



**CITY OF NORTH OAKS**

**Regular City Council Meeting**  
**Thursday, April 08, 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: 867 2395 3096 or by joining the meeting via the following link: <https://us02web.zoom.us/j/86723953096>. 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: 0410E-0420E, Check #013925- 013955

6b. Approval of Licenses

Arborist: Davey Tree Service, Sorenson Tree Service

Mechanical: Forced Air Inc. dba Wenzel Heating & Air; Tim's Quality Plumbing;  
General Contractor: Sparkle Pool Service

6c. Approval of HR Green Engineering Contract  
[executed City of North Oaks-HR Green 2021 city engineering contract.pdf](#)

6d. Approval of City Council meeting minutes of March 11, 2021  
[3.11.2021 City Council Minutes.pdf](#)

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

*Deputy Mike Burrell Report*

*Dana Healy - NineNorth Report/Presentation*

7a. NineNorth Presentation  
[North Oaks 2020 Look Back Final Packet.pdf](#)

## **8. Unfinished Business**

8a. Island Field Joint Powers Agreement - White Bear Township  
[Island Field Addendum.pdf](#)

8b. Gate Hill Joint Powers Agreement - White Bear Township  
[Gate Hill Addendum.pdf](#)

8c. Discussion and possible action on TimeSavers Minute Taking Services  
[SKM\\_C65920110310100.pdf](#)

8d. Continued Discussion on Nord Parcel

## **9. New Business**

9a. Presentation by AEM, Discussion and Possible Action on Utility Rate Study  
[City of North Oaks DRAFT Rate Study.pdf](#)

9b. Discussion and Possible Action 2040 Comprehensive Plan  
[North Oaks 2040 CPU 2021.02.22 revised informal.docx](#)  
  
[North Oaks comp plan resolution list.docx](#)

9c. Discussion and Possible Action on Opening City Hall

9d. East Oaks and Land Use Matters  
[Watson Memo RE East Oaks matters March 2021.pdf](#)  
  
[Response to Watson Memo 4.8.2021 East Oaks Planned Development Agreement Review Process.pdf](#)

## **10. Council Member Reports**

10a. 319 Watershed Grants  
[ppt for Tom for April 8 Council mtng\\_sample handout.pdf](#)

## **11. City Administrator Reports**

**12. City Attorney Reports**

**13. Miscellaneous**

March 2021 Forester Report

[March 2021 in Review.pdf](#)

**14. Adjournment** - *The next meeting of the City Council is Thursday, May 13, 2021.*



**PROFESSIONAL SERVICES AGREEMENT**

**For**

**City Engineering Services**

Prepared For:

City of North Oaks  
Attn: Mr. Kevin Kress – City Administrator  
100 Village Center Drive, Suite 230  
North Oaks, MN 55127  
Phone: 651-792-7750

Prepared By:

Timothy E. Korby, PE (MN)  
Regional Director/City Engineer

HR Green, Inc.  
2550 University Avenue W, Suite 400N  
St. Paul, MN 55114

April 5, 2021

HR Green Project 201706

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- 5.0 SERVICES BY OTHERS
- 6.0 CLIENT RESPONSIBILITIES
- 7.0 PROFESSIONAL SERVICES FEE
- 8.0 TERMS AND CONDITIONS



This **AGREEMENT** is between the City of North Oaks (hereafter "CLIENT") and HR Green, Inc., (hereafter "COMPANY").

## **1.0 Project Understanding**

1.1 WHEREAS, the CLIENT intends to use COMPANY as their City Engineer including being their engineering advisor, complete general city engineering tasks, complete specific engineering projects, and engineering review and construction oversight of development projects that occur within the City Limits as directed by CLIENT; and

WHEREAS, the COMPANY is willing to provide the services for consideration and upon the terms herein stated;

Now, THEREFORE, in consideration of the services to be performed by COMPANY and payment by the CLIENT, the parties agree to the terms, provisions, and conditions as hereinafter set forth.

## **2.0 Scope of Services**

### **2.1 General City Engineering Services includes:**

- a) services and tasks that are general in nature including administrative meetings, emails, phone calls and other non-project specific correspondences,
- b) 18 meetings per year of the City Council and Planning Commission meetings, and
- c) such other non-project services, brief consultation or meetings as requested by the CLIENT and identified in Section 1.1.

2.2 **Project Specific Engineering Tasks** are those services and related tasks that are specific to a particular engineering related or development project. No specific scope of services are included in this Agreement. The scope of services for each task will be determined by the CLIENT and COMPANY in a pre-approved task order prior to performing the requested services. Tasks included but are not limited to the following –

- a) **Specific engineering tasks** requested by CLIENT including the MS4 review and other City Engineering projects.
- b) **Development engineering review and field construction observation** tasks as requested and authorized by CLIENT and agreed to by COMPANY as the general themes for which services will be requested. COMPANY agrees to sort the time and material charges into the appropriate tasks/development so that the CLIENT and COMPANY can track the effort associated with each project.



### **3.0 Deliverables and Schedule Included in this Agreement**

No deliverables or schedules are expressly included in this contract. Deliverables and schedules for each task will be determined by the CLIENT and COMPANY within an correspondence prior to performing the requested services.

### **4.0 Items not included in Agreement/Supplemental Services**

Supplemental services not included in the agreement can be provided by COMPANY under separate agreement, if desired.

### **5.0 Services by Others**

If requested by CLIENT, the COMPANY can secure the services of others to complete the work requested by the CLIENT.

### **6.0 Client Responsibilities**

To be determined for each phase in communication between the CLIENT and COMPANY.

### **7.0 Professional Services Fee**

#### **7.1 Fee for General City Engineering Services**

The fee for general city engineering services as described above shall be invoiced monthly and paid by CLIENT to COMPANY based on the following retainer amounts –

- Attend meetings of the City Council and Planning Commission \$500.00 each
- General City Engineering services \$1,000.00 per month

#### **7.2 Fee for Project Specific Engineering Tasks**

The fee for these services will be based on COMPANY's standard hourly rates current at the time the AGREEMENT is signed. These standard hourly rates are subject to change upon 30 days' written notice. Non-salary expenses directly attributable to the project such as: (1) living and traveling expenses of employees when away from the home office on business connected with the project; (2) identifiable communication expenses; (3) identifiable reproduction costs applicable to the work; and (4) outside services will be charged in accordance with the rates current at the time the service is done.



### 7.3 Invoices

A single invoice for the COMPANY's services will be submitted monthly, unless directed in advance by the CLIENT. Time and material charges for the relevant phases will be specified on the invoice. New phases can be added as directed by the CLIENT. Tasks can also be created beneath each phase per the CLIENT's request. Customized invoices for a single phase (or task) can be created for pass through fees (e.g., plan reviews) at the CLIENT's request.

Invoices shall be due and payable upon receipt. Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.5% (or the maximum legal rate) on the unpaid balance. In the event that any portion of an account remains unpaid 60 days after the billing, COMPANY may institute collection action and the CLIENT shall pay all costs of collection, including reasonable attorneys' fees.

### 7.4 Payment

The CLIENT AGREES to pay COMPANY on the following basis:

Time and material basis based on attached rate sheet.

## 8.0 Terms and Conditions

The following Terms and Conditions are incorporated into this AGREEMENT and made a part of it.

### 8.1 Standard of Care

Services provided by COMPANY under this AGREEMENT will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing at the same time and in the same or similar locality.

### 8.2 Entire Agreement

This AGREEMENT and its attachments constitute the entire understanding between CLIENT and COMPANY relating to COMPANY's services. Any prior or contemporaneous agreements, promises, negotiations, or representations not expressly set forth herein are of no effect. Subsequent modifications or amendments to this AGREEMENT shall be in writing and signed by the parties to this AGREEMENT. If the CLIENT, its officers, agents, or employees request COMPANY to perform extra services pursuant to this AGREEMENT, CLIENT will pay for the additional services even though an additional written agreement is not issued or signed.

### 8.3 Time Limit and Commencement of Services

This agreement will be effective March 11, 2021 and continue as confirmed and approved by the City of North Oaks annual appointments typically made in January of each year or until either Party serves notice of termination of the Agreement.

This Agreement shall be reviewed after 90 days during the first contract year from execution of this contract by both Parties to determine if any changes should be made to said Agreement.

This AGREEMENT must be executed within ninety (90) days to be accepted under the terms set forth herein. The services will be commenced immediately upon receipt of this signed AGREEMENT.

### 8.4 Suspension of Services

If the Project or the COMPANY'S services are suspended by the CLIENT for more than thirty (30) calendar days, consecutive or in the aggregate, over the term of this AGREEMENT, the COMPANY shall be compensated for all services performed and reimbursable expenses incurred prior to the receipt of notice of suspension. In addition, upon resumption of services, the CLIENT shall compensate the COMPANY for





expenses incurred as a result of the suspension and resumption of its services, and the COMPANY'S schedule and fees for the remainder of the Project shall be equitably adjusted.

If the COMPANY'S services are suspended for more than ninety (90) days, consecutive or in the aggregate, the COMPANY may terminate this AGREEMENT upon giving not less than five (5) calendar days' written notice to the CLIENT.

If the CLIENT is in breach of this AGREEMENT, the COMPANY may suspend performance of services upon five (5) calendar days' notice to the CLIENT. The COMPANY shall have no liability to the CLIENT, and the CLIENT agrees to make no claim for any delay or damage as a result of such suspension caused by any breach of this AGREEMENT by the CLIENT. Upon receipt of payment in full of all outstanding sums due from the CLIENT, or curing of such other breach which caused the COMPANY to suspend services, the COMPANY shall resume services and there shall be an equitable adjustment to the remaining project schedule and fees as a result of the suspension.

#### 8.5 Books and Accounts

COMPANY will maintain books and accounts of payroll costs, travel, subsistence, field, and incidental expenses for a period of five (5) years. Said books and accounts will be available at all reasonable times for examination by CLIENT at the corporate office of COMPANY during that time.

#### 8.6 Insurance

COMPANY will maintain insurance for claims under the Worker's Compensation Laws, and from General Liability and Automobile claims for bodily injury, death, or property damage, and Professional Liability insurance caused by the negligent performance by COMPANY'S employees of the functions and services required under this AGREEMENT.

#### 8.7 Termination or Abandonment

Either party has the option to terminate this AGREEMENT. In the event of failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party, then the obligation to provide further services under this AGREEMENT may be terminated upon seven (7) days' written notice. If any portion of the services is terminated or abandoned by CLIENT, the provisions of this Schedule of Fees and Conditions in regard to compensation and payment shall apply insofar as possible to that portion of the services not terminated or abandoned. If said termination occurs prior to completion of any phase of the project, the fee for services performed during such phase shall be based on COMPANY'S reasonable estimate of the portion of such phase completed prior to said termination, plus a reasonable amount to reimburse COMPANY for termination costs.

#### 8.8 Waiver

COMPANY'S waiver of any term, condition, or covenant or breach of any term, condition, or covenant, shall not constitute a waiver of any other term, condition, or covenant, or the breach thereof.

#### 8.9 Severability

If any provision of this AGREEMENT is declared invalid, illegal, or incapable of being enforced by any Court of competent jurisdiction, all of the remaining provisions of this AGREEMENT shall nevertheless continue in full force and effect, and no provision shall be deemed dependent upon any other provision unless so expressed herein.

#### 8.10 Successors and Assigns

All of the terms, conditions, and provisions hereof shall inure to the benefit of and are binding upon the parties hereto, and their respective successors and assigns, provided, however, that no assignment of this AGREEMENT shall be made without written consent of the parties to this AGREEMENT.

#### 8.11 Third-Party Beneficiaries

Nothing contained in this AGREEMENT shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or the COMPANY. The COMPANY'S services under this AGREEMENT are being performed solely for the CLIENT'S benefit, and no other party or entity shall have any claim against the COMPANY because of this AGREEMENT or the performance or nonperformance of services hereunder. The CLIENT and COMPANY agree to require a similar provision in all contracts with contractors,



subcontractors, sub-consultants, vendors and other entities involved in this project to carry out the intent of this provision.

#### 8.12 Governing Law and Jurisdiction

The CLIENT and the COMPANY agree that this AGREEMENT and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of the State of Illinois without regard to any conflict of law provisions, which may apply the laws of other jurisdictions.

It is further agreed that any legal action between the CLIENT and the COMPANY arising out of this AGREEMENT or the performance of the services shall be brought in a court of competent jurisdiction in the State of Illinois.

#### 8.13 Dispute Resolution

Mediation. In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the CLIENT and COMPANY agree that all disputes between them arising out of or relating to this AGREEMENT shall be submitted to non-binding mediation unless the parties mutually agree otherwise. The CLIENT and COMPANY further agree to include a similar mediation provision in all agreements with independent contractors and consultants retained for the project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with subcontractors, sub-consultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.

#### 8.14 Attorney's Fees

If litigation arises for purposes of collecting fees or expenses due under this AGREEMENT, the Court in such litigation shall award reasonable costs and expenses, including attorney fees, to the party justly entitled thereto. In awarding attorney fees, the Court shall not be bound by any Court fee schedule, but shall, in the interest of justice, award the full amount of costs, expenses, and attorney fees paid or incurred in good faith.

#### 8.15 Ownership of Instruments of Service

All reports, plans, specifications, field data, field notes, laboratory test data, calculations, estimates and other documents including all documents on electronic media prepared by COMPANY as instruments of service shall remain the property of COMPANY. COMPANY shall retain these records for a period of five (5) years following completion/submission of the records, during which period they will be made available to the CLIENT at all reasonable times.

#### 8.16 Reuse of Documents

All project documents including, but not limited to, plans and specifications furnished by COMPANY under this project are intended for use on this project only. Any reuse, without specific written verification or adoption by COMPANY, shall be at the CLIENT's sole risk, and CLIENT shall defend, indemnify and hold harmless COMPANY from all claims, damages and expenses including attorneys' fees arising out of or resulting therefrom.

Under no circumstances shall delivery of electronic files for use by the CLIENT be deemed a sale by the COMPANY, and the COMPANY makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall the COMPANY be liable for indirect or consequential damages as a result of the CLIENT's use or reuse of the electronic files.

#### 8.17 Failure to Abide by Design Documents or To Obtain Guidance

The CLIENT agrees that it would be unfair to hold COMPANY liable for problems that might occur should COMPANY'S plans, specifications or design intents not be followed, or for problems resulting from others' failure to obtain and/or follow COMPANY'S guidance with respect to any errors, omissions, inconsistencies, ambiguities or conflicts which are detected or alleged to exist in or as a consequence of implementing.

COMPANY'S plans, specifications or other instruments of service. Accordingly, the CLIENT waives any claim against COMPANY, and agrees to defend, indemnify and hold COMPANY harmless from any claim for injury or losses that results from failure to follow COMPANY'S plans, specifications or design intent, or for failure to obtain and/or follow COMPANY'S guidance with respect to any alleged errors, omissions, inconsistencies, ambiguities or conflicts contained within or arising as a result of implementing COMPANY'S plans, specifications or other instruments of service. The CLIENT also agrees to compensate COMPANY for any time spent and expenses incurred remedying CLIENT'S failures according to COMPANY'S prevailing fee schedule and expense reimbursement policy.

#### 8.18 Opinion of Probable Construction Cost

As part of the Deliverables, COMPANY may submit to the CLIENT an opinion of probable cost required to construct work recommended, designed, or specified by COMPANY, if required by CLIENT. COMPANY is not a construction cost estimator or construction contractor, nor should COMPANY'S rendering an opinion of probable construction costs be considered equivalent to the nature and extent of service a construction cost estimator or construction contractor would provide. This requires COMPANY to make a number of assumptions as to actual conditions that will be encountered on site; the specific decisions of other design professionals engaged; the means and methods of construction the contractor will employ; the cost and extent of labor, equipment and materials the contractor will employ; contractor's techniques in determining prices and market conditions at the time, and other factors over which COMPANY has no control. Given the assumptions which must be made, COMPANY cannot guarantee the accuracy of its opinions of cost, and in recognition of that fact, the CLIENT waives any claim against COMPANY relative to the accuracy of COMPANY'S opinion of probable construction cost.

#### 8.19 Design Information in Electronic Form

Because electronic file information can be easily altered, corrupted, or modified by other parties, either intentionally or inadvertently, without notice or indication, COMPANY reserves the right to remove itself from its ownership and/or involvement in the material from each electronic medium not held in its possession. CLIENT shall retain copies of the work performed by COMPANY in electronic form only for information and use by CLIENT for the specific purpose for which COMPANY was engaged. Said material shall not be used by CLIENT or transferred to any other party, for use in other projects, additions to this project, or any other purpose for which the material was not strictly intended by COMPANY without COMPANY'S express written permission. Any unauthorized use or reuse or modifications of this material shall be at CLIENT'S sole risk. Furthermore, the CLIENT agrees to defend, indemnify, and hold COMPANY harmless from all claims, injuries, damages, losses, expenses, and attorneys' fees arising out of the modification or reuse of these materials.

The CLIENT recognizes that designs, plans, and data stored on electronic media including, but not limited to computer disk, magnetic tape, or files transferred via email, may be subject to undetectable alteration and/or uncontrollable deterioration. The CLIENT, therefore, agrees that COMPANY shall not be liable for the completeness or accuracy of any materials provided on electronic media after a 30-day inspection period, during which time COMPANY shall correct any errors detected by the CLIENT to complete the design in accordance with the intent of the contract and specifications. After 40 days, at the request of the CLIENT, COMPANY shall submit a final set of sealed drawings, and any additional services to be performed by COMPANY relative to the submitted electronic materials shall be subject to separate agreement. The CLIENT is aware that differences may exist between the electronic files delivered and the printed hard-copy construction documents. In the event of a conflict between the signed construction documents prepared by the COMPANY and electronic files, the signed or sealed hard-copy construction documents shall govern.

#### 8.20 Information Provided by Others

The CLIENT shall furnish, at the CLIENT'S expense, all information, requirements, reports, data, surveys and instructions required by this AGREEMENT. The COMPANY may use such information, requirements, reports,

data, surveys and instructions in performing its services and is entitled to rely upon the accuracy and completeness thereof. The COMPANY shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by the CLIENT and/or the CLIENT's consultants and contractors. COMPANY is not responsible for accuracy of any plans, surveys or information of any type including electronic media prepared by any other consultants, etc. provided to COMPANY for use in preparation of plans. The CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the COMPANY from any damages, liabilities, or costs, including reasonable attorneys' fees and defense costs, arising out of or connected in any way with the services performed by other consultants engaged by the CLIENT.

COMPANY is not responsible for accuracy of topographic surveys provided by others. A field check of a topographic survey provided by others will not be done under this AGREEMENT unless indicated in the Scope of Services.

#### 8.21 Force Majeure

The CLIENT agrees that the COMPANY is not responsible for damages arising directly or indirectly from any delays for causes beyond the COMPANY's control. CLIENT agrees to defend, indemnify, and hold COMPANY, its consultants, agents, and employees harmless from any and all liability, other than that caused by the negligent acts, errors, or omissions of COMPANY, arising out of or resulting from the same. For purposes of this AGREEMENT, such causes include, but are not limited to, strikes or other labor disputes; severe weather disruptions or other natural disasters or acts of God; fires, riots, war or other emergencies; disease epidemic or pandemic; failure of any government agency to act in a timely manner; failure of performance by the CLIENT or the CLIENT'S contractors or consultants; or discovery of any hazardous substances or differing site conditions. Severe weather disruptions include but are not limited to extensive rain, high winds, snow greater than two (2) inches and ice. In addition, if the delays resulting from any such causes increase the cost or time required by the COMPANY to perform its services in an orderly and efficient manner, the COMPANY shall be entitled to a reasonable adjustment in schedule and compensation.

#### 8.22 Job Site Visits and Safety

Neither the professional activities of COMPANY, nor the presence of COMPANY'S employees and sub-consultants at a construction site, shall relieve the general contractor and any other entity of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and any health or safety precautions required by any regulatory agencies. COMPANY and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions. The CLIENT agrees that the general contractor is solely responsible for job site safety, and warrants that this intent shall be made evident in the CLIENT's AGREEMENT with the general contractor. The CLIENT also agrees that the CLIENT, COMPANY and COMPANY'S consultants shall be indemnified and shall be made additional insureds on the general contractor's and all subcontractor's general liability policies on a primary and non-contributory basis.

#### 8.23 Hazardous Materials

CLIENT hereby understands and agrees that COMPANY has not created nor contributed to the creation or existence of any or all types of hazardous or toxic wastes, materials, chemical compounds, or substances, or any other type of environmental hazard or pollution, whether latent or patent, at CLIENT's premises, or in connection with or related to this project with respect to which COMPANY has been retained to provide professional services. The compensation to be paid COMPANY for said professional services is in no way commensurate with, and has not been calculated with reference to, the potential risk of injury or loss which may be caused by the exposure of persons or property to such substances or conditions. Therefore, to the fullest extent permitted by law, CLIENT agrees to defend, indemnify, and hold COMPANY, its officers, directors, employees, and consultants, harmless from and against any and all claims, damages, and expenses, whether direct, indirect, or consequential, including, but not limited to, attorney fees and Court costs, arising out of, or resulting from the discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acid, alkalis, toxic chemicals, liquids gases, or any other materials, irritants, contaminants, or pollutants in or into the atmosphere, or on, onto, upon, in, or into the surface or subsurface of soil, water, or watercourses, objects, or any tangible or intangible matter, whether sudden or not.

It is acknowledged by both parties that COMPANY'S Scope of Services does not include any services related to asbestos or hazardous or toxic materials. In the event COMPANY or any other party encounters asbestos or hazardous or toxic materials at the job site, or should it become known in any way that such materials may be present at the job site or any adjacent areas that may affect the performance of COMPANY'S services, COMPANY may, at its option and without liability for consequential or any other damages, suspend performance of services on the project until the CLIENT retains appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the asbestos or hazardous or toxic materials, and warrants that the job site is in full compliance with applicable laws and regulations.

Nothing contained within this AGREEMENT shall be construed or interpreted as requiring COMPANY to assume the status of a generator, storer, transporter, treater, or disposal facility as those terms appear within the Resource Conservation and Recovery Act, 42 U.S.C.A., §6901 et seq., as amended, or within any State statute governing the generation, treatment, storage, and disposal of waste.

#### 8.24 Certificate of Merit

The CLIENT shall make no claim for professional negligence, either directly or in a third party claim, against COMPANY unless the CLIENT has first provided COMPANY with a written certification executed by an independent design professional currently practicing in the same discipline as COMPANY and licensed in the State in which the claim arises. This certification shall: a) contain the name and license number of the certifier; b) specify each and every act or omission that the certifier contends is a violation of the standard of care expected of a design professional performing professional services under similar circumstances; and c) state in complete detail the basis for the certifier's opinion that each such act or omission constitutes such a violation. This certificate shall be provided to COMPANY not less than thirty (30) calendar days prior to the presentation of any claim or the institution of any judicial proceeding.

#### 8.25 Limitation of Liability

In recognition of the relative risks and benefits of the Project to both the CLIENT and the COMPANY, the risks have been allocated such that the CLIENT agrees, to the fullest extent permitted by law, to limit the liability of the COMPANY and COMPANY'S officers, directors, partners, employees, shareholders, owners and sub-consultants for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorneys' fees and costs and expert witness fees and costs, so that the total aggregate liability of the COMPANY and COMPANY'S officers, directors, partners, employees, shareholders, owners and sub-consultants shall not exceed \$50,000.00, or the COMPANY'S total fee for services rendered on this Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

#### 8.31 Soliciting Employment

Neither party to this AGREEMENT will solicit an employee of the other nor hire or make an offer of employment to an employee of the other that is working on this PROJECT, without prior written consent of the other party, during the time this AGREEMENT is in effect.

#### 8.37 Municipal Advisor

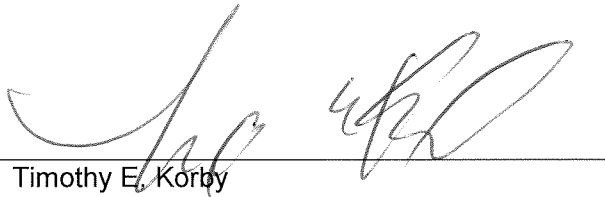
The COMPANY is not a Municipal Advisor registered with the Security and Exchange Commission (SEC) as defined in the Dodd-Frank Wall Street Reform and Consumer Protection Act. When the CLIENT is a municipal entity as defined by said Act, and the CLIENT requires project financing information for the services performed under this AGREEMENT, the CLIENT will provide the COMPANY with a letter detailing who their independent registered municipal advisor is and that the CLIENT will rely on the advice of such advisor. A sample letter can be provided to the CLIENT upon request.



This AGREEMENT is approved and accepted by the CLIENT and COMPANY upon both parties signing and dating the AGREEMENT. Services will not begin until COMPANY receives a signed agreement. COMPANY's services shall be limited to those expressly set forth in this AGREEMENT and COMPANY shall have no other obligations or responsibilities for the Project except as agreed to in writing. The effective date of the AGREEMENT shall be the last date entered below.

Sincerely,

**HR Green**

  
\_\_\_\_\_  
Timothy E. Korby

Approved by:   
\_\_\_\_\_

Printed/Typed Name: James Rasmussen, PE

Title: Practice Leader-Water / Principal Date: 4/5/21

**CITY OF NORTH OAKS**

Accepted by: \_\_\_\_\_

Printed/Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



## HR GREEN

Billing Rate Schedule  
Effective April 5, 2021

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<b>Professional Services</b>	<b>Billing Rate Range</b>
Principal	\$215- \$245
Professional/City Engineer	\$125- \$235
Senior Professional	\$195- \$245
Junior Professional	\$85- \$145
Senior Technician	\$120- \$160
Technician	\$75- \$130
Senior Field Personnel	\$140- \$205
Field Personnel	\$90- \$170
Junior Field Personnel	\$75- \$100
Administrative Coordinator	\$70-\$115
Administrative	\$65- \$100
Corporate Admin	\$80- \$150
Operators/Interns	\$50- \$120

### **Reimbursable Expenses**

1. All materials and supplies used in the performance of work on this project will be billed at cost plus 10%.
2. Auto mileage will be charged per the standard mileage reimbursement rate established by the Internal Revenue Service. Survey and construction vehicle mileage will be charged on the basis of \$0.85 per mile or \$65.00 per day.
3. Charges for sub-consultants will be billed at their invoice cost plus 15%.
4. All other direct expenses will be invoiced at cost plus 10%.

**North Oaks City Council  
Regular Meeting Minutes  
North Oaks City Council Chambers  
March 11, 2021**

**1. CALL TO ORDER**

Mayor Ries called the meeting to order on Thursday, March 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 Bridget Nason, Engineer Tim Korby  
Others Present: Videographer Dan Mariska, North Oaks Company President Mark Houge, Deputy Mike Burrell, Mike Capra.  
A quorum was declared present.

**3. PLEDGE OF ALLEGIANCE**

Administrator Kress led the Council in the Pledge of Allegiance.

**4. CITIZEN COMMENTS**

Mayor Ries called three times for public comments. There were no public comments.

**5. APPROVAL OF AGENDA**

Administrator Kress recommended moving item 9a to directly after item 7, Deputy Burrell's Report.

Mayor Ries said 9a is under New Business Consider resolution 1420 and possible action on septic variance for property located at 33 Eagle Ridge Road.

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

Mayor Ries said before moving on to the Consent Agenda for this meeting they will do things a little bit different, this is in response to some comments she received from the public with concerns about the last two meetings they have held. It was recommended by residents that based on how meetings are conducted and how people are discussing issues, that perhaps the City Council follows *Robert's Rules of Order* closer. This is also how it appears in the Mayoral



Handbook by the League of Minnesota Cities, they recommend that under *Robert's Rules* one must be recognized before they take the floor. This will allow each member to have the opportunity to speak uninterrupted and will also allow equal opportunity for the members to speak on the issue and not dedicate too much time to one side of the issue but rather to each person discussing the issue. It will also allow the opportunity for the Council to debate facts. Hopefully, this will reduce any conflict as they go through these items, and this is very important when the Council takes on issues that might be very controversial. With that, this evening, Mayor Ries will go into these issues asking that each of the members of Council please recognize to take the floor, she will call on them and allow them to take the floor when they would like to speak. They do not have to speak, but she would like the Councilmember to please ask permission before they take the floor.

## **6. CONSENT AGENDA**

### **6a. Financials and Checks for Approvals**

- **EBT: 000402E-000409E, Check #013891-013924**

**6b. Licenses for Approval: Mechanical: Cities Companies Inc.; Condor Fireplace; Metro Gas Installers, 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**

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

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

**6f. Approval of Electrical Inspector Contract**

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

Councilmember Watson has several edits to the Minutes of February 11, 2021; it has to do with names and spellings, and also a name is misspelled on the Minutes of February 24, 2021. He asked how the Mayor would like to handle it.

Mayor Ries asked if it is anything substantive or if it is all corrected names and editing.

Councilmember Watson replied it is pretty much all corrected names and numbers.

Mayor Ries said they could approve the Minutes with the condition that the items be corrected as Councilmember Watson is proposing.

Councilmember Watson noted he can submit those to Administrator Kress.

Administrator Kress said they can do that. He made one comment on the Electrical Inspector Contract, noting he and Councilmember Watson talked about that, he thinks it is ready for approval with minor changes.

Councilmember Watson said late this afternoon he looked at it and it looks fine.

Councilmember Shah said regarding item 6c, in regard to the February 11, 2021 Council Minutes, she has a question for Attorney Nason. There appears to be confusion on what happened with a motion at that meeting. There seems to be residents saying that Council took action to rescind Nord and she would like to ask Attorney Nason if she looked at the Minutes and can tell the Council and the public what happened with that motion.

Mayor Ries said this is just the approval of what was said at the meeting. If there is a substantive item about what the motion was, they do have Nord on the agenda and can talk about that motion during the Nord agenda item. For this, it is just whether or not things were said during the meeting and they do have TimeSavers which keeps track of word-for-word what was discussed at the meeting. If there is not a change to what was said at the meeting versus a legal interpretation of the motion itself, perhaps that would be best discussed under the Nord parcel agenda item.

Councilmember Shah said that is fine, she just wants to be consistent, because in the past they had talked about some of what NOHOA had said in the prior meeting minutes. If they want to defer it, they can do that.

Mayor Ries stated they would take that under the Nord parcel discussion item.

**MOTION by Councilmember Dujmovic, seconded by Councilmember Watson, to approve the Agenda with the edits and name corrections to the Minutes. Motion carried unanimously by roll call.**

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

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

Deputy Burrell updated the Council and said there have been a few things affecting North Oaks recently. First, the truck axle weight limit they have been enforcing this year; it is a bit different than last year as they were just at the start of COVID and their stops were somewhat limited. This year they are able to stop trucks as they are coming in or as they see trucks. This has been going on for a week and he thinks there has been some progress there. For the most part those who have been stopped are deliveries but they are getting the message that they need to at least wait on their deliveries or get prior approval. Now that it is getting warmer there have been quite a few speed complaints and that is something over the next several months that Deputy Burrell is looking forward to working with the City on and figuring out where the enforcement best suits the resident's needs. He does have a general idea of where these complaints are coming from but that is something they will focus on over the summer. There have been a few instances of crime reported: there was a burglary report on North Oaks Road, fairly deep into North Oaks. It appeared random, with the traffic that comes in with contractors and things like of that nature,

there are some times where people can essentially be “casing” places. It appears that may be what happened with this case - there was a person that was out of town. Deputy Burrell recommends if someone is going out of town to situate themselves to prevent the house from looking or appearing abandoned, as that was the case with this one. He noted they had a few car break-ins in the busier sections, one was up by Tria and one by Village Center; they are the commercial areas. He also wants to bring up the fact that Ramsey County has been in preparations for the aftermath of the Chauvin trial, and with the jury selection now, they are still several weeks away from that trial concluding. He knows the City has been working with the County on what things will look like when the trial concludes. His goal is to be in North Oaks as much as possible, which is something he is going to reiterate with his administration to see if he can be kept in the City as much as possible to assist with their needs. If there are questions, he is open to those.

Mayor Ries thanked Deputy Burrell and noted one concern they have is security during the trial and after, and making sure they have sufficient staffing. She knows they have the ability to call 911 and Ramsey County is definitely doing a good job to make sure there are officers available if there is an occurrence. Perhaps to have someone here, as Deputy Burrell often sits at the front gate and is a great way to deter crime, it would be nice to have him here sitting in the patrol car and being able to quickly respond to incidences if they occur. She appreciates his time and taking the initiative on that. Another comment she has addressing some of the crime that is happening in the commercial areas, she wondered if Deputy Burrell would be willing to help Mayor Ries talk to some of the businesses about getting better cameras in some of the parking lots and upgrading some of the security. Number one, it is a deterrent and number two, it would help them to find the people committing the crimes. Perhaps if Deputy Burrell and Councilmember Dujmovic as the new police liaison could join her to talk to some of the businesses about improving some of the cameras in the parking lots because often they have old equipment or are only looking at certain angles of the building. It may be a good way to have communications with them to improve the security and security cameras.

Councilmember Dujmovic would be interested.

Deputy Burrell agreed that the cameras could be improved in a couple of those locations.

Mayor Ries noticed a lot of people are wearing reflective vests as they walk around North Oaks. She is not sure that is because Officer Burrell is talking about safety or if NOHOA is doing a good job selling vests, but she appreciates that and sees safety slowly improving for pedestrian traffic as well. She thanked Deputy Burrell for his efforts there.

Deputy Burrell said it is a joint effort on that item.

Administrator Kress reminded Mayor Ries they would move to 9a now.

## **9. NEW BUSINESS**

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

Administrator Kress invited Mike Capra over as he is the installer for the project. The variance is outlined in resolution 1420 and they are asking to encroach 20 feet into the required 30 foot property line setback and 12 feet into the required 30 foot west property line setback.

Mike Capra noted they are trying to get a variance for the setbacks and they tried multiple different locations on the site. This appears to be the best and most reasonable solution. They will be diverting water around the site and away from the neighbor's property.

Councilmember Dujmovic said in the report it talked about how the soil was not natural soil. Had the soil been natural and that 18 inches or the top part, would it have still required this deviation or is it dependent upon that soil in its natural state.

Mr. Capra asked if he is referring to the soil in the area they are proposing or the soil in a different area.

Councilmember Dujmovic was looking at the northeast corner of the lot, and it said the soil there was not natural.

Mr. Capra stated the northeast corner, which is up in the well area of the front yard, the topography of that area...there are a lot of different reasons why that area would not work. The well is in the way and the topography does not lend itself to putting a system there, they would not be able to construct it as there is not enough room because of the way the hill is there.

Councilmember Dujmovic asked if that was one of the original sites outlined for the property.

Mr. Capra said no, that was not an option because the constructability is not feasible at all because of the steep slopes.

Councilmember Watson thinks part of Councilmember Dujmovic's question was a bit different and he is referring to the memo, page 1, item 1C; there is a comment in there that says the soil is not natural, the upper 18 inches of soil on the top of the hill was found to have been disturbed. He asked what that means and what the inference of that is.

Mr. Capra said they really need to be a native soil wherever they can, he is not sure if 1C was referring to the location they were using or to a separate location, but either way, it would not change what they are doing here whether it was native or not.

Councilmember Watson noted disturbed soil could be from other construction or activity on the property.

Mr. Capra replied that is correct.

Councilmember Dujmovic clarified that is what he was reading.

Mayor Ries understands that many different designs were looked at so a variance could be avoided. She asked when Mr. Capra was reviewing other types of systems, did he see an

advantage to any of those other systems and why did he settle on this particular system as the final application for a variance.

Mr. Capra said there are really 3 separate locations that were even remotely possible. The first is right behind the house in the northwest corner, but there is really no way to build that system and keep it on the lot, it kind of spills over into and gets close to the wetland area. It does not meet the setbacks and they would have needed a variance to get to the property line and a variance to the wetland setback. The other location was along the road right-of-way and the only way to do that would be to put it in the right-of-way which was not an option that was approved.

Councilmember Dujmovic asked when this home was originally platted, was the requirement in place that there be multiple sites viable for the plot and if so, what changed between then and now.

Administrator Kress replied no, there was not, it was prior to the ordinances and the requirements by State law.

Councilmember Shah watched the Planning Commission meeting on this variance and it was very challenging. In her opinion the facts were very sufficient, there are science reasons, road easement reasons, the applicant has come forward with three designs, and she believes the applicant and designer have found the most viable solution for this septic system. Moreover the neighbor spoke and is on board with what they have discussed and the solution to help reduce the drainage in to the neighbor's garage and to drain in to the wetland.

**MOTION by Shah, seconded by Watson, to approve resolution 1420, 33 Eagle Ridge Road, septic variance.**

Mayor Ries noted variances are something the Council should be avoiding as it sets a legal precedent in the City; there are rare instances where they should be granting variances and in this case it appears that this is a very limited site where they can put the septic and other site locations or designs would be not be advantageous. This looks like one of the last resort items for this particular homeowner. In addition, the City is responsible for the health and safety of the residents and it needs to be addressed. It also improves the site helping the drainage, and helping the neighbor next door, so it has benefit to it. Regarding the variance itself, it looks like to grant it is the only solution left because other systems would not help to avoid the variance.

Councilmember Watson stated this particular area was developed in the 1960's and early 1970's and many are seven- and eight-tenths of an acre lots, whereas most lots in other parts of the community are acre plus. He is not suggesting this is a line of business Mr. Capra can pursue, but if he goes to Pheasant Lane he will discover every one of those lots is virtually a seven-tenths of an acre lot built in the 1960's. So they can expect more of these.

**Motion carried unanimously by roll call.**

## **8. UNFINISHED BUSINESS**

### **a. Consideration and possible action on City Engineering contract**

Administrator Kress invited Mr. Korby to the meeting.

Tim Korby of HR Green is grateful to have the honor of hopefully becoming the City's Engineer. He has been doing City Engineering for about 34 years, grew up in the area, and has long enjoyed his days golfing in and around North Oaks. To him, it is a privilege to serve as the City's engineer, he looks forward to it, and he has been studying past minutes to try and get up to speed on the various developments, wetlands, trails, and opportunities in front of them. He will rely on his 500+ staff who will be at his beck-and-call, including engineer John Morast, and Shawn Tracy, a scientist who will help with environmental needs. He noted some minutes talk about wetland issues and Mr. Korby has been a certified wetland delineator – although he is not certified right now. He does know wetlands, delineation, and mitigation pretty well and that might lend its hand in some of the issues moving forward.

Administrator Kress asked if there are any questions.

Mayor Ries thanked Mr. Korby for joining the meeting, introducing himself, and interviewing at the special meeting. It is great to hear about all the great work his firm does and the projects he has worked on.

Councilmember Dujmovic thanked the Mayor and fellow Councilmembers for entrusting the subcommittee to make this recommendation. He thinks all of the applicants were outstanding, very impressive folks, and this is a calling for them. They definitely have a lot of passion for their work and Mr. Korby demonstrated that. For the community, regarding what led up to this selection, they first looked at all the different applicants, they sent information in, and Administrator Kress looked at those to see the competencies and resources these firms had. The Council then saw presentations at the special meeting followed by 7 questions posed to each candidate; two finalists were selected at that special meeting and since then the subcommittee followed up with more questions and also asked for additional completed work. The subcommittee reviewed their writing and their approach to problem solving. The additional questions were distributed to the Councilmembers. Administrator Kress and Councilmember Hara followed up with people who have worked with Mr. Korby personally and with his firm. He invited Councilmember Hara to speak about those findings.

Councilmember Hara thinks Administrator Kress did a great job with some follow up questions that were answered very thoroughly by the finalists. Councilmember Hara looked up some Mayors and Councilmembers in the cities that the two firms represented to get their input on how the firms and individuals responded to things within the City, how they handle citizen comments, potential conflicts, timeliness of responses, and in field supervision. He put together a list of 14 questions and spoke with about a dozen people split evenly between the two firms. Councilmember Hara noted Mr. Korby's competitor showed very well in those questions, also, and he does not think they could have made a bad choice. He said Mr. Korby has some major fans out there, some cities that were passionate about the work he has done and a couple said that regardless of where Mr. Korby went firm-wise, they would be following him. Councilmember

Hara thinks they made a good choice and spent a great deal of time vetting this because it is a big decision. One Mayor related to Councilmember Hara a bit of a war story that emphasized how important it is to make a good decision on a City Engineer and how important it is for City Councilmembers to make good decisions as it related to cities and future expenses that they may or may not anticipate at the time of making decisions. He welcomed Mr. Korby and looks forward to a good relationship.

Mr. Korby thanked Councilmember Hara and appreciates his thoroughness. He agrees that the questions were impeccable and very detailed; in 34 years he has not been “grilled” like that so that is fantastic and he commends the Council and Staff for their thoroughness. It made Mr. Korby do a lot of thinking and it was good.

Councilmember Shah welcomed Mr. Korby and told him to get his saddle on. She thanked Councilmember Dujmovic and Councilmember Hara for analyzing the top two choices and said she thoroughly trusts their judgment and that they covered all the ground needed and found the best match for the City. She supports the recommendation of HR Green and said initially they were her top choice. Councilmember Shah would like to move the discussion toward the next step here because they do need to build a working effort, some sort of structure or contract and solidify that so they can get moving and get Mr. Korby on to some of the work ahead.

Mr. Korby is ready to hit the ground running and put forth the time and effort. He noted they will get a contract in place at some point but he is ready to start today.

Councilmember Shah stated she and Councilmember Watson were on a subcommittee to draft a proposed contract and he or Administrator Kress may chime in. She senses that Councilmember Watson feels they are rushed only two days after the recommendation came forward; she said it is fine if they want to take more time to produce a contract but her immediate need is to attend to some of the City business that is starting to pile up. She noted Anderson Woods is coming rather quickly, there is a transition that needs to happen with Sambatek, and CUP work with Evergreen. She asked how the Council would like to proceed until they can get a drafted proposed contract.

Mayor Ries thanked Councilmember Hara and Councilmember Dujmovic for all their hard work, they took the extra time to reach out, check references, contact cities the firms had worked for, and dove in to find who the best match for North Oaks was. It took a lot of personal time in doing that, and she also trusts their judgment and thinks HR Green is a great engineering firm, although it was a hard choice as there were a lot of great applicants doing great work in the Twin Cities. She stated they were impressed by the firm and some of the projects and they came with high recommendation from clients, which is a great referral to get. In terms of transitioning, Sambatek’s contract was completed in February and tonight the Council is tasked with voting, approving, and assigning the open space to what engineer will be next. For finalizing the contract, they do not want to do that hastily, they want a good contract that helps with working relations. She noted they want to take time to be sure it is appropriately done, but they do not want to take too much time. Because they do not have anything before the Council or Planning

Commission and they have the 60-day and 120-days, she feels that is sufficient time not to rush signing a contract. Perhaps Councilmember Watson and Councilmember Shah would like to follow up with comments, next steps, and a timeline as they have been tasked with this.

Councilmember Watson noted Councilmember Dujmovic had his hand up.

Councilmember Dujmovic said it is a matter of making a formal motion now to adopt HR Green and Tim Korby as the City Engineer.

Mayor Ries said if everyone is comfortable now, she would be happy to entertain a motion.

Administrator Kress said before they take a motion he would like to ask Attorney Nason about the structure of the motion. How would the attorney like them to structure the motion because there might be some involvement with either a retainer or hourly fee for Mr. Korby.

Attorney Nason noted it is however they want to approach it. They could make a motion to approve selection of HR Green as the City's Engineering firm and Mr. Korby as the City's Engineer, direct that Councilmembers, subcommittee, and Staff negotiate a contract and that the contract be brought back to the Council for full consideration as soon as possible. If there are specifics that the Council wants the subcommittee to consider with respect to fee structure, they could put that in the motion as well or have it as part of the discussion. Ultimately the contract will have to come back to the Council for formal approval by the full Council.

Administrator Kress would prefer the request be separate from the motion.

**MOTION by Dujmovic to adopt HR Green as the City Engineering firm and Tim Korby as the City Engineer.**

Councilmember Shah asked to make a friendly amendment to add a caveat that a formal contract will come in play within 2-4 weeks.

Mayor Ries thinks that would be the second motion they will be making tonight, to set up the hourly fee and the contract scheduling.

Councilmember Shah said that is fair, she just wants clarity that they will provide a formal contract after appointment.

**MOTION seconded by Hara.**

Councilmember Watson noted tonight they need to make the appointment and, as he sent in a note to several people, the contract details can follow. He would argue that they do not want to wait 4-6 weeks and this is something that can be done fairly soon. Mr. Korby will probably recognize that Councilmember Watson was not in the room during the interviews as he was at a



VLAWMO (Vadnais Lakes Area Water Management Organization) Board meeting. When he saw a piece of history in there he wanted to speak with Councilmember Dujmovic and told him if Tim Korby can do for North Oaks what Jeff Roos did during Councilmember Watson's 18 years on the Council before, he is on board.

Mr. Korby knew Mr. Roos and he was a good man.

Councilmember Shah thinks they are on the same page but she understands Councilmember Watson wants to build a thorough contract; she wants to balance it against impending City Engineering needs. In her opinion they are becoming a high priority so she would like to see this contract built in the next few weeks. That way there is something in writing, proposed, and they need to have some structure in place so Mr. Korby can begin working. If she had it her way, he would start working tomorrow.

Mayor Ries asked to finalize the vote with the motion on the table before getting in to that discussion.

Administrator Kress clarified they are making a motion to authorize Tim Korby to essentially start immediately.

Mayor Ries said that is correct, it is for the appointment. In the next discussion and motion the Council will talk about how Mr. Korby will be compensated and the signing of a contract. First is appointment to assign it and the next is how the City will be taking on the employment and compensation.

Councilmember Watson asked for a friendly addition to the motion to satisfy Councilmember Shah and that is to make the appointment effective today or tomorrow.

Administrator Kress would make it effective as of March 11, 2021.

Mayor Ries asked if they could put that in to the next motion. Now it is to select the firm and the person; in the next motion they can talk about effectiveness, hourly, and the timing for the signing of the contract. That way they do not have to muddy the motion with amendments, she asked to just take the motion on the floor right now.

Administrator Kress said that is fine with him.

**Motion carried unanimously by roll call.**

Mayor Ries asked to transition to, number one, she recommends it is effective immediately since they have the appointment. Number two is to have Councilmember Watson and Councilmember Shah continue on the subcommittee to finalize the language and negotiation of the contract with Mr. Korby and HR Green, and in the interim to have a proposed hourly rate if there are items

that come before the City and to negotiate that as well. She asked if there are other concerns, questions, or items to consider.

Councilmember Watson got lost and asked Mayor Ries to repeat what she said.

Mayor Ries noted they appointed HR Green and Mr. Korby to be the representative. Now the City has on the table potential items that may come before the City. It is time for the discussion of when does Mr. Korby and his firm start, they do not have a contract signed and need to get timing and finalize negotiation of the contract, and then in the interim before a contract is signed what would the terms of compensation be if something came before the City. Mr. Korby is very professional, as is his firm, so she is not very concerned that there will be a lot of debate in negotiating with them. Mayor Ries thinks that Councilmember Watson and Councilmember Shah are very professional and have been working on the contract so perhaps they can continue the discussion about a proposed timeline and next steps going forward.

Councilmember Watson suggested the motion is basically that they would work with Mr. Korby to formalize a contract and that would include terms of payment, method of payment, areas of responsibility, etcetera. He would further recommend that it be completed and ready for the Council to approve at the April City Council meeting. In the meantime, he would think the previous motion indicated it was effective with the appointment tonight – like every other appointment – it was effective with the motion.

Mayor Ries noted they could reaffirm that in this motion.

**MOTION by Watson to formalize a contract including terms of payment, method of payment, and areas of responsibility, and to bring it back to the Council for formal approval at the April meeting.**

Mayor Ries asked. if they need time in reviewing matters or plans before the April meeting, how should the Council proceed and would it be an hourly rate to engage HR Green.

Councilmember Watson's thought is that with Administrator Kress' help they can have that conversation early the following week and that will take care of an interim understanding. It will probably fold naturally into a contract. Some of them do work by contract and are pretty familiar with methods of payment and how that works. He thinks Mr. Korby would agree there have probably been times in his life where he has been asked to do a few things before the ink is dry on a contract.

Mr. Korby said 100%, yes.

