

# **CITY OF NORTH OAKS**

**Special City Council Meeting  
Wednesday, October 9, 2019  
7:30 P.M., Room 150  
100 Village Center Drive**

## **COUNCIL AGENDA**

### **Call to Order**

1. Review of City Attorney report regarding Ordinance 130 (Chapter 34) Relating to Planning Commission Composition and Organization
2. Consideration and potential adoption of Ordinance 133 repealing Sections 150.075 through 150.083 of Chapter 150, Title XV of the North Oaks City Code
3. Consideration and potential adoption of Resolution 1355 authorizing republication of Ordinance 130 with inclusion of language related to Council approval of ordinance
4. Consideration and potential adoption of Resolution 1356 reaffirming membership of the North Oaks Planning Commission

### **Adjournment**

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**LEVANDER,  
GILLEN &  
MILLER, P.A.**

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**ATTORNEYS AT LAW**

TIMOTHY J. KUNTZ  
DANIEL J. BEESON  
JAY P. KARLOVICH  
ANGELA M. LUTZ AMANN  
KORINE L. LAND  
DONALD L. HOEFT  
BRIDGET McCAULEY NASON  
PETER G. MIKHAIL  
TONA T. DOVE  
AARON S. PRICE  
DAVID L. SIENKO  
CASSANDRA C. WOLFGRAM  
DEBRA M. NEWEL  
CASSANDRA J. BAUSTISTA

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# MEMO

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**TO: Mayor and Members of the North Oaks City Council**  
**FROM: Bridget Nason, City Attorney**  
**DATE: September 11, 2019**  
**RE: Review of Adoption of Ordinance 130**

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## **A. Review Process**

At its August 8, 2019 meeting the City Council directed our office to conduct a review and analysis of the adoption process surrounding Ordinance 130. This review process has included a review of existing City Code provisions, a review of relevant agendas, agenda items, and minutes, and video recordings of the salient portions of the various meetings, as well as analysis of relevant state statutes and case law.

## **B. Background**

The City of North Oaks has adopted various ordinances over the years on a variety of typical municipal matters. It appears that at some time, the ordinances were codified into the North Oaks City Code, which is organized into various Titles and Chapters.

Title XV of the City Code contains Chapter 150, titled "General Provisions." Chapter 150 contains the following four sections:

1. Telecommunications Tower and Antennas
2. Setbacks from Pipelines
3. Swimming Pools and Spas
4. Planning Commission

The Planning Commission sections found in Chapter 150 and attached hereto as **Exhibit A** established a Planning Commission which serves as the City's planning agency and includes the following relevant provisions:

- Establishes a Planning Commission consisting of 7 members each appointed by the City Council for a term “not greater than 3 years and not less than 1 year.”
- Requires that all members of the Planning Commission be residents of the City and requires that “at least 1 member shall be a member of the City Council.”
- Notes that “[e]ach member shall hold office until the member’s successor is appointed and qualified” and provides that “[a]ny member may be removed during a term by a 4/5 vote of the City Council.”
- Requires that “all members shall serve without compensation.”
- The City Council is required to “appoint a Chairperson of the Planning Commission from among the appointed members for a term of 1 year.”
- The duties of the Planning Commission include the “prepar[ation] and adopt[ion] of a comprehensive city plan for the physical, economic, and social development of the City.”
- The “adoption of the city plan or any section or amendment thereof shall be by resolution of the Commission, approved by a majority of all the members of the Commission.”
- The chapter goes on to note that “[u]ntil the City Council adopts the plan certified to it by the Commission, it shall constitute only the recommendation of the Commission.”
- The chapter provides that “[a]doption by the City Council shall be by resolution of the Council passed by a vote consisting of a majority of the members of the Council.”

The provisions of Chapter 150 appear to date back to Ordinance 56, adopted on 11-4-1971, and such provisions were last modified in 1995.

