



CITY OF NORTH OAKS

**Regular City Council Meeting
Thursday, March 09, 2023
7 PM, Community Meeting Room, 100 Village Center Drive
MEETING AGENDA**

Remote Access - *Members of the public may participate in the meeting by:*

- 1) *Attending the meeting in person and providing public comment during the public comment period;*
- 2) *Attending the meeting remotely and providing public comment via zoom.*

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 2880 1694 or by joining the meeting via the following link: <https://us02web.zoom.us/j/87528801694>. 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.

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

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

5. Approval of Agenda

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

6a. Approval of Licenses:

Arborists: Morgan's Tree Service

Mechanical: 360 Heating & Air; Air Mechanical Inc.; Anderson Heating, LLC; Modern Heating & Air Conditioning; Northern Heating & Air Conditioning; Professional Mechanical; Residential Heating & Air; Ron's Mechanical, Inc.; S & R Appliance Repair, Inc;

- 6b. Approval of City Council Meeting Minutes of February 9, 2023**

[02.09.2023 City Council Minutes.pdf](#)

6c. Approval of City Financials for the month of February 2023

7. Petitions, Requests & Communications - Deputy Matt Lassegard Report
Fire Chief Boehlke Report LJFD

8. Unfinished Business

8a. Public Hearing - Consider Ordinance amending City Code Chapter 51 Septic
[Septic Ordinance summary.pdf](#)

[Ord Amd Cha 51 re SSTS 1.24.2023 \(002\).pdf](#)

9. New Business

9a. Discussion and possible action on engineering services

9b. Discussion and possible action on amending annual appointment resolution

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

13. Miscellaneous

14. Adjournment - *The next meeting of the City Council is Thursday, April 13th, 2023 at 7:00 p.m.*

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
February 9, 2023**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Krista Wolter. Council Members Mark Azman, John Shuman, Sara Shah, Tom Watson.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, Engineer Tim Korby, Engineer John Morast, City Planner Kendra Lindahl.

Others Present: Videographer Kenny Ronnan, Bill Mcnee.
A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

Bill Mcnee, 11 Sunset Lane, was happy to see the City Council was working on changes to septic systems, but was then discouraged that the changes were more of a housekeeping nature to have the same wording as the State. He noted Section 51.02, item 8 that addresses when a compliance inspection is required. He would like the City to add one more to the three required instances to include “all property transfers and rental applications.” Mr. Mcnee noted he has a cabin in northern Minnesota where this is the requirement to be sure a septic system issue can be found and corrected before a sale goes through, either by a lower sale price or the seller paying for the fix. He stated this would go to protecting the environment as septic systems that are not working properly have an impact on streams, wetlands, lakes, and wells.

Member Azman asked if there is a grace period for upgrading regarding the area in northern Minnesota.

Mr. Mcnee is not sure but replied they required all septic systems to be inspected over the last 10 years as many were from the 1950's. If one did not have the inspection done within two years the system was required to be replaced. He noted the language change he suggested would be a minor change to the Ordinance and would have a big impact on the environment.

5. APPROVAL OF AGENDA

Administrator Kress asked to move item 12a immediately after the approval of the agenda.

MOTION by Shah, seconded by Watson, to approve the Agenda as amended. Motion carried unanimously by voice vote.

- a. Damien Lepoutre and The Lepoutre Family Revocable Trust V. City of North Oaks, venued in Ramsey County, Court File No. 62-CV-22-5473. Return to open session, discussion and possible action.**

MOTION by Wolter, seconded by Azman, to close the meeting at 7:10 p.m. to discuss the pending litigation matter. Motion carried unanimously by voice vote.

Mayor Wolter reopened the meeting at 7:45 p.m.

Administrator Kress introduced Paul Reuvers from the City's litigation team.

