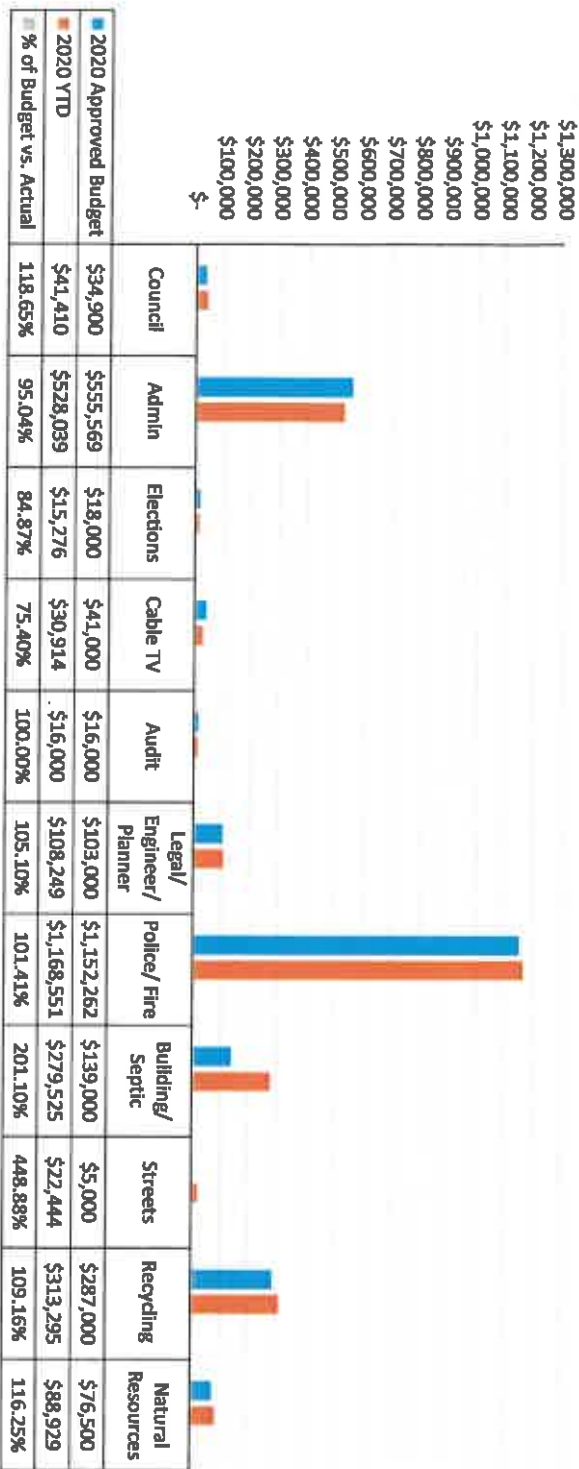




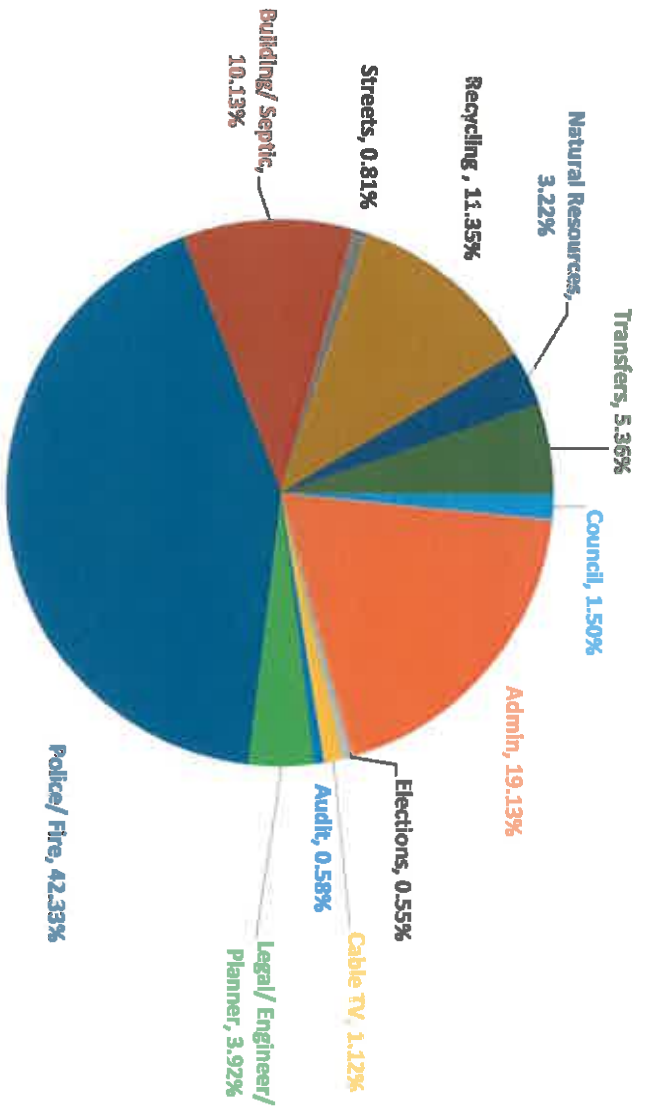
**2020 Approved Budget with 2020 YTD/ % Of Budget vs. Actual/ Actual Expenses with % of Budget**

	2020 Approved Budget	2020 YTD	% of Budget vs. Actual	2,780,892.04
Council	\$ 34,900	\$ 41,410	118.65%	1.50%
Admin	\$ 555,569	\$ 528,039	95.04%	19.13%
Elections	\$ 18,000	\$ 15,276	84.87%	0.55%
Cable TV	\$ 41,000	\$ 30,914	75.40%	1.12%
Audit	\$ 16,000	\$ 16,000	100.00%	0.58%
Legal/ Engineer/ Planner	\$ 103,000	\$ 108,249	105.10%	3.92%
Police/ Fire	\$ 1,152,262	\$ 1,168,551	101.41%	42.39%
Building/ Septic	\$ 139,000	\$ 279,525	201.10%	10.13%
Streets	\$ 5,000	\$ 22,444	448.89%	0.81%
Recycling	\$ 287,000	\$ 313,295	109.16%	11.35%
Natural Resources	\$ 76,500	\$ 88,929	116.25%	3.22%
Transfers		\$ 148,050		5.36%

**2020 Actual Budget with Percentages**



# 2020 - PERCENT OF YTD EXPENSES



**North Oaks City Council  
Meeting Minutes  
North Oaks City Council Chambers  
February 11, 2021**

**1. CALL TO ORDER**

Mayor Ries called the special meeting to order on February 11, 2021 at 7:00 p.m.

**2. 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 Kress, Attorney Peter Mikhail  
Others Present: Videographer Maureen Anderson, Corey Bergman, North Oaks Company  
President Mark Houge  
A quorum was declared present.

**3. PLEDGE OF ALLEGIANCE**

Mayor Ries led the Council in the Pledge of Allegiance.

**4. CITIZEN COMMENT**

Administrator Kress noted a hand up online.

Rachel Maher, 91 Rapp Farm Place, asked to share her screen to show a video. In the video, Ms. Maher asked to discuss issues related to the shared driveway, wetland expansion, and unpermitted wetland activity within the Nord parcel. Item 1, she noted the shared driveway should not have been approved for the following reasons: the shared driveway circumvents the Access Plan, and showed an old concept plan she stumbled upon in reviewing the delineation report. She noted onscreen, the cul-de-sac was renamed as a shared driveway to appear compliant with the PDA by circumventing the Access Plan. Throughout Governing Documents, compliance with the intent and purpose of those documents is required and should not be circumvented. Ms. Maher spoke about improper designation of preexisting non-conforming use. The driveways to Lots 1 and 2, as well as the shared driveway have been used for nothing more than a trail for the past 20 years as shown onscreen, therefore the pre-existing use is a trail, not a driveway for a personal residence. She showed what the driveways look like during the winter and summer and said any alterations, expansions, grading, removal of vegetative cover, or other land disturbing activity is prohibited and disqualifies any pre-existing use exemptions. Unfortunately, this type of activity took place anyway. She said the following images are before

and after land disturbing activities have occurred on the driveways and each set of photos was taken from the same perspective. Landmarks are identified when possible because it is challenging to see that the photos are the same piece of land. She stated vegetative cover, trees, and brush have been removed; the driveways have been widened and graded which makes it look like they have been used regularly, but they have not. These activities disqualify the pre-existing use exemption and subject the driveways to all setbacks, buffers, and other limitations and requirements. Item 2, Ms. Maher said a new delineation report is needed due to the changes in conditions and wetland expansion. Per the 2015 wetland delineation report when Nord was evaluated, the hydrologic conditions were not typical because they were exceptionally dry. In fact, on a scale of 6-18, with 6 being the driest and 18 being the wettest, the preceding month received a score of 6. Despite the unusually dry conditions, the wetlands highlighted in red on screen have high water tables, only measuring 0 to 12 inches below the surface. She said since 2015 they have seen wetter weather patterns, a drastic increase in rainfall, and rising water tables across the state along with expanding wetland boundaries in Nord which can be seen in the following satellite images. Ms. Maher noted the satellite images are of wetland 2 within the Nord parcel; the image on the left was taken in 2015 and the image on the right was taken in 2020. Both images were taken during the springtime for proper comparison. She said as they can see on screen, on the left image it looks dry as a desert and on the right image it shows a lot of very deep water. She showed another set of satellite images comparing the spring of 2015 on the left (which was when the delineation was performed) to the summer of 2020 on the right. She noted the difference between these two images is particularly jarring and extremely concerning; they can see how far these wetland borders are expanding, how deep the water has become, all in five years. Item 3, Ms. Maher said unpermitted wetland activity has occurred within the Nord parcel and this activity should stop immediately and any damages remedied. She stated the trail location in the final plan is misleading, the brown line on screen looks like it goes between wetlands, but in actuality it goes right through wetland 2. She showed a picture on screen of what wetland 2 looks like and said it is very deep. However, they decided to clear an area anyway and put a trail right through it, destroying part of the wetland. Ms. Maher shared a video and said it shows exactly where this trail was cleared and what it looks like now. In May of 2020, Ms. Maher took a video and noted she was currently standing on the edge of the wetland located just north of the existing trail that is along the Old Farm Road. She noted it is a pretty deep wetland and is not going anywhere. She then showed photos on screen of how the same area looked in December of 2020, as well as a video. On the video she noted she was standing in the center of the wetland from the previous video and pointed out the end of the shared driveway and the proposed Nord parcel. Moving along, she pointed out the 27 feet between the two wetlands and said water used to be up to the point (on screen) right behind the tree. Where that water went, she has no idea, but in taking a close look at the slope, it is about 3 feet down and this entire space was filled with water, wildlife, brush, many trees, and as people can see the entire area has been cleared and the water has mysteriously disappeared. Ms. Maher then showed many photos showing before and after of the wetland that has been cleared; each set of photos was taken from the same perspective, landmarks are identified as possible as it is challenging to see that the photos were taken on the same piece of land. She asked the City Council for the reasons outlined in this video, to please consider reviewing the legitimacy of the shared driveway, reevaluating the land and wetland boundaries, and stop unpermitted wetland activity and remedy any damage that has occurred within the Nord parcel. She thanked the City

Council for their time and consideration, and for allowing her to go the extra 60 seconds over her limit.

Mayor Ries said normally with the public comments section they allow the public to speak and if the City Council has any comments they can share those or move on.

Councilmember Shah asked to respond to Ms. Maher and the public. It seems to her that this video that was just shown – this information was requested to be reviewed by the North Oaks City Council back in December of 2020. A vote was taken during the meeting and the Council 3-2 decided against showing this video. Councilmember Shah noted they did not even have a choice to air it tonight as it was just aired for everyone. She wants to make clear something that was called out in the December meeting, during that meeting, the City Council specifically asked Councilmember Hara - who was asking to show that video - who was involved in making that video. She noted it was unclear in the beginning but eventually Councilmember Hara admitted that he was part of making that video and Councilmember Shah wants the public to understand that it is deeply concerning to have a Councilmember involved in presenting information on an item where the public hearing is closed and comments are closed. Councilmember Shah said they need to make it very clear and set expectations for all those watching right now, that it was already declared back in December.

Mayor Ries would like to address that, as well. Councilmember Hara and Mayor Ries were part of the Council back in the December meeting; Councilmember Shah was not on the City Council at that time. During that meeting, Rachel Maher did request on camera if she could share the video – she was denied and the basis for the denial was because Mayor Nelson had used the rules of evidence against her and said something to the effect that the video was not authenticated. Mayor Ries wants to be clear that the rules of evidence only apply to a courtroom and are completely irrelevant to a City Council meeting when they have rules existing since 1992 that basically allow community members to share or comment on issues. Mayor Ries said during that meeting Ms. Maher did ask, Councilmember Hara did clarify that he was part of that and was very transparent and did answer the question when asked who was involved in the video. She stated Councilmember Hara did not deceive the community at all and was very transparent. The Councilmembers also have the ability to share things during meetings and Councilmember Hara's right as a Councilmember was also violated in that he did not have the ability to share the video. Mayor Ries is very grateful that Rachel Maher came back tonight and was able to share the video that she was not allowed to share in December. Mayor Ries apologized to Councilmember Hara that his rights as a Councilmember were violated in December.

Councilmember Hara also wants to be clear with that and noted his daughter lives in Rapp Farms along with 200-300 others. The involvement Councilmember Hara had in the video was that he was present when some of the pictures were taken in the early part of the summer when he was on the Planning Commission. When this first came up he walked the area to get a better grasp as to what they were talking about and the impact that this development may have on that piece of property. He noted he was not part of the videos with any snow or the tree marks that tried to identify what pictures were of the same view. Councilmember Hara contacted Administrator Kress back in September and made a comment to him that the wetland areas that had been cleared for the trail had been mysteriously drained of water over a period of 4-5 days. He noted

there was a meet-and-greet event at Rapp Farms and Councilmember Hara happened to be there viewing that wetland and less than a week later it had dropped 2-3 feet and another 2-3 feet to the point where it was almost dry. Councilmember Hara thought that was unusual as they had a dry fall but it was cool at that time of year so evaporation would not seem to be an issue. He thinks Administrator Kress may recall that Councilmember Hara brought it up and asked him to look into it; he does not know if anything came of that. One thing that strikes Councilmember Hara on his participation on the previous City Council is why would they not want to invite people or more information? It seemed like there was a conscious effort to suppress information. Why wouldn't the City Council want to have all the information to make the best choices for not just one party in the event, but all citizens in the community? He noted that is mysterious to him. If there is valuable information, why that is not already being presented by City Staff and other stakeholders is a mystery, also.

Councilmember Shah is glad Councilmember Hara commented and has a quick rebuttal: she just wants to make it clear that she thinks all of them are trying to move the community forward with transparency, but she encourages residents to go watch that meeting (December 2020). Initially it was very difficult and the question was asked to Councilmember Hara of who created that video, and it was not at all revealed easily until he was questioned multiple times and finally he admitted that he took a role in creating the video. Councilmember Shah has concerns about that and said by having any participation in a video, Councilmember Hara is advocating a position and he is an elected Councilmember and needs to be objective and impartial. She has grave concerns about that and wants everyone to understand that the Engineer did speak and the concerns that Councilmember Hara is currently addressing about the land that is wet. They had a professional engineer speak – the City Engineer – and it was deemed that indeed that land is wet, but not a wetland. Councilmember Shah encourages the public to watch the professional engineer that was hired.

Mayor Ries asked to table the discussion.

Councilmember Watson asked to move it along.

Mayor Ries noted they have this on the agenda and are getting into the weeds of the discussion and can go into more detail at that time. She would also like to voice her concerns about how comments are being made. When one suggests things to another member of Council, like “you admitted things on record” it is also concerning to her how phrasing some of the questions and comments. Phrasing things in an appropriate way so that it is more neutral may be more effective in City Council discussions, instead of saying “you admitted on record.” Mayor Ries again reiterated that this is not a court of law and Councilmember Hara was simply asked if he was part of the video; that was the question posed which he did answer.

Councilmember Watson noted this particular item on the agenda is called Citizen Comment. He wants anyone who is a citizen of North Oaks to come and feel they can make a presentation on any subject. He really does not care what the last Council did, what they did in December; this is February of 2021 and he wants everyone to feel welcome at these meetings.

Mayor Ries agreed and said that is an excellent point. This particular section is the chance for the community to feel welcome to come to the City Council and present items. She is very happy that Rachel Maher was finally able to present her video which she clearly worked very hard on. Mayor Ries appreciates any member of the public coming forward and presenting any issues that are important to them. She asked Administrator Kress if anyone else had a public comment.

There were no other comments.

Mayor Ries called for public comments two more times. She closed the citizen comments section.

Before continuing, Mayor Ries apologized to the community for having such an extended meeting last time. The first meeting of the year is always extremely extensive, and at the meeting they had to go through reports, had appointments to fill, and interviews. In the future of these meetings, Mayor Ries plans to have a maximum of a two-hour meeting. At the two hour point, Administrator Kress will keep track of time and will remind the Council at the two hour mark; at that time the Council will have the opportunity either table the rest of the discussion for another meeting, or they may simply want to conclude one or two issues if they are quick. She absolutely does not want to have meetings that are more than two hours, whenever they can.

## **5. APPROVAL OF AGENDA**

Administrator Kress suggested removing item 9d under New Business as Attorney Nason is not at the meeting tonight to comment on it.

Councilmember Shah thinks Administrator Kress means 8a.

Councilmember Watson said no, it is called 9d.

Mayor Ries said it is discussion and possible action on conducting City Council orientation training and Attorney Nason was going to supply some dates that worked with her schedule and she is not at the meeting to provide those dates. Therefore it is recommended to amend the agenda to remove item 9d of New Business.

Councilmember Watson said it is with the understanding that Administrator Kress will contact Attorney Nason and she can give some dates.

Administrator Kress agreed.

Councilmember Shah has serious concerns with Nason not being at the meeting and discussing item 8a the continued discussion and possible action on the Nord parcel review. She thinks it is inappropriate to have a discussion on Nord without the attorney here as she is probably the most well-versed person on this topic. Councilmember Shah said there is no reason they cannot table the topic until March.

**MOTION by Shah to table the item 8a Continued discussion and possible action on Nord parcel review.**

Councilmember Watson objects because the information presented, they do not have to have any kind of discussion tonight, the information was requested by the Mayor in a letter on February 2, 2021. Second, it corrects a piece of misinformation that was communicated at the December 17, 2020 City Council meeting and they learned on January 14, 2021 that it was in error. This necessitated the Mayor writing the letter and asking for those responses. Councilmember Watson would leave it there in the event that the North Oaks Home Owners' Association (NOHOA) President or North Oaks Company (NOC) President is present and wishes to speak. However, he thinks they pass on the discussion for tonight.

Mayor Ries noted Councilmember Shah made a motion and asked if there is a second. There was not a second; **Motion failed for lack of a second.**

**MOTION by Watson, seconded by Dujmovic, to approve the Agenda as amended. Motion carried by roll call as Councilmembers Dujmovic, Hara, Ries, and Watson voted for; Councilmember Shah voted against.**

**6. CONSENT AGENDA****a. 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**

**b. Approval of Minutes of Special City Council meeting - January 4, 2021****c. Approval of Minutes from January 14, 2021 Regular City Council Meeting**

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

Councilmember Watson made a request that on future agendas they add the monthly financial report from Stephanie Marty. That way it is a public document.

Mayor Ries agreed and said there is an additional pie chart added by Ms. Marty for a visual to breakdown the expenses.

Administrator Kress asked Councilmember Watson if he would prefer that under the Consent Agenda or under Miscellaneous.

Councilmember Watson prefers it in Consent Agenda, because he thinks they have the duty to approve the financials – which they would be doing through the Consent Agenda.

Administrator Kress and Mayor Ries agreed.



**Motion carried unanimously by roll call.**

## **7. PETITIONS, REQUESTS & COMMUNICATIONS**

### **a. Deputy Mike Burrell Report**

Deputy Burrell said they are in the slow time of the year in North Oaks for call volume. In January they had about 100 calls which is significantly less than the summer months. There have been a few traffic accidents, all along the outside of North Oaks between Hodgson and Village Center Drive. He noted a couple of them were significant but inside of North Oaks there have not been any reported traffic accidents. Regarding criminal activity, there have been a few reported instances, one in the Charley Lake neighborhood of vehicles being tampered with. Deputy Burrell would say they are probably high school aged kids, although they were not spotted, that have been doing some petty things. As far as serious crimes, the good thing with North Oaks is they have been fairly crime free. The County has some crime maps and one thing they see in North Oaks is there is a lot of crime around the City but inside the City there is not as much. He has adjusted his shifts so he is working more evening hours in response to some of these vehicle break-ins. The last month there have been a couple suspicious vehicles he has dealt with and the occupants have had no reason to be in North Oaks, escorted out of town, and cited for various infractions. Deputy Burrell said residents need to report things because if they do not know about it there is not a lot they can do. Whether it is a suspicious vehicle or things that do not seem right, he recommends calling it in. Many times license plates numbers are a big help for law enforcement to get to the bottom of some of the instances.