Mayor Ries asked if there are any further comments, questions, or concerns with the motion on the table for, effective immediately, the appointment of HR Green and Mr. Korby to start with the City and to finalize drafting the contract by Councilmember Watson and Councilmember

Shah, to be presented at the April meeting; and that in the interim Councilmember Shah and Councilmember Watson will negotiate an hourly rate in the event work needs to be done by HR Green before the contract is signed.

Administrator Kress noted they need a second on the motion.

**MOTION seconded by Dujmovic.**

Councilmember Shah asked Administrator Kress and Attorney Nason if they have enough clarity to start any work necessary for the City with what has been outlined here in the interim and not having a rate currently defined.

Attorney Nason would prefer to have all that spelled out but quite frankly, she thinks Mr. Korby has made it clear he has worked without a contract before and understands payment will be Form 1, Form 2, or a hybrid of those, being hourly and retainer. She would not anticipate there would be a conflict right off the bat with the newly appointed City Engineer. She is sure whatever the City comes up with as far as a payment schedule will be agreeable to the firm.

Administrator Kress asked if there is any opposition to the subcommittee creating the agreement prior to the April meeting.

Mayor Ries has no objection to that. Her understanding is that it will be presented at the April meeting. She had thought they would do the work prior to the meeting to get it ready for approval.

Councilmember Watson suggested an amendment to what was repeated. He would not reference specifically to the hourly rate as the method of payment but leave it open for the subcommittee to work through that. Second, he has another thought in saying it will be presented at the April meeting. If they wanted to do so because anyone had a concern – Attorney Nason’s comment about preferring to have a contract – he thinks all the Councilmembers would, and they could do it at a special meeting. He would modify his motion to say not later than the April meeting.

Mayor Ries said in the motion they would strike the agreement of an hourly rate and add the language of a contract to be presented to the City Council no later than at the April regular Council meeting.

Councilmember Dujmovic wants to make it crystal clear, for example, perhaps tomorrow the Planning Commission wanted to engage the services of Mr. Korby. The Council would be in the position to allow them to do that and would work on the payment system at some time later.

That is Councilmember Watson’s understanding of the motion.

Councilmember Dujmovic said it is his, also, and he wants to put it in English for everyone. They have all been in agreement for five minutes on this and they just talked around it for a long time. He asked to stop walking on eggshells and just put it out there.

Mayor Ries noted first they need to make a motion to approve striking the hourly rate and adding that it is no later than the April meeting.

**AMENDED MOTION by Councilmember Watson, seconded by Councilmember Dujmovic, to strike the hourly rate and to bring it back to the Council for formal approval no later than the April 8, 2021 City Council meeting. Motion carried unanimously by roll call.**

Mayor Ries said now they have to go to the original motion as to the terms and if the Council agrees to the motion as amended.

Councilmember Watson asked Mayor Ries to repeat the motion.

Mayor Ries said the motion was that the subcommittee would work on the contract, the contract would be presented to the Council no later than the regularly scheduled April meeting, and that they would work with Mr. Korby in the interim before the contract is finalized.

Councilmember Watson said if they need approval of that motion, he will make it.

Mayor Ries noted the motion has a second by Councilmember Dujmovic and she is entertaining any further discussion about the substance of the motion and they can take a vote on it.

**Motion carried unanimously by roll call.**

Administrator Kress told Mr. Korby he is welcome to stick around.

Mr. Korby said sure, he will stay in the meeting on mute.

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

Mayor Ries turned the item over to Councilmember Watson who had requested that this be put on the Agenda.

Councilmember Shah asked the Mayor at what point she would allow Councilmember Shah to speak and ask the question that she had wanted deferred until Nord.

Mayor Ries said they would introduce the Agenda item and then they can take on the additional items by raising of hands and she will recognize Councilmember Shah to take the floor.

Councilmember Watson noted the issue has been there repetitively now for the third month and he thinks the question becomes: can the Council actually remove it, call it done, and everyone is happy walking arm-in-arm and singing Kum-Ba-Ya about the Nord parcel. He saw a communication from Administrator Kress who asked the Home Owners' Association if there had been any communication about the trails and if there were any updates on Nord or other East Oaks sites. He noted it was addressed to the entire Council and indicates there has been no further substantive communication on the issue noted below with the North Oaks Company (NOC). His question becomes, at some point he would hope that the parties could find a way to sit down together and send the Council a message that they have come to an agreement on these items of dispute. In his opinion, he finds it critical because of the foundation for that agreement in the PDA signed in 1999. Of everyone in the room he is the only one who was there in 1999 so he knows exactly what was intended and knows what the words are in that particular document. He is just buffaloes by why it has taken two years to continue to argue and fight about these things.

Administrator Kress said perhaps they could entertain a motion to schedule a meeting with the North Oaks Home Owners' Association (NOHOA) Board of Directors.

Mayor Ries said that is a good suggestion and it would be nice to bring them in to the conversation and discuss some of the issues.

Councilmember Shah is pretty much on the same wavelength as where Administrator Kress is going. She said they had a very lengthy discussion on this topic in January and one of the final thoughts by the Council was to have a public meeting broadcast in which the Council wanted NOHOA to come on board collectively with the Council and to invite the NOC. She asked why that has not happened; they all talked about it in January but here they are in March and that effort has not been initiated. She asked if there was a reason to stop it or if they are taking a different approach. She is curious why they have not taken action to pull the parties together.

Administrator Kress thinks the reason for that is because they left it in the hands of NOHOA and the NOC to work out the misunderstanding between the trails and the other items left in the Nord parcel.

Councilmember Watson seconded what Administrator Kress said as that was going to be his message. Secondly, he had a conversation with Attorney Nason for a few minutes and was curious about the status of various projects in North Oaks and will talk about that in his report later. It seems to Councilmember Watson that it would be smart for everyone to hear what Attorney Nason told him, which is the failure for these matters to be completed and the conditions involved completed, basically creates a situation where yes the plat has been filed, the lots are designated, and nobody can do anything. They cannot sell lots or move lots if NOHOA does not accept this particular parcel into NOHOA, he asked Attorney Nason, if they put a trail there are they inviting the rest of North Oaks in there and inviting people to trespass on a little 10 parcel separate home owners' association? This is a bigger message or mess in his opinion, than

merely a case of saying some people are trying to second-guess what happened in December. It is not doing that at all, his eyes are on the front of his head, and he wants to bring this to closure, it needs to be done. Frankly, Councilmember Watson does not think it is the Council's job to force NOC and NOHOA to sit down. If the Council's invitation would put them at a table to sit down and work through this constructively, he will be there with his dancing shoes on.

Mayor Ries said they discussed calling a meeting with NOHOA at the January meeting and she thinks that is still definitely on the table. She received comments from members of the community about clarity of the motion and some discussion that ensued in the last meeting. From a 30,000 foot view, she would like to comment that as they are making these motions for clarity and proper following of *Robert's Rules*, they must do a good job of stating what the motion is so everyone knows what they are voting on and knows the procedure for it. It became apparent to her in going back in the meeting minutes, often times they bold the votes they are taking, but perhaps they should also bold the motion as well so it is clear what they are voting on. Then when they reference the meeting minutes, it is right there. For the Nord parcel, one had to read the full discussion to understand what the motion was. Councilmember Watson made a motion regarding pulling it back and looking at the matter, Mayor Ries brought up on the bottom of page 18 about the rescission of the action, and there were many pages of discussion for the Nord parcel. Generally without rehashing any of that, at this point it may be wise for the Council to 1) make a motion to set up the meeting with NOHOA; 2) they discussed at the last meeting having an engineering firm look at this parcel, so perhaps a motion and making a decision on specifically who is going to look at that and some guidance on that; 3) a motion that affirms the previous motion to clarify and parse out what the Council is doing with Nord. She said it seems that they had discussed a lot during the January and February meetings and the more the issue is discussed, it becomes apparent that there are many, many issues and Mayor Ries would like to have NOHOA at the table to discuss some of this and work out some of the issues. She would like to make a couple of motions to clarify the record and put something on the Council's agenda in the near future to get things planned and moving forward for this parcel. Mayor Ries asked if there is any further discussion about those comments or concerns.

Councilmember Shah would like to be recognized at this point as she was deferred. She precisely wanted to talk about what exactly was mentioned in the City Council minutes for February 11, 2021. There is a lot of confusion on what happened with the motion approved to Nord. There are residents that are saying the Council took action to rescind Nord. She was present that night and the word rescission was never mentioned. She defers to the Attorney at this time and would like Attorney Nason to weigh in on exactly what happened with that motion for Nord and would like her legal opinion.

Attorney Nason has reviewed the motion from the minutes, she was not present at the meeting in February, and does not know exactly how things played out. She does not see that the motion made officially rescinded the final plan approval that was granted by the Council in December as it related to the Nord parcel. She would like to respond to Councilmember Watson's question, he and Ms. Nason did speak and she told him that there are a number of things that need to

happen before lots can be sold within the Nord parcel. The Registered Land Survey (RLS) was recorded on December 23, 2020 and it is RLS 634. Staff has an internal working document of all the things that have to be complied with pursuant to the development agreement, the resolution of approval, and the PDA. Pursuant to the terms of both the resolution and the development agreement, trail easements must be conveyed to NOHOA prior to conveyance of affected lots to third parties. The trail issue will have to be resolved in some fashion before those lots can be conveyed out to a third party with respect to the lots that do have trail easements shown on them. The trail plan was approved as part of that final plan approval; it can be revised in the future, but there are a number of conditions precedent prior to lot conveyance and that is one of them.

Mayor Ries asked if it is required that they use the word rescission in a motion to rescind the approval or would it be legally effective to have similar words but not necessarily the word rescission.

Attorney Nason said it would probably depend on the motion and what exactly the Council is seeking to do. Typically, if it is a motion to rescind a previous approval, it would say that and specifically call out what was rescinded. For example, one would “move to rescind the final plan approval granted on this date by this Council.” There were several different actions taken at the December meeting, there is a resolution approving the final plan, a resolution related to the termination of the old farm road as a legally established non-conforming use, a resolution approving authorization of the development contract. So there were several different actions that were taken at that meeting. Attorney Nason would encourage the Council, if they are attempting to rescind a previously granted approval, to have a motion or resolution in writing so it is very clear what exactly the action is the Council is attempting to take for clarity of the record purposes.

Mayor Ries thanked Attorney Nason for that direction. She thinks it is on page 18 of the minutes (she is going off memory) that she specifically had used the word rescission in the discussion. She believes Councilmember Watson had made the motion and in further discussion reiterating what the motion was the word rescission was used but it was not used in the specific motion. She asked if the Council should review that and put the terms or appropriate language in the motion and reaffirm the motion, or what would the Council like to do at this time.

Attorney Nason interjected briefly to advise the Council as their legal counsel, that if they are seeking to rescind previously granted approvals which have resulted already in the recording of a Registered Land Survey and other actions taken in reliance upon that by the Council; that the City Council reviews the confidential Attorney/Client privileged email Attorney Nason had sent back in December and previously submitted to the new Councilmembers with respect to her recommendations for how the Council should approach taking that type of action.

Mayor Ries asked if on record right now, Attorney Nason can summarize what the recommended action would be to go forward.

Attorney Nason said if the Council does want to approach and determine whether or not there are legal grounds available to rescind that motion at this time, she recommended that the Council engage outside legal counsel to review that action and approval to determine if there are any legal grounds for such action and to advise the Council regarding any legal and litigation-related risks to the City by taking such an action.

Mayor Ries asked if there are any further questions.

Councilmember Watson would go back to the motions they are referring to. The motion he made was to indicate that it did not seem to him that there was evidence of a meeting of the minds, those were the words he used and what are in the printed minutes. His hope was, and he is relying on the fact that for 18 years they were able to do business that way sitting around a table at Eastern Rec, he was hoping that the North Oaks Company (NOC) and the North Oaks Home Owners' Association (NOHOA) would sit down and work through these items and a rescission would not be necessary. It could be done because it is obvious that it needs to be done. Attorney Nason just read one of the reasons to do that and there are some others. Councilmember Watson is usually not interested in pursuing a litigious matter knowing full well it is likely to go down that path first, if in fact he thinks the parties might come to some common sense, sit down and get this thing solved. He outlined some non-lawyer concerns he has as he starts thinking about the issues that could very well rise with a home owners' association at Nord. It is not an automatic that it is a member of NOHOA, and they could have trails going through that particular subdivision that would be part of another home owners' association would not be available to the residents of North Oaks. He noted they have been through it in this community when Deer Hills was its own association and Councilmember Hara will remember that the residents of Deer Hills could not go to the beach, couldn't use the trails, and could not even step 100 feet out of some of their back doors and use the trails around Black Lake – it was trespassing. He does not think they want to create a situation where they are perpetuating this conflict, he is just hopeful people would sit down and that is why he made the motion. He did not use the word rescission in his motion and was hoping people would take the bait, sit down, and work this thing out like adults should.

Councilmember Shah would like to take a step back for clarity; she asked Attorney Nason tonight, and she clearly said that the Council did not rescind the final plan approval. The client private confidential memo sent out by Attorney Nason both to the old and new Council is all in their email boxes. They cannot go over it, but there were two parts of it. Attorney Nason went over the process with *Robert's Rules* on how to rescind and she thinks all of the Councilmembers understand that. The second part that is very significant, and it seems to her that she interprets it very differently than some of the Councilmembers and that is where the discussion needs to go, is the fact that Attorney Nason's memo went into the fact that when there are contracts in play it is different. Councilmember Shah said they do have a contract, they City has a contract with the North Oaks Company and when they did preliminary plan approval, final plan approval, the developers agreement, and even with the County, those are all contracts. It is concerning to Councilmember Shah that they are not talking about that and that is the part that is significant for



the City. She is hearing Councilmember Watson saying that an agreement could take place between NOHOA and the NOC, particularly around the trail and most likely the shared driveway, but they still have to recognize there is contract law in place between the City and the NOC. That is where Councilmember Shah is deeply concerned – they are ignoring that.

Mayor Ries thanked Councilmember Shah. She would like to go back and noted Councilmember Shah mentioned on the record that Attorney Nason just said that the approval of Nord was not rescinded and Mayor Ries wants to state clarity on the record. She asked Attorney Nason to correct her if she states this incorrectly: what she has noted here is that Attorney Nason mentioned that the term rescission was not in the motion, but that if the effective motion that was made essentially does rescind it, that is to be considered. The other thing Mayor Ries wants to correct on the record is that Attorney Nason made the comment about the trail being approved and they do have confirmation from NOHOA that they have not approved the trail in the plans and that has not been clarified with the North Oaks Company. Part of the requirement to allow the Company to convey is that this does get worked out in accordance with the last meeting they had, there were also some surface water issues, environmental issues, the shared driveway and variance concerns, so as part of the discussion she does not want to rehash the last meetings but there were many, many items that were discussed and concerns. Unfortunately, Mayor Ries said Attorney Nason's memo did not go into great detail with this, she basically just left it up to the Council to review in the memo and for them to discuss. It said that the basis needs to be provided. Mayor Ries wants to ask the Council right now if they want to clarify that motion for the sake of clarity going forward and next steps. She knows they discussed hiring an engineer and having an engineer look at it. Does the Council have an appointment for that engineer to look at that? She would like to clarify, for properly conducting the meetings with *Robert's Rules*, to clarify that motion so they know exactly where they stand, what the next steps are going to be for Nord, and timing of the next steps. She thinks some of these issues they should be going forward with because they do need to move forward. She asked does the Council want to schedule or invite NOHOA to a meeting right now to talk about some of these issues? Does the Council want to appoint an engineer to the site? How would the Council like to make a motion at this point to move the Nord parcel forward and clarify some of these open issues?

Councilmember Dujmovic said this is opinion and he will share it. He does not understand what the urgency was when this was originally approved by the former City Council. The Council's job is to secure what is the best outcome for their City. Could the former City Council approve Nord? Absolutely. Did they have to approve Nord or were there things that could have been worked out, discussed, and compromised, and have led to a better solution for the City? They could have done that and they chose not to. Was the Nord site approved appropriately? Councilmember Dujmovic does not know. They have talked about this for so long and he really does not know. That said, there was a vote taken and that vote is done. He would not have done the vote that way, he would have negotiated differently, but the vote was taken. Was it the best solution for their City? He does not think so and he has been on record for that a number of times. They sit here in a position with 52 conditions the Council was given, he is looking at them right now, they are in the Sambatek memo, 8.5 pages dated December 11, 2020. There are

also a number of conditions from Bob Kirmis in a memo dated December 17, 2020 from the City Council meeting. In that memo it says that the developer is advised that approval from NOHOA may need to be obtained for use of the shared driveway, a shared access easement and agreement shall be recorded against Lots 1 and 2. Councilmember Dujmovic said that is why when they started this discussion and Councilmember Watson said they need to have this discussion with NOHOA, he thinks that is necessary and necessary very soon. They need to get to agreement on these things because as he said at the last City Council meeting, if the City approves something that is untenable to their brothers and sisters in NOHOA, they have done no favors for anyone. He said they need to be in a position that when the Council approves it, it is something they can live with. If they do otherwise it is not appropriate. To the point on the engineer, he thinks Shawn Tracy from HR Green, and/or Tim Korby could do an analysis. Councilmember Dujmovic noted there is a document he requested here that is from AE2S Engineering and is called a storm water management plan. On page 2 of this document, Councilmember Dujmovic sees that it is dated July 2020 but it is also dated January 2021 and it is signed off on January 2020. He noted there are three dates on the second page of this document that relate to information in here. It also refers to 12 sites on the Nord site, and it refers to 11 sites on the Nord site. That is just in the first 9 pages. He thinks there are a number of things that could be investigated in here and there are very important conversations that need to take place between the North Oaks Company and NOHOA. These could have taken place but have not and Councilmember Dujmovic thinks he has expressed his opinion. He welcomes that meeting and will be there with Councilmember Watson with his dancing shoes on, as well, and would love to participate in that conversation that is long overdue.

Administrator Kress thinks the Council should move forward with the meeting and somewhat act as a mediator between the North Oaks Company and NOHOA to walk through some of these items.

Mayor Ries agrees they can do that. They cannot just mediate because there are issues that directly relate to City information. She appreciates Councilmember Dujmovic's comments about the engineering and analysis of the engineering. Mayor Ries has brought up surface water management and ground water concerns in the past and the environmental impacts. Since then, she has thought more about the issue and also wants to look at whether the plans are the best they can do for their City, is there a less costly plan they should approve that will not require the financial burden and the time burden in surface water management. Is there a less expensive, less burdensome plan they can propose? Mayor Ries thinks there are a lot of City issues that they also need to go through in this. She sees many issues still open and she was there in the December meeting. One of her concerns is having consultants go through 52 issues and when asked if the conditions are met, they simply say yes and are not willing to go into the conditions with detail and go through and ask the Council if they feel that the conditions are met. It is not the role of the consultants to determine if the conditions are met, they can give the recommendation, but ultimately it is the Council that should be approving this. It is the Council that is responsible for that vote and having to deal with if indeed the conditions are not met or if it is not the best design for the City and for the neighbors. With that, she sees many of these

issues still open, she was not satisfied and to be perfectly honest, giving Mayor Ries 20 hours to review and vote on this back in December was simply insufficient. The approval comes down and will burden this Council ultimately. This Council is the one that needs to determine if this is the best for the community; they have to deal with any issues that come up. She would like to go forward and note on record that they will be reaching out to NOHOA to plan that meeting at the earliest convenience, perhaps in April. Mayor Ries noted via email they can work on scheduling. She does not know if that requires a vote, but if the Council wants to officially do that they can notice it appropriately. She would like to do that to start things off and is hearing from Councilmember Dujmovic that he is suggesting that HR Green start looking in to these engineering issues. Mayor Ries hoped perhaps they would have an independent group look into some of these environmental impacts and not burden the new engineer and have this issue be the one they start working with the City. Perhaps other people can change her mind on that – she would have preferred to have an independent group of people doing the testing and such and maybe even find somebody with slightly cheaper rates than HR Green. Maybe HR Green would be willing to get some university students or something to help with the costs of the review of the site. Mayor Ries stated they need to reaffirm the motion that was made and bring clarity to that.

Councilmember Hara gave his opinion and said he is not sure how effective a mediation between NOHOA and the NOC is going to be without more background work done by an engineering firm. Some of the issues that came up and were previously presented in various ways show that there is some question as to the accuracy of the maps that were used, to identify the shoreland, he is not sure that a storm water management plan has been vetted thoroughly and he thinks there are some technical things that have to be determined prior to the mediation or meeting of the minds. Councilmember Hara thinks they need to have the facts in front of all parties there to properly do that and he thinks they are premature in sitting down and trying to get people to agree on something without having a little bit better understanding of some of the issues that have been brought up. He completely agrees with getting the document the day of the special meeting that was 479 pages and somehow the Councilmembers are supposed to read and absorb that rush to judgment to hurriedly get stuff passed while the previous Council was in place. He does not think that does the community any favors and he does not think it was done properly. That is a good reason to pause, reconsider this, and look at it again more thoroughly and make sure the Council is doing the right thing for the community.

Councilmember Shah wants to ask the question for the resident out there that is wondering this: what is the end game when it comes to the Nord development, what is the objective? Whether one likes it or not they do have an approved preliminary plan and final plan approval. She just asks as a resident would ask: what is their objective. They want to send the new engineer out there and confirm the process was followed correctly, they want new science (she is hearing that), but to her these are just tactics. What are they going to do when they get new data and new science? What is the plan because this is a contract and unless they can get both parties to agree to change the contract, she does not see any movement and that is where she sees serious concerns for their City. No one wants to talk about that and to her that is the bigger part. She again asked what is the end game?

Mayor Ries asked Councilmember Shah a question, she keeps saying “contract” and it has been brought up in meetings before about litigation and being sued. Does Councilmember Shah consider if there is going to be impacts to residents building properties there and financial burdens put on the City or is she merely concerned with only that the contract was signed and she does not think it would be advantageous for the City to go back and look at the entire plan approval.

Councilmember Shah has no issues, in fact if they go back she did agree if Council wanted to double check that the process was followed correctly, she supports that. She thinks Attorney Nason’s memo highlights concern when as a City they attempt to modify a contract and start asking for certain things from the Company. To Councilmember Shah, that is a potential lawsuit; that is basically breaching the contract because they have to have two parties, the NOC and the City come to terms on that. She is asking her fellow Councilmembers...then what? When they have their new science, what is their plan?

Councilmember Watson asked to answer Councilmember Shah’s question and thought he had answered it quite thoroughly earlier. He is not interested in litigation; he is interested in getting Nord development completed. The only way they can do that is the actions and responsibilities of the three parties have to be completed properly and they have not been to date. If they want to leave it that way, so be it, but if he understands from his conversation with Attorney Nason there are some issues about whether or not these lots could be sold. It is questioned whether there could be 10 new families moving into North Oaks, etcetera, until all of these conditions are done. One of those conditions requires the Company to come down from County Road J probably to Village Center or vice-versa, and sit down with NOHOA. If the City can help in some way, he is ready to be there and that is the end game. It is clearly the end game and it has been the end game with the Easts Oaks PDA since 1999.

Mayor Ries spoke with former Mayor Seth Colton in the negotiation of the 1999 agreement and some of the development back then which pre-dated Councilmember Watson. She asked regarding the protocol back in his time with the City, would they negotiate and figure out a lot of these items beforehand, before approving these items. If they did have conditions, would they go back and ensure that the conditions were met and the Council would discuss and weigh the evidence if the condition was met or not. Or would they simply have the consultants check the box and then the Council would just approve up or down the plan approval. She asked the procedure in the past.

Councilmember Watson stated the procedure is what Mayor Ries inferred. That is, they sat around a square table in East Oaks on many, many occasions and worked through parcel by parcel, item by item. They did not always initially agree, but he thinks people will find there was unanimity on votes at any point in time, up to and including the approval of the final plan in February of 1999. He said they went through the idea of having separate autonomous home owners’ associations in North Oaks, which is why Deer Hills today is a sub association together

with NOHOA...it was its own association beforehand. They had a group work on that the entire period of time. They did not have this loggerhead, poor communication, etcetera, at any time. Never.

Mayor Ries clarified what Councilmember Watson is saying is that these items would have been worked out and clarified before the final plan approvals came to the Council. That way the Council would have been able to just approve, basically, what was already worked out between parties and plans that were finalized. She asked Councilmember Watson if they had conditions and how they approached the conditions when reviewing some of these things before.

Councilmember Watson said every meeting they ever had of that sort was always a published meeting under the Open Meeting Law. This was not done in the dark of night and yes, they always had an agenda and through the entire period of time there were two individuals that guided the City: Theresa Greenfield was the Planner and worked for the McCombs Frank Roos firm, and Jeff Roos as the engineer. They had a great deal of confidence in both of their skills working through that period of time. Representing the Company were people like Dave Sellergren, whose name they will find in most of the documents as part of the PDA. In terms of the Company, it was usually someone from the Board and at least the President, most of that time it was a guy named Tom Welna. Bottom line to Councilmember Shah's question, she is asking the right question, and Councilmember Watson thinks that is they initiated this whole idea and the City is a party to this PDA. They initiated this idea and also in that approval included a development called the Nord development. It was not included in there so that 20 years later they would have a bunch of people running around arguing about what the hell they approved, what they didn't, what is going to happen, and this thing sits stagnant at the moment. It seems to Councilmember Watson that the intent was to make this stuff work. His only comment is, the Council can make that happen, whether they need to be the party at the table - he does not think the City has to be the mediator but can be a facilitator and create a meeting environment, and invite representation in. The last he checked, the Company has a seat at the NOHOA table and he is somewhat surprised they cannot work on those things in that environment. On the other hand if it does not seem to and does not appear to be, what he and Administrator Kress talked about when this conversation first started was to arrange a meeting with the parties and do it soon.

Councilmember Shah asked Attorney Nason - in piggy-backing on what Mayor Ries asked - she believes she did not fully answer but was asked if Councilmember Shah was concerned about potential financial burdens placed on the City by new residents suing them for water issues. Councilmember Shah wants to clarify and wants Attorney Nason to weigh in - she believes that would be a North Oaks Company issue and not the City's.

Attorney Nason is not sure what the cause of action would be against the City. The City has approved the subdivision of the property, and there are provisions in the development agreement whereas, for example, if there were not suitable soils for a septic system, the Company is required to buy the lot back from somebody else if they have already sold it, or not develop it if

it is not buildable. There are some provisions in there like that, but Attorney Nason is not certain what the specifics would be with respect to the cause of action against the City as it relates to the lots that would be sold.

Mayor Ries thinks her comments were restated incorrectly. It was the financial burdens that would come down on the City for maintenance and for the surface water management specifically and some other issues, and also perhaps to NOHOA. The issue was the liability concerning any health risks, or property damage, etcetera, to people building in the area if it is determined to be too wet. Also, some of the surrounding community if surrounding neighbors are impacted, as well. Mayor Ries wants to clarify what she said.

Attorney Nason said with respect to the storm water facility maintenance, there is a requirement that the North Oaks Company execute a storm water facilities maintenance agreement which will place upon the Company the responsibility of maintenance for those facilities. There is a requirement for Lots 1 and 2 in the development that rain gardens or other storm water controls must be constructed to mitigate impacts of additional impervious surface on those lots at the time of development. These requirements are all part of the development agreement which has been recorded against all of those different tracts.

Mayor Ries asked if Attorney Nason said a storm water agreement needs to be reached with the Company.

Attorney Nason said they are required to execute a storm water facilities maintenance agreement and was one of the conditions of approval.

Mayor Ries said that has not been signed yet?

Attorney Nason said that is correct.

Mayor Ries clarified it was one of the conditions of approval and they do not have it signed?

Attorney Nason said it is one of the conditions of approval that they have to execute an agreement. It was not required to be executed before the final approvals were granted; it was a condition of final approval and that documentation will shore up the requirement to maintain storm water facilities which is found both in the development agreement as well as the PDA in section 9.3. Section 9.3 of the PDA and the development agreement both require the developer to maintain responsibility or to undertake maintenance responsibilities for any storm water facilities until such time as those facilities are transferred to a third party. It is the Company's responsibility to pay for those unless or until they transfer them to a third party which would presumably be NOHOA.

Mayor Ries said that raises more questions in her mind because she is saying that a storm water agreement as part of conditions for approval, that it does need to be entered into, or they need the

storm water agreement to complete the approval. That is raising more questions in Mayor Ries' mind against the site and would also require NOHOA to come into the discussion because they are the ones that maintain the roads and are taking over or discussing some of the responsibility about storm water management. She thinks they need to be in that discussion as well. They need to talk about that agreement, what the wording of that condition is, because if that is required for approval...do they even have approval if people are running to Ramsey County and filing things and they are not vetting exactly what they are requiring. This is what she was talking about – the Council needs to look at this and determine what is approved, what is met by the condition, and what is not. When Mayor Ries is listening to this and in terms of managing the site and making sure that the conditions are met, she thinks this Council really needs to look at this, and maybe just reiterate or reaffirm the motion for this site. She asked Attorney Nason because final plan approvals were voted on with the previous Council, and this Council wants to change the final plan that was approved. Let's say, for example the Company says no, we already have the approvals, we do not have to do that...would there be any recourse for this Council to require changes besides rescission if they would like to make changes to the development plans as approved. Would there be any way for this Council to make those changes?

Attorney Nason replied anything can be amended by agreement of the parties, that is always an option at any time. The question posed is can they require changes to be made to plans that were previously approved, absent consent of the Company. The answer to that question is no.

Mayor Ries said that would require that the Council rescind if they determine that they want to change, for example, they want to look into the issue, they find something, want to make changes, and the Company is not agreeable to come to the table. The Council would have to rescind approval in order to make those changes. She asked if that is correct.

Attorney Nason replied yes, that would be the way to do it, if that were even a path available to the City, legally. She is not making a comment on whether or not that path is available to the City. As mentioned, if the Council is serious about wanting to look into this, she would strongly encourage the Council to hire an outside attorney to sit down with the Council and review what the Council's specific concerns are related to any potential legal grounds for rescinding those approvals, and to provide the Council acting on behalf of the City with legal advice regarding the ability of the City to take that action and any potential legal ramifications from such action.

Mayor Ries said in doing so they can also look at the conditions for approval if the conditions for approval have been fulfilled and asked if that is correct.

Attorney Nason said it depends on which conditions of approval. The final plan was approved subject to a number of conditions and perhaps if it is helpful she can send an updated list as far as what Staff has identified to date as the status of those conditions of approval. The conditions of approval are things that need to be taken care of at a future date, so the approvals were granted subject to certain conditions such as, they have to grade the trails, they have to grade the roads,

and before that point they must tell the City who their contractors are, before selling any lots that are subject to easements they must convey those easements to NOHOA, and on and on for 6 pages. The approvals did contain a number of conditions related to everything from next steps to changes that must be made to the specific plans that were approved.

Mayor Ries would appreciate if Attorney Nason would pass those on to all members of Council so they have the latest version of that. She said it is getting late in the evening and asked to move on. She asked if there is further discussion about what Attorney Nason has posed, a recommendation to hire outside counsel to review it. She asked if there are any other discussions or suggestions on how to proceed by the Council.

Administrator Kress noted they invited Mr. Houge over for comment.

Mayor Ries said that is fine but before they open it up to...perhaps they should listen to Mr. Houge and then bring it back to Council for recommendations on how to proceed.

Mark Houge wants to remind everyone that North Oaks Company did a very thorough review with City Staff, Planning Commission, Council, and NOHOA. It started with a total redesign two years ago; instead of connecting the road from North Deep Lake Road they reverted back to connecting the road from Sherwood. NOC worked very hard with Staff and previous Board members of NOHOA to arrive at a trail solution which is beyond what the Company originally agreed to. He brought their attention to the PDA and stated the trail was intended to go along North Deep Lake Road, that did not satisfy the current NOHOA Board and Staff so the Company worked diligently with everyone to reroute that to go through lots 1 and 2. They think they have agreement but as Councilmember Watson suggests, Mr. Houge is happy to sit down with fellow members of the Board and review where there might be a potential misunderstanding. If the trail is the only issue, he would suggest he meets with NOHOA and Mayor Ries to resolve that situation. He noted they did a very thorough review of all environmental aspects and there is no financial liability the City takes on by virtue of North Oaks Company selling lots to individuals and he wants to make that very clear. They are happy to collaborate with NOHOA and there is no desire by the Company to be in an adversarial relationship with either NOHOA or the City Council. He asks that the Company has that opportunity and proceed accordingly.

Councilmember Hara has a correction and noted the PDA does show a trail going through those two orphan lots which were included into the development agreement there. Those two lots were zoned recreation so the impact of taking the two lots that had the proposed trail going through it, which were at one point deemed to be a mistake or confusing. It seems pretty clear when looking at it that it is not confusing and seems to be the intention that when they platted those it was for a trail. The impact of taking those two orphan lots and putting them into the development agreement granted the Company two additional lots to sell. He said they are talking about a fairly significant financial impact here by removing what was, in the PDA, a trail and two lots that were not part of the PDA, then putting them into the PDA and they were previously zoned recreation. So they have taken that away from the City. Granted, there is a



new proposed trail through that and if that is a comparable trail or the same as the other one...that is a question he could not answer without walking the property. To be clear on what exactly transpired with the trail and the original PDA agreement that showed where that trail was.

Mayor Ries wants to comment that she appreciates Mr. Houge taking the time to join the meeting this evening and the discussion. She appreciates his willingness to talk to NOHOA. The Company has had many months to discuss this issue with NOHOA and resolve the trail issue. NOHOA has made it clear that it has not been decided on yet. At this time, Mayor Ries would like to include NOHOA in these discussions and have the City Council involved in discussing these items in terms of the broad picture of approving the plans and finalizing plans. She is happy to hear Mr. Houge's willingness to work with NOHOA on getting some of these answers and plans sorted out, but at this time she thinks this is a bigger picture and there are bigger issues. She hears what Mr. Houge is saying that they vetted things, environmental issues, but as they have seen in the meetings there are still many questions that remain about water, lots, positioning of trails, surface waters, and management of that. She hears them saying they vetted these issues but she is not seeing resolve or any confirmation that the Council's concerns are taken care of. Going forward the Council will be looking at this with their consultants, too, and gratefully they have a new engineering company to work with and if they need to look at additional consultants to answer these questions, the City has that now. She does not see these as done issues; she sees many issues that still remain open, many questions left unanswered, and Mayor Ries wants to do the best for the community to ensure that this is a good development that the community wants, it is in step with the PDA, that the community did support, that the owners of the NOC did support, and she wants to be in lockstep with what is supported by the community. Going forward she wants to ensure they are doing the best that they can. With that, she brought it back to the Council about the next steps. Attorney Nason suggested hiring an attorney to do this, they have HR Green now on board, and they have the motion and the question about the motion still on the table. The time is now 8:54 p.m. She said as a Council, they should make some next steps about how to proceed and start thinking about talking to NOHOA, getting these answers, and moving forward.

Councilmember Dujmovic said to Mr. Houge, he recalls months ago, the NOC did a remarkable job of putting together a number of great tours of a road that came into Catbird Lane off the development in Red Forest Way. There were NOHOA members there, Planning Commission members, City Council members, residents; they were awesome and very informative and it was great collaboration. He noted people go to understand and see what they are talking about. He wonders if now might be a great time to have similar tours just to re-ground everybody. He was never in a position to actually see some of those things, and was never invited on anything in this particular Nord area. He asked if that is something the NOC would be willing to do with Planning Commission, NOHOA, and City Councilmembers?

Mr. Houge replied they would be happy to meet people out on the property and show them the trail location that was agreed to on lots 1 and 2, as well as the other. He is not sure he

understands what Councilmember Dujmovic is asking. In the case of Red Forest Way South, they were in the process of designing and seeking preliminary plan review and approval, so they had the flexibility to make changes at that point, which obviously they did. At this point it is much more difficult for NOC to make any changes, but if it is informative to the Council to go out there and meet and show them what they thought they had agreed with NOHOA, he would be happy to show them that.

Councilmember Dujmovic noted that would be helpful to him. He cannot speak for anyone else but he would love that. He understands the distinction in where they are.

Mr. Houge would be happy to do that.

Mayor Ries turned it back to the Council for discussion. She asked the Council to jump in as she is just shooting from the hip right now, but they need to set up some concrete next steps with this. They have an engineering firm that has now been appointed, Mr. Houge has made statements on the record, they have letters from NOHOA confirming/reaffirming the trails are not approved, they have comments from Attorney Nason about seeking counsel opinion outside of her firm, and that there are concerns about the approval that certain things need to be done before those lots can be conveyed.

Councilmember Watson's thought is that he would take Mr. Houge at his word, even though Councilmember Watson thought they were going to move in this direction a couple of months ago, but he is not going to spank anybody. If NOHOA and the Company think that the City ought to participate in some particular session with them, he would encourage them to invite the City. Councilmember Watson would defer any further discussion on actions about Nord or otherwise for 30 days, giving the Company an opportunity to come back at the April meeting and tell the Council that they have had a meeting of the minds and have resolved these matters that go to the heart of the PDA as far as he is concerned. That is, the home owners' association, the road issue, and trails which is the issue that NOHOA seems to not agree on. Councilmember Watson would like to give them the 30 days to do that and would rather not get into questions about rescission and those kinds of matters because he hopes that will not be necessary.

Mayor Ries followed up and said NOHOA is involved in the approval into their association and then they take over the roads and the trails. There are items and outstanding issues surrounding those as well. Councilmember Hara has raised issues or concerns about the two orphaned lots. There is also the approval of the shared driveway. Mayor Ries wants to involve NOHOA in the discussions. The Company can work with NOHOA to resolve some of these issues but at some point the City is going to have to sit down to discuss the other outstanding issues, right? She asked if Councilmember Watson just wants to delay this for 30 days and see if they can work on their couple of issues, but it sounds like some of the issues they are resolving the City will have to participate in the resolution of that or provide feedback in some manner in helping to resolve some issues. Is Councilmember Watson suggesting that they just go and handle the issue on

their own or would he like to have a meeting with the City to discuss some of the broader issues, as well?

Councilmember Watson responded and he has a list of attendees, he recognizes people from NOHOA that are attending this evening, and he would assume they have listened to this conversation. If they think they can add value and want to include the Council or invite them, he would hope they would welcome that. The other item he neglected to mention is that Attorney Nason indicated she would provide the Council with an updated status report on all of these updated conditions. He thinks they need to get their arms around that; he for one does not know the status of all these different conditions at the moment. His ultimate purpose in making the motion he made in February was to shame “us” – the City Council, whether the prior one or anybody else – shame NOHOA, and get the Company to get this damn thing done, sit down and get these conditions resolved to the point where NOHOA can accept the trail, accept the road, accept the Nord parcel into the home owners’ association, and they can park this thing and move on. Councilmember Watson clarified that is his objective. He answered it that way when he first talked about it tonight, he answered it that way when Councilmember Shah first asked the question about the end result, and it is still his end result. He would submit to them that if this thing perpetuates, and he does not say this to be threatening, but if this perpetuates he would not hesitate for a minute at an April or May meeting to initiate a vote to rescind this whole thing.

Councilmember Shah finally may be in agreement with Councilmember Watson on something regarding Nord. She agrees that she would like to see this item discussed between NOC and NOHOA, particularly the three items Councilmember Watson has called out: the trail, the shared driveway, and acceptance into the HOA. Those items are certainly things those two entities need to come to agreement with, so she does support deferring any action because the Council needs them to come together on this before taking any more of this very precise action they have been talking about. She thinks Mayor Ries pointed this out, but she thinks she heard that there was a suggestion about using an engineer firm outside of the firm the Council just appointed, HR Green. She would like clarity on whether she heard that correctly, that there is interest in getting a different firm to conduct this research.

Mayor Ries clarified that was just a comment that in previous meetings they had talked about - hiring some consultants to look at the environmental aspects of it, some of the issues, and going through the record of approval and looking at helping the Council look at the conditions, whether the correct procedure was handled, and a myriad of other issues they talked about in the other meetings. The vote the Council had taken in a previous meeting was to the effect that they would hire an entity – whether or not it is the current engineer or some other group – to look into the Nord approval. She believes it was taken in the February meeting to conduct that action. This evening, Mayor Ries did not specifically say who they would hire to do that but was just reminding the Council that it was an open issue they had voted on and discussed in the past.

Administrator Kress discussed this matter with Councilmember Hara and Councilmember Dujmovic. One thing they talked about is the fact that they should give the new firm an

opportunity to build some trust with the City Council. To them, it only makes sense to go with the new firm they just hired. He invited Councilmember Hara and Councilmember Dujmovic to comment.

Councilmember Hara supports that, too. He thinks they spent a great deal of time and Mr. Korby spoke to that, it was one of the more thorough interview processes he has been through and Councilmember Hara feels pretty strongly that with the people he talked to that have a good history with Mr. Korby and his firm, that they do great work. They are independent thinking, speak to the science of what they are looking at, and it also gives them a heads-up on future developments, issues, or concerns that might come up. Obviously environment is a big issue on their community so he supports HR Green and they are very capable and qualified to do that work.

Councilmember Dujmovic seconded what Councilmember Hara said. He thinks HR Green are ready to go, have demonstrated some passion and are ready to hit the ground running. It is an important thing that they need to get someone on pronto and he supports them doing the work. He pointed out he is with Councilmember Watson, Councilmember Shah, and he thinks everybody. He is quoting from himself the previous month “in a future meeting, he [Councilmember Dujmovic] wants to talk about the trail, shared driveway, access and road, NOHOA membership for those parcels, financial obligations, conditions of approval of the status, zoning, dual zoning of the land that is there.” He noted they made this same request a month ago. To Councilmember Watson’s point, Councilmember Dujmovic said let’s shame ourselves again...if they are here a month from now and they have not had this conversation, God bless them. He said come on guys, let’s get this done.

Mayor Ries thinks they are all saying the same thing, Councilmember Dujmovic and Councilmember Watson, that they all want to get this moving forward. She asked if someone wants to entertain a motion to assign that outstanding Council task that HR Green looks into some of these issues. She noted Councilmember Dujmovic made a great point about the zoning, the dual zoning, etcetera, and that is for the Council to look at that issue. They could set up a special meeting to do that or have that item on the next agenda to look at some of those considerations after they have heard from the engineers report and looking at those conditions, etcetera.

Councilmember Watson will make a motion but wants to ask Mr. Korby a question first. He asked if Mr. Korby has had any business relationships or done any work on behalf of the North Oaks Company.

Mr. Korby replied Shawn Tracy has done some environmental studies in there, he thinks he may have been working for VLAWMO (Vadnais Lakes Area Water Management Organization), though.

Councilmember Watson thinks he [Shawn Tracy] was with NOHOA as well and did some things with Steve Kunde back in Councilmember Watson's day. The question is specifically of Mr. Korby and if he has done anything for the North Oaks Company as an engineer?

Mr. Korby replied no.

Councilmember Watson asked if there is such a thing as doing a second party opinion or review of work that the engineer did in making what recommendations were made back in December?

Mr. Korby said a lot of times that is what City Engineers do. Many times a developer will do some sort of analysis or design and then Mr. Korby has to review that engineer's work. He said it is very common for him to review other engineer's work.

**MOTION by Watson, seconded by Dujmovic, to ask Tim Korby, HR Green, to do a second review of the engineering work done on the Nord site specific to the hydrology issues.**

Councilmember Shah asked to discuss and wants to roll back, saying Councilmember Watson noted and suggested that the Council defers any action on Nord for 30 days until NOHOA and the North Oaks Company come to a resolution on some of these items. She would support that before Council starts to go down this road of specific actions with the engineering firm and whatnot.

Mayor Ries pointed out that NOHOA's role and the City's role are two entirely different entities. An environmental review would be specifically tasked with the environmental impacts and outstanding issues that many residents have raised and that the Councilmembers have raised. This goes to health and safety of putting homes on the site in particular areas, wetland and wetland impacts, meeting requirements of the City specifically, and other issues that remain (she will not go through all of them because there are many), to be sure they follow the correct procedure and make sure surface water will properly drain. It will also help the Council to understand if the financial burdens are going to be such or if there are alternatives that are less impactful both environmentally, health and safety-wise, and financially. A 30 day pause with this to allow NOHOA to talk about their own issues does not impact other work that the City can be doing to start looking into some of these other issues. Mayor Ries thinks the goal here is to get the information that has been outstanding for far too long and get answers to these questions that have been outstanding for far too long. It allows NOHOA to come to the table and discuss their issues and concerns, and have a chance to be heard. It does not delay the City from going forward.

Councilmember Watson would like to speak to his motion. Councilmember Shah raised the question and perhaps he confused her and he is sorry about that. Since he had Councilmember Shah on his side for a few minutes, he will see if he can get her back. What Councilmember Watson hopes Mr. Korby can do by doing a second party opinion and review is take the same 30 days and tell the Council whether there is a smoking gun there with respect to hydrology or not.

In other words, would Mr. Korby professionally indicate that the work was done inadequately, it would not suffice or satisfy the requirements at the time or not. Councilmember Watson's sense is if they go ahead and complete all of these things, the Company sells the lots, and they wind up with drainage like they had a on the Peterson place property back a number of years ago because of very, very poor grading on the site. They were back in the business of reviewing those developments because they had to come back and deal with grading, drainage, and all kinds of other things on those sites. He is just saying let's use that 30 days, it is the same 30 days the Company and NOHOA would hopefully use to do their thing, it is not extending any timelines or anything of the sort. They will have Attorney Nason's material during that time, and hopefully even by April Fool's Day they could get it done.

Councilmember Shah understands Councilmember Watson's intent, but goes back to her original question of what is the end game. If they set the engineer out there at Nord, they will go out and find new evidence; when she says that new evidence, the Council also has to deal with the ramifications that come with that. Once they go down that road, it goes hand-in-hand with rescission and everyone needs to be prepared for those implications. They are already hearing from their Attorney that they would have to get outside counsel for this. There are lots of implications, they take a step down that road, and they need to consider the broader picture.

Councilmember Watson is going to call the question because he has answered this question 3-4 times tonight about what the end game is of every motion he has made. He called the question on this one which is asking Mr. Korby to do the review and Councilmember Dujmovic seconded it.

Mayor Ries agrees and thinks people are starting to repeat themselves now. Everyone has had a fair opportunity to discuss the issues so she asked for a vote. She asked Councilmember Watson to restate the motion for clarity.

Councilmember Watson asked Mr. Korby to review the work of the previous engineer relative to the Nord parcel that was presented as part of the December case (he would call it) for the Nord development.

Attorney Nason added for a motion to call the question, there is a requirement for a vote on that motion and it does require a two-thirds majority vote. Since that is a subsidiary motion that has been placed on the table, it takes precedent over the original question and does require a vote.

Mayor Ries clarified to take it over the original vote?

Attorney Nason said a motion to call the question is a non-debatable motion, but it does require a vote of the Council on the motion itself, which is the motion to call the question. Once that vote is completed, if it passes by a two-thirds majority vote which is a four-fifths vote of the five-member Council, the next step would be to immediately vote on the question that has been called.

Mayor Ries does not think they need to call the question, then. She noted they have the motion on the table and it has been seconded, so they can proceed with the roll call vote.

Councilmember Watson asked if he can then withdraw the motion.

Attorney Nason said yes he may.

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

Mayor Ries noted they are past the two hour mark and she will table 8c, 8d, and 8e for the next meeting.

**MOTION by Watson, seconded by Hara, to table 8c, 8d, and 8e until the April meeting.**

Councilmember Dujmovic thinks they may have tabled these last month and asked if there is a deadline on these or a requirement.

Administrator Kress said the deadline is likely as part of final approval, that would be the latest time the Council could do this.

Mayor Ries clarified there is no deadline in front of them on this and asked Administrator Kress if that is what he is saying.

Administrator Kress replied that is right. The only thing they are doing is causing a little bit of insecurity with either the North Oaks Company or a third party developer by not signing off on the Joint Power Agreement to service with municipal services.

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

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

This item was tabled until the April City Council meeting.

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

This item was tabled until the April City Council meeting.

**e. Discussion and possible action on TimeSavers Minute Taking Services**

This item was tabled until the April City Council meeting.

