



CITY OF NORTH OAKS

Regular City Council Meeting
Thursday, August 24, 2023
7:00 PM, Community Meeting Room, 100 Village Center Drive
MEETING AGENDA

Remote Access - *City Council members will participate in person in Council Chambers (Community Room, 100 Village Center Drive, Suite 150, North Oaks, MN) during the meeting. Members of the public are welcome to attend. 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: 835 8242 5603 or by joining the meeting via the following link:
<https://us02web.zoom.us/j/83582425603>.*

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

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

5. **Approval of Agenda**

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

6a. Approval of Licenses:

Arborist: New Horizon Tree Care; Primo Tree Experts; Vital Tree Service, LLC

Mechanical: Cities Companies; Erickson Plumbing Heating Air Electrical; Maximum Needs Construction; Midwest Electric and Generator; Total Home Solutions;

6b. Hill Farm Historical Society Liquor License

[HFHS Farmfest Liquor License.pdf](#)

6c. Approval of City Financials

6d. Ramsey County Sherriff's Office - Interagency Agreement

[RCSO Interagency Agreement 8.2023.docx.pdf](#)

[1206022 IAA Info Form.pdf](#)

- 6e. Approval of amendments to City Code Chapters 34 and 151, Planning Commission composition and Comprehensive Plan, resolutions of summary publication

[2023-08-24 CC Report_ordinance updates.pdf](#)

[NO Summary Pub Res Chapter 34.pdf](#)

[NO Summary Pub Res Chapter 151.pdf](#)

[Ord Amd Chapter 34 Planning Commission 8.18.2023.pdf](#)

[Ord Amd Chapter 151 Zoning Ord and Comp Plan 8.18.2023 \(002\).pdf](#)

- 6f. Approval of the City Council Meeting Minutes of July 13, 2023

[07.13.2023 City Council Minutes.pdf](#)

- 6g. Approval of the Special City Council Meeting Minutes of July 12, 2023

[07.12.2023 CCsp Minutes.pdf](#)

7. Petitions, Requests & Communications - Deputy Matt Lassegard Report

- 7a. Mark Rehder Forestry Update: Seedling Request, potential fall Brush pick up, status of storm clean-up: downed brush on Streets / trails

- 7b. Presentation by USDA on wildlife management

8. Unfinished Business

- 8a. Discussion and possible action on Master Infrastructure Plan

[8-18-23 North Oaks Infrastructure Study Proposal.pdf](#)

9. New Business

- 9a. City Table at Farm Fest Discussion / Plan

- 9b. Discussion and possible action on North Oaks security initiatives

[SKMBT_42323080712180.pdf](#)

[North Oaks Homeowners Association resolution .pdf](#)

- 9c. Consider 9th amendment to PDA

[9th Amendment to PDA Packet Materials.pdf](#)

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

13. Miscellaneous

13a. City Forester Report for July 2023
[July 2023 in Review.pdf](#)

14. Adjournment - *The next meeting of the City Council is Thursday, September 14, 2023.*



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 1600, St. Paul, MN 55101
 651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization: Hill Farm Historical Society Date of organization: January 1, 1989 Tax exempt number: 41-1643145

Organization Address (No PO Boxes): 35 Hill Farm Circle City: North Oaks State: MN Zip Code: 55127

Name of person making application: Denise Fleming, President Business phone: 651.442.9901 Home phone: —

Date(s) of event: September 10, 2023 Type of organization: Microdistillery Small Brewer
 Club Charitable Religious Other non-profit

Organization officer's name: Denise Fleming, President City: North Oaks State: MN Zip Code: 55127

Organization officer's name: John Grant, PhD, Treasurer City: North Oaks State: MN Zip Code: 55127

Organization officer's name: Tari McNeil, VP Membership City: North Oaks State: MN Zip Code: 55127

Location where permit will be used. If an outdoor area, describe.
At the historic Hill Farm site in North Oaks, Minnesota, where there are a number of historical buildings.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
Minnesota Joint Underwriting Association, recommended coverage.

APPROVAL
 APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license: _____ Date Approved: _____

Fee Amount: _____ Permit Date: _____

Event in conjunction with a community festival Yes No

Current population of city: _____ City or County E-mail Address: _____

Please Print Name of City Clerk or County Official _____ Signature City Clerk or County Official _____

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event
No Temp Applications faxed or mailed. Only emailed.
ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

INTERAGENCY AGREEMENT TEMPLATE

This template covers the necessary component of Criminal History Inquiries for the interagency agreement as required by the FBI/BCA. By selecting Yes or No, it will be clear to each agency who is responsible for what service – Yes ensures Agency A will provide the service for Agency B and No ensures Agency B will be responsible for this component.

Additional items may be added to the agreement as needed for such areas as acceptable methods of communication, the process for changes to the agreement, the term of the agreement, the termination process, and any other details providing an understanding of each agency's responsibilities.

Questions about security controls/aspects can be directed to the BCA Information Security Office at 651-793-2502 or BCA.ISO@state.mn.us
Please contact your auditor if you have questions about any other aspect of this template.

INTERAGENCY AGREEMENT

The following agreement is set forth to meet FBI CJIS, National Crime Information Center (NCIC), and BCA Minnesota Justice Information Services (MNJIS) policies, procedures and standards for the services of Criminal History Inquiries between the agencies named below.

(AGENCY A) Providing Agency Name: Ramsey County Sheriff's Office
Agency ORI: MN0620000
Agency Administrator: Bob Fletcher
Agency TAC: Sean Doughty

AGENCY A agrees to provide certified personnel, while conducting the services indicated below, in compliance with FBI and BCA policy.

AGENCY A agrees to access, use, disseminate and destroy Criminal Justice Information (CJI) in compliance with the FBI CJIS Security Policy.

AGENCY A agrees to have all appropriate security controls in place, as required by the FBI CJIS Security Policy, to protect the exchange of criminal justice information.

AGENCY A agrees that it will have sufficient control and visibility into all security aspects related to information provided to **AGENCY B**, including incident reporting and response.

(AGENCY B) Receiving Agency Name:

Agency ORI:
Agency Administrator:
Agency TAC:

AGENCY B agrees to access, use, disseminate and destroy Criminal Justice Information (CJI) in compliance with the FBI CJIS Security Policy.

AGENCY B agrees to have all appropriate security controls in place, as required by the FBI CJIS Security Policy, to protect the exchange of criminal justice information.

AGENCY B agrees that **AGENCY A** will have sufficient control and visibility into all security aspects related to information provided to **AGENCY B**, including incident reporting and response.

CRIMINAL HISTORY INQUIRIES

YES X **NO**

AGENCY A agrees to run criminal history inquiries upon the request of **AGENCY B** personnel during the hours of 24 hours using MN MN0620000 ORI.

AGENCY B agrees to provide documentation or a case number to **AGENCY A** prior to running an inquiry.

AGENCY A agrees to use the proper purpose code/search reason, requestor's name and/or badge number in the Attention (ATN) field, and a case number and/or brief literal reason in the ATN field.

Providing Agency Administrator signature: _____
Date:

Receiving Agency Administrator signature: _____
Date:

Indirect Access Agency Information

As part of the 2021-2023 Triennial NCIC Administrative Audit each terminal agency is required to identify authorized indirect access agencies to whom they are providing criminal justice information (CJI). Each agency that does not have a CJDN device must provide two agency personnel to serve in the required roles below. Please share the role descriptions with the agencies and ask they provide you with the information. If an agency has additional questions on their roles, they can be referred to your auditor to assist them with identifying the appropriate appointments.

CJIS Online Administrator

The CJIS Online administrator will be responsible for setting up and managing user accounts for agency personnel who receive or have access to criminal justice data and have not completed BCA Single Certification in nexTest.

All personnel with authorized access to CJI must be made aware of their individual responsibilities and expected behavior when accessing CJI by completing security awareness training. The training is required within six months of initial assignment, and biennially thereafter. This training is to be completed in CJIS online.

Local Agency Security Officer

The Local Agency Security Officer (LASO) serves as the agency's primary point of contact to the CJIS Systems Agencies (CSA) Information Security Officer (ISO). The BCA is the CSA for Minnesota. The LASO actively represents their agency in all matters pertaining to information security, disseminates information security alerts and other material to their constituents, maintains information security documentation (including system configuration date), assists with Information Security audits of hardware and procedures, and keeps the BCA informed of any information security needs and problems.

The FBI CJIS Security Policy assigned the following responsibilities to the Local Agency Security Officer (LASO):

- Identify who is using the CSA approved hardware, software and firmware and ensure no unauthorized individuals or processes have access to the same.
- Identify and document how the equipment is connected to the state system
- Ensure that personnel security screening procedures are being followed as stated in the CJIS Security Policy
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

The BCA CJDN Security Policy adds the following LASO responsibility:

- Ensure that personnel security screening procedures are being followed as stated in the CJIS Security Policy in coordination with the agency's Terminal Agency Coordinator (TAC) or Point of Contact (POC).

LASO Training- LASO training shall be required prior to assuming duties but no later than six months after initial assignment, and annually thereafter. To be completed in CJIS online (in addition to security awareness training, which is required every two years.)

Please complete the following fields (all fields are mandatory) for each indirect access agency CJI is being given. Upon completion, return to your auditor via email.

1. Indirect Access Agency

Agency Name:

Agency ORI:

- **CJIS Online Administrator Information**

Last Name:

First Name:

Phone Number:

Email address:

- **LASO Information**

Last Name:

First Name:

Phone Number:

Email address:

2. Indirect Access Agency

Agency Name:

Agency ORI:

- **CJIS Online Administrator Information**

Last Name:

First Name:

Phone Number:

Email address:

- **LASO Information**

Last Name:

First Name:

Phone Number:

Email address:

3. Indirect Access Agency

Agency Name:

Agency ORI:

- **CJIS Online Administrator Information**

Last Name:

First Name:

Phone Number:

Email address:

- **LASO Information**

Last Name:

First Name:

Phone Number:

Email address:

4. Indirect Access Agency

Agency Name:

Agency ORI:

- **CJIS Online Administrator Information**

Last Name:

First Name:

Phone Number:

Email address:

- **LASO Information**

Last Name:

First Name:

Phone Number:

Email address:

5. Indirect Access Agency

Agency Name:

Agency ORI:

- **CJIS Online Administrator Information**

Last Name:

First Name:

Phone Number:

Email address:

- **LASO Information**

Last Name:

First Name:

Phone Number:

Email address:

PLANNING REPORT

TO: North Oaks City Council

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget Nason, City Attorney

DATE: August 17, 2023

RE: Amendments to Chapter 34 and 151 of the City Code

BACKGROUND

A subcommittee made up of Chair Cremons, Council member Azman and staff met to develop the ordinance amendments.