Mayor Ries thanked Deputy Burrell for his diligence, especially during the extremely cold weather and said he is doing a great job and it is not easy. She asked if he has seen a decrease in thefts in Village Center.

Deputy Burrell said yes, there has been a decrease in theft calls and there was a period where it seemed that Walgreens was the hotbed of crime. Some of it has to do with reporting, but over the summer, the police were at Walgreens once or twice a month. There was one point they had the notorious cigarette thief – Deputy Burrell does not know his status or where he is but they have not seen him for almost a year.

Mayor Ries asked about packages being stolen.

Deputy Burrell said over the holiday season there was a huge number of reports but after that, it went down. He said there was one day in November right after Thanksgiving that there were half a dozen reports in one day. He noted that could have been all the same person. He said they have not had any recent package or mail thefts.

Councilmember Watson asked where Deputy Burrell is with his short-sleeved shirts as it is -3 below zero.

Deputy Burrell noted he has a jacket and if he gets out of his car he puts that on.

Mayor Ries has personally been getting a lot of scam emails and phone calls. She asked if he is seeing a lot of scams in Ramsey County.

Deputy Burrell said County-wide it is a huge issue – he assumes it is also statewide and nationwide. The scams change as far as tactics, but the biggest thing is that they try to convince people they are someone they are not and want people to buy gift cards or send people money. It used to be through Western Union, but now it is through apps, one is called Cash App, and people send the money instantly. Once it is sent, the money is gone.

Mayor Ries was talking to Gretchen Needham about possibly doing a crime or fraud update in the newspaper. Then they can communicate these scams to the residents and educate them about what is going on. She would like to get the message out to people early so they do not fall for these phishing schemes.

Deputy Burrell agrees with that because it affects everyone, including North Oaks residents. He noted one recently where someone lost about \$38,000 and oftentimes they do not get that money back.

Administrator Kress asked if the Council has been getting the daily reports from the Sherriff's office.

Councilmember Watson has.

Mayor Ries and Councilmember Hara have not.

## **8. UNFINISHED BUSINESS**

### **a. Continued discussion and possible action on Nord parcel review**

Mayor Ries said this item came about in the last meeting because the City Council received a letter from NOHOA questioning some comments made on record. In response to this, Mayor Ries sent a letter to both NOHOA and the North Oaks Company (NOC) asking for documentation about the issue.

Councilmember Shah asked to speak about that.

Mayor Ries said she has the floor and they will discuss it when she finished the introduction. She continued and said in response, both the NOC and NOHOA submitted documentation which is in the packet. Both sides had a letter with supporting documentation in response to Mayor Ries' request for documentation supporting whether the statement was true or not true.

Councilmember Shah wants to give the public more of a background on this because things definitely changed from January 14, 2021. The materials were not presented in coordination with the policy and the new rules the Council set regarding meetings and meeting materials. She noted they spent nearly an hour talking about this last month and it was clearly called out that all meeting materials need to be available by Thursday (one week before the meeting) at 2 p.m. The Council did not receive the NOHOA response materials until Monday, which is 4 days beyond the deadline. She noted it did not happen because the letter went out from the Mayor to the Company and NOHOA and the public does not know because it is not in the packet, but the letter was sent on the Mayor's own accord and not by the City Administrator. The letter was actually articulated on Friday at 5 p.m. She has great concerns because they violated their own meeting policy.

Mayor Ries said actually, the meeting policy they created was with the idea that people would not be springing materials on the Council. To correct Councilmember Shah, Mayor Ries said Administrator Kress is the one who actually sent the letter out for the Mayor last week. The meeting rule, as Councilmember Watson mentioned, is so they avoid circumstances like they previously had with the Nord parcel, where the Council is receiving documentation a half hour before a meeting. As discussed on record, the policy is a general policy so they have ample time.

Councilmember Shah said that is correct, but they did not receive it until Monday.

Mayor Ries said she is speaking and has the floor. She asked Councilmember Shah to please stop interrupting. The letter Mayor Ries sent out is a continued agenda item; it is not a new agenda item. She was simply asking and requesting that both parties have the opportunity to supply Council with documentation that represents their position. In the letter she gave a deadline of last Friday; both parties had submitted the information and it was circulated when Administrator Kress was able to circulate it. Mayor Ries noted that is not a violation of their rule. As Nason said in the last meeting while they were passing the new rule, the Council always has the right to request additional information. Mayor Ries fails to see how it is violating. She noted Councilmember Shah brought up this opposition before to someone who was trying to provide information, also, and that is not what their policy says. The Council reserves the right to accept the information. If Councilmember Shah would like, the Council can vote to accept the information but Mayor Ries does not see a violation of the policy.

Councilmember Shah said Mayor Ries is right, they should vote to take this material in, it was certainly critical to digest before making any decisions on Nord. More concerning to Councilmember Shah is the letter, as the Mayor did not run it by City Council, she sent it on her own, there was no Council backing or directive by Council to initiate that letter. She questions whether the Mayor even had authority to send it on behalf of all of the Council. She does not think that is good governance or good practice for the City. Councilmember Shah said at the end of the January 14, 2021 meeting, they agreed to having a special meeting to have ongoing discussions with impacted parties, such as the DNR, NOHOA, and NOC. Now to see a letter go

out on behalf of the City it is very concerning for everyone, certainly the public because they did not see this happen at the end of the January 14 meeting.

Mayor Ries wants to be perfectly clear that letter was simply requesting documents from both sides; it was not taking a position on either side of the issue. She fails to see what Councilmember Shah's issue is and wants to remind her that they are going to be efficient with these meetings and Councilmember Shah's criticism of Mayor Ries requesting documentation that proves to help efficiently determine issues so things do not fester. Mayors send out letters all the time on behalf of the City requesting information, it is a common practice, and she has the obligation to run these meetings.

Councilmember Shah said the Mayor has the right to run the meeting.

Mayor Ries asked Councilmember Shah to please not interrupt when she has the floor. She said to please refrain from interruption again. She called a Point of Order on Councilmember Shah because this is the third time she has asked her not to interrupt. Mayor Ries said she runs the meetings as Mayor and that is her obligation. As such, she requested documentation that the Council could discuss during the meeting. This will help to effectively determine the issue; there was no position taken in the letter and she is happy to have Administrator Kress post the letter on the website.

Councilmember Watson will let the City Attorney interim fill in if he wishes, but stated the Mayor has the authority to speak on behalf of the community, the City Council, and City government. If Councilmember Shah has some concern about that, Councilmember Watson will take her to the League Handbook and she can take a look at that and the City's own ordinance. Second, a fact item: NOHOA had a Board meeting on Thursday, February 4, 2021 and considering that they would presumably want to discuss as a Board before sending something to the City, it was only prudent to give them that opportunity. Hence, when Mayor Ries and Councilmember Watson spoke about it, Friday made more sense than asking them to send it at midnight on Thursday. Third, the Council had been presented with two items on January 14, 2021 with no notice at 6:00 p.m. and received two letters that people were trying to get some things done in December and it is pretty obvious they did not have a meeting of the minds. He said that night "where there is smoke, there may be fire" and what he now knows is that there is fire. They have a multi-page set of documents from each organization numbering about 60-75 pages that clearly without question spells out the fact that the parties did not come to an agreement. It is extremely important they have that because there are three parties in the community that are bound by the PDA and it is imperative that those three organizations have an agreement. Councilmember Watson said it is pretty clear that did not happen.

Councilmember Shah said she wants to make it perfectly clear that they are a local government and must follow processes. They have got to follow the rules. They are a Council-led City, the five of them discuss matters together, they decide on direction for the City, and they do it publicly so residents can see how they conduct City business. She noted they did not do that

when it pertained to the letter. If Mayor Ries wanted to send that request to NOC and NOHOA, why didn't she make a motion to do so at the January 14, 2021 meeting? They could have discussed this at the time as a Council, have set better expectations, tied up loose ends, and made sure everyone was on the same page.

Mayor Ries agrees with Councilmember Shah and said that a decision was not reached in the letter. There was no position taken, it was a document request. The reason it was sent out is because the NOC sent an email and information just before the meeting; after review of that it was clear that documentation was needed to validate statements being made. Transparency is requesting documentation to validate positions taken and gives the Council a way to review whether statements are there or not. If Councilmember Shah has an issue with the League of Minnesota Cities summarizing that the mayor has the right to do things like this. There was no decision of Council made, it was a document request to simply state or back up positions being taken. What Councilmember Shah is saying is confusing, a vote or motion being made and a request for information.

Councilmember Shah said that is how Mayor Ries perceives it, but the public needs to understand that a document went out, a request, a directive, on behalf of the City and the Council did not back it. She has grave concerns, they are a local government and this is not good precedent.

Councilmember Watson said Councilmember Shah might want to read the League of Minnesota Cities Handbook so she understands procedure.

Councilmember Shah thanked Councilmember Watson and said she has read it.

Mayor Ries noted there is an entire handbook dedicated to the mayor, even for cities of North Oaks' population. It specifically says, and she has reviewed it, that says she must run these meetings and organize the meetings. She does not want to delay the issue because she wants to get into the substance of the issue. In her opinion, this is a red herring because Councilmember Shah is suggesting that a position was taken when it was simply asking to provide proof of a statement. That is not taking apposition on the part of the Council which Councilmember Shah is accusing Mayor Ries of.

Councilmember Dujmovic said the Council must be better to their community than they are being tonight. He noted they are 46 minutes into a meeting and are behaving like children. They have got to do a better job. He pointed out if they are going to ask, because of open meeting law, that any letter gets written on behalf of the City gets written in this forum and that they all agree to it before they send it – that is not in the best interest of this community. They have to do better.

Mayor Ries thanked Councilmember Dujmovic and said she has seen many letters from former mayors that were written on behalf of the City that did not receive Council approval. The reason

for that is there is some ability of the mayor to request documents on behalf of the city for furthering information.

Councilmember Shah noted Mayor Ries is cutting her short.

Mayor Ries is going to cut Councilmember Shah off right now because their last meeting was 4 hours. If she wants to discuss the issue, she may, but right now this issue of whether or not this is proper, it is a continued item on the agenda and Councilmember Shah is wasting time.

Councilmember Shah said she is not wasting time, she is looking out for the public, all 5,500 people.

Mayor Ries noted she is also and that is why the document request was sent out. With that, there was a comment made on record in December where it was suggested that NOHOA had decided an issue and approved the Nord parcel specifically. Mayor Ries asked for documentation that would prove both of those sides, either the NOHOA Board had approved it, or that NOHOA had not approved it. In response to the document request, information was sent over from NOC and NOHOA. She would like to discuss with Council both of the items and would like to do this rather efficiently for the sake of time, since unfortunately they have already lost a lot of time discussing whether or not a letter requesting documents is appropriate. Mayor Ries paraphrased the first items sent from the Company, and said it was suggested that NOHOA had the chance to review and comment, had approved it, that NOC had supplied maps showing various elements, a couple of emails sent, and various other items. There was also a letter written by Mr. Houge, President of North Oaks Company that stated during a Planning Commission meeting during public hearing the parcel was discussed and they had the opportunity to hear from NOHOA. Mayor Ries said NOHOA has also sent over documentation and supplied meeting minutes in which they stated that this was not approved, and some other information where they stated this was not a Board decision, they still want to review the area, and have not approved the Nord parcel as stated by Mr. Houge in the December meeting. Mayor Ries wants to turn it over to Council to discuss.

Councilmember Watson said Mayor Ries accomplished what she set out to do in getting material from the two parties to the PDA which is important. For those who have read through the material it is very useful to explain both parties' positions. It also explains why it has taken two years to get this plan ready for final approval and he hopes this item can be carried on to the next month's agenda which gives them an opportunity to have Attorney Nason present. He encouraged NOHOA and NOC to plan to be with the Council and work through this.

Councilmember Dujmovic thought the material was very enlightening and said to Staff and engineers, in the June 11, 2020 meeting, there was a request for a full hydrological storm water management plan for the Nord site. He asked if they are in possession of the full hydrological storm water plan.

Administrator Kress does not recall it ever being a formal motion but would have to go back and look.

Corey Bergman from Sambatek said they do have the full report with hydro-CAD modeling and language.

Councilmember Dujmovic asked if Administrator Kress can distribute that to the Council. He said it was stated in the June 11 meeting that “it was a requirement to submit prior to final approval. The applicant will need to hire their engineer who is experienced and professionally trained in hydrological reporting, they need to submit it to the City, and it is needs to follow the policies of the City and the storm water management policy. This is part of the conditions of approval and needs to be done before full plan approval.” Councilmember Dujmovic would like to see that and thinks his colleagues probably do as well.

Mayor Ries is also interested in looking at that from a financial and management perspective. Going back to the documentation provided, Mr. Houge is suggesting that NOHOA has approved the Nord site and there is also discussion on who will be managing the surface water and water collection of the area. NOHOA responded with documentation which pointed in the meeting minutes specifically where it was stated on record that there was no Board decision. Since that May meeting they have offered a number of letters reaffirming their position; Mayor Ries does not know if they need to take a vote or come to some sort of resolution as a Council. She then stated she would make a motion in response to the documentation as to whether there was or was not an approval by NOHOA. As Councilmember Dujmovic said, who will manage the storm water, roads, and water management. After the vote determining if NOHOA has or has not approved this site it may also bring in to question some of the other points or alternatively it may clear up non-issues.

Councilmember Hara said when they talk “manage” he wants to be clear with the citizens of North Oaks they are talking about who pays for the maintenance of the storm water areas. Many people do not understand what is involved in that and may think this is a petty issue; in fact the continued maintenance of these basins is a continued expense that they would potentially be responsible for.

Councilmember Shah is a bit concerned as the scope of the discussion was regarding Nord and they had materials submitted about the accuracy of the approval of Nord. The storm water management piece was never ever expected to be on this agenda and they are getting out of scope here. More so, Councilmember Shah is questioning as a Council what they are deliberating tonight, in looking at the packet there is no resolution on Nord for the Council to consider. The City Staff, Attorney, and Planner could not even prepare for the meeting because no one knows specifically what the Council was deliberating tonight or what action they are supposed to take. She feels they can do better than this and they need to pinpoint what specific topics and concerns there are and what actions the Council will plan to take and deliberate. Moreover the invited parties need that level of precision in planning...that is good governance.

They need to be prepared for these discussions and what type of action or vote is expected. As a Council they must ask those questions. What are they going to do with this information tonight? Before they even came, she wondered if they were going to have a roundtable discussion, open it up to public comment, and none of these details were ever discussed on a Council level on the topic of Nord. She asked what is the objective and outcome of this review? She said they cannot go down this path without asking those questions and they need to be cleaner than this. It is a good precedent, good governance, and a good practice. Councilmember Shah is very concerned as she is already hearing a motion and they did not have any expectations going into the meeting other than a very vague agenda item that said “further discussion on the Nord approval.”

Mayor Ries said as Councilmember Shah can see this is Unfinished Business and the item is a continuation of what was discussed at the last meeting. The fact that the Staff and consultants may not have had any information about it...this was asked at the last meeting and Mayor Ries was asking for documentation to affirm or deny a position or fact that appears in the City Council’s record. The Council does not have to identify every single motion beforehand; there is an entire book called *Robert’s Rules of Order* that talks about the ability of the Council to make motions. They set up the agenda and have things on there, such as continued or unfinished business that they keep talking about. Now they have documentation they can discuss to take a vote. However, the point is there is something in the Council’s record that they are affirming or denying whether it is a truth and that is something this Council can vote on. She knows Councilmember Shah is trying to be the person saying that this Council is not being transparent, but they now have had many days to look at the documentation, a month to look at Mr. Houge’s letter, so the fact that this is not being fully discussed – she said this is why the last meeting was partially inefficient because this Council had to debate these items which are pretty clear in going forward. Councilmember Shah had earlier stated she does not even know what they are talking about and that is because Mayor Ries has not even made the motion as Councilmember Shah interrupted her. Mayor Ries continued by making the motion.

**MOTION by Ries that the Nord parcel was not approved by NOHOA based on meeting minutes from May 2020 affirming the fact that the Nord parcel was not approved.**

**Councilmember Watson asked to make a friendly modification to the motion; the addition he would suggest is that in approving the final plan for any parcel within the East Oaks PDA requires the approval of three parties. The Company and the City with respect to the entire agreement; and NOHOA with respect to trails, roads, and home owners’ associations.**

Councilmember Watson stated it is pretty evident in reading this material that neither party has come to an agreement – he does not think it is just NOHOA that has not come to an agreement, the Company did not come to an agreement either. If they rely on some emails or informal conversation which is outlined in the communication by Mr. Houge, and compare the dates and communications between the two parties, it is like two blind men trying to navigate a tour together – they missed each other.



Mayor Ries asked what the amended motion would be.

**AMENDED MOTION by Watson to suggest that the information they have received would indicate that it was not a meeting of the minds enough to approve a final plan in December.**

Mayor Ries said the motion has been made, there is an amendment, and asked if there is a second.

**Amended motion seconded by Hara.**

Mayor Ries opened the floor for discussion on the amended motion that there was not a meeting of the minds for the approval of the Nord parcel.

Councilmember Shah asked if they will have the impacted parties speak tonight because clearly right now the City is almost in an arbitrator position. These agreements are between two entities, NOHOA and NOC.

Councilmember Watson commented on Councilmember Shah's remark because it is incorrect. The agreement is actually between the City and the NOC; there is a consent and joinder provision in the PDA for NOHOA with respect to three items: roads, trails, and home owners' association. There is a separate agreement between NOHOA and the NOC that was submitted by Mr. Houge as well that was signed in January of 1999 by then-president Tom Welna, who incidentally happened to sign the consent and joinder in the PDA, and Mr. Leonard who was President of the NOC at the time. He thinks they need to keep their facts straight and the point is, if the three parties were to come to an agreement it requires each party to obviously recognize that there was a meeting of the minds.

Councilmember Shah said they are talking about the scope of the approval and it was particularly mentioned – she knows about the PDA and she knows about the contract – but the accuracy that the Mayor is questioning in the letter is regarding the approval of the trails and the shared driveway. That is the scope of what they are talking about tonight.

Councilmember Watson is sorry but the point he is making is, he does not care if they were talking about how many stars were in the sky – the fact of the matter is if they did not have an agreement on trails, roads, he might point out that Lots 1 and 2 have nothing to do with the Planned Unit Development (PUD), they are outside of the East Oaks Development agreement he might note and consequently the PUD covers everything within the boundaries of the PUD. These two lots were platted or reserved back when, but are outside of East Oaks; his point is the parties have laid out trails, roads, shared driveway, whatever...and he looked at this stuff starting early in 1999 and this year is 2021. It is damn near two years and these guys have not come to an agreement. Every letter he has read on behalf of NOHOA reminds people about every other

month that they have not agreed. He does not need more than a high school education to read that and understand it.

Councilmember Shah said the biggest take away from that letter that she found out, it appears that NOHOA does not even have to have approval; they have a consent agreement and it is only review and comment. She wanted NOHOA to have a voice at the table and Kathie Emmons came back to the Planning Commission and spoke about Nord. She said on record it was the most challenging development for them in regards to the trail and the technical details about that area. Ms. Emmons spoke about the balance, different elements, and in the end they came up with the best possible solution for the trail. Councilmember Shah said Ms. Emmons was honest about it but also said they came to an agreement, and now they are having challenges on what exactly was agreed-upon between NOC and NOHOA. Councilmember Shah questions if NOHOA is exceeding their authority...do they really have the right to approve the trail in the Nord development or are they attempting to exceed their authority over something they do not have the right in. Councilmember Shah defers to Attorney Nason on this, who is not here. She asked where is their City Attorney to speak to this matter? Councilmember Shah said the Council should not vote on such a matter without having their City lawyer speak on this municipal matter.