**10. COUNCIL MEMBER REPORTS**

Councilmember Dujmovic thanked the Council for the collaboration and coordination, he thinks tonight went smoothly with the raising of hands and was a better overall meeting. He had Safe Community, Private Roads, and Lands Committee meeting with the folks from NOHOA. It is an excellent group, there were NOHOA Board members and interested residents there. They discussed three things: speed monitoring within North Oaks, trespass practices and improving them, and parking ordinances, as well as parking violations and what might be done about them. That meeting kicked off another conversation Councilmember Dujmovic participated in with Kelly and Lemmons, the prosecuting attorneys. They met on some trespassing challenges and parking enforcement, discussed some options; Mayor Ries and Administrator Kress were also there. There will be a follow up meeting on NOHOA based on those and he thinks they will have subsequent conversations with Kelly and Lemmons regarding improvements they can make in that area. He also had a meeting with representatives of the Ramsey County police department, and noted there is some planning associated with safety and security in Ramsey County for upcoming events. Also, he asked people to please sign on to the City E-Blast if they have not already done so – Administrator Kress is putting out some good information relative to safety and security in the community, and also in the *North Oaks News* about scams and carjacking tactics. He would like everyone to be well aware of what is going on so they can be as safe as possible. Councilmember Dujmovic thanked Administrator Kress and Councilmember Hara for the significant effort they put in to selecting the engineer, he was really impressed, and enjoyed working with them. He also welcomed Tim Korby, Shawn Tracy, and the entire HR Green family into the North Oaks family. He said they really appreciate the expertise and investment they have and they are bringing to the team. He looks forward to working with them and it is a pleasure to have them on board.

Councilmember Shah attended the Lake Johanna Relief Board Association meeting on February 17, 2021. There was a report from the wealth management firm and overall the funds look healthy and the forecasts seem pretty optimistic. They rolled out a cool new tool, which is basically like a benefit calculator and she was pleased to see it. It was something to help potential retirees to do a spot check on what their approximate benefit is looking like. Councilmember Shah attended the VLAWMO Tech meeting and it covered a wide assortment of projects include some of North Oaks' own projects. There is another VLAWMO Tech meeting the following morning, her favorite 7:30 a.m. meeting after the City Council meeting. She also had the pleasure of attending the orientation for the Ramsey County League of Local Governments (RCLLG) the previous week. She sees it as a good opportunity to build relationships with some of the surrounding cities, as there is certainly potential strength in helping each other when it comes to certain issues. The first Board meeting for RCLLG will happen the following morning at 9:00 a.m. so Councilmember Shah will report back on it.

Councilmember Hara attended the Natural Resource Commission (NRC) meeting and the last Planning Commission meeting. He reached out to Tom Landwehr who was the DNR Commissioner under Governor Dayton and happens to be a neighbor of a good friend of Councilmember Hara's. Mr. Landwehr did his Master's thesis on deer management and the Twin Cities arsenal plant. He is a retiree, but is not retired right now as he has a couple of projects he



is working on; he was very helpful in getting Councilmember Hara some resource information where they can perhaps supplement or augment what Councilmember Watson has done in the past for deer management, as well as the Natural Resource Commission. Mr. Landwehr has volunteered to assist the City in any way that he can and Councilmember Hara is excited to get that support. Councilmember Hara is just about done with his city training program on the League of Minnesota Cities and he spent most of his time visiting with other City Councilmembers, Mayors, and Administrative people in the vetting process. He said if Mr. Korby does as robust of a job in the City's work as he has done in answering and responding to the questions they presented, he thinks North Oaks will be very pleased with the work he does.

Councilmember Watson has attended several of the meetings that were referred to. He said during the holiday break coming up, he suspects the legislature will be taking a break because of religious holidays, it may be smart at one of the next Council meetings to invite their representative Ami Wazlawik who is from the White Bear area and Senator Chamberlain from Lino Lakes who represents North Oaks to get an update on what they are working on that may be of interest to the City. He indicated that Ami Wazlawik is Vice Chair of the House Environment and Natural Resources Committee and they are working on some rather significant things that Councilmember Watson is following. If that is of interest, he would be more than happy to arrange it. Councilmember Watson noted a continuation of the conversation they had on Nord and what Attorney Nason offered was to provide an update on where things stand. He for one does not know where things stand on any of the preliminary development site plans that were approved. He does not know the status on any of the conditions and/or any schedule for Gate Hill, Anderson Woods, Island Field, Red Forest Way South, and he wonders if that could be provided. He does not know if the rest of the Council cares, but he does because there is a massive amount of work potentially coming down the way fairly soon in the calendar year 2021. He would like to know what it is so he can prepare and he does not have to sit down at 10:00 p.m. reading 400 pages of material. Councilmember Watson asked if that is possible to be provided, but he would also like a schedule, and some idea from the Company of what they intend to submit and when they intend to submit it if at all possible. At least within some range, so the Council can put their arms around it and get some idea of where they are going and when they will do it and what it looks like for 2021.

Administrator Kress thinks he can provide that the following day in his weekly update.

Councilmember Watson is not sure Administrator Kress can.

Administrator Kress noted some of it he can, some of it he cannot. When it deals with some conditions, he will have to work with Mr. Korby, but as far as the schedule, he thinks he can give a broad spectrum on that.

Councilmember Watson would really appreciate that as a good start. He literally wants to understand what the Company has in mind with respect to when certain things will be submitted, looking at final plans and plats...Councilmember Watson could even be happy if he knew which

month. He would also like to know on some of the preliminary materials what things are done and not done. With respect to that particular item, Councilmember Watson wants to forward to Administrator Kress the approval on the wetland mitigation or reclamation for the driveway in to Island Field. It was approved because the clock was running on it but Councilmember Watson asked to have it reviewed by the Planning Commission, not so much that it would necessarily change anything, but all they have heard about is a driveway going in off Centerville Road. He thinks it is critical that the Planning Commission see what that meant in terms of manifestation of the things Brian Corcoran and others did and he thinks the Commission needs to be cognizant of those details.

Administrator Kress can put that on the Planning Commission agenda for March if Councilmember Watson gets it to him.

Councilmember Watson wants to get their arms around the plan for the East Oaks PDA and when things are going to happen. He just needs to plan things out.

Mayor Ries asked if Administrator Kress could circulate the Planning Commission packet with all those materials to the City Council members so they are aware of the issues coming before the Planning Commission ahead of time.

Administrator Kress replied yes, he can do that.

Mayor Ries was involved in a mayor's meeting, a monthly event that Mayor Martin from Shoreview organizes with local surrounding cities with all the mayors and city managers. They talk about the issues, development, recently they have talked about COVID impacts, and some security issues. Regarding COVID, it appears that a lot of the City Halls are open for residents, while their Council meetings are still remote or hybrid. Mayor Ries wants to encourage discussion about opening North Oaks City Hall for residents in April as it appears that other cities have successfully handled this and have been open for a while. She does not want to change any format with the City Council at this time but she believes that the City offices should be opening back up to the public. Mayor Ries wants to extend a huge thank you to Brooke Moore and Andrew Hawkins for putting together the informative article about the NRC and the tick work that Ms. Moore has been doing. She thinks the article is very informative and appreciates the communication to the community. As Councilmember Dujmovic mentioned, Mayor Ries attended a security meeting with Ramsey County and Officer Burrell. They discussed some of the Ramsey County support of the City and surrounding cities; she wants to communicate to the community that they are engaged in discussions with Ramsey County about making sure they have sufficient security in North Oaks as the Derek Chauvin trials are continuing, and going forward. Mayor Ries finds that this is one of the first and foremost issues the Council has, to provide the community with safety and security. Councilmember Dujmovic recently took over the liaison position and has been doing a tremendous job in communication. The level of questions he was asking the Ramsey County Sheriff's department was amazing, and the level of detail and planning he has. She really appreciated Councilmember Dujmovic's very

well formulated questions that he posed. Mayor Ries noted they had a Kelly and Lemmons discussion about trespass and the City's ordinance. It appears they do have to have that meeting with NOHOA sooner rather than later so Mayor Ries will be scheduling a meeting to identify many of the issues where there is possible overlap with ordinance identification, what is the City's role, what is NOHOA's role? How can they collaborate and work together, and how should they do things better for the City governance to make sure they work together very successfully. Mayor Ries has been looking at Staffing in the City offices, they just passed a resolution for a new hire in the City office and she noted that Stephanie Marty, who has been in the office for 19 years, oversees some of the training, management, and HR issues. Ms. Marty is in the office 5 days a week and is a full-time employee and has really been handling the HR issues ever since Mayor Ries can remember. Mayor Ries said she does a tremendous job, she is great with communication, and Mayor Ries would like Ms. Marty to take over some of the HR and management of that. She has requested to Administrator Kress that job descriptions be provided to all the Council members, with the Staff tasks that they accomplish on a daily basis. The purpose of this is to get a look at how the City is staffing certain roles and are they being efficient in how they are using their staffing. She noted they have experts that take over a lot of the issues and help the City prepare and she wants to understand better how they are using their Staff and if it is the best organization for what they are doing and accomplishing. She wants to make sure as a City Council they are doing everything in providing the best service to the community. She would like Administrator Kress and Ms. Marty to provide the job descriptions to the Council and provide a list of what tasks everybody is doing in the City Council. Mayor Ries does not know if they need a vote on this but she would like Ms. Marty to oversee the HR issues and the training of the new hires as they come in and are staffing that front desk.

Administrator Kress has already sent out all of the job descriptions and a short summary of the job share itself earlier this evening.

Mayor Ries said there is a job description but often what happens is their job expands or they do other issues. She asked if Administrator Kress has sent out a list of tasks people are handling in the office.

Administrator Kress clarified that is basically what the job descriptions are and he would shorten them up as they are too long.

Attorney Nason said with respect to the question on if a job description is to be modified, does it require a Council vote, she would say yes, they should vote on a formal revision to the job description to clarify what the specific roles are for the Staff being impacted. If the Council will be reviewing all those job descriptions, perhaps at a future meeting, direction can be provided regarding a change to those job descriptions. There are other considerations as well, if job duties are changing it is a time to revisit salary or other issues; there is a bit more to it and if the Council wants to move further she would recommend the Council take formal action to both amend the existing job descriptions before changing them, and moving forward with that change.

Mayor Ries said there are a bunch of different items she is talking about, there is the overall job description for each but then they have the new hire, and coordinating the front office. She asked if someone could call a motion to put Stephanie Marty in charge of that to be sure the training is happening and that she would take over the HR role, the scheduling is done, and that people are trained in. She is the full-time employee that handles that and Mayor Ries does not know if that is in her job description but perhaps the Council can vote on clarification that it be handled so when the new hire comes in, it is clear that Ms. Marty is tasked with that, as Deb Breen and the new hire share that role.

Councilmember Shah asked to have some discussion on this item. She feels this is very rushed, they are in the middle of Councilmember reports and she is now hearing about potential changes at City Hall and how the City operates. If they have tabled several items already, she would highly suggest this gets deferred to next month so they can see some of these job descriptions and talk through this as a Council.

Mayor Ries said unfortunately they cannot because they have a new hire starting now. It is simply to make sure they understand that this is going to happen. They can talk about the role, the job description, and who is handling what. Mayor Ries thinks they do need to address it and clarify what everyone's role is. Because they have a new hire it was done in a Consent Agenda item and there wasn't the ability for the Council to discuss the process. She is simply saying they should entertain a motion to have Ms. Marty handle the training and coordinating of the front office and to handle that very finite issue, with the understanding that they would look at the role and the job descriptions at a future Council meeting.

Councilmember Shah is not comfortable with this, they are rushing through this, there are significant changes, and she noted historically the City Administrator has dealt with HR issues. She thinks as a Council they should step back here and be sure they are making the smart choice. She noted Councilmember Watson said it to Councilmember Shah regarding the contract and she agrees: they should step back and not make a rushed decision on this and think through all implications.

Mayor Ries is going to have to disagree. She said historically Ms. Marty has handled a lot of the HR issues down the pipeline. They were traditionally not handled by a City Administrator specifically. Ms. Marty has been in the office 19 years, is a full-time employee, understands the office, she already handles the budget, billing, and pretty much everything. This is just a clarification of roles, she is already in the office every day; when Deb or someone is not there, Ms. Marty is the one who has been doing this job and has always helped with the training in the front office. It has not been the City Administrator. Mayor Ries simply wants the Council to acknowledge that Ms. Marty will continue her role in doing what she has been doing for many years, ensuring that the training is provided for the front desk. Mayor Ries knows Deb will do a great job in helping train the new hire, as well, but Ms. Marty is the full time employee who has been handling this in the past and Mayor Ries just wants it clarified tonight. She noted this probably should have been done in a Consent Agenda style because this is not a contentious item

and she wants it to be clear that Ms. Marty maintains what she has been doing in the past going forward.

Councilmember Watson said to be candid, he has been around the City a long time, but he cannot vote on the details because he is not familiar with who does what, when, and where. He suggested that Mayor Ries, Administrator Kress, and another Councilmember sit down and have a conversation about staffing, organization, etcetera, then they can come back in April and tell the Council about what they did and they can ratify it.

Mayor Ries would be okay with doing that.

Administrator Kress clarified everything Mayor Ries described, in his opinion can be handled administratively. The whole idea in hiring the job share was to do exactly what was said because Ms. Marty held the job share position in the past, and it only makes sense for Administrator Kress to direct her to provide guidance to the new staff member.

Mayor Ries agrees with Councilmember Watson and would like to sit down with Administrator Kress and talk about the responsibilities of what people are doing and make sure that they are clear so when it comes to Council, Ms. Marty's clarification, role, and recognition of what she has done is continued and provided to the Council. She agrees with Councilmember Watson they could have a meeting and finalize this. The other problem with a job share is that they share the role, so Ms. Breen is not going to be there and Ms. Marty is the only one that is going to be there every day. She asked if Councilmember Watson would like to join and help discuss the matter.

Councilmember Watson said in the very short term he does not have the luxury of time for several reasons. He suggested that since Councilmember Shah has found favor with a couple of his items tonight, which he is really pleased about and he is careful about this one, but perhaps Councilmember Shah would like to be the second person to participate in that conversation.

Councilmember Shah would be happy to do this and said she has spent a lot of time with staffing, owning a small business, as well as managing people. She will have to do that remotely if possible. Before they take a vote on it, they need to take a look to understand what they are doing and implications across the board.

Mayor Ries thinks they do need to implicate things across the board in terms of staffing and identification. She asked for the information back in January and unfortunately they are coming to this meeting now and she wanted to bring it up to the Council's attention because it is something they need to seek clarification for. With Councilmember Watson's recommendation, she will follow up with Administrator Kress about scheduling that meeting and ironing out what they present to the Council. The immediate issue is getting someone trained, but then there is a much bigger issue about staffing that will take more time. She will talk with Administrator Kress about the immediate issue tomorrow and if Councilmember Shah wants to help organize the bigger picture stuff, they can certainly do that remotely.

**11. CITY ADMINISTRATOR REPORTS**

For the sake of time, Administrator Kress will pass, and will update the Council the following day in his report.

**12. CITY ATTORNEY REPORTS**

Attorney Nason received a question about communication by the Mayor and whether or not the Mayor’s unique role has the ability to communicate and send letters on behalf of the City. It really depends on the situation, but yes, the Mayor has a unique ceremonial role. While they cannot make unilateral decisions or speak for the City on matters of policy as a whole, the Mayor has every right to communicate to constituents, residents, and others, and in their role as Mayor oftentimes will do so.

**13. MISCELLANEOUS**

**February 2021 Forester Report**

**ADJOURNMENT**

Mayor Ries thanked Dan Mariska who is controlling all of the equipment tonight. She wants to thank everyone for allowing her to recognize them before taking the floor. Mayor Ries thinks it resulted in a much more amicable meeting where everyone was able to voice their opinions and concerns.

**MOTION by Watson, seconded by Hara, to adjourn the meeting. Meeting adjourned at 9:47 p.m. Motion carried unanimously by roll call.**

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

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

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



North Oaks



**NineNorth**



**NineNorth**

# 2020 Look Back: City of North Oaks

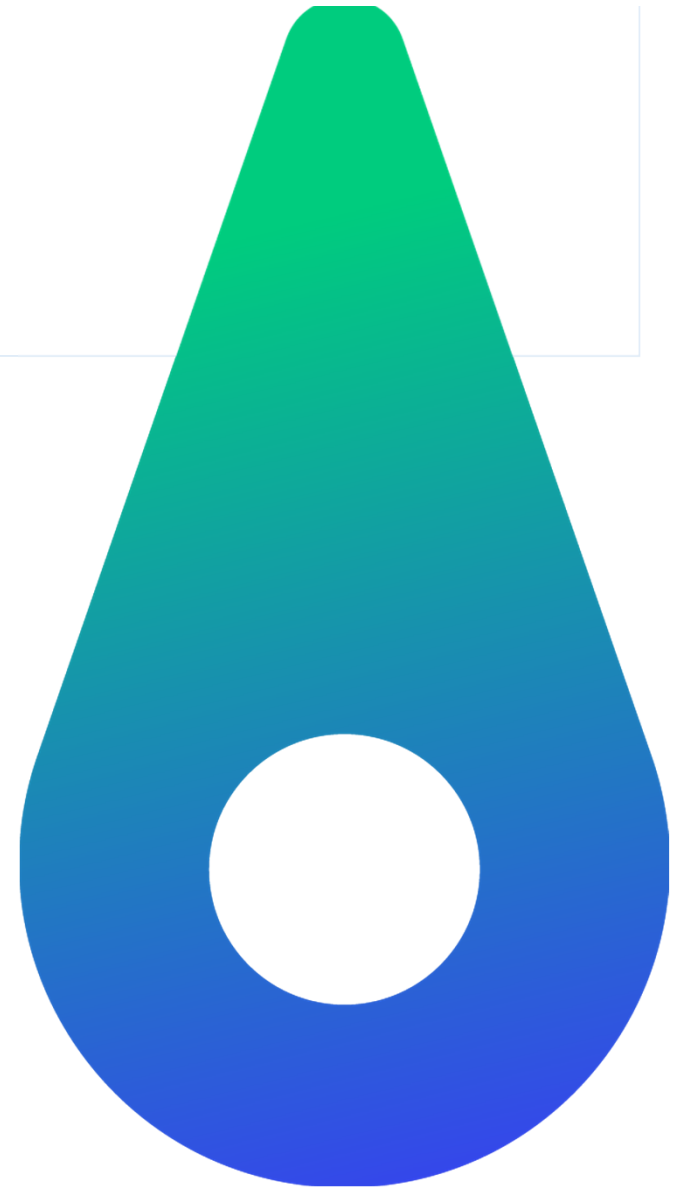
Municipal Production | Video Production

Web-streaming | Social Media | Virtual Events

[www.NineNorth.org](http://www.NineNorth.org)

# Points of Discussion

- Knowing Us
- Measuring Up
- Adding Value
- Moving Forward





Knowing Us – Mission Focused

We Produce Community Focused  
Digital Media to Educate and Engage



# Knowing Us – Milestones

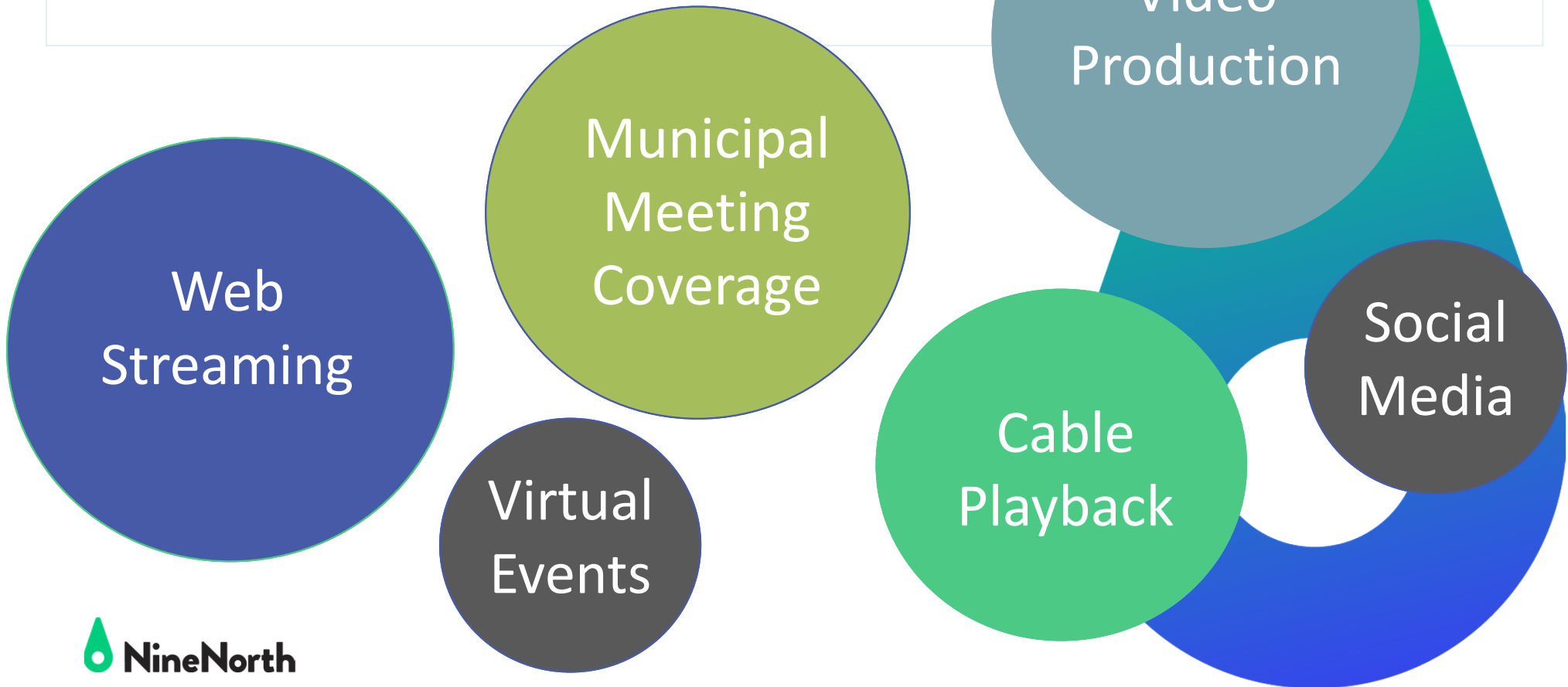


# Knowing Us – Milestones

- Annual Report
- Zoom Installs
- Compass Programs



# Knowing Us – Core Services



# What Your City Paid for - 2020

6,078 Meeting Views  
~  
2,165 Landing Page Views

37 City Meetings

52 Web Stream Events

Emerald Ash Borer

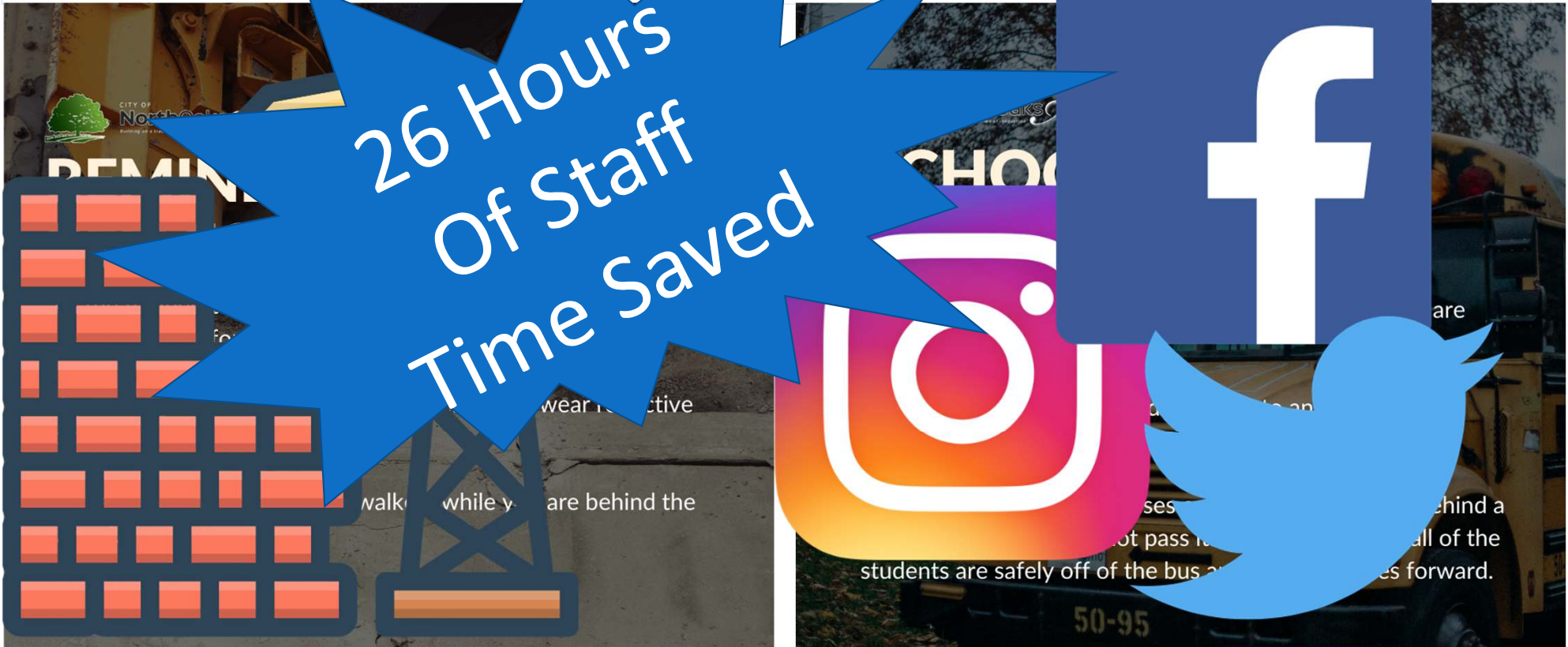
1,092 Cable Play Backs

156 Posts



# Social Media Examples

26 Hours  
Of Staff  
Time Saved



# Measuring Up – The Stats



100%



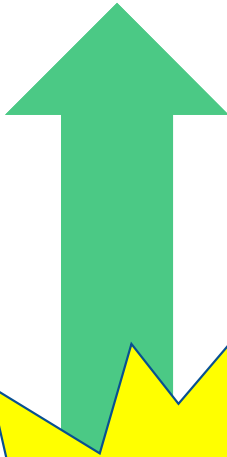
22%



33%



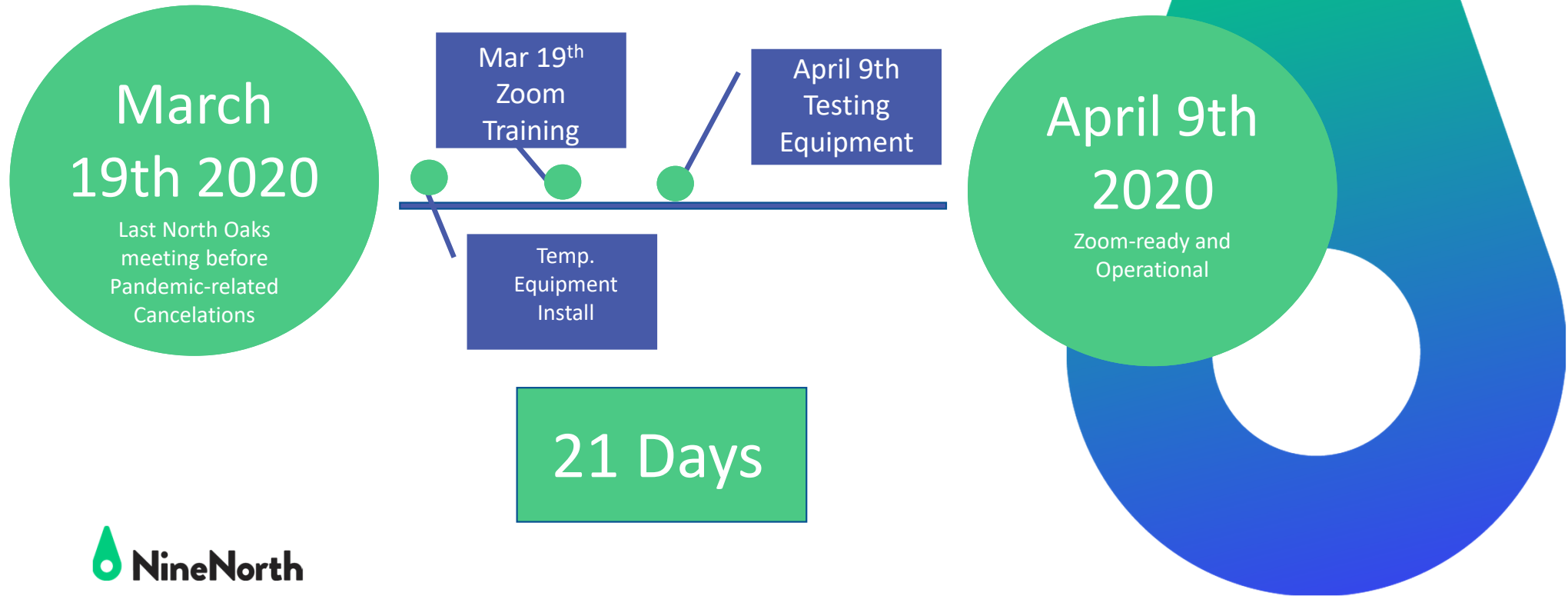
99%



**Open Rate**  
Industry Standard – 8%  
Us – 38%

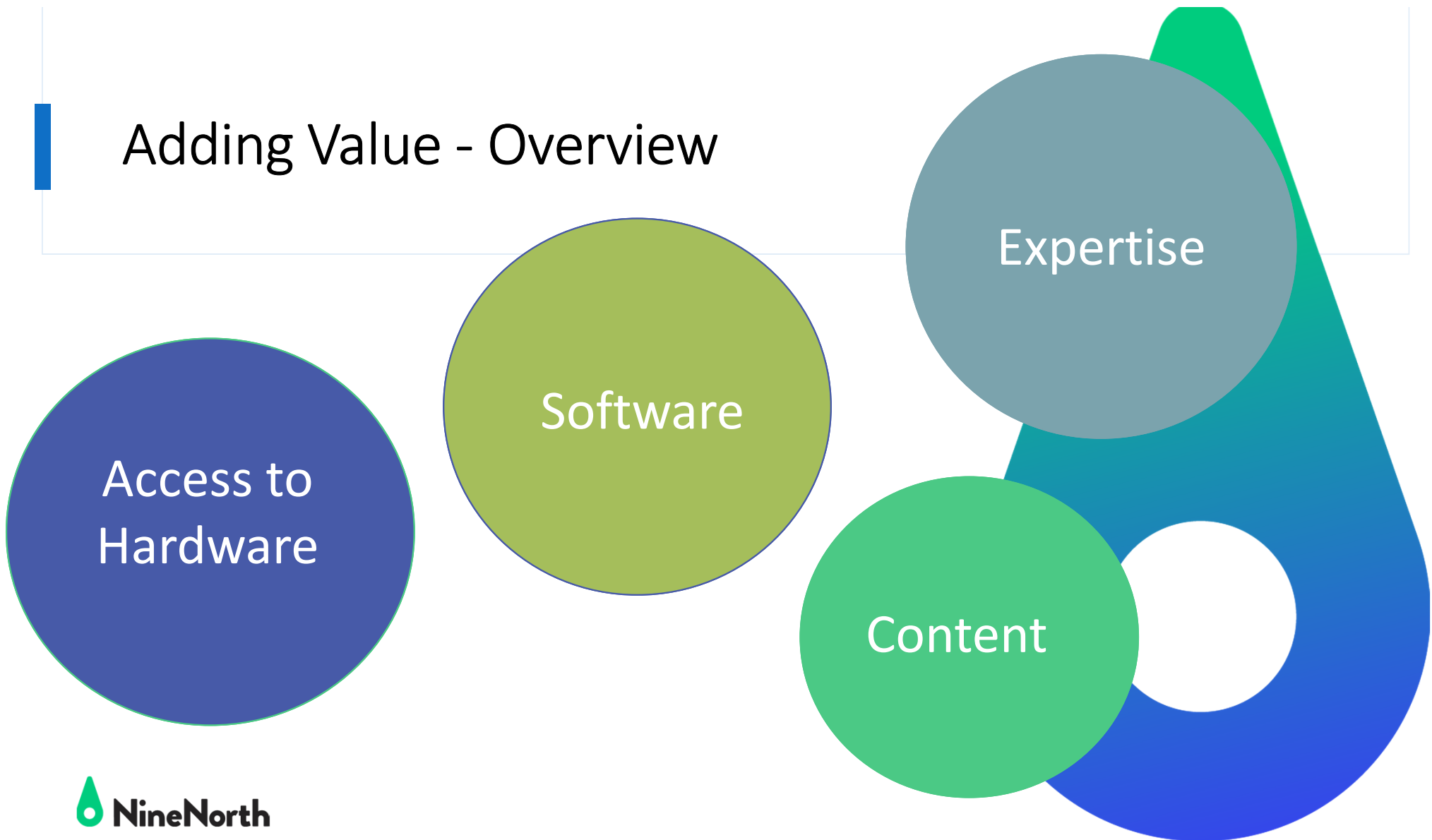
115 City-Specific Posts Shared  
~  
Reached **38,250** People in 2020

# Measuring Up – Zoom Install Details





# Adding Value - Overview

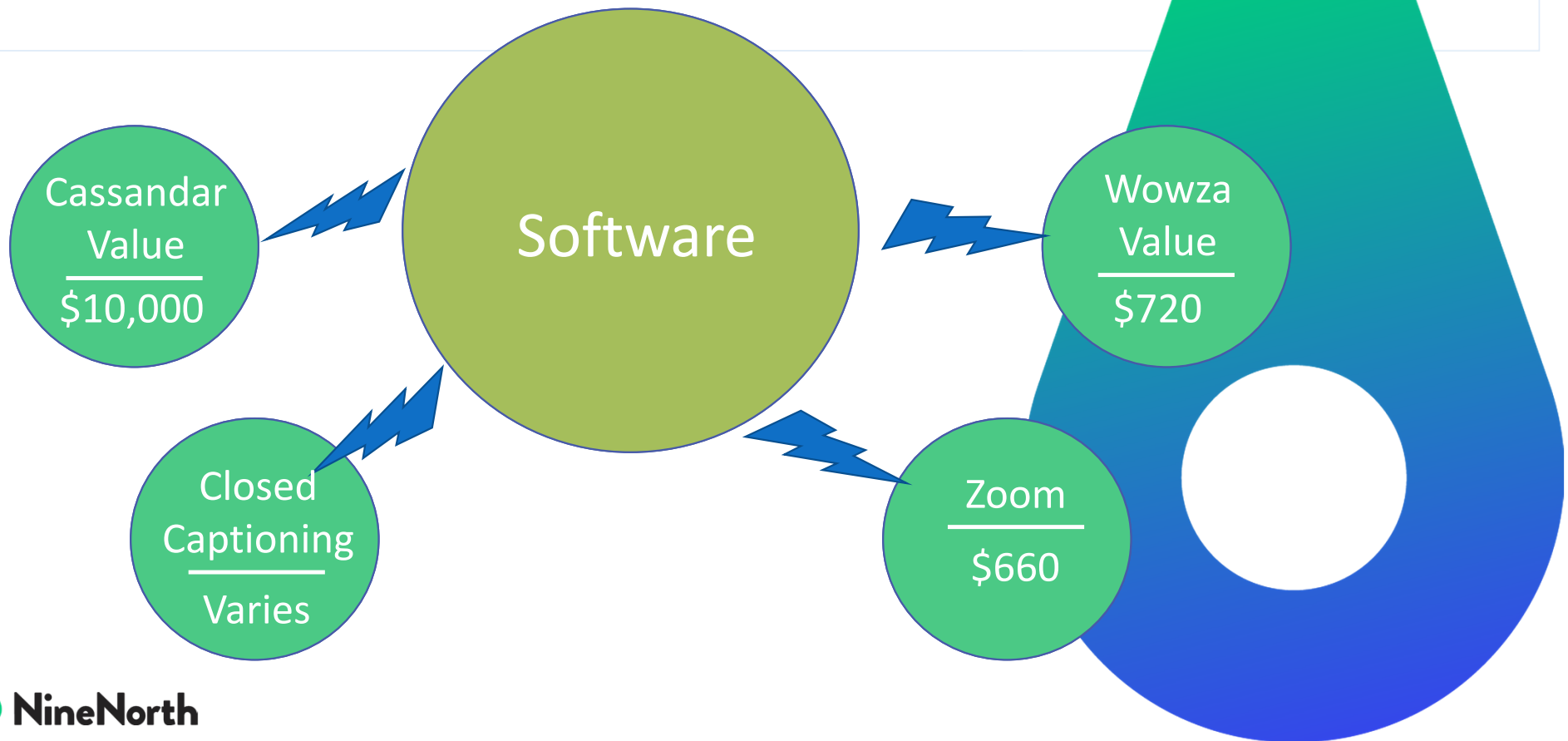


# Adding Value

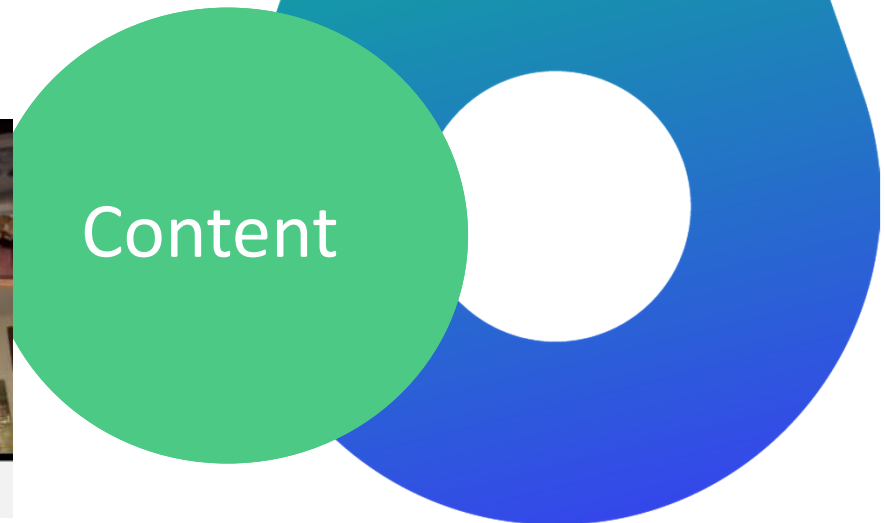
Access to  
Hardware



# Adding Value



# Adding Value



## Adding Value – Quarterly Reports



- Provided Value to Residents
- Visual and Engaging
- Clear Actions to Take

# Adding Value - Overview



# Chamber Audit





# Chamber Audit Highlights

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March 2021  
Technical Services

**NorthOaks**

---

North Oaks Equipment Status

System Last Updated: October 2019

Approximate Cost: \$66,000

Integration: NineNorth (Formerly CTV North Suburbs)





# Chamber Audit Highlights

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## Recommendations

### 1. Audio-Only Recordings

*Description:* Adding software to the control computer to allow for backup audio-only recordings of meetings.

*Why:* On occasion the beginning of a meeting is not unmuted for the public and subsequently not recorded. This backup would allow us to fix the recordings for the archive and playback.

*Cost:* \$430

*Timeline:* < 1 week

*Priority:* High

*Next Steps:* Authorize NineNorth

### 2. Presentation System Updates

*Description:* Run updates on Atlona and other systems to bring them back up to compliance with our server which is running much newer software.

*Why:* To resolve issues with touch panels and Atlona system that currently exist due to running old software.

*Cost:* \$200

*Timeline:* < 1 week

*Priority:* Medium

*Next Steps:* Authorization then execute updates.

### 3. Additional Dais Microphones

*Description:* The purchase and installation of two additional microphones, one for each end of the dais

*Why:* Adding additional microphones at the council table will allow for better coverage when there are more than five participants or could be moved to facing tables for work type session meetings.

*Cost:* \$800

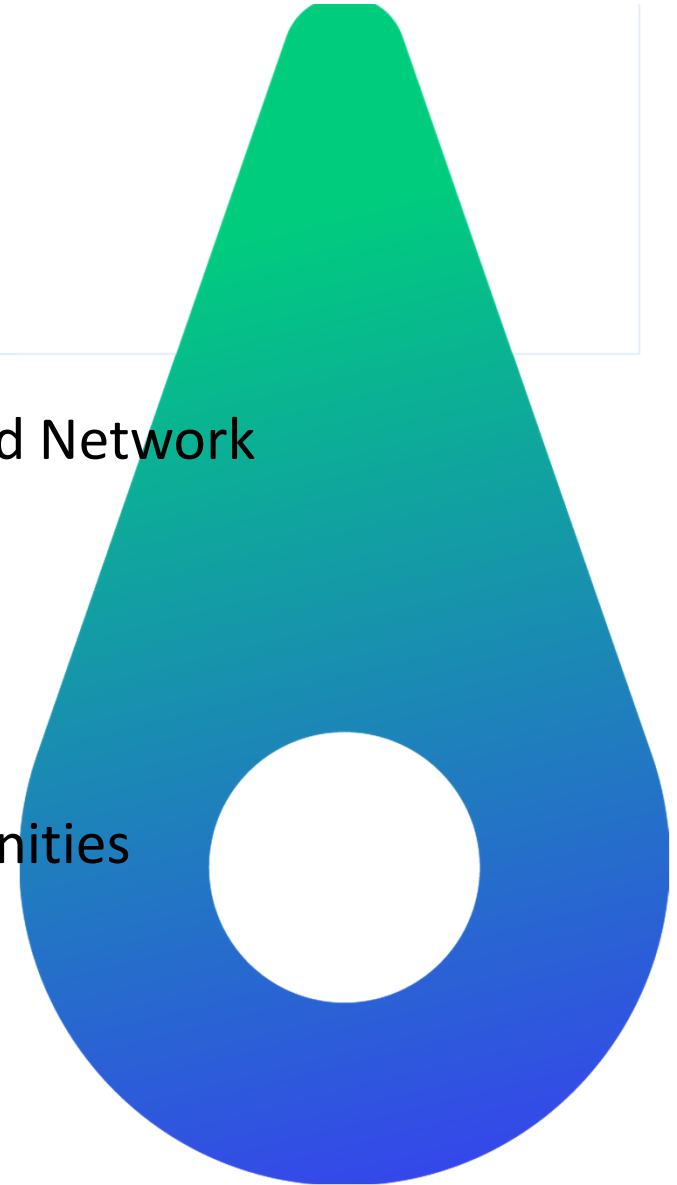
*Timeline:* 1-2 weeks

*Priority:* Medium

*Next Steps:* Authorization, purchase of additional equipment and installation.

## Moving Forward

- Maximize Quarterly Reports and Neighborhood Network
- Be a Guest on Cities Speak
- Sign Up for the E-Blast
- Sit Down with Team to Identify Video Opportunities
- Review the full audit and provide feedback



# Contact



Dana Healy

[Dhealy@ninenorth.org](mailto:Dhealy@ninenorth.org)

Website – [www.NineNorth.org](http://www.NineNorth.org)

Facebook - @NineNorth

Instagram - @ninenorthmedia

LinkedIn – Ninenorth

Twitter - @ninenorth



## North Oaks Equipment Status

System Last Updated: October 2019

Approximate Cost: \$66,000

Integration: NineNorth (Formerly CTV North Suburbs)

### **System Overview**

The system features 3 PTZ cameras and a static wide shot of the dais for a total of 4 production cameras. It also has a document camera. There are five microphones at the council table, two at staff table, one at the podium and a wireless microphone. Assistive listening devices are available for the audience.

The production system, including switcher, cameras and terminal gear were installed in late 2019 capable of HD resolutions. Expected lifespan for the majority of the equipment is 10-15 years from date of installation. The control computer should be refreshed in 5-7 years from date of installation.

The audio system continues to use existing speakers and microphones but had a Digital Signal Processor (DSP) installed, replacing an analog audio board. A new audio amplifier was also installed. Generally expected lifespan - 10-15 years from date of installation.

A presentation system, including wireless contribution capabilities was also installed. Three existing large LCD TV's to view presentation material on. Expected Lifespan - 8-12 years from date of installation. As the LCD monitors are professional grade, they should continue to function for a long time but may need to be replaced before the rest of the system.

With the onset of the COVID-19 pandemic, a "Zoom" computer was added to the system in 2020 to facilitate remote and hybrid meetings. This computer will need to be updated and replaced as teleconferencing software and technology evolves in the future if this capability is to be maintained.

## Recommendations

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*Priority:* High

*Next Steps:* Authorize NineNorth

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*Description:* Run updates on Atlona and other systems to bring them back up to compliance with our server which is running much newer software.

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*Cost:* \$200

*Timeline:* < 1 week

*Priority:* Medium

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*Why:* Adding additional microphones at the council table will allow for better coverage when there are more than five participants or could be moved to facing tables for work type session meetings.

*Cost:* \$800

*Timeline:* 1-2 weeks

*Priority:* Medium

*Next Steps:* Authorization, purchase of additional equipment and installation.

**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.

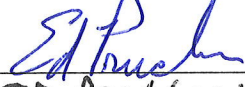
[SIGNATURE PAGE FOLLOWS]



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

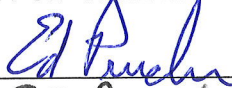
[SIGNATURE PAGE FOLLOWS]



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

Its City Administrator

November 1, 2020

TIMESAVER OFF SITE SECRETARIAL, INC.

By Carla Wirth  
Carla Wirth

Its President & CEO

CITY OF NORTH OAKS, MINNESOTA  
2020 - 2025 UTILITY RATE STUDY

---

**Prepared by AEM Financial Solutions, LLC**

DRAFT

City of North Oaks, Minnesota  
2020 - 2025 Utility Rate Study Memo  
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INTRODUCTORY SECTION

CITY OF NORTH OAKS, MINNESOTA  
2020 - 2025 UTILITY RATE STUDY

DRAFT



*AEM Financial Solutions™*

NEED DATE

Honorable Mayor and City Council  
City of North Oaks

## **Introduction**

We have prepared the attached 2020 - 2025 Utility Rate Study for the City that is intended to give a big picture view of the financial status of the Utilities Fund (Water and Sewer), Water and Sewer Enterprise funds as they stand currently and how forecasted assumptions will change things five years from now. We have not examined the projection and do not express an opinion or any other form of assurance on the accompanying schedules or assumptions. Furthermore, there will usually be differences between the forecasted and actual results because events and circumstances frequently do not occur as expected and those differences may be material. We have no responsibility to update this report for events and circumstances occurring after the date of this report. The City's current state and other assumptions made are as follows:

## **Billing Narrative and Understanding**

### ***Water***

- The City has residents that are billed by White Bear Township and by the City of North Oaks.
  - The City receives water from the City of Shoreview. Residents and Commercial customers are billed using the City of Shoreview rate schedule. Fees are mainly increase 25% when billed internally. The City also bills residents an admin fee of 7.5%, a water availability charge of \$31.28 (2020), and an escrow fee of \$12.50.
  - White Bear Township bills and collects fixed and usage fees for a portion of the North Oaks residents. The City receives a check from White Bear Township for repair and maintenance of the system. This fee is \$12.50 per user, there are approximately 79 users billed this fee. Based on information received from White Bear Township, there are 405 users currently billed for fixed and usage fees. It is unclear the difference between the billings of maintenance fees and total users.
  - White Bear Township bills residents the Township rates for usage and fixed fees. These amounts are never collected or received by the City. This amount per review of the White Bear Township billing statements can be estimated at approximately \$30,000 - \$80,000 per quarter. The 3<sup>rd</sup> quarter billing is significantly greater than other quarters due to irrigated water usage.
  - Connection fees are collected and remitted to White Bear Township.