### **C. Pre-Adoption of Ordinance 130 Planning Commission Membership**

As of February, 2019, the membership of the City of North Oaks Planning Commission was comprised as follows:

- Chair Katy Ross (member of City Council)
- Nancy Reid
- Joyce Yoshimura-Rank
- Mark Azman
- Stig Hauge
- Sarah Shah
- Kara Reis (member of City Council)

### **D. Timeline of Ordinance 130 Adoption Proceedings.**

#### **1. April 22, 2019 Council Meeting.**

The April 22, 2019 Council Agenda included the introduction, under the “new business” portion of agenda, an item titled “Discussion of Ordinance 130 Amending City Code Related to Planning Commission Composition.” The Council packet itself includes a document titled “Ordinance No. 130” and noted that the subject matter of the ordinance as “Chapter 34: Planning Commission.” (See Exhibit B-April 22, 2019 CC Packet Ordinance 130 References). A review of the materials included in the April 22, 2019 Council packet and adopted minutes of the meeting reflect that the

discussion was limited during the meeting, but it should be noted that the ordinance contains no specific reference to repealing the provisions of Chapter 150 related to the Planning Commission.

## **2. May 9, 2019 Council Meeting.**

The May 9, 2019 Council Agenda again introduced a document related to the Planning Commission under “Unfinished Business.” The document was titled “Chapter 34 Related to the Planning Commission Structure.” See **Exhibit C**-May 9, 2019 CC Agenda and Packet Materials. A review of the materials included in the May 9, 2019 Council packet showed that the document still has no reference to repealing the provisions of Chapter 150 related to the Planning Commission, although Agenda Packet-Part 2 included a document showing a copy of the provisions of the portions of Chapter 150 related to the Planning Commission, which shows all provisions stricken. See **Exhibit D**-May 9, 2019 CC Packet Materials – Agenda 2 Again, no actual discussion regarding the merits of the documents occurred, but during the meeting, the Mayor identified the documents as “Chapter 34, amending City Code Chapter 150 related to Planning Commission Structure, Composition, or Authority” and stated “we are simply looking to set the public hearing for next month.” Further discussion related to the documents was limited to setting the matter for a public hearing, as reflected in the adopted minutes of the City Council shown on the attached **Exhibit E**-May 9, 2019 City Council Meeting Minutes.

## **3. June 13, 2019 Council Meeting**

At the June 13, 2019 City Council meeting, a public hearing was held on the “Proposed Ordinance Chapter 34 Related to Planning Commission Structure, Composition or Authority.” See **Exhibit F** - June 13, 2019 City Council Packet Materials. In addition, a written Notice of Public Hearing was provided to me and it is my understanding that the written notice was posted on the City’s website. The Written Notice states it is a “notice of Proposed Amendment to Replace Sections 150.075, 150.076, 150.077, and 150.078-083 with Chapter 34.” See **Exhibit G**- Written Notice of Public Hearing on Ordinance Adoption. A review of the materials included in the June 13, 2019 Council packet showed that the Council packet contained two documents related to this agenda item (See **Exhibit F** – June 13, 2019 CC Packet Materials):

- Document 1: Ordinance No. 130, Chapter 34: Planning Commission
  - Not in proper ordinance format (Does not contain the requisite enabling language required by Minn. Stat. § 412.191, subd. 4: All ordinances shall be suitably entitled and shall be substantially in the style. “The City Council of ..... ordains:”)
  - Does not specifically repeal the relevant provisions of Chapter 150
  - Includes “blanks” that are not filled in and certain words in brackets
- Document 2: This document is not labeled but contains the language found in Chapter 150 related to the composition and duties of the Planning Commission completely stricken.
  - Based on the introduction of the ordinance shown on the video of the meeting, it appears the intent was to repeal Chapter 150 in conjunction with the enactment of Chapter 34
  - This document is not in proper ordinance format (see above)