Mayor Ries wants to correct some of the items Councilmember Shah just stated on record. First of all, Kathie Emmons did appear at the Planning Commission meeting and had comments that she provided; in NOHOA's documentation supplied to this Council addressed that. If they read the documentation, the Board did talk about in their meeting. Ms. Emmons Kathie did state on record that it was not approved. The Nord parcel was not approved. What they are talking about is a comment by Mr. Houge on record in December which was relied upon as part of the Council's approval in December that Nord was approved by NOHOA. The documentation received by NOHOA points out on record in a Board discussion that NOHOA has not approved it. When one talks about exceeding authority, a Board member of NOHOA cannot make the determination of the entire Board. When the entire Board weighed in on that issue, they said they have not approved the parcel and that is what is on record and what is provided to the Council. Additionally, Mr. Houge alleged in his letter that there is only a review and comment section, but this is a consent and joinder where NOHOA has to take over the management of the trail, road, and other issues. Therefore, their management is critical in this decision making process and they have to weigh in on this as it is part of the joint balance of their governance. In addition to that, Mayor Ries said they must review whether or not the steps agreed to in the documentation was correct and going back to the issue at hand, they must look at this and review it from what this Council is accepting as approved or not approved. When this statement was made where an approval was based, they already asked Ms. Nason, she provided a memo, and she did guide the Council about this issue. She basically said in meetings in December, that as conditions for approval the new Council, if the new Council approves this...and so unfortunately Ms. Nason had a recent death in the family and could not be at the meeting tonight, but the Council cannot rely on their attorney; the Council has to make the determination and it is up to them. That is what Ms. Nason has repeatedly stated in the meetings in this approval process, that

the Council has to weigh and determine. In that recent memo, Ms. Nason also stated and instructed the Council about rescission and looking into these issues. She also added as conditions for approval that the new Council has to agree that this would be a “grandfathered in” use of the area. With that, Mayor Ries believes Councilmember Watson had another point he was going to make, but Mayor Ries thinks they should move this item along. She noted there is a motion, an amended motion on the table which has been seconded. She said if there is any further comment, they should call a vote.

Councilmember Dujmovic said in the February 5, 2021 NOHOA letter, they not only reference the May meeting which is part of the motion, but they also mention documents or statements in May of 2019, January 2020, April 2020, May 2020, April 2<sup>nd</sup> of 2020, and May 7<sup>th</sup> of 2020, as well as a three-page document on February 5<sup>th</sup> 2021 that outlines several times in several places that they have not approved Nord. There are several issues, the roads and trails which they have discussed. There is also membership into NOHOA and there has been discussion about who has authority over those things. Councilmember Dujmovic thinks they can all agree that number one, all of the people sitting on City Council ran on a platform that said “respect NOHOA, respect their authority and responsibilities, and work more effectively with them.” He noted that is what they are trying to do here; they asked for this information they have provided it and it is extraordinarily clear. Item two, Councilmember Dujmovic thinks they would all agree that NOHOA has authority over the roads and the trails and they have authority over membership in NOHOA. He does not think anyone is going to dispute those three things; that is what they are talking about and this three-page document is crystal clear. They do not need a lawyer to tell the Council what these documents say, it is absolutely clear and he thinks they can vote.

Councilmember Shah said before they do – and she does agree with Councilmember Dujmovic – she certainly does want to come to the point where all parties involved will feel much better about his agreement. However, she keeps asking herself what are they doing, and what are her Councilmembers signaling right now by going down this path...are they going to unapproved the approval? What will happen here as it is really ironic because the City Attorney is not even here to speak to the item. Councilmember Shah knows they are all saying this has been covered but she has great concern.

Councilmember Watson asked if he can call the question.

Councilmember Shah said to Councilmember Watson that she was not done.

Councilmember Watson said he is sorry but she is taking it into a different problem.

Councilmember Shah said no, the Council should all ask if they take this vote tonight, what is next. What is next for the community, what is going to happen...Is this going to move to court? Is that what they want? What is going to happen?

Councilmember Watson asked if Councilmember Shah read or listened to the motion.

Councilmember Shah is asking what happens after the motion.

Councilmember Watson asked if Councilmember Shah listened to the motion.

Councilmember Shah said with all due respect to Councilmember Watson, she is asking on behalf of her community.

Councilmember Watson said, oh really, is Councilmember Shah going to submit the material she is reading in to the record so they can all read it?

Councilmember Shah asked what exactly is Councilmember Watson asking?

Mayor Ries interjected and called a point of order to move this forward because they are not going to have another 4-5 hour meeting, absolutely not. She said Councilmember Shah has made the point that she wants the Council involved in this question, Attorney Nason has weighed in on what the Council can do at this point, they have a memo from her, and now they have documentation they need to consider. Mayor Ries wants to address a couple more points. In the letter, it was noted that it was weighed in at the Planning Commission. In the letter it was suggested that the public hearing section is the only time that NOHOA can raise their voice and talk about plan approval; Mayor Ries wants to make it clear that she was very concerned when reading some of these points because the public hearing section of a Planning Commission meeting is for all members of the community to weigh in on these issues and it guarantees them that right. Mayor Ries noted they have a consent and joinder agreement which gives NOHOA the right to review and weigh in on all of this. That is what they have repeatedly requested to do and they need to be part of the decision approval and they are the governance of the membership. They need to be part of the decision making process. NOHOA has reiterated that they want to maintain that and be part of this and NOHOA has not approved this. They want the right to go and vet some of the questions, so Councilmember Shah's concern is what are the next steps? Mayor Ries said they had a presentation done by Rachel Maher with substantial questions of environment, they had concerns about the truth of statements on record which both sides had provided documentation. It appears in a May meeting that the question was clearly stated that there was no decision by NOHOA, they have maintained that, and supported documentation that supports that. Mayor Ries has concern that NOHOA was cut off from the issue because the Company thought that a public hearing was essentially the same as a consent and joinder right. The next steps in Mayor Ries' mind is to basically look into all of these issues and get the environmental questions answered, get NOHOA's weighing in and have these discussion when they have echoed time and time again "we have not approved this and we want to do this." Mayor Ries said there are also questions of financial obligation for managing this that have not been sorted out yet. Mayor Ries had 20 hours to review the packet and make a decision and that is not enough time to give people to review a 486 page packet. She believes Councilmember Watson had amended the motion to basically rescind as suggested by Attorney Nason in her memo about the approval of Nord specifically, and that is one of the Council's options. The

amended motion has been posed now if they want to take those steps. Mayor Ries would offer before calling the vote that next steps would be to support the community concerns, the NOHOA concerns, and get the questions answered. For example, hire a consultant to investigate the environmental issues, double-check some of the maps, have the conversations with the DNR as they received a letter from the DNR very concerned with a lot of the plan approvals they were doing. If they do not do it now, it is a lot more costly and difficult in the future. At this point there are conditions of approval that have not been met, such as a Joint Powers Agreement. Mayor Ries thinks it is prudent in supporting the community and listening to their voices, to double-check, to call back the approvals with the understanding that they are not stopping development. She said they are being responsible in addressing the concerns collecting data; when the plans come before the Council again or the data comes in to affirm that the plans are approvable or to say no, they are requiring changes be made as something does not meet. Mayor Ries said they are double-checking environmental concerns, double-checking whether or not it is within the PUD, it is approvable, whether or not they want to take on the burdens with the development plan that might be implicated, and whether or not NOHOA approves or wants changes. She said when they collect data, then they can do that, and she wants to have the opportunity to address the many concerns from the community – not just Rachel Maher’s video, but there was another video that came in, and also a letter from former Mayor Ecklund, many comments received from residents. They have an obligation to their community and they should be taking reasonable steps like hiring someone independent that has environmental expertise rather than a for-profit engineering company. Perhaps they could get some grad students from the University to help to reduce the cost, but she thinks they have an obligation to double check things.

Councilmember Shah wants to respond and said the public hearing and comment period was closed on the Nord development. She wants to make it clear that she is fine with the public coming forth with questions and concerns, but there is a time and place to do it: it is the public hearing and public comment period. However, it is closed now and this impacts fair due process, bottom line it is concerning, it is brushing this under the table, they are a local government, they must follow process and rules, the public comment period on Nord was closed months ago. If they allow it, they are simply allowing new evidence being submitted on an already approved item. It is done. They are breaking City rules, violating due process laws, when they continually entertain taking in new evidence. They have to step back and see that the City is accepting alternative materials after they have acted on approval. It is really going to add fuel to the fire if the Company decides to move forward and the City gets sued.

Councilmember Watson said it is time to call the question, he has had enough of this.

Mayor Ries agreed and called the question.

Councilmember Watson reminded people the nature of the motion in front of them is simply to indicate, as the motion says, that he for one read all the materials they received in response to the

February 2, 2021 letter and all he is suggesting is he thinks the material supports the idea that there was not a decision based on a meeting of the minds on December 17, 2020.

Mayor Ries agrees and wants to reiterate that public comment and public hearing are two entirely separate ideas of law and required things they have for zoning under Minnesota Statute. This is entirely different than a consent and joinder agreement between two parties.

Administrator Kress noted before or after the motion, Mr. Houge has his hand up and if allowed to speak, he recommends they go to about 8:30 p.m. as they are getting close to their deadline.

Mayor Ries allowed Mr. Houge three minutes to speak. She noted that in an email from Mr. Houge he had mentioned that Mayor Ries did not allow him to speak at a previous meeting. She does not have controls of who is allowed to speak at these meetings, it is done by the people running the Zoom meeting, the administrative staff, she does not have the ability.

Mr. Houge wants to remind people that he is a member of the NOHOA Board as Councilmember Watson said, they met last Thursday and they did not discuss the Nord project, contrary to the statement that was made. The Company objects to this discussion this evening given the fact that they have received prior approval. To the extent that the Council proposes action based on NOHOA's failure to approve the project, the Company objects because the issue of NOHOA's approval or disapproval of the development is irrelevant to the City Council's decision to approve the project. Under the terms of the PDA and the January 1999 agreement between the Company and NOHOA, NOHOA has no right to approve or disapprove the project, and the City has no right to require NOHOA's approval of the project as a condition of the City's approval. The PDA grants NOHOA a right to review and comment, which right they were clearly afforded and clearly exercised. The Company worked very closely with the designated staff people at NOHOA to try to come up with a solution for changing the trail from what was originally agreed to in the PDA. The specific question Mr. Houge was asked to clarify was whether NOHOA has approved the trail, it was not a question of whether they approved the development. What Mr. Houge said is that they came to the site, they guided the Company in terms of what they wanted them to do and where they wanted to put it and the Company made plans to accommodate that request.

Mayor Ries said there is an amended motion on the table, it has been seconded, and she called the vote.

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

Mayor Ries said next steps will be to look into the items that have been raised as a concern from the community: to review the trail, to work with NOHOA and bring them into the discussion and start looking into the environmental issues that have been raised by members of the community, to start looking into financial questions about financial obligations of plans, and to look at the

parcel and review the approval of the Nord parcel. She asked if they want to set up a special meeting to do that. She suggested forming a committee with Vadnais Lakes Area Water Management Organization (VLAWMO), such as Dr. Palmer, and hire a consultant that specializes in environmental aspects to start collecting some data. That way they have reasonable, current data rather than outdated data from a drought season in 2015, and also some of the statistics they have for the past 5-6 years because hydrology studies are not just done in a very short period of times such as 1-2 weeks. They often take months.

**MOTION by Ries, seconded by Watson, to enter into an arrangement with a consultant that specializes in environmental work, and also with Vadnais Lakes Area Water Management Organization (VLAWMO) to begin reviewing these.**

Councilmember Watson said Dr. Tanner at VLAWMO is someone that is obviously pretty experienced in this matter and he would be interested to what extent she would have some interest and some value, since North Oaks is a member of that JPA, in providing some advice as a neutral party to the City.

Mayor Ries said that would be great and she would like more neutral parties involved in collecting data and doing the work. That way they get the true measure of whether the plan approvals were correct or if there is perhaps a preferable alternative. In addition, they can begin working with NOHOA right away. As they educate themselves on the area and the environmental impacts, they can start working with NOHOA in getting their feedback as they go through this process.

Councilmember Hara added one thing that is troubling him is the assertion that NOHOA has approved the trail as it sits today; although he was not there when the video his daughter created was shot, he was there during the Planning Commission stages. The trail where it exists today, at the time Kathie Emmons had said the trail was not perfect but was perhaps as good as it could be, that trail would have been in three feet of water. He really doubts that at that point they would have said yes, this is an acceptable trail, not the best trail, but an acceptable trail. Councilmember Hara had a conversation with Administrator Kress when he was on the Planning Commission and said if that is the acceptable trail, then they better provide kayaks for either side of where that trail enters in what was a standing water wetland so people could paddle across it and get to the other side of the trail. The process is what is bothering him – they can all talk about the facts that they think they understand – but their eyes do not lie and he encouraged Administrator Kress to publish the video that Franny Skamser-Lewis put out that very clearly shows some of the concerns from the citizens. He thinks it illustrates, to those that are not as close to it, what some of the concerns are. Councilmember Hara said they are not trying to stop this development but are trying to make sure it is done responsibly and respectful to the environment.

Mayor Ries reiterated that – they are not trying to stop the development – they are just trying to double-check everything to make sure they are being compliant, responsible, and

environmentally cautious. When they review some of this information and dig into it rather than relying on outdated information from 2015 and they look at the specifics of it with NOHOA and with a possible trail, and they also review the EAW that was done in 1998, as well. She said a lot of the EAW discussion was never brought up when the Council was discussing the approval and that would be something interesting that a neutral third party could also review for the City. Mayor Ries said this may cost money and she wants to try and get grad students into this when there is a test being done to see what they can do to reduce the costs as she does not want this to be an extremely expensive review process for the City. She wants to be sure they are being responsible and double-checking everything.

Councilmember Shah knows she is alone on the island on this, but she wants to make it clear to the public, the Mayor is asking for consultants to be hired. However they have paid City consultants and professionals all qualified to review, speak, and resolve all these open issues, items of concern, they were all addressed and to Councilmember Shah it is such a waste of money because they are doing it all over again. It is a waste of taxpayer money. What bothers Councilmember Shah more is that the City that has been around for 50 years has always followed the process and procedures for developments and it just seems they are ignoring those rules now. It undermines all the City professionals and City Staff members that have touched the Nord development; the Planner, the Attorney, the Engineers. Which, by the way, were certainly paid for by taxpayer money and none of it apparently mattered as their professional expertise were just overlooked and discounted. To Councilmember Shah it is a waste of taxpayer money and time, time they could be working on other things. The worst part of all of this is that it undermines the Planning Commissioners that served the City, they are all residents, neighbors, and public servants that gave time to this community. She said they are all North Oaks competent individuals and they made the best decision they could; it completely undercuts the North Oaks Planning Commission and erodes all the work they have done. They are historically the recommending body to the City Council and it completely undermines the governing board. Councilmember Shah thinks it is a total setback for the City.

Mayor Ries said regarding the Planning Commission, these plans were actually vetted for two years, a year and a half with a former Planning Commission that Mayor Ries remembers reviewing plans. She said they had requested a lot of documentation and information about environmental concerns they had a long time ago. They had asked for marketing information, concerns about ponds by roads and water runoff. Mayor Ries said they did raise these concerns that were brushed under the rug when some of them were removed from the Planning Commission. These environmental issues remain today and what she understands about hydrology and studies is that they need to put sensors and transducers deep down and it takes seasons to understand water flow, water tables, etcetera. She said this information was never studied, they had 2D maps given to an engineer to review and she did her best based on her engineering standards and reviewed it. However, what a hydrologist actually does is to understand not just in a week's time but over a period of time, water changes, water flow, etcetera. Mayor Ries said they also have the issue of disappearing water that was pointed out in Rachel Maher's video, Councilmember Hara had noticed the same thing, Mayor Ries had



noticed the same thing, and other people living in that area noticed the disappearance of that water. There are environmental issues that have not been answered and that requires a hydrologist to do a study to understand where that water went and if it is coming back. That is responsible development and those are questions that were raised that are not part of the delineation study from five years ago. She understands that a delineation study may have been accomplished during a drought, but there are other environmental impacts and it is advantageous to the City Council to take advantage of the time before they get further down the development process to look into these and make the most responsible decision they can make. Regarding taxpayer dollars, Mayor Ries understands that this is sensitive but approving the plan and paying for wastewater management, etcetera, also could have costs to taxpayers. Therefore they are doing a review to make sure this is all acceptable environmentally, financially, and from a development compliance standpoint with the PDA.

Councilmember Dujmovic thinks when it comes to responsibility, they need to do the best they possibly can for their community. They can ask for something and it can be denied, but they need to ask for it and make that known. That is what they are trying to do for everyone who is listening. The first thing is, the Council talked about times when they walked around a trail in the community and they come to a position where they cannot cross it because it is wet. He noted that already exists today with trails that were built years ago; if they can avoid that by planning better now, let's do that and serve the residents of the community. From a skiing perspective, if there is a trail that will be represented as a ski trail but is not skiable, let's stop that if they can and provide something better. He said they should do the best with the resources and responsibilities they have been given as a community. When it comes to this responsibility between the City and NOHOA, they know that the City – as Mark Houge pointed out – they are responsible for and they have the authority to approve these plans. But the brothers and sisters at NOHOA have the financial responsibility to maintain what they approve. Because of that it would be irresponsible for the City Council to approve something that puts NOHOA in the position that they are not comfortable with and have not signed on to. That is not the way they campaigned when they talked about working together as a group and that is another reason why this is important. They started the meeting off by making sure on record what they want to talk about. In a future meeting he wants to talk about the trail, shared driveway, access and road, NOHOA membership for those parcels, financial obligations, condition of approval and the status, zoning and dual zoning of land that is in there. There may be more but he wants those at the record.

Mayor Ries noted they are over the two hour mark and called a vote.

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

Administrator Kress asked who is picking the consultant and what other direction will they give to Staff and consultants. Part of the later discussion is for a potential City engineering contract, so it is likely they might pick up that consultant with their prime engineer soon.

Mayor Ries nominated Councilmember Watson and Councilmember Hara to form a committee, or perhaps Councilmember Dujmovic and Councilmember Hara would like to form a committee to pick the consultants.

Councilmember Shah volunteered, as well.

**MOTION by Dujmovic, that Dujmovic, Hara, and Shah form a committee to discuss and select the consultants that will help collect information to empower discussion.**

Administrator Kress noted it has to be two members; any more than that is a quorum.

Councilmember Shah said that is fine and she will remove herself. She is more concerned on pressing needs such as the engineer; she would be happy to be on that sub-committee to move that engineer firm forward.

Administrator Kress noted that sub-committee has not been formed yet. He asked Councilmember Dujmovic to amend his motion to be Councilmember Dujmovic and Councilmember Hara, and include Administrator Kress. He noted Attorney Mikhail has a hand up.

Attorney Mikhail noted a committee to make a recommendation is a good thing to do. Ultimately the hiring would need to be approved by the Council as a whole.

Mayor Ries wants to be clear the consultant would be collecting data, and the Council vote would be based on that data.

**Amended Motion Seconded by Watson.**

Administrator Kress noted Attorney Mikhail was saying they can create the sub-committee but they must come back to the Council as a whole to authorize.

Councilmember Shah asked if the consultant is to look into matters raised tonight around Nord.

Mayor Ries said it would be to look into matters but it is to collect data.

Councilmember Shah wants to be sure the scope is on Nord.

Mayor Ries said at this point it is on Nord. If the Council wishes to expand the duties they can.

**Amended Motion carried 4-1 as Councilmembers Dujmovic, Hara, Ries, and Watson voted for; Councilmember Shah voted against.**

Mayor Ries asked the committee to get together and either update the Council, or perhaps call a special meeting.

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

Mayor Ries asked to table this item as they are over the two hour mark.

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

Mayor Ries asked to table this item as they are over the two hour mark.

**9. NEW BUSINESS**

Mayor Ries said they can discuss item 9a if the Council wishes. Mayor Ries asked to table item 9b and 9c. She has asked Administrator Kress to come up with a summary of all the applicants.

Administrator Kress' recommendation is a subcommittee or a special work session so the Council has buy-in in the process. It sounds like Corey Bergman would be willing to give a week or two to extend the deadline. Administrator Kress would look at doing that next Tuesday or Wednesday if possible.

Mayor Ries thinks a summary would be good.

Administrator Kress went through SOQ's and he does not know how he could break it out any further. They generally all have the same qualifications and some of the SOQ's were larger than others, but he thinks the questions the Council may have are better answered by the consultants themselves. He can forward the SOQ's to the Council.

Corey Bergman recommended that they speak to some representatives, as all of the firms are qualified to do it. The Council is selecting the people and personalities that they want to work with. Therefore meeting with them and getting a feel for how they can work together is probably the best process to find the right fit for the Council.

Councilmember Hara agrees and asked Administrator Kress if among the firms that are vying for the contract, who the primary contact would be with each firm and if they have a resume of that primary contact.

Administrator Kress said yes, those are all included in the SOQ's with the exception that if the Council wanted a different primary or secondary engineer that would be part of the discussions during the meet and greets with the firms.

Councilmember Watson said the firms have presented a primary and a secondary in each SOQ.

Mayor Ries asked Councilmember Watson what they did in the past with engineers.

Councilmember Watson noted he had the good fortune of having Jeff Russe with the City for 30 years.

Administrator Kress said the typical process is a work session, giving them 10-15 minutes a piece to see if a relationship can be built. After that they may invite one or two back. However, given the City's timeline they cannot do that; they need to meet the firms, ask clarifying questions, billing, primary and secondary, which they can always modify after the fact. Those are the things they would want to ask. He would recommend the entire Council rather than a work session if possible.

Mayor Ries said they could do a work session to expedite the process.

Councilmember Shah recommended if Sambatek is offering an additional week they have about 10 business days and must do their due diligence. If they don't talk them they will never know who is right for their City. They are probably all qualified but they must find the right fit. She thinks the idea of a subcommittee would be great to isolate the top candidates and then they can have a special work session to discuss. She asked if that is possible.