The public hearing on this item was held at the June 22nd Planning Commission meeting and tabled to the July 27th meeting so that additional edits could be completed.

At the July 27th meeting, the Planning Commission voted unanimously to recommend approval of the ordinance amendments to Chapter 34 and Chapter 151, with three modifications to Chapter 34. The attached ordinances reflect the Planning Commission recommendations.

ISSUES AND ANALYSIS

The draft ordinances show underlined text for the proposed additions to the City Code and ~~struck through~~ text for the deletions.

The changes proposed to Chapter 34 clarify the role of the Council liaison to the Planning Commission, Commissioner attendance policies and the Commission powers and duties as provided in state statutes.

The changes proposed to Chapter 151 add back language regarding amendments that were inadvertently struck from the City Code as part of some 2019 amendments. The proposed changes clarify the process for amending the Comprehensive Plan and ordinance/map and add language regarding the Board of Appeals and Adjustments.

- The Council may wish to discuss the Board of Appeals and Adjustments language. Specifically, should the City not want to serve as the appellate forum for building code related matters, the City could direct any such appeals to the State Appeals



Board instead. Staff will be prepared to provide additional information about this process at the meeting.

Attached for reference:

- Exhibit A: Ordinance amending Chapter 34
- Exhibit B: Ordinance amending Chapter 151
- Exhibit C: Ordinance for Summary Publication of Chapter 34
- Exhibit D: Ordinance for Summary Publication of Chapter 151

REQUESTED ACTION

Move to adopt the following as recommended by the Planning Commission:

- a. Ordinance amending Chapter 34
- b. Ordinance amending Chapter 151 and
- c. Ordinance for Summary Publication.



CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. 2023-___ , AN ORDINANCE AMENDING CITY CODE TITLE III, CHAPTER 34,
REGARDING PLANNING COMMISSION COMPOSITION AND DUTIES**

WHEREAS, on August 24, 2023, the City Council of the City of North Oaks, Ramsey County, Minnesota (“City”) adopted Ordinance No. 2023-_____, an Ordinance Amending City Code Title III, Chapter 34, Regarding Planning Commission Composition and Duties; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5ths vote, direct that only the title and a summary of the ordinance be published; and

WHEREAS, the City Council for the City of North Oaks has reviewed the summary of Ordinance No. 2023-_____ which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of North Oaks has determined that publication of the title and a summary of Ordinance No. 2023-___ would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 2023-_____ the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least 4/5ths of its members, that the City Council of the City of North Oaks hereby:

1. Approves the text of the summary of Ordinance No. 2023-___ attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 2023-_____ in the City’s official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 2023-___ is available for inspection during regular business hours at the office of the North Oaks City Clerk, by standard mail, or by electronic mail.
3. Directs the City Clerk to file the executed Ordinance No. 2023-_____ upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of North Oaks,

Ramsey County, Minnesota this 24th day of August, 2023.

CITY OF NORTH OAKS

By: _____
Krista Wolter
Its: Mayor

Attested:

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

(Published in the *Shoreview Press* on _____, 2023.)

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 2023-__**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 2023- AN ORDINANCE AMENDING CITY CODE TITLE III, CHAPTER 34, REGARDING PLANNING COMMISSION COMPOSITION AND DUTIES

On August 24, 2023, the City Council of the City of North Oaks (“City”) adopted Ordinance No. 2023-____, (“Ordinance”) an Ordinance Amending City Code Title III, Chapter 34, Regarding Planning Commission Composition and Duties.

The Ordinance clarifies the composition of the City’s Planning Commission, including the role of the City Council liaison; Planning Commission member attendance requirements and the process for removal of a Planning Commission member; and the powers and duties of the Planning Commission, along with other related revisions.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 2023-__ and it is directed that only the above title and summary of Ordinance No. 2023-__ conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 2023- is available for public inspection by any person during regular office hours at the office of the North Oaks City Clerk, 100 Village Center Drive, # 230, North Oaks MN 55127, by standard mail, or by electronic mail, and at any other public location which the Council designates.

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

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. 2023-___ , AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151,
REGARDING COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES;
VARIANCES, ZONING ORDINANCE, AND ZONING MAP AMENDMENTS AND
SIMILAR LAND USE APPROVALS; AND THE BOARD OF APPEALS AND
ADJUSTMENTS**

WHEREAS, on August 24, 2023, the City Council of the City of North Oaks, Ramsey County, Minnesota (“City”) adopted Ordinance No. 2023-_____, an Ordinance Amending City Code Title XV, Chapter 151, Regarding Comprehensive Plan Amendments and Procedures; Variances, Zoning Ordinance, and Zoning Map Amendments and Similar Land Use Approvals; and the Board of Appeals and Adjustments; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5ths vote, direct that only the title and a summary of the ordinance be published; and

WHEREAS, the City Council for the City of North Oaks has reviewed the summary of Ordinance No. 2023-_____ which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of North Oaks has determined that publication of the title and a summary of Ordinance No. 2023-_____ would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 2023-_____ the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least 4/5ths of its members, that the City Council of the City of North Oaks hereby:

1. Approves the text of the summary of Ordinance No. 2023-___ attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 2023-_____ in the City’s official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 2023-___ is available for inspection during regular business hours at the office of the North Oaks City Clerk, by standard mail, or by electronic mail.

3. Directs the City Clerk to file the executed Ordinance No. 2023-____ upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of North Oaks, Ramsey County, Minnesota this 24th day of August, 2023.

CITY OF NORTH OAKS

By: _____
Krista Wolter
Its: Mayor

Attested:

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

(Published in the *Shoreview Press* on _____, 2023.)

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 2023-__**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 2023- AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES; VARIANCES, ZONING ORDINANCE, AND ZONING MAP AMENDMENTS AND SIMILAR LAND USE APPROVALS; AND THE BOARD OF APPEALS AND ADJUSTMENTS

On August 24, 2023, the City Council of the City of North Oaks (“City”) adopted Ordinance No. 2023-____, (“Ordinance”) an Ordinance Amending City Code Title XV, Chapter 151, Regarding Comprehensive Plan Amendments and Procedures; Variances, Zoning Ordinance, and Zoning Map Amendments and Similar Land Use Approvals; and the Board of Appeals and Adjustments.

The Ordinance adds a new section authorizing the adoption of comprehensive plans and the amendment of the City’s comprehensive plan; and establishes procedures for effectuation of the comprehensive plan. The Ordinance further adds clarification to Section 151.079 regarding zoning map and zoning ordinance amendments and procedures for granting variances and similar land use approvals; and adds additional detail regarding the role of the City Council sitting as the Board of Adjustments and Appeals.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 2023-__ and it is directed that only the above title and summary of Ordinance No. 2023-__ conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 2023- is available for public inspection by any person during regular office hours at the office of the North Oaks City Clerk, 100 Village Center Drive, # 230, North Oaks MN 55127, by standard mail, or by electronic mail, and at any other public location which the Council designates.

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE III, CHAPTER 34, REGARDING
PLANNING COMMISSION COMPOSITION AND DUTIES**

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

Section One. Title III, Chapter 34 Amendment: Title III, Chapter 34, of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

CHAPTER 34: PLANNING COMMISSION

§ 34.01. ESTABLISHMENT. A Planning Commission is hereby established. The Planning Commission shall be and is the planning agency for the City of North Oaks, as authorized by Minnesota Statutes, M.S. §462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in the City of North Oaks ordinances, the Planning Commission shall be advisory directly to the City Council of the City of North Oaks.

§ 34.02. COMPOSITION. The Planning Commission shall consist of seven (7) voting members, who must be residents of the City of North Oaks. All members shall be appointed by the City Council. ~~One (1) of the members may be a member of the City Council. Such~~ The City Council may appoint a City Council liaison to the Planning Commission. member shall be a non-voting member of the Planning Commission and shall not be counted in determining quorum The City Council liaison is not a voting member of the Planning Commission and may not vote on any matter before the Planning Commission, nor shall they be considered a member of the Planning Commission for purposes of determining a quorum.

§ 34.03. TERMS, OATH, AND VACANCIES. Subject to the removal provisions in this chapter, the term of each member shall be three (3) years, which shall commence on January 1 of the applicable first year, and end on December 31 of the third year. At the start of the applicable term and before exercising any authority or duties, each member shall take an oath that he or she will faithfully discharge the duties of the office. Members shall be and are automatically removed without vote of the City Council when they no longer meet the residential eligibility requirement; fail to meet the attendance requirement in § 34.07; or die. Members may also be removed during a term for cause by a supermajority vote of the City Council. Each member shall hold office until a successor is appointed and qualified. If a member of the Planning Commission subsequently becomes a member of the City Council, such individual shall automatically cease to be a member of the Planning Commission as the date he or she is sworn into the City Council. In the event of a vacancy, the term of an appointed successor shall be for the remainder of the departing member's term.

§ 34.04 COMPENSATION. Members serve without compensation; except that the City Council may, in its discretion and by a majority vote establish compensation for the Planning Commission members.

§ 34.05. ORGANIZATION, STAFF, AND ADVISORS.

(A) Organization. The City Council shall appoint the Chairperson of the Planning Commission from among the members. The Chairperson may hold office for a term of one (1) year. ~~The chairperson shall not be the City Council liaison.~~ The City Council may create and fill other offices as it determines necessary.

(B) Staff. The staff of the City of North Oaks shall provide reasonable support and information as requested by the Planning Commission. The City Administrator for the City shall attend official Planning Commission meetings. City staff shall be responsible for attending the meetings and keeping the minutes and records of the Planning Commission.

(C) Advisors. The City Attorney, City Planner, City Engineer, Building Inspector and/or any other representatives that are engaged by the City of North Oaks, are available as advisors and resources to the Planning Commission. They shall attend Planning Commission meetings upon request, and may be compensated for such attendance in accordance with their contracts with the City of North Oaks.

§ 34.06 MEETINGS, MINUTES AND EXPENDITURES.

(A) Meetings. The Planning Commission shall hold regular meetings, at least once each month, at the time and place as they may fix by resolution filed with the City Clerk, and upon at least seven (7) days' written notice, unless notice is waived by all Planning Commission members. Regular meetings shall be held at least once per month, unless circumstances such as lack of agenda, severe, inclement weather or absences, prevent them. Special meetings may be called at any time by the Chairperson, or in the Chairperson's absence, the acting Chairperson, or as directed by the City Council or Mayor, upon three (3) days' written notice, unless notice is waived by all Planning Commission members. Meetings may proceed when a quorum is present. Attendance by four (4) voting members is necessary for a quorum. ~~The City Council liaison-member is not a voting member and~~ does not count in determining a quorum.

