

The Special City Council Meeting was called to order at 7:00 p.m. by Mayor Gregg Nelson. Present were Councilmembers Rick Kingston, Marty Long, Kara Ries, and Katy Ross; City Attorney Korine Land; and Recording Secretary Gretchen Needham. Absent: City Administrator Mike Robertson and City Attorney Bridget Nason.

1. Review of City Attorney Report regarding Ordinance 130 (Chapter 34) relating to Planning Commission composition and organization

City Attorney Korine Land summarized the September 11, 2019 memorandum from their law firm to the Mayor and Members of the North Oaks City Council. In the Attorneys' opinion, the intent of the majority of the Council to repeal Chapter 150 and adopt Ordinance 130 was clear even though there were some flaws in the process during the June 13 and July 11, 2019 City Council meetings.

Councilmember Ries asked Attorney Land to clarify the issue of "grandfathering in" members of the Planning Commission. She asked if there should be language written into Ordinance 130 to reflect those currently sitting on Planning Commission versus newly appointed members of the Planning Commission. Attorney Land stated that changing the criteria by which Planning Commissioners are appointed accomplishes the same thing but that the wording for grandfathering in could be looked at more closely, along with the ordinance's wording in general, at a subsequent meeting, in order to clarify specific elements.

Councilmember Long voiced concern with the cost of billing attorneys to continue to look into the ordinance. Councilmember Ries agreed that costs should be kept in mind and the situation should be moved forward.

Councilmember Long asked Attorney Land if she believed having Planning Commissioners also on City Council is a conflict of interest. Attorney Land does not believe one or two members of Planning Commission also being on the City Council is inherently a conflict of interest. Councilmember Kingston pointed out that if a Council decides that their criteria for Planning Commission includes not also sitting on Council, that is how Council can structure their Planning Commission.

Councilmember Ries brought up the super majority (4 out of 5 must agree) that was part of Chapter 34 wording, which is also part of Ordinance 130; she is concerned that amending ordinances where the determining criteria is changed could create a dangerous precedent.

Councilmember Long asked Attorney Land if she and her firm reviewed former Attorney Magnuson's counsel to the City Council. Attorney Land thought the process of bringing about Ordinance 130 could have been done cleaner and better, but that she couldn't determine Attorney Magnuson's mindset versus what he was asked to take on and not to take on on behalf of the City Council.

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

A motion was made by Councilmember Long to repeal City Code Title XV, Chapter 150, sections 150.075 through 150.083 regarding the Planning Commission. The motion was seconded by Councilmember Kingston. Mayor Nelson and Councilmembers Long and Kingston voted yea. Councilmember Ries and Councilmember Ross abstained. The motion passed.

3. Consideration and potential adoption of Resolution 1355 authorizing republication of Ordinance 130 with inclusion of language related to Council approval of ordinance

A motion was made by Councilmember Long to adopt Resolution 1355 authorizing a republication of Ordinance 130 enacting Chapter 34 of the North Oaks City Code with inclusion of language related to Council approval of the ordinance. The motion was seconded by Councilmember Kingston. Mayor Nelson and Councilmembers Long, Kingston, and Ries voted yea. Councilmember Ross abstained. The motion passed.

4. Consideration and potential adoption of Resolution 1356 reaffirming membership of the North Oaks Planning Commission

A motion was made by Councilmember Kingston to adopt Resolution 1356 reaffirming membership of the North Oaks Planning Commission. The motion was seconded by Councilmember Long. Mayor Nelson and Councilmembers Long and Kingston voted yea. Councilmembers Ries and Ross voted nay. The motion passed.

Adjournment

A motion was made by Councilmember Long to adjourn the meeting at 8:00 pm. The motion was seconded by Councilmember Kingston and passed unanimously.

Attest:

Respectfully Submitted

Mayor Gregg Nelson

Gretchen Needham
Recording Secretary