Mayor Ries asked how that creates efficiency; the whole Council should have the right to interview this particular person as it is a personality fit. In order to be truly fair, she does not mind setting up subcommittees but in this particular case they must be sure the person has the right qualifications, character, and experience. It might make sense to go with Administrator Kress' recommendation of a work session to meet with each firm. It seems more efficient.

Administrator Kress said it just comes down to the Council comfort level with doing that. He still suggests full Council, full review, 10-15 minutes apiece and they can see if they come to an agreement.

Councilmember Watson said they all have copies of the material; he has been through these things, he has gone through and created his own numbering system 1-4. That is just from reading the materials, looking at the communities they work with, and what the satellite office looks like. He creates his own criteria and would share with Administrator Kress and the Council. Then when they meet they have a way of looking at the engineers without looking at the personality, and then when they meet with the engineers, they can look at the personality and fit of the person.

**MOTION by Ries to set up a work session of the City Council in February to give 10 minutes interview time with the engineering firms.**

Administrator Kress asked what date they want to schedule the work session.

Councilmember Watson asked that everyone looks at the candidates and comes up with their criteria by next Tuesday. He suggested at that point they can set up a Zoom interview on February 23, 2021.

Administrator Kress suggested if February 23<sup>rd</sup> and 24<sup>th</sup> are available, he will check with the firms and get back to the Council on time. He noted they would have to call a special meeting if the Council intends to take any action that night.

**AMENDED MOTION by Ries, seconded by Watson, to set up a special meeting of the City Council on February 23<sup>rd</sup> or 24<sup>th</sup> to give 10 minutes interview time with the engineering firms with possible action. Motion carried unanimously by roll call.**

Administrator Kress thinks he heard a potential motion to table 8b, 8c, 9b, 9c, 9d. He said if 9a and 9e are quick the Council could discuss those. For 9b, the recommendation was going to be for Councilmember Watson and Administrator Kress to craft a new agreement for electrical consultant.

**MOTION by Ries, seconded by Dujmovic, to table items 8b and 8c. Motion carried unanimously by roll call.**

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

Mayor Ries asked if anyone has any concerns regarding the NRC's recommendation for the Pesticide Education Plan.

Councilmember Dujmovic thinks it is a great idea and he is glad they are leading the effort.

Councilmember Watson agreed.

**MOTION by Watson, seconded by Dujmovic to approve the Pesticide Education Plan as recommended by North Oaks Natural Resources Commission. Motion carried unanimously by roll call.**

**b. Consideration and possible action on Electrical Inspector Contract**

**MOTION by Ries, seconded by Hara, for Councilmember Hara to review the contract and bring it back to the Council, and to table a Council vote on it at this time.**

Councilmember Watson said at this point in time they have an electrical inspector who does not have a contract. That is not a problem but they just went through a building official contract, Attorney Nason went through that and the idea is to offer the electrical contractor a contract that looks very similar.

Administrator Kress said Councilmember Watson and Administrator Kress would work with Attorney Nason to craft the contract, and bring it back to Council for approval at the March meeting.

**Motion carried unanimously by roll call.**

**c. Consideration and possible action on City Engineering Contract**

This item was acted on earlier in the meeting when a motion was made to schedule a special meeting on February 23 or 24 to interview engineering firms.

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

This item was tabled as part of the Consent agenda discussion.

**e. Consider resolution amending annual appointments/responsibilities**

Mayor Ries noted they have Councilmember Dujmovic joining the Council, and he did not have any Council responsibilities. Mayor Ries offered to give him the Police Liaison position and the back up to VLAWMO if he wishes to have them. Responding to Councilmember Hara's concerns, she would like to update her appointment to Wildlife Management to include Councilmember Hara's name on that.

Councilmember Watson noted an addition – they need to appoint a City Electrical Inspect – and his name Peter Tokle of Tokle Inspections.

**MOTION by Ries, seconded by Dujmovic, to approve Resolution 1418 with changes as discussed. Motion carried unanimously by roll call.**

**10. COUNCIL MEMBER REPORTS**

Councilmember Dujmovic is glad to be on the Council; he thinks tonight they had moments to be proud of and moments they could improve in the future. He hopes they work together. He has been on the Tickets of Training with the League of Minnesota Cities and he appreciates the training and the effort put in to doing it remotely. One resident who has put a lot of artwork in the North Oaks News is putting on an art show February 13-15 at Matsoka Park by White Bear Lake. Carrie Puterbaugh takes a lot of beautiful photographs of the community and asked residents to go.

Councilmember Hara wants to reiterate that he continues to see many people using trails and roads which is great, and addressed the safety aspect of being dressed visibly or not having any lights. He said another of his daughters came very close to hitting someone the other day who was dressed all in black and walking a black lab. He is not sure how they communicate that

better, in the paper or on the email blast. He does not want to have a tragedy and the roads get even narrower when the snow piles up.

Councilmember Shah attended the Lake Johanna Fire Relief Association Annual Meeting and they had the election of trustees, they also ratified the Board compensation, and talked about the number of firefighters projected for 2021 and 2022 that would be retiring. VLAWMO Tech meeting is scheduled for the next day and she will report back. Councilmember Shah is looking into the appointment she received about NOHAP, and said there is minimal information on it so she is doing research and talking to prior Councilmembers for more background and will report back.

Councilmember Watson had three Board meetings since they last met; the Fire Board, VLAWMO Tech Meeting, and NRC. He is working with Andrew Hawkins on the deer management program. He said it is no reflection on Administrator Kress as he inherited a mess, but it is sort of out of control. They have removed 20 deer and have spent \$20,000 which is incredible. He thinks the most expensive contract he ever negotiated in 20 years was probably \$200 a deer; they used to remove several hundred. Councilmember Watson will be working on that and noted they used to do aerial counts around the first of the year so they had an idea of how many animals and where they were located. Tomorrow morning he will sit in on the Ramsey County League of local governments talking about mental health. He is working with Senator John Marty. One comment he has is something in the newspaper regarding Senator John Marty and has to do with properties that are in Roseville and short-term home rentals. Councilmember Watson does not know what North Oaks has, but thinks it may be something they need to tee-up in the future, as it is becoming somewhat of a problem in some communities. They have turned into party houses and all kinds of things that people are not having in their community. Most of the communities that have tackled the issue including Roseville, note it is bringing in an undesirable group of people that are displacing the good renters who are going to a game, going to a concert, and behaving properly.

Councilmember Hara agrees, he has seen some of that, and many times these become houses that are set up for different kinds of celebrations, it can get out of hand, and this is not the community they want it to occur in. He thinks they could get out in front of that, create an ordinance that addresses the Airbnb phenomenon.

Councilmember Watson noted they would have to do it with NOHOA.

Mayor Ries agreed. She updated the Council that she has been participating in the leadership training, they have had excellent, motivating speakers, giving top characteristics for leaders, how to build trust, and be a good listener. It is a great program to participate in and she has enjoyed meeting Councilmembers and Mayors from all over Minnesota. She has been doing a deep dive into review of the budget and expenses and looking at ways they can cut back some of the expenses that are not particularly necessary. She also had some maps and graphics updated to provide to Council for a different view of the numbers. Mayor Ries noted NineNorth has a new

space which she toured and it is great. She has been working with Brooke Moore and Andrew Hawkins to get the Tick Task Force into the Natural Resources Commission. She believes they will be co-authoring an article that will appear in the March issue of the *North Oaks News*. She thanked everyone for their hard work and updates.

## **11. CITY ADMINISTRATOR REPORT**

Administrator Kress has noticed there are some family issues, as well as their own City Attorney. If the Council could appoint one person, perhaps they could all contribute some money for some flowers without spending City dollars.

Mayor Ries volunteered to lead that.

Administrator Kress said regarding the Comp Plan, they will have to engage a few consultants for that and they will probably bring it back in March for approvals. He spoke with Mayor Ries and Councilmember Watson about that. There is not a lot left but some minor adjustments they wanted the City to make; they will bring it back let the Council look at it and send it off for final approval.

Mayor Ries asked if it will come back to the Council.

Administrator Kress said the Council has to send it off and then authorizes approval, typically by resolution.

Mayor Ries asked when Administrator Kress presents them with changes if he can do that in a red-line form.

Administrator Kress replied yes, although there are not many changes, just the tables on their end and some minor verbiage and he will try to red-tag them.

Councilmember Dujmovic said to expedite it, if it were to come at a time where it was far-removed from a Council meeting, would Administrator Kress entertain a meeting for the Council to expedite the final approval.

Administrator Kress said yes, they could do that, and schedule a special meeting if necessary.

Mayor Ries asked Administrator Kress to provide a copy to NOHOA for their review, as well.

Councilmember Hara said Administrator Kress mentioned some tree removal on Lot 10 in Cherrywood from a non-licensed company. Councilmember Hara was actually on lot 10 a few days before that work and noted at the time there were a number of deer beds up there; he was surprised the next Friday when he walked through with someone considering the lot. He noticed the trees had been removed and stacked up, but more concerning to him, it looked like they had



dumped almost a whole truckload full of rock salt to melt the snow and get the trucks and bobcats back there. Councilmember Hara is not a forester but topographically the area led into a wetland, and he would have to think that would be very damaging and it was not a small amount of salt but 2-3 inches deep in many locations. He does not know who the company was or who hired them, but perhaps they need to emphasize the non-licensed companies and it is not environmentally good work.

Administrator Kress will mention that to Mark Rehder; he did send Mr. Rehder out on site and they sent him in to obtain the proper licenses for tree removals, but Administrator Kress was not aware of the salt issue as this is the first he has heard of it.

Mayor Ries asked if Administrator Kress could look into that issue, as well, and update the Council.

Administrator Kress said yes, and he would not mind having Corey Bergman take a look at that. If they need to sample anything out there and if it made it into the wetlands they may have to do some remediation with VLAWMO.

Councilmember Hara took pictures on his phone if needed.

Administrator Kress asked Councilmember Hara to send those to him, and he will talk to VLAWMO tomorrow and have them access the property.

**12. CITY ATTORNEY REPORT**

Attorney Mikhail had nothing to report.

**13. MISCELLANEOUS**

**a. January 2021 Forestry Report**

**14. ADJOURNMENT**

**MOTION by Ries, seconded by Watson, to adjourn the Council meeting at 9:18 p.m. Motion carried unanimously by roll call.**

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

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

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



**CONSENT ITEM**

**Memorandum**

**DATE:** March 4, 2021

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Kevin Kress, City Administrator

**SUBJECT:** Appoint Administrative Assistant Job-Share Position

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**Council Should Consider**

The Council should consider appointing [REDACTED] to the position of Administrative Assistant at a rate of \$20/hour. This position is expected to work 20-30 hours per week in a part-time capacity.

**Background**

The City of North Oaks currently has a vacancy for an Administrative Assistant in the Administration Department. Following a recruitment for the position (16 applications received), [REDACTED] has been identified as the best applicant, and staff is requesting that the City Council officially approve this appointment.

**Budget Impact**

This position is a previously budgeted part-time position and will not adversely affect the budget.

Regards,

*Kevin Kress*

City Administrator  
Kevin Kress



**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. 1419**

**RESOLUTION REVISING DESIGNATED POLLING LOCATION FOR PRECINCT 2  
FOR THE 2021 SCHOOL BOARD ELECTION**

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**WHEREAS**, Minnesota Statutes 204B.16, Subd. 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

**WHEREAS**, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, the School Board Election is November 2, 2021.

**WHEREAS**, the North Oaks City Council hereby previously designated the following polling places for elections conducted in the city in 2021:

Precinct 1      City of North Oaks  
                         100 Village Center Drive, Suite 150

Precinct 2      North Oaks Golf Club  
                         54 East Oaks Road, North Oaks

**NOW, THEREFORE, BE IT RESOLVED**, that due to planned renovation in 2021 to the North Oaks Golf Club, the North Oaks City Council hereby revises the polling place designation for Precinct 2 conducted in the city in 2021 as follows:

Precinct 2      City of North Oaks  
                         100 Village Center Drive, Suite 150

**AND BE IT FURTHER RESOLVED**, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the City;

**AND BE IT FURTHER RESOLVED**, that the city clerk is directed to send a copy of this resolution to the Ramsey County Elections Office.

Adopted by the City Council of the City of North Oaks this 11<sup>th</sup> day of March, 2021.

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

Attested:

By: \_\_\_\_\_  
                         Stephanie Marty  
Its:                    Deputy Clerk

**North Oaks City Council  
Special Meeting Minutes  
North Oaks City Council Chambers  
February 24, 2021**

**CALL TO ORDER**

Mayor Ries called the special meeting to order on February 24, 2021 at 5:30 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 (had to leave the meeting early for a Vadnais Lakes Area Water Management Organization - VLAWMO meeting)

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason

Others Present: Videographer Misha Arbichvili, City Staff Debbie Breen

A quorum was declared present.

**APPROVAL OF AGENDA**

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

**PLEDGE OF ALLEGIANCE**

Mayor Ries led the Council in the Pledge of Allegiance.

**BUSINESS ACTION ITEMS**

**a. Discussion and possible action on Deer management contracts**

Councilmember Watson sent an email and noted the Natural Resources Commission (NRC) spent a lot of time the previous Thursday on the subjects of ticks and deer. This particular matter has to do with a company called Nuisance Animal Control, parent company is Laughlin Pest Control and Craig Peterson is the owner. He has removed 20 deer at a cost of \$12,000 so far; Councilmember Watson spoke with Craig and noted he was actually the one who recommended Craig be hired to the Council back in 2013 or 2014. He discussed what the program is for the next month, Councilmember Watson asked him how many deer are in North Oaks, if he had done an aerial count which is of interest to the NRC. Councilmember Watson said at this point, Craig has done nothing, and informed Councilmember Watson that there aren't any deer in North Oaks and that he was charged by the past Council to "remove every deer in North Oaks." Councilmember Watson said it is pretty easy if there aren't any deer and it looks like the job is

done. He spoke with Mr. Peterson about terminating the contract at the end of February, he waived the 30 day notice clause, and Councilmember Watson told Mr. Peterson they would sit down late summer/fall and discuss a deer management program for 2021-2022. The motion in front of the Council is to terminate the 2021 Nuisance Animal Control Contract effective at the end of February, to ask Mr. Peterson to remove his traps and submit his final reports.

**MOTION by Watson, seconded by Dujmovic, to terminate the 2021 Nuisance Animal Control Contract effective at the end of February, to ask Mr. Peterson to remove his traps, and submit his final reports.**

Councilmember Shah has a few questions. Is the intent once they terminate the contract to solicit other vendors and shop it out to get a better fit for North Oaks?

Councilmember Watson said they are cancelling a program, it is not a hunt, it is actually a trap program and it would be eliminated for calendar years fall of 2020 and spring of 2021. The contract expires on April 1, 2021 and the DNR permit also expires on April 1, 2021.

Councilmember Shah asked for clarity if they not only cancel the contract, but Councilmember Watson wants to cancel the deer management program.

Councilmember Watson replied no, he does not want to cancel the program. They are eliminating Mr. Peterson's services for 30 days as his contract expires anyhow at the end of March. Why would they pay \$435/day for 14 days a month to chase around the community when there aren't any deer?

Councilmember Shah is not arguing the cost and she thinks most tax payers would be shocked to hear they are paying \$400/deer. She is asking for assurance that the program will be continued in 2021 and they need to acquire a vendor to carry that out.

Councilmember Watson said the issue Councilmember Shah is raising, which is a good question, is all a function of North Oaks submitting a plan to the DNR to get a permit. The DNR controls removing a single deer in North Oaks. He said this is strictly to do with a contract with a deer removal company for one month before the contractual end date. It has nothing to do with limiting the program.

Councilmember Shah understands and said by eliminating the current vendor there is the concern that they will not continue the program; for Councilmember Shah, the DNR does not have the same objective as the City of North Oaks. The Council is here to protect the welfare of residents and the number one priority should be thinking about tick-borne disease. She said it sounds like they are not going to eliminate the program, but she has severe concerns when they start throwing out these ideas without stepping back for longevity as it is a public safety matter to ensure they stay on top of the deer situation. Otherwise, they might face a situation like in the 1990's where they faced a public safety problem with a rise in Lyme Disease.

Mayor Ries said she was reviewing the City's budget information and saw that the City had already spent close to \$13,000 under this contract. She heard from Councilmember Watson that

they would revisit this issue in the summer; she did not hear that they would eliminate the contract. The concern right now is that too many dollars are being spent on not removing deer. Under this contract, if they do a drive through to check a trap, the City is paying \$430 just for that. It is more of cancelling this particular contract to get better control over some type of program. She said they do not have any data since 2016 and to get a handle on the problem, they do not even know how many deer they have in North Oaks. It is difficult to manage a program when they do not understand the data. They will cancel this particular contract with the idea of visiting the issue again in the summer and to limit the costs under this contract – and a contract from November until March has cost the City \$13,000 just in 2021. She would add to the motion direction for Administrator Kress to draft a letter indicating immediately the intent of what the Council votes on. Her other comment is that this company picks up traps and any other property immediately.

Councilmember Watson does not want this to become a major event as the conversation has steered it from a simple item to a major event. The point is that Mr. Peterson reported there are no deer in North Oaks and he has not removed a deer in recent times, he has removed 20 YTD, and the permit is for 200 deer. He reiterated they will discuss in the summer a program to be commenced in the fall of 2021 and go through the end of March 2022 which is the standard term for a DNR contract. To Councilmember Shah's comment about residents in North Oaks versus the DNR; those two things have to go together as they cannot remove a single deer without a DNR permit.

Councilmember Shah understands that, but the objective of the City is to protect their citizens. She is well aware of the cost and agrees they can do better; she just needs assurance that the program will not go away. When they start talking about removing deer, there are costs associated to that with citizens, as well. When they start messing with the number, the populations will increase and it will certainly impact the bottom line for Lyme Disease which is a lifelong, painful disease and she is trying to be careful.

**FRIENDLY AMENDMENT by Shah to cancel the contract with Councilmember Watson's verbiage, but she would like to add that the deer management program will continue and they will solicit other vendors.**

Councilmember Watson would not accept the friendly amendment, noting the reason is because it is a DNR decision and they will be talking to Nuisance Animal Control about a contract, and he also has the names of 4 others that were solicited back in 2014. He said they will have a contractor, but it is not the Council's decision to conduct a deer removal program, it is a DNR decision and that is why he does not accept the amendment.

Councilmember Shah disagrees, as the number one role as a City Council is to protect the welfare of citizens.

Mayor Ries said under *Robert's Rules of Order*, when a question has been called all debate must immediately cease. She believes Councilmember Watson has just called the question, a motion is on the table and has been seconded.

Administrator Kress said regarding the friendly amendment, the Council needs to vote on that as a whole.

**There was not a second to the Friendly Amendment. Amendment failed.**

Councilmember Shah had one final question, have they sought this question out with key leaders on the Tick Task Force, Brooke Moore and Rick Kingston, who took over the Tick Task Force with one of the most successful programs in the City. With their help they have managed to lower the counts of tick-borne disease.

Mayor Ries said the question has been called, and all debate and conversation must cease under *Robert's Rules*.

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

**b. Conduct interviews with Engineering Firms**

Mayor Ries noted some engineering firms are in the chambers and others will join via teleconference.

Councilmember Shah asked Administrator Kress to state the process and if he would be asking all the questions.

Administrator Kress said he does not have to ask all of the questions, typically the Council will identify which questions they want him to ask and be consistent throughout the firms. The firms will give a short presentation followed by the interview questions.

**1. Beth Engum from CBS Squared.** Ms. Engum said CBS Squared is a woman owned engineering, surveying, and architecture firm and she is a licensed professional engineer with 20+ years of experience, she has a BS in Civil Engineering from the University of Minnesota, and a Masters in Engineering Management from George Washington University. She has lived in Blaine for the last 6 years and previously lived in Lino Lakes; she is very familiar with the area of North Oaks. CBS Squared has been in business since 2011, started with 4 employees and they now have 70 employees across 5 offices. The firm provides an array of engineering services including civil, municipal, water and waste water, transportation, traffic, structures, water resources, and survey, construction, inspection, architecture, and landscape architecture. Ms. Engum's career has been focused on municipal and transportation architecture, mostly managing projects. She spent 6.5 years with Ramsey County Public Works and worked with many surrounding communities and developers; she also has experience working with watershed districts, including VLAWMO. She has experience working on projects such as neighborhood street reconstructions, storm water ponds, trails, sanitary sewer and water main extensions, and replacements. She is also the President of the MN Chapter of the American Public Works Association, an organization that strives to promote the profession of public works through its 1,000 members.

Administrator Kress said engineering firms have many diverse competencies. Your brochure outlined them well; if you were to outline two of those competencies which you see as your firm's strengths, what would they be?