Mr. Reuvers stated he is retained through the League of Minnesota Cities Insurance Trust to defend the City in the pending litigation of the Damien Lepoutre Family Revocable Trust. Following discussion, it is Mr. Reuvers' recommendation that the City take action on two resolutions, Resolution 1475 and Resolution 1476 to allow the Comprehensive Plan amendment to allow the connection to sanitary sewer at lots 15 and 17 North Deep Lake Road. His recommendation is due to the ongoing cost and expense of litigation and the uncertainty of the outcome to put the City in the best position to limit and bring closure to this matter.

MOTION by Azman, seconded by Shah, to approve Resolution 1475 and Resolution 1476 as presented by Council. Motion carried with Members Azman, Shah, Shuman, and Wolter voting for; Member Watson voted Nay to Resolution 1476.

Attorney Nason clarified the Nay vote would be for both resolutions.

Member Watson noted he would change his vote to abstain.

Attorney Nason noted that would make the vote Ayes: 4, Nays: 0, Abstain: 1 (Watson).

CONSENT AGENDA

Administrator Kress clarified the resolutions would now be Resolutions 1477 and 1478 due to the action taken on the previous resolution.

Member Watson asked to pull item 6d aside to be sure everyone understands what the Council is voting on.

a. Approval of City Financials

- a. Checks: #014769 - 014791**
- b. EFT's: #000655E - 000665E**

b. Approval of Licenses:

Arborists: Andover Tree Care, LLC; Balsam Tree and Shrub Care; Birch Tree Care; Cameron Tree Services, Inc.; Central MN Tree Service; Clean Cut Outdoor Services; Northland Landscape & Construction; Raml Tree Service; Red Leaf Tree Care; Renstrom Tree Service; RJH Outdoors

Mechanical: Binder Heating & Air Conditioning; Blue Ox Heating & Air; CMS/Next tech Mechanical; G&H Heating & Air Conditioning; Heating & Cooling 2; KB Service; Massmann Geothermal and Mechanical; Schwantes Heating & Air Conditioning LLC; The Fireplace Guys; Tradewinds HVAC & Fireplace LLC

- c. Approve Resolution 1477 granting a reasonable accommodation under the Americans with Disabilities Act to allow the installation of an elevator at 11 Creekside Lane**
- d. Approve Resolution 1478 terminating the existing local emergency declaration**
This item was removed from the Consent Agenda for discussion.
- e. Approve proclamation of support recognizing the White Bear Area Chamber of Commerce in celebration of Its Centennial Anniversary, and publicly acknowledges the service that it has provided to its 12 communities over its past 100 years**
- f. Approval of City Council Meeting minutes from 1.12.2023, Closed Special City Council Session on 1.12.2023, and Special City Council Strategy session 1.28.2023**

MOTION by Watson, seconded by Shuman, to approve the Consent Agenda with the removal of item 6d and the Resolution number amendments. Motion carried unanimously by voice vote.

d. Approve Resolution 1478 terminating the existing local emergency declaration

This item was removed from the Consent Agenda for discussion. Member Watson noted the item needs work in understanding. There are two provisions of State law, one of which deals with emergency situations such as the pandemic, and the second which allows for an option to meet remotely. He would like Attorney Nason to clarify as some of the Council are, like Member Watson, one day or one hour away from not being able to physically be present. He has been through this for two years and noted he does not wear a mask to conceal himself like the Lone Ranger. He asked Attorney Nason to walk the Council through Statute 13D.021 and 13D.02 to clarify for the future if something happened such as the meeting facility being unavailable or a situation similar to the Covid-19 pandemic when Members may want to be in discussion remotely.

Mayor Wolter's understanding is that the Governor ended the emergency declaration on July 1, 2021 and that surrounding local cities no longer have the emergency declaration in place. She would like to hear options for Members who cannot be present due to not being physically present such as an illness or issue. She also asked if an emergency needed to be acted upon, can that be done right away.