## **Sewer**

- The City has residents that are billed by White Bear Township and by the City of North Oaks.
  - Residents are billed using a 25,000 gallons/quarter assumption. Residents are billed a flat fee of \$75.79 per quarter. The flat fee is \$70.5 plus an administrative fee of 7.5%.
  - Commercial customers are billed using metered water usage. The total quarterly bill is allocated to all commercial customers based on usage, with an additional 7.5% administrative fee added.
  - All customers are also billed an escrow fee of \$12.50 per quarter.
- The other portion of the City receives sewer services through White Bear Township. White Bear Township bills and collects fixed and usage fees for a portion of the North Oaks residents. White Bear Township bills residents the Township rates for usage and fixed fees. These amounts are never collected or received by the City. This amount per review of the White Bear Township billing statements can be estimated at \$25,000 - \$30,000 per quarter.
- The City receives a check from White Bear Township for repair and maintenance of the system. This fee is \$12.50 per user, there are approximately 343 users billed this fee. Based on information received from White Bear Township, there are 343 users currently billed for fixed and usage fees.
- The maintenance fee was originally designed to pay for system maintenance. The City turns around and pays a quarterly maintenance fee to White Bear Township in the amount of \$9,107 per quarter which is consistent with the fee charged by the City.
- The City contracts with and receives sewer services through the Met Council. The City is billed monthly for a usage. The usage is based on the prior year.
- Connection fees are collected and remitted to Met Council.

## **Assumptions - Forecasting**

- Because no budget has been adopted or internally created for the City enterprise funds, the prior year actual amounts (2018 and 2019) were used for projecting 2020 activity and beyond.
- There is limited activity in the enterprise funds with the exception of water and sewer billings, and payments for services. The City does not have utility employees, and has limited operational expenses. The City does pay quarterly fees to Shoreview for Water, Met Council for Sewer, and White Bear Township for system maintenance.
- The City currently has no formal capital improvement plan for the enterprise funds. The City is currently paying White Bear Township for maintenance costs of the system. The City has taken over infrastructure in prior years and plans to take over more in the future.
  - As part of the plan, the City requested a maintenance/capital plan from the Township which was not provided. To incorporate the amounts paid yearly to the Township, an amount of \$75,000 per year has been assumed.
- Both the Water and Sewer funds receive connection fees from users that are remitted out of the City to White Bear Township and Met Council, respectively. The City earns one percent on connection fees for Sewer. Other than the amount earned from sewer connections, the City earns no revenue for connection fees.
- The projections currently include a fee of \$2.50 per 1000 gallons for commercial sewer usage.

## Recommendations

### Sewer

- We recommend reviewing the possibility of a flat fee for usage for commercial usage (Village Center). We also recommend increasing this fee at 3% per year to keep up with inflation.
- We recommend increasing the residential usage at 3% per year to keep up with inflation.
- We recommend increasing the escrow (maintenance) fee charged to Sewer users billed by White Bear Township. The projections currently show an increase of 20% per year. The escrow fee is currently \$12.50 and would increase to \$15.00 in 2021, 20% years thereafter.

### Water

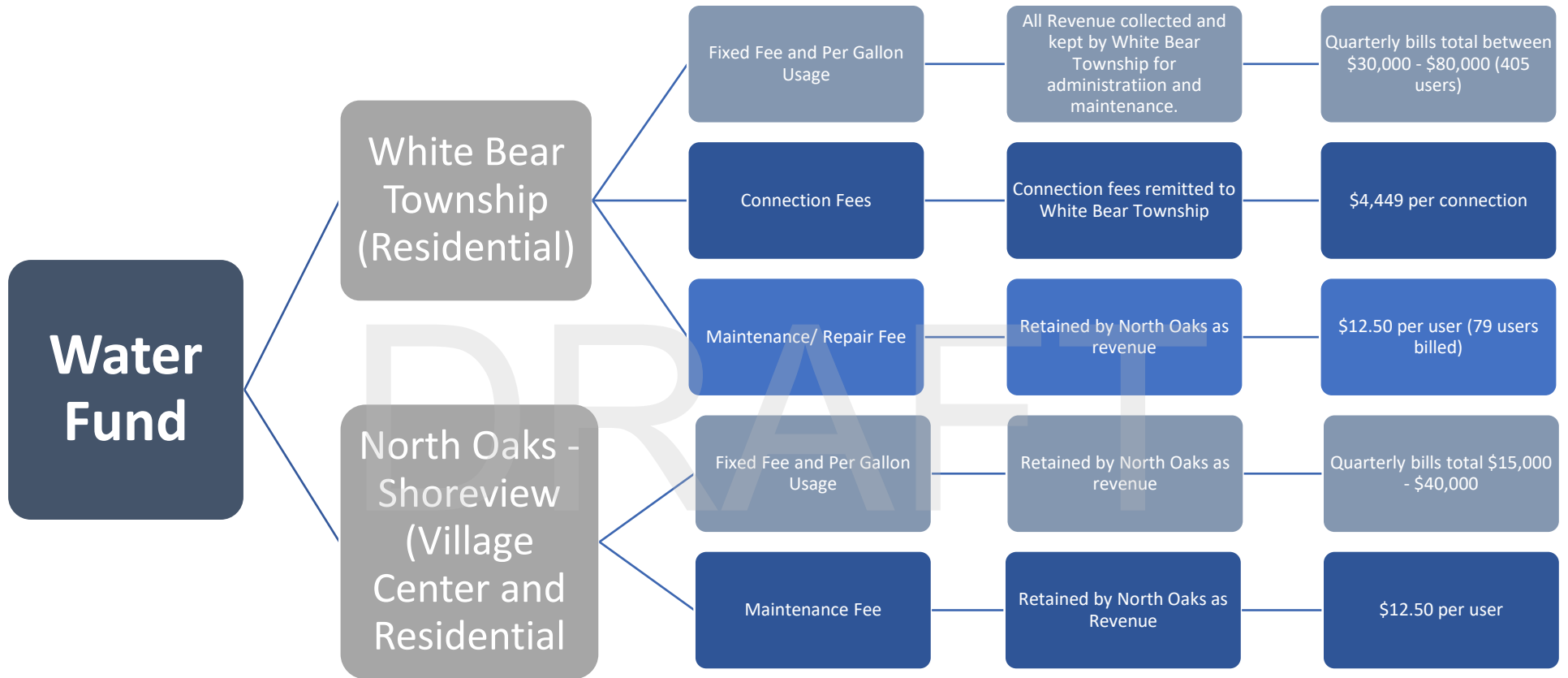
- We recommend reviewing the current fee structure for the Water fund to eliminate the administrative, availability, and escrow fee to simplify internal billings. The elimination of the multiple fees would be captured in one fixed fee.

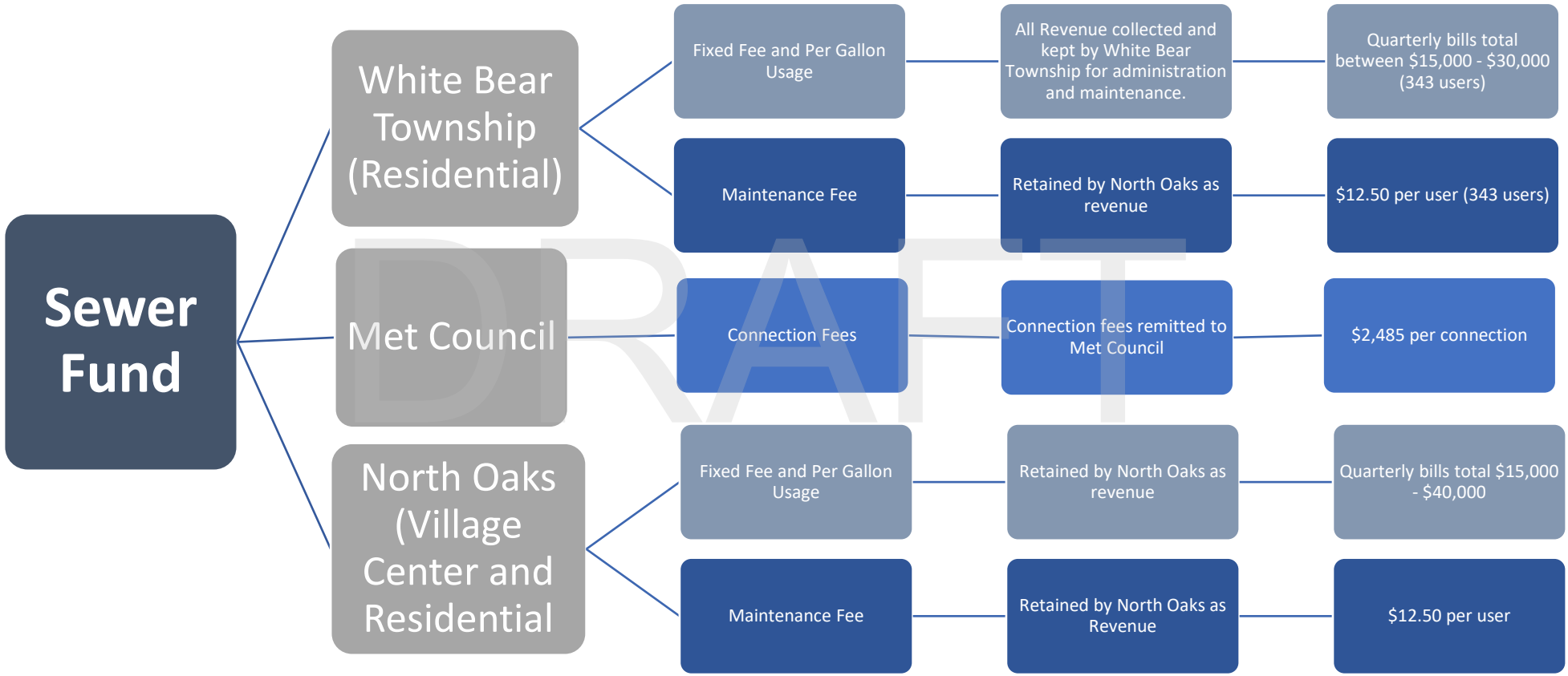
## Things to Consider for Future Action

- Understand billing and picture of financial activity in the Water and Sewer funds. A flow chart has been provided based on discussion with City staff and White Bear Township.
- Separating the Water and Sewer funds from one fund (Utilities) used currently. Currently the Sewer fund has negative cash. This is mainly due to the uncertainty of cash between Water and Sewer when the Utilities fund was created. In creating two separate funds, the City would need to consider allocating or transferring a portion of the Water fund cash to the Sewer fund.
- Create a budget for future revenues and expenses in both the Water and Sewer funds separately.
- Cashflow positive and build reserves for future infrastructure replacement and maintenance costs.
- Complete an assessment of Sewer Infrastructure to determine its condition. This should flow into a long term capital improvement plan for the fund.
- Review escrow and maintenance fees charged to determine their use and need for the future.
  - This could be connected with the City's capital improvement plan that has adequate reserves to pay in the for replacement and maintenance in future years.
  - If escrow and maintenance fees are not accumulated or tracked there would be no need to separate on City billings
- Review and understand activity currently billed and collected by White Bear Township. The City should consider the cost of the service White Bear Township is providing. This could include reviewing the current joint powers agreement with White Bear Township. There is the possibility of capturing revenues collected from City residents for both the Water and Sewer funds but would come with additional costs.
- Determine where water is being lost in calculation with Shoreview. Amount is approximately \$2,000 per quarter and is not billed to City residents.

Sincerely,

AEM Financial Solutions, LLC  
*an Abdo, Eick & Meyers, LLP Company*





FINANCIAL SECTION

CITY OF NORTH OAKS, MINNESOTA  
2020 - 2025 UTILITY RATE STUDY

DRAFT

City of North Oaks Rate Study  
 Utilities (Water and Sewer) Fund  
 Cash Flow Projections - Detailed

	Actual Results			Rate Study Projections					
	2017	2018	2019	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
	Cash Flows from Operating Activities								
Receipts from customers and users	221,860	233,412	275,499	282,111	291,835	303,118	316,263	331,634	349,671
Other receipts	27,462	1,176	11,855	5,000	5,000	5,000	5,000	5,000	5,000
Payments to suppliers/service providers	(183,268)	(183,917)	(200,740)	(190,234)	(195,976)	(199,643)	(206,268)	(213,383)	(221,026)
Payments to employees	-	-	-	-	-	-	-	-	-
Net Cash from Operating Activities	<u>66,054</u>	<u>50,671</u>	<u>86,614</u>	<u>96,877</u>	<u>100,859</u>	<u>108,474</u>	<u>114,995</u>	<u>123,251</u>	<u>133,645</u>
Cash Flows from Capital and Related Financing Activities									
Acquisition of capital or system maintenance	(70,669)	(68,474)	(135,865)	(85,000)	(85,000)	(85,000)	(85,000)	(85,000)	(85,000)
Connection fees received	-	-	-	-	-	-	-	-	-
Net Cash from Capital and Related Financing Activities	<u>(70,669)</u>	<u>(68,474)</u>	<u>(135,865)</u>	<u>(85,000)</u>	<u>(85,000)</u>	<u>(85,000)</u>	<u>(85,000)</u>	<u>(85,000)</u>	<u>(85,000)</u>
Cash Flows From Investing Activities									
Investment Earnings and Other Activity	2,656	7,581	-	2,000	2,000	2,000	2,000	2,000	2,000
Net Increase (Decrease) in Cash and Cash Equivalents	(1,959)	(10,222)	(49,251)	13,877	17,859	25,474	31,995	40,251	50,645
Cash and Cash Equivalents, January 1	375,149	373,190	362,968	313,717	327,594	345,453	370,928	402,922	443,173
<b>Cash and Cash Equivalents, December 31</b>	<b><u>\$ 373,190</u></b>	<b><u>\$ 362,968</u></b>	<b><u>\$ 313,717</u></b>	<b><u>\$ 327,594</u></b>	<b><u>\$ 345,453</u></b>	<b><u>\$ 370,928</u></b>	<b><u>\$ 402,922</u></b>	<b><u>\$ 443,173</u></b>	<b><u>\$ 493,818</u></b>
Target Cash Reserve	<u>\$ 91,959</u>	<u>\$ 100,370</u>	<u>\$ 95,117</u>	<u>\$ 97,988</u>	<u>\$ 142,322</u>	<u>\$ 145,634</u>	<u>\$ 149,192</u>	<u>\$ 153,013</u>	<u>\$ 100,733</u>
Projected Cash in Excess of Target				<u>\$ 229,606</u>	<u>\$ 203,132</u>	<u>\$ 225,294</u>	<u>\$ 253,731</u>	<u>\$ 290,160</u>	<u>\$ 393,085</u>

City of North Oaks Rate Study  
 Utilities (Water and Sewer) Fund  
 Cash Flow Projections - Summary

	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
Cash receipts						
Receipts from customers	\$ 282,111	\$ 291,835	\$ 303,118	\$ 316,263	\$ 331,634	\$ 349,671
Other receipts	7,000	7,000	7,000	7,000	7,000	7,000
Total Cash Receipts	<u>289,111</u>	<u>298,835</u>	<u>310,118</u>	<u>323,263</u>	<u>338,634</u>	<u>356,671</u>
Cash disbursements						
Operating payments	190,234	195,976	199,643	206,268	213,383	221,026
Acquisition of capital or system maintenance	85,000	85,000	85,000	85,000	85,000	85,000
Total Cash Disbursements	<u>275,234</u>	<u>280,976</u>	<u>284,643</u>	<u>291,268</u>	<u>298,383</u>	<u>306,026</u>
Net Increase (Decrease) In Cash and Cash Equivalents	13,877	17,859	25,474	31,995	40,251	50,645
Cash and Cash Equivalents, January 1	<u>313,717</u>	<u>327,594</u>	<u>345,453</u>	<u>370,928</u>	<u>402,922</u>	<u>443,173</u>
Cash and Cash Equivalents, December 31	<u>\$ 327,594</u>	<u>\$ 345,453</u>	<u>\$ 370,928</u>	<u>\$ 402,922</u>	<u>\$ 443,173</u>	<u>\$ 493,818</u>

City of North Oaks Rate Study  
Water Fund  
Cash Flow Projections - Detailed

	Actual Results			Rate Study Projections					
	2017	2018	2019	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
	Cash Flows from Operating Activities								
Receipts from customers and users	\$ 136,760	\$ 131,816	\$ 131,063	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208
Other receipts	27,462	1,176	11,855	5,000	5,000	5,000	5,000	5,000	5,000
Payments to suppliers/service providers	(119,958)	(113,992)	(123,767)	(106,952)	(106,972)	(104,493)	(104,515)	(104,537)	(104,560)
Payments to employees	-	-	-	-	-	-	-	-	-
Net Cash from Operating Activities	44,264	19,000	19,151	22,256	22,236	24,715	24,693	24,671	24,648
Cash Flows from Capital and Related Financing Activities									
Acquisition of capital or system maintenance	(653)	(17,266)	(45,548)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
Connection fees received	-	-	-	-	-	-	-	-	-
Net Cash from Capital and Related Financing Activities	(653)	(17,266)	(45,548)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
Cash Flows from Investing Activities									
Investment Earnings and Other Activity	2,656	5,272	-	1,000	1,000	1,000	1,000	1,000	1,000
Net Increase (Decrease) in Cash and Cash Equivalents	46,267	7,006	(26,397)	13,256	13,236	15,715	15,693	15,671	15,648
Cash and Cash Equivalents, January 1	439,525	485,792	492,798	466,401	479,657	492,893	508,608	524,301	539,972
<b>Cash and Cash Equivalents, December 31</b>	<b>\$ 485,792</b>	<b>\$ 492,798</b>	<b>\$ 466,401</b>	<b>\$ 479,657</b>	<b>\$ 492,893</b>	<b>\$ 508,608</b>	<b>\$ 524,301</b>	<b>\$ 539,972</b>	<b>\$ 555,620</b>
Target Cash Reserve	\$ 56,996	\$ 61,884	\$ 53,476	\$ 58,486	\$ 57,247	\$ 57,258	\$ 57,269	\$ 57,280	\$ 57,280
Projected Cash in Excess of Target		\$ 430,915	\$ 412,925	\$ 421,171	\$ 435,647	\$ 451,351	\$ 467,033	\$ 482,692	\$ 498,340



City of North Oaks Rate Study  
Water Fund  
Cash Flow Projections - Summary

	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
Cash receipts						
Receipts from customers	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208	\$ 124,208
Other receipts	6,000	6,000	6,000	6,000	6,000	6,000
Total Cash Receipts	<u>130,208</u>	<u>130,208</u>	<u>130,208</u>	<u>130,208</u>	<u>130,208</u>	<u>130,208</u>
Cash disbursements						
Operating payments	106,952	106,972	104,493	104,515	104,537	104,560
Acquisition of capital or system maintenance	10,000	10,000	10,000	10,000	10,000	10,000
Total Cash Disbursements	<u>116,952</u>	<u>116,972</u>	<u>114,493</u>	<u>114,515</u>	<u>114,537</u>	<u>114,560</u>
Net Increase (Decrease) In Cash and Cash Equivalents	13,256	13,236	15,715	15,693	15,671	15,648
Cash and Cash Equivalents, January 1	<u>466,401</u>	<u>479,657</u>	<u>492,893</u>	<u>508,608</u>	<u>524,301</u>	<u>539,972</u>
Cash and Cash Equivalents, December 31	<u>\$ 479,657</u>	<u>\$ 492,893</u>	<u>\$ 508,608</u>	<u>\$ 524,301</u>	<u>\$ 539,972</u>	<u>\$ 555,620</u>

City of North Oaks Rate Study  
Sewer Fund  
Cash Flow Projections - Detailed

	Actual Results			Rate Study Projections					
	2017	2018	2019	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
	Cash Flows from Operating Activities								
Receipts from customers and users	\$ 85,100	\$ 101,596	\$ 144,436	\$ 157,903	\$ 167,627	\$ 178,910	\$ 192,055	\$ 207,426	\$ 225,463
Payments to suppliers/service providers	(63,310)	(69,925)	(76,973)	(83,282)	(89,004)	(95,150)	(101,753)	(108,846)	(116,466)
Payments to employees	-	-	-	-	-	-	-	-	-
Net Cash from Operating Activities	21,790	31,671	67,463	74,621	78,623	83,759	90,302	98,580	108,997
Cash Flows from Capital and Related Financing Activities									
Acquisition of capital or system maintenance	(70,016)	(51,208)	(90,317)	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)
Connection fees received	-	-	-	-	-	-	-	-	-
Net Cash from Capital and Related Financing Activities	(70,016)	(51,208)	(90,317)	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)
Cash Flows From Investing Activities									
Investment Earnings and Other Activity	-	2,309	-	1,000	1,000	1,000	1,000	1,000	1,000
Net Increase (Decrease) in Cash and Cash Equivalents	(48,226)	(17,228)	(22,854)	621	4,623	9,759	16,302	24,580	34,997
Cash and Cash Equivalents, January 1	(64,376)	(112,602)	(129,830)	(152,684)	(152,063)	(147,440)	(137,680)	(121,379)	(96,799)
<b>Cash and Cash Equivalents, December 31</b>	<b>\$ (112,602)</b>	<b>\$ (129,830)</b>	<b>\$ (152,684)</b>	<b>\$ (152,063)</b>	<b>\$ (147,440)</b>	<b>\$ (137,680)</b>	<b>\$ (121,379)</b>	<b>\$ (96,799)</b>	<b>\$ (61,802)</b>
Target Cash Reserve	\$ 34,963	\$ 38,487	\$ 41,641	\$ 44,502	\$ 85,075	\$ 88,377	\$ 91,923	\$ 95,733	\$ 95,733
Projected Cash in Excess of Target				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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City of North Oaks Rate Study  
Sewer Fund  
Cash Flow Projections - Summary

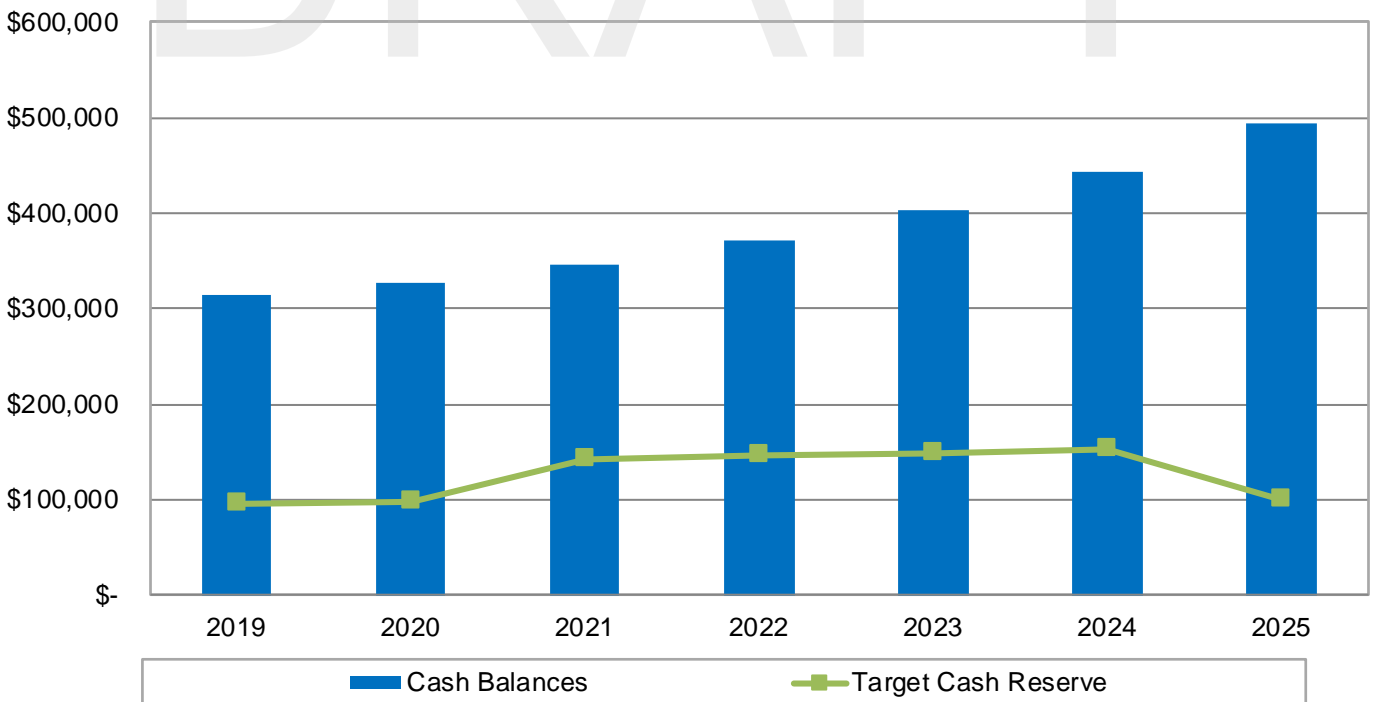
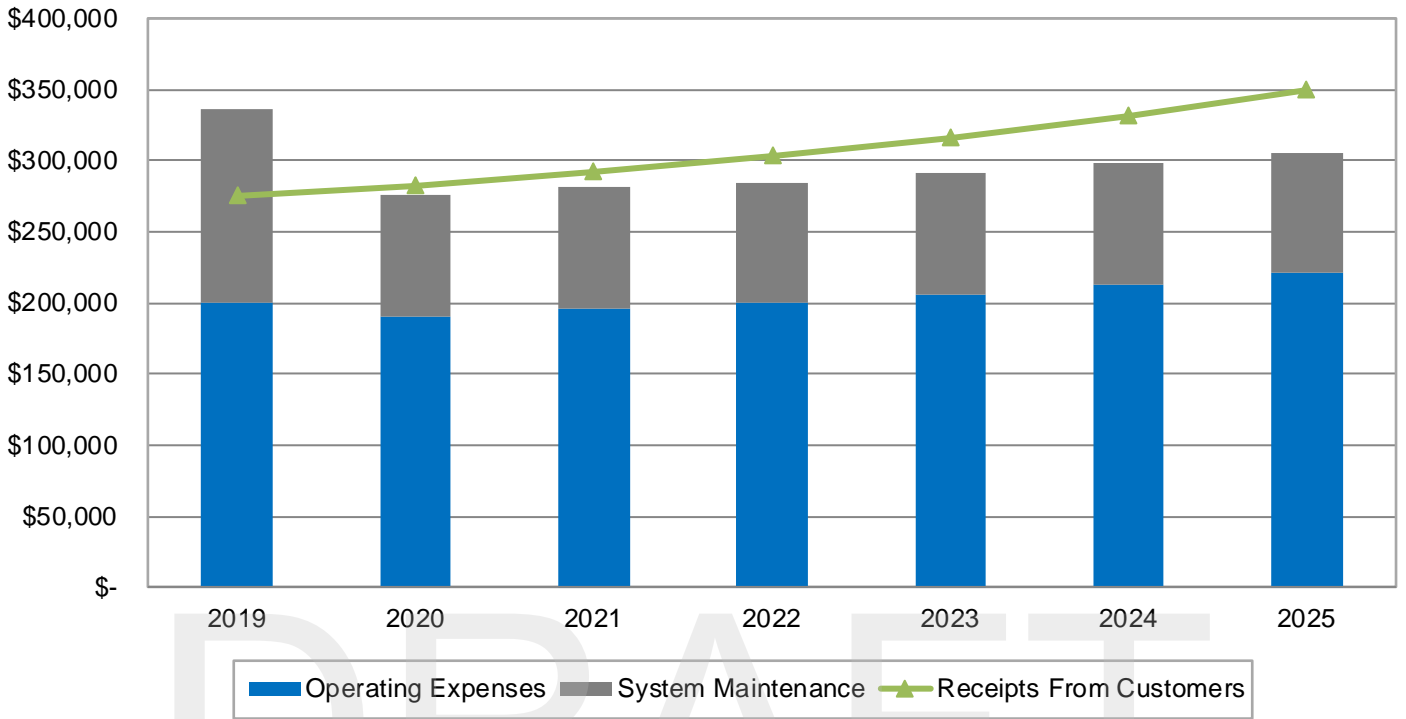
	Estimated 2020	Estimated 2021	Estimated 2022	Estimated 2023	Estimated 2024	Estimated 2025
<b>Cash receipts</b>						
Receipts from customers	\$ 157,903	\$ 167,627	\$ 178,910	\$ 192,055	\$ 207,426	\$ 225,463
Other receipts	1,000	1,000	1,000	1,000	1,000	1,000
<b>Total Cash Receipts</b>	<b>158,903</b>	<b>168,627</b>	<b>179,910</b>	<b>193,055</b>	<b>208,426</b>	<b>226,463</b>
<b>Cash disbursements</b>						
Operating payments	83,282	89,004	95,150	101,753	108,846	116,466
Acquisition of capital or system maintenance	75,000	75,000	75,000	75,000	75,000	75,000
<b>Total Cash Disbursements</b>	<b>158,282</b>	<b>164,004</b>	<b>170,150</b>	<b>176,753</b>	<b>183,846</b>	<b>191,466</b>
<b>Net Increase (Decrease)</b>						
In Cash and Cash Equivalents	621	4,623	9,759	16,302	24,580	34,997
Cash and Cash Equivalents, January 1	(152,684)	(152,063)	(147,440)	(137,680)	(121,379)	(96,799)
<b>Cash and Cash Equivalents, December 31</b>	<b>\$ (152,063)</b>	<b>\$ (147,440)</b>	<b>\$ (137,680)</b>	<b>\$ (121,379)</b>	<b>\$ (96,799)</b>	<b>\$ (61,802)</b>

CHARTS SECTION

CITY OF NORTH OAKS, MINNESOTA  
2020 - 2025 UTILITY RATE STUDY

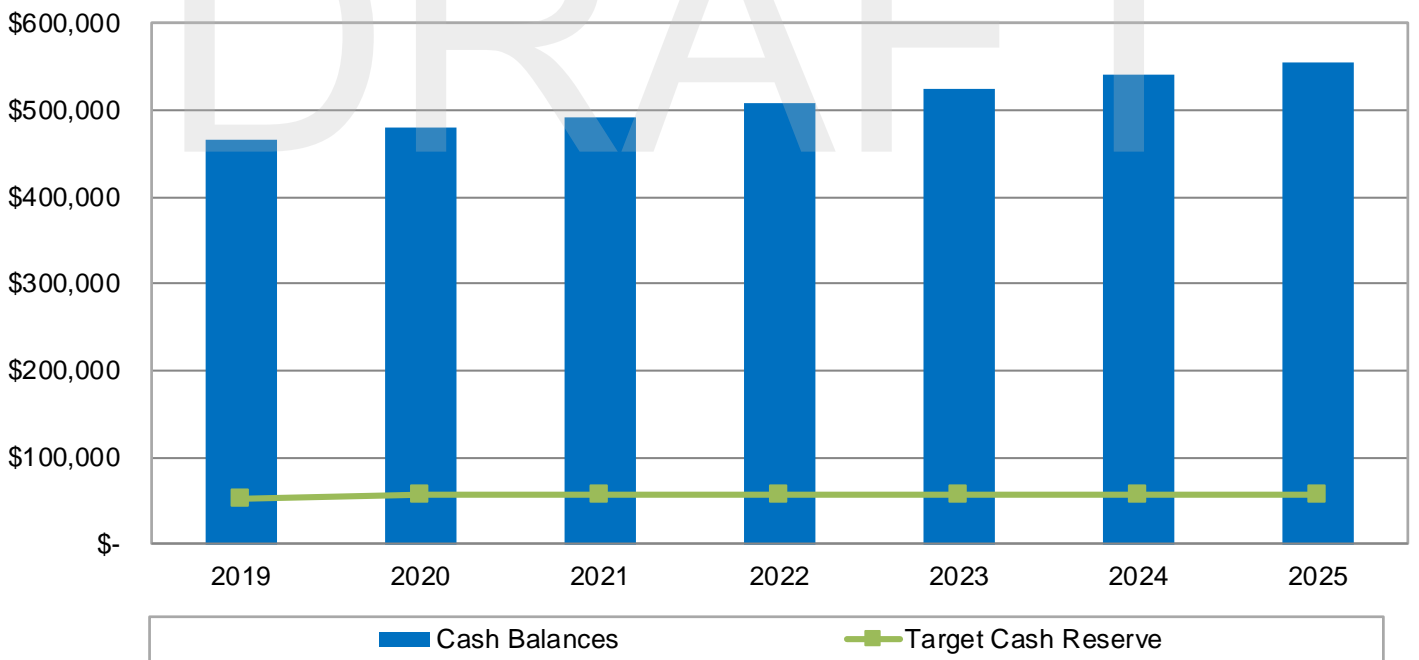
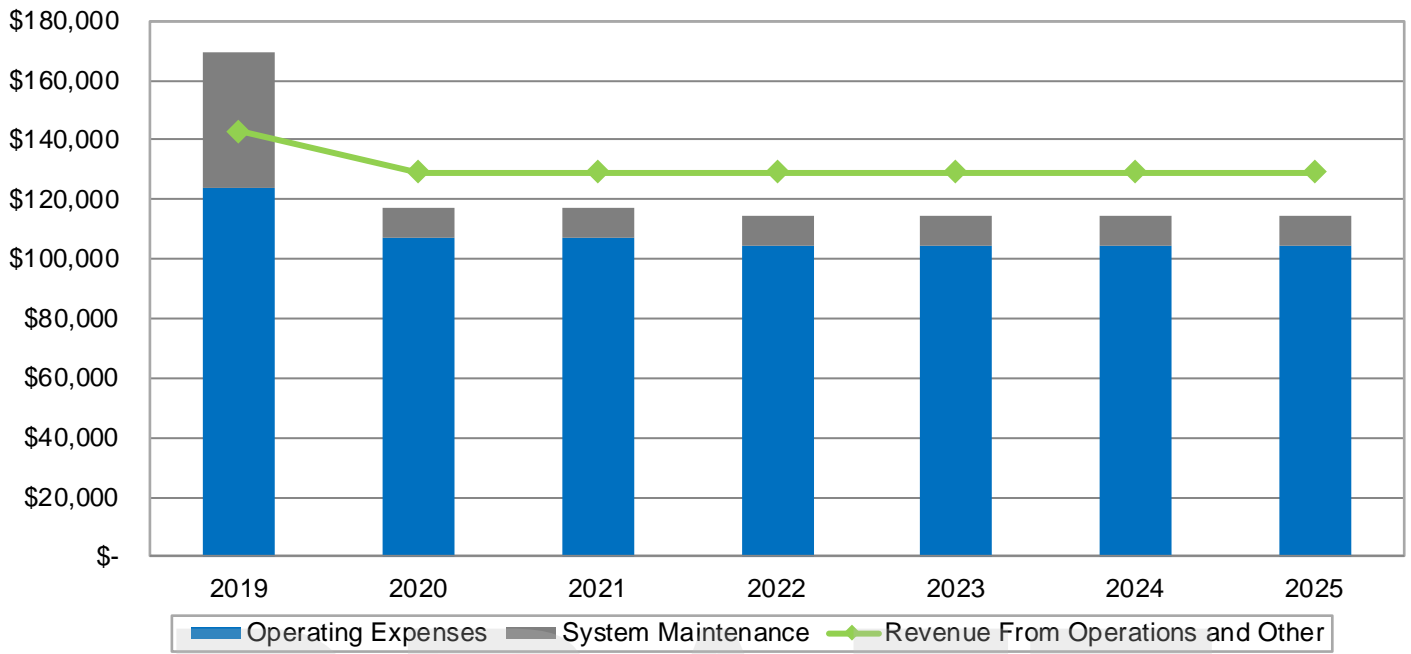
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**Utilities Fund**



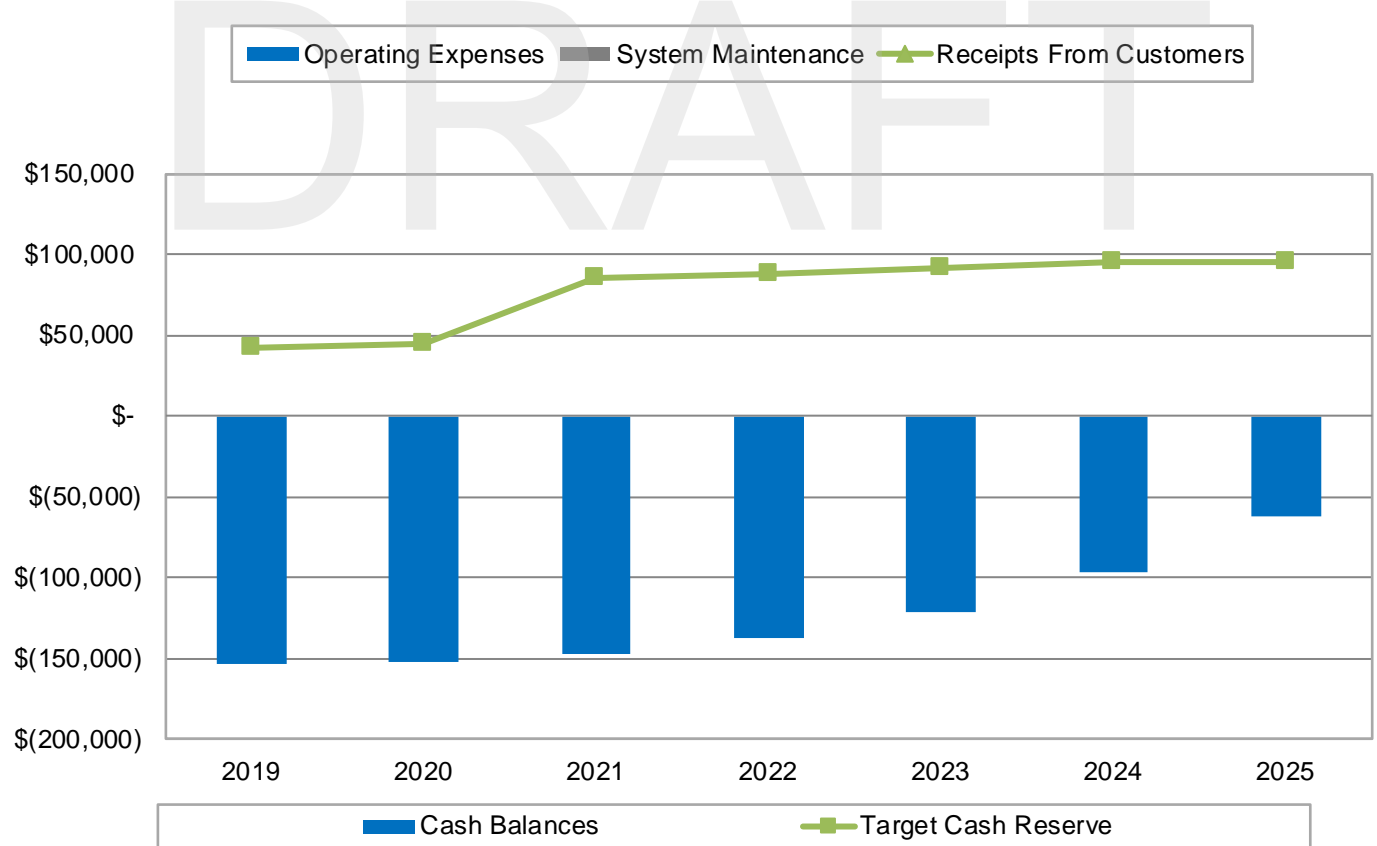
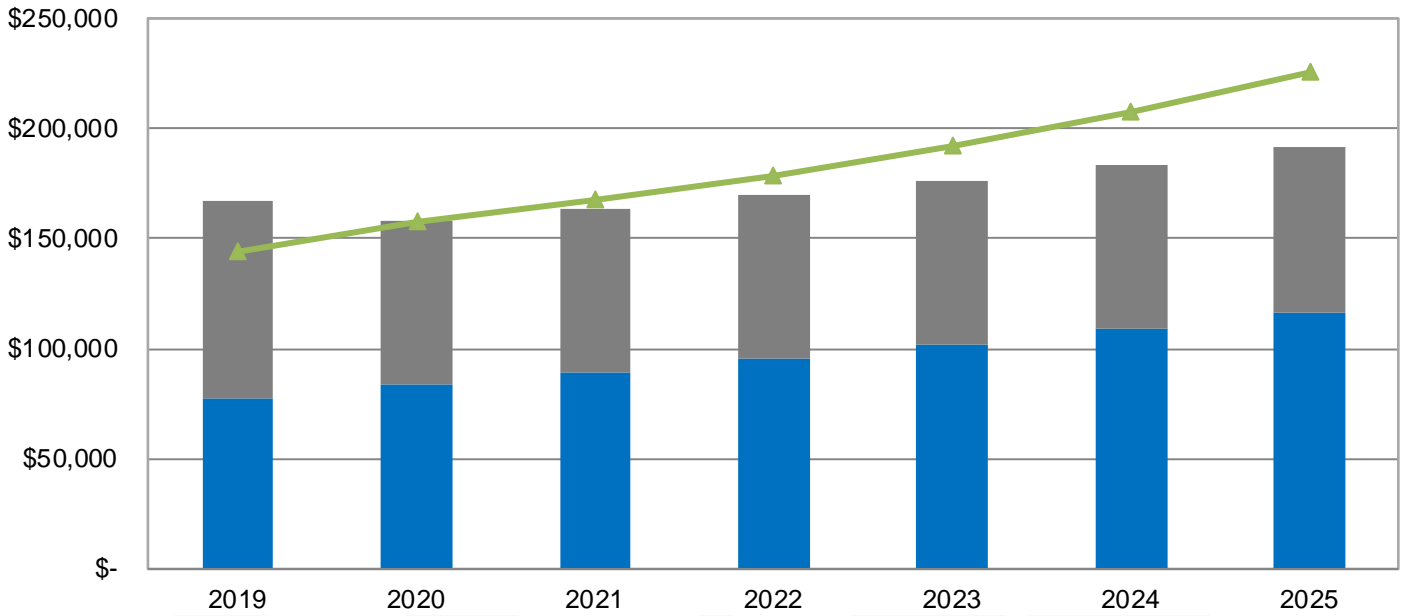
City of North Oaks, Minnesota  
 2020 - 2025 Utility Rate Study Memo  
 Charts Section

**Water Fund**



City of North Oaks, Minnesota  
 2020 - 2025 Utility Rate Study Memo  
 Charts Section

**Sewer Fund**



## City of North Oaks 2040 Comprehensive Plan

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Appendix A: List of City of North Oaks 2040 Comprehensive Plan Maps

<u>Map</u>	<u>Title</u>
1	Metropolitan Area Political Boundaries & Surrounding Municipalities
2	Community Designation (would require changes to map #s)
3	North Oaks Neighborhoods and Association Boundaries
4	Topographic Characteristics
5	Major Watershed Areas
6	VLAWMO & Minnesota DNR Protected Waters
7	Soils
8	Existing Zoning
9	Existing Land Use
10	Existing Housing and Employment Distribution
11	Future Land Use Plan
11A*	Shoreview Land Use Plan
11B*	Vadnais Heights Land Use Plan
11C*	White Bear Township Land Use Plan
11D*	Lino Lakes Land Use Plan
12	East Oaks Planned Unit Development
13	Major Highways and Airports
14	Thoroughfares and Street Classifications
15	Transportation Analysis Zones
16	North Oaks Neighborhoods with Common Utilities
17	Areas Served by Common Sanitary Sewer
18	Areas Served By Common Water Service
19	Long-Term Monitoring Program: Highway 96 Site
20**	Existing Recreation & Open Space
21	School Districts and Voting Precincts
22	Estimated Market Value of Housing
23	Gross Solar Potential
24	Surface Water
25	Water Supply and Management Areas

\*Maps 11A–11D include other cities' land use plans to be added upon completion.

\*\*Map 20 is private and is on file in the NOHOA office for reference purposes only.

Appendix B: Met Council's Transportation Policy PlanAppendix C: Sanders' Report, North Oaks Recreation Plan, November 1996Appendix D: Met Council's Documents from 1999 Comp PlanAppendix E: Met Council's Documents from 2008 Comp PlanDefinitions

ASC – Architectural Supervisory Committee

CA – commercial association

City – City of North Oaks

Comp Plan – Comprehensive Plan

East Oaks PDA – The 1999 East Oaks Planned Unit Development Agreement

HOA – homeowners’ association

MCES – Metropolitan Council Environmental Services

member – an individual owning a residential lot or unit within the boundaries of NOHOA

Met Council – Metropolitan Council

Minnesota DNR – Minnesota Department of Natural Resources

Mixed Use – land uses intended to mix different housing types and commercial uses within a site

MUSA – Metropolitan Urban Service Area

NOHOA – North Oaks Home Owners’ Association

NOC – North Oaks Company, LLC

PDA – planned development agreement

PRD – planned residential district

PUD – planned unit development

SSTS – Sub Surface Treatment System

VLAWMO – Vadnais Lake Area Water Management Organization

## CHAPTER 1: COMMUNITY BACKGROUND

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### A. MISSION STATEMENT

The City of North Oaks, Minnesota (hereafter referred to as “City”) shall preserve and maintain the City's status as a unique place to live. In concert with all established homeowners’ associations (HOAs), commercial associations (CAs), property owners, developers, North Oaks Company (NOC), and citizens, the City shall continue to emphasize community and individual privacy with the protection and management of all natural resources.

### B. REGIONAL PLANNING

As part of the mandated comprehensive planning process, the City of North Oaks is required to coordinate its Comprehensive Plan in a manner consistent with the Thrive MSP 2040 Regional Development Guide, as adopted by the Metropolitan Council.

To build the foundation for a prosperous, equitable, livable, and sustainable future, the Thrive MSP document identifies seven general policies to guide land use and regional development. These policies are as follows:

Orderly and Efficient Land Use: Align land use, development patterns, and infrastructure to make the best use of public and private investment.

Natural Resources Protection: Conserve, restore, and protect the region’s natural resources to ensure availability, support public health, and maintain a high quality of life.

Water Sustainability: Conserve, restore, and protect the quality and quantity of the region’s water resources to ensure ongoing availability, support public health, and maintain a high quality of life.

Housing Affordability and Choice: Promote housing options to give people in all life stages and of all economic means viable choices for safe, stable, and affordable homes.

Access, Mobility, and Transportation Choice: Sustain and improve a multimodal transportation system to support regional growth, maintain regional economic competitiveness, and provide choices and reliability for the system’s users.

Economic Competitiveness: Foster connected land use options to provide businesses and industries with access to materials, markets, and talent.

Building in Resilience: Promote sensitive land use and development patterns to achieve Minnesota’s adopted greenhouse gas emissions goals at the regional scale, and to develop local resiliency to the impact of climate change.

As shown in Map 2 within Appendix A, the City of North Oaks holds two community designations. Generally speaking, areas within the “inner core” of the City which are characterized by large lot residential development are classified as “Rural Residential.” Certain areas located along the perimeter of the City’s municipal boundaries are classified as “Emerging Suburban Edge.”

The Thrive MSP 2040 Regional Development Guide Provides specific growth strategies for orderly and efficient land use for both “Rural Residential” and “Emerging Suburban Edge” communities. These strategies are listed below:

Rural Residential Community Strategies:

- Discourage future development of rural residential patterns (unsewered lots of 2.5 acres or less) and where opportunities exist, plan for rural development at densities that are not greater than 1 unit per 10 acres.
- Implement conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in local land use ordinances, consistent with the Council’s flexible residential development guidelines.
- Promote best management practices for stormwater management, habitat restoration, and natural resource conservation in development plans and projects.

Emerging Suburban Edge Community Strategies:

- Plan and stage development for forecasted growth through 2040 and beyond overall average net densities of at least 3-5 dwelling units per acre in the community
- Target higher-intensity developments in areas with better access to regional sewer and transportation infrastructure, connections to local commercial activity centers, transit facilities, and recreational amenities.
- Identify and protect adequate supply of land to support growth for future development beyond 2040, with regard to agricultural viability and natural and historic resources preservation.

- Incorporate best management practices for stormwater management and natural resources conservation and restoration in planning processes.
- Planning for local infrastructure needs including those needed to support future growth.

### C. COMPREHENSIVE PLAN PURPOSE

The local comprehensive plan is a public document that describes how a community wants to develop over a specified planning period. It is based on the long-term goals and objectives of the community. A comprehensive plan also serves as the guide for the timing and location of future growth and the preparation of subdivision and zoning ordinances and related ordinances to implement the plan. Communities use public input and analysis of existing physical, economic, environmental and social conditions to develop a comprehensive plan.