(B) Rules of Order. Subject to approval by the City Council, the Planning Commission shall adopt rules of order for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

(C) Minutes, Records and Reports. The Planning Commission shall keep written minutes of its regular and special meetings, and shall keep a record of its motions, resolutions, transactions, and findings. The minutes of each meeting (official or unofficial) shall be promptly filed with the City Clerk prior to the next regularly scheduled City Council meeting. If the minutes are unofficial, they remain subject to approval at the next Planning Commission meeting. At the request of the

City Council, ~~On~~ or before ~~January~~ February 1 of each year, the Planning Commission shall submit a written report of its work during the preceding calendar year to the City Council.

~~(D)~~ Expenditures. The Planning Commission may make expenditures subject to and only within the amounts appropriated by the City Council. At the request of the City Council, the Planning Commission shall submit a written report of its expenditures for the prior-a calendar year, to the City Council, on or before January February 1 of the following calendar year.

~~§ 34.07 ATTENDANCE. Planning Commission members are required to attend at least half of the Planning Commission's official regular and special meetings in each calendar year, unless specifically excused by the Planning Commission chairperson because of unforeseeable circumstances. Excused absences shall be so noted in the minutes of the applicable meeting. Failure to meet this attendance requirement in a given calendar year, shall result in automatic removal from the Planning Commission as of December 31 of that calendar year. A Planning Commission member may be removed by recommendation of the Planning Commission Chairperson and approval by the City Council if such member has failed to attend three consecutive regularly scheduled meetings of the Planning Commission without having been excused by the Planning Commission Chairperson.~~

§ 34.08. POWERS AND DUTIES. The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or City policy, including the following. ~~The Planning Commission also shall perform its duties as set forth in these City ordinances, including as set forth in Chapter 150.~~

A. To be the planning agency of the City in accordance with Minnesota Statutes, § 462.354 and to exercise those powers and duties assigned to it by Minnesota statutes sections 462.351 to 462.364, the municipal planning act.

B. To conduct activities in accordance with duties assigned in this code, City Council adopted procedures and resolutions and Minnesota statutes.

C. To prepare an outline of types of procedure necessary to make the City comprehensive plan effective.

D. To review the comprehensive plan every two (2) years or when requested to do so by the council, making recommendations for updating.

E. To prepare zoning regulations for the City which shall be reviewed every two (2) years, or when requested to do so by the council, making recommendations for updating.

F. To study applications and proposals for amendments to the zoning regulations and applications for special permits and to advise the council of its recommendations thereon.

G. To study preliminary plats and to advise the council of its recommendations thereof.

H. To act in an advisory capacity to the City Council in all matters wherein powers are assigned by state law concerning the comprehensive planning, zoning, platting and other matters of a general planning nature.

~~§ 34.09. EFFECTIVE DATE. This ordinance, Chapter 34, is effective on the date it is published (or a summary of the ordinance is published pursuant to M.S. § 412.191, subd. 4) in a manner that meets the requirements of Minnesota Statutes § 331A.01, subd. 10. (Ord. 34, passed 6-13-2019)~~

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

Passed in regular session of the City Council on the 24th day of August, 2023.

CITY OF NORTH OAKS

By: _____

Krista Wolter, Mayor

Attested:

By: _____

Kevin Kress
City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2023)

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING
COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES; VARIANCES,
ZONING ORDINANCE, AND ZONING MAP AMENDMENTS AND SIMILAR LAND
USE APPROVALS; AND THE BOARD OF APPEALS AND ADJUSTMENTS**

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

Section One. Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Section 151.078 of the North Oaks City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording and the underlined text shows the language added to the code:

§ 151.078 VARIANCES AND APPEALS; BOARD OF APPEALS AND ADJUSTMENTS.

(A) The City Council shall act as the Board of Appeals and Adjustments and as such have all the powers set forth in Minnesota Statutes, M.S. § 462.357, sSubd. 6, and Minnesota Statutes, M.S. § 462.359, sSubd. 4, as they may be amended from time to time, subject to the right of judicial review.

(B) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

- (1) Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Official ~~Inspector~~ in the enforcement of ~~this chapter~~ the state building code. To be timely, an appeal shall be filed, in accordance with City Code § 151.079(A) not later than thirty 30 days after the appellant has received a written notice from the Building Official ~~Inspector~~; and
- (2) Hear and decide timely appeals where it is alleged that an error has been made in any order, requirement, decision, or determination made by the Zoning Administrator related to any provision of this Chapter; and

(C) Hearings by the Board of Appeals and Adjustments shall be upon written notice to the interested parties no less than ten days prior to the hearing date. Decisions of the Board of Appeals and Adjustments on matters within its jurisdiction shall be final, subject to the right of judicial review.

Section Two. Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Section 151.079 of the North Oaks City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording and the underlined text shows the language added to the code:

§ 151.079 PROCEDURES FOR REQUESTING CONDITIONAL USE PERMITS, ZONING ORDINANCE AND ZONING MAP AMENDMENTS, VARIANCES, AND APPEALS.

(A) (1) A request for a conditional use permit, ~~and~~ amendment to the zoning ordinance or zoning map, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

(2) The application shall be accompanied by a nonrefundable fee as established in § 151.083.

(3) The application shall also be accompanied by as many copies as may be required by the City of detailed written and graphic materials fully explaining the proposed request.

(4) The City Clerk shall refer the application along with all related information to the Zoning Administrator, Building Inspector, and to the Planning Commission.

(B) (1) The Zoning Administrator shall review and analyze the request and submit a written report and recommendation to the Planning Commission within fourteen ~~14~~ days after receiving the application, which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(2) (a) Notwithstanding anything contained in this chapter or any other ordinance of the City to the contrary, the Zoning Administrator following the review and recommendation by a MPCA certified inspector has the authority to grant a variance not to exceed 15 feet into the setback for the repair or replacement of an Individual sewage treatment system without referral of the application to the Planning Commission or approval by the City Council.

(b) This action shall only be taken when an MPCA-licensed inspector determines that a delay in processing the variance request through normal channels will endanger the health and safety of the City's residents.

(c) Prior to granting the variance, the Zoning Administrator shall secure the written approval of the Mayor or one ~~1~~ member of the City Council.

(3) The Mayor and Council shall be informed of the granting of any variance at the next regular Council meeting.

(C) The Planning Commission shall consider the request at its next regular meeting unless the

request is referred to it less than ~~fifteen~~ 15 days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(D) If the request is for a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment, the Planning Commission shall hold a public hearing, which hearing shall be scheduled and conducted as follows:-

(1) Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City at least ~~ten~~ 10 days prior to the date of the hearing.

(2) Similar notice shall be mailed at least ~~ten~~ 10 days but not more than ~~thirty~~ 30 days prior to the day of hearing, to each owner of other land situated wholly or partly within 350 feet of the land to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less.

(3) A copy of the notice, and, when applicable, a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.

(4) Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply herewith has been made.

(5) The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow Robert's Rules of Order.

(E) When the application concerns conditional uses and/or zoning ordinance amendments, the Planning Commission shall make findings of fact and recommend approval or denial ~~sixty~~ 60 days after a complete application has been received, which findings and recommendation shall be presented in writing to the City Council.

(F) The City Council shall not consider a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment until it has received the findings and recommendation from the Planning Commission unless more than ~~sixty~~ 60 days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative. No zoning ordinance or map amendment may be acted upon by the City Council until a public hearing on the proposed zoning ordinance or map amendment has been held before the Planning Commission.

(G) (1) The City Council shall make findings of fact and render a decision within ~~60~~ sixty days after it receives any recommendation from the Planning Commission or takes its own initiative.

(2) All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(H) Approval of a request for a conditional use permit or zoning ordinance or zoning map ~~an~~ amendment shall be by affirmative vote of 4/5ths of the City Council, ~~when at least 4 members are present.~~

(I) When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within sixty 60-days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(J) The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Adjustments and Appeals and the City Council.

Section Three. Title XV, Chapter 151, Amendment: Title XV, Chapter 151, Sections 151.084-086 of the North Oaks City Code are hereby added as follows:

Comprehensive Plan

§ 151.084 COMPREHENSIVE PLAN.

(A) The City has to date adopted a series of Comprehensive Plans as required by Minnesota statutes. It shall be the function and duty of the Planning Commission to consider and propose amendments to any existing Comprehensive Plan and to and to act as the planning agency of the City for purposes of Minnesota Statutes, Cha. 462.

(B) The Comprehensive Plans may address themselves to such subjects as proposed public buildings, public utility services, all forms of recreational facilities and other matters related to the development of the City.

(C) Such Comprehensive Plan may go beyond the subjects listed herein so long as the Comprehensive Plan relates to the general statement of policy contained in Minnesota Statutes, § 462.351 as it may be amended from time to time.

(D) Each Comprehensive Plan may be prepared in Sections, each of which shall relate to a major subject of the Comprehensive Plan or to a major geographical section of the City.

(E) The Planning Commission may from time to time propose amendments or additions to the Comprehensive Plan or any section thereof under the same procedures applicable to adoption of each Comprehensive Plan whenever changed conditions or evaluation by the Planning Commission indicate that amendment or addition is necessary or appropriate.

(F) Each proposed Comprehensive Plan or amendment thereof or addition thereto shall be subject to approval by the City Council.

§ 151.085 PROCEDURE FOR ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN.

(A) Before adopting a Comprehensive Plan or any section of it or any amendment thereof, the Planning Commission shall hold at least one public hearing thereon, notice of the time, place and purpose of which shall be given by publication in the official City newspaper at least ten days before the hearing. Following the hearing, the Planning Commission shall make a recommendation to the City Council regarding the proposed comprehensive plan or comprehensive plan amendment. A proposed comprehensive plan or an amendment to it may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation.

(B) Except as otherwise provided in Minnesota Statutes, § 462.355, adoption by the City Council shall be by resolution of the Council passed by a vote of a majority of the members of the Council.

§ 151.086 PROCEDURE FOR PLAN EFFECTUATION.

(A) Upon the adoption of a Comprehensive Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the Comprehensive Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical, economic, and social development of the City and as a basis for the efficient expenditure of funds relating to the subjects of the Comprehensive Plan.