During the introduction of the agenda item, the video recording of the meeting shows that the Mayor stated that the ordinance amendment “amends Chapter 150 and replaces sections 150.075

through 150.083 with Chapter 34.” The Mayor then details his concerns with the current Planning Commission-related provisions of Chapter 150. A public hearing was subsequently held on the ordinance and following completion of the public hearing, Council discussion ensued. The official record of that discussion as listed in the approved minutes of the June 13, 2019 Council Meeting are attached at **Exhibit H** – June 13, 2019 CC Meeting Minutes. There was significant discussion on the proposed provisions of Ordinance No. 130, with a variety of amendments to the Ordinance. Ultimately, the minutes reflect the following approved motion related to this matter:

**Councilmember Long made a Motion to approve the new Chapter 34 Ordinance with the following changes: retaining a 4-1 vote to remove a member of the Planning Commission, no requirement of NOHOA membership, removal of Planning Commission members for cause only, there to be one non-voting City Council liaison on the Planning Commission, that the Chair needs to be a member of Planning Commission, any Planning Commission compensation changes would require majority Council vote, the Planning Commission nominate their own Chair and present it to the City Council for the formal appointment, and that a 3 day notice is required for special meetings of the Planning Commission. ... The motion was amended by Councilmember Kingston with Councilmember Long’s consent, to remove the provision for the Planning Commission to nominate its own Chair. Councilmember Kingston seconded the revised motion. Motion was approved 3-1, Councilmember Ries opposed.**

The text of Ordinance 130 was subsequently published in the *Shoreview Press* on July 9, 2019. See **Exhibit I** – Notice of Publication. The Notice of Publication contains the following title “CITY OF NORTH OAKS ORDINANCE NO. 130 AMENDING CITY CODE 150 RELATING TO PLANNING COMMISSION COMPOSITION AND ORGANIZATION CHAPTER 34: PLANNING COMMISSION.” The Notice of Publication notes that the ordinance is effective as of the date of publication.

The version of Ordinance 130 included in the June 13, 2019 Council Packet contained the following provisions which were subsequently amended as part of the motion made to adopt Ordinance 130, and/or published differently than as written in the version of Ordinance 130 included in the Council Packet:

a. § 34.02 COMPOSITION.

1. Language in Ordinance as proposed:

The Planning Commission shall consist of seven (7) members who must be residents of the City of North Oaks [and Minnesota][, and members of the North Oaks Homeowners Association].

2. Language in Ordinance as published:

The Planning Commission shall consist of seven (7) voting members, who must be residents of the City of North Oaks.

3. The ordinance as published is consistent with the Motion that was adopted.

b. § 34.03 TERMS, OATHS, AND VACANCIES.

1. Language in Ordinance as proposed:

Members may also be removed during a term for any reason by a majority vote of the City Council.

2. Language in Ordinance as published:

Member may also be removed during a term for cause by a supermajority vote of the City Council.

3. The ordinance as published is consistent with the Motion that was adopted.

c. § 34.04 COMPENSATION.

1. Language in Ordinance as proposed:

Members serve without compensation; except that the City Council may, in its discretion and by a vote of at least [2/3][3/4][4/5], establish compensation for the Planning Commission members.

2. Language in Ordinance as published:

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.

3. The ordinance as published is consistent with the Motion that was adopted.

d. § 34.05. ORGANIZATION, STAFF, AND ADVISORS.

1. Language in Ordinance as proposed:

(C) Advisors. ... They shall attend Planning Commission meetings upon request, and may be compensated for such attendance in accordance with their [agreements][contracts] with the City of North Oaks.

2. Language in Ordinance as published:

(C) Advisors. ... 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.

3. No specific authority for change from proposed version to published language, but could be considered ministerial act by city administrator.

e. § 34.06. MEETINGS, MINUTES AND EXPENDITURES

1. Language in Ordinance as proposed:

- (a) Meetings ... 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 \_\_\_ days' written notice, unless notice is waived by all Planning Commission members.

2. Language in Ordinance as Published:

- (a) Meetings ... 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.