Adoption of the Metropolitan Land Planning Act in 1976 put into law a requirement that every municipality and county within the seven-county metropolitan area prepare and submit a comprehensive plan to the Metropolitan Council (Met Council). The Act, along with directives set by the Met Council, requires each comprehensive plan to address a number of areas including:

- **Background** – This section of the 2040 Comp Plan delineates the community’s vision and expectations. It includes the objectives, policies and forecasts that serve as the basis of the community’s plans.
- **Land Use** – This section explains how the community has allocated and will allocate land use, how it will accommodate population growth, and how it protects special resources. Subsections in the land use section include development plans staged in 5-year increments, housing plans to discuss future housing types to accommodate regional needs, and a special resources section to identify resources within the boundaries of the jurisdiction identified for protection.
- **Community Facilities** – As explained throughout the 2040 Comp Plan, the City owns no roads, land, or buildings. The 50–60 miles of roads in the City are owned by North Oaks Home Owners’ Association (NOHOA) members whose property extends to the center of the road subject to easements in favor of NOHOA. All recreational property and shoreland, wetland, and woodland areas in the City are owned by NOHOA or by private entities. There are no public parks, public recreation areas, or public roads or other public facilities in the City.
- **Implementation Program** – This section identifies how local official controls will ensure the continued viability of plans outlined in other sections of the 2040 Comp Plan. This section also outlines the community’s capital improvement program.

Within each of these categories, the 2040 Comp Plan may also contain any additional matters which may be of local importance pursuant to the applicable planning statute.

It is the purpose of this planning document to identify and establish policies and plans to

guide the physical, social and economic development of the entire community. The central focus of this purpose is to strive toward a community vision consistent with past development. The 2040 Comp Plan is intended to help the efforts and actions of the following generalized groups in fulfilling the community vision.

#### City of North Oaks – Statutory Authority

The City will continue to operate under the statutory authority granted to municipalities by the State of Minnesota. The City shall utilize this plan for the protection of public health, safety and general welfare. A continuous open forum and planning process shall be used for maintaining this document and consideration of changing public policy. Due to the importance of this plan, state law requires a public hearing and an affirmative vote of four members of the City Council to adopt and amend the Comprehensive Plan.

#### Homeowners' Associations (HOAs) and Commercial Associations (CAs)

Existing and future HOAs and CAs shall continue to have the responsibility for road maintenance, parks, recreation and open space maintenance and facilities in the City. This document shall serve as a conduit of City policy to all HOAs and CAs.

#### Development Philosophy

This 2040 Comp Plan is intended to carry out the vision of a rural designed community with characteristics focused on protection of the environment including the natural topography, woodlands, lakes, ponds, and wetlands. To the benefit of all existing and future property owners in the community, this 2040 Comp Plan will include a Land Use Plan Map. The map shall clearly show areas planned for large lot residential development with on-site sewage treatment; medium-density single-family, mixed residential, mixed use, and commercial development areas to be served with central sewer service.

#### General Public and Other Interests

While the growth of the City is inevitable, it is clear that the planning and management of growth can have considerable impact on existing and future investments in the community.

It is, therefore, the intent of this 2040 Comp Plan to clearly indicate to existing property owners, the general public and all future private interests:

- the type and location of land use planning,
- the strong commitment to environmental protection, and
- the preservation and commitment to maintaining the existing character and privacy of the City.

#### Public Agencies

The City recognizes that North Oaks is a private community and the necessity to coordinate certain plans with other public agencies, such as the State of Minnesota, the Met Council, neighboring counties, water management organizations, school districts, and adjacent communities. Those agencies may use the comprehensive planning process as an open forum for commenting on and coordinating public policies established by the Comprehensive Plan.

#### D. BACKGROUND

The City recognized the need for the development of a comprehensive plan in 1970. As a result, Ordinance 56 (codified sections 151.075-151.083) was passed in November 1971 to establish a Planning Commission and require the development of a comprehensive plan. The subsequent Comprehensive Plan written by the Planning Commission was adopted by the City Council in December 1973.

In 1980, 1994, 1999, and 2008 the Comprehensive Plan was updated in accordance with the Metropolitan Land Planning Act as enacted by the Legislature of the State of Minnesota in 1976 as amended. The following ordinances have been enacted by the City Council to implement the Comprehensive Plan and to fulfill other obligations and needs of the City.

- Subsurface Sewage Treatment Systems Ordinance (codified as Chapter 51) adopted August 13, 2015, as amended.
- Subdivision Ordinance 93 (codified as Chapter 152) adopted February 11, 1999, as amended.
- Zoning Ordinance 94 (codified as Chapter 151) adopted February 11, 1999, as amended.
- Tree Disease Ordinance 67 (codified Sections 93.30-93.39) adopted April 14, 1977, as amended, which provides for the control and prevention of shade tree diseases in the City.
- A Shoreland Ordinance was adopted as Ordinance 84 (codified as Chapter 153) March 9, 1995, as amended.
- Subsurface Sewage Treatment Systems Ordinance 96 (codified as Chapter 50) adopted July 8, 1999, as amended, which adopts, by reference, Minnesota Rules Chapters 7080-7083 for on-site systems. In addition, some stricter requirements are included in the ordinance.
- Building Code Ordinance 95 (codified as Chapter 155) adopted May 13, 1999, as amended, which adopts, by reference, the State Building Code.
- Erosion and Sediment Control Ordinance 75 (codified as Chapter 154) adopted May 12, 1988, which responds, by reference, to the Metropolitan Surface Water Management Act, the Vadnais Lake Area Watershed Management Plan, the Ramsey County Erosion and Sediment Control Handbook, and the North Oaks Water Management Plan.
- Swimming Pools and Spas Ordinance 76 (codified sections 150.055-150.062) adopted May 23, 1989, which regulates the construction and maintenance of pools and spas.

The organization of North Oaks is unique to the St. Paul–Minneapolis Metropolitan area. The area was designed primarily by a single developer to serve a need for large residential lots in a rural, natural, and private environment. Because of its many environmental assets, its extensive wetland areas, and a lake system that is the source of St. Paul’s water supply system, it was determined that the area should be developed in primarily low-density residential use to best control and protect St. Paul’s water supply.

Due to the method of development and the unique governing structure, the City is not easily compared to other communities. Studies comparing financial and economic data are difficult



due to the rural level of services found in the City and the fact that the responsibilities usually assumed by local governments are shared by the City government and HOAs. The division of governing responsibilities and the extensive use of volunteers within the City allow the community to provide necessary and desired services at a reasonable cost to the residents.

This 2040 Comp Plan will provide the background of development of the City, its role in the region, and the objectives, policies, standards and programs to guide future development. This plan is anticipated to be dynamic and is intended to be revised as community needs and desires may change over the course of time. Although general development policies have remained unchanged since the adoption of the 1973 Comp Plan, local requirements and desired community changes have indicated a need for periodic revision of various details of the Comprehensive Plan.

#### E. LOCATION

The City of the City is located in northern Ramsey County, one of the seven counties in the greater St. Paul-Minneapolis metropolitan area (see Appendix A, Map 1 – Metropolitan Area Political Boundaries and Surrounding Municipalities). The municipality is considered a "third-ring suburb" in relation to development outward from the central City of St. Paul. Within the metropolitan area, the City is classified by the Met Council as partially "Rural Residential" and partially "Developed."

The City generally lies within boundaries formed by County Highway 96 and the Canadian Pacific Railroad tracks on the south; County Road 49, also known as Hodgson Road, on the west; Turtle Lake Road and County Road J on the north; and Centerville Road (also a county road) on the east (see Appendix A, Map 14 – Thoroughfares and Street Classifications).

To the south lies the City of Vadnais Heights; to the north the City of Lino Lakes in Anoka County; to the west the City of Shoreview and to the east the White Bear Township and the City of White Bear Lake. White Bear Township has a small section northwest of the City that is isolated from the main area of its jurisdiction east of the City. Most of the land adjacent to the City in neighboring municipalities is being developed (or is planned for development) as residential with a few small neighborhood commercial facilities. Shoreview does anticipate redevelopment of existing residential properties west of Hodgson Road and north of Turtle Lake Road. In White Bear Township along Centerville Road, some areas are zoned and being developed as light industry.

## F. DEVELOPMENT HISTORY

In 1949, the Hill family embarked on the major project of developing the North Oaks Farm into a residential community. The farm was purchased in 1883 by James J. Hill from Charles D. Gilfillan, who had purchased 3,500 acres north of St. Paul in order to control and protect the future water supply of St. Paul. Before selling the land, Mr. Gilfillan gave the St. Paul Water Company the right to control the water in the lakes and the right to enter any of the lands to construct and maintain conduits. Mr. Hill developed the City land into one of the nation's leading agricultural experimental farms. His son, Louis W. Hill Sr., and three siblings preserved it in its natural unspoiled state until his death in 1948. The NOC was formed by Louis W. Hill's four children to plan and carry out the residential community development. Hare and Hare of Kansas City, nationally recognized landscape architects and planners, were retained until 1988 to advise the NOC.

The development concept envisioned by NOC in 1950 was to plan a residential community with sufficient commercial areas to serve the needs of area residents. Major emphasis has always been placed on the stewardship of the natural environment including the topography, woodlands, ponds and wetlands; prevention of pollution to the environment; and retention of ground water recharge areas. Development started in the south-central part of the City with the creation of an 18-hole golf course and the restoration of Gilfillan Lake. Large lots were created with planned building sites that preserved existing topography and drainage patterns. Lots and roads were laid out according to the contours of the land.

All services were originally planned at a rural level. These included individual wells and sewage treatment systems, dirt roads, and electric power. All roads are currently blacktopped and natural gas is available. Individual wells and sanitary sewer systems will continue with City ordinances setting strict standards for installation, inspection, and maintenance. Recent and future development may include central sewer and water systems in limited areas through agreements with adjacent municipalities. Other urban amenities (such as street lighting, curbs, and sidewalks) are purposefully nonexistent. There are about 44 miles of non-motorized private trails available for NOHOA members' and member-accompanied guests' use. Natural drainage patterns have been preserved eliminating the need for storm sewers except in the southwest area of the City.

Lot development is planned and staged so that new subdivisions are not opened until most of the lots in the adjacent subdivision are sold to developers or individual lot owners. By utilizing this process, it is not necessary to extend roads or utility services until there is a financial base available to support the extensions.

Because a local municipal government was not in existence in the area in 1950, orderly development was assured by the use of perpetual deed covenants on all parcels of land. The first area of development was covered by a warranty deed containing covenants referred to as the "Countryman Deed." As development progressed, additional land areas were covered by similar deeds and by declarations containing terms and covenants which are perpetual and similar to those that were found in the original Countryman Deed (see Appendix A, Map

2 – North Oaks Neighborhoods, Homeowners’ Association, and Commercial Association Boundaries).

Perpetual covenants are a part of all deeds and declarations on land developed since 1950, except for 14 homes which are not in NOHOA as shown on Map 9 – 2016 Estimated Housing Distribution. The following is a summary of some restrictive covenants (on file with the City) that may or may not be attached to each property in NOHOA: For example, deed covenants address the following:

- Defines and limits the areas covered by restrictive covenants to single-family residences, parks and recreational areas, fire houses, police buildings, schools, and churches. Prohibits subdivision of lots by individual owners without permission of the NOC.
- Provides for an Architectural Supervisory Committee (ASC). Defines responsibility and operating procedure of the Committee.
- Prohibits certain land and building uses. Defines and prohibits stated nuisances.
- Prohibits connection of roads or driveways to public highways except with permission of the NOC.
- Provides for roads, paths, parks, and community facilities to be set aside by the NOC for use of all residents.
- Allows for re-grading of roads by the NOC.
- Prohibits hunting and fishing.
- Provides that water levels may be raised or lowered by the NOC except when contrary to orders of the Board of Water Commissioners of the City of St. Paul.
- Prohibits drainage of sewage into lakes, ponds, etc.
- Provides for utility easements to be granted by the NOC.
- Provides for a method of assessment of lot owners for police, fire, road maintenance, and maintenance and operations of community land and property.
- Defines the legal powers of the ASC.
- States that all conditions and restrictions run with the land. Allows the assignment of any rights, power, privilege or authority given in the deed to the NOC to be assigned to the HOA or to the ASC.

The North Oaks Home Owners' Association (NOHOA) was incorporated in 1950 with bylaws filed at the same time as the first covenants were placed on the property. NOHOA, or other HOAs or CAs, have the responsibility for road maintenance and the ownership and maintenance of recreation lands and facilities. Each lot owner's land extends to the center of a road easement with reciprocal easements for road use granted to all land owners covered by the warranty deeds and declarations; thus, all roads within the City are private roads. Maintenance is the responsibility of the NOHOA after the road is constructed with a black top surface by the developer.

Pursuant to deed covenants, NOHOA’s ASC reviews all building plans with particular emphasis on site planning prior to the building permit application. Since NOHOA was incorporated in 1950, approximately 1811 housing units over 3,000 acres

have been created by the NOC for residential use. Each lot is subject to covenants and every owner automatically becomes a member of NOHOA. Beginning in 1977, some developments also established homeowners' sub-associations that operate independently but are subject to NOHOA; its members also are members of NOHOA. Through this arrangement, the independent sub-associations can be more restrictive than NOHOA but are prohibited from absolving themselves of responsibilities to NOHOA. A complete list of such homeowners' associations, and the year each was initiated, is as follows:

- Charley Lake Condominium Home Owners' Association (CLCHOA, 1984)
- Lake Estates Home Owners' Association (LEHOA, 1989)
- The Summits of North Oaks Home Owners' Association (SHOA, 1996)
- The Pines Home Owners' Association (PHOA, 1999)
- Rapp Farm Home Owners' Association (RFHOA, 2008)
- The Villas of Wilkinson Lake Home Owners' Association (VWLHOA, 2006)
- Charley Lake Preserve Home Owners' Association (CLPHOA, 2014)
- Red Pine Farm Home Owners' Association (RPFHOA, 2014)

Additional new homeowners' sub-associations may be formed for future developments, but like those above, they will all be members of NOHOA. All HOA boundaries include open water, wetlands, and active and passive recreation areas.

All HOAs are subject to warranty deeds/declarations with covenants similar to NOHOA's. NOHOA and most of the sub-associations has its own architectural supervisory committee. (Copies of the covenants for all the HOAs are on file in the City Hall.)

In 1956, the City was incorporated to assure that City homeowners would not be divided between adjacent areas that were also incorporating. The incorporation of the City included an area larger than the original development covered by the covenants in order to take advantage of the natural boundaries formed by roads and topography. With the creation of the City came the rights and responsibilities of a Minnesota municipality as granted by the State Legislature. The result is that some functions performed by the City overlap to some extent with some areas of responsibility defined in the covenants.

Fifteen residential properties exist outside of NOHOA's boundaries and are subject only to municipal laws.

Both police and fire protection are now the sole responsibility of the municipal government. Overlapping areas of responsibility between the City government and HOAs are found in zoning, subdivision, nuisance and sanitary areas. However, the City ordinances reflect the concepts expressed in the covenants.

With the development of the Village Center commercial area in the southwest corner of the City, the City required the establishment of CAs with covenants and restrictions similar in some aspects to those of the HOAs, but unique as would be expected of a commercial operation. For instance, the Easement Agreement and Declaration for North Oaks Village

Center (which is on file at Ramsey County land title records) provides for a non-exclusive perpetual easement for the purpose of installation, construction, maintenance, operation, repair, inspection, and replacement of the sewer segment located in whole or in part in the Village Center. In this same document, there are other easement rights under certain circumstances for administration and maintenance of the roads, parking, trees, drainage ponds, storm sewer connections, roadway and parking lighting, drainage and utilities, signage, berms, etc., within the Village Center area. A CA was also established for the Presbyterian Homes of North Oaks (referred to as Waverly Gardens) development in the northeast corner of the City.

The municipal government serves all residents of the City and is not limited to NOHOA members. There are fifteen residences, two schools, two religious institutions, a child care center, and the Lake Johanna Fire Department Station that are not located within the boundaries of HOAs or CAs, though they are also subject to City ordinances.

Within the City are three additional entities that have responsibilities usually found exclusively with local government:

- All homes within the boundaries of HOAs are subject to perpetual deed/declaration covenants of some type (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners’ Association, and Commercial Association Boundaries).
- The CAs have complete responsibility for road maintenance (but not traffic safety and regulatory signs) and for ownership and maintenance of sewer segments and other facilities and common areas within their jurisdiction (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners’ Association, and Commercial Association Boundaries).
- The land developer has certain responsibilities as described by the perpetual covenants.

The large lots, retention of natural topography and resources, and the rural-service-level development concept have resulted in an economically sound community. No two communities are alike by virtue of their particular location, topography, and relationship to an area. Each community must develop, use, and care for its assets. The City and NOHOA have supported and protected natural resources to provide a unique living environment that is an asset to the region. Ordinances contain standards and regulations which protect these assets, primarily environmental, but allow flexibility in meeting the ordinance standards.

#### G. CITIZEN INVOLVEMENT

The City has been fortunate in having residents who are dedicated to the well-being of their community. The five City Council members serve with nominal salaries. Each member has responsibility for one or more functions of the City: police, fire, finance, and liaison with the Planning Commission, cable TV, and other government agencies. The seven-member Planning Commission also serves with nominal salaries. The Commission reviews subdivision plats and other applications related to development activities, is responsible for other work as specified in state law and local ordinances, and prepares and updates the Comprehensive Plan and implementing ordinances.

Members of the Boards of Directors of each of the HOAs serve without pay. Board members have responsibility for each association's organization, governance, finances, roads, capital improvements, recreational facilities and programs, architectural review, and new resident orientation.

Resident HOA volunteers plan, coordinate, and carry out HOA recreation programs for all ages including swimming, sailing, tennis, baseball, football, soccer, gardening, hockey, and cross-country skiing. A variety of groups with diversified interests have been formed through the efforts of local residents. All operate on HOA properties either under the auspices of, or with required permission of NOHOA or a sub-association.

As problems or needs are perceived by the HOAs or the governing bodies, committees have formed to study and recommend possible courses of action. Examples include:

- Long-range active and passive recreational land needs, which resulted in the identification of the present recreation/scenic land included in the 1973 Comp Plan and Zoning Ordinance 86 (codified as Chapter 151).
- HOA recreation building needs, which resulted in the building of two NOHOA recreation buildings.
- NOHOA's planning and carrying out the landscaping of NOHOA recreation areas.
- The Tick Task Force (TTF) is a committee of City residents committed to eradicating deer ticks and Lyme disease in the community through education. The TTF meets the third Tuesday of every month.
- The Natural Resources Commission was established by the City Council. It meets every third Thursday and handles deer management, lake weed management, and tree diseases such as oak wilt and emerald ash borer.

The City Council, Planning Commission, administrative staff, and City committees are supported with the professional services of consultants on a contract basis as needed.

Local issues are thoroughly debated and resolved in a positive manner. The involvement of citizens in a town-hall type of setting not only reduces financial costs, but more importantly provides leadership as well as strengthening and unifying the community.

Citizen participation is a way of life in the City and plays an important role in the development concept.

## H. PHYSICAL FEATURES AND ENVIRONMENTAL RESOURCES

Every attempt has been and continues to be made to preserve the existing physical and environmental characteristics that have made the City unique in its abundance of natural resources. To help preserve these natural resources, the warranty deeds for the transfer of individual properties from NOC to subsequent owners contains perpetual easements and covenants. While all individual warranty deeds contain perpetual reciprocal road easements over private roads, many individual warranty deeds contain other easements relating to the preservation of natural resources (such as arboreal, vista, berm, planting, slope protection, drainage and ponds). There are also 10- to 30-foot-wide trail easements for the benefit of the HOAs and their members and member-accompanied guests for pedestrian and bicycling purposes as well as restricted roadway easements in favor of maintenance and emergency vehicles. NOHOA monitors, builds, maintains, repairs, and does whatever else is appropriate to preserve or enhance the natural resources or provide for other specified purposes.

In 1991, the City Council approved a Natural Resources Preservation Plan (NRPP). The purpose of this plan was to deal with natural resources activities in an interrelated and coordinated, rather than piecemeal, manner. Following preparation of the NRPP, the community undertook an environmental assessment of the land in the City with help from the Minnesota Department of Natural Resources (DNR) and other service providers. This assessment determined the biological and cultural carrying capacity of the land through extensive field work and a series of public information meetings.

In October 2007, the City established the Natural Resources Commission consisting of seven voting members appointed by City Council. The committee is an advisory to the City Council. It makes recommendations regarding development in the long-term City Natural Resource Plan and the management of natural resources in the City.

The City consists of approximately 5,461 acres of rolling land, woods, open meadows, lakes, and wetlands with topography varying from 893 feet to over 1000 feet above sea level (see Appendix A, Map 3 – Topographical Characteristics). The northeastern portion of the City is identified by the Met Council as a Regional Natural Resource Area. Information about other specific physical and environmental characteristics of the City is listed in the remainder of this chapter.

### Wetlands, Lakes, and Waterways

The extensive acres covered by wetlands, lakes, and waterways in the City falls under the jurisdiction of several different agencies including: the U.S. Army Corps of Engineers, the Minnesota Department of Natural Resources, the Minnesota Land Trust, the Board of Water and Soil Resources, the Ramsey Soil and Water Conservation District, the St. Paul Regional Water Services, the Vadnais Lake Area Water Management Organization, NOHOA, and the City Council. The roles played by each of these entities are described where applicable in the remainder of this section.

## Lakes and Ponds

Based on an analysis of Ramsey County and Minnesota DNR Geographic Information Systems (GIS) data, there are approximately 1338 acres of open water in lakes and ponds as follows:

Water Body	DNR ID:	Acreage:
Pleasant Lake	62004600	701
Lake Gilfillan	62002700	112
Deep Lake	62001800	101
Charley Lake	62006200	46
Wilkinson Lake	62004300	250
Black Lake	62001900	84
North Mallard Pond	62002000	
South Mallard Pond	62002000	(Combined Mallard Ponds) = 29
Teal Pond (north)	62002601	
Teal Pond (middle)	62002602	
Teal Pond (south)	62002603	(Combined Teal Ponds) = 15

All of these lakes and ponds are subject to standards contained in Zoning Ordinance 94 (codified section 151.063) and the Shoreland Ordinance 84 (codified as Chapter 153). The above noted lakes are a reserve water source and functions as a reserve water source for St. Paul.

Motorized vehicles and fishing are prohibited on all lakes and ponds by deed covenants as well as by Minnesota DNR and St. Paul Regional Water Services regulations.

The St. Paul Regional Water Services has water rights on Wilkinson, Deep, Pleasant, and Charley Lakes. Water from the Mississippi River is taken in at Fridley and pumped via two underground conduits into Charley Lake where it then flows by open canal to Pleasant Lake. Water from the Rice Creek chain of lakes can be pumped via conduits into Deep Lake with an open canal transporting water from Deep Lake to Pleasant Lake. From Pleasant Lake water is pumped south through underground conduits to Sucker Creek and by open canals and lakes to the water treatment plant. Wilkinson Lake, as part of the St. Paul Water system, is connected to Deep Lake by open canal and serves as a reservoir for the system. In 1994, a flow control structure and fish barrier (a weir) was constructed on the canal between Wilkinson Lake and Deep Lake. The St. Paul Regional Water Services controls the minimum and maximum water levels on Pleasant Lake.

Lake Gilfillan was restored to its original configuration in 1949 and interconnected with culverts and open channels to Teal and North and South Mallard Ponds. Water quality in Lake Gilfillan is monitored on an ad hoc basis by local residents. Teal and Mallard Ponds have had periodic treatment to control weed growth financed by adjoining residents. Lot owners on these bodies of water plan and finance water quality management programs as needed.



The Minnesota DNR permits the Lake Gilfillan Watershed Association to augment the lake's water when it falls below the Ordinary High Water mark of 910.55.

All of the shoreland is private, owned by NOHOA or its members, and is maintained pursuant to City Shoreland Ordinance 84 and NOHOA's policies and procedures for maintenance of shoreland property.

#### Wetlands

Minnesota DNR protected wetlands are shown on Map 5 in Appendix A, Map 5 – Vadnais Lake Area Water Management Organization (VLAWMO) and DNR Waters and Wetlands. In addition to these wetlands, there are numerous other existing wetlands protected by the U. S. Army Corps of Engineers, VLAWMO, and other agencies. According to the wetland inventory prepared by the Ramsey Soil and Water Conservation District, the City is divided into nine waterbody areas (see Appendix A, Map 4 – Major Watershed Boundaries). Four of these are landlocked, representing roughly thirty percent of the area within the City. The remaining five waterbodies drain to the major lakes in the City.

The City is located in a single watershed, the Vadnais Lakes Watershed Area, which area comprises approximately 25 square miles in the northeast metropolitan area, and managed by the Vadnais Lake Area Water Management Organization (VLAWMO). VLAWMO is a Joint Powers organization that encompasses all of the City, and portions of the Cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes, and White Bear Township.

The lakes, creeks and wetlands in the City and the Vadnais Lakes Watershed Area provide water for human consumption for the residents and institutions in St. Paul, as well as the neighboring suburban communities in the northern and east metro area. Falcon Heights, Lauderdale, Lilydale, Maplewood, Mendota, Mendota Heights, and West Saint Paul, along with select accounts in Newport, South Saint Paul, and Sunfish Lake, receive water services from the City and its watershed; wholesale water is provided to Arden Hills, Little Canada, and Roseville, with emergency supply available to Oakdale, Little Canada, and White Bear Township.

Runoff enters the City from portions of White Bear Township, Lino Lakes, Vadnais Heights, and Shoreview. The only drainage from the City is via St. Paul Regional Water Services conduits from Pleasant Lake into Sucker Lake in Vadnais Heights.

There are approximately 190 wetlands in the City. Of these, there are 47 wetlands over 2.5 acres in size. Data sheets for each of these larger wetlands are included in the report on wetlands prepared by the Ramsey Soil and Water Conservation District. The report is available at the City Office or through the District. A copy of the 2015 National Wetlands Inventory (NWI) for the City is available on line at the VLAWMO website. In addition, VLAWMO's newly adopted Watershed Plan discusses plans for wetland monitoring. A rapid functional assessment inventory of most of these basins was done in 1997 and is available at the VLAWMO office.

Most of the large wetland areas within the developed areas are preserved as permanent open space and designated as “Recreational” on the Zoning Map (see Appendix A, Map 7 – Existing Zoning Districts). Wetlands are protected at the time of subdivision and also in the Zoning Ordinance, Subdivision Ordinance 93 (codified as Chapter 152); Zoning Ordinance 94 (codified as Chapter 151), and Shoreland Ordinance 84 (codified as Chapter 153. Existing wetlands within the East Oaks PUD may be mitigated per state regulations elsewhere within the PUD. With the retention of wetlands and natural drainage ways, natural water recharge capacity is retained.

### Trees

Trees cover about half of the municipality with various species of oaks accounting for approximately 85% of the woodland cover. Oak wilt, a fungus infection that primarily attacks red oaks but may also infect other types, is present in the City. Dutch elm disease is also present and monitored. Other tree diseases on the horizon include gypsy moth and emerald ash borer which are causing significant tree mortality in neighboring states and will eventually make their way into the City. Continued vigilance on the part of the forestry program will be required to minimize the negative impacts of these tree diseases.

A tree disease control program was pioneered by the City under the direction of a plant pathologist from the University of Minnesota from 1960 to 1978. Since 1978, the City has contracted with a professional forester for this service. To illustrate the effectiveness of the program, consider that in 1978 the City lost 780 oak trees to oak wilt disease whereas in 1997 only 105 trees were lost to infection. Since 1997 the rate of tree loss has remained relatively constant at between 100 and 200 trees per year which is consistent with what can be expected as a result of good management practices.

Woodland areas are a vital part of the City environment and City policy places an emphasis on the preservation of trees. Both Subdivision Ordinance 93 (codified as Chapter 152) and Zoning Ordinance 94 (codified as Chapter 151) contain provisions which stress the importance of avoiding or minimizing impacts to existing stands of trees. Forestry recommendations are provided to developers and builders before large scale projects begin to encourage tree preservation and best management practices. On a smaller scale, residents can also request a forester site visit if they are concerned about damaging trees during the construction process. Additionally, there are arboreal, shoreland, slope, and vista easements on many properties that prohibit trimming or cutting trees without appropriate permission from local authorities.

### Flora

There are many varieties of native plants in the City, and every attempt is made to preserve these plants where possible. As an example, a very rare moss is growing on the southern slope of Deep Lake and wild rice is still found within that lake, and the residents living in this area have restrictive covenants attached to their properties that prohibit any landscaping,

planting, or trimming on this steep wooded bank. Significant conservation easements are also present in the community to protect large swaths of natural vegetation and habitat.

Just as the community must strive to protect its valuable natural flora, it too must be cognizant of the impacts that can be created by invasive species. Some, such as buckthorn, are recognized as already being present. The City is committed to be a role model in the control and removal of buckthorn, and will emphasize its removal within parks, recreation open spaces, and wetlands. The City also actively works to control or eliminate other invasive species and noxious weeds by following guidelines established by State and County recommendations.

#### Fauna

The Minnesota DNR uses Pleasant Lake as a fish preserve. The many ponds and wetlands are home for a large variety of birds, waterfowl, deer, and many small animals.

#### Soil Types

Appendix A includes maps depicting soil types (see Appendix A, Map 6 – Soils) and the topography of the land (see Appendix A, Map 3 – Topographical Characteristics) to illustrate the City's geological characteristics. Experience has shown that a variety of soils exist in the presently developed area, with some pockets of both heavy and light soils prevalent on individual lots. The character of the soils to the west of Pleasant Lake tends to be lighter. There has been little problem to date in finding suitable soil conditions on each lot for building sites and private sewage treatment systems.

#### Slopes

Slopes are taken into consideration at the time of subdivision to be certain that each lot has a suitable building site without materially changing existing contours. (See Subdivision Ordinance 93, codified as Section 152.051; Zoning Ordinance 94, codified as Section 151.027; and Shoreland Ordinance 84, codified as Section 153.052) Additionally, specific properties have slope protection easements that prohibit building, landscaping, planting, or trimming, or undertaking any activity that would destroy, interfere with, or alter the character of the described section of property. Further, appropriate authorities are authorized to perform whatever work might be necessary to preserve, protect, and enhance the described property's natural state.

### Drainage

Drainage problems are minimal. Lots are laid out and housing sites located respecting natural drainage patterns. The City's ordinances require a 30-foot setback from road easements or other lot lines for all buildings and structures, except in planned residential districts (PRDs) and PUDs. In PRDs, there have been 15-foot setbacks from any adjoining lot line within the PRD area, and a 30-foot setback from the perimeter lot line of the PRD or the edge of any road easement [see Subdivision Ordinance 93 (codified as Chapter 152); Zoning Ordinance 94 (codified as Chapter 151); and Erosion & Sediment Control Ordinance 75 (codified as Chapter 153)]. Easements on specific properties authorize access to natural or man-made drainage areas for maintenance or improvements.

## CHAPTER 2: LAND USE

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### A. EXISTING LAND USE

(See Table I and Appendix A, Map 8 – 2016 Existing Land Uses)

#### Residential HOA Areas

##### Detached Dwellings

Each lot within the boundaries of NOHOA may have, by ordinance and covenants, one single-family residence with accessory buildings [see Zoning Ordinance 94 (codified as Chapter 151) for information on lot density and building use standards]. Within the RSL - Residential Single-Family Low-Density (minimum lot size 1.25 acres and average lot sizes 1.45 acres) and RSM - Residential Single-Family Medium-Density (minimum lot size 1.0 acres and average lot sizes 1.1 acres) districts, all buildings and structures must have a setback of at least thirty feet from all lot lines and road easements.

Planned Residential Developments (PRDs), which include provisions for retention of natural wetlands and drainage ways, trails, active recreation areas, and central sewers, have 15-foot setback requirements from any adjoining lot line within the PRD and 30-foot setback requirements from the perimeter lot line of the PRD or the edge of any road. The 1999 East Oaks Planned Unit Development Agreement (hereafter East Oaks PDA) and approved projects therein allow for variable setbacks from any adjoining lot line, perimeter lot lines, and the edge of any road.

As of January 1, 2016, there were approximately 1,771 single-family, detached-dwelling units in the City.

##### Attached Dwellings

The Charley Lake Condominium Home Owners' Association is a PRD with 19 attached, side-by-side units. These units are required to have a 30-foot setback from the perimeter of the PRD area. The Summits of North Oaks is also an attached development with 30 units.

##### Nonconforming Uses

Nonconforming uses that existed prior to the passage of the Zoning Ordinance in 1961 may continue to function at the size and manner existing as of the date of the Zoning Ordinance passage, but they are subject to the provisions of nonconforming uses (see Zoning Ordinance 94 codified as Chapter 151).

##### Conditional Uses

The North Oaks Golf Club, at 54 East Oaks Road, operates a club house, golf course, and tennis courts on 167 acres in the south of the City. St. Paul Regional Water Services has small buildings at the south end of Pleasant Lake to house its pumping equipment. The Charley Lake Condominium Home Owners' Association maintenance/office building is also a conditional use.

### Historical Preservation

There are two sites of historical significance within the City. The first is the James J. Hill North Oaks Farm on the southwest side of Pleasant Lake and the second is Mary Hill Park on the north side of Pleasant Lake (originally the cemetery for James J. & Mary Hill).

### Residential Non-HOA Areas

All plats not in a HOA area are still subject to Zoning Ordinance 94 (codified as Chapter 151) provisions. Some of the residences were built prior to the 1965 Zoning Ordinance 27, which set lot size standards. The fifteen residences located on lots not included within the boundaries of homeowners' associations are shown in Appendix A on Map 9 – 2016 Estimated Housing Distribution.

### East Oaks Planned Development

The East Oaks PUD area is shown on Map 12 (see Appendix A, Map 12 – East Oaks Planned Unit Development). The East Oaks PDA, approved by the City Council in February 1999 with Resolution 1027, established the development pattern for all of the remaining undeveloped land owned by NOC, a privately owned company, in the City in compliance with the 2020 Comprehensive Plan, approved by the Met Council in November 1998. The approved PDA between NOC and the City has a term with a 30-year duration. An additional 886 acres is protected by conservation easements in light of its status as a recognized Regional Natural Resource Area. Development of the East Oaks area will occur as stipulated by the approved East Oaks PDA and the associated PDA narrative. The East Oaks PDA was approved in February 1999 following the adoption of the City 2020 Comprehensive Plan by the Met Council by the City to achieve the following goals:

- Greater creativity and flexibility in environmental design to ensure protection of sensitive environmental features deemed critical by the City;
- The preservation and enhancement of desirable site characteristics and significant wildlife habitat;
- The creative and efficient use of land; and
- Development in harmony with the City's objectives for land use, overall residential density, environmental protection, habitat conservation, active and passive recreation, and diversity of residential and commercial opportunities to meet the changing needs associated with new demographic trends and a gradually aging population.

One of the ways the East Oaks PDA assists in achieving the stated goals is by allowing density shifts between the planned neighborhoods. For example, if environmental concerns limit full development of one neighborhood, the lost units could, with restrictions, be made up in another neighborhood if approved by the City. Such density shifts can represent a win-win for the City and NOC, when they are both in agreement, allowing both to achieve their goals. The City can protect its most valuable natural assets and ensure that development fits the layout of a given piece of property while the NOC cooperates with the City's requirements for environmental protection knowing the decrease in density in one location may, within the terms of the East Oaks PDA, be made up through density increases in another.

Appendix D includes the following documents:

- Met Council November 1998 approval of 2020 Comprehensive Plan, letter from Curt Johnson, Met Council Chair
- Report of the Community Development Committee dated November 12, 1998
- Met Council November 1998 approval of 2020 Comprehensive Plan report
- Attachment A to November 1998 Met Council approval
- Sambatek (formerly MFRA, Inc.) December 1998 memo confirming Met Council adoption and approval decision
- North Oaks Resolution 1027, Findings Relative to the East Oaks PDA

The Met Council found City's 2030 Comprehensive Plan meets all Metropolitan Land Planning Act (LPA) requirements, conforms to the regional system plans for transportation and aviation, water resources management, and parks. It is consistent with the 2030 Regional Development Framework and is compatible with the plans of adjacent jurisdictions.

Appendix E includes the following documents:

- Met Council February 25, 2010 approval of 2030 Comprehensive Plan letter
- Met Council February 25, 2010 approval of 2030 Comprehensive Plan report

The following are the Met Council adoption actions of the 2020 and 2030 Comprehensive Plans, both of which followed the Met Council review of the East Oaks PDA and are and fully documented in Appendix D:

1. "The City may place its 2020 Comprehensive Plan including the MUSA expansions into effect with no modifications." The Met Council advised that they would like to see future sewered areas of the City developed with an "overall residential density" of 3.3 units per acre.
2. "The City will need to update its comprehensive sewer plan (Tier II) prior to any sanitary sewer extension approvals for the areas (258 acres) proposed to be serviced through the Centerville trunk sewer."
3. Need to update the Tier II sewer plan considering the Met Council assertion that the inter-community agreement for water between the City and the Town of White Bear did not allow full water service for the developable 258 acres.
4. "The City is encouraged to examine and compare housing needs to current LCA (Livable Communities Act) goals . . . ."
5. "Put the City on notice that future applications for regional funding may be adversely impacted because the City's plan does not meet the Council's requirements for urban density and protection of the Urban Reserve."

Considering the magnitude and significance of the East Oaks PDA, the Met Council, its Community Development Committee, and Met Council staff completed a thorough review of the City 2020 Comprehensive Plan. Its adoption and approval of the City 2020 Comprehensive Plan at its November 12, 1998 Met Council meeting was based on the recommendations fully documented in Appendix D.

The Met Council acknowledged in its report presented for the November 1998 approval action that the City proposed residential densities between 1.8 and 3.3 units per acre “. . . is consistent with the Council’s goals and policies.” Finally, the staff report notes that “The city’s comprehensive plan meets most Metropolitan Land Planning Act (LPA) requirements for 1998 plan updates, with the exception essentially limited to the housing element.”

Nothing of substance has changed since 1999 and 2008 and the thorough review done in 1998 by the Met Council and the conclusions reached are still every bit as valid today as they were then.

#### Conditional Uses

Within the City, there are a number of conditional uses in designated non-HOA residential areas including:

- Chippewa Middle School – The Chippewa Middle School, a public school operated by Mounds View School District 621, has 48.5 acres with buildings surrounded by natural tree cover and athletic fields covering about one-half of the property.
- Incarnation Lutheran Church – occupies 10.8 acres
- Peace Methodist Church – occupies 3.8 acres.

#### Commercial Areas

The 30-acre Village Center commercial district in the southwest corner of the community is home to a variety of businesses including but not limited to restaurants, service businesses, retailers, and offices. The North Oaks Village Center has an easement agreement and declaration that ensures there will be a CA to take care of ongoing management and maintenance obligations such as sewers, drainage, parking, lighting, signage, tree preservation, etc. As other commercial areas are developed in the future, they too will be required to have CAs.

#### Light Industrial Area

A 4.5-acre light industrial area at the northwest corner of the community has four acres owned and developed by NOHOA for use as a maintenance center.

#### Recreational and Open Space Areas

All active recreation areas are owned by HOA members and used extensively by HOA members and their member-accompanied guests for neighborhood-level sports, organized team sports, swimming, non-motorized boating, and tennis. All passive recreational areas (predominantly wetlands) are owned by HOAs or are subject to the Minnesota Land Trust, and are in their natural state. A private trail system maintained by NOHOA for walking, biking, and cross-country skiing covers approximately 44 miles in both passive recreational areas and on easements across homeowners' lots. Motorized vehicles are not permitted on trails except for emergency and maintenance vehicles. The open space private trail system is used regularly by NOHOA members.



Land Use Type	Acres	Percent
<b>Residential</b>		
Single Family	2494.62	45.67%
Multi Family	46.95	0.86%
Mixed Residential	67.64	1.24%
<b>Commercial/Industrial</b>		
Commercial	29.03	0.53%
Mixed Use	79.67	1.46%
Light Industrial	4.45	0.08%
<b>Community</b>		
Institutional	64.92	1.20%
Parks, Rec, & Open Space	1316.88	24.11%
Open Water	1005.93	18.42%
Utilities	2.75	0.05%
Undeveloped	348.57	6.38%
<b>TOTAL CITY</b>	<b>5461.41</b>	<b>100%</b>

Acres totals based on GIS analysis of Ramsey County Parcel Data and Minnesota DNR Waters data.

#### B. LAND USE PLAN

The 2040 Land Use Plan (see Appendix A, Map 10 – 2040 Land Use Plan) continues to illustrate the goals and vision of the community adopted in the 1999 Comp Plan, the subsequently approved East Oaks PDA, and the most recent comprehensive plan for 2030. During the process of preparing the 1999 Comp Plan, an emphasis was placed upon maintaining and protecting the existing character of the City. The "master vision" of the North Oaks community created by Louis W. Hill Jr. and his early professional advisors, Hare & Hare in Kansas City, was to be continued. The major guided land use continued to be single-family residential; however, townhome, mixed residential, and mixed-use developments were also planned uses that were ultimately approved for inclusion in the East Oaks PDA. Home sites have and will continue to be carefully planned to conform to the existing natural topography, and to protect existing drainage, trees, vegetation, and wetlands consistent with NOHOA standards. A breakdown of the existing and planned land use in acres is shown in Table 2.

The Metropolitan Council's previous review of the City's 2030 comprehensive plan found that areas planned for regional sewer service had been planned to meet an overall minimum density of 3 residential units per acre. This analysis includes East Oaks neighborhoods that are either greater or lower than this density. Remaining undeveloped lands that are planned

to receive sanitary sewer service have a planned density lower than 3 units per acre. However, they are balanced by previous development in the East Wilkinson neighborhood that had higher densities. As previously indicated, the City is legally bound to the terms of the Planned Development Agreement (PDA).

The Metropolitan Council acknowledges the existence of the East Oaks Planned Unit Development (PUD) and honors previous comprehensive sewer plan approvals. It agrees to hold the City harmless in regard to minimum units per acre density requirements required for “Emerging Suburban Edge” communities. If any phases of the East Oaks PUD fail to receive final subdivision approval by the termination date of the PDA (2/11/29 confirm), the City understands that, going forward, such land use guidance will be subject to regional density requirements established by the Metropolitan Council.

Land Use	Min Density	Max Density	2016	2020	2030	2040	Change
<b>Residential</b>							
Low Density	0.69	1.0	2494.62	2520.62	2598.12	2675.60	180.98
Medium Density	2.0	2.0	46.95	46.95	46.95	46.95	0
Mixed Residential	1.0	4.0	67.64	86.56	133.86	181.29	113.65
<b>Commercial/Industrial</b>							
Commercial	NA	NA	29.30	29.30	29.30	29.30	0
Mixed Use	1.0	4.0	79.67	87.82	108.2	128.59	50.42
Light Industrial	NA	NA	4.45	4.45	4.45	4.45	0
<b>Community</b>							
Institutional	NA	NA	64.92	64.92	64.92	64.92	0
Recreational/Open Space	NA	NA	1316.88	1321.88	1321.88	1321.88	5.0
Open Water	NA	NA	1005.93	1005.93	1005.93	1005.93	0
Utilities	NA	NA	2.75	2.75	2.75	2.75	0
East Oaks PUD			348.57	290.49	145.29	0	-348.57
<b>TOTAL Land Area:</b>			<b>5461.41</b>	<b>5461.41</b>	<b>5461.41</b>	<b>5461.41</b>	
<p>Minimum and maximum densities are depicted in units per acre. Yearly land use data and the denoted “change” are in acres.            2016 acreage totals based on GIS analysis of Ramsey County Parcel Data and Minnesota DNR Waters data.            Data for subsequent years reflects anticipated build-out of the approved East Oaks PDA, which encompasses all remaining developable land within the City.</p>							

## C. LAND USE POLICIES

The following policies have been written as a guide for development within the various land use designations. The areas in the community guided for the following described land uses can be found in Appendix A, Map 10 – 2040 Land Use Plan.

### Low Density Residential– Overview

The Low-Density land use designation is intended to allow for single-family detached housing; no multiple family attached residences will be allowed. Within this land use, a heavy emphasis is placed upon the preservation and protection of the natural environment. Some areas guided for Low Density may be developed with sanitary sewer facilities, but others will need to be designed for on-site sewage treatment systems when preservation of natural features prohibits sewer extensions. In such cases, the City's stringent standards for individual sewage treatment systems [found in Ordinance 96 (codified as Chapter 50)] shall apply. To achieve these goals, there are two zoning districts that correspond to the Low-Density land use designation in the community. Development densities vary slightly between the two zoning districts, but each is considered to be consistent with the Low-Density land use category.

The specific policies pertaining to each of the zoning districts are as follows:

#### RSL (Residential Single-Family Low-Density District)

- Average lot size = 1.45 acres
  - Minimum lot size = 1.25 acres
  - Suitable site = 25,000 square feet (no central sewer)  
= 15,000 square feet (central sewer)
1. Properties may be serviced by a central sanitary sewer system if the City deems that an extension of public services will not be detrimental to natural features and the surrounding neighborhood.
  2. Sites not served by sanitary sewer must be designed for on-site sewage treatment systems. The City shall continue to enforce stringent standards for the proper siting, design, installation, inspection, and maintenance of on-site sewage treatment systems. Each home site is required to have two 5,000 square foot sites for on-site sewage treatment systems.
  3. Access roads to all home sites shall be private roadways, owned and maintained by a homeowners' association.
  4. RSL-PUDs may be allowed with an average lot size of 1.45 acres and a minimum lot size of 1.25 acres.  
Low-Density sites must meet NOHOA standards to provide access to the primary trail system.

#### RSM (Residential Single-Family Medium-Density District)

- Average lot size = 1.1 acres
- Minimum lot size = 1.0 acres
- Suitable site = 25,000 square feet (no central sewer)  
= 15,000 square feet (central sewer)

1. Properties may be serviced by a central sanitary sewer system if the City deems that an extension of public services will not be detrimental to natural features and the surrounding neighborhood.
2. Sites not served by sanitary sewer must be designed for on-site sewage treatment systems. The City shall continue to enforce stringent standards for the proper siting, design, installation, inspection, and maintenance of on-site sewage treatment systems. Each home site is required to have two 5,000 square foot sites for on-site sewage treatment systems.
3. All access roads shall be private roadways owned and maintained by a homeowners' association.
4. RSM-PUDs may be allowed with overall density of 1.1 acres per dwelling unit if provided with sanitary sewer.

#### Medium Density Residential

There are three existing Medium-Density neighborhoods within the community: Charley Lake Townhomes, The Summits, and Wildflower Place. In Medium-Density areas, a heavy emphasis is placed upon the preservation and protection of the natural environment. All Medium-Density areas, if developed as townhomes, shall be developed with central sanitary sewer. Medium-Density sites will be zoned RMM (Residential Multifamily Medium Density) and may be developed as a PUD, which allows two-family dwelling units with a gross density of 1 unit per 0.5 acres. Medium-Density sites must meet NOHOA standards to provide access to the primary trail system.

#### Mixed Residential

Mixed Residential land uses are intended to be developed as residential sites. A variety of housing types such as single-family detached, townhomes, and other multifamily dwellings may be built within each site. Mixed Residential has been designed to create clustered lifecycle housing types while preserving large open space areas. The zoning for Mixed Residential sites will be RMH (Residential Multifamily High-Density District). The sites may also be developed as a residential PUD. All Mixed Residential sites must meet NOHOA standards to provide access to the primary trail system.

There are three sites designated Mixed Residential in the City:

1. Rapp Farm – In accordance with the East Oaks PDA, the Rapp Farm site may incorporate single-family residences, townhomes, and other multifamily dwellings. Landscape buffering has been (and will continue to be) provided adjacent to the RSL zoning district. As of year's end 2017, all lots have been platted. Once developed, access to the trail system required acceptance by NOHOA and NOHOA membership approval.
2. The Pines – The Pines was developed as a single-family neighborhood as part of the East Oaks PDA. Landscape buffering was provided in certain areas to provide visual screening from adjacent residential development. Once developed, access to the trail system required acceptance by NOHOA and NOHOA membership approval.
3. Anderson Woods – The Anderson Woods site, a future East Oaks neighborhood (otherwise known as Andersonville), may include a mix of single-family residences and

townhomes in accordance with the East Oaks PDA. Once developed, access to the trail system will require acceptance by NOHOA and NOHOA membership approval.