(B) The recommended means may include, at the discretion of the Planning Commission, but are not limited to, zoning regulations, regulations for the control of subdivision plats, an official map, coordination of the normal public improvements of the City, a long-term program of capital expenditures, and any other means that reasonably relate to the purposes of this section.

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

Passed in regular session of the City Council on the 24th day of August, 2023.

CITY OF NORTH OAKS

By: _____

Krista Wolter

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2023)

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
July 13, 2023**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Mayor Krista Wolter. Council Members Mark Azman, John Shuman (attended via Zoom teleconference), Sara Shah, Tom Watson.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason.

Others Present: Videographer Kenny Ronnan, Solar Developer at Cedar Creek Energy Erin Harvey, Jason Steffenhagan Peace United Methodist Church Pastor, Matt Duffy Think Digital Sign representative, North Oaks Company Mark Houge, Lauren Grouws North Oaks Company Vice President of Development

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There were no citizen comments.

5. APPROVAL OF AGENDA

Member Watson noted the length of the agenda could run the meeting late and suggested moving item 9b, Discussion and possible action on CLCA water extension cost saving engineering items, to a special meeting. Mayor Wolter added the City is waiting to hear from Metropolitan Council and regarding water. Administrator Kress suggested opening the discussion on item 9b and shifting it to a special meeting if the discussion runs too late. Mayor Wolter agreed.

MOTION by Azman, seconded by Shah, to approve the Agenda. Motion carried by roll call as Members Shah, Azman, Wolter and Shuman voted for; Member Watson voted against.

6. CONSENT AGENDA

a. Approval of Licenses:

Mechanical: Arctic Mechanical

Modern Heating & Air Conditioning; Bob's Heating & Air Conditioning; DJ's Heating & Air Conditioning; Joel Smith Heating & Air Conditioning; McQuillan Home Services; Pronto Heating & Air Conditioning

Professional Mechanical: Titan Mechanical LLC

b. Approval of City Council Meeting Minutes of April 13, 2023 and May 11, 2023

c. Approval of Special City Council Meeting Minutes: 4.13.2023, 5.10.2023 and 5.25.2023 and 5.21.2023

d. Approval of City Financials for the month of July 2023

EFT's: 000709E – 000725E

Check #014959 - 14992

- e. Approve 2023 Night to Unite Proclamation**
- f. Resolution # 1483 Approval of resolution adopting countywide comprehensive emergency operations plan (CEOP) and letter of promulgation**
- g. Resolution # 1484 Resolution approving CUP for 9 Sandpiper Lane**
- h. Resolution # 1485 Approve resolution accepting donation newsletter**

MOTION by Azman, seconded by Wolter, to approve the Consent Agenda as presented. Motion carried unanimously by roll call vote.

7. PETITIONS, REQUESTS & COMMUNICATIONS**a. Ramsey County Sherriff's Office Reports: Animal Control Office Mario Lee, Deputy Matt Lassegard**

Deputy Lee explained he was asked to compare the City's ordinances to surrounding cities when it comes to animal control. The City's public nuisance ordinance covers barking dogs. He noted there is a State statute for dangerous dogs which includes 3 criteria to be classified as such. The definition of a potential dangerous dog varies from cities but North Oaks has not included a definition in the City's Code or ordinance. He provided the Council with examples from other cities.

Member Shuman noted he hears many comments from constituents about off leash dogs on trails and agreed that the City should have clear definitions on potential dangerous dogs and dangerous dogs. He asked if Deputy Lee could speak with the Deputy Office about committing to remind people to keep their dogs on leashes.

Member Shuman asked Deputy Lee if there was any data on the number of dangerous or potentially dangerous dogs in the City. Deputy Lee replied there are none that he knows of but he will be speaking with a few residents about barking dogs. He noted one dog in the City has bitten a few people but has not been reported.

b. Incarnation Lutheran Church solar display petition

Erin Harvey, solar developer from Solar Creek Energy, stated the general ask is to place solar on the ground using part of the parking lot at Incarnation Lutheran Church. The current Code states solar can only be placed on roofs. City Planner Lindahl explained that the Code does not allow ground solar and a variance is not the correct way to do it. She suggested to amend the Code to allow in ground solar and explained the Council can decide if they deem it appropriate to have in ground solar.

Member Azman asked what the zoning was in the area. Administrator Kress replied it is zoned commercial.

Member Shah asked why in ground solar was being pursued. Jim, on behalf of Incarnation Lutheran, replied they have looked at alternative options and would like to pursue the ground mounted installation because the portion of the roof that would be needed to install the solar panels would need to be replaced in a few years. He added that they would like to install quickly in order to begin saving instead of waiting until the roof needs to be replaced.

Mayor Wolter asked if they intended to mount the solar panels on the roof after it was replaced. Jim replied it was not and that the ground mounts would remain after the roof is replaced.

Administrator Kress clarified that it is RSM zoning.

Member Shah asked what the parking plan is since many spaces would be taken away to install the solar. Jim replied they have a parking area that has not been used and will have plenty of parking spaces. City Planner Lindahl added that the City Code states there needs to be adequate parking for the use and that they will have adequate parking.

The Council discussed the size of the solar panels, potential screening of the panels, requiring a CUP, and the desire for the City to address solar more.

Member Watson asked how the size of the panels was chosen. Jim replied that it was the maximum size that Xcel Energy allowed.

Administrator Kress explained that Staff needs direction on whether they should work on developing an ordinance that addresses ground mount solar in all districts and the potential of having a CUP included with the ordinance. Member Shah mentioned she would be interested in having Staff look into it further.

Member Watson asked how long the installation takes. Ms. Harvey explained it typically takes 6 months and would begin in the fall and end in the spring. Administrator Kress noted it would take about a month and a half to have a new ordinance.

c. Peace United Methodist Church Electronic Signage and potential zoning ordinance amendment

Pastor Jason Steffenhagan, Peace United Methodist Church, explained the church began a community growth campaign to raise funds for various needs in the building. The funds have helped make improvements to the building and they will be installing a new parking lot in the future. He stated the Church would like to install a permanent sign. He added a Montessori school, 2 churches, 2 yoga studios, a dance studio, violin lessons, and boy scouts meet and use the building. Mr. Steffenhagan proposed installing a digital sign in order to advertise the various activities happening in the church building as well as who the church is.

Matt Duffy, Think Digital Sign representative, explained the digital sign software is Code friendly and will automatically dim when it gets dark at night.

Member Azman asked how big the sign would be. Mr. Duffy replied the proposal is for the digital portion of the sign to be 2'x8'. The top portion of the sign would be an ID sign that would be internally illuminated.

Keta, a Peace United Methodist member, explained the motivation of having a new sign is to stand out so that people in the community know where the church is.

Administrator Kress stated Staff need direction from the Council on whether they would like to pursue an ordinance change for dynamic signs. The Council discussed previous digital sign proposals in the community, and the process on how Incarnation Lutheran Church was able to obtain a digital sign.

Mr. Duffy noted the sign should not affect too many neighbors and if there are any complaints, there is a default night time brightness that can be dimmed lower.

Member Shah expressed her concern of having a change to the ordinance and asked if it was possible to create an ordinance that included only “external arteries.” Administrator Kress replied there would be certain entities since there are conditional uses allowed in churches in the commercial district.

Member Watson suggested looking at the ordinances with potential amendments. The Council agreed.

8. UNFINISHED BUSINESS

a. Discussion and possible action on Age-Friendly Minnesota Community Grant

City Planner Lindahl gave a summary of the item stating the City had applied for an Age-Friendly Minnesota Community Grant for about \$49,000. DHS gave a revised amount of \$22,901. City Staff, the Mayor, and NOHOA met to discuss how to dial back the scope of work to fit the \$22,901. Age-friendly refers to services for older residents of the City. The scope of work was revised to about \$33,000 with the idea of gathering community input with an interactive website and hosting a legacy event. The funds would be used to develop a vision statement with a strategic action plan. The request of the Council is to decide whether to accept the \$22,901 from DHS and the revised scope work.

Member Azman asked where the additional funds would come from to cover the entire \$33,000. City Planner Lindahl replied the City would need to come up with the remaining \$11,000.

City Planner Lindahl explained the Council could decide to do something for \$22,000 but Staff agree that there is no effort that could get there. Mayor Wolter asked if there was a way to cut down from the \$33,000. City Planner Lindahl replied that Staff would work to try to do that.

Member Watson noted it felt like the City was looking for a way to spend money but it was not working because it did not feel solid. Mayor Wolter explained there are specific guidelines on how to spend the grant money.

The Council agreed that they would like to tighten the budget in order to not have to spend money. City Planner Lindahl replied that they could remove the community engagement and research and have her simply work with Administrator Kress on what she thinks is best. She expressed her concern on not having community input on something that would affect the community. She added if the discovery phase was removed, it would be \$22,000.

Member Watson asked if the grant would be available again in the future. Administrator Kress replied it most likely would not be available again.

Member Azman stated he would be in favor of having a \$25,000 budget. Mayor Wolter and Member Shah agreed.

City Planner Lindahl explained the grant money cannot be used to purchase items but can be used in order to develop a plan and strategy.

MOTION by Azman, seconded by Wolter, to accept the Age-Friendly Minnesota Community Grant in the amount of \$22,901 and provide an overall budget of \$25,000 for the revised plan which includes a community event.

Member Watson stated he would not like to spend property tax dollars on the project. He reminded the Council that their job was to know what the residents need by way of improvements and ordinance changes. Member Azman explained that if the State believes this is a way to improve the community, then it is worth pursuing.

Member Watson asked if the item could continue to come up on the Agenda. Administrator Kress replied that it would be a monthly update.

Motion carried by roll call as Members Shah, Wolter, Azman, and Watson voted for; Member Shuman voted against.

9. NEW BUSINESS

a. Discuss Floor Area Ratio (F.A.R.) at Gate Hill Development

City Attorney Nason gave a summary of the item and explained the Gate Hill Development is a development within the east Oaks PDA. The development was approved for a twin home and town home concept. Five building permits have been issued for the site. Every time a building permit is submitted to the City, a Floor Area Ratio (F.A.R.) worksheet is required. F.A.R. is calculated by the square footage of the building. Each zoning district has limitations on how much F.A.R. is allowed. The City has received 2 building applications for a twin home unit with the F.A.R. calculated at .45 which exceeds the maximum F.A.R. allowed in the zoning district which is .37. Discussion ensued regarding the appropriate way to calculate F.A.R. since there are two different ways to calculate it. She explained the two ways F.A.R. can be calculated are per-lot basis or an aggregate basis.