3. The ordinance as published is consistent with the Motion that was adopted.

f. 34.07. ATTENDANCE.

1. Language in Ordinance as proposed:

- Planning Commission members are required to attend at least half of the Planning Commission's official regular [and special] meetings in each calendar year ...

2. Language in Ordinance as published:

- i. Planning Commission members are required to attend at least half of the Planning Commission's official regular and special meetings in each calendar year ...

- ii. unless notice is waived by all Planning Commission members.

3. No specific authority for change from proposed version to published language, but there was no change to the proposed language other than the removal of brackets around words.

**4. July 11, 2019 City Council Meeting**

The July 11, 2019 Council Agenda included an agenda item under "New Business" titled "Approve Appointment of New Planning Commissioners." See Exhibit J-July 11, 2019 City Council Packet Materials. While the Council Packet materials posted online did not include any additional information related to that agenda item, at the meeting the Council was presented with Resolution 1351, which appointed seven individuals to the City's Planning Commission. See Exhibit K-

Resolution 1351. Prior to formal action being taken by the Council to adopt Resolution 1351, discussion ensued at the council level and comments were made by the Council related to the adoption of Ordinance 130, including but not limited to concerns regarding:

- Failure to follow Roberts Rules of Order
- Having “fill in the blank” spaces in the ordinance
- Lack of clarity on motion approved by the Council
- Ordinance not being read back prior to a vote
- No motion being made to rescind or cancel the language in the portions of existing Chapter 150 related to the composition and duties of the planning commission, resulting in two conflicting ordinances on the books
- Failure to resend the ordinance to council with inclusion of amended language prior to publication
- Should have posted ordinance revision on City’s website
- Public Hearing should have been reopened for changed language for transparency
- Was never sent back to council prior to publication
- After publication, was not clear what was voted on: differences in the published and approved versions of the ordinance

Ultimately, the Council voted 3-2 to adopted Resolution 1351, which named seven members of the City’s Planning Commission. The seven members who were named to the City’s Planning Commission in Resolution 1351 are as follows:

- Mark Azman
- Nancy Reid
- Jim Hara
- Joyce Yoshimura-Rank
- Stig Hauge
- Sara Shah
- Nick Sandell

**E. Outstanding Matters**

Having reviewed the adoption process related to Ordinance 130, it is recommended that the Council consider taking the following actions related to the adoption of Ordinance 130 if the intent of the Council is to ensure the unambiguous adoption of Ordinance 130.

**1. Adopt a written ordinance repealing City Code Sections 150.075 through 150.083.**

A new ordinance should be prepared that repeals City Code Sections 150.075 through 150.083. The ordinance should be posted on the City’s website at least ten days prior to the meeting at which the Council will consider adopting it, posted on the City’s website, and disseminated through the City’s electronic mailing system. *See* Minn. Stat. § 415.19.

**2. Adopt a resolution authorizing the republishing of Ordinance 130 containing the operative language found in Minn. Stat. Sec. 412. 191, namely “The City Council of the City of North Oaks Ordains as follows” with sections related to the adoption of Chapter 34, with**

the effective date of \_\_\_\_.”

#### **F. Responses to Additional Process-Related Questions**

The following process-related questions have been raised regarding the adopting of Ordinance 130. We provide responses to each question accordingly.

- 1. The notice to the public of proposed Ordinance 130 had fill in the blanks with material elements of the ordinance missing.**

Exhibit G contains a notice regarding a public hearing on the adoption of Ordinance 130 and repeal of certain provisions of City Code Chapter 150.

The document provided to the Council for consideration at its June 13, 2019 meeting did contain blanks for certain terms to be added. Please see analysis of changes made to the draft ordinance at the June 13, 2019 meeting above. Most of the changes were reflected in the motion as introduced or amended. The two changes that were made that were in the final published version of Ordinance but were not included in the version of Ordinance 130 included in the council packet or included in the original motion or amendment were administrative scrivener decisions (agreement versus contract, removing brackets around word “special” before the words meetings) that were not substantive to the content of the ordinance. *See* City Code § 10.09.