Attorney Nason shared about the emergency declaration that was adopted at the onset of the pandemic noting she is not aware of any other cities still meeting via interactive technology such as a virtual meeting or platform. She noted the City does not have to rescind the emergency declaration and could move back to the regular meeting setting with remote participation as

authorized under Minnesota Statute 13D.02. Under that Statute, any member of the Council may attend the meeting via interactive technology provided certain criteria are met, meaning the space the Member is participating from must be open to the public and the City must provide notice of where that Member will be meeting at least three days prior to the meeting. This means that at any time a Member may participate from a remote location other than the Council Chambers provided at least one member of the Council or Administrator Kress is present in that space. Attorney Nason shared about a proposed change to Statute 13D.02 in the legislature that would allow a member advised by a healthcare professional against being in a public place for personal or family medical reasons to be able to participate remotely without needing to open up that space to the public.

Member Azman noted this came up quick and suggested the item be pushed back a month or two so the Council can think about it.

Member Watson noted many days, even within the State legislature, someone is stranded due to a snow condition or a family health condition. Therefore when there is a vote, a member of the two parties will report for those who are still at home. He advises that the City hold the item until they know how this legislation will go and at that point it will be much clearer.

Attorney Nason clarified the Council could continue the item to the May meeting which would be after the legislative session.

Mayor Wolter thinks people are very productive when in person and understands that if there is a health issue they would still want people to make it.

Member Watson clarified one could still participate from Alaska as long as they provide the address and the fact that someone is present in the Chambers. He noted business goes on. He would also challenge whoever put the resolution together due to the language regarding the continued reduction in the Covid-19 pandemic. Member Watson stated he was in the hospital earlier that morning for tests and shared when he walked in the door the question of “where is your mask” and other matters were questioned. He asked why they would do that if Covid-19 were in arrears?

MOTION by Watson, seconded by Azman, to continue discussion on the terminating the emergency declaration during the May City Council meeting. Motion carried with Members Azman, Shuman, Watson, and Wolter voting for; Member Shah voted against.

7. PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Lassegard Report

Deputy Lassegard shared an update. Regarding traffic, he has been moving to different areas at different times. Deputy Lassegard shared information from the Animal Control Officer who described the City’s Ordinances on animal control as not being up to standards of other cities with some vague language.

Member Shuman is happy to hear from the Animal Control Officer and look at the existing Ordinance language regarding recommendations.

Deputy Lassegard noted he spoke with Mark Houge regarding trails opening for new developments and perhaps the more elderly people, such as those from Presbyterian Homes, having access to those trails. Mr. Houge asked how emergency responders would have access to people on the trail system. After speaking with Lake Johanna Fire Department, Deputy Lassegard noted they are interested in finding a plan for identifying where people are along the trails, how to get in, and looking at what areas are able to bring trucks in; they will work on that in March after things thaw.

b. City Forester Annual Report - Mark Rehder

City Forester Rehder gave a summary of the Annual Report, sharing about the Oak Wilt suppression program, the Emerald Ash Borer (EAB) program and treatments for high-value trees, and continuing educational efforts within the City. Regarding hazard or nuisance trees, Mr. Rehder noted they were aggressive in the previous year and there is nothing imminent, and although it is hard to predict tree failures, they do try to let people know when a tree is not looking good and may be a tree failure that impacts people or property. He also shared about Arbor Day events, Farm Fest, a brush pick-up program, and Operation Clear View.

Member Shah asked about EAB noting numbers are high and asked if it can be eradicated or if the efforts are futile.

Mr. Rehder gave a history of EAB noting it has been on the City's radar with the first detection in 2019. He does think the plan for EAB can be reassessed and discussed.

Member Shah asked about ash trees in the conservancy area, recreation areas, and North Oaks Company lots, noting there are dead ash trees.

Mr. Rehder shared they are getting to some of them and due to public safety he is focusing on trees closer to streets and heavier trafficked areas. Eventually he will get out in the conservation and recreation areas within the City.

Member Shah would like to look at the City Ordinance and include EAB.

Mayor Wolter agreed that it would be good to look at the Ordinance.