Ms. Engum said municipal engineering is a strength; they are owned by three people and the President is a woman who is a civil engineer and her career has been serving communities, both big and small. Another strength is that they are a collaborative, good group of people to work with, because if there are good employees that enjoy what they do, it is reflected in the quality of their work products and relationships with their clients.

Administrator Kress asked to describe an experience working on a project that was politically sensitive and how you navigated through it.

When Ms. Engum was at Ramsey County, she managed an intersection improvement, the interchange at 694 and Rice Street. For that project, legislature had allocated money and the State had promised the project would get done in the early 1990's and was actually just finished recently. That project was politically sensitive for a few reasons: the biggest being that it was three communities and all had a very large interest making sure the project represented their communities' interest. These cities were spending money in making that improvement, and it had impacts to their businesses. Ms. Engum was able to work with all three communities through the development of the project and had to get municipal consent from all three communities, which took a lot of planning such as the order, what hot-button issues were, and making sure they could accommodate the requests and make it a successful project for the County, State, and for each community.

Administrator Kress asked how they manage clients, stakeholders, and members of the public who are pushing back on parts of an engineering plan or development project that is underway.

Ms. Engum did not touch on as much as she should have in the last question's response, how she worked through gaining that municipal consent to get a successful project done. It really is about collaboration and communication. As an engineer, she knows that sometimes community members just want to come and be heard, sometimes they do have a serious technical issue or concern about their property. She really thinks the root of working with anyone, whether they are considered to be on "your side" such as the City or residents she is working for, or someone considered to be on the "other side" such as a developer or perhaps the State. It really needs to be about communication and integrity. She noted she has a lot of partners around the area, especially in working at Ramsey County and having to have a good reputation and maintain integrity with all of the communities she worked with. It is important to remember it is a small world and sometimes you are on one side of a winning solution and sometimes you must perhaps lose the battle to win the war because you will always be working with the same people. She noted they see the same developers in the community and really need to work together because if it is successful for one party it is likely successful for everyone.

Councilmember Watson asked if Ms. Engum would be the primary representative of the company as the City Engineer in North Oaks.



Ms. Engum replied yes, she would be.

Councilmember Watson asked how many people she can draw on from the Minneapolis office.

Ms. Engum noted they have 6 people in the office but have been a firm that has operated for quite some time with several different office locations and she is able to draw on the support of 70 employees across the company.

Administrator Kress asked to describe their experience with Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs) and the development application process. Please also describe any experience working with home owners' associations and other private entities.

Ms. Engum has more experience working with developers from the standpoint of working in the community and also in Ramsey County and less so with the actual PUD process. However, she is very familiar with contracts and development process in a community and the different submittals that need to be made. She also has experience, mostly on a personal level, with home owners' associations as she lives in a community with an HOA. In terms of private entities, it is very, very common in every project to have very robust stakeholder engagement relationships with businesses and residents within the community. It is very common to be a day-to-day part of what she does and she is very comfortable working with developers and with the community.

Administrator Kress asked in two minutes or less, please provide an example or multiple examples of a time when the firm placed a condition of approval on a project which they later determined had not been addressed to their satisfaction. What did they do about it and ultimately what corrective action was taken?

Ms. Engum said oftentimes conditions of approval could either be a preference for the community or a regulatory issue; she would definitely say that it is to their advantage to make sure the regulating agency is able to back them up with a condition they have put on. Then they can make sure those teeth that go along with a regulation allows them to get the issue resolved. She also thinks it goes back to communication and building a relationship with that entity so they understand number one, that there is a problem, and number two, you will stand by that issue getting resolved.

Administrator Kress asked in two minutes or less, please discuss a time when you received a proposal that was compliant, met ordinances, rules, City, State, Federal, County, DNR, etcetera, and did ultimately meet the requirements but you identified an opportunity to improve on that proposal and counter-proposed or assisted a client in the counter-proposal, proposing a mutual beneficial solution that was previously not considered but ultimately adopted and found superior by the stakeholders.

Ms. Engum recalls working on the Twin Cities Army Ammunition Plant and the storm water management portion of that project. There are lots of opportunities to go above and beyond rules when it comes to storm water management and look for opportunities to do better than just the minimum requirement. Particularly there was an issue where the community wanted to do better on the regional storm water solution in Arden Hills and she worked with the developer to

convince them that it was a solution that was mutually beneficial to him and to the future residents. She noted bringing the information to the developer from the technical standpoint and it is also very helpful when able to identify funding. Many times there are opportunities to identify potential funding sources through things like watershed districts and other grant opportunities.

Administrator Kress asked if there are any closing comments you would like the City Council to consider and what questions do you have of us.

Ms. Engum wants to thank the City Council again for the opportunity to speak with them tonight and let them know she has looked at some of the minutes from recent Council meetings and talked to Administrator Kress and she knows there is some concern about the longevity of the next civil engineer and their ability to get up to speed with some of the issues the City has been facing. She thinks Administrator Kress has a very good handle on what has been happening and she does not have any doubt she would be able to get up to speed and insert herself in the process and the discussions to help the community through some of the development challenges they have been facing.

Councilmember Watson asked if Ms. Engum has spent any time with a public works guy by the name of Jim Tollis in her career.

Ms. Engum has spent time with Mr. Tollis and has not seen him for a while but he was her boss when she was at the County except for the last 6 months or so.

Councilmember Watson said they worked well with Mr. Tollis on Hwy. 96 matters and if she worked well with Mr. Tollis, Ms. Engum can work well with North Oaks; he has high regard for Mr. Tollis.

Ms. Engum said Mr. Tollis was a great presence at Ramsey County and full of knowledge.

**2. Della Schall Young of Young Environmental Consulting Group.** Ms. Schall Young is the owner of the company and has been in business since 2016; before that she spent nearly 17-18 years in consulting with the Department of Transportation and the Department of Natural Resources. She brings both the public and private experience, understanding the municipal environment, as well. On the call today, she has Katy Thompson, who would be the responsible person should the company be successful.

Katy Thompson is a registered professional engineer in MN and several other states, she has worked almost exclusively in the Northeast Metro with municipalities since 2012. She has worked with Lino Lakes, Circle Pines, and Hugo primarily as their water resources engineer and she assisted with many plan reviews, planned unit developments, and managed some of their storm water programs as well. Recently she has been working with Young Environmental as the district engineer for the lower Minnesota River Watershed District, providing permit reviews, construction management, and project management services. Like Della Young, Ms. Thompson has a background in public and private experience having worked for the corps of engineers and MnDOT before moving into consulting.

Ms. Young walked through a presentation on screen and noted they specialize in water and natural resources, planning analysis, compliance, and project management. Regarding the values of the firm, they are focused on integrity, passion, excellence, stewardship, and collaboration which shows through everything they do, including how they approach a problem and how they approach the Councilmembers. They recognize that the Council is here to serve and the engineers are there to serve the Council and act as an extension of their staff. The main office is in Hopkins and they have 6 remote locations because of COVID; therefore no one is getting together in offices. They are a designated small, woman owned, minority owned, disadvantaged business enterprise serving cities, watershed districts, counties and private companies. She showed the team on screen, including Steve Woods who recently retired. They are also stewards making sure they help the next generation of professionals understand the climate and get work experience; they collaborate with universities and colleges to integrate students in projects that benefit the communities, companies, and counties they work for. She noted they would dig into some projects and will highlight regulatory assistance which is looking at Young's ability to help their municipal clients through MS4 (municipal separate storm sewer system), construction inspections, compliance, regulatory matters, or even working through funding for a project. She included working with watershed districts, and noted VLAWMO has been a client in the past and they have helped them on a few occasions writing their watershed management plan as well as their policy document; she is very familiar with their work and the regulations they all fall under. They also do construction, storm water, MS4 compliance, project management, planning, engagement, and modeling. In all of that, the foundation is engineering and technical services.

Ms. Thompson wants to talk high-level about some of the projects they are working on and how they apply to North Oaks. Right now, they are working with HNTB Corporation and Met Council to facilitate the environmental planning and permit acquisition for the Gold Line bus rapid transit project which goes from St. Paul through Woodbury. There are numerous cities, counties, and watersheds involved and the company is ensuring those plans meet all the different requirements at each stage of the design process. They are working with the design team, and coordinating with municipal partners to make sure that the requirements are incorporated in the design plans. As mentioned, they are the district engineer for the Lower Minnesota River Watershed District and facilitate development reviews, manage their permit program, collaborate with partner communities to ensure official controls, ordinances, and storm water management plans are conforming. They also work with to implement capital improvement programs. She gave examples of many cities and projects they are working on. Talking about contentious projects, they worked with the Minneapolis Park and Recreation Board (MPRB) on the Hiawatha Golf Course – a very sacred golf course to the community – who have been inadvertently pumping groundwater and if they had shut off those pumps, the neighborhood residents would have had flooded basements. They worked as an extension of MPRB staff to facilitate a design solution for the pumping problem. Ms. Thompson said the City of North Oaks has a unique landscape and the rural designation of the City is very unique for the area. Many of the residents are on municipal wells and there are points of concern, as mentioned the Highway 96 site and a number of other sites within the community that could impact resident's wells. In addition there are a lot of areas of high biological significance such as Lake Wilkinson and Pleasant Lake which are impaired and any future development should also consider the impacts to those resources as well as residents.

Ms. Young thanked the Council and said whenever they submit an SOQ they think about the fact that Young Environmental is a small firm, has been around for five years, and why should North Oaks trust them? It is really because the company brings the technical competence, the ability to work across very difficult and different landscape and opinions, and help people come to a consensus around ideas with the best solution for the client. They recognize they are small but if selected the City will get the best team.

Administrator Kress said engineering firms have many diverse competencies. Your brochure outlined them well; if you were to select two of those competencies which you see as your firm's strengths, what would they be?

Ms. Young thinks their strengths are the ability to assist clients in thinking through different solutions. They presented the regulatory assistance and highlighted that there have been times clients have faced difficult situations and the company did not have the expertise in house. She said every engineering firm that shows up is probably going to say they have everything – she does not think everyone has everything and the expertise to do everything – but one thing the company does is connect the dots. They will be able to let the City know through this regulatory process it is time to bring a subject-matter expert in to assist; they take integrity and collaboration very seriously. It is not about doing all the work and hoarding it, it is about the city and making sure they have the best solution.

Administrator Kress asked to describe an experience working on a project that was politically sensitive and how you navigated through it.

Ms. Young replied the Minneapolis Park and Rec Board project. She is not sure if any of them saw things in the newspaper but it continues to go on; a situation was uncovered a few years ago in discovering they had an appropriations permit from the MN Department of Natural Resources to pump 30,000,000 gallons and were pumping in excess of 300,000,000+ gallons of water. It was a significant increase and with that the public was concerned because in shutting off the pumps it would flood not only the golf course but also homes. It was extremely contentious between the State and the agency because there were requirements on both sides. Young Environmental was brought in and helped in being the project manager and assisted the park board with the technical and project management skills. They helped to identify a consultant to do the analysis but were also able to help the agency evaluate the analysis and think about bringing other partners to the table.

Administrator Kress asked how they manage clients, stakeholders, and members of the public who are pushing back on parts of an engineering plan or development project that is underway.

Ms. Thompson said they have a lot of experience in that and one trademark is collaboration and stakeholder engagement. The Chapter 54 storm water ordinance for the city of Minneapolis is a great example of bringing people along in the process and making sure all those diverse opinions are heard; they end up with an ordinance that meets the regulatory requirements, and also the needs of the residents, property owners, and developers within the community. She has worked with a lot of developers over the years and knows each project is unique with challenges and sometimes things are found after the preliminary plat that would cause changes to the site design.

That can be very difficult for the developer to hear but they can work through those; it is about being forthright and working through it together rather than taking an adversarial approach.

Administrator Kress asked to describe their experience with Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs) and the development application process. Please also describe any experience working with home owners' associations and other private entities.

Ms. Thompson lived in an HOA, they did some work on their house and had to go through the community design process; she has personal and professional experience going through the approval process. She noted she worked with an HOA in Circle Pines who could not provide flood insurance for residents because they were not in compliance with the national flood insurance program. She got them into compliance so the residents could purchase flood insurance and protect their property. She has worked closely with community development directors and city planners to look at preliminary plats, do initial reviews for conformance against ordinances, and working with developers to understand why they are asking for those conformances. She noted it benefits no one to approve something and then find problems later and she takes the approach of working closely with developers early on so they are aware of the City requirements and the watershed districts.

Administrator Kress asked in two minutes or less, please provide an example or multiple examples of a time when the firm placed a condition of approval on a project which they later determined had not been addressed to their satisfaction. What did they do about it and ultimately what corrective action was taken?

Ms. Thompson said for the Lower MN Watershed District they issue conditional approval for permits all the time; most of the time it is conditioned on easy items but there are occasions where something comes up. Perhaps during construction they are not able to put in a feature where they had intended; it did not meet the design or the permit that had been issued. They worked with the designer to make sure it was meeting the intent of the rule the way it was. There is no sense in digging it up if it was functioning the way it was intended, so they went through some modeling exercises to make sure it was hitting the target pollutant removal efficiencies the permit required. Once they determined that it did meet the intent – while it was not designed correctly – they went through a permit amendment process with Rice Creek to make sure it was documented on their end as well as the City's end that there was a discrepancy, however, it was meeting the rules.

Administrator Kress asked in two minutes or less, please discuss a time when you received a proposal that was compliant, met ordinances, rules, City, State, Federal, County, DNR, etcetera, and did ultimately meet the requirements but you identified an opportunity to improve on that proposal and counter-proposed or assisted a client in the counter-proposal, proposing a mutually beneficial solution that was previously not considered but ultimately adopted and found superior by the stakeholders.

Ms. Thompson said with the Lower Minnesota River Watershed District they have been working with Eden Prairie and some residents; the residents initially contacted the district with some erosion concerns with their backyard. For those unfamiliar with the area, the riverbanks are very

steep, it is a bluff and their backyard at the top of the bluff, but there were some ravines they were concerned about impacting their properties. The district was called out to review and do an initial site design which led to discussions with the community and installation of monitoring sites to determine whether or not the slope was moving and working with the City to determine the best solution. In the end, the slope was fine, but the riverbank was actually migrating and threatening them; the initial problem was not really the problem. The district became involved in developing designs and they are now moving into final design and hopefully construction of stabilizing the riverbank below the slope so it does not become an issue for those property owners and for the City itself. As part of that process they have collaborated with Hennepin County and have submitted for several grants to help fund the project design and construction.

Administrator Kress asked if there are any closing comments you would like the City Council to consider and what questions do you have of us.

Ms. Young wants to thank the Council for the opportunity. In listening to the questions, it shows that the City is looking for a firm to come in and have the skills and also be able to hit the ground running. She believes Young Environmental is that firm and they are here to work with the city as an augmentation of their staff and to represent them with the utmost integrity. Ms. Young is also a facilitator, spending a lot of time asking questions, thinking about design, and conversations to minimize controversy and think about consensus-building and moving forward as opposed to being stuck in a rut.

Councilmember Watson asked them to clarify the role of Steve Woods as he has known Mr. Woods for a long period of time.

Ms. Young noted Mr. Woods just retired the previous Friday, and he was part of the application, so they wanted to be sure he was still on there. He is still available to the company and when she presented the first presentation to VLAWMO in 2003, Mr. Woods was there, was her mentor for years, and when she started the company, he said he wanted to help her and stay in the game. He was with Young Environmental for two years and now wants to travel; he tells them to remember he is still there and they should call him if needed.

Councilmember Watson told Ms. Young to tell Mr. Woods he gets the opportunity to work with Tom Watson if they are hired.

**3. Mike Warner, of Bolton and Menk.** Todd Hubner said the company looked through their staffing to find who could serve North Oaks in a well-thought way. He has been a consultant for 29 years, a city engineer as well as a water resource engineer over that time span. He led one of the largest water resource groups in Minnesota for 23 years. He is currently at the company, is very excited, and said they have a great team and have issues important to North Oaks including wetland issues, environmental aspects and that is why they are here tonight. With him tonight is Mike Warner.

Mike Warner introduced himself and noted he has been in the industry for almost 20 years as a municipal engineer; he started in the field as a construction inspector working with residents, City staffs, contractors on building projects and getting to know that side of the business. From

there he moved into the office and became a design engineer working on detailed projects; he then moved into a project management role where he is currently. He will be the designated City Engineer and the day-to-day person working with the Council. He has availability and will be able to respond quickly to the City's needs.

Mr. Hubner noted North Oaks is a very interesting community and is different than most other municipalities in the state. They are comprised of three entities, have a very rich history attached to James R. Hill, and the company understands that North Oaks Development is the primary development within the City of North Oaks; they own most of the developable land and there are a few portions to the northeast that remain and are currently in the process of development review. Then there is the North Oaks Home Owners' Association which was established to allow the community to steer its direction into the future and preserve its resources. The rights-of-way and public spaces are owned by NOHOA which is different than many communities. So the City is then responsible for the government or incorporated parts of meeting the state laws and statutes for a City such as the ordinances, the planning review of development and some of the permitting. These relationships are very important for the City to function and Bolton and Menk plays with entities all the time and are very good at building relationship and working together. They know that their representation on any of these projects or reviews is definitely the City of North Oaks and they will work to achieve the goals of the City Council and the Staff as they are directed.

Mr. Warner noted North Oaks is different than a typical metro city, but the engineer firm's roles and responsibilities will generally be the same. They intend to be an extension of City Staff, Mr. Warner would respond in a responsive fashion, be responsible for plan reviews, involved with the home owners' association, permitting, ordinance reviews, and other things of that nature. They do have working relationships with the agencies and entities that North Oaks works with and always think of them as a partner, and have good relationships and collaboration with them. Bolton and Menk's bread and butter is municipal engineering, they take a hands on approach in the City, and get involved in the community. It is a long-term investment for the company rather than a short-term chasing project scenario; they want to build relationships. He may not know all the answers of everything that may come up, but the company has a large team of 550 employees that may have experienced an issue who he can go back to and work with. The firm works in 80 communities in the metro and 250 communities in the State of Minnesota and 90% of their work is with public agencies.

Administrator Kress said Engineering Firms have many diverse competencies. Your brochure outlined them well; if you were to outline two of those competencies which you see as your firm's strengths, what would they be?

Mr. Warner said number one would be their environmental work and secondly, the way they communicate and engage in the community. They are very proactive in closing the loop on communication and have a saying "do what you say you are going to do."

Mr. Hubner spoke to the environmental side, and said the reason he was chosen to be the civil manager lead for North Oaks is because he has worked with BWSR (Board of Water and Soil Resources) and the TMDL (total maximum daily load) stuff for Lake Pepin, helped develop the

standards for PAH's (Polycyclic aromatic hydrocarbons) and pollutant contaminants in the State. He was the only consultant on the PFAS Board for spending the \$800,000,000 settlement in Woodbury and Cottage Grove. He has a very strong connection to a lot of the policy development in the State and has put together over 100 wetland and water resource management plans. He has a clear understanding of those rules and regulations and how to look at them from different aspects; he is very excited to work in North Oaks where their water is the source water for almost half a million people to drink. He has a lot of good connections at St. Paul Water and VLAWMO. He was successful in working with Phil Belfiori to get over \$5,000,000 in State grants for the first targeted water quality initiative grant in Minnesota for the Rice Creek Watershed. Funding is another thing Bolton and Menk excel at in the environmental area, they received several direct bonding allocations from the last legislative session. He really thinks they can bring more information to the table to help North Oaks fund some of the restoration efforts.

Administrator Kress asked to describe an experience working on a project that was politically sensitive and how you navigated through it.

Mr. Hubner has worked on several politically sensitive projects over 30 years. The first is the City of Afton which was a project where a levee was losing its certification from the Army Corps, was going to be a burden to the community, and it did not provide flood protection. In studying it, there were drain fields in the levee and it became a sewer project; then the County wanted to redo the road. He spent two years with the community, businesses, elected officials, county and state agencies to put a vision together for the old village of Afton. During that process they discovered effigy mounds and had to do two years of tribal negotiations with 12 different tribes. They worked through it and developed some great long-lasting relationships through that process and developed trust through it. He said the idea that everyone will agree with you is not really the goal in those processes; rather the goal is to give everyone a voice at the table and understand the issues they bring and give them a solid reason why you have chosen to go in the direction you are going. He noted they have a communications studio that can help with videos and education pieces and communication is really the most important part of any of those controversial projects. Mr. Warner was also the City Engineer in the community and went through many things during the Philando Castile shooting; he noted it affects every aspect and he understands controversy, emotions, and how to walk through those processes moving forward.

Administrator Kress asked how they manage clients, stakeholders, and members of the public who are pushing back on parts of an engineering plan or development project that is underway.

Mr. Warner thinks their job is to lay out the facts and present them in a way that is understandable. The first step is putting that together in a clear and concise way and communicating in an appropriate manner.