Attorney Nason noted Staff needs direction from the Council on how F.A.R should be calculated in the Gate Hills site for each lot. She stated a per-lot basis would prevent a building permit to be issued for the twin home sites. The aggregate calculation was originally anticipated by the developer. Attorney Nason explained the resolution included in the agenda packet that F.A.R. should be calculated on an aggregate basis and further directs Staff to take action to implement that including an amendment to the land development agreement to clarify that F.A.R. should be calculated on an aggregate basis.

Mayor Wolter asked how many other sub-associations in the City have had F.A.R. calculated on an aggregate basis. Administrator Kress replied that a handful of them are.

Mark Houge, representing North Oaks Company, stated there were discussions on how F.A.R. should be calculated during the approval process and noted there was nothing that directly stated how to calculate F.A.R. since the worksheet that goes along with the permit form does not apply to the development. He added that they support what is in the proposed resolution.

Member Azman asked if F.A.R. was calculated on a per-lot basis if units would have to be eliminated or shrunk down. Mr. Houge replied that they would need to reconsider the recourse since the lots currently designed would not be sufficient to build. He noted the development was designed with F.A.R. calculated on an aggregate basis.

Member Watson stated he would not support F.A.R. being calculated on an aggregate basis since half of the lot would be a structure. He explained in the past, North Oaks began with 12% for the F.A.R. in order to have wooded areas. He added that it was not endorsed to have F.A.R. at 45% within the past Council.

Mr. Houge explained the reason for calculating F.A.R. on an aggregate basis was to enable the community to have 900 acres in conservation area and to facilitate larger common areas. He added it was a low density area.

Mayor Wolter noted she is not interested in having the City in another law suit and would like to have NOHOA, the City, and the community to work together.

Member Azman stated he is comfortable using the aggregate calculation and added that everyone knew what was being proposed. Member Shah agreed.

Member Shuman mentioned he has no concerns moving forward with the aggregate model.

Member Azman asked if the foundational concept would be affected. Administrator Kress replied that it would not and that about 450 feet would be lost in the F.A.R. calculations in order to meet the requirement.

MOTION by Wolter, seconded by Azman, to approve Resolution #1486 clarifying calculating of Floor and Area Ratio for East Oaks Development Site G, Gate Hill (Spring Farm). Motion carried by roll call as Members Shah, Azman, and Shuman voted for; Mayor Wolter and Member Watson voted against.

The Council reordered the agenda to next consider Items 9d and 9c, followed by Item 9b.

d. Discussion and possible action on CLCA water extension cost saving engineering items
Administrator Kress explained there was a cost saving item as part of the initial meeting with engineering and the Charlie Lake Condominium. He asked the Council if they would like to do directional drill or casing on the pipe. Directional drill is \$7,000-\$8,000 cheaper than doing the casing on the pipe. Shoreview does directional drill for everything.

City Engineer Nielsen noted the benefit of having encasing is if there is a water main break. Due to the quality of pipes, a replacement would not be anticipated for 50-75 years. He explained he would be comfortable doing direction drilling as long as the pipe is backfilled correctly.

Member Watson asked if directional drill was Charlie Lake's preference. Administrator Kress replied it was since it was cheaper.

MOTION by Watson, seconded by Azman, to approve using directional drilling on CLCA water extension. Motion carried unanimously by roll call.

c. Discussion on Fire District formulation with LJFD and budgetary items

Administrator Kress reviewed the background information stating there has been discussion on whether to do a Fire District or continue to use the existing formula. The Fire Board's preference is to use the existing formula over the tax capacity model. He explained that he disagreed since it would only be used for structure fires since it does not take into account the percentage formula. He asked the Council to send him any questions they had after reviewing the memo.

Mayor Wolter noted there are only two Fire Districts in the State.

Member Watson expressed his concern about not having checks and balances in the organization. He added that roles are not clearly defined for the City including what it would look like on the governance board. He is concerned about the governance of the Fire District as well as not having the 4 captains they mentioned they would hire and are still not on Staff.

Member Shah explained the elected official of the City would be on the Fire District Board. Administrator Kress added that the City would take over the Board and it would shift to a municipal fire department. Administrator Kress noted the City operates based on the calls so it would not make sense to do a Fire District.

Member Shuman expressed his concerns on the Board making decisions without the Board being comprised of elected officials, having an increase in Staff, and the formula question needing to be answered.

Member Watson suggested having the 3 cities come together to hear the same information from the law firm.

b. Discussion and Possible Action on preliminary plan application for Red Forest Way II South subdivision and preliminary grading resolution consideration

City Planner Lindahl share key points of the presentation in the agenda packet for the Red Forest Way South Development. Highlights of the proposed development include:

- The Planning Commission voted to approve the application and added two conditions.
- The lots would have sewer and water. If the Comprehensive Plan amendment is denied, the plans must be revised to show septic and wells.
- The City Engineer does not recommend any changes on streets but suggested addressing erosion control.
- Staff recommends to approve the Resolution to approve Phase 2 and allow early grading and infrastructure improvements prior to approval of the final plan.

Member Azman asked to clarify why early grading would be allowed. City Planner Lindahl replied if infrastructure was put in and it was not approved, the piping purchased would be useless. Member Azman asked if the pipe would be removed. City Engineer Nielsen recommended keeping the pipe in place.

Member Shah asked what the timeline was for the development of the lots. Mr. Houge replied that they would like to move forward as soon as they are able. One of the complications is there is an opportunity to extend sewer and water to some of the lots in Phase 1 but they have had to hold off on paving the road. He noted it would be helpful to receive approval in order to begin purchasing materials.

Member Shah asked about plans to include signage in the natural landscape area. Mr. Houge replied that if a wetland was created, an agreement could be created with homeowners to help preserve the area. He added that a fence could be included as well to help remind homeowners to respect the line.

Member Azman asked what would be done with the greenery analysis report. Lauren Grouws, North Oaks Company Vice President of Development, replied the report is to see what items should be protected and is an inventory on what plants are in each area. Member Azman asked if there would be capacity for sewer and water to extend farther west. Ms. Grouws replied there should be capacity with the 8-inch pipes.

Member Shah asked what happened to the missing lot. Mr. Houge replied the City asked the developers not to develop on the 34th lot since the pole barn is currently located there.

Member Shah asked if the lots would be staggered. Administrator Kress stated it is the request to have the lot lines or the driveways to be staggered. City Planner Lindahl noted there is a condition included to adjust the lot lines.

Member Watson noted that while it is possible to extend sewer and water in the Red Forest Way development, it has not been agreed upon yet. He added there would be changes to the JPA when it expires due to Staff changes in White Bear Township. He explained decisions are being made with the assumption that there will be City water but it may or may not be the case.

Administrator Kress stated in the 1999 JPA there were 645 units in the PUD PDA and allowed for what was allotted. White Bear Township does not have an answer to that because they would need to see how many water and sewer connections there are.

The Council discussed the history of the JPA, and why or why not White Bear Township would agree to providing water to the City.

Mr. Houge noted White Bear Township has mentioned they will have the capacity to extend water and sewer to the City and the development. He added that he has pursued a connection with St. Paul Regional water as well. Member Azman asked Mr. Houge how water would be piped to the City if it came from St. Paul Regional water. Mr. Houge replied piping would need to be placed from 694 to Highway 96.

Administrator Kress explained if White Bear Township denies the request for sanitary sewer and water, then the Met Council will also deny the proposal.

Member Azman asked Mr. Houge if there were any objections to the proposed resolution. Mr. Houge replied that there were not. He noted he had some questions regarding the grading utility language.

MOTION by Shah, seconded by Azman, to approve Resolution #1487, to approve the preliminary plan application for Red Forest Way II South subdivision. Motion carried by roll call as Members Azman, Shuman, Shah and Wolter voted for; Member Watson voted against.

Mr. Houge requested the first paragraph in the resolution states “grading and utility activities” since utilizes are mentioned later in the Resolution.

Attorney Nason agreed and explained how the Council could edit the language. She referenced paragraph H and explained the City could decide if they would want to require the removal of any water and sewer facilities. She added that the City Engineer suggested to not remove the pipe but the Council could decide what they want to do. She noted paragraph G in the Resolution stated the Council had an opportunity to modify it to letter of credit instead of cash escrow.

Mr. Houge stated he would be fine having the modification to the letter of credit. Administrator Kress mentioned he would prefer having a letter of credit.

Member Azman asked when grading would begin. Mr. Houge replied it would be late August.

MOTION by Azman, seconded by Shah, to approve Resolution 1488 “as amended” to allow grading of East Oaks Red Forest Way South Phase II Development Site (Site k) pursuant to approved preliminary plans. Attorney Nason clarified the amendments to the resolution were: 1) change section 1 to reflect the language in the paragraph above it, and 2) change the letter requiring cash escrow to a letter of credit. Motion carried by roll call as Members Shah, Azman, Wolter and Shuman voted for; Member Watson voted against.

10. COUNCIL MEMBER REPORTS

Member Azman shared that the Cable Commission Work session was coming up.

Member Watson had nothing to report.

Member Shuman had nothing to report.

Member Shah stated she attended an open house regarding the construction on County Road J and 35E and asked if more information could be shared at another meeting. Night to Unite is August 4, 2023.

Mayor Wolter shared about moving forward with Sambatek on the infrastructure study.

11. CITY ADMINISTRATOR REPORTS

Administrator Kress noted he would be absent during the August Council meeting and suggested considering a different date. The Council agreed that August 24, 2023 would work.

MOTION by Azman, seconded by Wolter, to amend the City’s annual calendar to reflect August 24, 2023 as a regular City Council meeting Motion carried unanimously by roll call.

Administrator Kress noted he would send the rest of his report and the attorney report in an email.

12. CITY ATTORNEY REPORTS

None.

13. MISCELLANEOUS

a. City Forester Report for June 2023

14. ADJOURNMENT

MOTION by Wolter, seconded by Azman, to adjourn the meeting at 10:15 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

Krista Wolter, Mayor

Date approved_____

**North Oaks City Council
Special City Council Meeting Minutes
North Oaks City Council Chambers
July 12, 2023**

1. CALL TO ORDER

Mayor Wolter called the special meeting to order at 6:33 p.m.

2. ROLL CALL

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

Staff Present: Administrator Kevin Kress

Others Present: Videographer Kenny Ronnan.

A quorum was declared present.