- 2. The motion to pass the ordinance was not appropriately and clearly made. There was much confusion as to the language of the ordinance that was voted on.**

The motion and related amendments did not strictly comport with the letter of the requirements found in Roberts Rules of Order for adoption of a motion. For example, a motion cannot be amended without a full vote on the amendment. However, the intent of the members voting to approve the ordinance appears clear, and there is no legal basis to find that failure to strictly adhere to Robert Rules of Order in making, seconding, and approving a motion, invalidates the adopted ordinance.

- 3. Two planning commissioners under ordinance 150 were grandfathered in (*Frandsen v. North Oaks*) and proposed ordinance 130 was not retroactive.**

Grandfather rights have been clearly recognized as a legal concept in zoning-related matters. *See e.g.* Minn. Stat. § 462.357, subd. 1e (Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion ... (remaining exemptions omitted)). In this case, the preexisting claim to a position on the Planning Commission is distinguishable from the statutes and case law that specifically deal with legally existing nonconforming land uses.

City Councils have significant flexibility when adopting ordinances. For example, the City Council could have adopted Ordinance 130 and established an effective date for that ordinance of January 1, 2020, which would have resulted in the two members of the Planning Commission who currently serve on the City Council completing the remainder of their terms, which were set to expire on December 31, 2019. However, Ordinance 130 established the date of publication in the City's official newspaper as the effective date of the Ordinance. It appears that the members of the City Council who voted in favor of Ordinance 130 and Resolution 1351 appear to have taken the latter action based off of the premises that, by operation of law, the language found in Ordinance 130 specifically precludes city council members from serving as voting members of the Planning Commission.

- 4. There is a 4/5 supermajority vote under the old and new ordinance to remove PC members, and no vote was taken for removal.**

In this case, it appears that the Council has changed the qualifications to serve on the Planning Commission, which has resulted in two members being ineligible to serve on the Planning Commission based on the eligibility requirements found in Chapter 34. No vote was ever taken by the Council as a whole to "remove" members of the Planning Commission; rather such removal was essentially "by operation of law" with the adoption of new eligibility criteria which the two former Planning Commission members are unable to meet. To clarify that the Council has determined that the two prior planning commission members are ineligible to serve on the Planning Commission and that therefore their positions are deemed to have been vacated by operation of law, the Council should consider adopting a resolution to that effect to formally memorialize this position.

- 5. Proposed ordinance was not presented in one document, but two separate documents showing amending Ord 150 and new Ord 130.**

For clarity, the Council is advised at this time to adopt a separate ordinance repealing the provisions of Chapter 150 related to the composition and duties of the Planning Commission. While the Council's intent appears to be to repeal certain provisions in Chapter 150 and replace the same with the provisions of Chapter 34, this extra step is recommended. Otherwise, one could argue that there are conflicting ordinances on the City's books regarding the Planning Commission.

- 6. Ord 150 was never rescinded, or voted on to amend or cancel it.**

The Council is advised to adopt a separate ordinance repealing the provisions of Chapter 150 related to the composition and duties of the planning commission. *See response above.*

- 7. The ordinance was not brought back to the council to review the language, but instead Council received a letter from our administrator asking, "Did I get everything?" and then published in the paper**

The Council may only take formal action at an open meeting. See analysis above regarding the adoption of the ordinance. No response to the City Administrator could have been considered regarding any changes to what was adopted.

**8. The terms of the ordinance voted on were not the same as what was published in the paper (e.g., 7 days written notice published and 3 days voted on).**

See analysis above regarding the terms of the ordinance as proposed, as adopted, and as published.