Mr. Hubner noted Mr. Warner is humble and was just out in Anoka today negotiating with land owners on a Highway 10 project which has some people not very happy. Mr. Warner has a really good way of dealing with individuals and residents one-on-one in the field. He thinks that is one of the most important places to have those conversations, to run to those that are the loudest. If he comes to a public meeting and people are opposed to a project or have serious



concerns, after the meeting he does not run to the people who agree with them, he runs to the people that do not so he can understand what is happening. He noted engineers do not always get it right, sometimes they get it wrong, and when they are wrong they make their changes and take the hit if they have to. He is not too proud to say he has messed up a couple times in his career but he learned from every one of those; one cannot come into the system assuming they know everything. Mr. Hubner said they will ask a lot of questions because they are not coming here with a Bolton and Menk system, but they want to come and be part of the North Oaks system. They want to learn what is important to North Oaks, how they do business, what their goals are and how they measure success; they can then tailor their services to meet those outcomes.

Administrator Kress asked to describe their experience with Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs) and the development application process. Please also describe any experience working with home owners' associations and other private entities.

Mr. Hubner has worked on many complicated PUDs and agreements and noted they can be really long documents. One in particular is making sure the outcomes the City wants are thoroughly developed before they begin the process of getting into those agreements. They have to figure out how to translate that outcome into these agreements and requirements and then check it to make sure they are receiving everything. To think that one goes into these agreements and wins 100% of what they want – it is difficult to get to 100% - but they will get to an agreement that is very good and makes the community highly successful. A project he worked on was the Apache Plaza Mall when it was torn down and to go from a historical place to a Walmart did not make some people happy, but without the Walmart that whole development could not have happened as they were the anchor tenant. It was not the desired tenant to be there, but they also got lots of senior housing, some high level condominiums, additional shopping and restaurants because that is one thing they were able to give in on to get the rest of what they needed. Now that Walmart is gone and they are going to build a new senior high-rise.

Administrator Kress asked in two minutes or less, please provide an example or multiple examples of a time when the firm placed a condition of approval on a project which they later determined had not been addressed to their satisfaction. What did they do about it and ultimately what corrective action was taken?

Mr. Hubner was a City Engineer in Sunfish Lake and had a housing review, the house was 43,500 square feet in size and did not meet the City's requirement for elevation setback from the roadway. The surveyor surveyed the elevation of the roof and the roofline violated the City's height; they had a long conversation with the City Council, attorney, and the attorney representing the homeowner. It came to a conclusion that one reason they had the ordinance was so that their fire facilities could actually reach those heights as they did not have ladder trucks. The conclusion was, they built the driveway with a turnaround that would accommodate the fire trucks to city road standards up to the front of the house so fire and emergency vehicles could reach it. It was not the best opportunity or cost for the resident but it was the right decision for the community and was setback from the roadway so it was not an eyesore and could not be seen from the road.

Administrator Kress asked in two minutes or less, please discuss a time when you received a proposal that was compliant, met ordinances, rules, City, State, Federal, County, DNR, etcetera, and did ultimately meet the requirements but you identified an opportunity to improve on that proposal and counter-proposed or assisted a client in the counter-proposal, proposing a mutual beneficial solution that was previously not considered but ultimately adopted and found superior by the stakeholders.

Mr. Hubner said they worked on County Road 77 on the west side of Gull Lake called Roller Coaster Drive, working with the City of Shoreland and the County. There was a historic access boat launch which is very controversial and a very narrow right-of-way. The County wanted to leave it in the condition it was because it was a very steep slope and the residents were concerned with the way people used it, creating some safety concerns and access issues. He went to the two homeowners to talk about the issues there, and noted they also had to deal with storm water treatment. He said it is a very difficult area to provide that storm water treatment and suggested using the historical right-of-way to bring the storm sewer down and put the treatment underneath the boat launch parking area so they can get that treatment, save money on the pipe, and treat the water before it gets to Gull Lake. They can also add some features to stop people trespassing onto the residents' parcels by putting some vegetation and greenery in. A maintenance issue came up later and they did not have the equipment to maintain how the launch was built and Bolton and Menk came up with a design that allowed them use the equipment they had to maintain the boat ramp. They had big ice heaves and he buried some giant boulders below grade so the ice could not move the shoreline in that location and used smaller cobbles between there as the boat ramp. It turned out really well and was appreciated in the end.

Administrator Kress asked if there are any closing comments you would like the City Council to consider and what questions do you have of us.

Mr. Hubner noted they want to learn more about North Oaks and want to ask the questions. In reviewing past Council minutes, some things that constantly come up are drain fields' secondary location and proximity to lakes and wetlands. In their proposal they talked about a way to clarify the way setbacks are and create some digital maps to assist in understanding how those ordinances are applied and how they might impact or cause non-conformance on some lots. He said they know the wetlands are there and there have been conversations about restoring some of those wetlands that have been ditched in the northeast corner, and obviously managing water quality is important. He asked for clarification of whether Bolton and Menk nailed that and if they are on the right page.

Mayor Ries said it sounds like they are right on track and had clearly done research on North Oaks in advance. They basically have one developer the North Oaks Company and there is not a lot of revitalization of areas, perhaps a home or two. One of the main issues in the community is the water protection and water quality because of the St. Paul water issue and the wetland and watershed North Oaks falls into.

Councilmember Hara said one thing that has always struck him as unusual is because North Oaks is supplying half a million people with water that runs through the community and they spend money to protect those resources for the City. All of the engineering proposals have

elements of going out and getting grant money. He asked if Bolton and Menk see an opportunity there and noted they have some zebra mussel and weed issues and are trying to keep water clean, is there an opportunity to get some outside monies to help manage those resources.

Mr. Hubner replied absolutely, there is a multitude of access to different funding sources and he would say North Oaks is in the best position because of that drinking water supply area. He noted he has a little niche and likes to do a lot of research on innovative technologies. There is a new technology he has been field testing for the last four years and will be out at the National Oceanic and Atmospheric Administration over the next few months when the lab gets back open. It really gets to the potential for some of the zebra mussel treatment and it is an advanced oxidation technique that attacks the zebra mussel but leaves the native mussel species alone. He closed by saying Bolton and Menk have done things hundreds of times, they want to ask all the questions, will understand the City's goals, come together with new technologies and ideas, and keep the City informed of emerging issues.

**4. Wenck, now part of Stantec.** Vince Vander Top said the reason he shares it that way is because some of the Council may remember Wenck as they have a bit of history with the community; Wenck merged with Stantec at the beginning of 2021. He noted Stantec was just named the 5<sup>th</sup> most sustainable company in the world, and number 1 in America by a financial and information research company based out of Toronto. Mr. Vander Top would be the City's engineer, has been in the industry for several years, and has worked with several communities as City Engineer. He shared a story and noted watching the January and February meetings, he has heard the Council talk about how they want to be conscientious of efficient meetings and keeping them short. The longest Council meeting he has ever been a part of was a special meeting called to order at 7:00 p.m. on December 29<sup>th</sup> and adjourned at 3:24 a.m. on December 30<sup>th</sup>; from his vantage point, the Mayor is doing a good job. Mr. Vander Top has a Bachelor's degree in Civil Engineering, and a Masters from the University of Minnesota in Civil Engineering with an emphasis on Environmental. He did some of his research on Vadnais Lake which is part of North Oaks' watershed. In 2007 he obtained his MBA while he was City Engineer in three communities – it was a very busy time of life – but was also very beneficial and made him who he is. He noted it is not just the capacity, but the desire to work with the City. He does not need to tell the Council they have a very unique community, in looking at the heritage and environmental basis, starting with the Hill family and all that it means. He said it would be an honor to follow in the footsteps of Jeff Roos and what he was able to start in the community. Mr. Vander Top stated they are not just hiring him but a whole team of individuals and he has asked two to accompany him tonight: Erik Osterdyk is a rare breed and has degrees in ecology as well as engineering and will make the perfect right-hand person for staff, for Mr. Vander Top, and as a person to inform the Council. He also asked Chris Meehan to be here tonight, and Chris is a water expert and is the watershed engineer for Minnehaha Creek watershed. Stantec has been around for 67 years and Wenck recently joined them. That has created a group and very talented bench of experts (450) in the metro area, spread over 5 offices. He said the Little Canada office is 4 miles south of where they stand tonight and is filled with ecologists and experts in restoration, shoreland, wetland, and woodland. In the late 1980's and early 1990's, Wenck was part of the Highway 96 dump remediation, they have some history and it plays off their brand which is environmental. They may also recognize the name as being associated with the Twin City Ammunition plant clean up in Arden Hills. They are definitely

familiar with the area and Ramsey County, especially from an environmental standpoint. Mr. Vander Top has watched the January and February meetings and has read the minutes from the previous year; the Council has spent a lot of time in meetings and discussions on both engineering and environmental issues. What makes Stantec unique is that they bring both engineering and the ecology...they bring the professional engineers and the scientists, ecologists, botanists, geologists. Either one of those entities is good on its own but when combining the two – they are awesome. He noted they serve 61 municipalities across the State and serve as watershed engineer for 7 watersheds within the metro area; that combination is unique. When they are talking about things such as the Nord development, locating trails, what happens to wetlands, and looking back at Red Forest Way and the impacts on Black Lake. He said even going back to the Highway 96 remediation and as recently as two years ago they reviewed a report that looked at water quality data that looked at water qualities around Gilfillan Lake. It is what they do and it is exciting to bring that to North Oaks because that is their brand in talking about being a sustainable company. He noted they were the only engineering company on that top 100 list and it is truly what they do.

Chris Meehan spoke about Minnehaha Creek and has about 20 years of experience in water resources. He gets excited about the ability to bring the land and the water experience and bridging them together. By looking through those different lenses, they are able to stack them on top of each other and not understand how they conflict, but how they link together. As a water resources professional, he looks at the ecology and when he brings Mr. Vander Top in, he helps to understand how to align those and come up with a solution that is better together. Everything must be grounded on a sound science to pull projects forward and enhance a community's vision. He gave a recent example in the City of Edina at Arden Park which was a restoration project. Minnehaha Creek runs through the park that was essentially an overgrown forest that needed some love and attention. They worked with Edina and the watershed district and took a strong partnership focus, understanding that the watershed was looking at the ecology and the City was looking at how they integrate the built environment with trails and a pavilion to enhance that experience. They were able to create a project that lifted the ecology; improving the fisheries habitat, the nesting habitat for bald eagles, and now there are turtles everywhere. It is a fantastic example of how they can work together rather than conflict. Mr. Meehan noted they were able to take the vegetation and trees and create picture frameworks and residents could then have an enhanced experience by being able to see the wetlands, see the deer, the fish, and the eagles. He stated they enhanced the wetlands on site and built many storm water basins so they were intertwined by leveraging the topography to be sure the ecology was enhanced and the user was able to be part of the ecology and enjoy the experience. Mr. Meehan really enjoys that and is excited to bring it to North Oaks.

Erik Osterdyk gave a brief introduction and said he is a water resource engineer by trade and will be carrying out many of the day-to-day activities that belong to the engineering group. He has a very strong background in both biology and engineering and is one of the main reasons he works at Stantec as he believes it is one of the best companies where he can fully utilize his diverse background. His role with the team is to ensure the integration of the engineering side and the ecology side. He currently serves several cities and watershed districts through development reviews, on-site inspections, and feasibility studies. He thanked the Council for their time and looks forward to this opportunity.

Mr. Vander Top hopes they made the point that this was a unique presentation for them in that they can bring both the engineering and watershed experience to North Oaks.

Administrator Kress said Engineering Firms have many diverse competencies. Your brochure outlined them well; if you were to outline two of those competencies which you see as your firm's strengths, what would they be?

Mr. Vander Top reiterated they are very confident in the engineering side of things as he brings 25 years of city engineering. He is very well-versed in public process, infrastructure design, development reviews, and really setting up cities to achieve their vision. With that, they bring all the scientists and whether they need to look at groundwater movement, wetlands, where the water went in the wetland, shoreland buffers, DNR setbacks and when they apply, how to work with VLAWMO, how to equip the City with that information to go to NOHOA and work with the North Oaks Company, they bring both.

Administrator Kress asked to describe an experience working on a project that was politically sensitive and how you navigated through it.

Mr. Vander Top used the example from the introduction of the 8 hour special council meeting to discuss a controversial development in the City of Corcoran. He showed a graphic on screen to illustrate. He said engineers are really good at the technical and when they get into controversial situations they are good at saying "well, these are the rules." Added to that is the environmental regulations, then the financial and social considerations. They could also add legal, political, diversity and inclusion. He gives every Council member he has ever worked with (over 100) credit for doing the job they do because they often have a very thankless job. The easy decisions are those that fall in the middle of all the circles on screen and are the 5-0 votes where everything balances. How does Mr. Vander Top help the City navigate politically sensitive issues? He makes darn sure that they have the base information in the technical and environmental sections; he noted they do not do it in a vacuum. They see all the lenses and give the City that information in the context of the social and financial circles. He understands they are working with a wetland delineation that is 5 years old – the technical rules say that is fine and that is VLAWMO's decision. However, what is the context around that, he gets that people look at it and say it does not make sense. How does Stantec give the Council, through Administrator Kress, the information in working as a team so they have the confidence to talk to the constituents. It was interesting to watch the Council in January when they interviewed people for the vacant Council seat. They had a really strong list of candidates and were all very impressive. He stated there were a couple of common themes, the environmental and that they want to engage the public, friends, and neighbors. It is their job to equip the Council with the information to navigate the decisions that do not fall in the center of all those circles. Sometimes there are split votes and generally it is because people prioritize different things. All of the Council definitely love their community and want to do what is best; in his opinion, their emphasis is democracy and it lands in different places. He has been in several controversial communities, some on the edge of development, working with farmers, and a whole list of stakeholders.

Administrator Kress asked how they manage clients, stakeholders, and members of the public who are pushing back on parts of an engineering plan or development project that is underway.

Mr. Vander Top said bring them closer, don't push them away. He said they need trust and when he was getting his MBA he wrote a paper on organization structure of a City. A City is quite unique in that the "bosses" are elected officials; North Oaks has a very intelligent Council but he would hope he has more expertise in engineering than them... maybe he does not as some of them are also experts in that. Instead of pushing people away, if they can develop trust that they do not bring surprises to meetings (although sometimes that is inevitable) but if they are able to engage, he would like a personal relationship with each of the Councilmembers as that is where he works best. He is very aware of Open Meeting Laws and they should know that every time he has a conversation with any of the Council, Administrator Kress will know about it. He works as part of a team and he is Staff, that is part of his practice and he would be glad to give references that talk about why he thinks he is good at his job. He reiterated he does not dismiss people, but brings them closer.

Administrator Kress asked to describe their experience with Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs) and the development application process. Please also describe any experience working with home owners' associations and other private entities.

Mr. Vander Top has worked on and for all of the above. He has not just worked on the City side of things, he has worked for developers to get PUDs approved, he has worked with HOAs with special interests including trails. Again, North Oaks is a unique community in that they have a very important HOA that is not just representing home owners and typical things in a City but are in charge of the long-term maintenance of facilities. He anticipated a question on what he sees is the most critical issue in the future of the City and he is really interested to be a part of helping the City navigate HOA governance, City governance, and North Oaks Company. Even though North Oaks has a very strong environmental presence, they do have infrastructure. Over time there needs to be a long-term plan for the replacement of that infrastructure, whether it is streets, septic system, joint powers relationships, sewer access, etcetera. He sees those as very important. He reiterated he has seen everything regarding that question.

Administrator Kress asked in two minutes or less, please provide an example or multiple examples of a time when the firm placed a condition of approval on a project which they later determined had not been addressed to their satisfaction. What did they do about it and ultimately what corrective action was taken?

Mr. Vander Top replied in the 8 hour special Council meeting there was a development that the Council wanted to act on; they approved that development with over 200 conditions of approval. They can imagine in working until 3 in the morning, there will be conditions of approval where they did not get it right and needed to change it. He said the best way to deal with that is to be up front, bring the developer in because they have rights, and just say "hey, this is not what we intended, and we need to fix it." The nice thing about a PUD is there is some flexibility in that and he would want to confer with Attorney Nason before they get too far down in changing conditions of approval. It goes back to those circles; they could talk about the right technical issue but now they are getting into a legal realm, and probably a financial realm. Back then they had a condition of approval relating to a setback from a wetland and they missed it. He noted they went back and said it needed to change and in that case they were backed by watershed

rules, but he said to be direct, not to shy away from it, not to sweep it under the rug, but to hit it head on.

Administrator Kress asked in two minutes or less, please discuss a time when you received a proposal that was compliant, met ordinances, rules, City, State, Federal, County, DNR, etcetera, and did ultimately meet the requirements but you identified an opportunity to improve on that proposal and counter-proposed or assisted a client in the counter-proposal, proposing a mutual beneficial solution that was previously not considered but ultimately adopted and found superior by the stakeholders.

Mr. Vander Top said the City of Corcoran had a developer coming in when they were building a new hospital in Maple Grove and were filling some wetlands. They wanted to build a wetland bank in the City of Corcoran and technically they could do that as they bought a property (Ryan Companies), they came in and put in a wetland bank that met all the requirements. What Mr. Vander Top proposed and developed as the engineering staff and brought to the City, was that they had to move a lot of soil to create that wetland bank and were going to put it on a big mound. Instead of doing that, they suggested using that material to build up a gravel road that was right next to it and pave it. It actually saved them some money in moving the dirt and they were able to do that and pave the road, for which the residents were ecstatic about, because they avoided the assessment as paving the road was in the long-term plan.

Administrator Kress asked if there are any closing comments you would like the City Council to consider and what questions do you have of us.

Mr. Vander Top gave their pitch on why they are the right fit and said it is fun standing out in the lobby because the engineers all know each other and are out there talking to each other and joking with one another. He is sincere when he says that this is exciting because it is the right fit. The City is interviewing very credible people and he cannot say a bad thing about anyone that has been interviewed, but in this one, Mr. Vander Top wants to do it and be a part of it. He is afraid sometimes the Council may lose sight of this in the discussions and issues they talk about, but they do have a very unique community and for the reasons stated, he thinks Stantec is the best fit. His question for the Council is what are they looking for and perhaps they cannot answer that at this point. He wants more time, he wants to know all of them, and he will be back here at 6:00 a.m. if anyone wants to have coffee as that is how he works.

**5. HR Green.** Tim Korby would personally be the City engineer and is honored to be here. Personally, he grew up in the area, was a caddy and an Evans Scholar for those that are golfers in the group and the Country Club helped pay for his college and he appreciates that. HR Green is based in St. Paul and has worked in North Oaks before doing some environmental projects and lake restoration within the City and appreciated working for them over the last 20 years and hopes for the privilege to work with them again. Mr. Korby thinks HR Green brings a unique perspective to the City and said the team's goal is to design the municipal projects based on sound engineering and also enhance and improve the City and its environment. They have 520 employees and about half of them do City and municipal engineering in about 50 cities. The other half are scientists, biologists, and environmental engineers. The reason to hire HR Green is they are a full service company with a strong environmental, scientist base and are engineers for

quite a few cities. Mr. Korby would be the City Engineer and has been in the job for 34 years; one thing that differentiates him is that he is also a lead accredited engineer which is leadership in energy and environmental design. He is one of the few in Minnesota that went through that training and accreditation to learn how to do municipal projects in an environmentally friendly way. He spoke about a plan he did for Eagan which was a water quality management plan and today most cities have this but this was done in 1990 and was really the state's first storm water quality plan that was done. He analyzed the 300 water bodies, wetlands, and lakes in Eagan; before this time it was just "get it out of our system, get it down to the Minnesota River, and get it out of our way." This was really the first plan in Minnesota to say "we can use these wetlands, water bodies, lakes, and ponds to use treatment." They used those water bodies for treatment and that was Minnesota's first water quality management plan. He took his engineering to turn it into an environmentally positive project. Mr. Korby also has a great passion for grants and funding. He does not know if North Oaks has done a lot of funding or grants, but he does a lot of training courses for other engineers in the State on how to write a successful grant. In 34 years he has had 100% success in every grant he has written he has been awarded that grant. He also brought John Morast, who would be the assistant engineer who has also been doing it for 30 years. Mr. Korby noted Mr. Morast is a road specialist in context-sensitive design, and environmentally designed roadways. Shawn Tracy has worked with North Oaks in the past and is a water resource scientist. That is what differentiates HR Green, as they are half city engineer and half science and environmental. Mr. Korby is proud to say HR Green has been around since 1913. He reiterated they are a full-service firm located 12 minutes away off Highway 280 and they do everything from transportation, environmental, water, construction management, and land development review. Why is HR Green better suited than the other firms tonight? History and knowledge, trusted continuity, Mr. Korby would attend all Council meetings and would host engineering hours as part of their services for people to come to him about engineering issues. Between the three of the engineers, they bring over 90 years of experience. Mr. Korby spoke about Lake Calhoun, now called Bde Maka Ska, and said he was hired to find out how they could clean up the PFOS (Perfluorooctane Sulfonate) in the Lake. The PFOS going into the lake was contaminating the lake and it was traced back to one industry in St. Louis Park and the run off from that one industry was adding all of the PFOS. Mr. Korby developed an engineering system to capture all of the storm water from the site plus the roof, funneled it underneath the ground in a 70,000 gallon tank, pump it into the building, treat it, and reuse 100% of the storm water and the snow run off in the building. It is taking that negative and turning it in to a positive. He noted another city he works with is Sturgeon Lake who wanted to pave a bunch of roads last year but could not afford it. They went to Mr. Korby and asked what cost savings he could do to allow the city to pave them. He worked with the County and asked them to pave the roads; sure enough they were able to talk them into it and the County designed and oversaw the construction for free, saving the City over \$100,000. The City was just charged for the tonnage or pavement. They were bidding 10,000 tons for the County and the City only needed 500 tons so that cut the price in half per ton, saving well over \$200,000 on that project.