3. DISCUSSION ITEM(S)

a. Discussion and possible action on infrastructure master planning effort

Administrator Kress explained the smart sheet that he provided for the Council. The smart sheet is a high overview that includes water, sanitary sewer, forestry, lakes, ponds, wetlands, utility management, safety, ADA, GIS mapping, City and NOHOA buildings, technology, engagement, and funding sources.

Mayor Wolter noted the smart sheet is community driven with a goal of continuing to work with NOHOA.

The Council discussed the importance of listening to the community and being community centric while making decisions.

Member Shah asked Administrator Kress about the intent of the list on the smart sheet.

Administrator Kress explained the current smart sheet could get moved to a different smart sheet that is primarily used for CUPs and variances. There may be certain items the Council uses for side projects and could eventually be put into the master plan. He noted he wanted to have everything on one or two pages for general conversation and as a tool while the Council works on the infrastructure master plan.

Member Watson explained misinformation that he has heard including residents desiring the City to not have any responsibility with roads. If the City does not have responsibility to roads then there would be no Ramsey County Sheriff or MnDOT sign standards. He added NOHOA has hired their own people instead of relying on the City and explained there was friction between NOHOA and the City years ago that he does not believe has been completely overcome. Member Watson stated NOHOA has every right to hire their own people and call the City for help when it is needed.

Member Shuman asked if NOHOA has a preference on an engineer. Mayor Wolter replied they do not but there is a lot of talk about roads.

Member Watson noted there is an opportunity to prioritize projects.

Member Azman asked if the Council wanted to pick an engineer and then have the engineer go through the list of projects with the Council. Administrator Kress agreed and added the Council could select some projects they would like to prioritize and he could bring it back to the engineer.

Member Azman asked if Sambatek had the bandwidth to do the project and if it would be more cost effective to use them. Administrator Kress replied they have the bandwidth. He mentioned it may be worth looking into additional options for certain components such as the finance aspect or GIS mapping. Member Azman asked if it would be subbed out through Sambatek. Administrator Kress replied that it could and suggested including a discretionary note that states Sambatek needs to notify the Council on who is doing the project.

The Council discussed the preference of using Sambatek and having Sambatek use experts on more specialized items such as GIS mapping.

Member Azman asked Administrator Kress what action he needed from the Council. Administrator Kress replied that the Council needed to decide on an engineer, and then decide if there were any aspects that the Council would like to hire elsewhere.

MOTION by Shah, seconded by Shuman, to initiate the work order and begin the scope of work for the Master Infrastructure Plan along with Sambatek.

Member Watson explained he would abstain from the vote since he has not seen a documents, notes, or the proposals since he was absent for 6 weeks.

Member Azman noted there is already a contract with Sambatek and asked if it would be an SOW. Administrator Kress replied it is providing something specific.

Member Watson asked if there was a summary of the qualifications of the various engineering firms. Administrator Kress mentioned he could send the list of proposals.

Motion carried as Members Wolter, Shah, Azman, and Shuman voted for; Member Watson abstained.

b. Discussion and possible action on acceptable driveway materials for surfacing

Administrator Kress gave a summary of the item stating the current ordinance for driveways calls for concrete, bituminous, or other dustless solutions. He noted it is broad which can create issues when working with homeowners and not knowing what the Council prefers. There are a number of homes with long driveways which can potentially cost \$100,000 to install a concrete bituminous driveway. Many of the older homes in the City have Class 5 materials, while the newer developments are not using as much Class 5 material. He explained he would prefer to have a list or an understanding from the Council. He expressed his concerns regarding aesthetics and material getting on the road.

Member Watson explained in the past the Council has amended ordinances. He expressed his opinion that NOHOA can be concerned about aesthetics while the City is concerned with what is functional. He mentioned the City has not done a good job with preserving and caring for trees. He added the Council has a responsibility to safety.

Mayor Wolter agreed and added that the Council needs to look at the cost for residents and access to the property.

Member Azman noted Class 5 is not suitable to control dust unless it is oiled. He added he would not mind having a blue crushed granite and pavers.

Member Shuman asked Administrator Kress what he would like from the Council. Administrator Kress explained he would like guidance on what “other” material the Council deems as acceptable.

Member Azman stated with home that have a long driveway, the area by the house should be material besides Class 5 to create a finished look.

Member Shuman asked if there would be issues that need to be sorted out in the future with new development driveways and driveways that have been at the home for a long period of time. Administrator Kress replied that he did not believe so since there are only a handful of new developed homes that want to use a different material for their driveway.

Member Watson explained he likes the current language in the current ordinance since it provides a standard while it still allows land owners to have the flexibility to do what they want.

Mayor Wolter added that there still needs to be approval from the building official. She asked if there were NOHOA standards. Administrator Kress replied that NOHOA did not have specific standards and the City’s standards trump NOHOA’s standards. He added that NOHOA is not looking at the driveway material.

Member Watson suggested having anyone who wants to have a different material for a driveway to be put on the agenda for the Council to discuss in order to not hold anyone up. Administrator Kress noted one of the homeowners was on zoom and available to answer questions.

Member Azman stated he prefers having some sort of pad in front of the garage.

City Resident Brad Holschuh, 16 Sherwood Trail, stated he has a 500-foot driveway and been working with Administrator Kress. He has put down gravel with a plan of having an asphalt pad near the house. The remainder of the driveway is planned to be gravel in order to preserve the pathway of the trees. He noted that gravel is better for drainage for the trees than blacktop.

Member Watson asked Mr. Holschuh if there was a timing issue on his end and if he was waiting to hear about a condition. Mr. Holschuh replied that he was issued a temporary CO with language included that he needed to work with the City to have an agreeable material by October 15, 2023. He stated the gravel has been put down and the asphalt pad is not complete since the

landscaping is coming in. He noted the unresolved question is if he can leave the gravel driveway or have a modification on the hold the permanence CO lifted.

Mr. Shuman asked Mr. Holschuh if the neighbors had an opinion on the aesthetics of the driveway. Mr. Holschuh replied that he has spoken with his neighbor and they have been supportive. He explained the driveway is tucked into the trees and is winding so a car would not be able to go faster than 5mph.

Member Watson noted the criteria in place include dust control, drainage, and properly constructed and maintained under all weather conditions. He stated he sees drainage as critical and added that properties should contain rain water on the property. He added the other critical piece is to have the driveway constructed and maintained under all weather conditions and noted how difficult winter can be on a driveway.

Member Shah stated she went to the property and agreed that the property is tucked back and it is not visible. She expressed the desire to find a solution in order to preserve trees and have additional drainage.

The Council agreed to allow Mr. Holschuh to keep the gravel driveway.

Mr. Holschuh stated a middle ground would be to include some black top where the driveway begins with the street.

Member Watson suggested having on file the conditions for Mr. Holschuh’s driveway of drainage and maintaining during weather conditions instead of the dust criteria.

Mayor Wolter stated it would be preferred to have black top at the beginning of the driveway in order to avoid gravel and dust to get on the road. Mr. Holschuh agreed to the condition.

14. ADJOURNMENT

**MOTION by Azman, seconded by Shuman, to adjourn the special meeting at 7:44 p.m.
Motion carried unanimously by roll call.**

Kevin Kress, City Administrator

Krista Wolter, Mayor

Date approved _____

July 31, 2023

Mr. Kevin Kress, Administrator
City of North Oaks
100 Village Center, Ste 230
North Oaks, MN 55127

Via Email: kkress@northoaksmn.gov

Cc: Mayor Krista Wolter

RE: **Infrastructure Master Plan Proposal**

Dear Mr. Kress,

Sambatek is pleased to have been selected to provide a proposal for engineering services for the Master Infrastructure Plan. We are planning to partner with Mr. Todd Hubmer, PE, and Bolton and Menk, Inc. to provide assistance with the GIS mapping, website development, and to also provide a second set of eyes in reviewing the potential funding opportunities available to the city.

Mike Nielson, PE Sambatek will Project Manager leading the Sambatek team of experts in the efforts relating to the following areas of service: In addition to managing the overall project, Mike will be providing his expertise in pavement management.

- Sanitary Sewer
- Potable water supply and distribution
- Roadway standards and improvements
- Undergrounding powerlines and other small utilities

Mike and the Sambatek Team will utilize the existing Master Infrastructure Plan “Smart Sheet” developed by city leaders and staff.

North Oaks MIP Smartsheet Link

<https://app.smartsheet.com/sheets/RR7fcfcCRWF2Fj56vH9WV2qjhJcgww73JgG2WJv1>

Project Understanding

With many roads nearing the end of their useful life, now is the time for the city and other stakeholders to review their options with roads and safety standards, sewer and water options, and burying power and communication lines.

The aging infrastructure in the city of North Oaks needs a comprehensive infrastructure review to plan for and develop a 5- to 10-year Capital Improvement Plan that provides for the needs of

the community in a cost-efficient manner that balances the needs for sewer, water, roadways, electric, and communication needs.

We feel as your city engineer working with NOHOA and the North Oaks Company, we have the experts and community history to develop the best plan for this community. The Sambatek Team includes Rob O'Connell, who has over 25 years of experience in sewer collection system planning, Naeem Qureshi, who has over 50 years of water supply, storage, and distribution planning and myself, with more than 35 years of experience with all aspects of infrastructure planning and design to meet the needs of this project.

Sanitary Sewer Service

Residential and other types of properties within the city are experiencing issues relating to replacing septic systems from a cost and land availability perspective. Currently, small residential lots are required to fit a septic in the front yard or simply don't have anywhere to place a replacement system. The city is seeking to develop a master plan to sewer the entire unserved community in a logical and cost-efficient manner.

Water Supply and Distribution Systems

It is our understanding that with the current White Bear Township lawsuit and ever more restrictive requirements, the future of a public water supply is unknown. Now is the time to investigate all possible options to meet the current and future needs of the community.

We understand that there are a few alternatives for obtaining additional sources of potable water supply. Sambatek will investigate all opportunities and make recommendations to move forward.

Roadways

Sambatek understands that the existing roadways are the responsibility of the North Oaks Home Owners Association, but we fully understand that it is most cost-effective to construct sewer and water systems through open cut trenches, and will we coordinate a Capital Improvement Plan incorporating the needs of the roads with sewer and water utility construction.

With the current roadway conditions deteriorating and several concerns for safety, we believe working collaboratively with NOHOA is imperative to maximize the tax and HOA funds. Developing a roadway standard for widths appropriate to the level of traffic will increase the level of safety. While we don't feel the need for curb and gutter everywhere there are several drainage areas where minimal curb and storm sewer will provide a direct benefit to the storm sewer and quality of the roadways.