**9. Chapter 34 was not posted on the City's website.**

I am not aware of the specifics of what was posted on the City's website. Minn. Stat. § 415.19, subs. 2 and 3 contain the following notice and posting requirements for cities prior to the adoption of new ordinances:

**Subd. 2. Posting.**

(a) If a city posts ordinances on the city's website, the city must also post proposed ordinances on the website at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

(b) If a city does not have an electronic notification system, the city must post notice of a proposed ordinance in the same location as other public notices are posted at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

**Subd. 3. Individual notice by e-mail.**

(a) If a city has an electronic notification system, the city must notify any person that has signed up for e-mail notification of proposed ordinances at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

(b) If a city has an electronic notification system, the city must notify a person of the notification procedure at the time the person applies for a new business license or license renewal.

However, subdivision four of Minn. Stat. § 415.19 provides that failure to provide such notification does not result in the invalidation of any subsequently adopted ordinance:

**Subd. 4. Failure to provide notice.**

Failure to provide notice described in this section does not invalidate the ordinance or amendment to an ordinance adopted.

**10. Timing of the notice of publication doesn't follow Roberts Rules**

In order for ordinances to take effect, the ordinance must be published once in the City's official newspaper. *See* Minn. Stat. § 412.191, subd. 4 (Every ordinance shall be enacted by a majority vote of all the members of the council except where a larger number is required by law. It shall be

signed by the mayor, attested by the clerk and published once in the official newspaper.) The publication must occur within 45 days of the date of the adoption of the ordinance. *See* Minn. Stat. § 331A.05, subd. 2(c) (Unless otherwise specified by law, or by order of a court, publication of a public notice shall be as follows: (a) the notice shall be published once; (b) if the notice is intended to inform the public about a future event, the last publication shall occur not more than 30 days and not less than seven days before the event; (c) if the notice is intended to inform the public about a past action or event, the last publication shall occur not more than 45 days after occurrence of the action or event.)

**11. The new ordinance includes conflicting language within the ordinance itself and creates confusion as to the role of the non-voting member and need clarity on the role of Council Liaison at Planning Commission meeting.**

To improve clarity and resolve ambiguity, the Council could consider adopting an ordinance amending any ambiguous provisions found in Chapter 34.

**G. Conclusion**

If the Council takes the additional steps of repealing the relevant provisions of Chapter 150 related to the Planning Commission, as well as the confirmation of the removal of the two sitting council members as voting members of the Planning Commission, the City Council will have effectively revised the regulations related to the composition, duties, and regulations related to the Planning Commission for the City of North Oaks. Absent these actions, there is arguably still ambiguity and inconsistencies in the ordinances and the membership of the Planning Commission.

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
ORDINANCE NO. 133**

**AN ORDINANCE REPEALING CITY CODE TITLE XV, CHAPTER 150,  
SECTIONS 150.075 THROUGH 150.083 REGARDING PLANNING  
COMMISSION**

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

**Section One.** Title XV, Chapter 150, Sections 150.075 through 150.083: Title XV, Chapter 150, Sections 150.075 through 150.083 are hereby repealed in their entirety.

**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 \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF NORTH OAKS**

By: \_\_\_\_\_  
Gregg Nelson  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Michael Robertson  
Its: City Administrator/City Clerk

(Published in the \_\_\_\_\_ on \_\_\_\_\_, 2019)

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. 1355**

**A RESOLUTION APPROVING REPUBLICATION OF ORDINANCE 130  
ENACTING CHAPTER 34 OF THE NORTH OAKS CITY CODE RELATED TO  
THE PLANNING COMMISSION**

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

**WHEREAS**, on June 13, 2019, at the regular North Oaks City Council meeting, by a vote of 3-1, the City Council adopted Ordinance No. 130, adopting a text amendment to Title III of the City Code enacting Chapter 34 of the City Code related to the Planning Commission; and

**WHEREAS**, State law requires that all ordinances adopted be published prior to becoming effective; and

**WHEREAS**, the text of Ordinance 130 was duly published in the Shoreview Press, the official newspaper of the City of North Oaks, on July 9, 2019; and

**WHEREAS**, the text of Ordinance 130 as adopted and as published in the Shoreview Press on July 9, 2019, did not begin with the operative language "The City Council of the City of North Oaks ordains as follows;" and

**WHEREAS**, the City Council for the City of North Oaks, to remedy this minor scrivener's error, has determined that Ordinance 130 should be republished with the inclusion of the operative language at the beginning of the ordinance, namely "The City Council of the City of North Oaks ordains as follows."