### Mixed Use

Mixed-Use land uses are intended to mix different housing types and commercial uses within a site. The goal is to incorporate compatible, interrelated uses to provide a mix of daily goods, services, jobs, and residences. Mixed-Use sites require the creation of an RCM (Residential Commercial Mixed) zoning district and standards. Commercial uses shall be in accordance with the uses and standards allowed in the Commercial or Commercial Service zoning district and as designated for each Mixed-Use site. Rezoning to RCM is only approved in conjunction with a PUD. Commercial sites must be served by a central sanitary sewer with a municipal water supply encouraged. The development of commercial sites shall place heavy emphasis on the preservation of the natural environment such as woodlands, steep slopes, and wetlands.

The “Mixed Use” land use designation is applied only to lands within the East Oaks PUD. Those areas which are presently undeveloped (within East Oaks) and are guided for “Mixed Use” will be developed in accordance with the terms of the PDA.

There are three PUD areas designated Mixed Use in the City:

1. East Wilkinson – The East Wilkinson site (Appendix A, #5 in Map 12) in the northeast corner of the community (currently being further developed as The Villas of Wilkinson Lake) includes single-family residences, townhomes, and other multifamily senior housing dwellings. As previously noted, there is also a Mixed-Use commercial component in the development containing the Presbyterian Homes—Waverly Gardens senior living facility, three apartment buildings (referred to as the Mews), an office building, and restaurant that comprise about 15.27 acres of the total 21 acres designated as Mixed Use in the area. Future commercial use may be planned on the remaining acreage or it may be converted for residential use by the NOC in any of the undeveloped East Oaks PUD areas as provided in the East Oaks PDA. City Ordinances restrict the development of the commercial areas to a local or neighborhood-scaled design. NOHOA has 17.7 acres of active and passive recreation space that has been developed in this area, part of which replaces the North Deep Lake recreation plans previously planned for the Rapp Farm area.
2. Gate Hill – The Gate Hill site (Appendix A, #7 on Map 12) is planned to be developed with low profile single-family residences, townhomes, and other multifamily dwellings. Commercial uses shall be limited to low profile professional office uses. Commercial use characteristics shall include limited traffic generation, hours of operation, and lighting.
3. Island Field – The Island Field site (Appendix A, #8 on Map 12) is planned to be developed as single-family residences, townhomes, and other multifamily dwellings. Commercial uses shall be limited to low profile professional office and uses compatible with office uses. Commercial use characteristics shall include limited traffic generation,

hours of operation, and lighting.

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### Commercial

The City's primary commercial district is Village Center, a thirty-acre mixed-use district with retail, office, service, and governmental uses in a pedestrian-friendly environment located in the southwest corner of the community.

The City is a uniquely master planned and privately owned community within the metro area. The City does not own any land. All land within the City is either already developed, has been granted development approval as part of the East Oaks PDA, or is protected land. Importantly, the City has an obligation to protect its valuable watershed through low-density development as the lakes within the City supply water for 446,721 metropolitan residents in twelve separate communities. St. Paul Water Utility would strongly oppose a change in the City development pattern as the City currently provides an ideal watershed for storage capacity of low density with heavy vegetative cover. In effect, the center of the City is a large rain garden providing improved water quality for the watershed. Intensification of development for any reason could threaten this important resource, so the City must strike a careful balance between its regional housing obligations and its unique obligation as the region's major water supplier.

In addition to the commitment to the St. Paul Water System, 886 acres of land located within the City limits are part of the Minnesota Land Trust and committed to preservation and restoration of sensitive environmental land. This land is privately owned by NOC. Thus, the City does not own this land and cannot develop any of the land located in the Minnesota Land Trust conservation areas.

### Recreational/Open Space

All residential land development not subject to the East Oaks PDA shall be required to set aside certain portions for recreational purposes. The maximum area required by Ordinance 93 (codified as Chapter 152) to be set aside for parks, recreation, and open space is 10% of the area being subdivided. The East Oaks PDA defines all recreation open space and trail dedications required in connection with each East Oaks PUD area. The East Oaks PDA is the controlling document with regard to recreation open space and trail dedications in the East Oaks PUD area, and the 10% requirement outlined herein does not apply. The recreation areas provided for in the East Oaks PDA meet or exceed the City's requirements.

Recreation/Open Space land is composed of three uses:

1. Privately owned active recreation areas for both informal and organized activities.
2. Privately owned passive trail and open space areas.
3. Protected lands with large tracts of land owned by the NOC or its successor, which are to be owned and managed as conservancy areas in perpetuity.

All NOHOA lands used by non-members must be accompanied by a member. All residential land development shall include 1) trails that are internal to the site and 2) trails that connect the site to the existing and future trail system. Trail land that is owned by a specific HOA and trail easements that are in favor of a specific HOA shall be intended, if relevant HOA

standards are met, for the use of the members of that HOA and their member-accompanied guests.

#### Historic Preservation

The City currently has one site zoned Historical Preservation: the James J. Hill North Oaks Farm (Appendix A, “HP” on Map 7). It is located on the south side of Pleasant Lake and owned by the Hill Farm Historical Society. All three buildings and land have been restored. Mary Hill Park, located on the north side of Pleasant Lake and owned by NOHOA, is of historic significance but not zoned for historic preservation.

#### Light Industrial

A 4.5-acre Light Industrial area (Appendix A, “LI” on Map 7), which is owned by NOHOA and houses its maintenance center, is located in the northwest corner of the City just south of Turtle Lake Road. Through the zoning code, this is the only land use classification that allows for the placement of cell phone towers. No further Light Industrial development is planned in the City.

#### D. HOUSING BACKGROUND

When planning the development of North Oaks in 1950, it was decided that a large central area of the City would contain single-family homes on large lots with a rural level of service. This type of development causes minimal impact on the lakes, wetlands, wooded areas, and rolling terrain.

Initially, lot platting started in the southern part of the City and extended eastward from the golf course to Lake Gilfillan and the area south and east of Pleasant Lake. Development then progressed northward around Pleasant Lake in a staged contiguous manner.

In 1961, the City Council enacted the first official zoning ordinance (republished in 1965 to include a map) which, among other things, established two single-family residential districts and defined minimum lot sizes for each.

Local and regional conditions influenced the decisions and actions made at the time of enactment of the Zoning Ordinance.

1. The area was being developed primarily by a single developer who originally placed covenants on the land to assure orderly development, reasonable standards, and governing procedures. The City was not incorporated until 1956. These covenants restricted land use to single-family residences and were applied to the entire developed area of the Residential Single-Family Low-Density (RSL) District shown on the zoning map (see Appendix A, Map 7).
2. When the City Council enacted the first Zoning Ordinance, there was a strong community dedication to the continuance of large lot single-family dwellings. Areas proposed for smaller lots and apartment development did not have urban services available.
3. The demand for environmentally friendly large lots with rural services was strong and growing.



In 1977, with the advent of regional planning, the City felt that the community's primary contribution to the region would be the availability of an environmentally oriented residential living opportunity—a unique option not found elsewhere in the region at that time. Admirably, the focus on protection of the environment in the City preceded the national concern for environmental conservation.

The amount of land developed each year is managed by the NOC. Table 3 shows a total of 226 new home building permits were issued from 2008 through 2017. Since January of 2000, a total of 452 new home permits have been issued for an average of 25 homes per year.

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Year	Permits
2008	4
2009	2
2010	5
2011	2
2012	29
2013	35
2014	50
2015	51
2016	22
2017	26
<b>TOTAL Permits:</b>	<b>226</b>

Source: City of North Oaks

#### E. HOUSING – EXISTING

**Overview:** An analysis of 2017 GIS data along with building permit data from 2008 to 2017 indicates that approximately 2,060 dwelling units of all types existed in the City at year-end 2017. Each dwelling is located on one or more platted lots.

There are no known substandard houses as it is estimated that 99% of the houses have been built since 1950. According to information from the 2010 census, 13.7% of the homes in the City were rented at the time, contrasted with the 2000 Census when only 1.5% of the homes were rented. The City has adopted a rental licensing ordinance to monitor compliance with minimum housing standards. The 2010 vacancy rate was 8.7%, up from the 2000 Census rate of 2.5%. No information regarding rental rates is currently available. According to 2016 Ramsey County GIS data, the average home has nearly 3,500 finished square feet and the average total value of a developed lot is just over \$618,000.<sup>1</sup>

<sup>1</sup> Median home size is 3,511 square feet with a standard deviation of 1,701 square feet; median estimated total market value of both land and buildings for developed lots is \$618,232 with a standard deviation of \$363,198.

Homeowners' Associations	2000 Houses	2007 Houses	2016 Houses
Charley Lake Condo HOA	19	19	19
Charley Lake Preserve HOA	NA	NA	63
Lake Estates HOA	32	32	32
Deer Hills HOA	44	44	44
North Oaks HOA (NOHOA)	1,314	1,410	1,847
Pines & SE Pines HOA	54	99	99
Rapp Farm HOA	NA	7	142
Red Pine Farm HOA	NA	NA	9
Summit HOA	40	40	40
Village Center HOA	NA	NA	NA
The Villas of Wilkinson Lake HOA	NA	7	38
Non-HOA Homes	15	15	15
<b>TOTAL CITY</b>	<b>1,518</b>	<b>1,673</b>	<b>2,348</b>

Source: Sambatek, the City, NOC, and the East Oaks PDA.

Affordable Housing. In its 2016 “Existing Housing Assessment” the Metropolitan Council estimates that 142 affordable housing units exist in the City of North Oaks.

According to the Metropolitan Council, “affordable housing” is considered housing which is “affordable to low to moderate-income families.”

The Metropolitan Council provides the following information related to the definition of affordable housing:

- Low income households are those which earn less than 80 percent of the area median income (AMI) in the seven-county metropolitan area. In 2019, the AMI for the seven-county metropolitan area was \$100,000. Thus, a low-income household is one in which earns less than \$80,000 annually.
- A home is considered “affordable” to low-income households, when such households pay no more than 30 percent of their gross annual income on housing costs (including utilities).
- For 2019, a home with a sale price of not more than \$254,500 was considered “affordable”

in the seven-county metropolitan area.

The tables below depict the numbers of affordable housing units publicly subsidized units and the number of households burdened by housing costs in the City of North Oaks. Sch numbers, as provided by the Metropolitan Council, relate to a 2016 housing count of 2,059 units.

AFFORDABILITY		
Units affordable to households with income at or below 30% of AMI	Units affordable to households with income 31% to 50% of AMI	Units affordable to households with income 51% to 80% of AMI
25	0	117

PUBLICLY SUBSIDIZED UNITS			
All publicly subsidized units	Publicly subsidized senior units	Units affordable to households with income 51% to 80% of AMI	Publicly subsidized units – all others
0	0	0	0

HOUSING COSTS BURDENED HOUSEHOLDS		
Income at or below 30% of AMI	Income 31% to 50% of AMI	Income 51% to 80% of AMI
112	166	27

Source: Metropolitan Council 2016 Housing Stock Estimates

In a conversation with Metropolitan Council Staff, it was indicated that the City's existing affordable housing estimate possibly includes in the affordable units which previously existed in Sisters of the Good Shepard convent which was torn down in 2013. In this regard, the City of North Oaks does not consider the Housing Assessment estimate (of 142 existing affordable housing units) to be an accurate representation of the City's present affordable housing supply. Presbyterian Homes of North Oaks (referred to as Waverly Gardens) is required to have affordable living units.

#### F. HOUSING – FUTURE

The City of North Oaks will continue to be developed as a private residential community. Future residential units, either attached or detached, will be constructed on the remaining land within the approved East Oaks PDA. The City will continue to have low-density residential units in addition to medium-density townhomes, mixed residential, and mixed-use developments. All development will continue to support a rural, natural, and private environment. The timing of future land development and amount of new home construction

year by year will depend greatly on the single largest property owner: NOC. However, developable land will be subject to the approved East Oaks PDA and the City's 2040 Comp Plan.

Although there are no known substandard houses in terms of physical condition, the City supports and recognizes that residents will always be seeking to improve their properties through rehabilitation and remodeling projects. It is also acknowledged that some residents in older homes may find that remodeling an existing dwelling to incorporate modern day conveniences and features will not be possible due to environmental concerns, property constraints, environmental protections, or financial barriers. The City supports the redevelopment of individual lots for new housing.

However, such home replacements should conform to all zoning requirements and place an emphasis on protecting sensitive environmental features and the character of the existing neighborhood.

Table 5 illustrates the estimated and forecasted totals for population, households, and employment from 2010 to 2040.

Year	Population		Households		Employment	
2010		4469		1868		1260
2019		5320		2048		1510
2020		5370		2130		1530
2030		5580		2270		1530
2040		5700		2310		1530

Source: Met Council and Sambatek

### Housing Needs

**Variety of Housing.** North Oaks' housing stock consists primarily of large lot, single-family homes. Of the 2,029 housing units which existed in the City of North Oaks in 2016, only 271 (13 percent) were classified as multi-family units. In this regard, relatively few housing type

choices presently exist in the City.

While the City recognizes the region’s need for additional multi-family units and greater residential densities, future opportunities for increased housing variety, and specifically multi-family housing choices, are limited as all land within the City is either already developed or is subject to the terms of the previous development approvals (as part of the East Oaks PDA).

As already stated, the City is a uniquely master planned and privately owned community within the metro area. All land within the community is either already developed, has been granted development approval as part of the East Oaks PDA, or is protected land. The City has the opportunity to provide lifecycle and affordable housing units through its Waverly Gardens senior living facility that was developed through the East Oaks PDA. Importantly, the City has an obligation to protect its valuable watershed through low-density development as the lakes within the City supply water for 446,721 metropolitan residents in thirteen separate communities. Emerging water quality issues state-wide continue to support the City’s maintaining a high-quality watershed through its established low-density development pattern.

**Affordable Housing** Presently, only 7 percent of the housing stock in North Oaks is affordable to households earning 80% AMI or less.

The Metropolitan Council’s Housing Policy Plan encourages the City of North Oaks to plan for its regional share of 44 new affordable housing units in 2021-2030 decade. The allocation for these units is provided in the table below.

AFFORDABLE HOUSING NEEDS ALLOCATION (2021-2030)		
Income at or below 30% of AMI	Income 31% to 50% of AMI	Income 51% to 80% of AMI
24	20	0

The City of North Oaks recognizes the intent of the Metropolitan Council’s affordable housing allocation (44 units between 2021-2030) and supports the idea of providing alternative housing choices in the community.

As previously indicated however, the future use of undeveloped sites in the City are governed by the East Oaks PDA. In this regard, the City does not have the ability to guide such undeveloped lands for future high-density residential use (at 8 or more units per acre necessary to meet the affordable housing allocation. With this condition in mind, as well as a lack of redevelopment sites within the City, the City of North Oaks does not intend to modify its Land Use Plan to include a “high density residential” land use category (at 8 or more units per acre).

To be noted is that the possibility does exist that East Oaks project could include a

housing product which meets the 8 units per acre density threshold identified by the Metropolitan Council as necessary to accommodate affordable housing.

### Lifecycle Housing

The opportunities for lifecycle housing in the City have continued to expand as highlighted in this plan. Table 6 illustrates the largest increase in population since the year 2000 is among persons 65 and older, from 450 to 1,144, an increase of 694 persons; over 150%. Similarly, the 55- to 64-year-old category grew from 551 to 926, an increase of 375 persons, or 68%. While additional senior housing in the community contributed to a segment of this growth, the trend is reflective of demographic changes in the region and nation-wide. As evidence of the City's growing housing diversity, the 2010 Census indicated an 85% homeownership rate, which is in contrast to the 2000 Census rate of 98.5%. Further, the 2010 Census found 59% of households included families without children while the 2000 Census indicated only 48% of families were without children. Lastly, the 2010 Census indicated the City had 17% of its housing stock as multi-family, up from an estimated 3% in the year 2000. The land use plan element and future housing forecasts in the 2040 Comp Plan continue to reflect a wider range of housing types to serve the current and future needs of the community's population.

Presbyterian Homes of North Oaks (referred to as "Waverly Gardens" is a senior living facility located south of Wilkinson Lake Boulevard and west of Centerville Road. The facility includes 60 beds and provides assisted living, memory care and long-term care services. Waverly Gardens is expected to continue to provide senior living opportunities in the City of North Oaks in the foreseeable future.

Age (years)	2000 Population	% of 2000 Population	2010 Population	% of 2010 Population
0–4	155	3.9	146	3.3
5–19	999	25.7	853	19.1
20–24	101	2.6	116	2.6
25–34	139	3.6	159	3.5
35–54	1488	38.4	1125	25.2
55–64	551	14.1	926	20.7
65+	450	11.5	1144	25.6
	3883	100%	4469	100%

Source: 2010 US Census Data

#### G. HOUSING – STANDARDS

Housing in the City must be built according to the State Building Code, which has been adopted by reference as a local ordinance [see Building Code Ordinance 95 (codified as Chapter 155)]. Lot sizes commensurate with a rural service level are designated in the Residential Single-Family Low-Density (RSL) and Residential Single-Family Medium-Density (RSM) Districts as defined in the Zoning Ordinance (see Zoning Ordinance 94, codified sections 151.050 and 151.051).

In 1977, the first Zoning Ordinance 27 was replaced by Ordinance 66, which included the basic concepts of Ordinance 27. As a result of requests by several developers, and recognizing the need to permit new approaches to land development, a Planned Residential District (PRD) option was made available in the RSM District. Deer Hills is a Single-family PRD with smaller lot sizes. The development of land in Deer Hills was proposed and carried out by Char Mar Corp. Charley Lake Condominiums (townhouses) is a PRD with three, three-unit attached multifamily homes and five two-unit attached homes.

Since 1996, the City's zoning ordinance has been amended twice: first by Ordinance 86 and then by Ordinance 94 (codified Chapter 151). The existing regulations now allow PUD development in all districts. In 1999, the East Oaks PUD was approved to govern development of all undeveloped land previously existing in the City. Development of residential units as approved by the East Oaks PDA (detached single-family, attached townhomes, and multifamily dwellings) must conform to the land use types called for by the City's 2040 Land Use Plan (see Appendix A, Map 10 – 2040 Land Use Plan).



There are no rules or regulations within the City specifying minimums for floor space, number of rooms, minimum house size, cost of construction, or number of garages. However, to preserve open space, all buildings in the City are currently limited to a height of 35 feet and a floor area ratio of 0.12 (total floor area to gross lot area excluding two-thirds of any Minnesota DNR and/or VLAWMO designated wetland areas). However, consistent with the East Oaks PDA, the Floor Area Ratio can vary in some PUD areas. Housing heights over 35 feet are allowed under the Conditional Use Permit (CUP) process if additional setback can be provided.

NOHOA's ASC, provided for in the governing covenants, reviews all plans for buildings in HOA areas (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners' Association, and Commercial Association Boundaries). The NOHOA ASC is advised by a professional architect. The City has a variety of housing styles in every part of the community.

#### H. HOUSING – POLICIES

1. Zoning and Subdivision Ordinances will continue to ensure that adequate amounts of land are available to meet existing and projected housing needs.
2. Subdivision and Zoning Ordinance procedures for processing development requests will continue to specify reasonable time periods for government action, and will provide for simultaneous processing of PRD and PUD proposals.
3. The City's regulatory role will be to provide sufficient controls to protect the natural environment, to guide growth in an orderly manner, and to set minimum standards to protect the health, safety and welfare of the community and its residents.
4. The City will continue to provide opportunities for competitive housing construction by the private sector.

#### I. HOUSING – PROGRAMS

Identified Need	Available Tools	Circumstances and Sequence of Use
Maintenance, management and preservation of housing stock	Rental Licensing and Inspection Program	The City will continue to monitor its rental housing supply. Given the limited amount of rental housing in the City however, the creation of a rental licensing and inspection program will not be considered.
	City Ordinances	The City will continue to enforce its ordinances which relate to property upkeep/maintenance.
	Local Funding Sources	If deemed appropriate by City Officials, the City will explore programs offered through the Twin Cities Habitat for

		Humanity and Minnesota Housing and Finance Agency.
Programs which provide access to public programs and financial programs	Referrals	City Staff will strive to remain familiar with applicable and relevant programs and provide effective referrals.
Support of senior housing	Tax Increment Financing (TIF)	The City does not support the use of Tax Increment Financing (TIF).
	Referrals	City Staff will strive to have the ability to refer residents to applicable senior housing programs which are outside of the City's scope of services.
Programs which expand housing options	Comprehensive Planning	The City will strive to implement its Comprehensive Plan (Land Use Plan) and housing options which meet the needs of varying segments of its population through future development or redevelopment.
	Zoning and Subdivision Ordinances	The City's Zoning and Subdivision Ordinances will be used to implement the land use directives of the Comprehensive Plan. Opportunities for land uses which are promoted in the Plan are provided via the establishment of zoning districts which make an allowance for the directed land uses.
	Site Assembly	There is very little vacant property within the City of North Oaks which is in need of assembly, holding or maintenance. As a result, the City does not anticipate

		utilizing site assembly and cannot anticipate precise circumstances in which it would do so
Programs which promote affordable housing needs	Local HRA and/or EDA	Considering that the North Oaks is basically a privately-owned community, the creation of a housing and redevelopment authority and/or economic development authority is not anticipated

Identified Need	Available Tools	Circumstances and Sequence of Use
Programs which promote affordable housing needs (continued)	Comprehensive Planning	City will attempt to satisfy the Metropolitan Council's affordable housing directives of 44 new units between 2021 and 2030. The Land Use Plan directs mixed use residential use upon a number of sites which are expected to be redeveloped at some future point. In this regard, the Land Use Plan provides opportunities for future affordable housing.
	Zoning and Subdivision Ordinances	The City's Zoning and Subdivision Ordinances will be used to implement the land use directives of the Comprehensive Plan. As a result, uses directed for higher density residential use by the Plan, will be implemented via the application of corresponding zoning districts.
	Tax Abatement	The City of North Oaks does not anticipate using tax abatement to promote affordable housing needs.

	Local Fair Housing Policy	While the City supports fair housing, the establishment of a formal policy is not considered necessary considering that North Oaks is a privately-owned community, the housing stock within which is governed largely by a homeowner's association.
	Livable Communities Act Programs	The City of North Oaks does not participate in the Livable Communities Program. The City recognizes that a local fair housing policy is necessary to draw Livable Community Act funds.
	Minnesota Housing Consolidated Request for Proposals	The City of North Oaks is supportive of developers who apply for funds to support the development of housing units which meet the City's needs for affordable housing.
	Community Development Block Grants (CDBG)	The City does not expect to pursue funds for housing rehabilitation assistance with the Ramsey County HRA.
	Home Investment Partnerships Program (HOME)	The City of North Oaks recognizes the existence of this Ramsey County program and is supportive of residents who choose to pursue program assistance.
	Land Trust	The City does not wish to participate in the Rondo Community Land Trust or other applicable land trust organizations.

Identified Need	Available Tools	Circumstances and Sequence of Use
Educational Programs	Organizations, Partnerships	The City of North Oaks considers discussions of

	<b>and Initiatives</b>	housing needs with other cities, counties and the Metropolitan Council to be considered beneficial for all involved.
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J. HOUSEHOLDS, POPULATION, AND EMPLOYMENT

The following tables provide historical, and projected data on households, population, and employment.

Table 7 – Census Data on Dwellings and Population: 1990 to 2010

Table 8 – Housing: Existing and Projected

Table 9 – Projected New Units by Land Use in 5-Year Increments			
7			
2040 North Oaks CompPlan			
Census Data on Dwellings and Population: 1990 to 2010			
Homeowners' Associations	1990	2000	2010
Total Dwellings	1113	1332	1868
Occupied Dwellings	1085	1300	1746
Household Size	3.06	2.92	2.60
<b>TOTAL POPULATION</b>	<b>3386</b>	<b>3883</b>	<b>4469</b>

Source: 2010 U.S. Census Data, Sambatek, the City, and NOC.

Table 8			
2040 North Oaks Comp Plan			
Housing: Existing			
Land Use Area	2016 Existing		Total Units
	Non-East Oaks	East Oaks	
Low Density (RSL)	1236	1	1237
Low Density (RSM)	193	14	207
Medium Density	53	25	78
Mixed Residential	—	183	183
Mixed Use	—	329	329
<b>TOTALS:</b>	<b>1482</b>	<b>552</b>	<b>2034</b>

Source: Sambatek, the City, and NOC; estimated as of 10/15/2016.

Table 9 2040 North Oaks Comp Plan Projected New Units by Land Use in 5-year Increments					
Year	LAND USE				
	Low Density	Mixed Residential	Mixed Use		Total Units
			Res.	Com.	
2020	26	29	36	0	98
2025	16	29	36	0	86
2030	16	0	34	0	50
2035	15	0	25	0	40
<b>TOTALS:</b>	<b>73</b>	<b>58</b>	<b>131</b>	<b>0</b>	<b>262</b>

Res. is residential; Com. is commercial. Source: Phasing approved by the East Oaks PDA.

Employment forecasts for the City of North Oaks are provided on Table 5. While the potential for limited job creation exists within the East Oaks PUD, the City has no vacant commercially-guided land available for development, thus additional job creation is not anticipated.

#### K. SOLAR RESOURCES

##### Background

[The City of North Oaks is committed to becoming a more energy efficient community via alternative energy systems.](#)

Neither Subdivision Ordinance 93 (codified as Chapter 152) nor Zoning Ordinance 94 (codified as Chapter 151) expressly refers to solar access, solar energy systems, or other energy saving methods as considerations for lot subdivision, building construction, or use. Such buildings can, however, be constructed as long as they adhere to Building Code Ordinance 95 (codified as Chapter 155).

Subdivision Ordinance 93 (codified as Chapter 152) supports contour planning and the preservation of natural features. “Contour planning” can create long, narrow north-south subdivisions, which are highly adaptable to solar access. Several persons have chosen lots that enable them to plan homes that maximize the use of solar energy.

##### Met Council Requirements for Solar Resources

Recognizing the regional importance of solar energy, the Met Council requires comprehensive plans for Metropolitan Area communities to include the following information:

1. A map that illustrates the City’s gross solar potential.
2. A calculation of the City’s solar resources.

3. A policy (or policies) that relate to the development of access to direct sunlight for solar energy systems.
4. Strategies to be applied to implement established solar resource policies.

### Solar Potential

Map 23 (Gross Solar Potential) developed by the University of Minnesota and provided by the Met Council, illustrates annual sun energy dispersed throughout the City with “high-end” potential areas shown in yellow and areas having “low end” energy potential illustrated in black. Such information can be used to predict the productivity of solar installations. According to the Met Council, the primary issue in the consideration of solar energy installations is intermittent shading due to nearby structures and trees. In this regard, areas which are shown to have “high-end” potential in the City are those areas with very little tree cover.

### Solar Resource Calculations

The following table provides an approximation of the City’s solar potential expressed in megawatt hours per year (Mwh/yr). To be noted is that the calculations estimate the current potential resource of the City (prior to the removal of areas considered unsuitable for solar development or factors related to solar efficiency).

North Oaks Gross Solar Potential (Mwh/yr *)			
Gross Potential (Mwh/yr)	Rooftop Potential (Mwh/yr)	Gross Generation Potential (Mwh/yr)	Rooftop Generation Potential (Mwh/yr)
6,489,886	242,609	648,988	24,260
<p>Met Council Notes:</p> <ul style="list-style-type: none"> <li>• In general, a conservative assumption for panel generation is to use 10 % efficiency for conversion of total insolation into electric generation.</li> <li>• The rooftop generation potential does not consider ownership, financial barriers or building-specific structural limitations.</li> </ul> <p>Source: Met Council, 2017. * Mwh/yr is megawatt hours per year.</p>			

The estimated gross solar generation potential and gross solar rooftop potential are intended to convey how much electricity could be generated in the City using existing technology and assumptions on the efficiency of conversion. According to the Met Council, for most cities, the rooftop generation potential is equivalent to between 30 and 60 percent of a community’s total electric energy consumption. There is no minimum amount of solar resource development required for cities in the Metropolitan Area.

### Policies

The City of North Oaks recognizes that providing adequate solar (sunlight) access to properties is a priority not only for potential solar energy systems, but for the protection of property and aesthetic values as well. In this regard, the City will adhere to the following solar access-related policies:

1. The City supports the development of solar and other energy-saving buildings that are within current City ordinances, regulations, and governing rules.
2. State law – variances. Municipal Planning legislation, 462.357 Subd. 6(2) states that variances shall be granted for earth sheltered construction when in harmony with City ordinances. When considering a variance application, practical difficulties shall include inadequate access to direct sunlight for solar energy systems.
3. The City of North Oaks will promote reasonable access to solar energy by controlling artificial blockage of solar radiation for optimum long-term economic and environmental benefits. Related to this issue, it should be recognized that tree preservation is a high community priority.
4. In consideration of subdivision proposals, the City of North Oaks will continue to support “contour planning” as a means of ensuring solar access to newly constructed homes.

### Implementation

Buildings in the City that incorporate solar energy systems can be constructed if such systems adhere to Building Code Ordinance 95 (codified as Chapter 155) and are within current City ordinances, regulations, and governing rules.

## L. AIRPORTS

Although no aviation facilities are located in the City, there are three airports and four lakes that may be used for seaplanes located within five miles of the City's borders (See Appendix A, Map 13 – Major Highways & Airports).

The boundary of the Anoka County-Blaine Airport lies five miles west of the northern boundary of the City, and is the metropolitan area's largest reliever airport, which serves the most diverse aircraft mix in the reliever system. The airport is home to over 400 aircraft, and supports more than 79,000 takeoffs and landings annually. As the airport is presently operated, there is minimal impact on the City; however, monitoring of current and future improvements to the airport will be important as increased use of this airport could have an adverse effect on the City. The most recent improvements to the airport include extending and widening the east-west runway to 5000 ft. and lengthening the adjoining taxiway, installing an instrument landing system with approach lighting and runway identifier lights and developing a new building area anchored by a fixed based operator with an executive terminal, and an 80,000 square foot hangar. The Airport's 2016 to 2040 budget includes over \$5M in capital expenditures, including \$4.3 M for pavement reconstruction in 2017–2021. In the past, local residents have maintained an active interest in the proposed uses of the Anoka airport and City officials will continue to monitor any changes.

Benson Airport, a privately owned facility which is not part of the metropolitan airport system, is located four miles to the east on Highway 61 in White Bear Township. There is also a privately owned seaplane base, known as Surfside Seaplane Base, on Rice Lake, which



is three-and-one-half miles north of the City. Neither the Benson Airport nor the Surfside Seaplane Base (at their present use level) has an adverse impact on the City.

Aeronautics Rule 41 MCAR 1.0013 covers seaplane operations on specified public waters in the seven-county metropolitan area. This rule does not permit aircraft operation on any lakes in the City. Otter Lake, one-half mile northeast of the City; Bald Eagle Lake, one-and-one-half miles east; White Bear Lake, two-and-one-half miles southeast; and Turtle Lake, one-quarter-mile west may be used for seaplane operation subject to the rules established by the order.

The City does not have any existing structures of 200 feet or more in height which could affect airway use, and there are not any plans to permit such structures. At the present time zoning Ordinance 94 (codified as Chapter 151) limits height of all buildings and Structures to 35 feet, with the exception of telecommunication towers which are permitted to be up 150 feet in height. If future structures are allowed to be erected to a height greater than 200 feet, the City will adopt a “notification provision” subject to the requirements of MCAR 8800.1200 subpart 3, and FAA Form 1460.8.

#### M. AGGREGATE RESOURCES

There are no identified aggregate resource areas within the City.

#### N. STORMWATER DRAINAGE

Recorded changes in Minnesota’s climate, with respect to precipitation, includes an increase in the frequency of extreme events. The State has observed seven catastrophic rain events, defined as 6 or more inches of rain falling over an area greater than 100 sq. miles within a 24 hours period, since 2000. Average annual precipitation has increased by 3.4 inches since 1895. Ice out on lakes is occurring earlier, resulting in longer growing seasons. These changes impact the locations of vegetation hardiness zones and timing of bird and insect migrations, as well as pervasiveness and spread of invasive species (insects in particular). The changes also pose increased risk to stormwater conveyance infrastructure, vegetation currently contributing to stormwater uptake, and increase stress and use of flood storage areas within the City.

In response to these changes, the City has incorporated the increased precipitation frequency estimates provided by the National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 8 into the Surface Water Management Plan. These rainfall depths are based on actual data collected over the past 100 years. For North Oaks, the design depth for the 100-year, 24-hour storm event has been increased from 5.9 inches to 7.25 inches. For pond areas with no outlet structures, the 100-year, 10-day runoff event (9.94 inches) is required for pond design.

The City has also implemented a three-foot freeboard (separation between lowest floor elevation of new buildings and adjacent pond high water levels or MN DNR Ordinary High Water elevation, whichever is higher). Additionally, culverts are designed to convey the 10-year storm event with a minimum of one foot of freeboard between the street and the surcharged culvert high water level.

VLAWMO has incorporated Atlas 14 Precipitation Estimates into their Comprehensive Watershed Management Plan (2017-2026). Their plan provides protection against localized flooding by relying primarily on the municipal separate storm sewer systems (MS4s) with development authority to ensure that development and redevelopment does not create excessive new volumes and rates of runoff that could cause downstream flooding. They pledge to communicate regularly with MS4s to ensure they have the most up to date standards and information to prevent and mitigate localized flooding. The City will continue to work closely with VLAWMO to address changes and implement strategies and policies to mitigate the impacts.

The North Oaks Local Water Management Plan, while part of this 2040 Comp Plan, is contained in a separate document entitled “Surface Water Management Plan for the City of North Oaks.” Copies of the current plan are available for examination at the City offices.

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## CHAPTER 3: COMMUNITY FACILITIES

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### A. COMMUNITY FACILITIES AND SERVICES – BACKGROUND

Community facilities are the physical elements and general government services that are provided to the citizens of the City in the areas of transportation, protection, utilities, surface drainage, recreation, education, and administration. This chapter of the 2040 Comp Plan will describe existing and proposed facilities and services, proposed future facilities and the policies that will direct the maintenance and development of those facilities and services.

Historically, the transportation, utility, and drainage facilities in the residential areas of the City were primarily developed and maintained at a rural service level. This includes individual water wells; individual sewage treatment systems; retention of natural drainage ways, ponds, wetlands; and individual home lighting. Centralized sanitary sewer and watermain systems are allowed if in accordance with the Comprehensive Plan and zoning ordinances. Development has proceeded in a contiguous, staged manner to minimize the cost of extending facilities.

Developers are responsible for providing all roadways, infrastructure, and recreational facilities in conformance with the Comprehensive Plan, City ordinances, and specifications. All plans must be reviewed and approved by the City prior to development.

All residential subdivided land must have covenants to assure the operation and maintenance of recreation areas and roads by a HOA. Road and utility maintenance and recreation and open space land maintenance must be transferred to a HOA upon completion by the developer (see Subdivision Ordinance 93, codified section 152.054). All newly developed commercial land must also have agreements with covenants and restrictions to assure the operation and maintenance of roads, sewer, and other common facilities.

The City, the HOAs and the CAs all contract for public services. The City contracts for police protection from the Ramsey County Sheriff; fire protection is provided by the Lake Johanna Fire Department; and specialized consultants provide legal services, engineering, planning services, building inspections, septic inspection, tree preservation programs and administration, and recycling service. The City is a partner in the nine-city North Suburban Cable Commission and the North Suburbs Community Television. In 2017, the City employed a full-time administrator, a full-time deputy clerk and treasurer, and two part-time office assistants to carry out and coordinate City services as directed by the City Council.

NOHOA and/or another HOAs contract for maintenance of their roads and common recreational facilities. Homeowners' association funds pay for these services which are collected through the assessment of members. Recreation programs are planned by the HOA boards and are operated by resident volunteers. The City also participates in recreational programs with the White Bear Lake and Mounds View School Districts.

The City maintains joint powers agreements to secure utilities from both the City of Shoreview and White Bear Township. The City of Shoreview provides water service to several developments along Hodgson Road. The agreement with White Bear Township provides access to their sewer and water lines in the Centerville Road right-of-way for developments in the City along Centerville Road and the Rapp Farm area. The Township also provides maintenance for both sewer and water facilities for several areas in the City of the City. These agreements are available for review at the City offices.

Locations generally on the peripheries of the City are served with common sewer, water, or both utilities (see Appendix A, Map 16 – 2017 North Oaks Neighborhoods with Common Utilities). The breakdown of such developments is as follows:

- Sewer Services Only: Southpointe, West Pleasant Lake, Lake Estates, Wildflower, Peterson Place, Creekside, and Deer Hills.
- Water Services Only: Due to groundwater contamination issues from a landfill south of the City, sixty-one single-family homes in the southeast of the City (just north of the Minneapolis/St Paul Sault Ste. Marie railway) have secured common water from White Bear Township via their Centerville Road watermain.
- Both Sewer and Water Services: Village Center, Rapp Farm, The Villas of Wilkinson, Presbyterian Homes of North Oaks (referred to as Waverly Gardens), The Pines, Southeast Pines, The Summits, Red Pine Farms, Charley Lake Preserves, Ski Hill, and Charley Lake Condominiums. Chippewa Middle School, Kinder Care Learning Center, and the Lake Johanna Fire Department on the western side of the City use municipal water from the City of Shoreview and are directly connected to the Shoreview Sanitary Sewer regional interceptor line.

Individual homeowners contract with private businesses for solid waste removal and maintenance of individual sewage systems and wells. Roadside brush cutting and cleanup (other than mowing) is the responsibility of each lot owner. This method of governing and sharing of responsibility has been in effect since 1950.

## B. TRANSPORTATION – EXISTING

### Existing Roadway Inventory (See Appendix A, Maps 13–15)

The City roadway system is composed of a network of local, collector, and minor-arterial streets. The City is bounded by four county roads which are all classified as “A Minor-Arterial Expanders.” They are Highway 96 on the south, Highway 49 (Hodgson Road) on the west, Centerville Road on the east, and County Rd. J on the north. The Met Council's Transportation Policy Plan includes a description of these roadways and their regional significance.

The general characteristics of the A Minor-Arterial Expander roadways are:

- The design and function are focused on mobility (carrying capacity).
- Mass transit is typically provided in the form of fixed route bus service.
- Intersections with other arterials are usually signalized.
- Sidewalks and/or trails are provided.
- The roads are part of the regional system and are eligible for federal funding.

County Highway 96 is a four-lane divided highway that runs east and west and provides direct access to Interstate Highways 35E and 35W. The intersection of County Highway 96 and Pleasant Lake Road is a signalized intersection that provides the primary access to the interior local roadways system of the City. The intersection is improved with auxiliary turn-lanes. Highway 96 is the southern boundary of the City.

On the western boundary of the City lies County Highway 49 (Hodgson Road)—a two-lane road that is also classified as an A Minor-Arterial Expander roadway. Highway 49 runs north and south and provides direct access to Interstate Highway 694. The roadway is improved with both protected and shared turn lanes between Highway 96 and Cunningham Rd. Currently there are two signalized intersections along Highway 49 providing controlled direct access to the City, including full intersections at Chippewa Middle School and another at Village Center Drive. The intersection of Hwy. 49 (Hodgson Road) and County Highway 96 is also an at-grade signalized intersection with auxiliary turn lanes.

The eastern boundary of the City is established by Centerville Road. Centerville Road is an A Minor-Arterial Expander roadway that serves three communities and a wide variety of land uses between Highway 96 and County Road J. The intersection of Centerville Road and Highway 96 (not adjacent to the City) is also a signalized intersection with auxiliary turn-lanes.

The northern boundaries of the City are made up of a combination of County Road J (Ash Street) and City of Shoreview roads Turtle Lake Road and Sherwood Road. County Road J is also an A Minor Expander roadway. (See Appendix A, Map 14 – Thoroughfares & Street Classifications).

Within the City is a network of rural roadways that provide access to the neighborhoods and destinations within the City. All of these roads are privately owned and are under the jurisdiction of NOHOA.

Access to these roads is limited to four entrances:

1. The primary entrance (a full signalized intersection) at the junction of Pleasant Lake Road, Rice Street, and Highway 96.
2. The eastern City entrance where East Oaks Road intersects with Centerville Road (a full un-signalized intersection).
3. The Robb Farm Road entrance at Highway 96 and East Gilfillan Road (a right in/right out, un-signalized intersection).
4. The Wildflower Way entrance at Highway 49 /Hodgson Road (a three-legged un-

signalized intersection).

There are currently six residential areas, two commercial centers, and the Hodgson Road Institutional District that are not linked to the City's minor-collector roadway network. The neighborhoods of Deer Hills, Creekside, Rapp Farm, Charley Lake Preserve, and the Villas of Wilkinson Lake all have individual entrances to county highways. The Deer Hills area on the east side of the City has a direct entrance to Centerville Road. Creekside's entrance is on Turtle Lake Road. Rapp Farm is accessed via County Road J. The Preserve in the north-central portion of the City is accessed off Sherwood Road. Charley Lake Preserve has access from Hodgson Road. Waverly Gardens, the Villas of Wilkinson Lake, and the office building and restaurant on the northern border of the City are all accessed via Centerville Road. In addition, the North Oaks Village Center, located at the southwest corner of the City, has direct access by way of Village Center Drive and signalized intersections at both County Highway 96 and Highway 49 (Hodgson Road).

There are fifteen home sites and private facilities located around the perimeter of the City that have direct access to county highways. These properties are not within the jurisdiction of a HOA (see Appendix A, Map 9 – 2016 Estimated Housing Distribution).

As part of the effort to preserve the natural environment, roads within the City generally follow the natural contours of the land and are designed to minimize the disruption of the natural topography. The road design is a rural section roadway with two traffic lanes, gravel shoulders, and roadside ditches. In keeping the goals of minimal visual disturbance, roadways are not illuminated except at the intersections of local roads with perimeter highways (i.e., at the four access roads to the HOAs).

City Subdivision Ordinance 93 (codified sections 152.053 and 152.066) requires that all roads must be dedicated, constructed, and surfaced by the developer according to City standards with the responsibility for maintenance transferred to a HOA or CA upon completion. Boundaries of individual residential lots extend to the center of the roadway with easements for road use and maintenance by a HOA designated in the restrictive covenants attached to each lot; thus all roads in the City are privately owned. NOHOA's private road system is composed of approximately 28.28 miles of local roadways and 21.12 miles of minor collector roads (for a total of approximately 49.4 miles). The Deer Hills Home Owner Association's private road system totals approximately one-half mile. The Charley Lake Condominiums HOA has an agreement with NOHOA to maintain Anemone Circle. The Village Center Commercial Association maintains the roads in its commercial area.

The City's right to enforce speed limits on a private road system was upheld by a ruling of the Minnesota Supreme Court (*Borchert vs Village of North Oaks*, Minnesota Supreme Court, October 16, 1962). Speed limits on all roads in the City are 30 miles per hour. The City is reimbursed by NOHOA for road striping on the primary minor collector roads and weed cutting along all roads. The City's traffic signs comply with all Minnesota state statutes. Ordinance 38 (codified as section 71.12) limits on-street parking to one side of the road during the day, and prohibits on-street parking overnight. Off-street parking is required on

each lot.

### Existing Roadway Analysis

The Met Council assigns traffic analysis zones (TAZs) to all communities in the region. The City has seven TAZs either wholly or partially located within its corporate limits (see Appendix A, Map 15 – Transportation Analysis Zones). The transportation component of the 2040 Comp Plan is required to analyze the existing and forecasted numbers of population, households and employment, segregated by TAZ for ten-year increments through the year 2040. The required analysis is included in Table 10 below.

TAZ	2010		2020		2030		2040	
	Pop.	Emp.	Pop.	Emp.	Pop.	Emp.	Pop.	Emp.
*1754	94	8	99	5	104	5	110	5
1755	775	22	769	60	810	61	853	62
1756	920	40	876	24	893	28	906	32
*1757	683	673	684	681	729	718	768	748
1758	650	135	647	133	657	134	664	133
*1766	298	31	336	36	345	36	353	36
1768	1049	350	1379	361	1461	374	1545	382
TOTAL	4469	1259	4790	1401	4999	1460	5199	1499

\*Partial TAZs only reflect those counts in the City. Source: Met Council and City. Pop. = population, Emp. = those employed within the City limits.

The Ramsey County Traffic Counts (1997–2015) for the County roads surrounding the City are shown below in Table 11. It is significant to note that fluctuations in historic traffic growth patterns have been affected by (ongoing) construction projects on Interstate 694 and recent Highway 96 reconstruction projects including the Highway 96 bridge reconstruction over Interstate 35W. There are no metropolitan highways located within the City.

Table 11 2040 North Oaks Comp Plan Ramsey County Traffic Counts					
County Road	Stretch	1997	2005	2007	2014–15
(A) Highway 96	1. Hodgson Rd to Rice St	15950	19879	22518	20600
	2. Rice St to McMenemy Rd	14850	18467	23001	20200
	3. McMenemy Rd to Centerville Rd	16700	18785	n.c.	19700
(B) Centerville Road	4. Hwy 96 to Birch Lake Rd	9550	13304	11795	10700
	5. Birch Lake Rd to Boulevard to H-2	5950	8377	8509	7000
	6. H-2 to North County Line	4300	5789	5901	5700*
	7. North County Line to County Road J	7950	9793	11066	10500
(C) North County Line Road	8. Hodgson Rd to Sherwood Rd	1950	5180	9529	6700**
	9. Sherwood Rd to Centerville Rd	3400	5393	6720	5500
(D) Hodgson Road (Highway 49)	10. Hwy 96 to Village Center Dr	n.c.	13630	14030	14100
	11. Village Center Dr to Tanglewood Dr	n.c.	13094	9696	n.c.
	12. Tanglewood Dr to Hodgson Con.	n.c.	7945	9303	n.c.
	13. Hodgson Connection to County Rd I	n.c.	11053	12481	12200
	14. County Rd I to County Rd J	n.c.	9420	8548	9700
(E) Sherwood Road	15. Turtle Lake Rd to County Rd J	n.c.	667	671	623
Source: Ramsey County *Traffic Data from 2012 ** Traffic Data from 2013					

The City has four signalized intersections that provide direct access to areas within the City including Highway 96 and Pleasant Lake Road, Highway 96 and Village Center Drive, Hodgson Road and Village Center Drive, and Hodgson Road at the access driveway to Chippewa Middle School. Three additional signals, located at Highway 96 and Hodgson Road, Hodgson Road and County Road I/Turtle Lake Road, and at Highway 96 and McMenemy Road about the City but do not provide direct access to its interior. The City works with Ramsey County in pursuing improvements to these signalized intersections.



A striping plan for the intersection of Village Center Drive and Highway 96 provides two clear southbound lanes for right and left turns.

The intersection of Hodgson Rd. and Wildflower Way is currently an un-signalized intersection. The residents in the adjoining neighborhoods have expressed concern over the utility and safety of the intersection particularly in the peak morning period where southbound left-turns are difficult to maneuver. The City will be requesting a traffic actuated signal with Ramsey County to improve the safety and level of service at this important access point to the City.

#### Existing Transit

The Met Council provides limited bus service to the north suburban Ramsey County area through Metro Transit. The Council defines market areas for communities in the region in its 2040 Transportation Policy Plan. The City is classified as Market Area-IV. This market-type is characterized as, “having lower concentrations of population and employment and a higher rate of auto ownership. It is primarily composed of lower density suburban type development which provides challenges for fixed-route service but may support express bus service if sufficient concentrations of commuters are located along the corridor.”

Metro Transit is available to the residents of the City. Both fixed route and express bus service to downtown St. Paul is available. Routes 62 and 262 can be accessed at the intersection of Hodgson Road and Village Center Drive. Route 62 provides more frequent service and 262 has limited stops with service during weekday peak periods only. Route 262 also has a secondary function of connecting to the Green Line at the Capitol/Rice St. Station, thus providing a connection to downtown Minneapolis. Route 275 is an express bus service to downtown St. Paul available during peak weekday periods. The route can be accessed at the Park & Ride facility in Vadnais Heights located at the southwest quadrant of I-35E and County Road E. Metro Mobility and dial-a-ride services are also available to area residents.

#### C. TRANSPORTATION – FUTURE

##### I-35E Corridor Study

The City participates in a joint transportation planning effort affecting the portion of the I-35E Corridor from I-694 to County Road J (at the northern boundary of Ramsey County). The study area includes approximately two miles on either side of I-35E. The study’s findings and recommendations were incorporated into the Met Council’s Transportation Policy Plan and are included in the 2040 Comp Plan as Appendix B.

