

**North Oaks City Council  
Special Meeting Minutes  
North Oaks City Council Chambers  
July 16, 2020**

**CALL TO ORDER**

Mayor Nelson called the Special Meeting to order on July 16, 2020 at 5:30 p.m.

**ROLL CALL**

City Councilmembers were present in the City Council Chambers or participated **by telephone or other electronic means** pursuant to Minn. Stat. § 13D.021. Residents can view the meeting on the cable access channel and through the website portal just like other public meetings.

Present: Mayor Gregg Nelson, Councilmembers Rick Kingston, Marty Long, Kara Ries

Staff Present: Administrator Kevin Kress and Attorney Bridget Nason

Others Present: Videographer Maureen Anderson  
A quorum was declared present.

**PLEDGE OF ALLEGIANCE**

Mayor Nelson read the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**MOTION by Long, seconded by Kingston to approve the agenda. Motion carried unanimously by roll call.**

**NEW BUSINESS**

**a. Consideration of Resolution #1389 Accepting Resignation and Declaring a vacancy**

Administrator Kress stated if everyone has seen the resolution, he recommended the approval of Resolution #1389 accepting the resignation of Councilmember Katy Ross and Declaring a vacancy.

**MOTION by Long, seconded by Kingston to approve Resolution #1389. Motion carried unanimously by roll call.**

**b. Discussion and action regarding vacancy, establishing application process and deadline for applications, and calling for a special meeting for applicant interviews and council action to fill the vacancy.**

Attorney Nason stated the Council has now accepted the resignation and declared a vacancy. Under state statute the Council is required to fill that vacant position. The Council needs to establish 1) The type of application process it would like to pursue to fill the position, and 2) Set up a date and time to interview candidates and vote on filling that vacant position. Ms. Nason noted that based on the timing of the resignation, because there are more than two years left on

former Councilmember Ross's term, the remainder of that two-year term will be on the ballot this November 3, 2020. She said there will essentially be a special election held at the same time as the regular November election to fill the remainder of that vacant term. Ms. Nason stated that the person appointed to fill the position will serve until the successor to that position is qualified. For example, if "Candidate A" is appointed to fill the vacancy, they will serve until whoever wins that election for that seat is qualified for office, which would be in November. As far as the process, she said Administrator Kress has looked into it and has some comments on questions and format. Ms. Nason said she would advise the Council that when they get to the interview and application process, individuals can apply for that vacant Council position and that the Council has typically conducted in-person interviews with applicants for the position, after which there is typically Council discussion, and motions can be made to fill that vacancy. If there is a tie, the motion fails. If, after all the motions are made, there isn't a motion to fill the vacancy, ultimately the Mayor has the right of appointment if the Council cannot reach a majority vote to appoint someone to fill that spot.

Mayor Nelson said they've declared a vacancy and the first issue is to publish notice of the vacancy for a period of time. He said if the timing of the registration had occurred earlier, they'd have more time, but because it is so close to the election registration period, he wants to have someone appointed so people know and can determine their interest in running for City Council office. Mayor Nelson noted he'd like to get this done before the end of the month when the registration for office occurs and opened it up for discussion.

Administrator Kress shared his screen as he'd built a draft Vacancy Application and said this is what he would use for filling the Council vacancy. He noted it asks for a deadline, which could be as soon as the following week to two weeks, and said that is at the discretion of the Council. He shared that the draft talks about when the interviews will be hosted, and that is the same night the Council could consider taking action if they so choose, giving that person the Oath of Office. Mr. Kress said the rest of the questions are to get to know the person, in addition to their resume and other materials asked for.

Mayor Nelson said to keep the application process moving, he'd like to have a one-week deadline for application submission. Councilmember Kingston agreed that is a reasonable approach, and said if they could give a week and the candidates were available for a Special Meeting, the Council should be able to do this expeditiously.

Councilmember Long asked if one week is enough time to advertise. Administrator Kress said he could have the Vacancy Application up and running tomorrow as long as the Council picks the dates.

Mayor Nelson noted today is July 16, 2020 so the application process would run through July 24, 2020. He proposed the date of July 27, 2020 as the Special Meeting and asked Administrator Kress or Attorney Nason if interviews are required, as if people are out of town, it could be difficult within the time frame. Attorney Nason said she is not aware of a particular statutory

requirement for interviews. She said there does need to be a public meeting at which the candidate is selected. In Ms. Nason's experience in the past with role vacancies, there has always been an interview process so the Council has the opportunity to ask questions and have one-on-one interaction with the candidate.

Mayor Nelson agreed with Ms. Nason and said he was concerned that some people may not be available on July 27, 2020 but could still be considered and it might be to their advantage to be interviewed. He noted if they were out of town, the Council wouldn't have to wait to interview them. Ms. Nason said that is correct.

Councilmember Ries asked if the Special Meeting would be held electronically. Administrator Kress said they could do it the way they're doing it tonight, with some people in the Council Chambers and some electronically as the Chambers don't have the space they need. Mayor Nelson noted that he would prefer not televise the interviews and asked if it has to be public. Administrator Kress said to do it that way is tricky because there would need to be a subcommittee to review the applications and recommend to the Council. Mayor Nelson noted that would take too much time, so they would do interviews and deliberation in a Special Meeting. Councilmember Kingston said they should be able to do that, as that is what they did with the selection of their attorneys. He said he can't imagine they will have thirty applicants as they did with the City Administrator position and he thinks it's a manageable plan.

Attorney Nason said she didn't know if she was needed at the meeting, but noted a conflict in her schedule on the evening of July 27, 2020. Mayor Nelson said he prefers to have counsel available for all meetings in case there is a stalemate that cannot be resolved. He then proposed an earlier time for the Special Meeting.

Administrator Kress said he will create the majority of the questions and will not release those until the night of the special meeting. He said he is happy to take suggestions of questions for the applicants from the Council.

**MOTION by Long, seconded by Kingston, to establish a notice for a one-week application period and a Special Meeting for interviews, deliberation and a vote to make a selection on July 27, 2020 at 4:30 p.m. Motion carried unanimously by roll call.**

#### **ADJORNMENT**

**MOTION by Ries, seconded by Kingston, to adjourn the Council meeting at 5:59 p.m. Motion carried unanimously by roll call.**

Kevin Kress  
Kevin Kress, City Administrator

Gregg Nelson  
Gregg Nelson, Mayor

Date approved 8/13/2020