**NOW THEREFORE BE IT RESOLVED**, that the City Council of City of North Oaks:

1. Has determined that the lack of the operative language "The City Council of the City of North Oaks ordains as follows" at the beginning of Ordinance 130 is a minor scrivener's error that does not affect the substance of the ordinance.
2. In order to ensure clarity regarding the ordinance adopted at the June 13, 2019, City Council meeting, directs the City Clerk to republish the text of Ordinance 130, as previously adopted and published, with the addition of the operative language as follows:

**CITY OF NORTH OAKS  
ORDINANCE NO. 130  
AN ORDINANCE ENACTING CHAPTER 34: PLANNING COMMISSION**

**The City Council of the City of North Oaks ordains as follows: Chapter 34, related to the Planning Commission, is hereby adopted as follows:**

3. Directs the City Clerk to file the executed Ordinance upon the books and records of the City along with proof of publication.

Passed by a vote of \_\_\_\_\_ in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF NORTH OAKS**

By: \_\_\_\_\_  
Gregg Nelson  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Mike Robertson  
Its: City Administrator/ City Clerk

(Published in the *Shoreview Press* on \_\_\_\_\_, 2019)

**CITY OF NORTH OAKS  
RAMSEY COUNTY, MINNESOTA  
RESOLUTION NO. 1356**

**A RESOLUTION REAFFIRMING MEMBERSHIP OF NORTH OAKS  
PLANNING COMMISSION**

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

**WHEREAS**, on June 13, 2019, at the regular North Oaks City Council meeting, by a vote of 3-1, the City Council adopted Ordinance No. 130, adopting a text amendment to Title III of the City Code enacting Chapter 34 of the City Code related to the Planning Commission; and

**WHEREAS**, the text of Ordinance 130 was duly published in the Shoreview Press, the official newspaper of the City of North Oaks, on July 9, 2019; and

**WHEREAS**, Chapter 34 of the City Code establishes criteria for membership in the North Oaks Planning Commission, and such criteria includes a prohibition on serving on the North Oaks City Council and the North Oaks Planning Commission; and

**WHEREAS**, following the adoption of Ordinance 130, by a vote of 3-2, the City Council adopted Resolution 1351 on July 11, 2019, which named seven individuals as members of the North Oaks Planning Commission; and

**WHEREAS**, the Council took this action based on its determination that two members of the Planning Commission, Council Members Kara Ries and Katy Ross, were ineligible to serve on the Planning Commission based on the fact that they currently held office on the City Council, which is prohibited under the provisions of Chapter 34, and therefore by operation of law, were no longer eligible to serve on the City Council.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of North Oaks, to clarify the Council's position regarding its actions related to Resolution 1351 and its position regarding the current membership of the North Oaks Planning Commission:

1. Has determined that due to their current position on the City Council, Council Members Kara Ries and Katy Ross are ineligible to serve on the North Oaks Planning Commission based on the eligibility criteria established for Planning Commission members found in City Code Chapter 34, and that therefore their positions on the Planning Commission have been vacated by operation of law.

2. Has, pursuant to Resolution No. 1351, filled the two vacant spots on the Planning Commission caused by the ineligibility of Council Members Kara Ries and Kara Ross.

Passed by a vote of \_\_\_\_\_ in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF NORTH OAKS**

By: \_\_\_\_\_  
Gregg Nelson  
Its: Mayor

Attested:

By: \_\_\_\_\_  
Mike Robertson  
Its: City Administrator/City Clerk

(Published in the *Shoreview Press* on \_\_\_\_\_, 2019)