Administrator Kress will work with Mr. Rehder and bring a draft back to the Council.

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

a. Public Hearing - Consider amendment to City Code Chapter 51 Septic

MOTION by Shah, seconded by Azman, to open the public hearing at 8:41 p.m. Motion carried unanimously by voice vote.

Administrator Kress stated he would like the Council to continue this public hearing to a future date as he would like to send the amendment back to Minnesota Pollution Control Agency (MPCA) for one last look at the language.

MOTION by Watson, seconded by Azman, to continue the public hearing at the March City Council meeting. Motion carried unanimously by voice vote.

b. Public Hearing - Consider amendment to 2023 Fee Schedule

MOTION by Azman, seconded by Shah, to open the public hearing at 8:45 p.m. Motion carried unanimously by voice vote.

There were no public comments.

Mayor Wolter closed the public hearing at 8:45 p.m.

Administrator Kress explained the fee schedule changes specific to Shoreview water and rates were lowered, therefore the City lowered some rates from the January session. He showed the tables and adjustments on screen and walked the Council through the proposed changes to the fee schedule.

MOTION by Watson, seconded by Shuman, to adopt Ordinance 143 amending the 2023 Fee Schedule, City Code 142. Motion carried unanimously by voice vote.

c. Discussion and possible action on Deer Management NRC/NEST

Administrator Kress gave history noting the City was trying to do an aerial study to count deer in the City but did not have sufficient snowfall over the past year and a half for that. He asked whether the Council wants to do the aerial study or to authorize USDA to go ahead with the program.

The Council discussed public safety with tick-borne disease, the work the Tick Task Force has done, data on deer in the City, history of deer management, and whether to do an aerial count or to move forward without one.

Administrator Kress clarified unless there is more snowfall, an aerial count probably would not happen this year.

Member Watson noted he will talk with Administrator Kress about options and data, and will talk to Ramsey County about plugging in with someone who is already doing something due to the late winter months.

MOTION by Wolter, seconded by Azman, to authorize Administrator Kress and Member Watson to move forward with a contract with USDA to complete deer management activities before April.

Member Azman would be in favor but would still like some data on deer management within the City.

Motion carried unanimously by voice vote.

10. COUNCIL MEMBER REPORTS

Member Azman is happy to become the liaison for North Oaks Home Owners' Association (NOHOA) if needed. The Planning Commission and Cable Commission have not met yet so he had no other updates.

Member Shuman shared about an informational session with Ramsey County Sheriff's office on Monday, March 6 regarding the Neighborhood Watch initiative. He spoke about two emergency notification systems and will bring information about costs and facilitation to the City Council at a later date.

Member Shah shared about the Fire Board meeting noting they gave approval to place an order for a new ladder truck, discussion on needs for the Fire Department, staffing for a new station, and grants.

Member Watson had no report.

Mayor Wolter thanked everyone for attending the strategic planning session in January and she was thrilled many members of the public were present with things to add. She noted one concern regarding numbering at Spring Farm that has already been taken care of by Administrator Kress. She would like to provide feedback to Administrator Kress regarding the list they talked about at the strategic session and come back for a special meeting on Tuesday, February 21 to discuss and prioritize those items. Mayor Wolter shared about a meeting with stakeholders in North Oaks which was a great time and she hopes to do some future collaborating and planning for the City.

11. CITY ADMINISTRATOR REPORTS

Administrator Kress spoke about a training session for the Planning Commission.

Engineer Korby shared that he and his team are available to help the City Council with any engineering priorities, goals, and visions they have.

12. CITY ATTORNEY REPORTS

- a. Damien Lepoutre and The Lepoutre Family Revocable Trust V. City of North Oaks, venued in Ramsey County, Court File No. 62-CV-22-5473. Return to open session, discussion and possible action.**

This item was discussed directly after the Approval of the Agenda.

Attorney Nason shared she is excited to be back with the City and thanked the City Council for the opportunity.

