

**SANDRA K. KENSY**  
**ATTORNEY AT LAW**

20586 Everton Way N., Forest Lake, MN 55025 \* office (651) 494-9463 \* cell (612) 718-1728 \* [skk@kensylaw.com](mailto:skk@kensylaw.com)

August 10, 2020  
by U.S. Mail and Email

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

Re: Kara Ries

Dear Mr. Kress:

I have been retained by Councilmember Kara Ries to respond to allegations made against her by certain members of the North Oaks City Council ("Council") and the North Oaks Company LLC ("NOC") with respect to activities undertaken by her in her investigation of the proposed sub-development of the NORD parcel by NOC.

The NOC wrote two letters, dated July 8, 2020 and July 24, 2020, in response to Councilmember Ries' due diligence activities respecting the NORD sub-division application. As you know, Councilmember Ries inspected the NORD parcel with Dr. Joe Magner, a hydrologist employed at the University of Minnesota. Dr. Magner wrote a letter on June 10, 2020, which was presented at the June 11, 2020 City Council meeting, in which he suggested that further study and assessments be made to understand the challenges to the development planned for the NORD parcel.

Although the NORD application was approved in spite of Councilmember Ries' request for further study and her negative vote, NOC nonetheless thereafter complained about Councilmember Ries' due diligence activities. Suspiciously, both NOC letters were written following conversations with City officials. It is unclear whether these letters constitute a "written complaint" as provided in the City of North Oaks Code of Conduct ("Code of Conduct"), but are we to assume that the Special Meeting held on July 27, 2020 was the "Complaint Hearing" referenced in Section 5 of the Code of Conduct? If so, specifically what violations of Section 3 of the Code of Conduct are alleged to have been violated? Further, if this was the "Complaint Hearing", it was not noticed as such and Councilmember Ries was not provided due process.

Councilmember Ries takes these allegations seriously and is concerned that her good faith effort to perform her civic and moral duties owed to the citizens of North Oaks has been misrepresented and politicized. The recent July 27, 2020 "Special Meeting", held on two (2) days' notice, and the continued behind the scene actions of certain City officials, constitute a repeated pattern of harassment, intimidation, and discrimination that Councilmember Ries has

Mr. Kevin Kress  
August 10, 2020  
Page 2

endured both during her public service as an appointed member of the North Oaks Planning Commission and as an elected City official.

Worse yet, even though Dr. Magner's suggestion and Councilmember Ries' request for further studies has been disregarded by the City and the NORD application has been approved, certain City officials have harassed and threatened Dr. Magner, clearly in an attempt to obtain information to try to ostracize and discredit Councilmember Ries.

On July 29, 2020, Dr. Magner advised the City that he wanted no further communication or involvement with the City:

I assumed there was interest from both the City and North Oaks Company about the need to learn more about increased precipitation and rising water levels - I was proceeding on good faith. I was wrong, I see now that I'm a political pawn in a battle of wills. I don't need this! Right now my plate is overflowing with work with people who truly want my help! Sorry - but I don't have time for this.

(July 29, 2020 email Dr. Magner to Administrator Kress).

Despite Dr. Magner's request to be left alone, Councilmember Kingston continued to try to contact him. Councilmember Kingston emailed Dr. Magner on July 31, 2020 and on August 7, 2020, and he apparently called Dr. Magner as well. By email dated August 7, 2020, Councilmember Kingston falsely represented to Dr. Magner that NOC had filed a "formal complaint" against him. Not only did Councilmember Kingston misrepresent the situation, but he also threatened Dr. Magner with an "ethics complaint". The actions of City officials other than Councilmember Ries are the actions that should be investigated and perhaps sanctioned or censored.

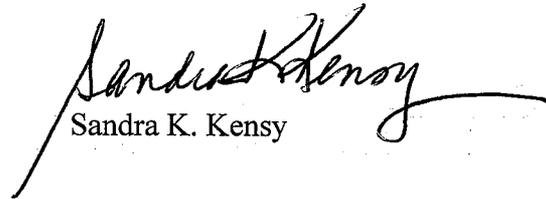
The treatment of Councilmember Ries constitutes harassment and is clearly an effort to silence a dissenting voice and stifle her rights of free speech. The calling of a "special meeting" to address these obviously politicized issues ranks of a violation of due process. There is no conflict of interest issue, there was no misrepresentation, and the City at all times understood Dr. Magner's role and involvement. The actions taken against Councilmember Ries are clearly intended to attempt to impede her ability to ensure that the safety and general welfare of the residents of North Oaks are protected and are either politically or discriminatorily motivated.

It is my opinion that the facts and the law have been misrepresented to support egregious false allegations against Councilmember Ries, all in retaliation to her good faith public servant activities. The July 27<sup>th</sup> "special meeting" was called to address manufactured allegations and the manner in which Councilmember Ries was treated at that meeting violated the Code of Conduct standards of demonstrating dignity, respect, consideration and courtesy to all, as well as violated

Mr. Kevin Kress  
August 10, 2020  
Page 3

her due process rights. If the harassment, discrimination, and intimidation persist, she will seek all legal remedies available to her.

Very Truly Yours,



Sandra K. Kensity

cc: Bridget Nason, City Attorney