A city-by-city land use scenario of probable development (which generally incorporated the City land uses from the 1994 Comp Plan) was used to calculate trip generation and impacts to the I-35E roadway system. The study concluded that the probable level of development scenario could be accommodated with varying levels of improvements to I-35E and the local street systems. However, maximum development scenarios of all land uses could not be accommodated within the I-35E system.

It is estimated that approximately 645 dwelling units and 21 acres of commercial use have or will be built in the I-35E study area. These numbers are significantly less than accounted for in the I-35E corridor study and do not exceed the “probable development” scenario.

A 2017 intersection change evaluation (ICE) study was prepared for the County Road J and Centerville Road intersection. Agencies participating in this study included the Cities of North Oaks and Lino Lakes, White Bear Township, and the Counties of Ramsey and Anoka. The study recommended a future roundabout at the intersection. The study also recommended that on and off ramps be added on the north side of the existing I-35E and County Road J intersection. All agencies involved in the study supported both of these changes and the City has filed a letter of support for a federal grant to assist in funding them.

#### D. TRANSPORTATION – POLICIES

1. All internal roads will continue to be privately owned and maintained by HOAs. The 50–60 miles of roads in the City are owned by NOHOA members whose property extends to the center of the road subject to easements in favor of NOHOA. Weight restrictions of three tons per axel are implemented on roads within the City during spring, usually from March to April.
2. The City will preserve the existing rural character of the roadway system through its Comprehensive Plan and ordinances. Road construction, where possible, will follow the contours of the land and be constructed according to city standards by the developer. NOHOA shall be responsible for ongoing and future road maintenance including snow plowing, resurfacing, street name signs and street sweeping.
3. The City will continue to regulate traffic including road striping, weed cutting, and traffic control signs. NOHOA reimburses the City for road striping and weed cutting.
4. The City will continue to participate in multi-jurisdictional planning groups for regional transportation needs as it currently does with the I- 35E Corridor Study Group, and has in the past with the Highway 96 and Highway 49 Task Force groups.
5. If a proposed subdivision exceeds the I-35E probable land development scenario, the developer shall, at their expense, provide professional traffic data and analysis to determine consistency with the I-35E corridor study findings and recommendations.
6. All new development areas will require approved access to NOHOA’s private local road network or to Ramsey County roads on the perimeter of the City.
7. The City will work with Ramsey County on the preparation and implementation of Ramsey County access management policies to ensure that the City has safe and efficient connections to County roadways. The City will be requesting that a traffic actuated signal light be installed at Hodgson Road and Wildflower Way to increase the safety of traffic exiting from Wildflower Way onto Hodgson Road.

#### E. UTILITIES – BACKGROUND

The City is unique among the communities of the Twin Cities Metropolitan Area as it was originally planned and developed primarily as a residential community intended to be served by individual wells and individual sewage treatment systems. The lots are designed to provide space for on-site utilities and residential construction meeting setbacks of at least thirty feet from all lot lines, wetlands and road easements.

Portions of the City are located within the Met Council's Metropolitan Urban Service Area (MUSA) while the remaining interior of the City is designated Rural Residential and connected to subsurface septic systems. As of 2016, only limited areas of the community were being serviced by municipal sewer lines.

The City is served by two regional MCES sewer interceptors, including the Forest Lake interceptor on the southeast side of the City and the Shoreview interceptor along the western edge. At the time of their design, the City was assigned a specific capacity in each of the interceptors. In addition, the City utilizes the trunk sanitary sewer line in Centerville Road through a joint powers agreement with White Bear Township. Neighborhoods serviced with common utilities as well as those serviced by individual wells and Sub Surface Treatment Systems (SSTS) are illustrated in Appendix A, Map 16 – 2017 North Oaks Neighborhoods with Common Utilities.

#### F. SANITARY SEWER – EXISTING FACILITIES

##### Sanitary Sewer Use

Appendix A, Map 17 – Areas Served by Municipal Sewer and Sub Surface Treatment Systems (SSTS), shows the existing sanitary sewer systems within the City by MCES interceptor in addition to those areas of the City not served by sanitary sewer. All existing systems within the City are privately owned. The systems were designed and constructed in compliance with current Minnesota Pollution Control Agency (MPCA) standards.

Table 12 shows the current flows and potential available capacities for each of the metropolitan interceptors. Sewage flow projections for the City were calculated using an estimated flow of 274 gallons per day (GPD) per household, 1,500 GPD per planned commercial acre, and 274 GPD per three beds for care center.

Interceptor	Designation	Potential Capacity Available to the City (MGD)	Current Flow (MGD)
Forest Lake	MSB6901	0.80	0.155
Shoreview	I – SV – 436	0.20	0.107
Totals:		1.00 MGD	0.262 MGD
MGD is millions of gallons per day. Source: Metropolitan Waste Control Commission and Sambatek.			

Currently, the City is utilizing only 26.2% of the approximately one million gallons per day (MGD) of available metropolitan interceptor sewer capacity, including an estimated 19.4% of available capacity in the Forest Lake line and 53.5 % in the Shoreview line. The Metropolitan Council does not foresee that the remaining homes in the City will have to hook up to municipal sewer.

White Bear Township has constructed a sanitary trunk line within the Centerville Road right of way, which is utilized by the City. This trunk sewer facility connects to the Forest Lake Interceptor, and has a contractual reserved capacity of 0.175 MGD for the east and northeast areas of the City that are approved for development under the approved East Oaks PDA. Much of this infrastructure has been funded by the NOC in anticipation of future development.

Table 13 provides an itemized list of properties currently served by sanitary sewer, segregated by interceptor flow. In addition, the Forest Lake Interceptor flows are also divided into flows through the Centerville trunk-line and those directly to the interceptor.

**Table 13**  
2040 North Oaks Comp Plan  
**Current Flow to Interceptors**

FOREST LAKE INTERCEPTOR			
Residential through Centerville Line			
Map 16	Location	Units	GPD
15	Rapp Farm (s.f.)	142/156 units	38,908
16	Pres. Homes-Waverly Gardens (m.f.)	146 units	40,004
16	Pres. Homes-Mews (m.f.)	76	20,824
17	Villas of Wilkinson Lake (m.f.)	38/47	10,412
	Residential Total:	402/425 units	110, 148
Non-Residential through Centerville Line			
Map 16	Location	Acres/Beds	GPD
16	Pres. Homes-The Gardens	2 acres	3,000
16	Pres. Homes-Care Center	87 beds	7,946
	Non-Residential Total:	(7.3 acres equiv.)	10,946
	Total Flow through Centerville Line:		121, 094
Residential Direct to Forest Lake Interceptor			
Map 16	Location	Units	GPD
22	Pines (m.f.)	54 units	14,796
23	Deer Hills (s.f.)	46 units	12,604
24	Ski Hill (s.f.)	14 units	3,836
25	SE Pines (m.f.)	45 units	12,330
26	Summits (m.f.)	40 units	10,960
	Residential Total:	199 units	54,526
	FOREST LAKE INTERCEPTOR—Combined Total: (601/624 units, plus 2 acres and 87 beds)		175, 620 GPD

Table 13, cont.

SHOREVIEW INTERCEPTOR			
Residential			
Map 16	Location	Units	GPD
2	Southpointe (s.f.)	9 units	2,466
4	Capaul Woods (s.f.)	5 units	1,370
5	Charley Lake Preserve (s.f.)	63 units	17,262
6	West Pleasant Lake (s.f.)	28 units	7,672
7	Red Pine Farm (s.f.)	9/12 units	1,644
8	Lake Estates (s.f.)	14 units	3,836
9	South Wildflower (s.f.)	15 units	4,110
10	Charley Lake TH (m.f.)	19 units	5,206
11	Creekside (s.f.)	8 units	2,192
12	Wildflower Place (s.f.)	27 units	7,398
	Residential Total:	197/200 units	53,978
Non-residential			
Map 16	Location	Acres	GPD
1	Village Center	30 acres	45,000
3	Chippewa Middle School	–	5,620
3&5	Two (2) Churches	6 acres	9,000
	Private Homes	–	274
	Non-Residential Total:	36 acres	59,894
	SHOREVIEW INTERCEPTOR-Combined Total:		113,872 GPD
	s.f. = single family; m.f. = multi family; GPD is gallons per day. Source: City/Sambatek.		

#### G. SANITARY SEWER – PROPOSED FACILITIES

Generally, the methodology for determining areas to be served by sanitary sewer involves a detailed analysis and inventory of the remaining developable land, an understanding of the demographic characteristics of the population, and an understanding of the environment and natural resources of the community. The City is unique in that virtually the entire community has been developed by one company (NOC), which has managed development at a relatively consistent rate for many years.

The City is served by two metropolitan trunk sewer lines, the Shoreview interceptor and the Forest Lake interceptor. Table 13 provides a breakdown of flows to these two metropolitan interceptors. The sewer flow into the Forest Lake interceptor is divided by flow via the Centerville Road trunk sewer line and the direct flow to the interceptor. The total sewer capacity allocated to the City in the Centerville Road trunk line is 175,406 GPD. As

demonstrated in Table 14, based upon the City's 2016 Land Use Plan and the East Oaks PDA (as amended in 2007), the projected future flow to the Centerville Road trunk sewer upon full build-out is within the allocated contractual capacity.

The additional future flow to the Forest Lake Interceptor, upon full build-out, is expected to be 54,312 GPD, bringing the total flow to 229,932 GPD. The added future flow to the Shoreview interceptor is expected to be 6,850 GPD bringing that total to 120,722 GPD. These total projected flow rates are well within the allocated respective design capacities of both the Forest Lake and Shoreview interceptors.

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Table 14 2040 North Oaks Comp Plan Future Flow to Interceptors			
FOREST LAKE INTERCEPTOR			
Residential through Centerville Line			
Map 16	Location	Units	GPD
13	East Preserve	2	548
14	Nord	10	2,740
15	Rapp Farm	14	21,372
17	Villas of Wilkinson Lake	9	10,686
18	Anderson Woods	10	2,740
19	Gate Hill	68	18,632
21	Island Field	35	9,590
	Future Residential Flow Total*	148	40,552
	Existing Residential Flow Total	402	110,148
(A)	Projected Residential Flow to Centerville Line Total	550	150,700
Non-Residential through Centerville Line			
Map 16	Location	Acres	GPD
17,19&21	PUD Areas zoned RCM-PUD	13,760 GPD Avail.; equiv. to 9.17 acres	13,760
	Future Non-Residential Flow Total	5.34 acres	8,006
	Existing Non-Residential Flow Total	2 ac. plus 87 beds (7.3 acres equiv.)	10,946
(B)	Projected Non-Residential Flow to Centerville Line Total	16.47 acres	24,706
	Total Flow through Centerville Line (175,406 GPD Per Agreement)	A+B =	175,406
No future added direct flow units or areas to forest lake interceptor are planned at this time.			
	FOREST LAKE INTERCEPTOR FLOWS-Combined Total: A+B+C= (Total includes C: 54,526 GPD Direct Flow from Table 13; Areas 22-26) *All future residential units per PUD except Rapp Farm and Villas of Wilkinson Lake are as platted and/or approved. Density bonuses allowed in PUD are not reflected; see text for further explanation.		229,932 GPD



Table 14, cont.			
SHOREVIEW INTERCEPTOR			
Residential			
Map 16	Location	Units	GPD
5	Charley Lake Preserve I-II	5	1,370
7	Red Pine Farm	9	2,466
	Future Residential Flow Total	11	3,014
	Existing Residential Flow Total	197	53,978
(A)	Projected Residential Flow Total	222	60,828
Non-residential			
Map 16	Location	Acres	GPD
	Future Non- Residential Flow Total	none	0
	Existing Non-Residential Flow Total	(from Table 14)	59,894
(B)	Projected Non-Residential Flow Total		59,894
	SHOREVIEW INTERCEPTOR FLOWS-Combined Total: A+B=		120,722 GPD
s.f. = single family; GPD is gallons per day. Source: City of North Oaks/Sambatek.			

Table 15 shows the total current and projected sewer flows for both the Forest Lake and Shoreview Interceptors. The projections indicate that the City could add approximately 61,000 GPD to the present flow of 290,000 GPD, for a total of 351,000 GPD. While current and projected flows indicate an unused metropolitan interceptor capacity of 0.649 MGD, this capacity should be reserved for the City for possible sanitary sewer extensions into existing developed un-sewered areas.

The North Oaks Golf Club is currently studying the possibility of connecting their sanitary sewer to an existing Vadnais Heights city sewer in McMenemy Street south of Highway 96. The McMenemy Street sanitary sewer has limited capacity to serve any other areas of the City. Any such connection would have to include an agreement between the City, the City of Vadnais Heights, and the North Oaks Golf Club regarding connection fees, maintenance responsibilities, and treatment costs.

Table 15 2040 North Oaks Comp Plan Total Projected Sewer Flows By Interceptor				
Interceptor	Potential Available Capacity MGD	Current MGD	Planned and Possible Future Development (MGD)	TOTAL/REMAINING (MGD)
Forest Lake (MSB6901)	0.800	0.176	0.054	0.230/0.570
Shoreview (I-SV - 436)	0.200	0.114	0.007	0.121/0.079
<b>TOTALS:</b>	<b>1.000</b>	<b>0.290</b>	<b>0.061</b>	<b>0.351/0.649</b>
MGD is millions of gallons per day. Source: Sambatek				

Table 16 provides an estimate of total existing and the build-out flows of remaining developable planned sewer areas by ten-year increments and segregated by metropolitan sewer interceptor.

Table 16 2040 North Oaks Comp Plan Estimated Timing of Sewer Flows		
Year	Shoreview (MGD)	Forest Lake (MGD)
Existing	0.114	0.176
2020	0.115	0.181
2030	0.118	0.205
2040	0.121	0.230
MGD is millions of gallons per day. Source: City of North Oaks, Sambatek.		

Table 17 provides a breakdown of the timing of added flows to the Centerville trunk line by use type. Overall, the existing flow of 121,094 GPD is expected to increase by 54,312 GPD for a total build-out flow of 175,406 GPD.

Year	Commercial Acres	Dwelling Units	FLOW (GPD)
Existing	7.3	402	121,094
2020	8.1	416	126,031
2025	10.2	449	138,375
2030	12.3	483	150,719
2035	14.4	516	163,062
2040	16.47	550	175,406

GPD is gallons per day. Source: East Oaks PDA, Sambatek.

It is anticipated the City will continue to grow at an average of 10–20 new households per year up to the year 2040, although certain portions of the East Oaks PDA may develop at an accelerated pace.

Table 18 shows the anticipated sewered population, households, and employment projections based on the areas to be served as indicated in Appendix A, Map 17 – Areas Served by Municipal Sewer and Sub Surface Treatment Systems (SSTS).

Year	Population	Households	Employment*	Wastewater MGD**
Existing	1326	518	997	0.290
2020	1465	579	1,040	0.296
2030	1670	679	1,080	0.323
2040	1934	783	1,110	0.351

Source: Met Council / Sambatek.

\* Employment counts based on Met Council estimates for sewered jobs.

\*\*Totals include 87 assisted care beds in Presbyterian Homes Development not included in household counts. MGD is millions of gallons per day.

### Inflow and Infiltration Assessment

Water improperly discharged into the sanitary sewer system as a result of inflow and infiltration is a regional problem that reduces the capacity of the system and adds unnecessary costs to the treatment of the region's wastewater. Infiltration results from the seepage of groundwater into the system through cracks and poorly fitted or misaligned joints. Sanitary sewers in the City are constructed in accordance with the City Engineer's Association of Minnesota's "Standard Specifications for Sanitary Sewer and Storm Sewer Installation," and as such are pressure tested for leak tightness before being placed into active service. The City's sanitary sewer system is also relatively new and composed of PVC sewer lines which are less likely to experience leakage than older vitrified clay pipe.

Table 19 provides a listing of all the sanitary sewer systems in the City by age of neighborhood. As evidenced by the table, the City's entire sanitary sewer system is all of post-1970 construction, with much of the system constructed since the year 2000. The City provides for maintenance and inspection of its sewer system through a joint powers agreement with White Bear Township. The Township's public works staff conducts routine inspection of all lift stations and continually looks for signs of inflow and infiltration during routine inspections and maintenance of the system.

Inflow results from the discharge of sump pumps, roof drains, footing drains, and other sources to the sanitary sewer system. The City will work to adopt official controls prohibiting the discharge of groundwater and stormwater into the sanitary sewer system.

Table 19 2040 North Oaks Comp Plan Sewer System By Age of Neighborhood				
LOCATION				
Map 16 #	Neighborhood	Year Built	Number of Units	Maintained By
23	Deer Hills	1977	44	WBT*
10	Charley Lake Condominiums	1982	19	WBT
8	Lake Estates	1989	14	WBT
1	Village Center	1990	Commercial	WBT
6	West Pleasant Lake	1992	28	WBT
26	Summits	1995	40	WBT
4	Capaul Woods	1995	3	WBT
2	Southpointe	1995	9	WBT
9	South Wildflower	1995	15	WBT
12	Wildflower Place	2000	27	WBT
24	Ski Hill	2001	14	WBT
22	The Pines	2001	54	WBT
25	Southeast Pines	2001	45	WBT
11	Creekside	2004	8	WBT
16	The Gardens	2004	Mixed Use	WBT
15	Rapp Farms	2004–2016	142/156	WBT
17	The Villas of Wilkinson Lake	2006–2015	38/47	WBT
5	Charley Lake Preserve	2013	63	WBT
7	Red Pine Farm	2014	9/12	WBT
Source: East Oaks PDA and Sambatek. *White Bear Township				

#### On-Site Sewage Treatment System Use

All of the homes within the City, outside of the neighborhoods identified in Table 13, have SSTs that were installed according to City ordinance. Historically, the local ordinance has contained more stringent standards than required by state agencies (Chapter 7080-7083). The City's Ordinance 96 (codified as Chapter 51) incorporates the latest MPCA standards and provides detailed procedures for site evaluation; the abatement of polluting systems;

maintenance; inspection of all new, altered, extended and repaired systems; biennial inspection and pumping of all systems; permits, reports and licensing; and the appointment of a sanitary inspector. Building permits for new construction are not issued until sewage treatment system plans are approved, including the provision for two septic field sites each 5,000 square feet in area.

There are several factors that are considered before relying on individual on-site systems as an environmentally safe long-term solution for sewage treatment. First, the systems must be properly designed and installed for anticipated wastewater flows and the soils in which they are to be located. Next, they must be regularly inspected and properly maintained. Finally, they must be responsibly used by the individual homeowner.

The City continues to educate its residents on the proper use and maintenance of on-site sewage treatment systems. The City maintains an educational program on the proper use and maintenance of individual sewage treatment systems both on its website and through articles in the North Oaks News. Federal and State informational brochures are also distributed. And finally, the City has instituted a rigorous inspection and reporting program for SSTS that is administered by a contracted licensed building official. The City is committed to continuing efforts to protect and monitor its private and public wells, lakes, streams, and wetlands to prevent any potential adverse impacts resulting from the use of on-site sewage treatment systems.

#### H. WASTEWATER – POLICIES

1. Individual on-site sewage treatment systems will continue to be the predominant method for the treatment of domestic sewage. Regulations are established by city ordinances which contain adequate, up-to-date standards to ensure the protection of health, safety, and welfare.
2. The City shall continue to promote the education of its citizens on the proper use and maintenance of individual sewage treatment systems through educational articles online, in the local newspaper, and the distribution of federal, state, and Ramsey County informational brochures and other information.
3. For future developments in the East Oaks PUD area, the subdivider may utilize centralized sanitary sewer depending on sewer accessibility and sewer line capacities.
4. Subdividers shall install, at their own expense, all sanitary sewer facilities according to City standards and in compliance with City ordinances.
5. A sewer district, or the extension of an existing district, will be established by the City for each area to be served by central sewer. If a sewer district encompasses an area larger than the area of a proposed subdivision, sanitary sewer facilities shall be sized to serve the entire area. The City may combine districts for purposes of efficient management and cost allocation.
6. All costs, after a district's system is installed, shall be prorated to those lands within the district.
7. The City may require the subdivider to transfer, at no cost to the City, ownership of the centralized sanitary sewer system to the City who may contract for/or assume responsibility for the inspection and maintenance of the system. At the time of transfer,

the City may require improvement upgrades to current standards and specifications at no cost to the City.

8. The City will continue to follow the latest specifications prepared by the City Engineers Association of Minnesota (CEAM) for the installation of new sanitary sewer systems. Inspection and maintenance of the sanitary sewer system shall be done in accordance with MCES standards. Inspection shall include televising the main lines to visually check for breaks, leaks and tree roots, dirt, or other obstructions that may require maintenance and/or repair. Manholes and lift stations shall be checked for proper and safe operation. Flow tests shall be conducted to detect presence of infiltration. If excessive infiltration is noted, the source shall be found, and correction shall be evaluated. Certification will be provided by the City that these inspections were performed, and any defects shall be corrected.
9. The City shall continue to enforce the policies identified in Ordinance 93 (codified sections 152.065 and 152.066) which detail the design standards and required improvements for new subdivisions. The City will also regulate the impact of development on surface water quality by enforcing the standards in Ordinance 75 (codified as Chapter 154), which control erosion and sediment build up.

#### I. WATER SYSTEM – BACKGROUND

In keeping with the rural nature of the community, it is intended that the low-density land uses will be served by individual wells. Connections to a public water system may be required when a water system is readily available. Large lots are laid out to provide adequate separation between the individual wells and the individual on-site sewage systems. The Met Council Systems Statement for the City determined the City is not required to prepare a Water Supply Plan.

#### J. WATER SYSTEM – EXISTING AND PROPOSED FACILITIES

Many single-family residences in the city are served by individual water wells. Wells are installed according to state standards. Chippewa Middle School, Kinder Care Learning Center, and the Lake Johanna Fire Department are institutions along Hwy. 49 (Hodgson Road) that have direct connects to and receive water from the City of Shoreview.

Appendix A, Map 18 – Areas Served by Common Water Service, shows the locations of private common water systems. The first common water system installed in the City was at Charley Lake Condominiums. The system utilizes a private, common well and provides domestic water service only. It is owned and operated by the Charley Lake Homeowners' Association. An inactive water system is located in the Lake Estates single-family project. The distribution system was installed by the developer; however, a source of water was not available and therefore all existing homes installed private wells. The Village Center Commercial Area, Charley Lake Preserve, and Red Pine Farm also have a common water system, but contract with the City of Shoreview for municipal water. The Village Center, Charley Lake Preserve, and Red Pine Farm systems provide domestic water service and fire protection.

A common water system has been constructed on the southeast side of Gilfillan Lake to serve 61 single-family homes. The system became necessary due to groundwater contamination from the County Highway 96 dump site in White Bear Township. A 1993 decision document issued by the Minnesota Pollution Control Agency (MPCA) has resulted in the responsible parties for the dump site being held responsible for clean-up costs. The water system serving the homes is through an extension of the water system that serves the medium-density zoned developments of The Summits, The Pines, and The Southeast Pines. Water for the entire system is provided by a connection to the White Bear Township water system. Groundwater at the contamination site is being treated and is continually monitored in the area. A Long-Term Monitoring Program established by the Minnesota Pollution Control Agency is posted on the City's website and highlights the well locations and homes connected to common water supply as depicted in Appendix A on Map 19 – Long-Term Monitoring Program, Highway 96 Site. Annual reporting is reviewed by the MPCA. No further conversion of surrounding homes to municipal water is proposed at this time.

Many of the developments in the East Oaks PUD area are, or will be, served by private water systems that connect to the White Bear Township water system. A Joint Powers Agreement has been established between the City and the Township related to these services.

#### K. WATER SYSTEM – POLICIES

1. Individual wells will continue to be the primary source of domestic water service.
2. All wells will be designed, located, and constructed in strict compliance with current regulations of the Minnesota Department of Health.
3. In future medium-density, mixed residential, and Mixed-Use areas, the City may require the sub-divider to utilize common water systems, and use neighboring public water systems as a water source.
4. Sub-dividers shall install all common water systems at their own expense, according to current Minnesota Department of Health standards.

#### L. PARKS, RECREATION, AND OPEN SPACE PLAN – INTRODUCTION

“Park,” “parks,” “parklands,” “parkways,” “recreational areas,” and “scenic areas” within the boundaries of the City are owned by CAs, NOHOA, or a sub-association and are for the use of their members and member-accompanied guests, and are not public. These terms shall include but are not limited to lakes, streams, ponds, marshes, wetlands and conservation areas; parcels of land kept in their natural state and parcels developed for ornamental or recreational use, including playgrounds, beaches, boathouses and grounds, skiing and skating areas and the like, and parking areas for automobiles and other vehicles. The aforementioned terms also include necessary buildings for the use or operation of the same, such as wells, pump houses, firehouses, police and guard buildings. The aforementioned terms may be schoolhouses, churches and the like, and also walls, fences, hedges and other structures enclosing or ornamenting any of the foregoing.

The purpose of this Park, Recreation and Open Space Plan is to guide development of existing and future recreation and open space lands, and to preserve and protect the existing natural resources of the City. This element serves as a long-range plan to provide passive and active



recreation facilities to meet the needs of NOHOA members. All references to community and neighborhood parks and/or parks refer to private HOA property.

The City is recognized for its unique natural landscape. The landscape, made up wooded areas, lakes, wetlands and rolling topography, plays a crucial role in the quality of life of the residents and in the natural systems of the region. The enjoyment and preservation of this special landscape is integral to the purpose of the Park, Recreation and Open Space Plan. This marvelous asset, so close to the urban center, contributes to the City being a desirable place to live. In surveys, residents have defined the most important qualities of the City as a private rural setting with large lots, wetlands, uplands, forests, open space, trails, scenic views, and the abundance of wildlife.

The Park, Recreation and Open Space Plan also includes a large and ecologically diverse conservation area in the East Oaks PDA as dedicated by the land owners of the East Oaks area. This conservation area is an easement under the protection of the Minnesota Land Trust in perpetuity..

The process of parks, recreation, and open space planning includes many meetings, citizen committees, surveys, and reports. The information and recommendations in this element of the 2040 Comp Plan incorporates information from many sources including:

1. The North Oaks Recreation Plan, November 1996, prepared for NOHOA by Sanders, Wacker, Wehrman, Bergly, Inc. (hereinafter Sanders' Report), attached as Appendix C.
2. The East Oaks PDA.

It is recommended the City and NOHOA consider these reports when determining specific site-by-site, long range plans and parkland improvements.

#### M. PARKS, RECREATION AND OPEN SPACE PLAN – BACKGROUND

The City has unique established procedures and characteristics that affect park, recreation, and open space planning and dedications. By deed restrictions on all property, all recreation lands and roads are owned by an HOA. All facilities within an HOA are for the members of the HOA and their member-accompanied guests. HOAs own, manage, maintain, plan, and develop their recreation areas and trails. All persons who purchase land within an HOA boundary are automatically members of NOHOA. Each association arranges for maintenance of their recreational areas with a private contractor. The cost of the service is paid for in the annual assessment of association members.

The City's Subdivision Ordinance 93 (codified section 152.052) provides that "Each subdivision to be developed for residential uses shall have a reasonable amount of land dedicated, set aside, conveyed, or preserved to or for the benefit of present or future residents of the City or present or future residents of the areas to be subdivided for open space purposes, parks and playgrounds, trails, or conservation purposes." A maximum of ten percent of the land in subdivisions presented for approval may be required as set aside for parks, playgrounds, and recreation purposes. A further provision of the regulations states

“Where a proposed park, playground, community center, or other recreational site or facility included in the Comprehensive Plan of the City is located in whole or in part in the area being subdivided, the sub-divider shall set aside the land for the use of the City residents as part of the final subdivision plat, provided, however, that in no case shall the amount of land required to be set aside for the recreational purposes exceed ten percent of the total gross acreage developable for residential uses.” Recognition and delineation of the recreation and open space areas by City ordinances assures their continuity. Zoning Ordinance 94 (codified as Chapter 151) provides for both a (R) Recreation District and an (OS) Open Space District and states their permitted uses. The City’s Existing Zoning Map shows the location of the R and OS Districts (see Appendix A, Map 7 – Existing Zoning Districts).

The East Oaks PDA defines all park and trail dedications required in connection with each East Oaks PUD area. The East Oaks PDA is the controlling document with regard to park and trail dedications in the East Oaks PUD area and the ten percent requirement outlined herein does not apply. The recreation areas provided for in the East Oaks PDA meet or exceed the City’s requirements.

#### N. PARKS, RECREATION AND OPEN SPACE PLAN – EXISTING FACILITIES

##### Park Inventories

Park, recreation, and open space planning begins with inventorying and assessing existing parkland facilities. There are approximately 1,450 acres of existing parks, recreation, and open space; a 168.98-acre private golf course; and 997.5 acres of open water in the City. Table 20 – Private Existing Recreation and Open Space, lists the location of existing recreation areas within the City by type of facility.

In addition to community-based park and open space areas, several separate HOAs have been established in recent years with their own common areas for passive use and recreational enjoyment. These include, Charley Lake HOA, The Pines HOA, South East Pines

HOA, and the Summits HOA (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners’ Association, and Commercial Association Boundaries).

##### North Oaks Home Owners’ Association (NOHOA)

The North Oaks Home Owners’ Association (NOHOA) is the primary owner and overseer of parkland within the City. This includes five community parks, nine neighborhood parks, numerous open space- natural areas, and several special use parks. A brief overview of the community parks and other key recreational areas are as follows (site numbers refer to Appendix A, Map 20– Private Existing Recreation and Open Space):

- (a) Eastern Recreation Area– A five-acre community park located at the intersection of East Oaks Road and Duck Pass Road. Area includes:
  - East Recreation Building – has large meeting room and kitchen facilities. Can be reserved for use by NOHOA members for community needs and can be rented by NOHOA members for private parties
  - Seven outdoor tennis courts and tennis practice wall

- Playground equipment
  - Picnic tables
  - Basketball hoop and practice court
  - Softball diamond
- (b) Western Recreation Area – A twenty-two-acre community park located on West Pleasant Lake Road near Red Barn Road. Area includes:
- Warming House – used during winter by hockey and ice skaters. Can be reserved for use by NOHOA members for community needs and special events (such as the Community Fair and Garden Club Sale) at other times of the year.
  - Two lighted hockey rinks
  - Recreational ice-skating area
  - Playground equipment
  - Three soccer fields
  - Two baseball diamonds
  - Volleyball court
  - Basketball Court
- (c) Southpointe Recreation Area – A fifteen-acre community park located east of Village Center Drive. Area includes:
- Two baseball diamonds
  - Two soccer fields
- (d) Pleasant Lake Beach – A seven-acre community park located on the northern side of Pleasant Lake at the end of Sandpiper Lane. The beach closes half an hour after sunset. Area includes:
- Swimming beach with docks and raft
  - Picnic tables and grills
  - Playground equipment
  - Boat landing
  - Canoe storage
  - Sailboat mooring
  - Shuffleboard court
- (e) Wilkinson Recreation Area – The newest community park in the City is ten acres in area and contains:
- A concert band shell
  - Community gardens
  - Picnic shelter sports field
- (f) Lake Estates Recreation Area – Approximately one acre located at intersection of Lake Court and West Lake Drive. Area includes:
- One tennis court
  - Playground equipment
- (g) Bobolink Recreation Area – A two-acre park located on West Pleasant Lake Road at intersection of Bobolink Lane. Area includes:
- Baseball diamond
  - Small soccer field
- (h) Deer Hills – Approximately one acre located at the intersection of Centerville Road and Deer Hills Drive. Area includes:
- Two tennis courts

- Basketball court
- Playground equipment
- (i) Mary Hill Park – A scenic garden park with picnic tables and benches located on the northwest corner of Pleasant Lake at the end of Eastview Lane.
- (j) Ponderer’s Point Park – A scenic park with a covered bridge located between Bent Tree Lane and North Mallard Road.
- (k) Charley Lake Preserve – A roughly 8.81-acre passive neighborhood park site with a tot lot and seating area located east of Hodgson Road and south of Maycomb Lane.
- (l) Rapp Farm Park – A private park, sport court, and pool for Rapp Farm HOA members and their member-accompanied guests only.

Recreation areas originally called "Scenic" were first designated in North Oaks Zoning Ordinance 27 enacted in 1965 (Appendix A, Map 20– Private Existing Recreation and Open Space., sites 2, 3, 4, 5, 6, 7,8, 12, part of 18, and 19). In 1972, the NOC designated certain additional lands for active and passive recreational use to fulfill the subdivision Ordinance 59 [now Ordinance 93 (codified as Chapter 152)] requirement that up to 10% of each subdivision must be set aside for recreation land use. These areas are solely for recreational use with ownership, development, and maintenance to be provided by NOHOA for all land within its boundaries (see Appendix A, Map 2 – North Oaks Neighborhoods, Homeowners’ Association, and Commercial Association Boundaries). Active recreation use was defined as land designated for specific athletic programs or activities including but not limited to swimming beaches, ball fields, skating rinks, tennis courts, and playgrounds. Passive recreation use was defined as land reserved for aesthetic value, gardens, wildlife habitat, trails, open park areas, and similar needs of the community (Appendix A, Map 20– Private Existing Recreation and Open Space) site numbers 1, 8, 9, 10, 11, 13, 15, 16, 17, part of 18, 20, 21, 22, 23, 24, 25, 26 27).

#### Protected Land

In 1999, in conjunction with the East Oaks PDA approval, the NOC dedicated approximately 886 acres of environmentally sensitive land in the northeasterly section of the City for conservation purposes (Appendix A, Map 20– Non-Pubic Existing Recreation and Open Space). The land will continue to be owned and managed by the NOC or its successor, and is intended to be perpetually managed as a conservancy area. The development rights for the conservancy land are to be held in perpetuity by the Minnesota Land Trust. Within the Protected Land, future uses shall be limited to those that preserve the natural environment and are consistent with the goals and operatives of the Protected Land (as permitted in easements or other agreements to which the City is a party or has consented). The detailed open space easements over the Protected Land fall into the following categories:

- Conservancy lands, 621 acres
  - Agricultural lands, 220 acres
  - Remaining allowable building area, 45 acres
- Total, 886 acres

The conservancy lands incorporate a linear trail system (some of which have limited access during environmental studies), which connects to the City-wide park and trail system. The conservancy lands preserve natural resources, wildlife habitats, unique vegetation, and

agricultural lands in the East Oaks area. Documents that describe the protected lands and their conservancy management plans are available at the City offices. Uses within the protected lands are described in open space easements, and may include open space, trails, and agricultural uses.

#### Inventory Summary

In recent years, new subdivisions and parkland have added additional recreation and open space areas. Current park holdings, as depicted in Appendix A, Map 20– Private Existing Recreation and Open Space and listed on Table 20, include over 1450 acres of recreation and open space areas.

The complete inventory of parklands listed above is sufficient to fulfill the community's current park and open space needs. Development of the East Oaks PUD areas may include additional open space dedications as required by the terms of the East Oaks PDA to serve the new homes being created through development. Such areas may be owned and maintained by an HOA. Legal title is transferred after the land becomes part of a registered land survey (RLS).

#### Existing Trails

There are two types of existing trails in the City:

1. Natural surface (grass/gravel) trails located around open space areas and three lakes.
2. Blacktop paths located as extensions of one side of the roadway surface.

Table 20 2040 North Oaks Comp Plan Existing Parks, Recreation, and Open Spaces (Appendix A, Map 20– Private Existing Recreation and Open Space)		
Facility	Map Reference	Acres/Feet
<b>Community Parks</b>		
West Recreation Area	1	23.14
East Recreation Area	8	5.68
Pleasant Lake Beach	7	7.22
Southpointe Recreation Area	33	13.20
Wilkinson Lake Recreation Area	37	10.00
Total:		59.24
<b>Neighborhood Parks</b>		
Nord Circle	4	2.16
Lake Gilfillan	9	3.35
Bobolink Field	13	2.42
Deer Hills	29	2.25
Lake Estates	30	1.02
Summits Park	35	5.00
East Wilkinson/Villas of Wilkinson Lake	38	7.70
Charley Lake Preserve	39	8.81
Wildflower	40	1.33
Total:		34.01
<b>Open Space</b>		
South Long Marsh	2 – 3	67.76
Nord Circle	4	40.00
Deep Lake to Pleasant Canal	5	13.47
Island Road at W. Pleasant Lake	10	1.05
Ski Lane/East Oaks Road	11	5.43
West Lake Gilfillan	17	1.14
Red Maple Lane	19	1.94
Main Entrance Ponds	21	2.00
North Long Marsh	22	85.10
Northeast Pleasant Lake	23	15.55
Red Maple Marsh	24	28.00
Northwest Shore Deep Lake	25	13.48
Deer Hills	28	11.62
Larkspur Lane	31	2.00

Table 20, cont.		
Total		288.54
<b>Special Use Areas</b>		
Hill Farm Historical Site	36	5.60
Island Road Trail Access	32	1.50
Mary Hill Park	6	9.63
North Oaks Golf Course	14	167.00
Pleasant Lake South (St. Paul water utility)	15, 16	3.30
Pleasant Lake West Access	20	1.00
Ponderer's Point	34	2.00
Total		190.03
<b>Protected Land</b>		
Conservancy Lands	26	621
Agricultural Lands	26	220
Remaining Allowable Building Area	26	45
Total		886
<b>Trails</b>		
There are currently approximately 23 miles of interconnected trails, most of which are grass, woodchip, or gravel surface.	NA	NA

Source: Approved plats for development, and the 1972 Agreements among NOHOA, the City, and NOC. Acreages calculated utilizing Ramsey County GIS data.

### Park Classification System

The following classifications are used to describe the general characteristics of existing and future recreation areas in the City:

**Community Parks** – An area of diverse recreational facilities. Community parks may provide athletic facilities, tot lots, special natural features, or be the focus of community festivals or events. Community parks provide facilities for organized recreation programs although unorganized play areas may be available.

**Neighborhood Parks** – An area designated to provide recreation and open space to neighborhood units. Neighborhood parks may provide for non-organized recreation, children's play areas, court games, and passive activities within easy walking distance from home.

**Special Use Areas**– Areas within the community that serve a very specific purpose such as providing a special facility or preserving a unique feature.

Open Space Area – Areas set aside to preserve, protect and manage natural or cultural environments. Protected open space areas may include wetlands, woodlands, prairie, or other sensitive and unique areas.

Protected Land – The large protected tracts of land set aside by easement in 1999 for conservation and agricultural uses. A significant portion of these lands are under protective covenant and are monitored by the Minnesota Land Trust.

Trails – Trails are designated routes for continuous movement, or connections between facilities that include walking, running, biking, cross-country skiing, or other related activity. Trail corridors include the trail and designated right-of-way.

#### Organized Recreation Programs

Recreation activities within the NOHOA area are planned by a committee chaired by a member of the Association's Board of Directors. The committee consists of volunteers, each of whom coordinates a specific sports program. Deer Hills HOA plans its own recreation programs. Opportunities are available for all ages to participate in active and/or passive sports.

The following organized recreation programs involve continuous participation by NOHOA family members but NOHOA may invite neighboring communities to participate.

1. Shoreview Area Youth Baseball (SAYB) – Little League Baseball for boys and girls ages seven through twelve, includes the entire Mounds View School District #621, all of the City, as well as portions of Roseville and the White Bear Lake School Districts. The 2016 Consultant's Study found that of the 590 youth participating in 2016; approximately 85–90 were from the City.
2. North Suburban Soccer Association (NSSA) – The NSSA provides a full soccer program to boys and girls ages eight to nineteen residing in the City, as well as Shoreview, New Brighton, Arden Hills, and other communities. The 2016 Consultant's Study identified participation levels as high as 1,400 depending on the season. Of this total, the City youth represented 90–110 participants.
3. North Oaks Soccer Club (NOSC) – The recently reorganized NOSC does not have residency requirements. In 2016 the club was expected to have 160 participants with 65 players from the City.
4. Skating Programs/Hockey League – NOHOA owns and maintains an ice rink which is used for a variety of activities including hockey practices and free skating time. Organized group activities require at least one NOHOA member to be involved in the activity for access to the rink.
5. Football & Rugby – With a resurgence of interest in football in the City, a football field was provided in the mid 90's for use by twenty the City players belonging to the North Suburban Football League (encompassing Shoreview, New Brighton and Arden Hills). Field usage was three to four times per week, including one game. In recent years, the Mounds View Rugby Club and the North Oaks Rugby team have also used the Southpointe and Western Recreation Area fields for games and practices.



6. Tennis Programs – The the City tennis program is contracted out by NOHOA to an outside professional who oversees the program for NOHOA members. Since this is a broad age based active recreation activity, any recreation facility planning should monitor the trends and growth of this activity and account for such growth as the population increases.
7. Local Youth Recreation Programs – NOHOA organizes several recreational programs each year intended solely for the residents of the City, including ice skating, micro and mini soccer, T-ball, a lacrosse league and maintaining a swimming program at Pleasant Lake Beach. These programs sometimes compete with other programs offered by other organized recreation groups and therefore the participation in these programs fluctuates with the availability and quality of programs outside the community.

#### Facilities Available Outside the Community

Many facilities suitable for a larger population base are within a reasonable distance and are available to the residents of the City. Table 21 shows the facilities that augment recreational opportunities for residents.

Facility	Activity
Shoreview Community Center	Pool, Gymnasium, Exercise, Skating Rink, Event Center
Vadnais Sports Center	Skating Rinks, Sports Dome
Lexington Range	Archery
White Bear Lake Sports Center	Skating Rink, Event Center
Lifetime Fitness	Pool, Tennis, Racquetball, Exercise
YMCA - Northeast; White Bear Lake	Pool, Gymnasium, Various Activities
YMCA – Northwest; Shoreview	Pool, Gymnasium, Various Activities
White Bear Lake (Ramsey County)	Beaches, Boating, Fishing
Turtle Lake (Ramsey County)	Beaches, Boating, Fishing
Island Lake Golf Course	Golf Course & Driving Range
Manitou Ridge Golf Course	Golf Course & Driving Range
Ramsey County Parks System	Regional and County Parks, Open Space, Trails
Twin Lakes	Fishing & Picnicking
Source: City of North Oaks	

The Chippewa Middle School, located on Hwy. 49 (Hodgson Road) in western North Oaks, has a swimming pool where community swimming programs for all ages are conducted year-round after school hours. Additional recreational opportunities are available through the Mounds View and White Bear School Districts, which serve the City.

### County and Regional Parkland

There are no parks, open space, or trails within the City under the jurisdiction of Ramsey County as the implementing agency for the Metropolitan Regional Recreation Parks and Open Space System. However, there are four county or regional parks and one regional trail corridor adjacent to the City's borders located in other municipalities.

1. Poplar Lake County Park – on the northwest border located in White Bear Township and Shoreview. This undeveloped park is managed by Ramsey County.
2. Turtle Lake County Park – located in Shoreview across Hwy. 49 (Hodgson Road) from Chippewa Middle School. This park is operated by Ramsey County and features a boat launch, picnic area, and beach area.
3. Vadnais-Snail Lakes Regional Parks – located in Vadnais Heights and Shoreview on the southern boundary of the City. The land is owned by the St. Paul Regional Water Services and Ramsey County and operated by Ramsey County under a Joint Powers Agreement. The park includes trails, picnic area, shoreline fishing areas and a boat launch and swimming beach at Snail Lake.
4. Bald Eagle-Otter Lakes Regional Park – located in White Bear Township east of the City. The Park provides boat access to Bald Eagle and Otter lakes, picnic area, off leash dog area, and includes Tamarack Nature Center, which is a 223-acre park and includes a nature center building for programs, preschool classrooms, nature play area, children's garden and nature trails.
5. Highway 96 Regional Trail Corridor – located on the south side of Highway 96 from Highway 8 on the west to State highway 61 on the east.

In addition to these four parks, Ramsey County provides a system of regional and county parks, trails and other open spaces that are available for use by the City's residents. The Ramsey County regional facilities are part of the Twin Cities Metropolitan Area Regional Recreation Open Space System coordinated by the Met Council. Ramsey County is one of ten implementing agencies responsible for planning, acquisition, development and operation of the regional system. Ramsey County owns and operates five regional trail corridors (Rice Creek North, Rice Creek West, Highway 96, Birch Lake, and Bruce Vento) and four regional parks (Long Lake, Tony Schmidt, Vadnais-Snail Lakes, and Bald Eagle-Otter Lakes) within four miles of the City. In addition, Ramsey County owns and operates six county parks (White Bear Lake, Turtle Lake, Island Lake, Lake Owasso, Poplar Lake, and Lake Josephine) within a four-mile service area.

### O. PARKS, RECREATION, AND OPEN SPACE PLAN – FUTURE FACILITIES

Future park, recreation, open space, and trail facilities are described in the following text.

#### Introduction and Summary

Future park, recreation, and open space planning relies on a knowledge of existing facilities, an analysis of community recreation needs and wants, a demographic profile, and an assessment of lands available to meet future park recreation and open space needs. The Parks Report, the 1996 Sanders' Report (see Appendix C), and the 2016 Athletic Field Study were utilized in planning for the future parks and recreational needs of the community. Their

focus may be summarized as threefold:

1. Guide maintenance and development of existing recreation and trail areas; and
2. Identify future recreation, open space and trail needs, and sites in the remaining 1,650 acres of then undeveloped land (since developed as the East Oaks PUD area).
3. Evaluate the inventory and usage of athletic fields currently and in the future.

These park plans are non-public and are on file at the NOHOA offices for reference purposes. In this section of the 2040 Comp Plan, the 2016 Athletic Field Study will be discussed and recommendations from each report will be combined to identify future active and passive recreation priorities.

NOHOA has a long history of supporting youth field sports activities. In 2016 NOHOA commissioned an Athletic Field Facilities Study to determine the sufficiency of athletic field space of appropriate size to accommodate the community's' needs now and in the future. The Facilities Study primarily focused on soccer and baseball field supply and usage, but also looked at football, lacrosse, rugby and ultimate Frisbee needs in the community. The study further analyzed fair share issues as relates to field users from the broader community and to the field to user-ratios for the City and that of nearby communities.

The study identified seven soccer and four baseball fields within the City of various size and utility. In reviewing the use of the fields, it was observed that significant numbers, and sometimes the majority, of youth soccer and baseball players were from other communities at the invitation of NOHOA. Further, when comparing the City with nearby communities, the City has a very favorable ratio of youth population to athletic fields supplied for both sports.

The Facilities Study conclusion was that NOHOA has fully met the athletic field needs for soccer and baseball to a level beyond that of just being adequate. Furthermore, anticipated future growth in the City from new homes and sale of existing homes is not likely to result in sufficient program registrations to warrant additional field space beyond that which is now provided. Additionally, the study found that the needs of football, lacrosse, rugby, and ultimate Frisbee can also be accommodated on existing facilities with perhaps some programmatic changes.

The North Oaks Recreation Plan outlined general recommendations for future active recreation and open space needs denoting trails, linear parks, and preservation of wildlife habitat as the highest priorities. The 1996 North Oaks Recreation Plan was used and referred to determine the agreed-upon location for future parks and trail dedications for the remaining undeveloped lands. The locations of future parks and trail dedications were incorporated into the East Oaks PDA. The East Oaks PDA outlines the following active and open space areas:

1. A 10-acre Community Park which has been completed in the East Wilkinson area.
2. A 7.7-acre neighborhood park, originally to be located in the North Deep Lake area (Rapp Farm), is now located in the East Wilkinson (Villas of Wilkinson Lake) area.

Future improvements are still under consideration for this neighborhood-oriented park.

3. A 1.33-acre neighborhood park in the Wildflower (Peterson Place) neighborhood which has been completed.
4. A 5-acre proposed park in Red Forest Way (North Black Lake) for passive recreation.

#### Americans with Disabilities Act

The 1991 passage of the Americans with Disabilities Act (ADA) placed a responsibility on all places of public accommodation—including recreational facilities—to provide equal access to facilities for the physically disadvantaged. Planning of future facilities and the review of existing facilities needs to account for the requirements of ADA. This becomes a necessary component of any planning process involving recreation.

#### Gender Based and Adult Activity

Recent trends indicate an increasing participation in girls team sports including hockey, softball, soccer, tennis, pickle ball, and basketball, among others. This growing trend must be recognized to ensure an adequate supply of facilities is available to minimize scheduling challenges among many competing organizations.

#### Recognizing Trends

Certain activities ebb and flow in popularity, new activities replace old ones and new participant groups form where none existed before. These trends will affect the City and must be considered when planning recreation facilities. Changing trends call for development of flexible facilities that can be adaptable to such trends.