13. MISCELLANEOUS

a. January 2023 Forester Report

14. ADJOURNMENT

MOTION by Azman, seconded by Shuman, to adjourn the meeting at 9:40 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

Krista Wolter, Mayor

Date approved _____



SEPTIC ORDINANCE AMENDMENT SUMMARY

The MPCA conducted an assessment of the City's sub-surface sewage treatment system program and ordinance. After reviewing the ordinance, they identified two items that needed to be addressed in our ordinance. One of the items was developing a dispute resolution procedure for periodically saturated soil disagreements. The MPCA provides a dispute resolution procedure and although we have already adopted MPCA rules by reference, the MPCA does not allow the dispute resolution procedure to be adopted by reference and requires cities to specifically adopt the MPCA procedure or develop an alternative procedure. To be consistent with the majority of cities across the state, we have chosen to adopt the MPCA provided procedure. The second item that was identified was that our ordinance incorrectly referenced an ordinance number. This has been corrected with the proposed ordinance. Although not required by the MPCA, a few changes were made correcting grammar and department references. Ultimately, these are housekeeping changes and our ordinance remains essentially unchanged. The MPCA has reviewed the proposed ordinance and indicated that it meets their requirements.



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CITY CODE TITLE V, CHAPTER 51: SEPTIC
ORDINANCE**

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

Section One. Title V, Chapter 51: Septic Code of the North Oaks City Code is hereby amended as follows. The deleted language is shown with ~~strikethrough~~ and the new language is underlined:

§ 51.02 GENERAL PROVISIONS.

(2) *Administration.* This chapter shall be administered by the City of North Oaks ~~Building Department~~ Sanitary Inspector. ~~The term DEPARTMENT, where used in this chapter, shall be mean the City of North Oaks Building Department.~~

Section Two. Title V, Chapter 51: Septic Ordinance of the North Oaks City Code is hereby amended as follows. The deleted language is shown with ~~strikethrough~~ and the new language is underlined:

§ 51.03 STANDARDS ADOPTED.

(6) *Dispute Resolution Procedure for Periodically Saturated Soil Disagreements.* When a documented discrepancy arises on the depth of the periodically saturated soil between (1) licensed businesses for SSSTS design or compliance purposes; or (2) an SSTS licensed business and a local unit of government for SSTS design or compliance purposes, the dispute resolution processes outlined in Minn. R. P. 7082.0700, subp. 5 shall be used to resolve the disagreement.

Section Three. Title V, Chapter 51: Septic Code of the North Oaks City Code is hereby amended as follows. The deleted language is shown with ~~strikethrough~~ and the new language is underlined:

§ 51.04 PERMITS.

(1) Permit Required.

e) an As-Built Report complying with MN Rules Chapter 7083.0020, subp. 4 7080.2430, must be submitted to the City of North Oaks prior to obtaining a Certificate of Compliance for all new system installations.

Section Four. Title V, Chapter 51: Septic Code of the North Oaks City Code is hereby amended as follows. The deleted language is shown with ~~strike through~~ and the new language is underlined:

§ 51.06 VIOLATIONS AND PENALTIES.

(3) Civil action/injunctive relief. In the event of a violation or a threatened of violation of this chapter, in addition to issuance of a criminal citation, the ~~Department~~ Sanitary Inspector or City may institute appropriate civil or administration actions or proceedings, including actions seeking damages, ~~damaged~~, filing of a Notice of Interest, declaratory relief, or injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations, and the City Attorney is authorized to institute such action.

Section Five. Title V, Chapter 51: Septic Code of the North Oaks City Code is hereby amended as follows.

Throughout Chapter 51, all references to “department” shall be replaced with the words “Sanitary Inspector.”

Section Six. Effective Date. This Ordinance shall become effective after its passage and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2023.

CITY OF NORTH OAKS

By: _____
Krista Wolter
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator/City Clerk

(Published in the _____ on _____, 2023)