Shawn Tracy said early in his career he did a fair number of projects with North Oaks and NOHOA and valued that time. He is pretty intimately aware of the City's natural resources, both upland and lakes, and he knows the mission of the City is keeping a good, healthy environment at the forefront of the development and how the land and water has been managed. It is one of the few cities he can say he worked with that really took that paradigm to heart when developing



the community. He has done some projects on Pleasant Lake and knows it is the water resources supply chain for the regional water supply and with that comes some challenges with the water brought in from Fridley on the Mississippi River and a large amount of North Oaks' phosphorous load coming in from that area. He is also aware of the passion for the forests and that they have some fantastic oak forests that were developed with minimal impact and sustaining them is a strong interest. Mr. Tracy has done many things on a larger and smaller scale since he has worked in North Oaks and has gained experience from. He noted the Leech Lake watershed management plan, which is a very large watershed of 600+ pages and more than North Oaks would consider doing, but he wants to show it as an example of a systems thinking and the process the company takes. If the Council has time to look at the document and see how HR Green handles natural resources and watershed management, it is a great example of how they approach and tackle the various challenges and turn them into values.

John Morast is new to the HR Green family but has 30 years of experience in transportation and public works; 20 of that on the public side and 10 years at the City and County level. He noted the town of Fountain Hills in Arizona which is a similarly designed planned City with a bit more of a public infrastructure but some similarities. Most recently locally, he has worked with the City of Rosemount. He is excited to bring his experience and passion to the City. It all started because his Dad was a 20 year DOT traffic engineer and he has been counting cars since he was a kid. On the transportation side there are a lot of issues, but he wants to talk about context-sensitive design and most of the Council has heard of it. When they break it down, it is basically early and inclusive discussions and involvement of citizens and users of the system and making sure that meets the needs of the City. To be effective, the City needs a 10 or 20 year plan; in Minnesota they are very fortunate that they do Comprehensive Plans. Even more fortunate, North Oaks is a planned City: they know where they are and where they want to go in 20 years. All of this together with HR Green's experiences can make sure that happens on the transportation side. Another thing that is key in transportation is the roadway and operations and maintenance. Yes, the roads in North Oaks are privately owned, but they are looking at them as a life-cycle, getting the design and planning of those roads is really a small aspect in that life-cycle. Bringing in the users, operators, and maintainers early in the process and getting them involved, seeing what works and putting that in the design so it works in the 40 year life of the project itself and there is no throwaway when it does not work. Another example is coordination and communication with the neighbors; MnDOT and Ramsey County with the roads, as well as the surrounding communities. HR Green knows the County and surrounding communities and who to talk to and what they are thinking for projects. That is key in two areas, one in the projects that North Oaks wants to do, and more importantly what are the projects others are planning that may have an effect on North Oaks, on the traffic and quality. He said to be able to stay in front of that curve, have those conversations, identify issues, and try to mitigate or resolve those. The transportation and public works infrastructure is the biggest asset that most cities and companies have. Regarding development review, early and ongoing conversations are important, particularly with applicants and staff having a predesigned meeting, having everybody together and talking about the ideas and requirements to open everyone's eyes. He said no one should be blindsided in these types of developments and applications. Finally, the paperless and digital side; with technology they have made it a "no-stop shop" rather than a "one-stop shop."

Mr. Korby noted development review is a lot of what they do for the cities. When working with Eagan and Apple Valley in the 1990's it was booming. They would get plans almost daily from different developers and his job was to review the developments, turn them around in a couple of days, make sure they met City codes, and be in the field personally overseeing those development projects. As he mentioned at the beginning, one of his deep-seeded passions is funding and grant-writing. For 34 years he has been successful and many cities have never gone after grants or bonding bills; he finds a project the City wants to do and said let him, as part of their basic services, put in those grant applications and bonding bills and deliver the money. In the last bonding bill which was just passed, he got \$7,500,000. He uses 17 different Minnesota-based grant sources; one of which is watershed grants. He was working with Mahtomedi about 10 years ago and they wanted a parking lot paved. Environmentally, he decided to do a porous pavement project, which some people like and many do not. However, they were able to get the watershed district to pay for the project, they got the parking lot paved, porous pavement is good for the environment and they got a free parking lot. Funding drives his projects – let him bring the money and then they will do the projects. He noted HR Green does a lot of things that other companies do not do such as broadband, virtual city services with a goal of a 48 hour turn around on development reviews. He really thinks HR Green is the perfect size for North Oaks and said many clients will call or email him on Sunday night at midnight and he is answering the call or email. He is available basically 24/7. They are environmentally friendly and noted one of his projects was the downtown Wayzata reconstruction; again, sound engineering to help the environment. They dug up three city blocks and what is underneath the development is what he designed. They took most of the storm water from downtown Wayzata, redirected it into the new project and there is 70 feet underneath the development project that is a large void with peat. They direct all of the storm water into that void space, it treats the storm water, recharges the ground water, and ultimately goes in through the ground water into Minnetonka. This is one of the first projects in the country to do this. In addition, they also put in 30 miles of geothermal pipe, so all of those buildings are heated and cooled using geothermal, which is the first in the country. He noted they also heat all of the roads so the City does not have to plow the roads in downtown Wayzata. He said again, taking the engineering and turning it in to a positive for the environment.

Administrator Kress said Engineering Firms have many diverse competencies. Your brochure outlined them well; if you were to outline two of those competencies which you see as your firm's strengths, what would they be?

Mr. Korby replied Comprehensive Plans and obtaining grants. In Minnesota he is known as the grant engineer – whatever the City, he has been able to bring in grants to fund projects. He teaches courses on it and he was just hired by Caledonia who had another engineering firm design a municipal project but were unable to get the grants. They called Mr. Korby on June 15, 2020 and said the bonding bill is done and the legislators are gone, what could he do for them? Mr. Korby got legislators and the Speaker of the House together and wrote a special appropriation bill and in the special legislative session they passed a bonding bill, and \$7,500,000 went to that City of Caledonia. Regarding Comprehensive Plans, he has personally written many of them throughout the Twin Cities, whether it is Master Plans, or sewer, water, and road plans. He noted the firm does all of these things, but those are the two that he has done a lot of.

Administrator Kress asked to describe an experience working on a project that was politically sensitive and how you navigated through it.

Mr. Korby said regarding Wayzata Bay, for two years the City Council would not allow the Wayzata Bay Presbyterian Homes project to even be considered. The only reason the project was cost effective was to go four stories; they had a City ordinance that was only three stories. The engineers did zero drawings for 12 months, they merely had public information meetings, Council meetings, and workshops to show that if they allow the project to occur it would greatly increase the environment, storm water runoff, and clean up Lake Minnetonka. Finally after 12 months they allowed the project to occur. He thinks it takes patience and pragmatism; he has dealt with politics for 34 years and in most cities it is getting a bit more political but that is just the way it goes. Mr. Korby's demeanor is to not get too excited and it works for City Councils.

Administrator Kress asked how they manage clients, stakeholders, and members of the public who are pushing back on parts of an engineering plan or development project that is underway.

Mr. Korby just had a neighborhood meeting in Inver Grove Heights as they are looking at doing a project. He likes to tell the residents he is here to listen to them, it is a public hearing. It is not to get on their side, but to take in what they have to say and potentially make a few modifications that the Council will allow but the key is listening. He has done a lot of construction projects and many times he will go door to door with residents to explain the project and hear about their concerns. Getting to know the citizens is important and in one City there was a resident who was very against a project so Mr. Korby got to know him. By the end of the project they became best friends and this man loved the project. Listen to and respect the residents, listen to the Council, make some modifications if you must.

Administrator Kress asked to describe their experience with Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs) and the development application process. Please also describe any experience working with home owners' associations and other private entities.

Mr. Korby is working with an HOA right now in Lake Elmo and there are 6 treatment plants in the City and they are constructed wetlands which are starting to fail and contaminate the ground water. He is hired to work with them to figure out how to improve these. He is trying to get grants for them to work with home owners and help improve and upgrade these constructed wetland treatment plants. Most of his career he deals with PUDs because that is what city engineers do. In the 1990's in Eagan and Apple Valley there were no two cities with more development and Mr. Korby was the one who worked through the PUDs, plans, oversaw the construction, dealt with the developers, and was out in the fields watching construction.

Administrator Kress asked in two minutes or less, please provide an example or multiple examples of a time when the firm placed a condition of approval on a project which they later determined had not been addressed to their satisfaction. What did they do about it and ultimately what corrective action was taken?

Mr. Korby said Shorewood Park wanted him to do a gravity sewer collection system; he worked through with them that it would be more cost-effective and better for the environment is a small

diameter floor span system and would actually save them money. Although they were pushing back and may not have been in agreement, he ended up convincing them to change on that order. Otherwise, Mr. Korby is a pretty cooperative and open person and likes to get through any issues and items up front and then there will not be issues in the end. He does not have any other projects that went awry.

Administrator Kress asked in two minutes or less, please discuss a time when you received a proposal that was compliant, met ordinances, rules, City, State, Federal, County, DNR, etcetera, and did ultimately meet the requirements but you identified an opportunity to improve on that proposal and counter-proposed or assisted a client in the counter-proposal, proposing a mutual beneficial solution that was previously not considered but ultimately adopted and found superior by the stakeholders.

Mr. Korby replied in Red Lake Falls, they needed to replace a sewer system that was getting old. Instead of digging it up, he proposed that they line the sewer instead, saving them from having to repave it, from having to dig up all the dirt, it was quicker and easier, and saved them money. Ultimately they ended up doing a sewer lining project and by the end they loved it and after they saw how it worked, they wanted to line a bunch of other sanitary sewers instead of digging them up. He said what happens when digging up sewer systems in tight clays like they have up there, a couple years later it starts to settle.

Administrator Kress asked if there are any closing comments you would like the City Council to consider and what questions do you have of us.

Mr. Korby said HR Green is very unique compared to the other engineering firms in the Twin Cities. There are bigger firms, but will the City get a principal with 34 years of experience, and noted he was elected by all the consultants as their president two years ago for ACEC (American Council of Engineering Companies) and was also elected by DEED, which is the funding agency for the State of Minnesota, to be their president. He thinks HR Green is the perfect size, are full service, can do anything in every possible project, they have scientists and an environmental group. If a firm is too small they may not have all the services North Oaks will need. He would propose some engineering time every Wednesday for 4 hours, he can sit here and be available for questions. Residents would know that the City Engineer is going to be available every Wednesday during that time. His only question is how quickly can they start? They are ready to go and could start as early as next week. As a kid growing up in the area, and whether he gets hired or not, the golf course in North Oaks is really the most pristine place in Minnesota. It is a large part of his heart and he would be honored to become the City engineer.

### **c. Discussion and possible action on proposals for Engineering Services**

Mayor Ries opened it up to the Council.

Councilmember Dujmovic noted it is an interesting career field as this is more of a calling than a job for many of these people, you see that in their materials and hear it. They had a tremendous amount of candidates who are all very well qualified. It is clear that North Oaks is special and they want to be a part of the North Oaks family, as this is not just another city to add to their

revenue. He thinks it is really important for the Council to look at who the engineer will be – these firms and packets are impressive with great projects and incredible resources. However, the City will be working with one or two people and in looking at who the primary would be, he thinks they had some pretty clear folks who stood out and he would love to hear from Administrator Kress and Attorney Nason on their experiences in working with some of these firms. Councilmember Dujmovic has narrowed it to two top firms himself. He would like some additional information on cost, he likes the sheet Administrator Kress put together as it is very comprehensive and he thinks they can resolve some questions relatively quickly.

Councilmember Hara echoed what Councilmember Dujmovic said, Administrator Kress did a great job in getting some highly qualified engineers to show an interest and bring some impressive presentations. Personally, he thought they received a lot of information and he would like more information and some more in-depth vetting of the individuals who will be the point of contact. He would like some references from other cities, developers, and Councils they have worked for with first-hand accounts in working with those people.

Councilmember Shah would also echo her colleagues; she believes they are all credible firms. A few stood out from her perspective and she is definitely looking for a firm with a broad spectrum of competencies. For North Oaks, they need to look at not only short-term needs but potential future needs. She enjoys when they have one of the primary or secondary engineers that have some demonstrated experience in North Oaks.

Councilmember Hara would like to make a motion, as they are three hours into the evening,

**MOTION by Hara, seconded by Dujmovic, to select the top two engineering candidates tonight and appoint a subcommittee comprised of Administrator Kress, Councilmember Dujmovic, and Councilmember Hara to vet the firms and proposed contacts, with the objective to appoint a City Engineer at the next Council meeting on March 11, 2021.**

Mayor Ries agrees they were all top notch firms who have great experience and have obviously been successful in coming up with great solutions for cities. Everyone touched on the environmental aspect which is very important to North Oaks and residents. She appreciates their specialized responses. She took an abundance of notes and can pass them on, but they spoke about some of the projects they had and if they do end up whittling it down to the top two, she suggests they follow up on some of those projects. She would like to call those cities, as well as the references they gave because the truth is in the details very often.

Councilmember Dujmovic asked Administrator Kress or Attorney Nason if they have anything to add.

Administrator Kress has to be a little careful because he has worked with four of the five firms that are on the table. He would rather share his comments as part of the subcommittee.

Attorney Nason has not worked directly with any of the proposed primary engineers, although she has worked with engineers from Bolten and Menk, as well as Stantec/Wenck. In hearing

some of the comments, it looks like some of the proposed City Engineers have worked for other cities that her firm represents, including Inver Grove Heights and Sunfish Lake.

Councilmember Dujmovic asked Administrator Kress if anyone disclosed any relationships that they should be concerned about.

Administrator Kress replied no, there are no direct relationships with the company itself and that would be the primary concern if any. Other things that would come to mind are septic designs and if any of the companies have been working with direct home owners on a design; that is something to keep in mind. It is not a huge problem as they could find another firm or use their septic installer for the feedback. He noted the City does not do a lot of road designs themselves, although they do traffic studies, and that is something to consider. Water management, some of them have worked with the City on a variety of lakes and he does not necessarily see a conflict in those areas but it is something to think about.

Councilmember Dujmovic said focusing on who the primary would be, Vince Vander Top at Stantec/Wenck and Tim Korby at HR Green really stood out to him. Those are people he would have no problem working with very closely and they were clear, articulate, confident, credible, seemed accessible, and passionate about what they do.

Councilmember Shah also strongly recommended HR Green and was very pleased to hear their strong record of successful grant work and that is a huge opportunity for North Oaks. She liked that they offered a full spectrum of services, covered all the competencies, have a large staff, and have over 100 years of history.

Councilmember Hara concurs with Councilmember Dujmovic and Councilmember Shah; he thought Ms. Engum would do a pretty good job, but the depths of the presenters at both Stantec/Wenck and HR Green were very articulate and passionate about the work.

Mayor Ries said unfortunately Councilmember Watson is in the VLAWMO meeting so they do not have his feedback. She asked if they should send the top two or three to Administrator Kress so Councilmember Watson has the opportunity to give feedback as well.

Administrator Kress thinks that depends on if there will be a motion on the table for a subcommittee.

Mayor Ries said so far the motion is just to select the top two and then create the subcommittee and go forward.

Administrator Kress said it looks like there is consensus among the Council even without Councilmember Watson at the table. He would move forward with the present motion. He asked the Council for their thoughts on Mr. Hubner with Bolton and Menck.

Councilmember Dujmovic's perspective is the relationship between the principal and the person who did most of the answering of questions. He noted they are highly capable and he loved their brochure and their focus on municipal. It was just the principal, the presence, and the ability to

influence their organization and work with North Oaks was not where Mr. Vander Top and Mr. Korby were.

Mayor Ries asked to restate the motion so they are clear.

Administrator Kress said the original motion by Councilmember Hara and seconded by Councilmember Dujmovic.

Councilmember Hara said the motion was to select the top two engineering candidates tonight and form a subcommittee comprised of Administrator Kress, Councilmember Dujmovic, and Councilmember Hara to further vet the selected firms and the proposed contacts of these firms with the objective of appointing an engineering firm at the March 11, 2021 City Council meeting.

Administrator Kress asked if Councilmember Hara would friendly amend it to say Stantec/Wenck and HR Green as the two firms.

Mayor Ries said they could do a subsequent motion to select the two firms.

Administrator Kress said if that is the Council's preference, that is fine.

**Motion carried unanimously by roll call.**

Mayor Ries asked for a motion to select two of the five applicants.

**MOTION by Dujmovic, seconded by Hara, to follow up with Vince Vander Top at Stantec/Wenck and Tim Korby at HR Green.**

Administrator Kress asked if the intent of the subcommittee is to provide a recommendation at the next Council meeting.

Councilmember Dujmovic replied yes.

Councilmember Hara said that was his intent because time is of the essence.

Mayor Ries noted they will need a full Council vote on the final selection.

Councilmember Dujmovic welcomed input or questions from the other Councilmembers.

Administrator Kress would like those sent directly to him. He asked if it is the Council's expectation to have a recommendation by March 4, 2021; or he could list it on the agenda but they may not have their full recommendation until March 8 or 9 which is the week of the next meeting.

Councilmember Hara knows they are trying to get everything a week ahead of time but in an effort to do a more complete and thorough job on an important decision he would like more time.

Administrator Kress asked if there is an expectation to bring one or both firms back to the meeting on March 11, 2021.

Councilmember Hara asked what they would gain. He thinks they both did a good job of explaining why they are qualified. In having them come back he thinks they may get more of a sales pitch than specific meat, unless the Council has some specific questions that need to be addressed.

Mayor Ries said they can give their questions to the subcommittee, and if they feel the subcommittee has done a fairly comprehensive job they may be comfortable moving forward to the meeting. It depends on the recommendation of the subcommittee and the information they acquire for the interviews.

Administrator Kress asked if there is any direction to Administrator Kress and Attorney Nason to craft an agreement.

Councilmember Dujmovic looked at the rates and there is quite a bit of range there.

Administrator Kress said that can easily be clarified once they talk to those two firms and get a better handle now that they know who the primary and secondary are. They can get more straightforward funding.

Councilmember Dujmovic said regarding extra costs associated with travel, mileage, administrative, and clerical work, he wants to be sure they understand what they are getting into. He had gone into this thinking there would need to be a second round, but between the packets, the presentations, the addressing of the questions, plus they have it all on tape and can watch it. At this point he does not think they need to meet with them again but can reserve that right if needed.

Administrator Kress would like the authority to have some flexibility to craft an agreement so it is ready on March 11 or shortly thereafter.

Mayor Ries asked Administrator Kress to work with Councilmember Watson on that since he has been working on contracts.

Administrator Kress said yes, they usually have a mock-up agreement to look at and have ready for the Council to review or authorize them to negotiate, which they might not know until March 11.

Councilmember Dujmovic asked Councilmember Shah if she would want to work with Councilmember Watson and Administrator Kress on that.

Councilmember Shah would be happy to jump in and suggest. She thanked Councilmember Dujmovic for suggesting her.



Councilmember Hara commented on rates and said he would not be swayed by a \$30 difference in rate, he would look more at the competency and experience level of the person they will hire. A very experienced, competent person can perhaps do something in two hours that someone else might take four hours to do. Rates are a comparative thing to look at, but he suggested not letting that be the determining factor.

Mayor Ries also noticed during the presentation that perhaps the lead of the engineering firm did a lot of the speaking. In a couple of occasions, the person assigned to North Oaks did very little commenting and she would have liked to have seen more discussion from the person that will actually be representing the City. If they will be showing up to the meetings, they need to demonstrate their ability to field and respond to questions and see if they are able to stay on point and discuss difficult questions. When vetting these firms, she asked them to consider who is actually being assigned to North Oaks; and the firm may be good, but perhaps there is someone else within that firm who would be a better fit for the City.

Councilmember Hara thought in the presentation that Vince Vander Top from Stantec/Wenck would be the primary contact, and Tim Korby would be the primary contact at HR Green. He asked if he misunderstood that.

Administrator Kress said that is 100% correct.

Councilmember Shah assumes Administrator Kress has been in contact with Sambatek and last they spoke, Sambatek would provide interim service for a week or two and asked if they are comfortable staying on until the next meeting.