#### Demographic Trends

A household size of 2.47 has been used throughout the 2040 Comp Plan to estimate future populations (see Table 7). Using 2,308 dwelling units as the figure for full development, it is projected the future population will be approximately 5,701 (see Table 9) (source: Met Council).

A population's age and income range, along with the existing and planned land use pattern, influence community decisions on the types and locations of park and recreation facilities. Historically in the City, as indicated by both the 1965 and 1970 census, the City was a child-raising community with a large percentage of the population in the 5–19- and 35–44- year age brackets. The 1980 and 1990 Census began to depict a trend of decreasing persons per household with a large percentage of population in the 18–54-year age bracket. As further evidence of this trend, the 2000 Census recorded, the median age of the community was 44, with only 36.3% of the population less than 35 years in age.

The 2010 Census continues to show evidence of this aging trend. Table 5 illustrates the largest increase in population since the year 2000 was among persons 65 and older, who increased from 450 to 1,144; an increase of 694 persons or over 150%. Similarly, the 55–64-year old cohort grew from 551 to 926, an increase of 375 persons, or 68%. This trend

toward an older demographic distribution is expected to continue in the City and is consistent with many maturing suburbs throughout the metro area.

#### Parkland Standards

The National Recreation and Park Association (NRPA) has developed standards that are intended to be used by communities to guide active recreation planning. Unfortunately, NRPA standards have been based primarily on average community profiles, densities, and demographic characteristics that are wholly inconsistent with the way the City has developed. For example, the City is unique given its large residential lots, low density, and rural type roads without sidewalks, large areas of woods, some prairie areas, a large lake located in the west central area of the City, and five smaller lakes located throughout the community. Families with above average incomes, an increasing number of middle and older age residents, and child population are other atypical factors influencing parks/recreation planning in the City. The unusually large lot sizes extend the distance a person needs to walk to reach a park/recreation facility, and decreases the overall population density within the City. Prairie areas offer space for active recreation, and wooded areas provide great settings for parks and trails. Finally, the lakes limit the circulation within the City. All of these factors affect how the NRPA standards apply to the City. The 1996 North Oaks Recreation Plan identified future parkland needs based on a North Oaks community profile and was used to develop the terms of the East Oaks PDA.

The Vraa-Feldman Report done for NOHOA in 2016 indicated that the City's existing athletic fields were more than enough to serve both current and future projected residential growth. All of these documents should be referenced for future park planning.

"Tot lots" (small playgrounds for young children) have not been uniformly provided in all neighborhoods. With the exception of those provided within larger parks or at gathering areas (Western and Eastern Recreation Areas, Lake Estates and Pleasant Lake Beach), tot lots have not been included in past recreation planning because, due to the rural community layout, children served by tot lots could not easily access them. Additionally, individual families in the City are typically capable of providing these facilities more conveniently and more safely on their own property. Tot lots may be desirable in future mixed residential and Mixed-Use neighborhoods, and they can also be accommodated within mini-parks.

#### Recreation Planning Objectives

(A) Active recreation planning should focus on the following objectives: Local recreation trends show strong support for active recreation activities. Opportunities to participate in organized sports programs come primarily from the two public school districts serving the City. In the White Bear Lake district, the programs are actively run and administered by the School District. Conversely, programs in the Mounds View school district are organized and run by the individual communities within the district. Active recreation facilities are provided to meet the needs of all future HOA members and the following objectives are met:

1. Perimeter sites at the Southpointe and Wilkinson Recreation Areas have been developed by NOHOA for use by the active recreation organizations that allow the City to participate fully in regional programs.
2. Active recreation facilities within the interior of the community are reserved for HOA members and their member-accompanied guests.
3. Recognize the demographic trend that suggests an increase in the middle age and older population of the City, and develop those recreational opportunities and facilities tailored to the needs of this group.
4. Recognize and incorporate new trends into the planning process that reflect the interests of the growing middle age sector of the community.
5. Develop planned active facilities to provide the needed improvements for the City's future neighborhoods.
6. Each new recreation area should be professionally planned for maximum flexibility and minimal maintenance. Due regard should be given to user safety, accessibility, and the ecological and environmental impacts such development would create.
7. Rely upon the uniqueness of the community in developing recreation standards that fit the profile, layout and needs of the resident population.

(B) Passive recreation planning should focus on the following objectives:

The 1994 Recreation Survey clearly showed residents' desire for passive recreation. Of 1,148 surveys mailed to residents, 401 (35%) were returned. When respondents were asked to indicate the three characteristics they most liked about living in the City, they most often noted natural resources (68%), and safety (53%). The four activities engaged in most often were walking (86%), bicycling (63%), gardening (61%), and nature walks (60%). The four activities that showed a high frequency of utilization—together with significant satisfaction with the facilities—were hiking/walking, wildlife observation, nature observation, and utilization of the trail system. The five most important areas for future planning emphasis or investment were trails for hiking (49%), trails for biking (39%), the swimming beach (33%), cross-country ski trails (32%), and the tennis courts at the East Recreation Area (26%).

Sixty-five percent (65%) of the respondents felt it was important to acquire additional land for trails. With regard to parks and open space, 60% of the respondents felt it's "very important" to have park areas within the City. Sixty-four percent (64%) felt it "very important" to have nature trails. Eighty-one percent (81%) felt it is "important" or "very important" to have undeveloped open space. These and other results indicate that "passive" or trail-based activities in a natural environment are the predominant choices of the City residents.

NOHOA's recreation survey conducted in 2013 confirmed that the highest priority of current residents is clearly in the area of trails, passive parks, and preservation of natural resources. Passive recreation planning should therefore focus on the following objectives:

1. All passive recreation areas and trails should be located within the interior of the community. To preserve privacy, trails should not touch the perimeter roads of the City.
2. Recognize that a large majority of residents indicated in the 1994 recreation survey

the importance of natural resources and trails. This trend is consistent with responses to an earlier recreation survey done in 1982.

3. Recognize the demographic trends indicating an increase in the number of middle age and older residents which will result in a greater need for and use of passive recreation facilities.
4. Recognize the number and importance of wetlands, moraines and uplands in the area defined by the East Oaks PDA, and the desirability of incorporating these natural features into an overall network of parks and trails.
5. Emphasize the conservancy of the natural and cultural environment of the City.
6. Recognize the needs of an aging population in developing and maintaining safe roadside pathways.
7. Each existing and new recreation area should be professionally planned for maximum flexibility and minimal maintenance. Due regard should be given to user safety, accessibility, and ecological and environmental preservation.
8. Develop educational/awareness materials for new and existing residents regarding appropriate natural site design concepts, shoreline restoration, landscaping for wildlife retention, and living within a natural environment.
9. Continue acquisition and development of trails consistent with existing NOHOA standards for the east and north sections of the City.

#### Passive Recreation: Future Trails and Parks

The NRPA does not recommend development standards for passive recreation areas because such facilities do not have specific requirements like active areas (i.e., specific field sizes). The following methodologies are suggested approaches for the planning and designation of passive recreation areas including trails:

1. Analyze the natural characteristics of the community  
Consider the topographical characteristic (flat or rolling), woodland characteristics, prairie, wetland, or upland characteristics, the nature of soils, terrain, and hydrological cycles, solar, and cardinal orientation, presence and interaction of flora and fauna.
2. Apply the principles of landscape ecology.  
These principles include:
  - a. Connectivity  
Passive areas should connect, not fragment the various ecosystems (the interrelatedness of living organisms to their environment and to each other). Wetland should connect to uplands, natural openings and forest fringes should connect to maintain ideal habitat quality for plants and animals. By maintaining connections, the movement of animal species to and from shelter, food and water is facilitated, and the uplands act as a filter for water flowing toward wetlands.
  - b. Interior, Fringe, and Open Space  
Each plant and animal species needs specific habitat qualities to survive—food, water, and shelter in a spatial relationship that is ideally suited to their needs. For example, some animals and birds prefer the interior of a wooded area where the tree canopy is

dense; others such as deer live on the fringes of wooded and shrub areas; and still others such as bluebirds prefer open prairie. Specific birds and animals live in trees; others spend most of their lives on the ground, underground or in open water or marshes. To survive, certain plants need shaded conditions afforded by a dense forest while other plants need full or partial sunlight. Indigenous or native species should be encouraged by maintaining or enhancing the critical habitat elements that presently exist.

c. Biodiversity

To maintain biodiversity (the presence of a variety of plants and animals) of indigenous species, proper principles of connectivity and open space (both on the interior and fringe) must be followed. By maintaining various habitats and connecting ecosystems, biodiversity will occur. To avoid the introduction of non- native species, care should be taken in changing the relationship between interior and fringe open spaces.

3. NOHOA Trail Planning Concepts

As discussed in the landscape ecology principles identified above, the passive recreation plan will also need to incorporate human interaction with the natural environment in order to be appreciated. NOHOA trails are private and have always been the mainstay for member enjoyment of the natural environment. The following planning concepts should be considered in the development of passive areas to maximize enjoyment by residents.

a. Provide a Variety of Spatial Experiences

Trails should weave inside and outside the fringes of space, move up and down, and take advantage of interior enclosing spaces as well as exterior open spaces. Curvature will add interest and suspense to what lies ahead.

b. Concept of Vista and Spatial Dimension

Locate the topographical “windows” into the landscape that allow users to appreciate the dimension of the open space over both small and large visual expanses.

c. Exploration of Boundaries

Trails should move through edges and along edges of interior and exterior space (for example, at the edges of wetlands, the boundary of the woodland canopy, along ridges and creeks, within an enclosing woodland canopy).

d. Connectedness of Experience

Trails should join the variety of landscapes in a connected, continuous pathway; preferably in a single loop or a series of clustered loops. Dead end trails should be avoided except to showcase a natural feature or vista.

e. Design for Appropriate Use

Trail qualities vary based on their intended use. Identify the type of use appropriate to the trail, and make the trail appropriate to the landscape. For example, a bicycle trail is necessarily different than a walking trail, and the speed with which one moves through the open space will affect its placement, design, and even the level of appreciation of the natural environment. Off-road and “fat-tire” bicycles should also be considered when planning the community trail system.

f. Design with Nature



Respect natural and topographical features by placing trails parallel to contours; avoiding steep slopes, loose soils, drainage ways and wetland fringe areas.

g. Maintain Privacy

Construction of new internal trails should not include connections to external regional trails to maintain the privacy the community enjoys.

### Future Trail Planning

The exact location for future trails will be determined as part of the development review process. A key recommendation from all citizen reports and surveys has been to develop future trails, parks and preserve natural resources. Each park site has important natural resources (i.e., mature stand of trees), and thus the preservation of these resources is encouraged as part of future subdivision design. Each private subdivision will be required to provide an internal private trail system, which connects to the private NOHOA-wide trail system. All future trails should be designed to meander within a subdivision. The City will continue to require extension of the existing private trail system.

To complete the existing private comprehensive trail system, the following segments will need to be added in the future as opportunities arise:

#### Section A. The Hill Farm Trail (Black Lake to Carlson's Mussa)

The Hill Farm Trail extends from Black Lake along the base of the wooded hillside and adjacent to the wetland area near the Hill Farm. The Hill Farm is an important historic site. From an area near the Hill Farm, the linear park/trail goes in two directions to connect both ends of Carlson's Mussa. The exact location of the trail connections should be coordinated with future development so that both the trail and the home sites can be developed in the best possible manner.

#### Section B. The Carlson's Mussa Trail (Around Carlson's Mussa)

The Carlson's Mussa Trail extends the linear park system around Carlson's Mussa and includes the wooded area between Carlson's Mussa and Deep Lake. Carlson's Mussa is one of the City's significant natural resources. The area contains native plant communities and diverse wildlife habitat. The development potential of adjacent land is very high and will require unusual care and sensitivity in order to preserve the natural resources of this area. A trail corridor is recommended between the wetlands of the Mussa and the upland area because of the special quality of this natural resource.

#### Section C. South Wilkinson Lake Trail

Future trail planning will be needed in conjunction with the proposed PUD neighborhoods abutting Centerville Road including Anderson Woods, Gate Hill, and Island Field. Subdivision of these three areas will require careful review to coordinate new trail connections with the existing interior trail system.

#### Section D. North Wilkinson Lake Trail

The North Wilkinson Trail extends from North Deep Lake Trail northeasterly to the

boundary between the City and Lino Lakes and continues east and south along the eastern side of Wilkinson Lake and north to County Rd I where it turns west and runs toward the Rapp Farm subdivision where it dead ends. Further extensions of the trail should be undertaken to connect the trail between the Rapp Farm area and East Wilkinson Park to avoid dead-end trails and increase connectivity.

#### Section E. Nord Trail

The future Nord subdivision located north of North Deep Lake Road and west of Rapp Farm should incorporate a continuous trail to accommodate year-round trail activities with connection to the existing interior trail system.

#### Future Community Parks and Neighborhood Parks

The City will have neighborhoods which currently are not served by active recreation areas. Two (2) future recreation areas are planned to meet the needs of existing and future neighborhoods. They are:

1. East Wilkinson/Villas of Wilkinson Lake Site: 7.7 acres – The location of this new neighborhood park has been relocated from Rapp Farm to the East Wilkinson area. It will serve the needs of NOHOA members. Future facilities should include open fields, court games, benches, picnic areas and access to the trail system. Facilities should be neighborhood oriented. Organized sports are not recommended for this park. This private park should connect to the trail system.
2. Black Lake/Red Forest Site: 5 acres – This proposed neighborhood park will serve residents of the currently developing Red Forest neighborhood. Future recreation facilities shall be limited to passive recreation and informal play. Playground structures and buildings are not proposed. This park should connect to the interior trail system.

#### P. PARKS, RECREATION AND OPEN SPACE PLAN – POLICIES

1. Compatibility with the natural environment shall be a primary consideration in designating areas for use as parks, recreation, and open space.
2. The City, in connection with the East Oaks PDA, reached an agreement with NOC on the development of the East Oaks PUD areas with regard to the appropriate land for parks, recreation, trails and open space. NOHOA consented and joined in certain provisions of the agreement. The City will continue to require other sub-dividers to provide sufficient appropriate land for parks, recreation, trails and open space as determined necessary.
3. The City will continue to require that NOHOA or another HOA has the responsibility of ownership and maintenance of all parks, recreation, protected land, and open space land.
4. All recreation land, facilities and roads are privately owned with an easement for the HOA and are available only to members and their member-accompanied guests.
5. The City will comply with accessibility requirements, wherever feasible, both for new and existing facilities.
6. The City will use the principles of landscape ecology for all recreation areas including connectivity; interior and fringe open space; and biodiversity.
7. Additional on-road trails should be avoided.

8. Prioritize parks and trails in all future planning; recognizing they create opportunities for community members to increase their physical activity, which can improve mental health, decrease obesity, diabetes, heart disease and other chronic diseases.
9. Consider people's changing recreational preferences in planning local parks. Evaluate population size and demographic characteristics to determine the specific needs for park space, proximity, access and community facilities that serve as the foundation for park systems.
10. Take into account the value of tree canopy in park and trail planning; preserving a healthy tree canopy can serve a number of public health benefits such as providing shade on hot days, reducing heat island effects, improving air quality, improving water quality, improving livability and more.
11. The City may meet with NOHOA to discuss future trail planning.
12. There is no fishing in the City. Fishing is not permitted by residents or member-accompanied guests of residents of the City as per Minnesota Natural Resources Department Statute 6262.0500 and pursuant to the City's deeds and declarations.

#### Q. MUNICIPAL SERVICES – CITY GOVERNMENT

The City Hall offices are located in leased space in the Financial Building at 100 Village Center Drive and near the North Oaks Village Center at Highway 96 and Highway 49 (Hodgson Road). It is staffed by a full-time city administrator, a full-time deputy clerk- treasurer, and two part-time administrative assistants. Local elections are held at this site and Waverly Gardens.

City Council meetings are held on the second Thursday of each month at 7:00 p.m. at the Community Meeting Room at 100 Village Center Drive and are broadcast on cable TV Channel 16 for those who are unable to attend.

Communication to residents is maintained through a website that coordinates information for the City in one location ([www.cityofnorthoaks.com](http://www.cityofnorthoaks.com)) and social media platforms, such as Facebook.com. The City sends E-blasts (emails) to residents of the City whom have signed up for the service. Additionally, the "North Oaks News," is a local newspaper mailed monthly to all residents. Election registration and dates, animal licensing, summaries of new ordinances, individual sewage system maintenance procedures, and other information relevant to residents is included. And finally, HOAs distribute newcomers' packets containing important information about the community that new residents should know. The City's official newspaper for legal publications and public hearing notices is the Shoreview Press.

Members of the City Council are responsible for various government functions (i.e., Acting Mayor, Lake Johanna Fire Department Board Member, Planning Commission Liaison, Natural Resources Commission Liaison, Finance Committee) and are representative to other governmental bodies as needed. The Council contracts with a cable TV coordinator as an independent contractor.

The City contracts annually with the following professional consultants. Each is paid on a fee basis as services are required.

- City Attorney
- City Engineer

- City Forester
- City Planner
- City Prosecutor
- Building, electrical, and sanitary inspection. Inspection is covered by fees as provided for in city ordinances and charged to inspected properties.
- Individual septic treatment system inspections
- Domestic animal control
- Recycling pick up and hauling
- Roadside mowing and trimming and the erection/maintenance of regulatory traffic signs.

R. MUNICIPAL SERVICES – LAW ENFORCEMENT

Ordinance 32 (codified as section 30.02) states that law enforcement shall be provided under contract agreement between the City and the Ramsey County Sheriff. The cities of Shoreview, Little Canada, Vadnais Heights, Falcon Heights, White Bear Township, Arden Hills, and North Oaks, all located in northern Ramsey County, contract for the Sheriff's services under separate Joint Powers Agreements. The level of service is determined by each city and costs are divided accordingly. The budget for policing is the largest single item in the City budget. The level of sheriff services and the contract method adequately provides for law enforcement in the City.

S. MUNICIPAL SERVICES – FIRE PROTECTION

Fire protection service is provided by contract with the Lake Johanna Fire Department Incorporated, which maintains one of its four stations on Highway 49 (Hodgson Road) in the western part of North Oaks. The cost is apportioned to each participating city, including Arden Hills, Shoreview, and the City of North Oaks. A mutual aid agreement is in effect with neighboring fire departments. The insurance category assigned to a city is determined by the Insurance Services Office. Ratings are based on a scale of 1 to 10, with 10 being the equivalent of no protection. The City of North Oaks' rating as of July 2002 is either a 4 or a 10 depending upon the area of the City. A member of the City Council serves on the Lake Johanna Fire Department Board of Directors. The Lake Johanna Fire Department Board indicates that the fire protection in the City is at an adequate level.

T. MUNICIPAL SERVICES – POLICIES

1. The City will continue to contract for services whenever possible rather than employ permanent city employees.
2. The City will continue communication with residents by the use of the North Oaks News, special mailings, public meetings, social media, e-blasts, the City website and cable TV programming.
3. The City continue to encourage citizen participation in service to the government and community.

U. MUNICIPAL SERVICES – SOLID WASTE

Each homeowner contracts with a private hauler for the removal of solid wastes. Ordinance 5 (codified as sections 93.01 through 93.07) along with Zoning Ordinance 94 (section

151.030) outline provisions and standards for refuse storage. Zoning Ordinance 94 (section 151.032) regulates smoke, dust, odors, and noise. The City contracts with a private hauler for monthly recycling services for all residents.

V. MUNICIPAL SERVICES – ELECTRICITY, GAS, TELEPHONE, AND CABLE TELEVISION

The City is provided electricity and natural gas by Xcel Energy with the exception of the Deer Hills development, which is supplied with electricity through the Anoka Electric Cooperative. Telephone service is supplied by Century Link, and cable service is provided by Comcast (TV, Internet, and some home alarms).

The restrictive covenants attached to each lot owner's real estate deed provide that the NOC shall have an easement, which it may assign in whole or in part to NOHOA or to individual public utilities, to install electrical and telephone lines. The lines within the City have been installed pursuant to said easement. The natural gas and electricity lines are installed pursuant to the same easement provision and as specified in Ordinances 78 and 79 (codified as TSO I). Cell towers are only allowed within areas guided for Light Industrial development.

In addition, section 152.066 of Subdivision Ordinance 93 (codified as Chapter 152) provides for easements at least twelve feet wide adjacent to each lot for utilities. Since 1968, all electrical and telephone distribution lines have been installed underground.

W. MUNICIPAL SERVICES – EDUCATIONAL SERVICES

North Oaks is served by two public school districts: White Bear Lake, Independent School District 624; and Mounds View, Independent School District 621. The majority of developed land is in the Mounds View School District. Most of the future development will be in the White Bear school district area. The White Bear Lake School District's jurisdiction includes about a third of the total area of North Oaks. (See Appendix A, Map 21 – School Districts and Voting Precincts). Both school districts bus students to their assigned schools. Both school districts offer special education, alternative, and summer programs. Each has a community education program for adults. City students also attend private and parochial schools serving the northern suburbs and private schools in the metropolitan area. Many of these schools offer transportation service.

## CHAPTER 4: IMPLEMENTATION

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### A. INTRODUCTION

In 1999, the City approved the East Oaks Planned Unit Development (East Oaks PDA), which established the development pattern for all remaining undeveloped land within the community. Development of the East Oaks area is occurring as envisioned by the approved PUD and as stipulated in the associated PDA narrative. The success of the East Oaks PDA to date has prompted the City to adopt very few changes to the overall vision and direction established in the 1999 and 2008 Comp Plans. Consequently, implementation of the 2040 Comp Plan will not require any substantial amendments to code or further actions by the City. Instead, the City will remain focused on implementing the East Oaks PDA as approved, and amending the City's code of ordinances only when necessary to achieve the goals and policies contained within the 2040 Comp Plan.

### B. OFFICIAL CONTROLS

The relatively few changes to the 2040 Comp Plan since the last update in 2008 dictate that few changes are needed to the City's official controls. However, in an ongoing effort to preserve the physical and environmental characteristics that define the City, the City will continually review its local ordinances to ensure proper controls are in place to achieve the goals outlined in this plan. The City will take steps to adopt regulations ensuring that sump pumps, foundation drains, and roof leaders are not allowed to drain to sanitary sewer connections. Other examples of topics that will be continually assessed are the treatment of invasive plant species such as Buckthorn and the protection of the City's tree cover through tree preservation requirements. Additionally, the City will continue to review and update this plan on a regular basis. Amendments to the Comprehensive Plan may be initiated by citizens, land owners, NOHOA, the Planning Commission, and City Council. All proposed Comprehensive Plan amendments require a public hearing. Existing official controls which will continue to play a key role in implementing this plan include the following regulations.

#### Regulations

The City will continue to rely on its zoning code as the primary means of implementing its land use policies, goals, and objectives as outlined in the 2040 Comp Plan. The City also utilizes its Shoreland Management Ordinance, Subdivision Ordinance, Zoning Ordinance, and local surface water management plan in effectuating the 2040 Comp Plan.

#### Zoning Regulations

Zoning regulations have been carefully crafted to ensure that the unique character of the community is preserved for future generations. The preservation of the natural environment is vital to the quality of life in the community and will continue to be of the utmost concern in the regulation of land use throughout the community and shall be reflected in all zoning considerations. As previously discussed in this plan, the East Oaks PDA continues to be the primary development mechanism for the City. As detailed in Chapter 2 of the 2040 Comp Plan, the City has created six separate residential districts and a mixed-use commercial/residential district to promote a variety of housing types,

densities, and commercial entities to meet the needs of the community, and to implement the East Oaks PDA and follow the preservation and commitment to the natural environment. The City's PUD standards and procedures will continue to be utilized in processing and implementing the remaining phases of the East Oaks PDA. In the coming years, the remaining PUD developments will continue to add diversity to the City's housing stock, as it has over the past two decades. The City does not envision the need for any modifications to the Zoning Ordinance in order to implement the remaining phases of the East Oaks PDA. The City's current zoning map is included in this plan in Appendix A, Map 7 – Existing Zoning Districts.

#### Subdivision Regulations

Subdivision regulations in place require careful oversight by both the Planning Commission and the City Council. The City's subdivision ordinance works to facilitate the community's unique development and municipal management structure in that the regulations require that homeowner associations be established with mandatory membership along with declarations of covenants, conditions and restrictions. These regulations ensure the ongoing responsibility for operation and maintenance of common areas, recreational areas, roadways and other common property. HOAs are required to maintain adequate financial capabilities to fulfill these responsibilities. The North Oaks' Planning Commission and City Council are empowered through the subdivision ordinance to ensure that all subdivision and land development conform to the City's Comprehensive Plan. Each subdivision is reviewed for conformity to the Comprehensive Plan.

#### Shoreland Management

The City's Shoreland District regulations were adopted in consultation with the Minnesota Department of Natural Resources, consistent with statutory requirements. The regulations act to guide development and utilization of shoreland areas adjacent to protected surface waters for the preservation of water quality, natural characteristics, economic values, and general health, safety, and welfare. The water bodies and surrounding shoreland areas encompassed by the protection of these overlay regulations include:

##### Natural Environment Lakes

Black Lake

Wilkinson Lake

##### Recreational Development Lakes

Deep Lake

North Mallard Pond

South Mallard Pond

Teal Pond

Gilfillan Lake

Pleasant Lake

Charley Lake

##### Tributary Streams

Tributary systems including all protected watercourses in the City shown on the

## Protected Waters Inventory Map for Ramsey County.

### Wetland Preservation

Wetland preservation and protection is achieved through the City's Surface Water Management Plan (SWMP). The SWMP, which is incorporated into the 2040 Comp Plan for reference, continues to designate the Vadnais Lake Area Water Management Organization (VLAWMO) as the official Local Governmental Unit (LGU) with responsibility for wetland management in conformity with the Minnesota Wetlands Conservation Act (WCA) of 1991 its amendments and rules (MN Chapter 8420) and other state federal and regional regulations. The East Oaks PDA, as approved by the City, also contains protection provisions including wetland setback performance standards.

### Historic Preservation

The City's Historic Preservation ordinance was established to recognize and preserve the historic James J. Hill North Oaks Farm. The site is located on the south side of Pleasant Lake and owned by the Hill Farm Historical Society. Three buildings on the site have been restored. Mary Hill Park located on the north side of Pleasant Lake is owned by NOHOA and is of historic significance.

## C. CAPITAL IMPROVEMENT PROGRAMMING

Capital improvement programming involves identifying major community facilities or activities needed to serve existing development or to support future growth, and determining when these should be provided and how to pay for them. The City's 2008 Comp Plan did not include a capital improvement plan as it was determined that the long-standing municipal management structure and public/private partnership in place did not warrant and would not benefit from this effort. In preparing for this 2040 Comp Plan, officials of the City have once again examined the land development practices, community facilities' needs, and financial considerations to evaluate what direction a capital improvements program could take. It has been concluded that local development procedures and capital improvement plans do not indicate a need for such a program. Herewith is a review of development procedures which have led to this conclusion.

Most land development has been done by a single developer who used a staged and contiguous growth pattern. This avoids the necessity of extending services without sufficient income to support the services at a reasonable cost. Restrictive covenants covering each lot provide for an HOA to assume responsibility for road maintenance and recreational facilities. Because of the success of this development pattern since 1950, City ordinances were enacted which officially support the development pattern and procedures.

In the City, a developer is responsible for:

1. Installing all blacktopped roads to meet NOHOA standards.
2. Providing all road name signs.
3. Providing for sustainable stormwater best-management practices, including stormwater management and retention of natural drainage and ponding areas.



4. Providing sufficient open space and recreation land enhancements to meet the needs of the development, NOHOA, and HOA members.
5. Installing sanitary sewer facilities and providing for adequate water facilities in planned unit development and commercial districts and in single-family and medium-density areas when necessary.
6. Including restrictive covenants running with the land to provide for a homeowners' association to assume certain stated responsibilities within the development.

A homeowners' association (HOA) is responsible for:

1. Providing all recreational facilities, such as buildings, tennis courts, playfields, swimming beach, and facilities.
2. Maintaining roads, bridges open space, recreational lands, trails, and a maintenance building.

A commercial association (CA) is responsible for:

1. Managing and maintaining common facilities, such as roads, utilities, ponding, lighting, and sewer.

The City government contracts for police and fire protection and leases space for the City office; therefore, capital investment is not required for municipal buildings or equipment.

In most of the City, developers and lot owners in single-family homes have installed individual wells and onsite sanitary sewage treatment systems when houses are built and are solely responsible for their ongoing maintenance. Homeowners also contract independently for refuse disposal from private haulers.

Gas, electricity, telephone service, and cable TV are supplied by private utility companies, which extend service from an already serviced area to an adjacent area.

## North Oaks 2040 Comp Plan Resolution List

Issue	Overview	Incomplete/Complete Status
Comprehensive Plan Application Form	<p>Reminder: When you submit the revised plan, please use the online submittal form on your Community Page. You will resubmit the Plan as supplemental information.</p> <p>Please fill out and attach the following form for your resubmission, which was missing from your original submission:  <a href="https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL- INFORMATION/Comprehensive-Plan-Update-Application-Form.aspx">https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL- INFORMATION/Comprehensive-Plan-Update-Application-Form.aspx</a></p>	Action needed.
Authorizing resolution	Please submit a signed resolution authorizing submission of the Plan to the Metropolitan Council.	<p>Action needed.</p> <p>Kevin may have completed this task according to your draft response.</p>
Community designation change	Revised draft reflects the staff level agreement to redesignate the Suburban portion of the City to Emerging Suburban Edge.	<p>Complete.</p> <p>Revised draft indicates that the map will be included.</p>
Forecasts – Table 5	<p>This table can be updated:</p> <ul style="list-style-type: none"> <li>• Please incorporate the latest 2019 population and household estimates of 5,320 and 2,048, respectively.</li> <li>• Please also incorporate the latest 2019 employment estimate of 1,510.</li> <li>• Please eliminate the distinction between the City and Met Council forecasts as we have staff level consensus on new forecasts. These will become official upon Met Council authorization of the Plan.</li> </ul> <p><a href="https://stats.metc.state.mn.us/profile/detail.aspx?c=02395259">https://stats.metc.state.mn.us/profile/detail.aspx?c=02395259</a></p>	Action needed on suggested modification to numbers and table.
Forecasts – TAZ	It appears that the City intended to revise Table 10 to include households and to account for the revised forecasts, but this was not done.	Action needed.
Forecasts – Sewer Connection	<p>The Council requested a table that allocates forecasts for households and employment in ten-year increments by sewer connections to the Metropolitan Disposal System. Although your draft response indicates that this information is included in Tables 12 through 18, the Plan should include a synopsis that is limited to a breakdown of households and jobs.</p> <p>For further assistance, please contact Roger Janzig at <a href="mailto:roger.janzig@metc.state.mn.us">roger.janzig@metc.state.mn.us</a>.</p>	Action needed.
Chapter 3: Community Facilities E. Utilities – Background	<p>The second paragraph is incorrect and must be revised. Please see suggested changes.</p> <p>Note: Should the City in the future propose any additional areas be incorporated in the regional systems, these areas must meet the density requirements for Emerging Suburban Edge communities.</p>	Action needed.

<p>Chapter 3: Community Facilities F. Sanitary Sewer – Existing Facilities</p>	<p>Incorrect language regarding feasibility of serving entire City has been removed.</p>	<p>Complete.</p>
<p>Sewer-related GIS data</p>	<p>The City’s draft response describes the information, which is useful, but this information is also needed in electronic form. The Council was able to extract most of this data via White Bear Township’s submission of GIS data. However, we are missing data related to subsurface treatment systems including identifying locations (if any) that are nonconforming or have problems.</p> <p>FYI, we received GIS data from White Bear Township via their consultant, Laura Chamberlain at HKGi.</p> <p><u>Met Council GIS contact:</u> Steve Hack <a href="mailto:Steven.Hack@metc.state.mn.us">Steven.Hack@metc.state.mn.us</a></p> <p><u>Instructions for uploading sewer data:</u> <a href="https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL-INFORMATION/How-To-Upload-Sanitary-Data.aspx">https://metro council.org/Handbook/Files/Resources/Fact-Sheet/GENERAL-INFORMATION/How-To-Upload-Sanitary-Data.aspx</a></p>	<p>Action needed for SSTS GIS data.</p>
<p>Inflow / Infiltration</p>	<p>Your draft following responses provide increased clarity but don’t appear to be reflected as updates in the text. If you some of this is already stated in the text, I suggest indicating that in a cover letter for the revised submittal.</p> <p>Please submit relevant I/I ordinances as you indicate you will.</p> <p>For further review and clarification, please contact Marcus Bush @ <a href="mailto:marcus.bush@metc.state.mn.us">marcus.bush@metc.state.mn.us</a>.</p>	<p>Action needed to enhance text and include ordinance as appendix.</p>
<p>Transportation: Existing/ 2040 Traffic &amp; Existing/ 2040 HCAADT</p>	<p>The City’s draft response states that this information is available from Ramsey County. This is true, but the data needs to be incorporated onto Map 14.</p> <p>Ramsey County Plan: <a href="https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/2040TrafficVolumes.pdf">https://www.ramseycounty.us/sites/default/files/Projects%20and%20Initiatives/2040TrafficVolumes.pdf</a></p>	<p>Action needed.</p>
<p>Bicycling &amp; Walking: RBTN</p>	<p>The Plan needs to identify the Highway 96 Trail as a Regional Bicycle Transportation Network (RBTN) trail and a future RBTN Tier 2 alignment on Centerville Road.</p> <p>I believe the City intended to make these changes in the narrative but did not do so in the latest draft. These must also be mapped, and I suggest doing so on Map 14 to minimize the effort. Please contact Steve Elmer if you need clarification on this requirement including mapping.</p>	<p>Action needed.  Add to text and Map 14.</p>

	<p><a href="mailto:Steven.Elmer@metc.state.mn.us">Steven.Elmer@metc.state.mn.us</a></p> <p>Online mapping tool:  <a href="https://giswebsite.metc.state.mn.us/mcviewer/?cfg=rbtn">https://giswebsite.metc.state.mn.us/mcviewer/?cfg=rbtn</a></p>	
Housing	<p>Housing staff have reviewed the revised content and consider it complete for review.</p> <p>The housing reviewer and I have made some suggested changes in the document.</p> <p>The housing reviewer notes that North Oaks will be ineligible for participation in the Livable Communities Program, which I understand the City is not interest in.</p>	Complete.
Surface Water Management Plan	<p>Please include this as an appendix and indicate the dates of approval by the watershed and adoption by the City. (The City indicates these dates in the online submittal form but this could also indicate this in the Plan itself.)</p> <p>I have included a comment in the revised draft where a change in reference is needed.</p>	Action needed.
Map 16: Future Service Area	<p>City's draft response states that "Map 16 will be modified to clarify that the East Preserve (13) and Nord (14) sites are not included in the Metropolitan Council's long-term sewer service area."</p>	<p>Complete.</p> <p>Please ensure that Map 16 has been revised.</p>
B. Land Use Plan	<p>This section requires revision to be consistent with regional land use policy. Please see suggested revisions, which should clarify our role and future needs.</p>	Action needed on suggested revisions.

## MEMORANDUM

TO: Kara Ries, Mayor  
Council members Jim Hara, Sara Shah, Rich Dujmovic  
Kevin Kress, City Administrator

FROM: Tom Watson, Council member

DATE: March 26, 2021

RE: East Oaks Planned Development Agreement

Since taking office in early January 2021, the East Oaks Planned Development Agreement (EOPDA) subject has been on each monthly meeting agenda primarily focused on the remaining unfinished conditions with the Nord Development final plan approval. At our forthcoming April 8 Council meeting, I would like a few minutes on the agenda to address the subject of this memorandum.

At our March Council meeting, I addressed this subject matter. I heard the President and Chief Manager of North Oaks Company state, at the meeting, that he would contact the North Oaks Homeowners Association (NOHOA), which I presumed to be soon thereafter. As I write this memorandum, I have been advised that a significant number of the Final Plan conditions for the Nord Development remain unaddressed. The actions I have observed during 2020 are unacceptable and cannot continue.

Following the March 11 Council, City Administrator Kress outlined the following “proposed schedule” in his March 12 weekly update:

- “The proposed schedule for developments according to NOC is as follows:
  - East Preserve (formerly known as Nord) – construction of streets spring 2021.
  - Anderson Woods – application for Final Plan approval February 2021, consideration at April meeting.
    - Construction of utilities and streets spring of 2021
  - Island Field – application for Final Plan approval March 2021, consideration at April meeting.
    - Construction of streets summer 2021
    - Break ground on condominium building late summer 2021
  - Gate Hill – application for Final Plan approval April 2021, consideration at May meeting.
    - Grading begins spring 2021
  - Red Forest Way South – application for Final Plan approval summer 2021
    - Grading begins fall 2021”

This “proposed schedule” does not address the work to complete the unfinished conditions to affect the Final Plan/plat for the Nord Development (which I understand is now “East Preserve”). Final Plan was approved Dec 17, 2020, construction of streets planned for spring 2021, and many conditions incomplete. This situation precludes any NOC lot sales until all conditions are satisfied as Bridget Nason, City Attorney, advised in response to my question about the status of Nord Development. She advised about the remaining incomplete conditions and provided this document, e.g. [Nord - Development Status Checklist 3.11.2021](#) attached.

The schedule Kevin provided two weeks ago is simply not doable or not possible for this Council member. We have a new City Engineer and new Council members who have not been directly involved in the review to-date on each of these Development Sites. We have been advised about legal procedural matters during the Nord Final Plan decision. Formulating a thorough understanding of the details is imperative and will need some time to obtain, along with any necessary corrective actions.

Consequently, I am moved to offer a proposal for the continued implementation of the EOPDA, improved collaboration and cooperation among the three parties to the EOPDA, and start “getting things” done properly, legally, and thoroughly. The EOPDA is a three-party agreement.

I would like to see the following information for East Oaks PDA developments provided going forward and before any applications, plans or other actions are presented for our consideration:

1. Obtain from NOC their plan and timeline re: submission of remaining sites final plans
  - a. Consistent with the PDA and Development Agreement (DA) Section 10.2 and others, the City should receive from NOC the “written schedule” outlining order of completion
  - b. What is the NOC expected calendar for final plans for each remaining Site?
  - c. When can we expect NOHOA and NOC to come to agreement on the “open issues” on Nord development Site?
  - d. Based on the premature Island Field advertising, we need to understand the plan.
2. Obtain from NOHOA a plan and timeline re: when can we expect NOHOA and NOC to come to agreement on the “open issues” for the Nord development site?
3. Receive a status report from the City Administrator every sixty (60) days on the NOC compliance with DA Section 10.2. (using the City Attorney Nason document as an example) for each Development Site with Preliminary Plan approval, including a statement of not only “incomplete”, but also whether the Developer/NOC has a DA default.
  - a. City Administrator, as the City Zoning Administrator, may not delegate this responsibility to another party, but may seek advice and counsel from City advisor(s)
4. Decide acceptance Final plan application as “complete” for each Site by City Council (reference Section 6.2.2. (old Ord 93; new Ord 152.020 and 152.022)
  - a. Consistent with our City Zoning Code and Subdivision Ordinance, each application shall be thoroughly reviewed by the City Administrator/City Clerk and City advisors (City staff) and the Planning Commission (PC) for application “acceptance and completeness”,
  - b. PC and City staff shall present their recommendation(s) to the City Council for the "acceptance and completeness" of plans submitted by the Developer, and
  - c. The statutory and Zoning Code “clock” will only commence after the City Council approves the Final Plan/plat approval application; and
5. Consider conducting “special meetings” of the principal parties and advisors to complete critical matters as identified from time-to-time for any Site or EOPDA issue.

This document is by no means complete and final, but rather a document to engage all parties to work collaboratively and cooperatively on EOPDA matters.



**NORTH OAKS**  
HOME OWNERS' ASSOCIATION

April 7, 2021

The Honorable Mayor Kara Ries  
City Councilmembers Dujmovic, Hara, Watson, and Shah  
City of North Oaks  
100 Village Center Drive, Suite 230  
North Oaks, MN 55127

Re: East Oaks Planned Development Agreement Review Process

Dear Mayor and Councilmembers:

The Board of Directors of the North Oaks Home Owners' Association ("NOHOA") recently considered the issues raised by Councilmember Watson in his email, dated March 26, 2021. Those issues concern the review by the City of North Oaks of developments proposed by the North Oaks Company ("NOC").


Following discussion and deliberation, the NOHOA Board approved the following actions:

1. NOHOA agrees to a plan and timeline that NOHOA and NOC come to agreement or clarification on the "open issues" for the Nord (East Preserve) development within sixty (60) days; and
2. NOHOA supports a structure and schedule for the review and approval of pending and future East Oaks developments.

The NOHOA Board considers both actions supporting the overall review process set forth in Minnesota state law, the City Code, the Planned Unit Development Agreement for East Oaks Project, and other related governing documents among the City, NOHOA, and NOC. A fair and productive review process must provide adequate notice and an opportunity for all interested stakeholders to be heard and their concerns addressed in a responsible manner.

NOHOA stands ready to participate in a meaningful and useful review of NOC's pending and future developments.

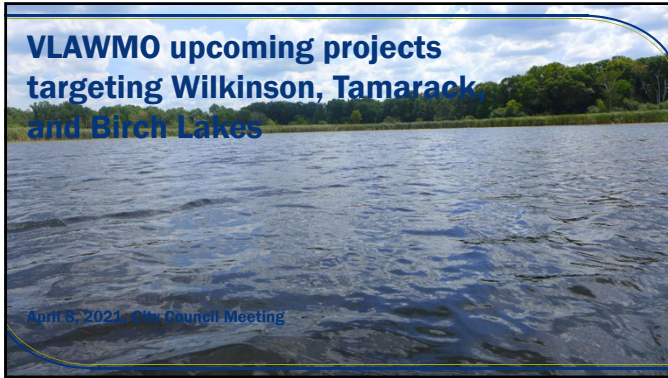
Very truly yours,



JoAnn Hanson  
President

CC: Mark Hogue

• NATURE • HERITAGE • COMMUNITY •

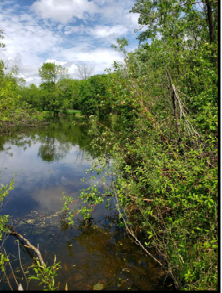


## VLAWMO upcoming projects targeting Wilkinson, Tamarack, and Birch Lakes

April 8, 2021 - City Council Meeting

## 319 Funds and VLAWMO

- 319 is an EPA Federal grant program (from Section 319 of the Clean Water Act)
  - Administered by the MPCA in MN
- In previous years, 319 funds were awarded on a project basis
  - Example: Recent Lambert Creek meander project in 2019 (completed in 2021)
- New model: 16-year, priority small watershed grant program
  - Each priority small watershed has priority 4 times for a project or suite of projects targeting a pre-approved area within their watershed
  - Pre-approved area(s) identified in the required Nine Key Element (NKE) document, approved by EPA

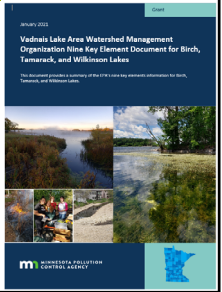


## Process of receiving priority small watershed designation

- During spring 2019
  - VLAWMO submitted letter of interest
  - Participated in phone interview with MPCA panel
  - In-person interview with partners followed
  - In-person interview with MPCA included:
    - Rep from Board (Dan Jones)
    - Reps from TEC, City of North Oaks, and NOHOA (Bob Larson and Diane Gorder)
    - Rep from SPRWS (Justine Roe)
    - VLAWMO staff and more
- During summer/fall 2019: Notified of selection for small watershed priority funding

## Developed NKE document

- During fall 2020 VLAWMO worked with MPCA to build document
- Board approved NKE Document for final submission to EPA on Feb. 24, 2021
- Focal areas selected: Wilkinson Lake, Tamarack Lake, and Birch Lake
- Will be available on the MPCA website
- Includes a menu of projects to choose from when submitting project package




## Concept-level Projects for first round 319 grant application targeting Wilkinson Lake

- Proposal will be submitted during spring 2021
- Project construction will happen following (to be completed by the end of 2024)
- Next proposal due in 2025

## Feasibilities to identify projects

- SEH worked with VLAWMO to identify smaller-scale projects that could be implemented to improve Wilkinson during 2020
- Barr worked with NOC (and VLAWMO) on high-level concept and phasing plan for regional suite of projects for the first round, 319 priority small-watershed proposal for a cohesive package targeting Wilkinson Lake (2020/2021)
  - Barr's work was initiated and funded by NOC
  - Over and above stormwater requirements
  - Not related to any development stormwater requirements



### Overview of high-level concept

- Focuses on southern most area
- Need to “fit” to budget of grant and local match amount
  - Cost estimate and pollution reduction est.
- Design will change as each stage in the process evolves, anticipated to be somewhere generally be in the box areas with:
  - City/NOHOA involvement and input where appropriate
  - Permitting/agency input
  - MLT Input
  - Other partners as needed

### High-level concept

- No decision made yet
- Pre-permitting meeting will be held in April to discuss options with agency/permitting authorities
- Proposal for first-round projects will be submitted this spring for grant funding
- Design work will continue after grant proposal is submitted
- Likely final design will be some combination of following concepts

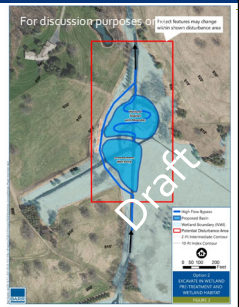
### Concept option #1 for first phase

- This option has a smaller pond receiving only some of the water coming into Wilkinson
- Possibly lower permitting needs
- Lower pollutant reduction
- Higher restoration focus



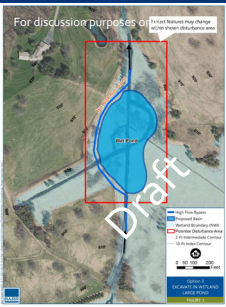
### Concept option #2 for first phase

- This option has a larger pond and meander area after the pond with an overflow route to protect pond and meander during high flows
- Possibly higher permitting needs than #1
- Higher pollutant reduction than #1
- Restoration and naturalized stream area would reduce dredging maintenance over time

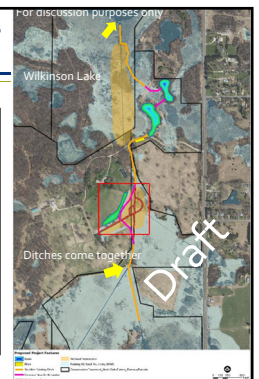
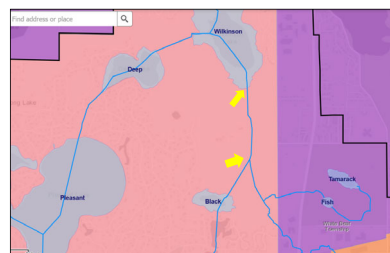


### Concept option #3 for first phase

- This option has the largest pond and an overflow route to protect pond during high flows
- Likely highest permitting needs of 3
- Highest pollutant reductions of 3
- Restoration minimized; some expected dredging maintenance needed over time



### Larger area, and possible future project phases (boxed area same as previous 3 options)



## Anticipated Next Steps

- Anticipated April 28 VLAWMO Board consideration of application package
  - Grant application and workplan with high-level design
  - "Base-level" partner agreements
- Fall 2021
  - Consideration of grant agreement
  - Consider further refined access and long-term maintenance agreements
- Early 2022
  - Grant agreement executed
    - Funds used on eligible actions (design and construction)
    - Public engagement
- 2023/2024: Project construction

# March Month in Review

*March 2021*



Rehder Forestry Consulting

- One hundred forty-seven (147) diseased oak trees that were marked in 2020 have been removed. All trees were removed shortly after road restrictions went on and before the oak wilt season began (April 1). No forced removals were required giving us 100% compliance.
- Homeowner calls at 6 Spring Marsh Ln, 56 E Pleasant Lake Rd, 5 South Deep Lake Rd, 7 Aspen, and 5 Evergreen Ln.
- Meet with NRC on March 18<sup>th</sup>, 2021.
- Provided article on invasive Garlic Mustard control and oak wilt eblast updates.
- Sent out hazard tree notices recommending removal.
- Continue working with and educating residents on goose control near Gilfillan Lake.