I recently spent two hours reviewing new and old roads, and there are many recommendations that I would make to have your roads last longer and keep maintenance costs down. I firmly believe in life cycle costs and will provide a few recommendations to decrease the life cycle costs. Our design philosophy incorporates a 60-year pavement management system to increase rideability and lower overall maintenance costs.

Converting Overhead Power to Underground

Recent storms have emphasized the susceptibility of overhead power to recurring outages and the concern for safety with live powerlines on the ground and roadways. Sambatek will work with the Local power company and other communication utilities to develop a proactive plan for undergrounding in conjunction with the roadway and utility improvements. With the increasing number of people working from home, reliability means much more than it has in the past.

Project Approach

Project Kickoff

Sambatek proposes to finalize the scope with Administrator Kress and to develop a strong game plan for involving the key stakeholders in the community including the North Oaks Home Owners Association, North Oaks Company, and city leaders. The Sambatek Team will meet as a group of the whole or individually as necessary to best determine a path forward that meets the needs of the community and addresses all the issues on the recently developed smart sheet.

Project Deliverables

With this plan, you will receive a comprehensive sewer plan outlining the recommended type of sewer system which will be either a gravity system with lift stations or a low-pressure sewer system depending on the topography. The water system will identify pipe sizes, water storage requirements, and potential water sources. The roadway plan will provide recommendations for street width and drainage standards and an evaluation of key areas of concern related to posted or unposted speeds. Undergrounding plans will provide the necessary information to determine schedules and costs for converting to underground power and communication facilities.

Project Cost

This study as outlined can be completed for a cost of \$65,000. If additional studies or investigating other alternatives are desired Sambatek can provide a cost for additional services.

If you have any questions in this regard, please call me at 763-307-4812.

Sincerely,
Sambatek, LLC



Mike Nielson, PE
Project Manager

CC: Jeff Ostrom, Sambatek
Rob O'Connell, Sambatek
Naeem Qureshi, Sambatek

August 7, 2023

North Oaks Home Owners Association (NOHOA)
100 Village Center Dr. Suite 240
North Oaks, MN 55127

North Oaks Councilmember John Shuman
3 Island View Lane
North Oaks, MN 55127

NOHOA,

As many of you know, I have been working in partnership with the safety committee of NOHOA, the North Oaks City Council, and the North Oaks Company to implement two safety and security initiatives across our community.

The first is an Emergency Notification System (ENS). The ENS system would allow residents to opt in to receive emergency notifications (severe weather, crime, civil unrest, amber alerts, etc.) as they deem appropriate. Another important feature of the ENS system is the ability for the Ramsey County Sheriff's Office (RCSO), NOHOA, NOCC, NOCC staff, and other authorized users to set up messaging groups to quickly and accurately communicate with North Oaks as a whole. The most important feature of an ENS system is it gives our North Oaks Neighborhood Watch Captains the ability to set up messaging groups with their respective neighborhoods to share safety and security information.

After reviewing two proposals, RAVE Mobile Security is the recommendation for ENS provider. RAVE Mobile Security's solution is the right fit for the North Oaks community with an approximate year one cost of \$2500 (one-time fee for set up and integration) and then an annual cost of \$2070.

The second is the implementation of License Plate Reader (LPR) cameras at six selected ingress/egress points around the North Oaks Community. Two cameras (one to record vehicles coming into North Oaks, and one recording vehicular traffic outbound) would be positioned at the ingress/egress points located at the following locations:

1. East Oaks Road/Centerville Road (Hwy 59)
2. Hwy 96/East Gilfillan Road
3. Hwy 96/Pleasant Lake Road
4. Hodgeson Road/Wildflower Way
5. Ash Street (County Road J)/Rapp Farm Way (subject to Rapp Farm subdivision approval)
6. Ash Street (County Road J)/Monarch Way (subject to Rapp Farm subdivision approval)

*Additional ingress/egress point around the North Oaks community could also be considered.

After reviewing two proposals, Convergent is the recommendation for Closed Circuit Television (CCTV) provider. Convergent's solution (Genetec AutoVu Cloudrunner) is the right solution for the North Oaks community with an approximate year one cost of \$34,700 (set up and integration of 12 cameras) and then an annual cost of \$29,940.

The cameras would operate on metal poles and would be solar-powered. The cameras would operate day or night and the data collected would be uploaded and stored in a secure Network Video Recorder (NVR). To ensure data privacy - the system could only be accessed by the RCSO. The deputy or investigator would need to input their badge number or a case number to identify who was accessing the system and provide justification why they were accessing the system. The system would only be accessed by the RCSO in the event a crime had taken place and reviewing the vehicular data was a relevant step in the investigation. Another benefit of a LPR CCTV is the deterrent effect the cameras and signs would have on would-be criminals, speeders, trespassers, and solicitors.

As you are well aware - NOHOA and the NOC - control the land on which the cameras would be installed - thus approval of the initiative is critical to implementation.

Once I receive support for the ENS and CCTV initiatives, and approval from NOHOA and the NOC for the installation of the cameras, I intend to ask Mayor Wolter to put the North Oaks Safety & Security Initiative Phase I project on the City Council meeting agenda. Once City Council discussion on the matter has concluded, I further intend to make a motion to earmark year one funding for both the ENS and CCTV projects.

Total projected year one funding - @\$37,200.

I also intend to seek approval for ongoing funding of both projects - total projected ongoing funding - @\$32,010

I look forward to the NOHOA and NOC reply and support.

Warm regards,



John Shuman, North Oaks City Council

North Oaks Homeowners Association

Safe Community, Private Roads and Lands Committee

Resolution on Improving the Safety of Residents of the City of North Oaks

Whereas the North Oaks Homeowners Association (NOHOA) is responsible for roads, parks and recreation;

Whereas the City of North Oaks (City) is responsible for police, fire, road safety, and enforcement of city ordinances;

Whereas the Safe Community, Private Roads and Lands (SAFE) Committee of NOHOA is empowered by the NOHOA Board of Directors to work hand in hand with the city to ensure the safety and security of its members; and

Whereas, the North Oaks Company is solely responsible for developing new neighborhoods, including homes, roads, trails and recreational spaces within the city of North Oaks; now, therefore, be it

Resolved, that the NOHOA Board of Directors:

1. urges the City to pilot security features such as cameras and/or gates as recommended in Councilman Jon Shuman's letter to NOHOA dated August 17, 2023;
2. urges the City to form a task force with representation from the City, NOHOA, the Ramsey County Sheriff's Office and the North Oaks Company to understand details and to work together to determine what safety features are in the best interest of the city;
3. urges the task force, along with representatives of the North Oaks Company, to develop a road map for potential placement of cameras and/or gates and/or other security features at all current and future planned entrances to North Oaks; and

4. urges the task force to, as much as possible, design security features that can be readily updated as new technologies become available in the future.

End of resolution.

MEMO

TO: Mayor and Members of the Council
FROM: Bridget Nason, City Attorney
DATE: August 18, 2023
RE: 9th Amendment to 1999 East Oaks PDA Related to Site G-Gate Hill (Spring Farm) Development Site

Overview

In 1999, the City of North Oaks entered into the East Oaks Planned Development Agreement (PDA) for the development of the remaining undeveloped areas of the City of North Oaks (City). The East Oaks PDA, which has been amended several times since its initial approval, establishes various requirements for the East Oaks development sites, and in certain cases provides additional flexibilities from otherwise applicable City zoning ordinance requirements for the specific development sites.

Site G of the East Oaks Development, previously identified as the Gate Hill Development Site and now known as the “Spring Farm” site, is subject to the 1999 East Oaks PDA, as amended. Development approval for the preliminary plat and plans was obtained in 2020, and the final plat and plans were approved in 2022. The development is comprised of multiple tracts which will contain a mixture of attached twin homes and detached townhomes for a total of 73 dwelling units. The Spring Farm development also includes seven tracts which have been conveyed to the Spring Farm Master Association, and which will not be developed with residential dwellings, but will instead be used for a mixture of open space and recreational uses. The open space tracts consist of 12.28 acres or 535,028 square feet.

Earlier this summer, certain ambiguities were identified with the land use approvals granted for the Spring Farm site. The first matter was how floor area ratio (FAR) was to be calculated for the Spring Farm site. At its July 13th meeting, the City Council adopted resolution No. 1460, clarifying that FAR for the Spring Farm site should be calculated on an aggregate basis, and directing that a formal 9th Amendment to the PDA be prepared to memorialize this determination. Since that time, three additional areas needing clarification have been identified.

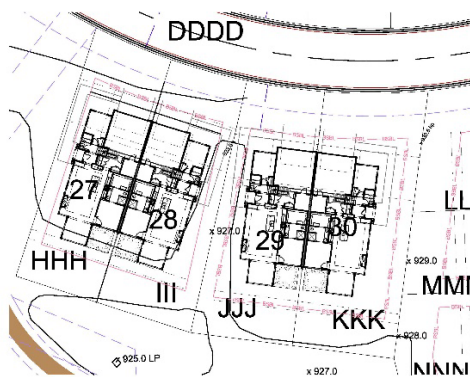
Additional Proposed PDA Amendments

The Developer and Builder have identified the following three areas of requested clarification via an amendment to the PDA.

1. **Driveway Separation and Setbacks.** Conceptual drawings for the attached twin homes presented throughout the development process initially showed a shared driveway with one curb cut; subsequently, conceptual drawings showed two separate curb cuts for each driveway. The PDA requires a 10-foot separation for driveways other than shared driveways. To clarify that the driveways as proposed are acceptable, an additional amendment to the PDA is proposed to address this driveway separation issue. The amendment also clarifies the minimum setback for all driveways from adjacent lot lines.



2. **Sidewalks Located in Side Yard Setbacks.** The front door for each of the attached twin homes is located on the side of the unit. Access to the front door is via a sidewalk that runs from the driveway along the side of the twin home until the front door. In the initial development approvals, various setbacks between structures and from the roadway were identified, but no specific provisions were made with respect to sidewalks located in what would otherwise be the side yard setback area. An amendment to the PDA is proposed to address this issue of sidewalks located in what would otherwise be the side yard setback area.



3. **Principal Structure Setback from Side Yard Property Line.** Following a review of proposed building plans and location, one of the builders has identified that some of the proposed twin homes are located closer to the adjacent property lines than may be allowed under the existing land use approvals. In order to clarify that the approved development

plans do specifically allow the construction of the attached townhomes at the locations proposed, it is recommended that an additional amendment to the PDA be made regarding this side yard (property line) setback matter to establish a minimum side yard setback for principal structures of seven and a half feet (7.5') from the side yard property line.