Administrator Kress does not think they really want to, but he can see what he can do with Corey Bergman in the meantime.

Councilmember Shah asked if they have any impending engineering needs within the City currently.

Administrator Kress said just today he received the Anderson Woods final application and he will absolutely need an engineer review. Once it is deemed complete, the Council has 60 days to act on the application.

Councilmember Dujmovic noted they may force themselves into a special meeting due to the timelines, but he suggests expediting this decision and dealing with the situation as best they can. It adds some urgency tonight and he noted the engineers they heard from tonight want to dig in and he does not think they will be sitting on the sidelines but will be ready to go.

Mayor Ries thinks it is important to make the right decision rather than a rushed decision. If they need to call special meetings she is willing to do that to support the subcommittee and make a good decision.

Councilmember Hara thinks both firms did a fair amount of homework on the City and it is hard for him to imagine sitting and reading the minutes of the prior year Council meetings and going

through the marathon January meeting and February meeting. Obviously they are committed to getting up to speed in a hurry and he thinks they will perform.

**Motion carried unanimously by roll call.**

**ADJOURNMENT**

Mayor Ries thanked Mishka in the control room from NineNorth.

**Meeting adjourned at 8:42 p.m. Motion carried unanimously by roll call.**

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

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

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

**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.

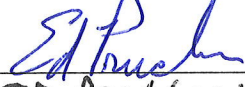
[SIGNATURE PAGE FOLLOWS]



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





**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

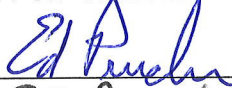
[SIGNATURE PAGE FOLLOWS]



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



# TimeSaver Off Site Secretarial, Inc.

---

October 22, 2020

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

Dear Kevin,

Enclosed is an Addendum to the Recording Secretary Service Agreement that extends the expiration date to December 31, 2021. The unit rates reflect an increase of 50 cents per hour and 25 cents per page and a base rate increase of less than 2.5%.

We appreciate the confidence you have placed in TimeSaver to handle your meeting minute needs and look forward to continuing that relationship in 2021.

If you need further information or have questions, please feel free to contact me at 612-251-8999.

Best regards,



Carla Wirth  
Owner

Enclosure: Recording Secretary Service Agreement  
Return envelope



**ADDENDUM TO  
RECORDING SECRETARY SERVICE AGREEMENT**

**Dated: December 31, 2020**

By and between TimeSaver Off Site Secretarial, Inc. and City of North Oaks, 100 Village Center, North Oaks, MN 55127.

1. **EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT:** The term of the existing Recording Secretary Service Agreement dated April 21, 2020, shall be extended under the same terms and conditions to December 31, 2021.
  
2. **TOSS CHARGES:** TOSS shall be paid for its services as recording secretary for each meeting with a one (1) hour minimum, the highest rate prevailing, as follows:
  - a. **Base Rate:** One Hundred Fifty-One and 00/100 dollars (\$151.00) for any meeting up to one (1) hour (billable time) plus Thirty-Six and 00/100 dollars (\$36.00) for each thirty (30) minutes following the first one (1) hour; or
  
  - b. **Unit Rate:** Forty-Nine and 50/00 dollars (\$49.50) for the first hour of meeting time and Thirty-Three and 00/100 dollars (\$33.00) for every hour after the first hour plus Fifteen and 00/100 dollars (\$15.00) for each page of draft minutes for submission to the City of North Oaks for its preparation of final minutes.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January \_\_, 2021

CITY OF NORTH OAKS

By \_\_\_\_\_  
Kevin Kress

Its City Administrator

November 1, 2020

TIMESAVER OFF SITE SECRETARIAL, INC.

By Carla Wirth  
Carla Wirth

Its President & CEO



**ADDENDUM TO  
RECORDING SECRETARY SERVICE AGREEMENT**

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January \_\_, 2021

CITY OF NORTH OAKS

By \_\_\_\_\_  
Kevin Kress

Its City Administrator

November 1, 2020

TIMESAVER OFF SITE SECRETARIAL, INC.

By Carla Wirth  
Carla Wirth

Its President & CEO

3/3/21

Larry Eaton  
33 Eagle Ridge Road  
North Oaks, MN 55127

Subject: Need for Variance and location of proposed new SSTS for 33 Eagle Ridge Road, North Oaks, MN 55127

After extensive assessment of the soil, landslopes, structures and setbacks, the proposed location of the new SSTS (Subsurface Sewage Treatment System) is the best location without creating unnecessary hardships to the owner of the property.

The lot setback is 30 feet from all property boundaries for the SSTS. The variance requests are from the property lines for the STA in the SW corner of the lot for the new mound proposed location.

1. A variance of 20' from the South.
2. A variance of 18.7' from the West.

When looking at the available space throughout the lot, the following assessments were observed.

1. The Northeast corner of the lot, within the Road Right-of-Way (ROW), has the following issues:
  - a. The slope of the hill between the driveway and North property line is greater than 20%.
  - b. The well setback of 50' removes a large part of the available space from consideration due to MDH well setback for non-sensitive wells.
  - c. The soil is not natural. The upper 18" of the soil on the top of the hill was found to have disturbed soil.
  - d. A 50' long mound, built on contour, will not fit in the available space from the East ROW and the well setback.
2. The Southeast corner of the lot cannot be used for a new SSTS for the following reasons:
  - a. The area is wet due to drainage from culvert in SE corner flowing to SW corner.
  - b. The Soil Treatment Area (STA) minimum dimensions for a 4-bedroom home is 20' x 50'. The space (including 10' setback from south property boundary) is not large enough.
3. The Northwest corner was ruled out as a viable area for the following reasons:

# KLOEPPNER SERVICES & DESIGN, LLC

1036 Glenhill Road, Shoreview, MN 55126  
(763) 843-4114 | [www.ksd-mn.com](http://www.ksd-mn.com)



- a. The area 20' west of northwest corner of the house was used as a previous drainfield and cesspool tanks. The soil was evaluated and found disturbed soil > 6' deep. To reuse the area would require a large digout (25' x 30') of soil a minimum of 6' deep. The removed soil would need to be backfilled with washed mound sand prior to building a mound at grade level. The mound dimensions would be 85' long by 50' wide.
  - b. The wetland to the North requires a 30' setback.
  - c. The slope is >20% on East end.
  - d. The STA must be 20' from the house and 10' from the North property line.
4. The Southwest area has the following limitations which require a variance.
- a. The mound STA cannot be placed within 20' of the house.
  - b. The mound STA must be on contour and in natural soil.
  - c. The area from the high point of the area West of the house is the current drainfield. The soil of the drainfield is considered unnatural soil.
  - d. If the soil was removed in the high point of this area, a new mound would create a 5-foot-tall mound directly out the backdoor. This would be very unreasonable and create unnecessary hardship for the property.

Additionally, the current system will need to be replaced to meet MPCA standards for protecting groundwater. The MPCA rules requires 36" of soil separation from the Limiting Soil Condition to the bottom of the STA distribution media. Samples of the soil near the current STA determined the drainfield does not provide 36" of separation from the Limiting Soil Conditions and the bottom of the distribution media.

The current version of the SSTS design for this lot is the third attempt to find a viable location for a replacement system for 33 Eagle Ridge Road, North Oaks. The first design used the Northwest corner and the second used space within the ROW along Eagle Ridge Road. Each of the two designs were determined to be not suitable. Please contact Kloepfner Services & Designs, LLC for copies of the designs.

Kindly,

Jesse Kloepfner – Cert# 8188

Kloepfner Services & Design, LLC

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. 1420**

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
VARIANCES TO THE SETBACK REQUIREMENTS FOR A SUB-SURFACE SEWAGE  
TREATMENT SYSTEM (SSTS) FOR THE PROPERTY LOCATED AT 33 EAGLE  
RIDGE ROAD**

---

**WHEREAS**, the North Oaks Zoning Ordinance Section 151.050(F) prohibits an individual sewage treatment system from being located within thirty (30) feet of the lot lines on any individual lot; and

**WHEREAS**, an application for a variance has been submitted by Larry Eaton, the owner of the real property located at 33 Eagle Ridge Road, Ramsey County, MN (Property) legally described on the attached **EXHIBIT A** for the following variances:

1. A variance for a primary 5,000 square foot sub-surface sewage treatment system (SSTS) which would encroach 20 feet into the required 30-foot south property line setback and 12 feet into the required 30-foot west property line setback.

**WHEREAS**, City Staff have determined that the proposed location of the SSTS, as shown on the site plan provided to the City of North Oaks (City) in conjunction with the variance application and attached hereto as **EXHIBIT B**, is the most viable location for the SSTS based on the site constraints identified in the Technical Memo prepared by KSD, dated September 19, 2020 and on file with the City; and

**WHEREAS**, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Section 151.078, North Oaks City Code Chapter 51 and Section 153.022, and Minnesota Statutes, Section 462.357, subd. 6, and the requisite practical difficulties were found to support a grant of the requested variances, and the Council further makes the following findings of fact with respect to the variance application:

- The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality.
- The variance is in harmony with the general purposes and intent of the zoning ordinance.
- The terms of the variance are consistent with the comprehensive plan.

- Granting the requested variance will not confer on the applicant any special privilege that is denied by Chapter 151 of the City Code to other lands, structures, or buildings in the same district.
- The variance requested is the minimum variance which would alleviate the practical difficulties.
- The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

**WHEREAS**, the variance application was considered by the North Oaks Planning Commission at its February 25, 2021 meeting, at which time a discussion concerning the variance application was held, following which the Planning Commission voted 5-1 in favor to recommend approval of the Variance application subject to the Septic Inspector’s report and several conditions.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS**, that the findings of fact related to the requested variance listed above are hereby adopted as the Council’s findings of fact to support the grant of the requested variances, and the following two variances are approved:

1. A variance for a sub-surface sewage treatment system (SSTS) which would encroach 20 feet into the required 30-foot south property line setback and 12 feet into the required 30-foot west property line setback.

subject to the following conditions:

1. Completion date 180 days after approval.
2. Verification that the system is located a minimum of 50 feet away from any wells.
3. System to be located and constructed per the KSD design Version 3.0 dated September 8, 2020 by Jesse Kloepfner on file with the City.
4. All grading will be done in such a way so as to not adversely affect, and possibly improve, drainage onto adjacent properties.

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

Adopted by the City Council of the City of North Oaks this 11<sup>th</sup> day of March, 2021.

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

Attested:

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

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

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

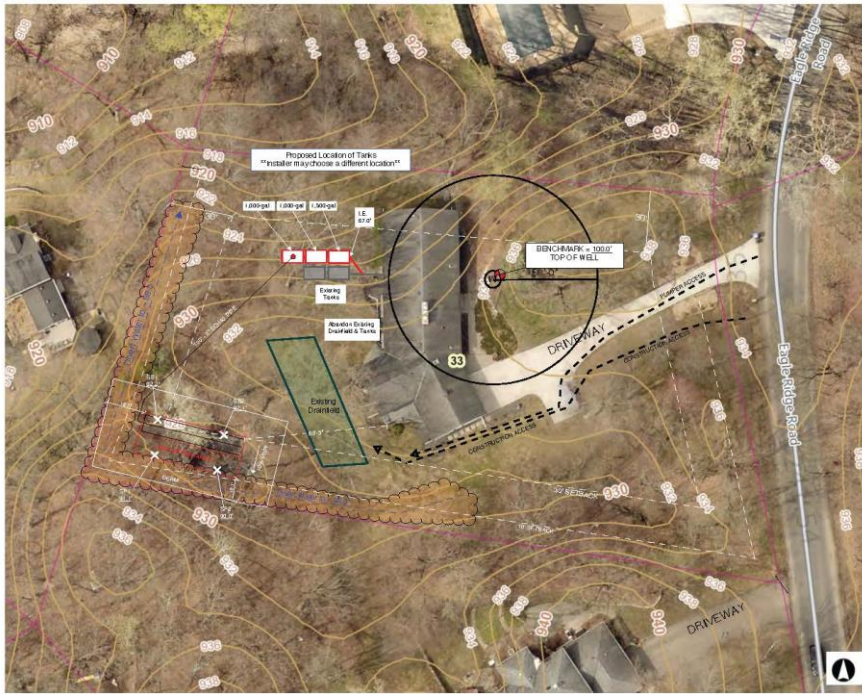
Tract H, Registered Land Survey No. 80, Ramsey County, Minnesota.  
PIN: 083022330020

Torrens Property

**EXHIBIT B  
DEPICTION OF SSTS SITE**

**(Remainder of Page Intentionally Left Blank)**





**LEGEND:**  
 W = Well  
 SB = Soil Boring  
 SP = Soil Pit  
 = Benchmark

**NOTES:**

1. A variance is needed for setbacks from the property lines for the STA in the SW corner of the lot. A variance of 20' from the South and 10' from the West must be granted by the City of North Oaks prior to construction.
2. Trees will need to be removed.
3. Access around the house will be difficult. The area is often wet and will require extra measures by contractor to protect ground and equipment.
4. Sewerline will need to be directionally bored to the LRT Tank.
5. The current ground elevation of the area for the new tanks is 99.0'.
6. It is advised to address the lack of drainage in the SW corner of the lot and the hillside on the West to allow for drainage from SW corner of property.

**THIS IS ONLY A SITE PLAN**  
 ALL SEPTIC LOCATIONS AND MEASUREMENTS ARE ONLY ESTIMATES  
 AS-BUILT WILL NEED TO BE PROVIDED BY INSTALLER AFTER CONSTRUCTION

**MOUND DIMENSIONS**  
 Rockbed - 10' x 50'  
 Absorption Bed - 20' x 50'  
 Total Mound - 46'0" x 54'0"  
 Mound Slope Ratio - 3:1  
 Uplift Elev - 92.2'  
 Min. Sand Height - 0' @ 95.2'  
 Rockbed Laterals Elev - 96.0'  
 Height @ Crown Elev - 97.2'

**LATERALS**  
 3 - Laterals @ 48" of 1-1/2" SCH40  
 Spacing - 3'  
 Drilled Holes - 3.6"

**KSD Kleopener Services & Designs, LLC**  
 LIC # 4043  
 Approved by: Jesse Kleopener  
 Date - 9/14/20

100.0 0 50.00 100.0 Feet  
 VAD\_1803\_HARN\_Aid\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
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**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. 1420**

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
VARIANCES TO THE SETBACK REQUIREMENTS FOR A SUB-SURFACE SEWAGE  
TREATMENT SYSTEM (SSTS) FOR THE PROPERTY LOCATED AT 33 EAGLE  
RIDGE ROAD**

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**WHEREAS**, the North Oaks Zoning Ordinance Section 151.050(F) prohibits an individual sewage treatment system from being located within thirty (30) feet of the lot lines on any individual lot; and

**WHEREAS**, an application for a variance has been submitted by Larry Eaton, the owner of the real property located at 33 Eagle Ridge Road, Ramsey County, MN (Property) legally described on the attached **EXHIBIT A** for the following variances:

1. A variance for a sub-surface sewage treatment system (SSTS) which would encroach 20 feet into the required 30-foot south property line setback and 12 feet into the required 30-foot west property line setback.

**WHEREAS**, City Staff have determined that the proposed location of the SSTS, as shown on the site plan provided to the City of North Oaks (City) in conjunction with the variance application and attached hereto as **EXHIBIT B**, is the most viable location for the SSTS based on the site constraints identified in the Technical Memo prepared by KSD, dated September 19, 2020 and on file with the City; and

**WHEREAS**, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Section 151.078, North Oaks City Code Chapter 51 and Section 153.022, and Minnesota Statutes, Section 462.357, subd. 6, and the requisite practical difficulties were found to support a grant of the requested variances, and the Council further makes the following findings of fact with respect to the variance application:

- The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality.
- The variance is in harmony with the general purposes and intent of the zoning ordinance.
- The terms of the variance are consistent with the comprehensive plan.

- Granting the requested variance will not confer on the applicant any special privilege that is denied by Chapter 151 of the City Code to other lands, structures, or buildings in the same district.
- The variance requested is the minimum variance which would alleviate the practical difficulties.
- The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

**WHEREAS**, the variance application was considered by the North Oaks Planning Commission at its February 25, 2021 meeting, at which time a discussion concerning the variance application was held, following which the Planning Commission voted 5-1 in favor to recommend approval of the Variance application subject to the Septic Inspector’s report and several conditions.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS**, that the findings of fact related to the requested variance listed above are hereby adopted as the Council’s findings of fact to support the grant of the requested variances, and the following two variances are approved:

1. A variance for a sub-surface sewage treatment system (SSTS) which would encroach 20 feet into the required 30-foot south property line setback and 12 feet into the required 30-foot west property line setback.

subject to the following conditions:

1. Completion date 180 days after approval.
2. Verification that the system is located a minimum of 50 feet away from any wells.
3. System to be located and constructed per the KSD design Version 3.0 dated September 8, 2020 by Jesse Kloepfner on file with the City.
4. All grading will be done in such a way so as to not adversely affect, and possibly improve, drainage onto adjacent properties.

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

Adopted by the City Council of the City of North Oaks this 11<sup>th</sup> day of March, 2021.

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

Attested:

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

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

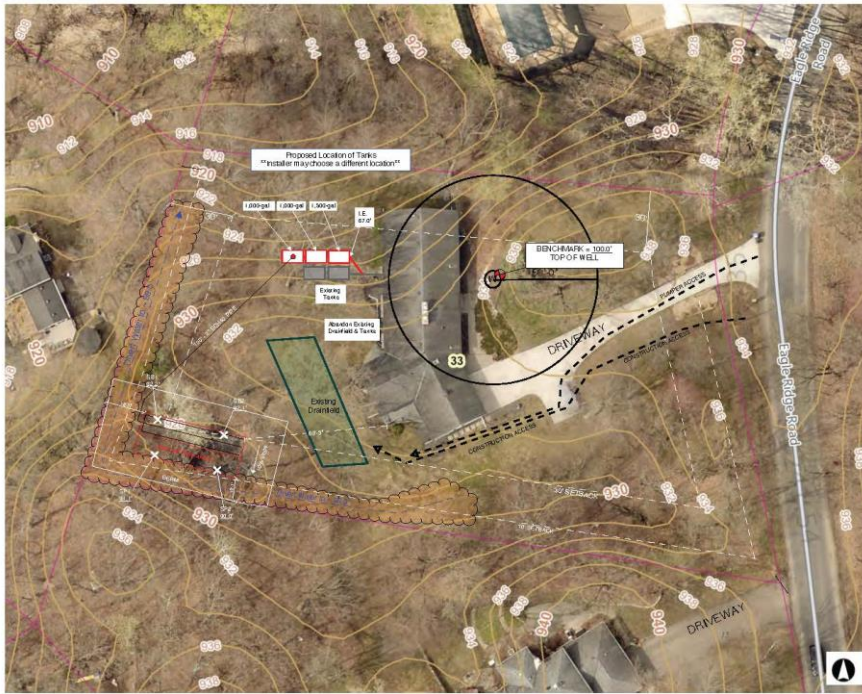
Real property located in Ramsey County, Minnesota and legally described as follows:

Tract H, Registered Land Survey No. 80, Ramsey County, Minnesota.  
PIN: 083022330020

Torrens Property

**EXHIBIT B  
DEPICTION OF SSTS SITE**

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**LEGEND:**  
 W = Well  
 SB = Soil Boring  
 SP = Soil Pit  
 = Benchmark

- NOTES:**
1. A variance is needed for setbacks from the property lines for the STA in the SW corner of the lot. A variance of 20' from the South and 10' from the West must be granted by the City of North Oaks prior to construction.
  2. Trees will need to be removed.
  3. Access around the house will be difficult. The area is often wet and will require extra measures by contractor to protect ground and equipment.
  4. Sewerline will need to be directionally bored to the LRT Tank.
  5. The current ground elevation of the area for the new tanks is 99.0'.
  6. It is advised to address the lack of drainage in the SW corner of the lot and the hillside on the West to allow for drainage from SW corner of property.

THIS IS ONLY A SITE PLAN  
 ALL SEPTIC LOCATIONS AND MEASUREMENTS ARE ONLY ESTIMATES  
 AS-BUILT WILL NEED TO BE PROVIDED BY INSTALLER AFTER CONSTRUCTION

**MOUND DIMENSIONS:**

Rockbed - 10' x 50'  
 Absorption Bed - 20' x 50'  
 Total Mound - 46'0" x 54'0"  
 Mound Slope Ratio - 3:1  
 Uplift Elev - 92.2'  
 Min. Sand Height - 0' @ 95.2'  
 Rockbed Laterals Elev - 96.0'  
 Height @ Crown Elev - 97.2'

**LATERALS:**

3 - Laterals @ 48" of 1-1/2" SCH40  
 Spacing - 3'  
 Drilled Holes - 3.6"

100.0 0 50.00 100.0 Feet  
 VAD\_1803\_HARN\_Aid\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

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Kloepfner Services & Designs, LLC  
 LIC # 4043  
 Approved by: Jesse Kloepfner  
 Date - 9/14/20