Conclusion

The Council is asked to consider approval of the attached Ninth Amendment to the 1999 East Oaks Planned Development Agreement (PDA) clarifying various requirement for the Gate Hill/Spring Farm Development Site.

RESOLUTION NO. 23-_____

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

**RESOLUTION APPROVING 9TH AMENDMENT TO EAST OAKS PLANNED UNIT
DEVELOPMENT AGREEMENT**

WHEREAS, in 1999 the City of North Oaks (City) and the North Oaks Company, LLC (Developer) entered into a Planned Unit Development Agreement (East Oaks PDA) for the development of approximately 1,650 acres of land located within the City and spread throughout multiple development sites (East Oaks Development Area); and

WHEREAS, the East Oaks PDA has been amended eight times over the past twenty years as plans for the various development sites have evolved in response to market demands for various housing products within the City; and

WHEREAS, development plans for Site G-Gate Hill (the “Gate Hill Development Site”), have been approved and development has been proceeding in accordance with those approved Development Plans; and

WHEREAS, several items have been identified as needing clarification with respect to the Gate Hill Development Site, including clarification regarding how Floor Area Ratios (FAR) should be calculated, as well as the location of sidewalks in side-yard setbacks, setbacks from property lines, and the separation of driveways for the attached twin homes; and

WHEREAS, the East Oaks PDA provides that “[w]ith respect to the Development Sites, the City and the Developer for each Development Site hereto may by mutual written agreement amend this Planned Development Agreement in any respect for that Development Site,” and further provides that “minor amendments,” defined as “all amendments to this Planned Development Agreement which are not major amendments” require adoption by a simple majority of the City Council to approve; and

WHEREAS, in order to facilitate the development of the Gate Hill Development Site as contemplated by the Development Plans previously approved by City and to confirm and clarify the FAR calculation and setback-related requirements for the Gate Hill Development Site, the Developer and City Council have reviewed the attached Ninth Amendment to the East Oaks PDA and find that the proposed revisions to the East Oaks PDA articulated therein are acceptable and appropriate and will result in development that is consistent with the intent of the East Oaks Master Development Plans and will conform in material respects with the development intentions articulated within the East Oaks PDA and previously-approved development plans.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of North Oaks, Minnesota, that the City Council hereby:

1. Determines that the proposed Ninth Amendment to the Planned Development Agreement constitutes a minor amendment to the East Oaks PDA as that term is defined in Section 19.6 of the East Oaks Planned Development Agreement.

2. Approves the attached Ninth Amendment to Planned Development Agreement.
3. Authorizes execution of the same by appropriate City officials and personnel.

Passed by the City Council of the City of North Oaks this 24th day of August, 2023.

Ayes:

Nays:

Attest:

Attest:

Krista Wolter, Mayor

Kevin Kress, City Administrator/City Clerk

**NINTH AMENDMENT TO
PLANNED UNIT DEVELOPMENT AGREEMENT**

THIS NINTH AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT FOR EAST OAKS PROJECT (this “Amendment”) is made this 24th day of August, 2023, between the City of North Oaks (the “City”), a Minnesota Municipal Corporation, and the North Oaks Company, LLC, a Minnesota limited liability company (the “Developer”).

WHEREAS, the City and Developer entered into that Master Development Plan and Planned Unit Development Agreement for East Oaks PUD with an effective date of February 11, 1999 (the “Agreement”), which provided for the development of the Subject Property identified therein in accordance with the PUD Controls; and

WHEREAS, since its execution, the City and Developer have amended the Agreement a total of eight (8) times; and

WHEREAS, the City has granted various land use approvals for the Development of the Development Sites within the Subject Property, including various land use approval for Site G, Gate Hill, currently referred to as the Spring Farm Development Site (the “Gate Hill Development Site,” “Spring Farm Development Site,” or “Site G”); and

WHEREAS, the Gate Hill Development Site is zoned Residential Commercial Mixed-Planned Unit Development (RCM-PUD) and is comprised of 82 lots (tracts) of varying size, with a planned mixture of 33 detached townhome and 40 twin homes for a total of 73 residential dwellings planned on lots within the Gate Hill Development Site; and

WHEREAS, the City Council of the City of North Oaks, by way of Resolution No. _____ adopted on July 13, 2023, approved a clarification to the calculation of Floor Area Ratio (FAR) for the Gate Hill Development Site and directed that a formal amendment to the PDA be prepared memorializing the FAR clarification; and

WHEREAS, following the adoption of Resolution _____, three additional areas of ambiguity related to the previously granted land use approvals were identified, namely the location of sidewalks leading to the individual units in the twin home development, the placement of driveways for the twin homes, and the required setbacks for the townhome and twin home structures from the side yard lot lines; and

WHEREAS, in order to clarify all outstanding ambiguities surrounding the previously granted land use approvals for the Gate Hill Development Site, the Developer and City wish to enter into this Amendment to formally clarify the applicable requirements for the Gate Hill Development Site.

NOW THEREFORE, the City and Developer hereby agree to the following Minor Amendments to the Agreement:

1. Floor Area Ratio:

- a. The floor area ratio (FAR) for Site G of the 1999 East Oaks PDA, as amended, known as the Gate Hill/Spring Farm Development Site shall be calculated on an aggregate, development site-wide basis and not a per lot basis.
- b. The FAR for the Gate Hill Development Site shall not exceed 0.375 for the entire Gate Hill Development Site.
- c. FAR Worksheets shall be submitted with all building permit applications for the lots within the Gate Hill Development Site, and staff shall track the use of FAR within the Gate Hill Development Site.
- d. As required by Appendix 1 of the 1999 East Oaks PDA, as amended, because FAR is calculated in the aggregate, no dwelling unit in a detached home or townhome shall be more than double the Total Floor Area of any other such dwelling unit in the Gate Hill Development Site, without prior Council approval.
- e. Table 1 of Appendix 1 to the 1999 East Oaks PDA, as amended, shall be revised to read as follows. The new language is underlined:

Gate Hill: Single family detached, townhomes (as defined in the Zoning Ordinance). and other multi-family dwellings. The following commercial uses, and no others, shall be permitted: general office, including professional, real estate, financial, medical outpatient and dental outpatient offices; insurance agency; travel agent; medical or dental clinics; and, by conditional use permit, daycare. Density increase of 30% allowed. Floor Area Ratio to be calculated in the aggregate across the entirety of Site G.

2. Sidewalks in Setback Areas:

- a. Sidewalks leading to the attached twin homes may be located within the side yard setback areas, provided that all sidewalks are set back at least one foot (1') from the property line.
- b. Appendix 1, Section 4(A)(3) is hereby amended to add the following underlined language:

(f) Sidewalks in Site G.

In Site G only, Sidewalks leading to attached twin homes may be located within the required side yard setback areas, provided that all sidewalks are set back at least one foot (1') from the property line.

3. Setbacks from Side Yard Property Lines:

- a. All townhouse and twin home structures shall be located at least seven and a half feet (7.5') from all side yard property lines, not including the property line that runs between the attached portion of the twin home structures.
- b. Appendix 1, Section 4(A)(3)(a) is hereby amended to add the following underlined language:

Building to Side Yard Property Lines in Site G: In Site G only, all townhouse and twin home structures shall be located at least seven and a half feet (7.5') from all side yard property lines. This requirement does not apply to the property line that runs between the attached part of the twin home structures.

4. Driveway Separation and Setbacks:

- a. Driveways serving the attached twin homes may be either shared or separate. Separate driveways serving attached twin homes shall not be subject to mandatory spacing requirements; driveways shall be located at least one foot from the lot line of any adjoining lot.
- b. Appendix 1, Section 4(A)(3)(d) is hereby amended to add the following underlined language:

For Site G only, driveways for attached twin homes may be shared or may be separate driveways. Separate driveways serving attached twin homes shall have no required minimum driveway spacing between such driveways or from the lot line between attached twin homes. All other driveways for any principal structure (attached twin home or detached town home) must be located at least one foot (1') from the lot line of any adjoining lot.

5. Any provisions to the contrary contained within the Agreement are hereby amended to explicitly allow the side yard setbacks, sidewalks in the side yard setback areas, FAR calculation methodology, and driveway separation and setbacks listed above.
6. Except as amended herein, the Agreement shall continue in full force and effect without further change.
7. This Amendment may be executed in counterparts, each of which shall constitute an original, and that if requested by either party, a duplicate original of this Amendment in recordable form shall be prepared and executed by the Mayor and attested by the City Clerk and by the President of North Oaks Company, LLC, and such Amendment shall be registered with the Registrar of Titles of Ramsey County, Minnesota.

IN WITNESS WHEREOF, the parties hereto have signed this Amendment to be effective as of the 24th day of August, 2023

NORTH OAKS COMPANY, LLC

By: _____

Its: _____

Dated: _____

CITY OF NORTH OAKS

By: Krista Wolter

Its: Mayor

Dated: _____

Attest: _____

Kevin Kress

Its: City Administrator/City Clerk

Dated: _____

July Month in Review

July 2023



Rehder Forestry Consulting

- We are in the low oak wilt season. Pruning of oak trees can occur but only if necessary. We will be getting notices out through social media outlets.
- We are also keeping an eye out for site obstructions and trees of concern along street edges and have sent out notices with regards to Operation Clearview.
- Emerald Ash Borer inspections are in full swing. We have identified another 120 infested ash trees in July and marked the trees and notified the landowners. We have hired a tree inspector (a 3rd year biology major) to help with inspections. He has completed the Certified Tree Inspector program as recommended by the State and will be helping out throughout the summer and fall months. Notices for diseased ash tree removal are going out to residents with marked trees.
- We have provided copies to City Hall and NOHOA of the spreadsheets we use to document diseased trees so that they are available to staff as needed.
- Homeowner calls at 3 Raccoon, 24 EGLR, 12 Cherrywood, 1 Wishbone, 19 Hill Farm, 23 & 23 Pheasant, 4 Woodhill, 65 EPLR, and 17 Cherrywood. We try to educate and inform residents and provide unbiased tree recommendations.
- We provided an article “Last Call for Ash Treatments” for inclusion on the North Oaks News.
- We are working closely with the HOA to prioritize, mark, and remove dead/dying ash along trails and other areas that could pose safety issues.
- We are notifying residents of hazard tree situations and sending notices for removal.
- We provided assistance to residents inquiring about potential vegetation management behind Lake Ct.